

**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
SEPTEMBER 2, 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, Mayor Jonathan Rose.

Absent: Mrs. Georgeanna Stoll

Mrs. Stoll joined the dais at 7:37pm

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A. 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."

APPROVAL OF AGENDA

Mrs. Stendor made a motion to approve the agenda for September 2, 2014.
Motion seconded by Mrs. Masson

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

Mrs. Stoll joined the dais at 7:37pm

PRESENTATIONS:

Chief Rick VanderPloeg and Deputy Chief Jake Little presented an update on behalf of the Sussex Fire Department.

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

Mrs. Masson made the following motion "beginning this evening and at every council meeting prior to the final vote on the sale of the water/sewer system all council members and our clerk shall share with the entire council and the public any findings or correspondence regarding any aspect of the potential sale of our water/sewer system."
Motion seconded by Mrs. Stendor

Mayor Rose recused himself from the dais at 7:48 pm.

Council President Krynicky presided over this portion of the meeting

A brief discussion ensued concerning what type of communications could be released and the reasoning of this motion.

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

Mrs. Masson made a motion to amend Ordinance 2014-11 an ordinance of the borough of Sussex, county of Sussex, and state of New Jersey requiring a referendum on the proposed sale of the borough of Sussex water and sewer utility systems to strike the third paragraph that reads "WHEREAS, the Borough has determined that it is advisable in the interest of public health and safety to sell its Utility Systems to a private water utility regulated by the New Jersey Board of Public Utilities ("BPU"); and" Motion seconded by Mrs. Stendor

After a brief discussion Mrs. Masson made a motion to amend the previous motion to introduce an Ordinance to amend Ordinance 2014-11 striking the third paragraph "WHEREAS, the Borough has determined that it is advisable in the interest of public health and safety to sell its Utility Systems to a private water utility regulated by the New Jersey Board of Public Utilities ("BPU"); and" Motion seconded by Mrs. Stendor

A brief discussion ensued concerning the accuracy of the paragraph in said motion.

Upon roll call vote to amend the original motion:

Ayes: Masson, Stendor, Stoll

Nays: Krynicky, LaBar, Lagattuta

Abstentions: None

Absent: None

Upon roll call vote of original motion as presented:

Ayes: Masson, Stendor, Stoll

Nays: Krynicky, LaBar, Lagattuta

Abstentions: None

Absent: None

Mayor Rose returned to the dais at 8:03 pm.

Mrs. Masson made a motion that the Council President Marina Krynicky be removed from her position as chair of the council in the absence of Mayor Rose regarding the sale of the water and sewer system. Motion seconded by Mrs. Stendor.

Mayor Rose recused himself from the dais at 8:04 pm.

Council President Krynicky presided over this portion of the meeting

Council President Krynicky made a motion for a recess to allow the Municipal Attorney to research the feasibility of the Council President participating in this motion.

Motion seconded by Mr. LaBar.

All were in favor.

A brief recess occurred from 8:07pm until 8:17pm

Council President Krynicky announced that the Governing Body is now adjourned from the recess.

Mr. Frank McGovern stated that in his opinion there is no problem with Council President Krynicky participating in this motion.

Discussion ensued on how Robert's Rules govern the behavior and actions of the chair of meetings and State Statutes covering Council Presidents.

Upon roll call vote of original motion:

Ayes: Masson, Stendor

Nays: Krynicky, LaBar, Lagattuta, Stoll

Abstentions: None

Absent: None

Mayor Rose returned to the dais at 8:30 pm.

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

Mrs. Stoll offered no report at this time.

Mr. Lagattuta offered no report at this time.

Mr. LaBar offered no report at this time.

Mrs. Masson offered a report as liaison to SCMUA and as the chairperson of the DPW Committee.

Mrs. Stendor offered no report at this time.

Mayor Rose recused himself from the dais at 8:34 pm.

Mrs. Krynicky offered a statement concerning an article in the newspaper.

Mayor Rose returned to the dais at 8:37 pm.

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.

Mrs. Masson requested that items number 1, 3 and 4 under Correspondence be removed and considered separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter received August 7, 2014 from Sandy Mitchell expressing disappointment with the Council's decision concerning the water and sewer bill for 55 Bank Street.
2. Letter dated August 20, 2014 from Elke Yetter to the Mayor and Council in regards to the results of the special emergency note sale.
3. Letter dated August 20, 2014 from Melissa Rockwell, County Tax Assessor to Mayor Rose concerning an error in calculating the amount of 2014 taxes owed for the County Library and Health Tax.
4. Letter dated August 20, 2014 from Doris Hoffman regarding the crosswalks in town.
5. Public notice from High Point Regional High School regarding a meeting for the Board of Education to be held on September 16, 2014.
6. Statement regarding Sussex County Technical School Tuition received on August 22, 2014.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Delinquent Utility Properties Report as of August 29, 2014.
2. Unpaid Utility Properties Report as of August 29, 2014.
3. Sussex County Solid Waste Advisory Council minutes from May 13, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 2, 2014

Mr. Lagattuta made a motion to accept the consent agenda of September 2, 2014 with the removal of items numbered 1, 3 and 4 under correspondence.
Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Masson made a motion to accept item number 3 under correspondence of the agenda of September 2, 2014.

Motion seconded by Mrs. Stoll

A brief discussion ensued concerning an error in calculating the amount of 2014 taxes owed for the County Library and Health Tax.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Krynicky made a motion to accept item number 4 under correspondence of the agenda of September 2, 2014.

Motion seconded by Mr. Lagattuta

A brief discussion ensued concerning a letter dated August 20, 2014 from Doris Hoffman regarding the crosswalks in town.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose recused himself from the dais at 8:46 pm.

Council President Krynicky presided over this portion of the meeting

Mr. Lagattuta made a motion to accept item number 1 under correspondence.

Motion seconded by Mrs. Masson

A brief discussion ensued concerning farm animals in the Borough.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose returned to the Dais at 8:47 pm.

OPEN PUBLIC SESSION #1

Mrs. Krynicky 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.

Mayor Rose recused himself from the dais at 8:48 pm.

Council President Krynicky presided over this portion of the meeting

Mr. Bill Weightman, 57 Mountainside Ave, Hardyston, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Mr. Bob Holowach, 41 Lakeview Terrace, Sussex, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Bob McCefferly 47 Forest Rd, Andover, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Mr. Albert Decker, 2 Harrison Street, Sussex, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Ms. Alison Orsi, 41 Lowe Road, Wantage, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Mr. Jim Bevere, Hamburg Avenue, Sussex, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Mr. Lagattuta offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Mrs. Masson offered comments and concerns regarding the proposed sale of the Water/Sewer Utility.

Mr. Bruce Kristiansen, 4 Liberty Street, Sussex, offered comments and concerns regarding the proposed sale of the Water/Sewer Utility. Mr. Kristiansen also thanked the Council and Clerk for their work in getting the bike lanes back on Route 23.

Mayor Rose returned to the Dais at 9:16 pm.

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. Stoll
All were in favor.

ADMINISTRATORS REPORT

Mr. Mark Zschack the Administrator/Clerk offered no report at this time.

OLD BUSINESS

Mayor Rose recused himself from the dais at 9:17 pm.

Council President Krynicky presided over this portion of the meeting.

Appointment to the Clove Lake Maintenance Committee

Mr. Lagattuta made a motion to approve the Mayor's appointment of David Mitchell, 55 Bank Street as the Chairperson of the Clove Lake Maintenance Committee as outlined in Resolution 2014-81R with a term ending December 31, 2015. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose returned to the dais at 9:17 pm

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Special Meeting held on June 10, 2014. Motion seconded by Mrs. Masson

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

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting held on July 1, 2014. Motion seconded by Mrs. Krynicky

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

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting held on August 19, 2014. Motion seconded by Mrs. Stendor

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

Main Street Grand Opening Request

Mr. LaBar made a motion to approve the request from Whirled Revolution Studio, 86 Main Street to hold grand opening festivities on October 4, 2014 as outlined in a July 30, 2014 email. Motion seconded by Mrs. Masson

A brief discussion ensued concerning fire dancers.

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

Resolution 2014-104R – Petty Cash Policy

Mr. LaBar made a motion to adopt Resolution 2014-104R adopting a Petty Cash Policy Motion seconded by Mr. Lagattuta

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

Resolution 2014-105R – Special Council Meetings

Mayor Rose recused himself from the dais at 9:22 pm.

Council President Krynicky presided over this portion of the meeting.

Mr. LaBar made a motion to adopt Resolution 2014-105R scheduling Special Meetings of the Governing Body of the Borough of Sussex, to discuss the possible sale of Sussex Borough's Water/Sewer Utility. NO FORMAL ACTION WILL BE TAKEN.

Motion seconded by Mrs. Stoll

A lengthy discussion ensued concerning available dates and the format of the special meetings.

Mr. LaBar made a motion to amend the previous motion altering the dates for the special meetings to September 24, 2014 and October 28, 2014 at 7:00pm.

Motion seconded by Mrs. Stoll

Upon roll call vote to amend the original motion:

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

Nays: None

Abstentions: None

Absent: None

Upon roll call vote of original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-106R – Extending the Time to Award a Contract

Mr. Lagattuta made a motion to adopt Resolution 2014-106R extending the timeframe within which the contract for the sale of the Utility Systems may be awarded to 90 days after the public referendum, subject to the acknowledgement and acquiescence of Aqua New Jersey, Inc., as the highest bidder. Motion seconded by Mr. LaBar

Mrs. Masson made a motion to amend the previous motion striking the second paragraph "WHEREAS, the Borough has determined that it is advisable in the interest of public health and safety to sell its Utility Systems to a private water utility regulated by the New Jersey Board of Public Utilities ("BPU"); and" Motion seconded by Mrs. Stendor

Upon roll call vote to amend the original motion:

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

Nays: None

Abstentions: None

Absent: None

Upon roll call vote of original motion as amended:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Mayor Rose returned to the dais at 9:43 pm.

Discussion

At this time a discussion took place concerning Bond Ordinance 2014-06 "BOND ORDINANCE APPROPRIATING \$730,000, AND AUTHORIZING THE ISSUANCE OF \$730,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM AND THE SANITARY SEWERAGE SYSTEM OF THE BOROUGH."

A lengthy discussion ensued concerning the use of funds in Ordinance 2014-06. A variety of projects were discussed and the consensus of the council was the following projects should be considered:
Replacement of water meters.
Replace valves on both the water and sewer lines.
Relocation of the sewer pumps.
Replace sections of the sewer force main.
Institute a new infiltration and inflow (I&I) project.

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 Mr. LaBar
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. 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. Lagattuta made a motion to adjourn the meeting. Motion seconded by Mr. LaBar
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk