

**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
NOVEMBER 6, 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: Mr. Bruce LaBar, Mr. Salvatore Lagattuta, Mrs. Linda Masson, Mrs. Annette Stendor, Mayor Jonathan Rose.

Absent: Mrs. Marina Krynicky, Mr. Edward Meyer

Also present: Borough Attorney Mr. John Ursin Esq. of Schenck, Price, Smith & King, LLP. and Mr. Mark Zschack, Municipal Administrator/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.

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

Mrs. Masson stated "on November 4th the Public Works Committee met and Sal will give the report on that. Earlier today I attended the SCUMA regular meeting which led into the hearing for the 2014 rates. Jonathan joined for that. John Hatzelis had given out as part of his presentation an interesting graph which shows the debt service for the participants actually going down in 2015 and then staying steady. I asked if that meant that the rates to the users would be going down. Although John did not like really commit, you would think so basically. God willing and the creek don't rise."

Mrs. Stendor offered no report at this time.

Mr. John Ursin stated that the motion hearing to distribute the money in respect to the Sussex Inn and the Borough's water/sewer and tax liens are scheduled for December 6, 2013. There has been no indication from the court that this is the final adjournment. The court has indicated that on December 6th oral arguments will be presented.

Mrs. Masson stated "can I ask some questions about that? The liens with regard to the liens now water and sewer and taxes that amount for the Sussex Inn increases every day. How is that addressed in the lien?"

Mr. John Ursin stated that there is two separate parts to it. One is the lien that's recorded on the property grows every day because of the interest. The last time the motion hearing was scheduled the Tax and Water/Sewer Collector prepared an updated amount. Now that it's being moved a month back I anticipate that an updated amount will be submitted.

Mrs. Masson asked "so that as of the date of this decision that will be the most current information that is owed."

Mr. Ursin stated "yes but what that won't capture is anything that is on this year's ledger because that has not gotten to the point of lien yet."

Mrs. Masson stated "that is weird, so how do we recoup that?"

Mr. Ursin stated at the time of the next tax sale. There maybe none I do not know that. When a tax sale amount is sold it's that amount plus the interest. So theoretically if somebody does not pay their taxes or water/sewer bill the following year the lien holder has the option of paying that so they remain as the primary lien holder. If it goes unpaid it goes up for tax sale a subsequent year. That's why in many scenarios where there is a financial issue you will see a tax lien for 2007, 2008, 2009 they get sold one each year.

Mrs. Masson stated "he can not pay anything while we have a lien on the property. He can not pay taxes he can not pay water sewer, the owner.

Mr. Ursin stated no he can.

Mrs. Masson stated "he can"

Mr. Ursin stated that the only limitation that you might be referring to is you can not partially redeem a lien certificate. You could pay to be current or make partial payments against current. There is no mechanism for partially redeeming a lien certificate. So if a lien certificate is \$10,000 you could not make a \$5,000 payment against it you must pay the entire \$10,000.

Mayor Rose stated that this misconception is his fault he was under the impression you could not make partial payments.

Mrs. Masson stated "I just have a question as to whether you are representing any other parties in that hold liens."

Mr. Ursin stated "I am not".

Mrs. Masson asked "no one in this DOT case?"

Mr. Ursin stated "as we are sitting here today I have nothing to do with the DOT case."

Mrs. Masson asked "Have you in the past represented other parties besides?"

Mr. Ursin stated "no"

Mayor Rose stated that what you are asking specifically is if Mr. Ursin is representing any other clients that are involved in this case with the DOT.

Mrs. Masson asked if you representing any of lien holders involved in case of the DOT v. Sussex Inn.

Mr. Ursin stated that I think you are asking about Sussex Bank. Sussex Bank is also a party to that case because they hold a mortgage but Sussex Bank is represented by another lawyer in that case.

Mrs. Masson asked and the fact that you are on the board there is not of concern.

Mr. Ursin stated that no because I'm not involved with the case at all.

Mr. Ursin stated "There was not a big issue as to the priority of the payment of the Borough versus the Sussex Inn and the bank. As we sit here today the land owner the bank and the Borough, I believe, are in complete agreement as to the priorities as to what gets paid first."

Mrs. Masson stated that the bank does not decide that the court decides that.

Mr. Ursin stated that the court decides that but the bank communicated clearly that they believe the Borough gets paid first through their independent attorney.

Mrs. Masson asked even before the Federal Government?

Mr. Ursin stated that he is not aware that the Federal Government has any interest in the case.

Mrs. Masson stated that she thought they did after reviewing the paperwork.

Mr. Ursin stated the federal tax liens are a matter of when they are filed.

Mrs. Masson asked if it goes by time.

Mr. Ursin stated "right certain things have an automatic priority. Municipal liens are always first after that the rest of the priority comes mostly from timing. So if a mortgage is filed next than that has priority. If a federal tax lien gets filed after that than that has priority."

Mrs. Masson asked "what about a divorce settlement"

Mr. Ursin stated "that is a little bit of a wild card."

Mr. LaBar offered no report at this time.

Mr. Lagattuta stated that we had a very informative DPW meeting with Bob Schultz. Bob is very concerned with the infrastructure of the water and sewer on Hamburg Avenue and that we have an opportunity to do something about it that could be less costly to the Borough if we look at doing the work that is needed while the construction of Route 23 is going on. The one thing we discovered that we didn't know about and Mr. LaBar had brought up the issue, is that the State has decided to remove every bit of the old highway and Bob Schultz stated that was one of the biggest hindrances in trying to work on the infrastructure and this could be an excellent opportunity for us to take care of the sewer lines and laterals that are under Hamburg Avenue at the present time and to somehow do it in a coordinated effort by either giving the DOT contractor the supplies and having them do the job or we come in and do the job and coordinate it with them and to do this it is important to find out what the cost might be with different options to do the project. We also spoke about the downtown area. We discussed the replacement of the pavers, lighting and storm drains and what we decided to do was to ask Harold Pellow and/or Ken Nelson to look at the project as a whole and to see what can be done and if there are any grants out there to redo the downtown area. The one thing that we discussed and came to an agreement about was that having the individual owners placed in charge of doing the work would not be completely beneficial for the borough and that it could end up being a hodge podge result of work and if the work is coordinated through the DPW and different ideas of recuperating costs can be explored this can be a very positive effect on the downtown. However, the first step is to ask Ken

Nelson or Harold Pellow to do a study. We discussed the bulk pick up and a tentative date was set for May 6, 2014 and will be operated the same as the last one. The leaf and brush pickup will continue through the end of November. A clean community's worker will be hired in March 2014. We also discussed the Mill Street parking lot and decided to wait until the Route 23 project is completed because the contractor who has his machinery next to the lot may do it in conjunction with that lot.

Mr. Stendor stated that you were talking about reviving Main Street and bringing it back to life again. Would there be the possibility of maybe repaving the road itself.

Mr. Lagattuta stated that this was not discussed.

Mr. LaBar stated that there are too many drainage issues.

Mr. Lagattuta stated not only storm drain issues but concerns of rain water from the gutters. A system to direct roof drains directly into the storm drains and not onto the sidewalks was also discussed.

Mr. Stendor asked if concrete was considered as an option to replace the walkways.

Mr. Lagattuta stated yes it was, and the recommendation of a consultant would be evaluated.

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.

Mr. Lagattuta made a motion to accept the consent agenda of November 6, 2013.

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Krynicky, Meyer

OPEN PUBLIC SESSION #1

Mrs. Masson 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. Stendor

All were in favor.

There being no one 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 next DEP conference call concerning the Sussex Water Treatment Plant and distribution system is scheduled for November 14th. The Borough has made a lot of progress in fulfilling the requests made by the DEP over the past year. Discussion should include Bag Filter, RFP for Valves and Actuators, New Plant Computer, PRV Valve and much more.

Mr. Darren Maloney, CFO & QPA through an interlocal with Vernon Township has submitted his two week notice to Vernon. Mr. Maloney has secured a position with a Morris County Municipality and unfortunately will not be able to continue his services to Sussex. We will be working with Vernon over the next few weeks to determine a plan for the remainder of the contract that expires December 31, 2013.

Drainage and curbs have been installed on the Willow Street Section I Project. Paving is scheduled for this week and early next week with a tentative completion date of November 15th.

New Jersey League of Municipalities will hold the annual convention in Atlantic City from November 19th thru 21st.

As-per Ordinance there is no parking on Borough Streets from 12 Midnight until 6am from November 1st through April 15th.

The next Mayor and Council meeting is scheduled for November 26th at 7:30pm.

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 October 15, 2013. Motion seconded by Mrs. Stendor

After a brief discussion Mrs. Masson made a motion to table the meeting minutes of the Regular Meeting held on October 15, 2013 until the November 26, 2013 meeting. Motion seconded by Mrs. Stendor

Upon roll call vote to table minutes:

Ayes: Lagattuta, Masson, Stendor

Nays: LaBar

Abstentions: None

Absent: Krynicky, Meyer

Approval of Meeting Minutes

Mr. Lagattuta made a motion to approve the meeting minutes of the Special Meeting held on October 21, 2013. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: LaBar, Lagattuta, Stendor

Nays: None

Abstentions: Masson

Absent: Krynicky, Meyer

Resolution 2013-114R – Drug Abuse Municipal Alliance

Mrs. Masson made a motion to adopt a resolution to authorize the submission of a grant extension for the Drug Abuse Municipal Alliance for the Prevention of Alcoholism and Drug Abuse until June 30, 2014. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Krynicky, Meyer

Resolution 2013-115R - Establish a Dedicated Trust by Rider for Uniform Fire Safety Act

Mr. Lagattuta made a motion to adopt a resolution establishing a dedicated trust by rider for uniform fire safety act pursuant to N.J.S.A. 40A:4-39. Motion seconded by Mr. LaBar

After a brief discussion Mr. Lagattuta made a motion to amend the previous motion to state that Resolution 2013-115R replaces Resolution 2013-104R. Motion seconded by Mr. LaBar

All were in favor

Upon roll call vote of original motion as amended:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Krynicky, Meyer

Resolution 2013-116R – Water/Sewer Adjustment

Mr. LaBar made a motion to adopt a resolution approving a water/sewer adjustment for the fourth quarter 2013. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Krynicky, Meyer

Resolution 2013-117R – Recommendation of Award Bag Filter Project

Mr. LaBar made a motion to adopt a resolution awarding the bid for the installation of a brand new bag filter system at the Water Treatment Plant to Spectraserv Inc., 75 Jacobus Avenue, Kearny, NJ 07032 for the amount of \$38,600.00.

Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Krynicky, Meyer

Resolution 2013-118R – Appointment of Special Projects Engineer

Mr. Lagattuta made a motion to adopt a resolution accepting the Mayor's appointment of Michael Vreeland of the firm Guerin & Vreeland Engineering, Inc. as special Projects Engineer to oversee the installation of a bag filtration system at the Sussex Water Treatment Plant.

Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Krynicky, Meyer

Resolution 2013-119R – Appointment of Special Review Counsel

Mr. LaBar made a motion to adopt a resolution accepting the Mayor's appointment of Thomas P. Fischer of the firm Broscious, Fischer & Zaiter, 43 Broad Street, Washington NJ 07882 as Special Review Counsel. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: LaBar, Lagattuta, Mayor Rose

Nays: Masson, Stendor

Abstentions: None

Absent: Krynicky, Meyer

Introduction Ordinance 2013-06 – Route 23 Redevelopment Plan

Mr. Lagattuta made a motion to introduce an ordinance entitled "ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING

ROUTE 23 REDEVELOPMENT PLAN PREPARED BY THE NELSON CONSULTING GROUP”
Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: LaBar, Masson,

Nays: None

Abstentions: Lagattuta, Stendor

Absent: Krynicky, Meyer

Mayor Rose stated that the Final Reading of this Ordinance is November 26, 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.

There being no one 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

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 Mr. LaBar
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk