

**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  
May 7, 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, 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."

**PRESENTATIONS:**

Mrs. Betsy Lynch, Director Emergency Services and Mr. James Moye, Manager Emergency Medical Services at Saint Clare's Hospital presented an overview of EMS services available to the Borough. Coverage would include ALS and BLS services twenty four hours a day seven days a week. Saint Clare's is already providing ALS service to Sussex Borough; this proposal includes BLS service as well. There would be no charge to the Borough, the recipient of the service would be held liable for costs that insurance do not cover. The types of contracts that Saint Clare's have with other Municipalities were discussed. The possible use of Borough owned vehicles as apposed to Saint Clare's owned ambulances would be worked out in a contract. Saint Clare's is expecting that if a contract is negotiated an ambulance would be kept within the boundaries of Sussex Borough, most likely at the hospital site. Mrs. Lynch stated that the goal is not to exclude any of the volunteers but to be inclusive and collaborative.

Mr. Lagattuta asked if there is only one ambulance how would a second call be answered. Mr. Moye stated that the second call would be answered through mutual aid with an adjoining Municipality or Saint Clare's itself.

Discussion continued about the cost to residents and their capability or lack of capability to pay what insurance does not cover.

Mr. Lagattuta questioned what happens to the agreement if Saint Clare's is sold. Mrs. Lynch stated that a possible purchase was just revealed to employees last week and she does not know how a sale would affect the contract.

Mrs. Masson stated that if Saint Clare's uses the Borough's vehicles there would not be a savings in the future purchase of an ambulance.

The option of split coverage utilizing volunteers and Saint Clare's was presented as a possibility.

Mr. Moye stated that the patient would be transported to the facility of their choice.

**DISCUSSION:**

At this time a discussion took place concerning improvements to the water and sewer infrastructure within the NJDOT Route 23 Realignment Project. Darren Maloney, CFO presented a chart showing possible debt service payments for amounts borrowed at varying interest rates. After a brief discussion it was the consensus of the Council to split the project in phases. Phase one would include the infrastructure under Walling Avenue and the proposed Route 23 southbound lanes. The CFO and Clerk were directed to pursue quotes from the Water/Sewer Engineer to produce a plan for the replacement of the infrastructure under Walling Avenue and the new Route 23 south.

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

Mr. LaBar made a motion to adopt a Resolution to maintain the current standing of EMS services with the Sussex Fire Department for the next foreseeable future.

Motion seconded by Mr. Meyer

Mr. Lagattuta stated that he feels that making a decision at this time is premature and would like to finish the process and hear from the Fire Department at the next meeting.

Mr. LaBar stated that he feels the Borough should not wait any longer. The uncertainty of the sale of Saint Clare's and to let the Fire Department know where they stand, are reasons it should go to a vote tonight.

Mrs. Krynicki feels that this process is still in the information gathering stage and the Fire Department should present their case at the next meeting. Any possible way the Borough could save money in the future must be examined.

Mrs. Masson stated that the bottom line is residents of the Borough would get billed by Saint Clare's and they don't presently get billed by the Sussex Fire Department.

Mr. LaBar made a motion to "call for a vote". Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Krynicki, LaBar, Masson, Meyer, Stendor

Nays: Lagattuta

Abstentions: None

Absent: None

Mayor Rose stated that this now end discussion and requested a roll call vote on the original motion.

Upon roll call vote:

Ayes: LaBar, Masson, Meyer, Stendor

Nays: Krynicki, Lagattuta

Abstentions: None

Absent: None

### **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. Ordinance from the Sussex County Board of Chosen Freeholders Providing for Amendment of the Land Development Standards for the County of Sussex.
2. Resolution Authorizing SCMUA Statement of Consent for the Proposed Revision to the Sussex County Wastewater Management Plan for Hampshire Company Properties, Lower Unionville Road, Wantage Township.
3. Letter dated April 26, 2013 from Jody Shilan to The Mayor and Council in reference to the Contractors Registration Act.
4. Letter dated April 22, 2013 from Richard and June Oskamp to Mark Zschack in reference to the Sussex First Aid Squad.
5. Interoffice memo from Darren Maloney to the Mayor and Council summarizing the results of April 30, 2013 BAN sale.

### **REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):**

1. Tax Collector Report for the month of April 2013.
2. Municipal Clerk's report for the month of April 2013.
3. Water/Sewer Collector's report for the month of April 2013.
4. Zoning Department report for the month of April 2013.
5. Property Maintenance Department report for the month of April 2013.

### **APPLICATIONS (APPROVAL OF THE FOLLOWING):**

**RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 7, 2013

Mr. Meyer made a motion to accept the consent agenda of May 7, 2013 with the exception of item number 2 under Correspondence. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution Authorizing SCMUA Statement of Consent for the Proposed Revision to the Sussex County Wastewater Management Plan for Hampshire Company Properties, Lower Unionville Road, Wantage Township was discussed.

Mr. Ursin stated that this property is not in the sewer service area and this resolution by SCMUA requests this lot be added to the sewer service area. All connection fees and amount of allocation will be presented to the Mayor and Council at a later date.

Mrs. Masson made a motion to accept item number 2 under Correspondence on the consent agenda of May 7, 2013. Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**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 Mrs. Masson  
All were in favor.

Rick Vander Ploeg, Sussex Borough Fire Chief thanked the Council for their support in continuing to utilize the Fire Department for EMS services.

Mrs. Krynicky stated that she feels this has been a good learning experience for the Sussex EMS and hopes that calls will be responded to at a 100% rate.

Mrs. Marisa Gorman, Captain Wantage First Aid stated that this year Sussex has stepped up and are answering all calls. The Wantage First Aid squad supports the Sussex Fire Department continuing to provide EMS service.

There being no one else present who wished to address the Governing Body, Mrs. Masson 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;

The Borough will conduct a residential bulky waste collection program on May 8<sup>th</sup> & 9<sup>th</sup>. As of today 16 residents signed up and paid the collection fee.

The Borough has received 13 tax appeals to date. This total is much higher than past years but lower than anticipated considering a revaluation was performed for this year.

Dup books have been ordered and a mailbox is installed next to the hydrant to help keep track of the bulk water sales. The sales have generated approximately \$600 for the Month of May with only two companies utilizing this service.

Sean from Agra with the help of DPW hand dug out the stream bed and used a long metal rod too loosen some dead fish and rocks out of the feeder pipe from Lake Rutherford. This was stopping the water from coming out of Lake and causing turbidity issues at the Water Treatment Plant. On Monday a grate was installed in the pipe to prevent fish and debris from clogging the pipe in the future.

Last week Agra inspected the Colesville Reservoir and took depth readings throughout the reservoir. According to the Manual the reservoir is 16 feet deep. The deepest measurement recorded was 14 feet but most of the reservoir was three to four in depth. The idea that hurricanes in the past have cleaned out the reservoir appear not to be true. This situation will need to be addressed in the near future.

The raw water meter is continuing to fail and cause problems at the Plant. This meter will need to be replaced as soon as possible because it is used to gauge all chemicals that are in use at the plant. This meter could also be the problem that has reduced the peak flow that could jeopardize the Borough's firm capacity. We are in the process of gathering quotes but will move forward as soon as prices are determined.

We have received notification that Sussex Borough has received \$160,000.00 from NJDOT 2013 Municipal Aid for improvements to Willow Street section II. This project is planned for the 2014 calendar year with the improvements to section I to be completed this year.

The final day to accept proposals to operate the Boroughs water/sewer utility is this Friday May 10<sup>th</sup>. Early next week these proposals will be reviewed and a recommendation will be presented to the Mayor and Council.

Youth in Government Day is this Thursday. We will host students in the Municipal Building during the day. Mayor and Council are always invited to speak to the Students and shed light as to your role in Government. Thursday will conclude in Wantage Township with a mock council meeting being led by students from the Sussex Wantage School District. The Sussex Mayor and Council are also invited to attend this meeting in Wantage on at 7pm.

### **OLD BUSINESS**

There was no old business discussed at this time.

### **NEW BUSINESS**

#### **Approval of Meeting Minutes**

Mrs. Krynicky made a motion to approve the meeting minutes of the Regular Meeting held on April 16, 2013. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: Meyer

Absent: None

#### **Request for Reimbursement**

Mr. Meyer made a motion to approve a \$3,500.00 reimbursement to Vicki Gonzales owner of the Taco of the Town restaurant for damage sustained during two flood events in 2012. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Meyer

Nays: Krynicky, LaBar, Lagattuta, Masson, Stendor

Abstentions: None  
Absent: None

**Approval of Permit Application Proposal**

Mr. LaBar made a motion to approve Mike Furrey of Agra Environmental and Laboratory Services to prepare a permit application to NJDEP for changes in the treatment process at the Sussex Water Treatment Plant cost not to exceed \$9,875.00. Motion seconded by Mrs. Masson

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

**Approval of Payroll Services**

Mrs. Masson made a motion to direct the Administrator to execute a contract with Action Data Services to provide payroll and accounting services from July 1, 2013 through June 30, 2014 cost not to exceed \$3,100.00. Motion seconded by Mr. Meyer

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

**Approval of Contribution to First Aid Squad**

Mr. LaBar made a motion to direct the Administrator to authorize the Certification for Rescue Squad Contribution from the County of Sussex in the amount of \$2,800.00. Motion seconded by Mrs. Masson

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

**Adoption Ordinance 2013-02 – Salary Ordinance**

Mr. LaBar made a motion to adopt an ordinance entitled “ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SUSSEX” Motion seconded by Mr. Meyer

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2013-02.

There being no one present who wished to address the Governing Body, 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

**Adoption Ordinance 2013-03 – Utilization of Public Rights-of-Way**

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE CONSENTING TO THE PETITION OF CROSS RIVER FIBER, LLC, CROSS RIVER FIBER, INC. D/B/A CROSS RIVER FIBER NJ INC. TO UTILIZE THE BOROUGH'S RIGHTS-OF-WAY WITHIN THE BOROUGH OF SUSSEX, AND AUTHORIZING THE AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF SAME". Motion seconded by Mr. LaBar

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2013-03.

There being no one present who wished to address the Governing Body, 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

#### **Resolution 2013-59R – 2013 Salaries and Wages**

Mr. Meyer made a motion to approve a resolution setting the salaries and wages for Sussex Borough employees within the guidelines set forth in Salary Ordinance 2013-02. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

#### **Resolution 2013-69R – Water/Sewer Adjustments Second Quarter 2013**

Mr. LaBar made a motion to approve a resolution approving water/sewer adjustments for account numbers 3675 and 6700. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

#### **Resolution 2013-70R – Authorizing Shared Service Agreement with SCMUA**

Mr. Meyer made a motion to approve a resolution authorizing a shared service agreement with the Sussex County Municipal Utilities Authority for the provision of Certified Recycling Professional services to certify and submit the 2012 recycling tonnage report to the NJDEP. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

#### **Resolution 2013-71R – Commodity Resale Agreement**

Mr. LaBar made a motion to approve a resolution agreeing to the resale of motor fuel as part of Sussex Counties Commodity Resale System. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Meyer, Stendor  
Nays: None  
Abstentions: None  
Absent: None

**OPEN PUBLIC SESSION #2**

Mr. Meyer 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. LaBar  
All were in favor.

Mrs. Katherine Little 27 Clove Avenue stated that the Recreation Committee has changed the date of the Miss Sussex contest to June 28<sup>th</sup>. Mr. Little feels that the Council should consider amending the ordinance to require water meters to be installed in all new units and not a master meter for the entire building. Mrs. Little agrees with the decision of the Council to keep the Sussex Fire Department as the EMS providers in the Borough. A brief discussion concerning the use of one or multi meters per building ensued.

Mrs. Georgeanna Stoll, 18 Hill Street agrees that each unit of a multi family dwelling should require to have its own meter.

There being no one else present who wished to address the Governing Body, Mrs. Masson made a motion to close the meeting to the public. Motion seconded by Mr. LaBar

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mrs. Masson made a motion to adjourn into closed executive session to discuss negotiation strategy and attorney client privilege matters. Motion seconded by Mr. Meyer

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

After meeting in closed session, the Governing Body returned to their seats at 9:30 p.m. and Mr. LaBar made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Masson  
All were in favor.

**ADJOURNMENT**

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

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk