

**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  
February 4, 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, Mrs. Georgeanna Stoll, Mayor Jonathan Rose.

Absent: None

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."

**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 January 22<sup>nd</sup> I attended a SCMUA meeting. At that meeting they passed a resolution authorizing the execution of shared service agreements with various Sussex County Municipalities."

Mrs. Stendor offered no report at this time.

Mrs. Krynicky stated "I attended a school board meeting with Sussex Wantage Regional and its business as usual over there with their new Superintendent."

Mr. LaBar offered no report at this time.

Mr. Lagattuta stated "we are getting towards the end of the water and sewer rate study. We are making some fine tunings and will be ready for a presentation soon."

Mrs. Stoll stated "the Recreation Committee tried to have a meeting but there were only three people present so we couldn't have a meeting. If we don't get more people I don't think we will be able to have meetings because of a quorum. The reorganization meeting is planned for this month. I also attended the High Point Regional High School Board of Ed meeting. They talked about their usual business." Mrs. Stoll presented an overview of the school's fundraising and distribution of funds.

Mrs. Stoll stated "that the sports teams did very well this year; one was team of the year."

Mrs. Stoll presented a review of team records of various sports.

**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 January 27, 2014 from Frank McGovern to Judge Hansbury regarding Wolosky vs. LaBar, et al
2. Letter dated January 28, 2014 from Frank McGovern regarding Amended Order (and said order) Re: Wolosky vs. LaBar, et al

3. Letter dated January 22, 2014 from Sean Damon Senior Project for Langan engineering to Mark Zschack regarding Public Notification Sign Posting for 1 Wiebel Plaza
4. Letter dated January 31, 2014 from Mark Zschack to Ana and David Russell regarding the drainage reports

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

1. Sussex County Planning Board Meeting Minutes from December 2013
2. Delinquent Utility Properties Report as of January 31, 2014.
3. Unpaid Utility Properties Report as of January 31, 2014.

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

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

1. Payment of bills for the meeting of February 4, 2014

Mr. Lagattuta made a motion to accept the consent agenda of February 4, 2014. Motion seconded by Mrs. Stoll

Mrs. Krynicky made a motion to amend the previous motion removing the bill list from the consent agenda. Motion seconded by Mr. LaBar  
All were in favor.

Upon roll call vote on original motion as amended:  
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

Mrs. Krynicky made a motion to accept the bill list of February 4, 2014. Motion seconded by Mr. LaBar.

There was a brief discussion concerning check # 11298 and the role of Special Review Counsel.

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

**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. Stoll  
All were in favor.

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

**ADMINISTRATORS REPORT**

Mr. Mark Zschack, Administrator/Clerk offered no report

**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 January 21, 2014. Motion seconded by Mr. LaBar

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

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

Mrs. Masson made a motion to adopt 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

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2014-01.

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, Masson, Stoll  
Nays: None  
Abstentions: Lagattuta, Stendor  
Absent: None

**Agreement Regarding Sewer Arrearages Account # 2079**

Mr. LaBar made a motion to approve an agreement for repayment of sewer arrearages for account # 2079 and authorize the Mayor to execute said agreement. Motion seconded by Mr. Lagattuta

Mr. Lagattuta made a motion to table the previous motion until the end of tonight’s meeting to allow for discussion in Executive Session. Motion seconded by Mr. LaBar  
All were in favor.

**Resolution 2014-39R-Plan Amendment to the Sussex County Wastewater and Water Quality Plan**

Mr. LaBar made a motion to adopt a resolution endorsing a plan amendment to the Sussex County Wastewater Management Plan and Sussex County Water Quality Management Plan for a portion of the Bicsak Brothers Realty LLC known as a portion of a Block 11, Lot 5. Motion seconded by Mrs. Stoll

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

**Resolution 2014-40R – Plan Amendment to the Sussex County Wastewater and Water Quality Plan**

Mr. LaBar made a motion to adopt a resolution endorsing a plan amendment to the Sussex County Wastewater Management Plan and Sussex County Water Quality Management Plan for a portion of the property known as Block 7, Lots 12 and 13.02 in the Township of Wantage. Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-41R – Recycling Coordinator shared service agreement**

Mrs. Krynicky made a motion to adopt a resolution authorizing a shared services agreement with the Sussex County Municipal Utilities Authority for the provision of Certified Recycling Professional services to certify and submit the 2013 recycling tonnage report to the NJDEP. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-42R – Water/Sewer Adjustment**

Mrs. Masson made a motion to adopt a resolution granting the homeowners request for the adjustment of Water/Sewer Account # 5062. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-43R – Drug Abuse Municipal Alliance**

Mrs. Krynicky made a motion to adopt a resolution to authorize the submission of a strategic plan for the Sussex Wantage Municipal Alliance grant for the fiscal year 2014. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

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 Mrs. Masson  
All were in favor.

There being no one present who wished to address the Governing Body, Mrs. Stoll 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. Lagattuta made a motion to adjourn into closed executive session to discuss attorney client privilege matters. Motion seconded by Mr. LaBar

Mayor Rose stated” THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES.BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW. THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK’S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.”

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

After meeting in closed session, the Governing Body returned to their seats at 8:30 p.m. and Mr. Lagattuta 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.

**Agreement Regarding Sewer Arrearages Account # 2079**

Mr. Lagattuta made a motion to approve an agreement for repayment of sewer arrearages for account # 2079 and authorize the Mayor to execute said agreement. Motion seconded by Mrs. Stoll

Mr. Lagattuta made a motion to amend the previous motion to allow for a 28 day grace period. Motion seconded by Mrs. Stoll  
All were in favor.

Upon roll call vote on original motion as amended:  
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll  
Nays: None  
Abstentions: None  
Absent: None

**ADJOURNMENT**

There being no further items for discussion by the Mayor and Council, Mr. LaBar 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