

**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
July 16, 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. Robert Mc Briar 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:

Summary of Audit Report - At this time Mr. Darren Maloney, CFO presented an overview of the 2012 Sussex Borough Audit Report. Fund balance as well as tax collection rate was reported for the current fund. The amount of fund balance is acceptable but the Council should attempt to raise this amount in the upcoming years. Mr. Maloney reviewed the fourteen findings and recommendations in the 2012 audit report. Some items on the list have already been corrected and most of the remaining comments will be addressed this year. A variety of questions was posed by the Council concerning the audit and was answered by Mr. Maloney.

Mid Year Budget Report - At this time CFO Darren Maloney presented an update of the 2013 Budget. The water and sewer budget is in good shape for the year with about 51% of the revenues collected and about 52% of total expenditures appropriated. Mr. Maloney is approximating \$180,000 to \$190,000 to be moved to fund balance at the end of the year. Mr. Maloney explained that in the current fund the tax collection rate is at 96.16% with an anticipated rate of 96.38%. If the current trend continues the Borough will be behind in the collection of tax monies and this could affect the reserve for uncollected taxes for next year's budget. The appropriation side of the budget was reviewed by Mr. Maloney and miscellaneous questions answered that were presented by the Council. In summary Mr. Maloney stated that the expenditure side of the budget is tight but feels that the Borough will be fine. On the revenue side the collection rate must increase so the appropriation side can be covered.

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.

COMMITTEE REPORTS: Mayor Rose opened the floor to each member of the Council to offer their respective committee reports.

Mr. Meyer offered no report at this time.

Mr. Lagatutta stated that the Planning Board met last Thursday with no anticipated application in the near future.

Mrs. Krynicky announced the winner of the Miss Sussex contest Kara Jacobs and thanked all volunteers that helped make this event successful. Mrs. Krynicky stated that the Rate Study Committee needs to meet with date and time to be determined.

Mr. LaBar offered no report at this time.

Mrs. Masson stated that the next SCMUA meeting is scheduled for tomorrow.

Mrs. Stendor stated that she attended the SWAC meeting this week and the main topic of discussion was Green Tech. This technology is basically burning garbage for power. It is used in other parts of the world and the County is looking into the possible implementation of system.

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 from the NJDEP concerning events and natural resources that are available.
2. Resolution from the Township of Andover in opposition to Senate Bill 2528 and proposed exemption from source separation requirements.
3. Resolution from the Borough of Hamburg expressing support for the continued tax exemption for municipal bonds.
4. Resolution from the Township of Vernon expressing support for the continued tax exemption for municipal bonds.
5. Resolution from the Township of Vernon in opposition to Senate Bill 2528 and proposed exemption from source separation requirements.

REPORTS: (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Water Sewer Collector Report for the month of June 2013.
2. Zoning Department report for the month of June 2013.
3. Municipal Clerk's report for the month of June 2013.
4. Property Maintenance Department Report for the month of June 2013.
5. Construction Department report for the month of June 2013.
6. Tax Collector's report for the month of June 2013.
7. Recreation Commission Minutes from the months of April & May 2013.

APPLICATIONS: (APPROVAL OF THE FOLLOWING):

1. Blue Light Application permit from Donald Hough.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 16, 2013

Mr. Lagattuta made a motion to accept the consent agenda of July 16, 2013. Motion seconded by Mrs. Krynicky

Mr. LaBar stated that his wife's name is spelled incorrectly in the Recreation Committee Minutes attached to the Consent Agenda.

Mr. Zschack stated that an updated bill list was presented tonight with two changes from the original bill list that was distributed.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #1

Mr. Lagattuta 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.

Ms. Donna Trotter 10 Overlook Drive stated that last year she received an extension to connect to the sewer system to August 1, 2013. Unfortunately Ms. Trotter recently lost her job and can not afford to complete the sewer connection. The property is now in Ms. Trotter's name and is requesting a six month extension to connect.

Mrs. Krynicky questioned whether a six month extension is enough time to allow for the connection. Mayor Rose stated that these concerns should be discussed when the Council considers the request under item 10 on the agenda.

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 Mrs. Masson
All were in favor.

ADMINISTRATORS REPORT

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

A storm drain catch basin on 4th Street collapsed today and was repaired by the DPW. A small sink hole is forming at the intersection of Harrison Street and Unionville Avenue. The water main has been tested and is not leaking nor is there any infiltration into the sewer system. The consensus is that when the main broke in that area during the winter it might not have been compacted properly and this problem will be corrected by DPW. Jeff is very busy with utility mark outs so the timing with hiring a part time Clean Community person could not be better. Sean is busy cleaning up garbage and removing leaf & brush which frees up the DPW to perform other duties. The gate on the dam at Lake Rutherford was damaged by the High Point Park Police while responding to an emergency. The extent of damage will be determined and we will contact the Park Police to pay for any repairs.

The memorial stone located at Brookside Park, approved in October 2012, was installed this past weekend with no problems reported.

Elizabethtown Gas was contacted to determine if the gas main on Walling Ave could be extended to help service the new Rehabilitation Area along the new Southbound Route 23 corridor. If constructed we will also attempt to get a service connection to the DPW garage to save money on future heating cost.

The Borough's insurance carrier decided to settle with the Taco of the Town for \$2,750 in connection to the Small Claims Summons filed in May.

It was recently brought to my attention that the Hyundai dealer on Walling Avenue was utilizing a Borough owned parking lot and not paying for this privilege. We met with representatives of the dealership to work out an arrangement to use the entire lot. This proposal will be presented to the Council at the August meeting.

SCUMA will be sponsoring a free E-Waste recycling event on Saturday July 20th from 7am until 2pm. There is a limit of 5 units per vehicle.

The Willow Street Section I Project timeline is as follows:

Cross Sections	July 18 th
Completed:	
Meet with Wildlife	Week of July 29 th
Refuge:	

Design Completed: August 1st
Plans & Specs to DOT: August 9th
DOT Approval: August 23rd
Receive Bids: September 17th
Commence: October 1st
Construction:
Complete Construction: December 2nd

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the Regular Meeting Minutes of the Mayor and Council Meeting held on June 18, 2013. Motion seconded by Mrs. Stendor

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

Approval of Executive Session Meeting Minutes

Mrs. Masson made a motion to approve the Executive Session minutes of the Mayor and Council Meeting held on June 18, 2013. Motion seconded by Mr. LaBar

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

Resolution 2013-84R – Certification of the Annual Audit

Mr. LaBar made a motion to adopt a resolution certifying the Sussex Borough Mayor and Council has reviewed the 2012 Audit Comments and Recommendations as required by N.J.A.C. 5:30-6.5 Motion seconded by Mrs. Masson

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

Mrs. Krynicky made a motion to request a five minute recess. Motion seconded by Mr. Lagattuta. All were in favor.

After a five minute recess Mayor Rose reopened the meeting and returned to the regular order of business.

Resolution 2013-89 – Corrective Action Plan

Mrs. Masson made a motion to adopt a resolution to approve the Corrective Action Plan for the 2012 Audit. Motion seconded by Mrs. Krynicky

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

Resolution 2013-93R - Reject bid for Purchase of Water and Sewer Utility

Mrs. Krynicky made a motion to adopt a resolution rejecting the bid from Aqua America, Inc. for the sale of the Borough's Water and Sewer Utility. Motion seconded by Mrs. Masson

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

Resolution 2013-85R—Establish a Dedicated Trust by Rider for Animal Control Fees

Mrs. Masson made a motion to adopt a resolution establishing a dedicated trust by rider for animal control fees pursuant to N.J.S.A. 40A:4-39. Motion seconded by Mr. LaBar

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

Resolution 2013-86R—Establish a Dedicated Trust by Rider for Developer's Escrow

Mr. Lagattuta made a motion to adopt a resolution establishing a dedicated trust by rider for a developer's Escrow Fund Pursuant to N.J.S.A. 40A:4-39. Motion seconded by Mrs. Masson

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

Resolution 2013-87R—Establish a Dedicated Trust by Rider for Mural Donations

Mr. LaBar made a motion to adopt a resolution establishing a dedicated trust by rider for donations to the Mural Trust Fund pursuant to N.J.S.A. 40A:4-39. Motion seconded by Mrs. Krynicky

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

Resolution 2013-88R—Establish a Dedicated Trust by Rider for Parking Offences

Mr. LaBar made a motion to adopt a resolution establishing a dedicated trust by rider for the Parking Offences Adjudication Act (POAA) Trust Fund pursuant to N.J.S.A. 40A:4-39. Motion seconded by Mr. Meyer

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

Time Extension for Mandatory Notice to Connect

Mr. LaBar made a motion to approve the request from Donna Trotter 10 Overlook Drive for a six (6) month extension from the Mandatory Notice to Connect extending the deadline to February 1, 2014. Motion seconded by Mrs. Krynicky

Mrs. Krynicky questioned whether the extension should be longer to allow for a connection after the winter. The consensus of the Council is to keep the extension as motioned.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-83R – Volunteer Credit Program

Mrs. Krynicky made a motion to adopt a resolution for Sussex Borough to participate in the Volunteer Tuition Credit Program. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-81R – Water and Sewer Adjustment

Mr. Meyer made a motion to approve a resolution to credit the sum of \$5,953.20 to the water and sewer accounts for property located at 49 Main Street and 51-53 Main Street. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Use of Borough Facilities

Mr. Meyer made a motion to approve the request from United Way of Northern New Jersey to use the Council Meeting room on September 17, 2013 from 9am until 7:30pm.

Motion seconded by Mr. Lagattuta

After a brief discussion Mr. Meyer made a motion to table this agenda item to the August 20, 2013 meeting. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-90R – Water/Sewer Adjustment

Mr. LaBar made a motion to adopt a resolution approving water/sewer adjustment for the third quarter 2013. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-91R – Establish Clove Lake Maintenance Committee

Mr. Meyer made a motion to adopt a resolution establishing an Ad-Hoc Clove Lake Maintenance Committee. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-92R – Establish Rehabilitation Committee

Mr. Meyer made a motion to adopt a resolution establishing an Ad-Hoc Rehabilitation Committee. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer

Nays: None

Abstentions: Lagattuta, Stendor

Absent: None

Adoption Ordinance 2013-05 - Water & Sewer Capital Improvement Fund Appropriation

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$75,000 FOR IMPROVEMENTS TO THE WATER TREATMENT PLANT" Motion seconded by Mr. LaBar

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2013-05.

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

Discussion

At this time a discussion took place concerning the procedure of delinquent water and sewer accounts.

Mayor Rose stated that this discussion was requested by Councilwoman Masson. The current ordinance states that the water may be shut off which places the decision with the Mayor and/or Administrator. The question posed to the Council is whether this decision should remain the same or should the Council have a say.

Mrs. Masson requested that this discussion move to the next meeting to allow time to review the information that was distributed tonight.

Dialogue continued about specific accounts and how a change would affect them.

Mr. LaBar stated that he feels that the wording in the ordinance should be changed from may to shall. This would keep the decision with the Mayor and Administrator therefore allowing a decision to be made every day if necessary. The Council meets every two weeks which might cause a problem if each case needs to go before the Council.

Mrs. Krynicky stated that the water bills in this Borough are practically criminal and does not want to do anything to come down hard on people.

Mrs. Masson stated that you can not let some people get away without paying it is not fair.

Mrs. Masson asked if a new list could be created showing what properties are foreclosed and already turned off.

Mayor Rose stated that the accounts that are not shut off but behind in payment should be concern to the Council.

Mr. Lagattuta stated that the Council should not decide who gets shut off but should set the policy and procedures. Once these policies or procedures are established it is up to the proper authority to enforce.

Mayor Rose stated that he would like to see the wording changed to shall be shut off in ninety days except by a Council Resolution.

Discussion ensued about advantages and disadvantages of who controls the discontinuance of water service.

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. Lagattuta
All were in favor.

Ms. Katherine Little 27 Clove Avenue stated that Wantage Grange a nonprofit organization used only 290 gallons in last quarter but pay \$420. Ms Little does not know how much longer this organization can continue to exist.

Ms. Georgeanna Stoll 18 Hill Street she has been involved with the Recreation Committee for a long time and feels this is one of the best committees she has worked with.

Ms. Stoll stated that she works in collection and understands what the Borough is going through with collections. It is a hard job and appreciates what the Borough's collector is doing.

Ms. Stoll asked if the bollards in front of her house could be repaired.

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, Mrs. Krynicky made a motion to adjourn the meeting. Motion seconded by Mrs. Masson
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk