

**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  
October 1, 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 McBriar 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.

**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. Lagattuta stated "That there was no Planning Board meeting this past month and the Public Works Committee will be getting together to discuss what's happening in the town. Mrs. Masson wants to get together. I have not been around a lot in the last two weeks nor will I be for the next week and a half or so. If the Committee wants to meet without me that is fine. When was I appointed the head of the Public Works Committee?"

Mrs. Krynicky offered no report at this time.

Mr. LaBar offered no report at this time.

Mrs. Stendor stated "There was a Board of Health meeting that was held on September the 23<sup>rd</sup> and they discussed the annual rabies clinic that is going to be held in January. They are not quite sure of the date yet. They are thinking of the 25<sup>th</sup> and this time for the first time they have to purchase the needles so they discussed that a little bit and there is a possibility that they might coordinate that with the Vernon animal control and maybe buy the needles together in one lot. So that was one of the things they were talking about. Mike Plaza was present and he done the inspection of the restaurants in town and they are all good everything passed. They were also talking about the rabies they had in Stanhope and there was a den of foxes. Has anybody hear anything about that. They were all rabid they all had rabies so they had to the police were there and they got rid of them. So that was a discussion that they had. They mentioned that I'm not sure exactly were in this area but some where in this area that there were bats that had rabies in them too. So that is really what had taken place with the Board of Health."

Mrs. Masson stated "On September 18<sup>th</sup> I attended a SCMUA meeting. They voted on their 2014 budget. Overall their rate increased 1.2%. Sussex Borough is going to increase 1.4%. They also took a look at eliminating the monthly flow figures and going with an actual flow instead of your minimum flow. If they were to do that Sussex Borough would go up twelve percent. That was very interesting. On the 19<sup>th</sup> I attended along with the Mayor and Mark Your Systems Future: Tools for Financial and Managerial Planning that was a very worthwhile session. Talked about some grants how to get some grants. Particularly for small communities under ten thousand people and communities that are considered to have

below normal or average incomes. That there are different grants available for that. They covered a lot of different topics budgeting, rate setting and some systems that were available. That's it."

Mayor Rose stated that Mrs. Stendor was also present.

### **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.

Mr. Lagattuta made a motion to accept the consent agenda of October 10, 2013 with the exception of item number six under correspondence. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mr. Meyer made a motion to accept item number six, under correspondence on the consent agenda of October 10, 2013. Motion seconded by Mrs. Krynicky

A brief discussion ensued concerning the Letter dated September 27, 2013 from John Ruschke, Hatch Mott MacDonald in reference to professional engineering services for the Borough of Sussex.

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. Masson

All were in favor.

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

All were in favor.

### **ADMINISTRATORS REPORT**

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

Senator Steve Oroho, Assemblywoman Alison McHose and Assemblyman Parker Space will hold a meeting on October 18<sup>th</sup> at 10:00am at the Hardyston Municipal Building. All elected officials and Administrators/Managers from Sussex County are invited to attend. This meeting will discuss the issues confronting local government officials and participation is encouraged.

A meeting was held on September 24, 2013 at the offices of the Bureau of Dam Safety in Trenton to discuss the projects and timelines outlined in the July 29, 2013 letter to the Borough. Personnel from Dam Safety and the Bureau of Water System Engineering were in attendance representing DEP along with Mayor Rose, Mike Vreeland and myself. Mr. Vreeland stated that the Borough would not pursue the classification of ½ Probable Maximum Precipitation (PMP) and accepted that a full PMP will be used in future analysis and mapping. This concession was recommended as the standards between the two classifications would not greatly affect the repairs that are mandated by the State. Other

items agreed on were the removal of the timber bridge over the Lake Rutherford Dam and the submittal of the Tree Stump Removal Plan at Colesville Reservoir. At this time it appears that the DPW can complete the removal of the timber bridge once the State Park Service is notified. Upon submission, the Tree Stump Removal Plan will be reviewed by Bob Schultz who will determine if this work can also be performed by the DPW. A final determination of the appropriate hazard classification to the Colesville Dam has not been made, however the Lake Rutherford Dam will remain as a Class 1 (High Hazard) dam and the Borough must make modifications to the dam to allow for the Full PMP. Therefore the Borough should focus on the Lake Rutherford Dam first and consider any and all options that would be presented by the Dam Engineer. It appears that as long as the Borough is working toward the correction of all deficiencies the timelines mentioned in the letter are flexible. A letter is now being drafted in response to these conditions that will affirm the Borough's position and tentative plans moving forward.

The Borough has received a Notice of Violations for the concession stand at Brookside Park. Three violations were cited with the most critical being the installation of a kitchen exhaust system. All options will be reviewed as soon as possible and reported back to the Council.

### **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 meeting minutes of the Regular Meeting held on September 17, 2013. Motion seconded by Mrs. Krynicky

Mrs. Masson stated that under Committee Reports her comments were misquoted.

Mr. Zschack asked if Mrs. Masson would like to hold off on the approval of these minutes until the corrections are made.

Mrs. Masson made a motion to table the meeting minutes of the September 17, 2013 Council meeting to the next meeting. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: LaBar, Masson, Stendor

Nays: Krynicky

Abstentions: Lagattuta, Meyer

Absent: None

#### **Approval of Regular Dam Inspections**

Mr. LaBar made a motion to approve the September 16, 2013 proposal from Michael Vreeland, P.E., Guerin & Vreeland Engineers, Inc. to prepare regular dam inspections of Colesville Reservoir Dam, Lake Rutherford Dam and Clove Lake Dam at a cost of \$6,300.

Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

#### **Resolution 2013-107R - Support for the Tax Exemption of Municipal Bonds**

Mrs. Masson made a motion to adopt a resolution Expressing Support for the Continued Tax Exemption for Municipal Bonds. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2013-108R – Reivax Contracting Corp. Change Order #1**

Mr. LaBar made a motion to adopt a resolution Authorizing Change order #1 to Reivax Contracting Corp. for the Clove Brook Watershed Manhole Rehabilitation project.

Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2013-109R - Reivax Contracting Corp. Change Order #2**

Mr. LaBar made a motion to adopt a resolution Authorizing Change order #2 to Reivax Contracting Corp. for the Clove Brook Watershed Manhole Rehabilitation project.

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 #2**

Mr. Lagattuta 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 Mrs. Masson

All were in favor.

Mr. Edward Garrera 120 Main Street, Sussex reviewed the water and sewer bill that he received from a rental property on 17 Loomis Avenue. Mr. Garrera is again requesting that the Council revisit his request for relief for the charges on this property.

A brief discussion among the Mayor and Council ensued about the merits of this request.

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.

**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.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk