

**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  
DECEMBER 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, Mrs. Georgeanna Stoll, Mayor Jonathan Rose.

Absent: None

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

**APPROVAL OF AGENDA**

Mr. Lagattuta made a motion to approve the agenda for December 2, 2014 with the addition of the addendum to be considered after item number five.

Motion seconded by Mrs. Stoll

Mrs. Masson made a motion to amend the previous motion to remove the NJSH Route 23 Bridge Modifications Resolution 2014-136R and Purchasing Policy Resolution 2014-132R from the agenda. Motion seconded by Mrs. Stendor

A brief discussion ensued concerning both resolutions.

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 presented:

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

Nays: None

Abstentions: None

Absent: None

**PRESENTATIONS:**

No presentations were offered.

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

Mrs. Stoll offered a report as liaison to High Point Regional High School and as the Council Representative on the Recreation Committee.

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. Masson offered no report at this time.

Mrs. Stendor offered no report at this time.

**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 item number 3 under Correspondence, email received November 18, 2014 from Veronica Zondlewski to Mr. Mark Zschack concerning safety on Main Street, Sussex, be removed and considered separately.

**CORRESPONDENCE** (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Hardyston Township Resolution #76-14 urging the New Jersey State Legislature to enact a 2% cap on tuition increases charged by County Vocational Technical High School to local sending districts.
2. Letter dated November 3, 2014 from the New Jersey State League of Municipalities concerning education opportunities for newly elected officials.
3. Email received November 18, 2014 from Veronica Zondlewski to Mr. Mark Zschack concerning safety on Main Street, Sussex.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex County Planning Board Minutes from October 6, 2014

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

None

**RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

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

Mrs. Masson made a motion to accept the consent agenda of August 19, 2014 with the removal of item number 3 under Correspondence. Motion seconded by Mrs. Stoll

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, email received November 18, 2014 from Veronica Zondlewski to Mr. Mark Zschack concerning safety on Main Street, Sussex. on the consent agenda of August 19, 2014. Motion seconded by Mrs. Stoll

A brief discussion ensued concerning the safety on Main Street and contacting the State Police to increase coverage due to the Route 23 construction project.

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 Mr. Lagattuta  
All were in favor.

Mr. Albert Decker, 2 Harrison Street, Sussex, offered concerns about Ordinance 2014-14 Water/Sewer Rates and the lights on Main Street.

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. Masson. All were in favor.

### **ADMINISTRATORS REPORT**

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

### **OLD BUSINESS**

There was no old business discussed at this time.

### **NEW BUSINESS**

#### **Approval of Meeting Minutes**

Mrs. Masson made a motion to approve the meeting minutes of the Special Meeting held on July 22, 2014. Motion seconded by Mrs. Stendor

A discussion ensued concerning the posting of the recordings of Council meetings on the Borough's website.

Mrs. Masson made a motion to amend the previous motion under the heading workshop paragraph three to read "Council President Krynicky asked questions from a prepared list of Aqua" and paragraph four to read "Councilwoman Masson asked questions of Aqua with answers being provided by Mr. Asselta and Mr. Henry."

Motion seconded by Mrs. Stendor

Upon roll call vote to amend the previous motion:

Ayes: Masson, Stendor

Nays: Krynicky, LaBar, Lagattuta, Stoll

Abstentions: None

Absent: None

Upon roll call vote of original motion as presented:

Ayes: Krynicky, LaBar, Lagattuta, Stoll

Nays: Masson, Stendor

Abstentions: None

Absent: None

Mr. LaBar made a motion to approve the meeting minutes of the Special Meeting held on July 29, 2014. Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Krynicky made a motion to approve the meeting minutes of the Regular Meeting held on October 21, 2014. Motion seconded by Mr. Lagattuta

Mrs. Masson made a motion to amend the previous motion under Approval of Agenda fourth paragraph to read "Mrs. Masson made a motion to amend the agenda for October 21, 2014 to add a discussion item to the agenda to discuss the format of the special **meeting** to be held at the firehouse on October 28<sup>th</sup>". Motion seconded by Mrs. Stendor

Upon roll call vote to amend the previous 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

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on November 5, 2014. Motion seconded by Mr. Lagattuta

Mrs. Masson made a motion to amend the previous motion on the last page under Discussion to add a sentence that reads "that background information be supplied on this issue."  
Motion seconded by Mrs. Stoll

Upon roll call vote to amend the previous motion:  
Ayes: LaBar, Lagattuta, Masson, Stendor, Stoll  
Nays: None  
Abstentions: Krynicky  
Absent: None

Upon roll call vote of original motion as amended  
Ayes: LaBar, Lagattuta, Masson, Stendor, Stoll  
Nays: None  
Abstentions: Krynicky  
Absent: None

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on November 17, 2014. Motion seconded by Mrs. Masson

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

#### **Resolution 2014-132R – Purchasing Policy**

Mr. LaBar made a motion to adopt Resolution 2014-132R establishing a purchasing policy manual for the Borough of Sussex. Motion seconded by Mrs. Stoll

Mrs. Masson made a motion to table Resolution 2014-132R. Motion seconded by Mrs. Stendor

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

#### **Resolution 2014-133R – \$150,000.00 Bond Anticipation Notes**

Mr. LaBar made a motion to adopt Resolution 2014-133R authorizing the issuance of not exceeding \$150,000 bond anticipation notes of the Borough of Sussex, in the County of Sussex, New Jersey. Motion seconded by Mrs. Krynicky

Mayor Rose offered background on the water break that recently occurred and the reasoning behind this resolution. Discussion ensued concerning responsibility of the NJDOT contractor and the Borough's Water and Sewer Engineer. It was suggested this topic should be discussed in executive session due to potential litigation. Elke Yetter, CFO presented an overview of bond anticipation notes.

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

**Resolution 2014-134R – Transfers between Budget Appropriations**

Mr. Lagattuta made a motion to adopt Resolution 2014-134R authorizing transfers between budget appropriations. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-135R – Emergency Appropriation**

Mr. Lagattuta made a motion to adopt Resolution 2014-135R authorizing an emergency appropriation totaling \$37,939.38 in the water and sewer budget for 2014.

Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-136R – NJSH Route 23 Bridge Modifications**

Mr. Lagattuta made a motion to adopt Resolution 2014-136R authorizing request to and agreement with the New Jersey Department of Transportation to modify its route 23 realignment project to accommodate water system plans.

Motion seconded by Mrs. Stoll

Mr. Lagattuta made a motion to amend the previous motion to read “NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sussex in the County of Sussex in the State of New Jersey authorizes the Mayor and Clerk to execute such agreements, job orders and other documents as needed to request, authorize and agree with the NJDOT to include in its Route 23 Realignment Project the furnishing, delivery and installation of modified structural steel under the Route 23 bridge over the Papakating Creek as proposed by Ferreira Construction Co. Inc. to the NJDOT and/or construct pipe casings in order to accommodate a future water main as part of a possible extension of the Borough water system, with the cost to the Borough not to exceed \$50,000.00.”

Motion seconded by Mrs. Krynicky

Upon roll call vote to amend the previous 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

**Introduction Ordinance #2014-14 – Water/Sewer Rates**

Mr. Lagattuta made a motion to introduce ordinance #2014-14 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX”

Motion seconded by Mrs. Stoll

A discussion ensued concerning the lack of Fire Marshall ratings for all restaurants and the general philosophy of how the EDU's are calculated.

Mrs. Stendor made a motion to amend the previous motion to delete section 1 and renumber sections 2 through 5 as sections 1 through 4.

Motion seconded by Mrs. Masson

Upon roll call vote to amend the previous motion:

Ayes: Masson, Stendor

Nays: Krynicky, LaBar, Lagattuta, Stoll

Abstentions: None

Absent: None

Upon roll call vote of original motion as presented:

Ayes: Krynicky, LaBar, Lagattuta, Stoll

Nays: Masson, Stendor

Abstentions: None

Absent: None

Mayor Rose stated that the Final Reading of Ordinance 2014-14 will be held on December 16, 2014.

### **Construction Office Services**

Mr. LaBar made a motion to authorize the Mayor and Clerk to execute an interlocal agreement with Hardyston Township for Construction Office Services as outlined in a proposal signed October 22, 2014 for the term of January 1, 2015 through December 31, 2018. Motion seconded by Mr. Lagattuta

Mr. Mark Zschack presented an overview of the four contracts that are on the agenda. Discussion ensued concerning the length of the proposed contracts.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

### **Fire Prevention Services**

Mr. Lagattuta made a motion to authorize the Mayor and Clerk to execute an interlocal agreement with Hardyston Township for Fire Prevention Services as outlined in the attached proposal for the term of January 1, 2015 through December 31, 2018

Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

### **Public Works Department Services**

Mr. Lagattuta made a motion to authorize the Mayor and Clerk to execute an interlocal agreement with Hardyston Township for Public Works Department Services as outlined in the attached proposal for the term of January 1, 2015 through December 31, 2015

Motion seconded by Mrs. Stoll

Mr. Lagattuta made a motion to table the previous motion. Motion seconded by Mrs. Krynicky

Upon roll call vote to table:

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

Nays: None

Abstentions: None

Absent: None

**Sewer Operator Services**

Mr. Lagattuta made a motion to authorize the Mayor and Clerk to execute an interlocal agreement with Hardyston Township for Sewer Operator Services as outlined in the attached proposal for the term of January 1, 2015 through 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

**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.

Mrs. Katherine Little, 27 Clove Avenue, Sussex, presented a report as a member of the Sussex Board of Health. Mrs. Little also offered concerns about the lights in Deckertown Commons.

Mrs. Julie Devine, 4 Main Street, Sussex, offered questions and comments concerning the tax sale.

Mr. Robert Holowach, 41 Lakeview Terrace, Sussex, offered comments concerning introduced Ordinance 2014-14 and the Water/Sewer Utility.

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**

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, one involving negotiation of a possible joint municipal agreement, one involving the possible purchase of real property and the last involving possible litigation.**

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Krynicky recused herself from executive session at 9:37 pm.

After meeting in closed session, the Governing Body returned to their seats at 10:20 p.m. and Mr. Lagattuta made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Krynicky

**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.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk