

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF SUSSEX
HELD AT THE SUSSEX MUNICIPAL BUILDING
2 MAIN STREET, SUSSEX, NJ
February 19, 2013**

Mayor Rose called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mrs. Marina Krynicky, Mr. Bruce LaBar, Mrs. Linda Masson, Mr. Edward Meyer, Mrs. Annette Stendor, Mayor Jonathan Rose.

Absent: Mr. Salvatore Lagattuta

Also present: Borough Attorney Mr. John Ursin Esq. of Schenck, Price, Smith & King, LLP. and Mr. Mark Zschack, Municipal Clerk

Mayor Rose led the assembly in the flag salute and requested a moment of silence.

Mayor Rose stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

Mayor Rose stated that there is one change to the agenda. Item number eight on the agenda "the cost not to exceed" should read \$4,249.68 two numbers were transposed.

PRESENTATION:

SCMUA Contract - Tom Ferry, Municipal Auditor and John Ursin, Esq. gave a presentation concerning Sussex Borough's contract with SCMUA. John Ursin presented an overview of the current contract that Sussex Borough has with SCMUA. Mr. Ursin stated that all the Municipalities that contract with SCMUA have a maximum flow that is allowed. If this maximum is exceeded each town would pay a penalty of some type. Sussex Borough is contracted for a monthly average of 312,000 gallons per day but last years monthly average was 210,000 gallons per day. Mr. Ursin stated that once there is an agreement it is under the rarest of circumstances that a new contract would be negotiated. The reason for this is that there are a significant number of bonds issued to SCMUA and these Municipal agreements become part of the bond structure. The main issues facing Sussex Borough is that less allocation is being used than what is contracted for and the reduction of sewer service area in Sussex County.

Mrs. Masson asked for an explanation of how the fines are calculated by SCMUA. Mr. Ursin stated that the fine is calculated on double the actual usage.

Discussion continued about the length of the contract and the amounts of allocation for Sussex and other Municipalities.

Mr. Meyer stated that in his opinion, after reviewing the flow data from SCMUA the I&I project has reduced the volume being sent to SCMUA.

The amount and length of the bonds that SCMUA possesses were discussed.

Mrs. Stendor asked what can be done to lower the cost of water and sewer to the residents of Sussex Borough.

Mr. Ursin stated adding more customers or selling allocation would help.

COUNCIL MOTIONS: Mayor Rose opened the floor to each member of the Council to offer any motions not currently on the agenda.

No motions were offered at this time.

CONSENT AGENDA

Mayor Rose requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated January 31, 2013 from The NJDOT to Sussex Borough canceling a lease agreement for property located on Route 23.
2. Letter dated February 13, 2013 from Burton Turner, Betts Environmental Services Corp. to the Mayor and Council concerning 23 Brookside Avenue.
3. Letter dated February 7, 2013 from John Ursin Esq. to New Jersey Department of Law and Public Safety concerning the condemnation of Borough property located on Walling Avenue.
4. Resolution from Hampton Township opposing Senate Bill 2511 Amendments to Open Public Meetings Act.
5. Resolution from Hampton Township demanding Ten Days Credit to be Awarded by Service Electric Cable TV and Communications to Hampton Township Residents for Loss of Service During Superstorm Sandy.
6. Resolution from the Borough of Ogdensburg opposing Senate Bill 2511 Amendments to Open Public Meetings Act.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department Report for the month of January, 2013.
2. Tax Collectors Report for the month of January, 2013
3. Delinquent Utility Report as of February 15, 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from Sussex Wantage Little League for the dates of April 1 through July 31, 2013.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 19, 2013

Mr. LaBar made a motion to accept the consent agenda of February 19, 2013.
Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

OPEN PUBLIC SESSION #1

Mr. Meyer made a motion to open the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. All comments should be directed to the Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss. Motion seconded by Mr. LaBar
All were in favor.

Mr. Jim Bever 48 Hamburg Avenue feels that the five minute rule for open session is not enough time for a member of the public to speak and hopes the Mayor and Council would consider changing it. Mr. Bever asked do all residents of Municipalities that are contracted with SCMUA pay a connection fee to hook up to the system. Mr. Ursin stated yes but the connection fees might vary. Mr. Bever stated that he recommend that the Council not sell any of its current allocation that exists.

Mr. Rich Flynn 19 Grove Street would like to know if item number eleven on the agenda should be tabled do to new information that has just came to light. Mr. Ursin stated that he feels that the agenda item should proceed and will explain when this agenda item is considered.

Mr. Frank Ambrose 1 Roy Court approached the Mayor and Council with a topic not on the agenda. Mayor Rose informed Mr. Ambrose that he should speak during the second open public session.

There being no one else present who wished to address the Governing Body, Mr. LaBar made a motion to close the meeting to the public. Motion seconded by Mr. Meyer All were in favor.

ADMINISTRATORS REPORT

Mr. Mark Zschack the Administrator/Clerk offered the following report;

A sump pump at a vacant property on Grove Street was discharging water into the street causing an icing hazard. This situation has now been resolved and the water is redirected into an underground pipe that discharges into the new catch basin.

The Borough received a total of 3 proposals for the BAN that matured on February 14th with the lowest proposal coming from Sussex Bank at 1.65%. This is a great improvement from last year's rate of 1.93%.

Information concerning the purchase of a fire truck is still being compiled. Councilman Meyer and Council LaBar have requested documents from the Borough as well as from the Fire Department to better understand about the costs involved.

As reported at the last meeting the water meters that are now in use are no longer available. Jeff from the DPW has received word from a meter reading company that there is a hand reader available that will be able to read both the old and new meters. The availability of this meter saves the Borough from having to make a quick decision on the direction of meter readings.

The Borough received unofficial word today from WhiteWater that the most recent TTHM levels were recorded at 31 ppb. This will help keep the Borough in compliance with the DEP by keeping the running annual average around 71 ppb which is below the 81 limit.

Today we took about 300 pictures at the Water Treatment Plant with the thought that a new operator might be taking over. This will help protect the Borough as well as the new operator by documenting the condition of the plant and grounds before a possible change in the operations.

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting and minutes of the Executive Session held on February 5, 2013 (Absent: None)
Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-40R – Withhold Stipend to Elected Officials

Mrs. Masson made a motion to adopt a resolution amending the Employee Manual to allow for the withholding of the stipend to Elected Officials that are in arrears with respect to real estate taxes or water and sewer bills.

There was no second to the motion.

Resolution 2013-41R – Water Quality Management Plan Amendment

Mr. Meyer made a motion to adopt a resolution consenting to the proposed Water Quality Management Plan Amendment as noticed on January 7, 2013 and entitled: Sussex County Water Quality Management Plan. Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-42R – Interim Contract for Water System Operator

Mr. Meyer made a motion to adopt a resolution awarding an Interim Contract for Water Systems Operator to Mike Furrey of Agra Environmental and Laboratory Services for a period not to exceed 90 days. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-43R – Interim Contract for Sewer Operator Services

Mr. LaBar made a motion to adopt a resolution to authorize a Shared Service Contract with the Township of Hardyston to operate the municipal sanitary sewer system for a period not to exceed 90 days. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-44R – Support of No Passing Zone

Mr. LaBar made a motion to adopt a resolution supporting the use of a “No Passing Zone” on Route 284, in Sussex Borough as recommended by NJDOT. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-45R Authorizing Contract

Mr. LaBar made a motion to adopt a resolution approving a contract with NB Controls to replace the control panel in the decant room at the Water Treatment Plant at a cost not to exceed \$11,000.00 Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-46R Authorizing Contract

Mr. LaBar made a motion to adopt a resolution approving a contract with Ross Valve to rebuild the existing PRV valve located on the Borough's water main cost not to exceed \$4,249.68. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Resolution 2013-47R – Firefighter Certification Program

Mr. LaBar made a motion to adopt a resolution approving the implementation of a Firefighter Certification Program. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Approval to Sussex County for Use of Fire Hydrants

Mr. Meyer made a motion to approve a request by the Sussex County Division of Public Works to utilize fire hydrants within Sussex Borough to fill their street sweepers at no cost to the County. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Krynicky, LaBar, Meyer, Stendor

Nays: Masson

Abstentions: None

Absent: Lagattuta

Approval of Litigation Settlement

Mr. Meyer made a motion to approve a settlement in the Flynn litigation. Motion seconded by Mr. LaBar

Mr. Ursin stated that the Borough recently attended mediation and an agreement was reached at this mediation. Mr. Ursin stated that this agreement could be an executive session item but feels that the settlement is fair and should be accepted by the Council. Mr. Ursin gave a brief description of the settlement agreement. First no construction work will be performed by the Borough for the connection. Second the Borough of Sussex and SCMUA will waive all connection fees associated with this connection. Third a monetary credit of \$3,840.00 will be issued to the Flynn's for their use with future sewer payments. This amount represents three years of minimum charges. Fourth the Borough agrees to pay the Flynn's an amount of \$3,000.00 with the Borough's insurance company covering \$1,500.00. Fifth the mediation fees will be split by both parties.

The only issue still remaining is how to treat the arrears that are currently on the Flynn's water/sewer account. A recommendation will be presented to the Council at the next meeting for a reduction of this amount.

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

OPEN PUBLIC SESSION #2

Mrs. Masson made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the Mayor and are limited to 5 minutes with a total of 10 minutes for the Council to discuss. Motion seconded by Mr. Meyer
All were in favor.

Mr. Frank Ambrose 1 Roy Court stated that he received a letter from the water/sewer collector that he did not like the tone of the letter. The letter was presented to the Mayor and Council and copies will be made for distribution. Mr. Ambrose stated that due to a family issue he fell behind on his account and is doing what he can to pay his bills.

Mrs. Robyn Giannini, Alternate Press asked Mr. Ursin to clarify the minimum and maximum numbers for the SCMUA contract and last years average flow. Mr. Ursin stated 312,000 gallons is the minimum and 464,000 gallons is the maximum with an average amount sent of 210,000 gallons in 2012.

Mrs. Pamela Flynn 19 Grove Street stated that the additional request for compensation are charges that were incurred after the Borough discovered that they were not connected to the sewer system. Mrs. Flynn was also annoyed that they just received a notice yesterday concerning these charges.

Mrs. Katherine Little 27 Clove Avenue stated that she spoke to Reverend Abbott concerning the Borough clock and the lights are now working. The timer that controls the lights was not reset after the power outage last year. At the Recreation meeting held last Tuesday the date for the Miss Sussex contest was decided and will be held on April 27, 2013 location to be determined. The Recreation room on the second floor was cleaned out and is now organized. Mrs. Little stated that the Borough must be kept in the loop of any activity along the Route 23 corridor in Wantage concerning sewer connections.

There being no one else present who wished to address the Governing Body, Mr. LaBar made a motion to close the meeting to the public. Motion seconded by Mr. Meyer
All were in favor.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. LaBar made a motion to adjourn the meeting. Motion seconded by Mrs. Masson
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk