

**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
April 2, 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 Krynicki, Mr. Bruce LaBar, Mr. Salvatore Lagattuta, Mrs. Linda Masson, Mr. Edward Meyer, Mrs. Annette Stendor, Mayor Jonathan Rose.

Absent: None

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."

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. Resolution from Borough of Stanhope opposing Assembly Bill 3780.
2. Resolution from Borough of Stanhope opposing A-3553 and S-2364 which establish an early voting process for certain elections.
3. Resolution from Fredon Township demanding ten (10) days credit to be awarded by service electric cable TV and communications to Fredon Township residents for loss of service during Superstorm Sandy.
4. Resolution from the Sussex County Board of Chosen Freeholders opposing Assembly Bill 3780.
5. Resolution from Vernon Township opposing Senate Bill 2511 Amendments to the Open Public Meetings Act.
6. Resolution from Vernon Township in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
7. Resolution from Montague Township in opposition of the proposed legislation A-3553 and S-2364 which establish an early voting process for certain elections.
8. Resolution from Montague Township opposing Senate Bill 2511 Amendments to the Open Public Meetings Act.
9. Resolution from Hampton Township opposing A-3553 and S-2364 which establish an early voting process for certain elections.
10. Resolution from Sandyston Township opposing Senate Bill 2511 Amendments to the Open Public Meetings Act.
11. Resolution from Sandyston Township opposing "Early Voting" Assembly Bill A-3553 & Senate Companion Bills 2364.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Recreation Committee minutes of January 8, 2013.
2. Recreation Committee minutes of February 12, 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from High Point Knights Baseball for the dates of March 1, 2013 through March 1, 2014.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 2, 2013

Mr. Meyer made a motion to accept the consent agenda of April 2, 2013.

Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #1

Mr. LaBar 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 Mrs. Krynicky
All were in favor.

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

ADMINISTRATORS REPORT

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

The field work for the Dog Census is complete. Colleen and Toni will now start to review the list from the Animal Control Officer to determine what owners have not applied for licenses. As of today a total of 249 licenses have been issued this year as compared to a total of 218 for all of last year.

Mr. & Mrs. Xhudo owners of 41 Unionville Ave were granted an extension to connect to the sewer system with the following restraints.

1. By March 1, 2013 the application to connect and all fees must be submitted to Sussex Borough. The appropriate fees include \$100.00 application, \$1,000.00 escrow, and \$4,800.00 connection fee
2. By April 30, 2013 all work involved in the connection to the sewer system must be totally completed.

Before this extension was granted the Borough issued a summons for failure to connect with a court date in late February. This court session was cancelled so we determined it would be in the best interest of the Borough to let the court hear this case, even though it would be heard after the March 1 deadline. For various reasons the case was not heard until last night. The judge ruled that the application and all fees must be paid within 30 days and the connection completed within 60 days. The judge warned the Xhudo's that if this timeline is not followed a \$1,500 fine will be issued.

The Borough is continuing to receive inquires about the RFP for Water Sewer Operator. A company toured the facilities last week and we have another tour scheduled for next Thursday. After speaking with the Boroughs professionals it has been decided to extend the RFP deadline to May 10, 2013.

Two petitions endorsing candidates for municipal office were accepted by the Sussex Borough before yesterday's deadline. The two candidates are Bruce LaBar and Georgeanna Stoll.

The limit of disturbance is marked out along Walling Avenue and tree removal has begun on the Route 23 Realignment Project. The Public Information Meeting concerning this project will be held on April 17th 6pm to 8pm at the Sussex Firehouse.

Two pumps failed at the Water Treatment Plant last night. I have authorized Mr. Mike Furrey to order what is needed to repair or replace these pumps, total cost is projected to be under \$1,000. Mr. Furrey will be providing a list of pumps and/or equipment that the Borough should keep in stock for emergencies like this. We will review this list with John Ruschke and establish a purchase plan.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Lagattuta made a motion to approve the meeting minutes of the Regular Meeting held on March 19, 2013. Motion seconded by Mr. LaBar

Upon roll call vote:
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor
Nays: None
Abstentions: Meyer
Absent: None

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Executive Session held on March 19, 2013 Motion seconded by Mrs. Krynicky

Upon roll call vote:
Ayes: Krynicky, LaBar, Masson, Meyer, Stendor
Nays: None
Abstentions: Lagattuta
Absent: None

Resolution 2013-60R – Water/Sewer Adjustment

Mr. LaBar made a motion to adopt a resolution granting the homeowners request for the removal of \$367.25 from water and \$731.68 from sewer on Account # 5175. Motion seconded by Mrs. Stendor

Upon roll call vote:
Ayes: None
Nays: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor
Abstentions: None
Absent: None

Resolution 2013-61R – Water/Sewer Adjustment

A motion is in order to adopt a resolution granting the homeowners request for the removal of \$410.69 from water and \$1,090.61 from sewer on Account # 3160.

No motion was offered at this time.

Resolution 2013-62R – Wholesale Water Sales

Mr. Lagattuta made a motion to adopt a resolution permitting Sussex Borough to sell water wholesale to customers (current water customers excluded) at a rate of \$0.008 per gallon. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Resolution 2013-63R Appointment of Chief Financial Officer

Mrs. Masson made a motion to adopt a resolution appointing Darren Maloney, CMFO as the Chief Financial Officer, commencing April 9, 2013 through an Interlocal agreement with Vernon Township for the year 2013. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Resolution 2013-64R – Water/Sewer Adjustment

Mr. LaBar made a motion to adopt a resolution approving a water/sewer adjustment for account # 970 in the amount of \$1,043.39. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance 2013-01 – Establish a Cap Bank

Mr. LaBar made a motion to adopt an ordinance entitled “ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)” Motion seconded by Mrs. Masson

Before final roll call Mayor Rose opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2013-01.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2013-01, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Equipment License Agreement

Mr. Meyer made a motion to authorize the Mayor to enter into an Equipment License Agreement with the High Point Soccer Club, Inc. in the amount of \$500.00 per annum for use of two portable generators for emergencies and planned Sussex Recreation events.

Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Certified Recycling Professional Agreement

Mr. LaBar made a motion to authorize the Mayor to enter into an agreement with the Sussex County Municipal Utilities Authority in the amount of \$250.00 for a Certified Recycling Professional to certify the 2012 annual report.

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Water Treatment Plant Tour

Mr. Meyer made a motion to approve a request from Mike Furrey, Agra Environmental to present a tour of the Water Treatment Plant to approximately 50 Vernon High School students on April 17, 2013 in conjunction with their Environmental Science Program pending a Certificate of Insurance. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Discussion

At this time a discussion took place concerning utility upgrades within the NJDOT Route 23 Realignment Project. Mr. Zschack stated that a discussion concerning upgrades to the infrastructure within the Route 23 Realignment Project started after a bid was awarded by the State for this project. This prompted the water/sewer engineer to solicit approximate cost for these upgrades from the contractor for the project. The estimated cost received was \$1,348,000 but did not include manhole, cleanout, and valve replacement. Engineering cost was also not included. The total estimated cost could be between 1.7 to 2 million dollars. Mr. Zschack stated that he is looking for direction from the Council whether to continue to gather information on cost and funding options. Possible scenarios on how to fund the project were discussed such as grants and/or bonding. After further discussion on the pros and cons of the project the Council directed the Administrator to continue to gather information on the exact cost and funding possibilities. It was the consensus of the Council that it would be in the best interest of the Borough to research this idea further.

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.

Mrs. Katherine Little 27 Clove Avenue stated that she was going to ask that the Borough remove the I&I sign from the front of the Municipal building but noticed tonight that it has already been removed.

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. Lagattuta

All were in favor.

EXECUTIVE SESSION

No executive session was requested.

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 Mr. Lagattuta
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk