

**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  
June 4, 2014**

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, Mrs. Annette Stendor, Mrs. Georgeanna Stoll, Mayor Jonathan Rose.

Absent: None

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A., Mrs. Elke Yetter, CFO and Mr. Mark Zschack, Municipal Administrator/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:**

Mr. Lagattuta excused himself from the dais at 7:32pm.

Mr. Chris Adams, President of the firm Civil Dynamics introduced himself and stated that his firm submitted a proposal for engineering services for the Lake Rutherford Dam. Mr. Adams presented a review of the proposal dated March 18, 2014 and explained the rational in bifurcating the cost. The first phase at a cost of \$32,430 covers the H&H Modeling and Conceptual Design. The second phase at a cost of \$56,155 covers the Final Design and Permitting Services. Mr. Adams explained that the Rutherford Dam is categorized as a Class 1 High Hazard Dam.

Mr. Lagattuta returned to the dais at 7:34pm.

Mr. Adams stated that as a High Hazard Dam there are certain standards that the Borough must comply with. Prior deadlines were established in 2011 and 2013, and the Borough has surpassed both of these deadlines. The key and expensive deficiency for this dam is the spillway capacity. As a High Hazard Dam a very high standard for the spillway must be met. This standard is in the range of thirty four inches of rain in a twenty four hour period. The current spillway is significantly under sized for a rain event such as this.

Mrs. Krynicky questioned the standard of thirty four inches of rain in a twenty four hour timeframe and whether this standard could be reduced.

Mr. Adams stated that this standard was established in the 1980's and if anything the standard might increase. Mr. Adams presented a brief explanation how these standards were established. Mr. Adams presented a time line; Phase one to proceed in 2014, phase two proceed in 2015 and construction to occur in 2016.

Mayor Rose asked if phase one is contemplated in 2014 how would the Borough pay for these services.

Mrs. Elke Yetter, CFO stated that these funds could come from the Water and Sewer Capital Improvement Fund depending on the priority of other anticipated projects.

Mr. Mike Furrey, Water Operator handed out a report titled Update, Recommendations and Current Conditions report concerning the Sussex Water Treatment Plant dated June 3, 2014. Mr. Furrey presented a brief overview of this report and his recommendations.

**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.

Mrs. Stoll stated that the Recreation Committee is still working on the June 14<sup>th</sup> Miss Sussex Contest. The number of contestants is limited so the Committee is hoping for more participants.

Mr. Lagattuta offered no report at this time.

Mr. LaBar offered no report at this time.

Mrs. Krynicky offered no report at this time.

Mrs. Stendor stated that the Board of Health meeting was cancelled due to a conflict of dates. There will be other meetings next week that Mrs. Stendor will attend.

Mrs. Masson stated that on May 2<sup>nd</sup> a Public Works Committee meeting was held. A lot of time was spent on discussing potential repairs to the water and sewer lines within the Route 23 Project. The consensus of the Committee was to schedule a Special Meeting so the entire Council could discuss these improvements.

Mrs. Masson stated that Committee also discussed installing stop signs along Walnut Avenue as a method of reducing speeding vehicles. The possibility of creating one ways in the Clove Lake section was also considered. Harold Pellow will look into both of these ideas.

Mrs. Masson stated that this afternoon she attended the SCMUA meeting. Matt Giacobbe, the attorney, stated that they are going to continue to hold their meetings at 3:00pm and will go into Executive Session for a limited time at the beginning of the meeting. They will be posting, on line with their agenda, the subjects that they will be covered and the approximate amount of time that they will be spending on each subject. A number of the Commissioners stated that this is what they have been doing all along. John Hatzelis did a study of Sussex Borough's water and sewer rates and did an analysis comparing them to Franklin and Hamburg. The report shows that Sussex Borough's rates are much higher due to the Borough's high debt. They also stated that they are tired of hearing that they are overcharging.

Mrs. Masson stated that she got into a lengthy discussion during Public Session with all of the Commissioners about Sussex Borough and the potential of business that could connect to the system. The concern of SCMUA is that there are still days that the Borough goes over their allocation. Mrs. Masson stated that the Borough is still under the monthly average but SCMUA is still concerned about the daily average because the pipes can not hold the additional sewage. Mrs. Masson asked does this mean that you will not allow us to hook up more users. Their response was no, but they will be making us jump through hoops. They strongly suggest, because they do not believe the I&I Project is complete, that the Borough should look into reducing more I&I before new users are considered.

### **CONSENT AGENDA**

Mayor Rose requested that the Governing Body review the consent agenda. If any member of the Council desires an item to be removed, the Municipal Clerk shall remove said item, which will then be considered separately.

Mr. Lagattuta made a motion to accept the consent agenda of June 4, 2014.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

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 Mr. Lagattuta  
All were in favor.

Mr. Michael Weitz, Wilson Manor apartments unit 2B, Sussex asked what the current rates and proposed rates are for apartments and for single family homes. The current and proposed rates were explained by the Mayor and Council. Mr. Weitz requested a copy of the current rate ordinance.

Mr. John Sollicito, Manger of Wilson Manor Apartments, Sussex stated that the Wilson Manor residents are very efficient when it comes to water usage. The management team has invested in fixtures that save water throughout the complex. Mr. Sollicito is concerned that the utility cost for the complex will increase by 65 percent. A brief discussion ensued concerning the use of one meter for a multi unit development verse one meter for a single family dwelling.

Mr. Brett Giammanco, 37 Third Street, Sussex asked a few questions and made some comments concerning the Lake Rutherford Dam. Mr. Giammanco feels that the proposed rates are not fair to all residents and explained some concerns he has about infiltration into the sewer system. Mr. Giammanco stated that the placement of stop signs along Walnut Avenue will not slow traffic. Signs should be installed that state no through traffic.

Mrs. Masson explained the agreement that the Borough has with SCMUA concerning flows. Mr. Lagattuta stated that over the past few years the Borough has sufficiently reduced the infiltration into the sewer system through the I&I project.

Mr. Raymond Schank, 57 Walnut Street, Wantage asked if the Borough needs to increase the income from the utility. The Council explained that under the proposed rates there would not be an increase in revenue only a rebalancing of the rates.

Mr. Rudy Smith, 17 Spruce Avenue, Sussex approached the Mayor and Council to discuss an item that is not on the agenda. Mayor Rose explained that there will be an open session toward the end of the meeting

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

CP Engineers has informed the Borough that there is a problem with the casing pipe accommodating Sussex Borough's 10" sewer force main. The sanitary DIP that is proposed to run through the northeast side of the Route 23 bridge, just south of the Borough, would not fit into the existing 15" diameter DIP in the bridge. CP Engineers is working with the manufacturer and contractor to solve this situation.

SCMUA has scheduled a Household Hazardous Waste Disposal Day June 7<sup>th</sup> from 7am to 2pm. Flyers are available at the back of the Council chambers that list items that are acceptable for drop off.

The Sussex Borough Mayor and Council will hold a Special Meeting to discuss water and sewer improvements within the NJDOT Route 23 Project on June 10, 2014, 8:00pm at the Sussex Borough Municipal Building, 2 Main Street, Sussex NJ 07461. FORMAL ACTION MAY BE TAKEN.

The Borough will be submitting the 2013 Recycling Tonnage Report this week. At this time there is an increase of approximately 500 tons of recycling material over last years report.

Any additional tonnage should equate to an increase of the Recycling Grant the Borough receives in the upcoming years.

The unofficial results of yesterday Primary Election is as follows:

Sussex Borough Common Council  
Marina Krynicky 35 Votes 30.70%  
Robert Holowach 48 Votes 42.11%  
Write-In Votes 31, 27.19%

Republican County Committee  
Male Member Robert Holowach 54 Votes 83.08%  
Write-In Votes 11 16.92%  
Female Member Marina Krynicky 46 Votes 79.31%  
Write-In Votes 12, 20.69%

### **OLD BUSINESS**

There was no old business discussed at this time.

### **NEW BUSINESS**

#### **Resolution 2014-70R – Cancellation of Capital Grant Receivable Balances**

Mr. LaBar made a motion to adopt Resolution 2014-70R authorizing the cancellation of capital grant receivable balances in the amount of \$67,377.07  
Motion seconded by Mr. Lagattuta

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

#### **Resolution 2014-71R – Cancellation of Capital Appropriation Balances**

Mr. LaBar made a motion to adopt Resolution 2014-71R authorizing the cancellation of capital appropriation balances in the amount of \$1,205.00.  
Motion seconded by Mrs. Stoll

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

#### **Resolution #2014-72R - Liquor License Renewal**

Mrs. Stoll made a motion to approve the renewal of the following liquor license for the license period July 1, 2014 through June 30, 2015. Motion seconded by Mrs. Masson

EMERALD CONSTRUCTION SERVICES, LLC, T/A ALLENS BAR & LIQUOR  
31 Loomis Avenue, Sussex, NJ 07461  
License #1921-33-001-003.

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

**Introduction Ordinance #2014-03 – Appropriation of Capital Funds**

Mr. LaBar made a motion to introduce Ordinance #2014-03 entitled “AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$291,300 FOR IMPROVEMENTS TO WILLOW STREET SECTION II AND IMPROVEMENTS TO NEWTON AVENUE”

Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose stated that the Final Reading of Ordinance 2014-03 will be held on June 17, 2014.

**Adoption Ordinance 2014-04 – Water/Sewer Rates**

Mrs. Masson made a motion to adopt an ordinance entitled “AN ORDINANCE TO AMEND CHAPTER XXIV, SECTION 24 OF THE ORDINANCES OF THE BOROUGH OF SUSSEX ESTABLISHING FEES”

Motion seconded by Mr. Lagattuta

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2014-04.

Mr. Ed Selby, owner of 765 Route 23, Wantage that has three separate buildings with their own meters. Mr. Selby is very concerned that the rates will increase for all of his tenants which is not fair. Mr. Selby believes that customers should just pay for the water used and not be subject to EDU's. The new rate structure was explained by the Mayor and Council.

Mr. Jim Bever, Hamburg Avenue, Sussex stated that he feels the five minute rule for open session is insulting. Mr. Bever stated that he does not agree with an EDU system and feels that it will not create a balance for all users. Consumption basis billing is the only fair method for the Borough to consider.

Mrs. Julie Finnerty, 14 Overlook Drive, Sussex stated she commends the Mayor and Council for doing something about the water and sewer rates.

Mrs. Tammy Dehaan, Office Manager Alpine Village Apartments, 4 Center Street, Sussex stated the management of the complex feels that the current rates are too high and object to the proposed ordinance. The management company respectfully requests that the Governing Body reject this ordinance and examine the entire rate structure.

Mr. Gil Noguera, 4 Center Street, Apt 11, Sussex stated that he recently moved back to Alpine Village and does not feel he can drink the water. The water smells like fish and tastes like gravel.

There being no one else 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, Stoll

Nays: Stendor

Abstentions: None

Absent: None

**Approval of Meeting Minutes**

Mrs. Krynicky made a motion to approve the meeting minutes of the Regular Meeting held on May 20, 2014. (Absent: None) Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution #2014-73R Liquor License Renewal**

Mrs. Stoll made a motion to approve the renewal of the following liquor licenses for the license period of July 1, 2014 – June 30, 2015. Motion seconded by Mr. Lagattuta

Fountain Square Inn  
82 Fountain Square, Sussex, NJ 07461  
License #1921-33-002-001

Ziggy KPZ Inc, T/A The Green Restaurant and Pub  
14 Newton Avenue, Sussex, NJ 07461  
License #1921-33-003-005

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: Krynicky

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. Stoll  
All were in favor.

Mr. Rudy Smith, 17 Spruce Avenue, Sussex stated that recently an asphalt curb was constructed along his property by the Hardyston DPW. Mr. Smith feels that a very poor job was done with the installation.

Mr. Jim Bevere, Hamburg Avenue, Sussex asked if the water and sewer Ordinance passed at tonight's meeting. Mayor Rose stated that the ordinance did pass and the new rates go into effect on July 1, 2014.

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

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk