

**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 16, 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., Jong Sook Nee, Special Counsel, of the firm McManimon Scotland Baumann 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

Mr. Lagattuta made a motion to approve the agenda for September 16, 2014.

Motion seconded by Mrs. Stoll

Mrs. Masson made a motion to amend the agenda for September 16, 2014 adding two discussion items the first to discuss the format of the Special Meetings scheduled on September 24, 2014 and October 28, 2014 the second to add a discussion regarding allowing wells and septic in the borough. Motion seconded by Mrs. Stendor.

Upon roll call vote to amend original motion:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Masson made a motion to amend the agenda for September 16, 2014 adding a discussion to utilize Aqua New Jersey's payment schedule and payment plan.

Motion seconded by Mrs. Stendor.

Upon roll call vote to amend original motion:

Ayes: Masson, Stendor, Stoll

Nays: Krynicky, LaBar, Lagattuta

Abstentions: None

Absent: None

Mrs. Masson made a motion to amend the agenda for September 16, 2014 moving the Executive Session to the end of the agenda. Motion seconded by Mrs. Stendor.

Upon roll call vote to amend original motion:

Ayes: None

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

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Lagattuta made a motion to adjourn into closed executive session to discuss three matters falling within the attorney-client privilege, two involving negotiation of a possible joint municipal agreement and the other involving anticipated contract negotiations concerning the potential sale of the water and sewer utility. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose recused himself from Executive Session during the discussion of the anticipated contract negotiations concerning the potential sale of the water and sewer utility.

After meeting in closed session, the Governing Body returned to their seats at 8:43 p.m. and Mrs. Masson made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Stoll
All were in favor.

DISCUSSION:

Mayor Rose recused himself from this discussion and exited the dais at 8:43 pm.

Mr. Nicholas Asselta, president of Aqua New Jersey and Mr. John Hildabrant, Manager of Operations for Aqua New Jersey answered questions from members of the Governing Body.

Mayor Rose returned to the dais at 9:19 pm.

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

Mrs. Masson offered her report concerning SCMUA of September 3, 2014.

Mrs. Stendor offered no report at this time.

Mrs. Krynicky offered no report at this time.

Mr. LaBar offered no report at this time.

Mr. Lagattuta offered no report at this time.

Mrs. Stoll offered her report concerning the Recreation Committee.

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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated August 21, 2014 from Martin Van Der Heide III to the Mayor and Council in reference to the water main located at the Colesville fire house.
2. Letter dated August 29, 2014 from Gail Zubl resigning from the Sussex Borough Board of Health.
3. Legal Notice for an application to the Sussex Land Use Board concerning Block 105 Lot 2.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for the month of August, 2014.
2. Municipal Clerk's report for the month of August, 2014.
3. Water Sewer Collector report for the month of August, 2014.
4. Property Maintenance report for the month of August, 2014.
5. Zoning Report for the month of August, 2014.
6. Construction Department report for the month of August, 2014.
7. Sussex County Water Quality Management minutes of March & April, 2014
8. Delinquent Utility Properties Report as of September 12, 2014.
9. Unpaid Utility Properties Report as of September 12, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

None

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 16, 2014

Mr. Lagattuta made a motion to accept the consent agenda of September 16, 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

Mrs. Masson 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. Stoll
All were in favor.

Mayor Rose recused himself from this discussion and exited the dais at 9:23 pm.

Mr. Albert Decker, 2 Harrison Street, Sussex questioned why the public was not given the opportunity to ask questions of Aqua tonight.

Mr. Brian Demarest, 2 Harrison Street, Sussex quoted from a report and expressed his concerns regarding the sale of the water utility.

Mr. Bob MacCafferty, 47 Forest Road, Green Township expressed his concerns about the privatization of utilities.

Mrs. Donna Brady, 21 Lakeview Terrace, Sussex voiced her concerns about the privatization of the utilities, fracking and the parent corporation Aqua America.

Mr. Bill Weightman, Hardyston, expressed concerns regarding the sale of the water utility.

Mr. Albert Decker, 2 Harrison Street, Sussex, stated that he does do his research.

Mrs. Hilda Weightman, Hardyston, expressed her concerns regarding the sale of the utility system.

Mr. Albert Decker, 2 Harrison Street, Sussex, expressed his concerns regarding the sale of the utility.

Mrs. Susan Williams, 29 Christie Lane, Sparta, expressed her concerns regarding the sale of the utility system.

Mayor Rose returned to the dais at 9:47pm.

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 Mrs. Stendor All were in favor.

ADMINISTRATORS REPORT

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

Water/Sewer Utility

The repair to the intake pipe at the Colesville Reservoir is scheduled for Thursday September 18th. The goal of this repair is to reduce the turbidity levels that enter the water treatment plant. The DPW and Mike Furrey will be on site to assist the contractor with this repair and or replacement.

Mike Grimm from Aquamize has completed the field work for the Comprehensive Performance Evaluation (CPE). A draft of the report will be issued to the Borough by the end of September with the final report to be submitted to NJDEP on or about October 17, 2014.

Bob Schultz has informed the Borough that the final connection for the sewer force main relocation by the NJDOT will occur on Thursday. DPW was able to operate one of the two pump-out valves and a plan has been formulated to accomplish this project with little cost to the Borough.

Land Use Board

The Sussex Land Use Board will hold a meeting September 22, 2014 at 7:30 pm. Items on the agenda include:

1. Barry Fitzpatrick, PZ 2013-03, 49 Bank Street, Block 204, Lot 4
Use Variances and Height Variance
2. Galtag, LLC, PZ 2014-04 52 Main Street, Block 702, Lot 9
Concept Plan
3. David B. Simmons, Jr., PZ 2014-05 Block 105, Lot 2
Preliminary and Final Site Plan and Use Variance

NJDOT Route 23 Project

Proposed start date of new traffic pattern has been amended to Friday September 26, 2014 (was Friday September 19, 2014). Route 23 (Hamburg Ave) will have North bound traffic only from the intersection of Route 23 & Lower Unionville Rd to the intersection of Mill St and Loomis Ave. Walling Avenue (Route 23 SB) will be restricted to south bound traffic only from the intersection of Loomis Ave & Mill St to the intersection of Route 23 and Lower Unionville Rd.

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 July 15, 2014. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Amend Contract to Atlantic Engineering, LLC

Mr. LaBar made a motion to authorize an additional expense of \$500.00 to Atlantic Engineering, LLC to construct the intake extension pipe located in the Colesville Reservoir as outlined in the resolution. Motion seconded Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Approve Hire of Part Time Seasonal Employee

Mrs. Masson made a motion to approve the hiring of Mr. Matthew Dasalla as a part time Clean Communities seasonal employee at a rate of \$10.00 per hour and not to exceed 20 hours per week. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-107R – Authorize Change Order #1 Willow Street Section II

Mr. LaBar made a motion to adopt Resolution 2014-107R authorizing Change Order Number 1 to Bob Viersma & Sons, Inc. for the road improvements to Willow Street Section II reducing the contract in amount of \$13,070.34. Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-108R – Award Newton Avenue Sidewalk Replacement Project

Mr. LaBar made a motion to adopt Resolution 2014-108R awarding the bid to Diamond Construction, 35 Beaverson Boulevard, Suite 12C, Brick, NJ 08723 in the amount of \$64,824.00 for the proposed sidewalk improvements to Newton Avenue. Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-109R – Award Line Striping

Mr. Lagattuta made a motion to adopt Resolution 2014-109R awarding the contract to Lynch Seal Coating, 21 Cedar Drive, Vernon, NJ 07462 in the amount of \$1,955.20 to provide all line striping, stenciling and curb painting on Main Street. Motion seconded by Mrs. Stoll.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-110R – Place to Place Liquor License Transfer

Mrs. Stendor made a motion to adopt Resolution 2014-110R approving the Place to Place Transfer of Plenary Retail Distribution License Number 1921-44-005-002 heretofore issued to TEACH PADRAIG, LLC, T/A PATRICKS WINE BARN to 39-40C Hamburg Avenue, Sussex, NJ 07461. Motion seconded by Mr. LaBar.

Upon roll call vote:

Ayes: None

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

Abstentions: None

Absent: None

Request to Hang Pink Ribbons

Mrs. Stoll made a motion to approve the request from the Sussex County Chronic Disease Coalition to hang pink ribbons on Main Street for the month of October 2014 in observance of Breast Cancer Awareness Month. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-111R – Request to Close Main Street

Mrs. Masson made a motion to adopt Resolution 2014-111R authorizing the closure of Main Street, Newton Avenue and Fountain Square to vehicular traffic on October 18, 2014 (rain date of October 25, 2014) from 5:00 pm to 9:00pm. Motion seconded by Mr. Lagattuta.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: Stoll

Absent: None

Mayor Rose excused himself from the dais at 9:59pm.

Discussion – Wells and Septic and Format for Special Meeting

At this time the Governing Body held a discussion regarding wells and septic and the format for the Special Meetings to be held on September 24th and October 28th.

Mayor Rose returned to the dais at 10:10pm.

OPEN PUBLIC SESSION #2

Mrs. Stoll 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.

Mr. Albert Decker, 2 Harrison Street, Sussex, stated that he attended the Recreation Committee meeting and they were talking about the block party. He suggested that they sell hamburgers and hot dogs and he was told that they could not make a profit. He asked if this was a true statement.

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.

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 Mrs. Masson
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk