

**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 19, 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, Mrs. Annette Stendor, Mayor Jonathan Rose.

Absent: Mr. Edward Meyer

Also present: Borough Attorney Mr. John Ursin Esq. of Schenck, Price, Smith & King, LLP., Mr. Mark Zschack, Municipal Clerk, and William Zuckerman, CFO.

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. Resolution from Fredon Township in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
2. Resolution from Wantage Township demanding ten (10) days credit to be awarded by service electric cable TV and communications to Wantage township residents for loss of service during Superstorm Sandy.
3. Resolution from Andover Township in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections, amending various parts of the statutory law, supplementing title 19 of the revised statutes and making an appropriation.
4. Resolution from Hampton Township in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
5. Resolution from Walpack Township in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
6. Resolution from the Borough of Hamburg in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
7. Resolution from the Borough of Hamburg opposing Senate Bill 2511 amendments to the Open Public Meetings Act.
8. Resolution from Hardyston Township in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
9. Resolution from Hardyston Township demanding ten (10) days credit to be awarded by service electric cable TV and communications to Hardyston Township residents for loss of service during Superstorm Sandy.
10. Resolution from Branchville Borough in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
11. Resolution from the Township of Byram in opposition of the proposed legislation A-3553 establishing an early voting process for certain elections.
12. Letter dated February 28, 2013 from Patti Van Engelen to the Mayor and Council in regards to her water sewer account for 1 Second Street.

13. Letter dated March 5, 2013 from Keith Lillis to the Mayor and Council regarding his water sewer account for 2 Clove Avenue Sussex.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department report for the month of February 2013.
2. Tax Collector Report for the month of February 2013.
3. Municipal Clerk's report for the month of February 2013.
4. Water/Sewer Collector's report for the month of February 2013.
5. Zoning Department report for the month of February 2013.
6. Property Maintenance Department for the month of February 2013.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for the use of Brookside Park from High Point Hawks Football for the dates of July 1st through December 31st.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 19, 2013

Mrs. Masson made a motion to accept the consent agenda of March 19, 2013. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

OPEN PUBLIC SESSION #1

Mr. Lagattuta 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.

There being no one 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.

ADMINISTRATORS REPORT

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

John Ruschke and I attended a NJDOT interoffice meeting concerning the Route 23 Realignment Project on March 15th. During the meeting we stated the Borough appreciates being invited to this meeting and requested that the Borough be kept in the loop for all stages of the project. DOT officials assured us that there will be strong lines of communication throughout the life of the project with the Borough. A Pre-construction Public Information Meeting concerning the Route 23 Realignment Project will be held April 17th from 6pm – 8pm at the Sussex Municipal Building or the Sussex Firehouse. Once this location is determined it will be advertised and posted.

The NJDEP scheduled a meeting on March 15th at the water treatment plant. In attendance were three DEP officials, Mike Furrey, Russell Tierney, John Ruschke, Mayor Rose, Councilwoman Masson, Councilwoman Stendor, and I. The main focus of their inspection appeared to be a review of records during United Water's tenure. The overall tone was that the DEP is satisfied with the current procedures and operations currently at the plant.

The RFP's for the operation of the Borough water and sewer utilities were emailed to 13 possible bidders. Tomorrow there is a mailing planned to all T-4 water operators within the State informing them if interested a RFP could be requested. The deadline for submission is before April 29th. Once all RFP's are received they will be reviewed to determine the best scenario that works for the Borough.

A Bulk Waste Collection Program is scheduled for May 8th & 9th 2013. The registration form should be completed this week. This registration form will be posted on the website, as well as the dates of the event, on the sign in front of the Municipal Building. A mass mailing of this form will occur approximately three weeks prior to the collection days.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on February 19, 2013. Motion seconded by Mrs. Krynicky

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

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on March 5, 2013. Motion seconded by Mr. Lagattuta

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

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Budget Workshop Meeting held on March 13, 2013. Motion seconded by Mrs. Masson

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

Resolution 2013-49R - Waiver of Reading 2013 Budget

Mr. Lagattuta made a motion to waive the reading in full, of the Municipal Budget for the year ending December 31, 2013. Motion seconded by Mr. LaBar

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

Resolution 2013-50R - Authorizing Participation in Self Examination of 2013 Budget

Mr. LaBar made a motion to authorize the participation in self examination of the 2013 budget. Motion seconded by Mrs. Krynicky

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

Resolution 2013-51R - Introduction of the 2013 Municipal Budget

Mrs. Masson made a motion to adopt a resolution introducing the FY 2013 Municipal Budget for the Borough of Sussex. Motion seconded by Mr. Lagattuta

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

Resolution 2013-52R - Fire Department Roadside Collection

Mr. LaBar made a motion to adopt a resolution approving a roadside collection for the Sussex Fire Department on NJSH Route 23 near the intersection of Brookside Avenue on May 25, 26, 27, 2013, July 5, 6, 7, 2013, and August 31, 2013 September 2, 3, 2013 conditioned on approval from the NJDOT. Motion seconded by Mrs. Stendor

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

Resolution 2013-54R – Opposing Bills S-2364 and A-3553

Mr. LaBar made a motion to adopt a resolution “OPPOSING SENATE BILL S-2364 AND ASSEMBLY BILL A-3553 WHICH PROPOSE TO EXPAND THE OPPORTUNITIES FOR REGISTERED VOTERS TO CAST THEIR BALLOTS AT AN ELECTION WITH THE STATE OF NEW JERSEY” Motion seconded by Mrs. Masson

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

Resolution 2013-55R – Opposing Senate Bill S-2511

Mr. Lagattuta made a motion to adopt a resolution “OPPOSING SENATE BILL S-2511, AMENDMENTS TO THE OPEN PUBLIC MEETING ACT”. Motion seconded by Mr. LaBar

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

Resolution 2013-56R – Bond Council

Mr. LaBar made a motion to adopt a resolution appointing Mr. John Cantalupo Esq., of the firm Wilentz, Goldman & Spitzer PA as Sussex Borough Bond Counsel for the year 2013. Motion seconded by Mrs. Masson

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

Resolution 2013-57R - Honoring Eagle Scout

Mrs. Masson made a motion to adopt a resolution congratulating Daniel Bell for achieving the rank of Eagle Scout as a member of Boy Scout Troop 84. Motion seconded by Mr. Lagattuta

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

Introduction Ordinance 2013-01 – Establish a Cap Bank

Mr. Lagattuta made a motion to adopt an ordinance entitled “ORDINANCE TO EXCEED THE 2013 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) “. Motion seconded by Mrs. Masson

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

Mayor Rose stated that the Final Reading of this Ordinance is April 2, 2013.

Sussex – Wantage Little League Parade

Mrs. Krynicky made a motion to approve a request from the Sussex-Wantage Little League to hold its annual opening day parade on Saturday, April 13, 2013 (with a rain date of Sunday April 14, 2013,) beginning at 11:00 am, conditioned on approval from the County and the State. Motion seconded by Mrs. Stendor

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

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 May 18, 2013. Motion seconded by Mr. Lagattuta

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

Borough wide Trash and Recycling Service

Mr. Lagattuta made a motion to direct the Borough Attorney to draft an ordinance placing a nonbinding referendum on the November 2013 General Election ballot for Borough wide trash and recycling service. Motion seconded by Mrs. Krynicky

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

Discussion

At this time a discussion will take place concerning a Recommendation Regarding the Designation of a Proposed Area in Need of Rehabilitation known as The Route 23 Rehabilitation Area and referral to the Land Use Board.

Mrs. Krynicky made a motion to
Motion seconded by Mr. LaBar

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

Authorizing Participation in the Enough Abuse Campaign

Mrs. Krynicky made a motion to authorize the Mayor and Clerk to enter into an agreement with Project Self Sufficiency to participate in the Enough Abuse Campaign. Motion seconded by Mr. LaBar

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

OPEN PUBLIC SESSION #2

Mr. LaBar 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 Mrs. Masson
All were in favor.

Mrs. Katherine Little 27 Clove Avenue

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 Mr. Lagattuta
All were in favor.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. LaBar made a motion to adjourn into closed executive session to discuss attorney client privilege to discuss the previous contract with United Water. Motion seconded by Mrs. Masson

Upon roll call vote:
Ayes: Krynicky, LaBar, Masson, Stendor

Nays: None
Abstentions: Lagattuta
Absent: Meyer

Mr. Lagatutta recused himself from executive session do to a conflict and did not return to the dais after executive session.

After meeting in closed session, the Governing Body returned to their seats at 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
All were in favor.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mrs. Krynicky made a motion to adjourn the meeting. Motion seconded by Mrs. Stendor
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk