

**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
March 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.

Mr. Lagattuta made a motion to remove item 5 "Introduction Ordinance #2013-01 – Exceed Budget Appropriation Limits and To Establish a Cap Bank" and item 6 "Resolution #2013-49 – Introduction of 2013 Budget" from tonight's agenda. Motion seconded by Mr. LaBar. All were in favor.

Mr. Lagattuta made a motion to schedule a budget workshop meeting for Tuesday March 12, 2013. Motion seconded by Mr. Meyer.

A brief discussion was held concerning the reasons to hold a budget workshop and possible alternative dates for said meeting.

Mr. Lagattuta made a motion to amend the original motion to change the date of the budget workshop to March 13th or March 14th at 7:30pm depending on the availability of the CFO and Auditor. Motion seconded by Mrs. Masson. All were in favor of the amendment.

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

Mr. LaBar made a motion to schedule a regular meeting of the Mayor and Council for April 2, 2013 and cancel the scheduled meeting on April 9, 2013. Motion seconded by Mr. Meyer.

A brief discussion was held concerning possible alternative dates.

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

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.

Mayor Rose stated that there is a change to the bill list on the consent agenda. Check number 10665 should be in the amount of \$488.26.

Mr. Lagattuta requested that item 1 on the consent agenda "Letter dated February 14, 2013 from Walter Luers, Esq. to Robert McBriar, Esq. concerning the Kumetz vs. Sussex Borough Civil Action Complaint" be removed from the consent agenda and considered separately.

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

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mr. Meyer made a motion to accept item 1 on the consent agenda "Letter dated February 14, 2013 from Walter Luers, Esq. to Robert McBriar, Esq. concerning the Kumetz vs. Sussex Borough Civil Action Complaint" Motion seconded by Mrs. Krynicky.

Mr. Ursin updated the Mayor and Council on the civil complaint concerning a privately held tax lien in the Borough. Sussex Borough is taking a neutral stance on this matter and once a decision is rendered by a Judge the Borough will take action.

Mr. LaBar stated that there is no family connection to the LaBar mentioned in the complaint.

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 Mr. Lagattuta
All were in favor.

Robyn Giannini, Alternative Press asked for clarification on the dates of the April Mayor and Council meetings.

Mayor Rose stated that meetings will be held on April 2nd and 16th.

There being no one else present who wished to address the Governing Body, Mr. Meyer 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 the following report;

The planning Board will hold a Public Hearing this Thursday March 7th at 7:30pm to discuss a Proposal to Designate a Portion of the Borough as an Area in Need of Rehabilitation. If the Planning Board endorses this plan it will then be presented to the Mayor and Council for your consideration.

Steve Danner hurt himself last weekend and will not be able to return to work until March 11th.

Primary petition forms to run for municipal office are available at the Sussex Municipal Building from 8:30am to 4:30pm. The deadline to submit the petition for primary election is 4:00pm on or before April 1st. This year's primary election will be held on Tuesday June 4th from 6:00am to 8:00pm.

The NJDEP will conduct a site visit of the Water Treatment Plant this Thursday March 7th at 10:00am, in attendance will be Russell Tierney, WhiteWater, Mike Furrey, Agra Environmental, and John Ruschke, Hatch Mott MacDonald. This will allow the former Operator, Interim Operator, and Borough Engineer to answer any questions that the DEP will pose.

The PRV has been rebuilt and is in service as of Wednesday February 27th. Some of the rubber seats along with the discs inside the valve were in need of replacing. The valve was also taken apart and cleaned. There was an added expense of \$800.-, due to the pilot valve that controls the pressure was malfunctioning as well, contributing to the constant swings in the effluent flow at the plant. The old valve can be rebuilt for a spare if the Council would like.

The first draft of the RFP's for water and sewer operator are completed they are now being reviewed. The plan is to have them completed by the end of the week.

The Dog Census is still in progress to date 198 dogs have been registered which is well ahead of the pace of last year where a total of 218 were registered for the entire year.

The Route 23 Realignment Project was awarded to low bidder Ferreira Construction Company on February 15, 2013. Construction is expected to begin next month with a Substantial Completion date of April 23, 2015 and Final Completion by June 22, 2015. The Pre-Construction Conference is scheduled for next Tuesday, March 12, 2013 at the NJDOT Region North Construction office in Mount Arlington which I will be attending. DOT would also like to set up a Pre-construction Public Information Meeting in Sussex Borough the first or second week of April from 6pm to 8pm. At this time the 8th, 10th, and 11th are available and we would like to set a date tonight so we can inform DOT and advertise.

NEW BUSINESS

Resolution 2013-48R – Sewer Adjustment Flynn

Mr. Meyer made a motion to adopt a resolution approving sewer adjustments for Richard and Pamela Flynn in the amount of \$664.48. Motion seconded by Mrs. Masson.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Assignment of Tax Sale Certificates

Mr. LaBar made a motion to assign the tax lien for Block 202 Lot 3; 92 Newton Avenue in the amount of \$12,523.79 and the tax lien for Block 703 Lot 12; 9 Main Street in the amount of \$76,079.87 to Another Lien, LLC of Sparta, NJ. Motion seconded by Mr. Meyer.

Mr. Meyer made a motion to amend the original motion to include updated amounts to the day of the assignment and direct Mr. Ursin to negotiate an agreement. Motion seconded by Mr. LaBar.

Mr. LaBar made a motion to amend the amended motion to direct Mr. Ursin to negotiate a buyer's premium. Motion seconded by Mrs. Masson.

Upon roll call vote of the second amendment to the original motion:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: Krynicky, Meyer

Absent: None

Upon roll call vote of the amended amendment to the original motion:

Ayes: LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: Krynicky

Absent: None

Upon roll call vote of the original motion as twice amended:

Ayes: LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: None

Abstentions: Krynicky

Absent: None

Shared Service for Recycling Coordinator

Mrs. Krynicky made a motion to approve the request for a shared service agreement with SCMUA for 2013 Recycling Coordinator Services at a cost of \$250.00. Motion seconded by Mr. Lagattuta.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Social Affair Permit – The Rotary Club of Walkill Valley

Mr. Meyer made a motion to approve a Social Affair permit submitted by the Rotary Club of Walkill Valley to hold an event on April 19, 2013 from 6:00 pm to 9:00 pm at the Sussex Fire House, 25 Loomis Avenue, Sussex, NJ 07461. Motion seconded by Mrs. Stendor.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #2

Mrs. Masson 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. Meyer

All were in favor.

Mrs. Katherine Little 27 Clove Avenue stated that both the Board of Health and the 208 meetings were canceled last week due to weather. The Recreation Committee meeting will be held next Tuesday. Mrs. Little made a request to reinstate committee reports as an agenda item because she feels that it is important to have these discussions on the minutes for future generation to review. Mrs. Little offered her services to the Borough to help with the Recycling Report that needs to be filed with the State.

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

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk