

**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
August 20, 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, Mayor Jonathan Rose.

Absent: Mrs. Annette Stendor

Mrs. Stendor joined the meeting at 7:33pm.

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:

Borough Attorney Mr. John Ursin Esq. presented an update on NJDOT vs. Sussex Inn, Inc., et al. Mr. Ursin explained that the Borough holds a tax lien on the Sussex Inn. The Sussex Inn is a party to a condemnation case to the NJDOT where property was taken for the Route 23 realignment. A motion has been filed in the DOT case that will reimburse the Borough for the amount of the lien. The court date for this case is scheduled for mid September. The condemnation proceedings are over and the money has been deposited with the court. The amount of money that was deposited is more than enough to cover the amount of the lien. The money will come directly from the State to the Borough.

Mrs. Masson asked for the definition of condemnation.

Mr. Ursin explained that whenever the government needs land, in this case for highway realignment. The State goes through a process within the court system of taking the land, with compensation to the owner.

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

Mrs. Krynicky stated that she does not have a motion but does have a question. "Did you consult anybody before going to the newspaper for the article this past Sunday?"

Mayor Rose answered no.

Mrs. Krynicky stated that it is up to the council to raise water rates 10 to 15 percent.

Mrs. Masson made a motion to reschedule the November 19, 2013 Mayor and Council meeting to November 26, 2013 at 7:30pm. Motion seconded by Mr. Lagattuta. Possible other dates were discussed among the Council.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

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

Mr. Meyer offered no report at this time.

Mr. Lagattuta stated that the Land Use Board will be moving the meeting dates from the first Thursday to the fourth Monday of the month starting in September.

Mrs. Krynicky stated that the Recreation Committee is now discussing the Halloween Fest. Mrs. Krynicky stated that she was shocked at the article in the newspaper about a possible 15 percent increase in the water and sewer rates. Instead of scaring the Borough residents about an increase the Mayor should have consulted with the Council concerning his comments.

Mr. LaBar offered no report at this time.

Mrs. Stendor offered no report at this time.

Mrs. Masson stated that she attended the SCMUA meeting on August 7th and they discussed a hardship fee for connections in Vernon. They discussed giving residents five years to pay a connection fee in installments. On July 25th the Rehabilitation Committee met and issued an outline of what will be included in the plan. Since then the first draft of the plan was issued to the committee for review with a meeting scheduled for next week.

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.

Mrs. Masson made a motion to accept the consent agenda of August 20, 2013 with the removal of item number 3 under correspondence. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

After a brief discussion concerning item number 3 under correspondence Mr. Lagattuta made a motion to accept said letter.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #1

Mr. LaBar 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. Robert Holowach 41 Lakeview Terrace stated that the current ordinance does not allow the Borough to permanently shut off water only to interrupt service. If this is a collection tool the Borough should target customers with high balances. Water and sewer in the Borough is an absolute disaster. There was an attempt to sell the utility and due to procedural issues the bid was not accepted. The sale needs to be considered because it is an albatross with no way out. The water rates must be equalized before any increase should be considered so everyone pays their share.

Mr. Lagattuta stated that nobody is talking about pushing up water rates right now. Also the study to rebalance the rates is moving forward. The Council had to wait for information from the revaluation to make sure correct data is used to calculate any new rates.

Mr. Meyer stated that the current ordinance does not mention an amount owed to allow for a discontinuance of water. The time frame is more important than the amount due.

Mr. Frank Ambrose 1 Roy Court stated that he owes money and is making monthly payment. That changing the current ordinance could make it more difficult for him as well as other residents.

Mr. Bruce Youngling of Deliverance House Ministries 41 Route 23 Franklin, NJ stated that he is here concerning the request from Deliverance House Ministries to utilize Deckertown Commons. Deliverance House Ministries has helped the people of Sussex by supplying food, clothing, temporary housing and fixing vehicles for residents that can not afford it. This event is to further reach out to the residents by supplying a fun afternoon with entertainment and food.

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.

ADMINISTRATORS REPORT

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

On August 8th Harold Pellow submitted the plans to the State for the Willow Street Section II Improvement Project. This improvement includes a new road surface, curbs and drainage for the lower half of the street. If the plans are approved by the State construction is scheduled to take place sometime in 2014.

The lock for the gate to Lake Rutherford was cut off by the Park Police on August 12th. Someone with a key did not lock the gate behind them and an unauthorized vehicle entered. The gate was locked when the first vehicle exited trapping the unauthorized vehicle. Park Police were called and needed to cut our lock to allow this vehicle to leave. The Police did issue a summons to the unauthorized vehicle. A new lock was purchased with the same key and should be installed tomorrow.

We have been in contact with Elizabethtown Gas to extend their gas main on Walling Avenue past Brookside Avenue to better serve the newly created Rehabilitation Zone. If this main is extended, the Borough will attempt to secure easements to extend gas service to the Borough DPW garage.

On July 29th the Borough received a letter from NJDEP concerning the Lake Rutherford and Colesville dams. There are some timelines mentioned in said letter that must be met. We are in the process of scheduling a meeting with Mike Vreeland to produce a plan of action to satisfy the DEP.

I would like to offer my congratulations and best wishes to Sean Boyle our part time Clean Communities employee who was accepted into a Master's program. Unfortunately for the Borough this means Sean can no longer work. We have contacted other applicants to see if they are available to fill this position but have not received a response.

The Borough was party to a conference call involving NJDEP, Water Operator and Water/Sewer Engineer on August 16th with a second conference call scheduled for September 4th. Unfortunately I was not able to attend but topic of discussions included bag filtration system, firm capacity, Borough owned dams and Mike Furrey's August 3rd Update, Recommendations and Current Conditions report.

OLD BUSINESS

Use of Borough Facilities

Mr. LaBar made a motion to approve the request from United Way of Northern New Jersey to use the Council Meeting room on September 17, 2013 from 9am until 7:30pm. Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Discussion

At this time a discussion took place concerning the procedure of delinquent water and sewer accounts. A packet containing more information on the current procedure was previously distributed to the Council. This information as well as the current ordinance were review and discussed in length by the Mayor and Council. The consensus of the Council was to revisit this issue after the current rate study is completed and to continue the current methodology in place.

NEW BUSINESS

Approval of Meeting Minutes

Mrs. Masson made a motion to approve the meeting minutes of the Regular Meeting held on July 16, 2013. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Approval of Expenditures for the N. J. State League of Municipalities Convention

Mrs. Krynicky made a motion to approve the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Convention to be held in Atlantic City November 19, 20, 21, 2013. Eligible to attend are the Mayor, Councilmembers, and full time employees. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Request for Community Outreach Program

Mr. LaBar made a motion to approve the request from Bruce Youngling of Deliverance House Ministries to hold a free community outreach program in Deckertown Commons on September 21, 2013 from 1:00pm to 6:00pm. Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Water & Sewer Rate Study

Mrs. Krynicky made a motion to approve Toni Smith, Water/Sewer Collector to receive an \$800.00 stipend to perform additional work to complete the water/sewer rate study. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Request to Hang Purple Ribbons

Mr. LaBar made a motion to approve a request from DASI to hang purple ribbons at various locations around the Borough for the month of October 2013 in observance of National Domestic Violence Awareness Month. Motion seconded by Mr. Meyer

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Meyer, Stendor

Nays: Krynicky

Abstentions: None

Absent: None

Resolution 2013-94R – Walling Avenue Parking Lot Agreement

Mr. LaBar made a motion to adopt a resolution authorizing the Mayor and Clerk to enter into an agreement with Franklin Sussex Reality, LLC for the rental of fourteen (14) parking spaces at \$250 per space per year for a total of \$3,500. Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-95R – Issuance of Special Emergency Notes

Mr. Meyer made a motion to adopt a resolution authorizing the issuance of not exceeding \$80,000 special emergency notes of the Borough of Sussex. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-96R – Compliance Procedures

Mr. LaBar made a motion to adopt a resolution establishing procedures to monitor and insure compliance with federal tax law requirements with respect to tax-exempt debt of the Borough. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-97R – Water / Sewer Adjustment

Mr. LaBar made a motion to adopt a resolution approving a water/sewer adjustment for account # 2600 Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-98R – Appointing Clean Communities Coordinator

Mr. LaBar made a motion to adopt a resolution appointing Mark Zschack as the Clean Communities Coordinator for the Borough of Sussex for 2013. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-99R - Fire Department Ladies Auxiliary Roadside Collection

Mr. LaBar made a motion to adopt a resolution approving a roadside collection for the Sussex Fire Department Ladies Auxiliary on NJSH Route 23 near the intersection of Brookside Avenue on September 21, 22, 2013 from 9:00am to 6:00pm. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-100R – Water/Sewer Adjustment

Mr. Lagattuta made a motion to adopt a resolution approving a water/sewer adjustment for account # 2706 Motion seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-101R – Water/Sewer Adjustment

Mr. LaBar made a motion to adopt a resolution granting the homeowners request for the removal of \$1,054.99 from Water/Sewer Account # 5175. Motion seconded by Mrs. Stendor

Mrs. Masson made a motion to open the meeting to the public.

Motion seconded by Mr. LaBar

All were in favor.

Mr. Edward Garrera 17 Loomis Avenue gave an overview of a July 10, 2013 letter submitted to the Mayor and Council. This correspondence describes how he received water and sewer bills that were very high compared to previous usage. Mr. Garrera stated that he could not understand how with only one unit rented, to a single individual the usage could be this high. Mr. Garrera stated that a new meter was installed and one quarter later the usage still shot up way above the normal usage to 55,000 gallons.

Mr. Zschack stated that this account was adjusted from about 55,000 gallons to approximately 35,000 gallons due to an erroneous reading.

Mrs. Krynicky asked if this is a multi family house.

Mrs. Bonnie Garrera 120 Main Street stated that for most of the quarter there was only one unit rented.

Mr. Garrera stated that he had a plumber check for leaks and none were found.

Mr. Zschack stated that the DPW supervisor also was involved and could find no explanation for the high usage.

Mayor Rose stated that two different meters both had problems.

Mr. LaBar stated that this house used to be part of the bowling alley and questions if a water line still exists, that runs to Farmside next door.

Mr. Lagattuta made a motion to close the meeting to the public.

Motion seconded by Mrs. Masson

All were in favor.

Mrs. Krynicky stated that an incorrect account number is listed on the agenda.

Mr. Lagattuta made a motion to amend the original motion to correct the account number to 970 from 5175. Motion seconded by Mr. LaBar

All were in favor.

Discussion continued concerning the possibility of this property being connected to the adjoining building.

Upon roll call vote of the original motion as amended:

Ayes: LaBar, Stendor

Nays: Krynicky, Lagattuta, Masson, Meyer

Abstentions: None

Absent: None

Resolution 2013-102R – Approval of Grant Application

Mr. LaBar made a motion to adopt a resolution to submit a grant application to the New Jersey Department of Transportation for improvements to Overlook Drive within the Borough of Sussex. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2013-103R – Appointing Special Project Engineer

Mr. LaBar made a motion to adopt a resolution appointing Sabine Watson, P.E., C.M.E., of the firm CP Engineers, LLC as special Project Engineer to oversee the replacement and/or adjustment of existing water and sewer facilities within the NJDOT Route 23 Sussex Bypass and Papakating Creek Bridge Utility Project. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution #2013-82R - Liquor License Renewals

Mr. LaBar made a motion to approve the renewal of the following liquor license for the license period July 1, 2013 through June 30, 2014. Motion seconded by Mrs. Krynicky

SUSSEX INN INC., T/A SUSSEX INN

9Main Street, Sussex, NJ 07461

License # 1921-33-004-004

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

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 Mr. Meyer
All were in favor.

Mrs. Katherine Little 27 Clove Avenue asked where the title "NJDOT Route 23 Sussex Bypass and Papakating Creek Bridge Utility Project" originated from in the earlier motion.

Mr. Zschack stated that this is the title on the utility agreement between the Borough and DOT.

Mrs. Little stated that the correct title was supposed to be referred to as a realignment project not bypass.

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. Meyer made a motion to adjourn into closed executive session for attorney client privilege to discuss the previous contract with United Water. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson, Meyer, Stendor

Nays: None

Abstentions: None

Absent: Lagattuta

Mr. Lagattuta recused himself from executive session due to a conflict.

After meeting in closed session, the Governing Body returned to their seats at 9:25p.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. Krynicky
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 Mr. Lagattuta
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk