

**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
January 21, 2014**

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: Mrs. Georgeanna Stoll

Also present: Borough Attorney Mr. Frank McGovern, Esq. of McGovern and Roseman, P.A. 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."

Mayor Rose stated that there is an amendment to tonight's agenda and item 4 Resolution 2014-32R – Borough Special Attorney has been removed from the agenda.

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.

Mr. Lagattuta offered no report at this time.

Mr. LaBar offered no report at this time.

Mrs. Krynicky offered no report at this time.

Mrs. Masson reported that on December 18, 2013 I attended the SCMUA meeting and the only thing really pertinent to Sussex Borough is that SCMUA was doing their final year end billing and Sussex Borough was billed an additional \$60,401.00. We had a public works meeting on January 8th and we were discussing the water meter problems. We only have 8 water meters left of the type we had purchased previously as of that meeting we needed to replace two. We were talking about short term solutions to the problem and decided to use the meters Hardyston has in stock however we wouldn't need to purchase a reader as we can use the reader Hardyston already has. We are doing about 100 manual reads in the town and it's a problem. Hydrants, the EPA requires that we be in compliance with regards to the lead parts in hydrants and water meters and fitting in lines. Therefore, any repairs to hydrants require a new hydrant which costs approximately \$2,500. The DOT had kicked back bills of ours regarding the Route 23 project because we hit our max of \$45,000.

Mrs. Stendor offered no report at this time as what she was going to report is already in the administrator's report.

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. Letter dated November 21, 2013 from Thomas J. Molica, Esq. to Alice Brees in regards to Block 7 Lots 12 and 13.02 in Wantage Township for a proposed wastewater management plan amendment to the Wantage Township Plan.
2. Letter dated November 21, 2013 from Thomas J. Molica, Esq. to Alice Brees in regards to Block 11 Lot 5 and Block 10 and Lot 10.01 in Wantage Township for a proposed wastewater management plan amendment to the Wantage Township Plan.
3. Letter dated December 4, 2013 from Rick VanderPloeg, Chief of Sussex Fire Department to Mayor Rose regarding the fire departments 2014 budget request.
4. Letter dated December 12, 2013 from Harold Pellow to Mark Zschack regarding Willow Street Drainage.
5. Letter dated December 18, 2013 from Alice Brees to Thomas Collins, Esq. in regards to the future wastewater plan amendments with proposed SCMUA sewer service Route 23 Wantage Township.
6. Memo dated December 30, 2013 from Wayne McCabe, Sussex County Historian to the Municipal Clerk requesting information for the Borough's Municipal Historian.
7. Letter dated January 3, 2014 from Mark Zschack to Reenee Casapulla requesting the services of the County Recycling Coordinator for the 2013 Recycling Tonnage Report.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for the month of December 2013.
2. Municipal Clerk's report for the month of December 2013.
3. Water Sewer Collector report for the month of December 2013.
4. Zoning Permit report for the month of December 2013.
5. Construction Department report for the month of December 2013.
6. Sussex County Water Quality Management Minutes from November 14, 2013.
7. Delinquent Utility Properties Report as of January 17, 2014.
8. Unpaid Utility Properties Report as of January 17, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Association Membership application for Michael Mahouchick.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of January 21, 2014

Mrs. Masson made a motion to accept the consent agenda of January 21, 2014 removing item number seven under correspondence. Motion seconded by Mrs. Stendor

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Mrs. Masson made a motion to accept item number seven under correspondence on the consent agenda of January 21, 2014. Motion seconded by Mrs. Stendor.

Discussion ensued regarding the services for Certified Recycling Coordinator.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

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 Mr. LaBar
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;

Harold Pellow has commented on the request from Ana and David Russell concerning the drainage that traverses through their property. This letter was included on the Consent Agenda. If the Council has no objection we will draft a letter to the Russells stating that the Borough will not take any action.

As of January 1, 2014 the EPA has prohibited the installation of fire hydrants containing lead. This decision will have an impact on the Borough's Water and Sewer utility. The proposal is unclear about when the hydrant would need to be replaced either immediately or through a retrofit plan. Bob Schultz will monitor how this new regulation will affect Sussex Borough.

Beginning February 1, 2014 Saint Clare's Sussex Emergency Department will be open from 8am until 11pm only.

Sussex Fire Department Auxiliary will hold a soup and sandwich social from 4 to 8pm this Friday at the Sussex firehouse.

Efforts have advanced to clarify the status of volunteers under the Affordable Care Act. On December 10, Representative Lou Barletta and Senator Mark Warner introduced legislation clarifying that 'qualified emergency services volunteers' will not be counted as employees under the Affordable Care Act (ACA). If enacted, this would mean that fire and EMS agencies would not be required to offer volunteer personnel health insurance, even if they receive other nominal benefits.

The Sussex County Water Quality Management PAC held a meeting on January 9, 2014. Representing Sussex Borough was liaison Councilwoman Stendor, Mayor Rose, Councilwoman Masson and I. Attorney Thomas Molika and engineer Owen Dykstra gave an informal presentation concerning the Wantage Plaza shopping center and the Bicsak Brothers property, both located on Route 23 in Wantage. As explained by Mr. Molika and Mr. Dykstra, Wantage Plaza would like to connect to the Borough's sewer main as soon as possible. Alice Brees, Principal Planner for Sussex County will spearhead a meeting with representatives from Sussex, Wantage, SCMUA and others to help secure this possible connection. The Bicsak property is in the planning stages but a connection is possible in the near future. Mayor Rose spoke to the Committee and stated that Sussex Borough is very interested in pursuing both of these connections. Over the next few weeks we will confirm the process and develop a timeline.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Lagattuta made a motion to approve the meeting minutes of the Regular Meeting held on December 17, 2013. Motion seconded by Mr. LaBar

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

Approval of Meeting Minutes

Mrs. Krynicky made a motion to approve the meeting minutes of the Reorganization Meeting held on January 7, 2014. Motion seconded by Mr. Lagattuta

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

Resolution 2014-31R – Issuance of \$197,187 Bond Anticipation Notes

Mr. LaBar made a motion to adopt a resolution authorizing the issuance of not exceeding \$197,187 bond anticipation notes of the Borough of Sussex, County of Sussex, New Jersey Motion seconded by Mrs. Krynicky

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

Resolution 2014-33R – Spectraserv Inc. Change Order #2

Mrs. Masson made a motion to adopt a resolution Authorizing Change order #2 to Spectraserv Inc for the installation of a filtration system at the Water Treatment Plant. Motion seconded by Mrs. Stendor

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

Resolution 2014-34R – Water and Sewer Engineer

Mr. Lagattuta made a motion to adopt a resolution appointing Steven Donati, P.E., and/or Sabine Watson, P.E., of the firm CP Engineers & Architecture as Sussex Borough Water/Sewer Engineer for the year 2014. Motion seconded by Mrs. Krynicky

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

Resolution 2014-35R – First Quarter 2014 Water/Sewer Adjustments

Mr. LaBar made a motion to adopt a resolution approving water/sewer adjustment for the first quarter 2014. Motion seconded by Mr. Lagattuta

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Resolution 2014-36R – Authorizing Settlement for Certificate of Sale 12-10

Mr. Lagattuta made a motion to adopt a resolution accepting the payment of \$119,319.10 as payment in full for Certificate of Sale 12-10 and waive accumulated interest totaling \$3,141.28. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Resolution 2014-37R - Agreement for Inter-Municipal Court

Mr. Lagattuta made a motion to adopt a resolution renewing the Inter-Municipal Court with Wantage Township and Stillwater Township for the years 2014 through 2017 and authorize the Mayor to execute a contract. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta

Nays: Masson, Stendor

Abstentions: None

Absent: Stoll

Resolution 2014-38R – Change Order for Water Operator Contract

Mr. Lagattuta made a motion to adopt a resolution authorizing the Mayor and Clerk to negotiate a change order to the Agreement for Water Plant and Distribution System Operator with Agra Environmental Services to make emergency repairs. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

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 February 22 and March 5, 2014. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor

Nays: None

Abstentions: None

Absent: Stoll

Introduction Ordinance 2014-01 – Establishing a Tax Exemption and Abatement Area

Mrs. Masson made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ESTABLISHING THE ELIGIBILITY OF COMMERCIAL AND INDUSTRIAL STRUCTURES FOR THE FIVE YEAR TAX EXEMPTION AND ABATEMENT PURSUANT TO N.J.S.A. 40A: 21-1, ET SEQ." Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Masson

Nays: None

Abstentions: Lagattuta, Stendor

Absent: Stoll

Mayor Rose stated that the Final Reading of Ordinance 2014-01 will be held on February 4, 2014

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. 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.

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