

**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  
April 16, 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. 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."

**PRESENTATIONS:**

Mayor Rose presented a Certificate of Participation to Alison Masson for representing Sussex Borough in the Louis Bay 2<sup>nd</sup> Future Municipal Leaders Scholarship Competition. Unfortunately Alison could not attend the meeting as a result Mayor Rose presented the certificate to her mother Councilwoman Linda Masson.

**Adoption 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 Mr. LaBar

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2013-01.

There being no one present who wished to address the Governing Body, Mayor Rose closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

**CY 2012 Municipal Budget**

Tom Ferry, Municipal Auditor and CFO Darren Maloney presented an update to the public and Council on the CY 2013 Municipal Budget. A 2013 Budget Synopsis Summary was presented to the Mayor and Council and then reviewed by Tom Ferry.

**Public Hearing on CY 2013 Municipal Budget**

Mayor Rose opened the meeting to the public for any questions or concerns regarding the CY 2013 Municipal Budget.

Mr. Jesse Wolosky 1 Vista Drive Sparta, NJ asked if other topic besides the budget can be discussed at this time. Mayor Rose stated that there is an open session toward the end of the meeting to discuss items that are not listed on the agenda.

There being no one else present who wished to address the Governing Body, Mayor Rose closed the meeting to the public and returned to the regular order of business.

**Resolution 2013-65R - Adoption CY 2013 Municipal Budget**

Mr. LaBar made a motion to adopt a resolution adopting the CY 2013 Municipal Budget for the Borough of Sussex. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

**COUNCIL MOTIONS:** Mayor Rose opened the floor to each member of the Council to offer any motions not currently on the agenda.

Mrs. Masson made a motion to cancel the June 4, 2013 Mayor and Council meeting and reschedule it to June 5, 2013. Motion seconded by Mrs. Krynicky

Mayor Rose stated that two Council members have a conflict because they are poll workers and would miss the meeting on June 4<sup>th</sup>.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

Mrs. Krynicky made a motion to invite Saint Clare's Hospital EMS to give a presentation May 7<sup>th</sup> on their proposal to offer EMS services to Sussex Borough and invite the officers of the Sussex Fire Department to give a presentation May 21<sup>st</sup> on their proposal to continue EMS services.

Motion seconded by Mrs. Masson

Mr. LaBar stated that he feels that the invite is premature because the Committee researching this issue has not reviewed data supplied to them and no recommendation from the Committee has been rendered. Mrs. Krynicky stated that she feels that this issue has stalled for too long and it is time to present options to the Council as a whole. There could be a cost saving to the Borough and both sides of the issue should be heard by the Council.

Upon roll call vote:

Ayes: Krynicky, Lagattuta, Masson, Stendor

Nays: LaBar

Abstentions: None

Absent: Meyer

**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 the Sussex County Board of Chosen Freeholders Authorizing Revisions to the Sussex County Open Space Program Rules and Regulations.
2. Letter dated March 11, 2013 from Fred Brody of Cross River Fiber to Mark Zschack requesting municipal consent to use the public right of way to attach or install telecommunications fiber optic cable.
3. Letter dated April 7, 2013 from Michael Furrey of Agra to Mark Zschack in regards to the Water Treatment Plant update, recommendations and current conditions.

4. Letter dated April 9, 2013 from Michael Furrey of Agra to Mark Zschack in regards to the Sussex Water Treatment Plant Update, recommendations and current conditions.
5. Letter dated April 1, 2013 from Martin C. Cabalar of Becker & Poliakoff, LLP to Mark Zschack in regards to Clove Hill Manor Homeowners Association Demand for Payment for Non-Existent Leak Repair.

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

1. Construction Department report for the month of March 2013.
2. Tax Collector Report for the month of March 2013.
3. Municipal Clerk's report for the month of March 2013.
4. Water/Sewer Collector's report for the month of March 2013.
5. Zoning Department report for the month of March 2013.
6. Property Maintenance Department report for the month of March 2013.
7. Delinquent Utility Report as of April 12, 2013.

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

1. Application for Blue light permit from Donald J. Hough.
2. Application for a Blue light permit from Stephen Funnell.

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

1. Payment of bills for the meeting of April 16, 2013

Mrs. Masson made a motion to accept the consent agenda of April 16, 2013. Motion seconded by Mrs. Krynicky

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. Krynicky  
All were in favor.

There being no one present who wished to address the Governing Body, Mrs. Masson made a motion to close the meeting to the public. Motion seconded by Mr. Lagattuta  
All were in favor.

**ADMINISTRATORS REPORT**

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

The Borough will conduct a residential bulky waste collection program on May 8<sup>th</sup> & 9<sup>th</sup>. Applications are in the mail to all residential properties within the Borough. There is a \$50.00 fee per property with a weight limit of 750 pounds which includes one large appliance or piece of furniture.

The Borough has received 10 tax appeals to date. Due to the revaluation this year residents have until May 1<sup>st</sup> to file an appeal.

We have started to sell water wholesale to a pool filling company starting last Friday. The DPW set up a hydrant with a meter so this company can obtain water after 3pm. The State Police were called twice with reports that water was being taken and they responded to question the driver. It is nice to know that the residents of the Borough are watching and also that the State Police are responding.

There have been a total of 5 companies that have already toured the sewer pump station and water treatment plant with 2 more tours scheduled next week.

The decant control panel has been relocated inside the water treatment plant this will mitigate any of the electrical problems that we have been experiencing with this system.

Colesville Volunteer Fire Department is sponsoring its annual MOTHERS DAY BREAKFAST on May 12, 2013 at their Firehouse located on Route 23 \$10.00 for adults and \$5.00 for children 6-12 yrs Serving from 7am till 11am.

The Water treatment has experienced high water flows for the past six days which has caused very high turbidity levels. The DPW started to inspect the system last Friday and today found the leak in the swamp behind Fireman Dan's on Route 23. Water service was interrupted to four homes from about 1pm until 3:30pm when the leak was repaired by DPW. The interim operator is experiencing problems with decant pump which was damaged by concrete debris in the tank. At this time there is only one pump where there should be two. We do not know where the other pump is located so an additional must be purchased. This situation is also contributing to the high turbidity levels.

The Public Information Meeting concerning the Route 23 Realignment Project will be held tomorrow night from 6pm to 8pm at the Sussex Firehouse. A notice was sent stating the Borough Council and /or Land Use Board might attend creating a quorum but no action will be taken.

### **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 Regular Meeting held on April 2, 2013. Motion seconded by Mrs. Stendor

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

#### **Resolution 2013-53R – Designation of Rehabilitation Zone**

Mrs. Krynicky made a motion to adopt a resolution Designating Certain Property within the Borough as an Area in Need of Rehabilitation. Motion seconded by Mrs. Masson

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

**Resolution 2013-66R - Rescind Resolution 2013-56R**

Mr. LaBar made a motion to adopt a resolution rescinding resolution 2013-56R 'RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR MUNICIPAL BOND COUNSEL' Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

**Resolution 2013-67R – Bond Counsel**

Mr. LaBar made a motion to adopt a resolution appointing Mr. Robert Beinfield, Esq., of the firm Hawkins, Delafield & Wood, LLP 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 2013-68R – Water/Sewer Adjustment**

Mrs. Stendor made a motion to adopt a resolution approving water/sewer adjustment for the second quarter 2013. Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

**Introduction Ordinance 2013-02 – Salary Ordinance**

Mr. Lagattuta made a motion to introduce an ordinance entitled "ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF SUSSEX" Motion seconded by Mrs. Krynicky

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

Mayor Rose stated that the Final Reading of Ordinance 2013-02 is scheduled for May 7, 2013.

**Introduction Ordinance 2013-03 – Utilization of Public Rights-of-Way**

Mr. LaBar made a motion to introduce an ordinance entitled "AN ORDINANCE CONSENTING TO THE PETITION OF CROSS RIVER FIBER, LLC, CROSS RIVER FIBER, INC. D/B/A CROSS RIVER FIBER NJ INC. TO UTILIZE THE BOROUGH'S RIGHTS-OF-WAY WITHIN THE BOROUGH OF SUSSEX, AND AUTHORIZING THE AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF SAME" Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Meyer

Mayor Rose stated that the Final Reading of Ordinance 2013-03 is scheduled for May 7, 2013.

**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.

Mr. Jesse Wolosky 1 Vista Drive Sparta, NJ stated that he has two separate issues to discuss tonight. The first was his surprise to read in the newspaper that he requested two liens be assigned to his company. Mr. Wolosky stated that he found out that he can pay a reduced price for these liens and will not offer the full amounts to the Borough. Normally the tax collector takes care of the assignment but in Sussex Borough for some reason the Borough Attorney is handling this assignment. Mr. Wolosky thought it was a bad idea for the Borough to report the assignment to the newspaper. Mr. Ursin stated that the Borough does not control what is reported in the newspaper that the request was discussed at an open public meeting.

Mr. Wolosky updated the Council about a current lien that his company holds and the issue that is taking place with the first lien holder. Mr. Ursin presented a brief overview of this situation and stated that the Borough will take no action on this matter. Mr. Wolosky requested that the Council direct the Borough Attorney to allow the Tax Collector to sign the document.

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**

No executive session was requested.

**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.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk