

**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  
February 5, 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. John Ursin 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.

**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.

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

1. Letter dated January 28, 2013 from WhiteWater INC. to Mark Zschack concerning repairs to the decant system at the Water Treatment Plant.
2. Letter from Ed Wiessmann of Pro Tech Fire Safety to Mark Zschack concerning the temporary closure of Harrison Street for the removal a tree from his property.
3. Letter dated January 15, 2013 from Sussex County Department of Environmental and Public Health Services concerning the Hepatitis B Vaccination Program.

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

1. Zoning Department Receipts for the month of January, 2013.
2. Property Maintenance Report for the month of January, 2013.
3. Municipal Clerk's report for the month of January, 2013.
4. Water/Sewer Collector Report for the month of January, 2013

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

1. Payment of bills for the meeting of February 5, 2013

Mr. Lagattuta made a motion to accept the consent agenda of February 5, 2013.  
Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

### **OPEN PUBLIC SESSION #1**

Mr. Meyer 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.

Nicole Hand 49 Main Street asked if any there has been any movement by the Council concerning her request for \$800.00 in damage to her vehicle that was parked in the Municipal parking lot. A letter from Mr. John Ursin, Esq. dated February 1, 2013 to Mrs. Hand was given to Mrs. Hand for her review. Mr. Ursin stated that Mrs. Hand sent an email to the Borough describing a possible solution to this situation. In this correspondence Mrs. Hand would accept the Borough's offer of complementary parking if this offer could be transferred to her landlord. Mr. Ursin explained that letter offered two years of complementary parking that could be transferred to her landlord. Mrs. Hand stated that she was happy with this offer but asked that the offer be extended to two and a half years of parking

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.

### **ADMINISTRATORS REPORT**

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

The second draft of the Rehabilitation Study was distributed to the Planning Board at their January 4<sup>th</sup> meeting. The Planning Board will review this document at a work session on February 21<sup>st</sup> and at their March 7<sup>th</sup> meeting a public hearing will be held on this Study. The plan is to submit the Study to the Council for review and adoption at the March 19<sup>th</sup> Mayor and Council meeting.

The Dog Census began yesterday 15 unlicensed dogs were discovered on one street alone. This process will continue for the next couple of weeks until the entire Borough is inspected.

Bob Schultz contacted Pastor Abbott about the lights for the clock. The Pastor stated that lights work and feels that it is a timer issue that he will try to adjust.

We are still working on the RFP for water & sewer operator. After a discussion with the Borough's professionals it was determined that it would be in the best interest of the Borough to contract with a vendor on a per month basis until the RFP can be finalized. A meeting will be held tomorrow to discuss the RFP and plans for an interim operator.

The DPW Committee met today with Bob Schultz.

Main items discussed include:

Borough wide bulk pick up to be held in early May procedure and cost still needs to be determined.

A plan to repair and replace shut off valves for the water mains starting in the Main Street area and updating of water maps.

Borough wide Garbage and Recycling Collection will be placed on an upcoming agenda for the Council to discuss.

Clean Communities monies will be utilized to hire a part time person to pick up brush and garbage from May thru October.

A 5 year capital improvement plan for the water and sewer utility will be drafted this year to help guide the Borough in future planning.

The water meters that the Borough currently uses have gone out of production and are no longer available. One major issue is that the new meters that are available do not interface with the current touch pad system. This information was just told to us today and we will be working with DPW to find a solution to the situation.

## **OLD BUSINESS**

### **Reimbursement for Vehicle Damage**

Mr. Meyer made a motion to approve a payment to Nicole Hand in the amount of \$800.00 for reimbursement for a claim that the Borough's insurance carrier denied.

Motion seconded by Mrs. Masson

After a brief discussion Mr. Lagattuta amended the motion to reflect the terms of the letter from Mr. Ursin to Nicole Hand dated February 1, 2013 offering two years of transferable complementary parking. Motion seconded by Mr. Meyer.

All were in favor of the amendment to the motion.

After continued discussion about the length of the Borough's offer Mrs. Masson made a motion to amend the current motion to extend the term of the agreement to thirty two months of transferable complementary parking. Motion seconded by Mrs. Krynicky.

Upon roll call vote to amend the current motion:

Ayes: Krynicky, Masson, Stendor, Mayor Rose

Nays: LaBar, Lagattuta, Meyer

Abstentions: None

Absent: None

Upon roll call vote on the original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

## **NEW BUSINESS**

### **Approval of Meeting Minutes**

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on January 22, 2013 (Absent: None)

Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

### **Resolution 2013-38R - First Quarter Water/Sewer Adjustments**

Mr. LaBar made a motion to adopt a resolution approving water/sewer adjustments for the first quarter 2013.

Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2013-39R – Appointment of Bond Counsel**

Mr. LaBar made a motion to approve a resolution appointing John Cantalupo of the firm Wilentz, Goldman & Spitzer P.A. as Borough Bond Counsel to process one Bond Anticipation Note that matures on February 15, 2013 at a cost not to exceed \$675.00.

Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Approval of Social Affair Permits for Sussex Fire Department**

Mr. LaBar made a motion to approve social affair permits for the Sussex Fire Department on March 16, and March 23, 2013.

Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Request from the Sussex/Wantage Over 50 Club**

Mayor Rose stated that a motion is in order to approve a financial contribution to the Sussex/Wantage Over 50 Club.

No motion was made at this time.

**OPEN PUBLIC SESSION #2**

Mr. Meyer 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.

Nicole Hand 49 Main Street requested that the Borough consider placing a garbage can on the light pole in front of 49 Main Street. Mr. Zschack stated that there might be an extra can and will discuss this with the DPW.

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. Krynicky

All were in favor.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. Meyer made a motion to adjourn into closed executive session for attorney client privilege to discuss the previous contract with United Water and the Flynn Lawsuit.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

After meeting in closed session, the Governing Body returned to their seats at 8:56 p.m. and Mr. LaBar 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: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: None

Mayor Rose stated that Councilman Lagattuta exited the council chambers during executive session at 8:09 pm prior to the discussion on the United Water contract.

Mr. LaBar asked if there is an update on the High Ridge situation. Mr. Ursin stated that the Borough is waiting for Hardyston to include the lien at tax sale.

### **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