

**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
March 4, 2014**

Mayor Rose stated that there is one change to the agenda under presentations. Mrs. Jackie Espinoza from JCP&L will make a presentation to the Mayor and Council.

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."

PRESENTATIONS:

Mrs. Jacqueline Espinoza, Area Manager at Jersey Central Power & Light introduced herself and presented a brief description of new communication tools that are available to the public. Mrs. Espinoza offered a list of critical facilities for review by the Mayor and Clerk.

Mr. Lagattuta asked if an upgrade to the substation located near Brookside Park is being planned to prevent outages from future flooding. Mrs. Espinosa stated that various options have been discussed with the Mayor and County OEM.

Mrs. Krynicky stated that the Borough has requested a light pole census over the past few months and is there a possibility of receiving this soon. Mrs. Espinoza stated that this document should be ready in about a week.

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. Stoll offered the following report: "I did not get to go the High Point one I had a family emergency. The recreation committee met and decided on all their dates what they are going to have. They are going to have the egg hunt, the garage sale because that's not much work to do that however there is no date set for the garage sale, they are going to have the Halloween thing in October and the possibility of a couple of other things. I don't have my papers with me because they are home and I came right from work and I forgot to bring them with me this morning. The recreation committee was able to have a meeting we had a quorum and the committee is in bad need of members so if anybody knows anybody that would like to come on the committee we're in bad need of it and especially we are trying to get some of the businesses because there are two spots for businesses we don't have any businesses on there so we need some businesses. My question was do the businesses have to be in Sussex. Mayor Rose stated that yes the businesses have to be in Sussex Borough however the owner does not. Mayor Rose stated that if they live in the Borough then they can be appointed as a regular member. Mrs. Stoll stated we approved all the meeting dates. We had one member resign and put it in the minutes this time because we did not have a meeting last time."

Mr. Lagattuta offered no report at this time.

Mr. LaBar offered no report at this time.

Mrs. Krynicky offered the following report: "I went to a freeholder meeting last Wednesday and spoke to them about our interest in SCMUA and how nice it would be to have a member of Sussex Borough, a resident of Sussex Borough be on SCMUA of course that wasn't received very well. I went to the school board meeting for Sussex Wantage Regional and there was something in the advertiser about how, there was a question of whether or not they received funds from us from the Recreation Committee last year for the basketball court and so I brought them proof of those funds having gone through last year in November."

Mrs. Stendor offered no report at this time but stated, "I believe they did have a board of health meeting but it was a reorganization meeting but I did not attend because there was something really serious in the family."

Mrs. Masson offered the following report: "On February 21st we had a public works committee meeting. We talked about a lot things, one of them were the DPW vehicles and what needs to be done. I guess the utility truck that they have is a new truck. The mason dump trucks, we have two, one is new and one is a 2001 which is in need of a drive shaft, electrical work and a box sander which costs about five to seven thousand dollars. The backhoe that we have is 20 plus years old although it can be used a new one costs \$100,000. We decided we are going to keep it at Bob Schultz's recommendation for now we are going to put new tires on it we had bald tires on it. The problem is it cannot dig very deeply for water sewer repairs and that kind of thing. We discussed the snow plowing and some general comments and complaints that some of us received from members of the public. The DPW garage the one heating unit is out I see, Mark, you are going to be talking about that. That was going to be checked on the day that we met. One of things regarding the snow plowing was the concern of the snow being piled on the fire hydrants. We are going to be getting flags for the fire hydrants. We reviewed the ordinance to clear the sidewalks of snow we were talking about that for some time. The Route 23 Realignment project we looked at the proposals to do an evaluation of the utilities over there. We thought CP Engineering was the most reasonable and that they were working on that stuff already so it made sense to go with them. The proposal for the evaluation for the entire water sewer utility at the point that we had this meeting we asked CP to provide a quote which we since received."

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 March 4, 2014. Motion seconded by Mr. LaBar

Mrs. Masson made a motion amending the previous motion to remove the bill list from the Consent Agenda in order to discuss two bills separately. Motion seconded by Mrs. Stendor. All were in favor.

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

Mr. Lagattuta made a motion to approve the bill list as presented on the Consent Agenda. Motion seconded by Mrs. Krynicky

A brief discussion ensued concerning check number 11369 to Hatch Mott McDonald and check number 11376 to Schenck, Price, Smith and King. Concerns were discussed that the Borough should receive reports from Hatch Mott McDonald concerning the I & I Project. The Clerk was asked to look into this matter.

Upon roll call vote to approve the bill list:
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll
Nays: None
Abstentions: None
Absent: None

OPEN PUBLIC SESSION #1

Mrs. Stoll 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. 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.

ADMINISTRATORS REPORT

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

One of the heating units at the DPW garage is not in operation. We contacted the Sussex Wantage School, under the shared service agreement, to ask their plumber for an evaluation. The problem appears that the smoke pipe was not properly installed in the past and is corroding. We received a list of materials from the school that the DPW will acquire. Once the snow melts from the rear of the building the DPW will assist the school in replacing this smoke pipe. Kudos goes out to the school for their fast response and evaluation of this problem.

The temporary permit for the installation of the cartridge filter at the Water Treatment Plant was issued last week. Mike Vreeland is now coordinating with Mike Furrey and the contractor to perform the install. Time is of the essence because springtime usually produces the most turbidity in the water system.

The Borough received a request for a Utility Agreement Modification to the DOT's Route 23 project. The modification requires that all utility relocation work associated with this project comply with the "Buy American Requirements". The modification document is now being reviewed by the Borough's professionals.

Primary petitions for Municipal Office and County Committee (Republican) are now available at the Sussex Municipal building and also on the Sussex County website. Petition filing and acceptance deadline for Primary Elections are due before 4:00pm Monday March 31, 2014.

OLD BUSINESS

Resolution 2014-44R – Sewer Adjustment

Mr. Lagattuta made a motion to adopt a resolution granting the owners request for the adjustment of Water/Sewer Account # 1886. Motion seconded by Mrs. Stoll

Mr. Zschack stated that he has not sent all pertinent information concerning this issue to the Borough Attorney and is asking the Council to consider tabling this until the April 1, 2014 meeting.

Mrs. Krynicky made a motion to table Resolution 2014-44R until the April 1, 2014 meeting. Motion seconded by Mr. LaBar.

Upon roll call vote to table Resolution 2014-44R:
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll
Nays: None
Abstentions: None
Absent: None

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on February 18, 2014. Motion seconded by Mrs. Krynicky

Mrs. Stendor made a motion to amend the minutes of February 18, 2014 on page one under Mrs. Stendor's Committee Report, seventh sentence and change..."standing in the fire"... to "standing by the fire". Motion seconded by Mrs. Masson

A brief discussion ensued if wordage that is recorded verbatim can be altered.

Mr. Lagattuta made a motion to lay on the table the motion to amend the minutes of February 18, 2014. Motion seconded by Mr. LaBar

Upon roll call vote to lay on the table the motion to amend:
Ayes: Krynicky, LaBar, Lagattuta, Masson, Stendor, Stoll
Nays: None
Abstentions: None
Absent: None

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

Resolution 2014-46R – Transfer of Appropriation Reserves

Mr. LaBar made a motion to adopt a resolution for the transfer of appropriation reserves (2013 Municipal Budget) in accordance with N.J.S.A. 40A-58/59. Motion seconded by Mrs. Krynicky

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

Resolution 2014-47R – Reserve of Uncollected Taxes Percentage

Mr. LaBar made a motion to adopt a resolution approving the 3 year average of 96.42% be used in calculating the tax collection rate for the Reserve for Uncollected Taxes. Motion seconded by Mrs. Masson

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

Mayor Rose stated that the copy of Ordinance 2014-02 that was previously distributed contains two typographical errors. The copy of the ordinance that was handed out tonight is the correct copy that will be considered for introduction. Mayor Rose described the two errors.

Introduction Ordinance 2014-02 – Establish a Cap Bank

Mr. LaBar made a motion to introduce an ordinance entitled "**CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE 2014 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**"
Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose stated that the Final Reading of Ordinance 2014-02 will be held on March 18, 2014.

Resolution 2014-48R - Waiver of Reading in Full of the 2014 Budget

Mr. Lagattuta made a motion to waive the reading in full, of the Municipal Budget for the year ending December 31, 2014. Motion seconded by Mrs. Stoll

Mr. Zschack stated that this Resolution should actually be presented to the council just before the adoption of the 2014 Budget and is asking the Council to consider tabling this until the April 1, 2014 meeting

Mrs. Krynicky made a motion to table Resolution 2014-48R until the April 1, 2014 Regular Meeting. Motion seconded by Mr. LaBar

All were in favor.

Mayor Rose stated that the copy of Resolution 2014-49R that was previously distributed contains one typographical error. The copy of the Resolution that was handed out tonight is the correct copy that will be considered for adoption. Mayor Rose described the error.

Resolution 2014-49R - Introduction of the 2014 Municipal Budget

Mr. LaBar made a motion to adopt a resolution introducing the FY 2014 Municipal Budget for the Borough of Sussex. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-50R - Appointment of Special Projects Engineer

Mr. Lagattuta made a motion to adopt a resolution appointing Michael Vreeland of the firm Guerin & Vreeland Engineering, Inc. as Special Projects Engineer to oversee the close out of the Clove Brook Watershed Manhole Rehabilitation Project (I&I project) at a cost not to exceed \$13,336.00. Motion seconded by Mrs. Stoll

A brief discussion ensued concerning the pros and cons of involving a different Engineer to close out the project and whether a close out is necessary

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Prepare Bid Document for Sale of Water and Sewer Utility

Mr. Lagattuta made a motion to authorize the CFO and Clerk to prepare a bid document for the sale of the Borough's Water and Sewer Utility. Motion seconded by Mr. LaBar

A brief discussion ensued concerning whether this is the right time to consider a sale of the utility and if the sale is best for the Borough.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Stoll

Nays: Masson, Stendor

Abstentions: None

Absent: None

Evaluation of Water and Sewer Systems

Mr. Lagattuta made a motion to authorize the Clerk to execute a contract with CP Engineers to develop an overview and evaluation of the Borough's water and sewer utility to assist the Governing Body in deciding the future of the utilities. Motion seconded by Mrs. Krynicky

Mrs. Krynicky made a motion to amend the previous motion to include a second proposal from CP Engineers dated March 4, 2014 in the amount of \$1,500.00 to utilize the CUPSS program for data management purposes for a total of \$9,900.00.

Motion seconded by Mr. LaBar

All were in favor.

Upon roll call vote of original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

Approval of Social Affair Permit for Sussex Fire Department

Mr. LaBar made a motion to approve a social affair permit for the Sussex Fire Department on March 22, 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. Stoll

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 Mrs. Stendor

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. Krynicky

All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk