

**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  
April 1, 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., Mr. Mark Zschack, Municipal Administrator/Clerk, Elke Yetter, CFO and Tom Ferry, Municipal Auditor

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 March 5<sup>th</sup> I attended a SCMUA meeting there was nothing relevant to Sussex Borough. One item that was mentioned was the bag garbage for last year was the same as the year before and all other garbage was off 16 to 32 percent. Overall they were down 7.7 percent. I attended the League of Municipalities ethics seminar this past Saturday and it was extremely worthwhile. Even though I attended one in Atlantic City I learned something new at this one. They had said that a Governing Body could not meet even a few at a time to discuss a particular subject. That should be an open public meeting."

Mrs. Stendor offered no report at this time.

Mrs. Krynicky offered no report at this time.

Mr. LaBar offered no report at this time.

Mr. Lagattuta offered no report at this time.

Mrs. Stoll offered no report at this time.

**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. Resolution #18-14 from Hardyston Township, urging Governor Christie and the New Jersey State Legislature to enact legislation that will permanently extend the 2% cap on interest arbitration awards before April 1, 2014
2. Notice of Hearing from the Wantage Township Land Use Board concerning Block 117 Lots 38.01 & 38.03.

3. Letter dated March 14, 2014 from the NJDEP to the Sussex Water Department concerning Limited Firm Capacity to supply future development.

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

1. Sussex County Water Quality Management Policy Advisory Committee minutes from January 9, 2014.
2. Delinquent Utility Properties Report as of March 28, 2014.
3. Unpaid Utility Properties Report as of March 28, 2014.

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

1. Use of Brookside Park by Sussex Wantage Little League from April 1 to November 26, 2014.

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

Payment of bills for the meeting of April 1, 2014

Mrs. Masson made a motion to accept the consent agenda of April 1, 2014 with the removal of item number 2 in Correspondence and item number 1 in Reports. Motion seconded by Mr. Lagattuta

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mr. Lagattuta made a motion to accept item number 2 in Correspondence on the consent agenda of April 1, 2014. Motion seconded by Mr. LaBar

A brief discussion ensued concerning the Notice of Hearing from the Wantage Township Land Use Board.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mr. Lagattuta made a motion to accept item number 1 in Reports on the consent agenda of April 1, 2014. Motion seconded by Mrs. Masson

A brief discussion ensued concerning the minutes of the Sussex County Water Quality Management Policy Advisory Committee meeting of January 9, 2014.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**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 Mr. Lagattuta  
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. Stendor  
All were in favor.

**ADMINISTRATORS REPORT**

Mr. Mark Zschack the Administrator/Clerk offered the following report;  
A meeting concerning future sewer connections along the Route 23 corridor was held on March 24<sup>th</sup> at the Sussex County Administration Building. In attendance were representatives from Sussex County Planning, SCUMA, Wantage Township, Sussex Borough and an Engineer for two property owners. Sabine Watson from CP Engineers presented a new Sussex Borough Build-Out Study that was previously requested. This study indicates that Sussex has enough allocation to allow for more users along this corridor. The consensus from Wantage and Sussex representatives was that any future sewer connections along Route 23, south of Sussex Borough, will become direct customers of Sussex Borough. In order to accomplish this goal Resolutions from Wantage Township and Sussex Borough will need to be adopted. These resolutions will allow for properties along this corridor to be removed from Wantage's Sewer Service Area and placed in Sussex Borough's. We will be working over the next two weeks with Wantage Township to draft the proper Resolutions needed.

The Mayor and Council were informed earlier this week concerning a Notice of Non-Compliance for the Water Treatment Plant. This Notice was a result of the DEP not receiving sampling reports that Agra Environmental & Laboratory Services mailed. Agra has resubmitted these reports and DEP has informed them that the violations will be withdrawn and no public notice will be required.

The Mayor and Council have scheduled a Special Meeting on April 16, 2014, 7:30pm at the Sussex Firehouse. The purpose of this meeting is to present a proposed Water/Sewer Rate Schedule to the public.

Monday March 31<sup>st</sup> was the deadline to submit petitions for Municipal Office and County Committee. Two petitions were received for two available seats on the Borough Council and two seats on the County Committee. Both Marina Krynicky and Robert Holowach submitted petitions for Sussex Borough Council as well as County Committee.

**OLD BUSINESS**

Mayor Rose amended the agenda and moved old business to the end of tonight's meeting.

**NEW BUSINESS**

**Approval of Meeting Minutes**

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

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

**Request to Close Main Street – Sussex-Wantage Little League**

Mr. LaBar made a motion to approve a request from the Sussex-Wantage Little League to close a portion of Main Street and Newton Avenue on April 12, 2014 (rain date April 13, 2014) at 11am for approximately two hours for the Little League Parade pending proper permits and notification of the State Police. Motion seconded by Mrs. Stoll

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

**Approval of Social Affair Permit for Walkkill Valley Rotary Club**

Mr. Lagattuta made a motion to approve a Social Affair Permit submitted by the Walkkill Valley Rotary Club to hold an event on May 9, 2014 from 6:00 pm to 9:00 pm at the Sussex Fire House, 25 Loomis Avenue, Sussex, N.J. 07461. Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Approval of Part Time Help Utilizing Clean Communities Funds**

Mr. LaBar made a motion to authorize the Administrator to utilize Clean Community funds to hire a part time seasonal employee. Duties to include but not limited to litter control; leaf & brush pick up, painting and related Clean Community projects. Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-58R – Wholesale Water Sales**

Mr. Lagattuta made a motion to adopt Resolution 2014-58R permitting Sussex Borough to sell water wholesale (current water customers excluded) at a rate of \$0.008 per gallon.

Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-59R – Bulky Waste Collection**

Mrs. Masson made a motion to adopt Resolution 2014-59R establishing a Bulky Waste Collection for May 7 & 8, 2014 as outlined in the Bulky Waste Collection Registration Application. Motion seconded by Mrs. Stendor

After a brief discussion Mrs. Stoll made a motion to amend the previous motion changing the senior citizen discount age from 65 to 60 on the Bulky Waste Collection Registration Application. Motion seconded by Mrs. Masson

Upon roll call vote to amend:

Ayes: Lagattuta, Masson, Stendor, Stoll

Nays: Krynicky, LaBar

Abstentions: None

Absent: None

Upon roll call vote of original motion as amended:

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

Nays: None

Abstentions: None

Absent: None

**Appointment of Planning/Zoning Board Member**

Mr. Lagattuta made a motion to approve the Mayor's appointment of Brad Case as Alternate II member of the Sussex Planning/Zoning Board to fill an unexpired term ending December 31, 2015 Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Appointment of Recreation Committee Member**

Mrs. Stoll made a motion to approve the Mayor's appointment of Donna Brady as a full member of the Recreation Committee to fill an unexpired term ending December 31, 2014 Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**PRESENTATION:**

**CY 2014 Municipal Budget**

Mayor Rose introduced Tom Ferry, Municipal Auditor and Elke Yetter, CFO to update the public and Council on the CY 2014 Municipal Budget. Mr. Ferry distributed a fourteen page document outlining the 2014 Introduced Budget. Mr. Ferry and Mrs. Yetter presented an overview of this document and 2014 budget. Mr. Ferry explained that this presentation was concerning the introduced budget, not including the amendment. Mrs. Yetter explained that the proposed amendment has a zero net effect on the budget.

Mr. Lagattuta asked is there a way to split up the water/sewer debt service to determine what debt is from water and what debt is from sewer. Mr. Ferry stated that this could be done but would be very difficult and time consuming.

Mrs. Masson asked if this is done in every town that has water and sewer.

Mr. Ferry stated that some towns have separate water and sewer utilities and some have combined. The State does not allow the utilities to be combined but if the utility exists it is allowed to remain combined.

Mrs. Masson asked if the debt going forward could be kept separate.

Mr. Ferry stated yes this could be done.

**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. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Public Hearing on CY 2014 Municipal Budget**

Mayor Rose opened the meeting to the public for any questions or concerns regarding the CY 2014 Municipal Budget.

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.

**Resolution 2014-55R – Amend 2014 Budget**

Mr. Lagattuta made a motion to adopt Resolution 2014-55R amending the 2014 Municipal Budget. Motion seconded by Mrs. Stoll

Mrs. Yetter presented a brief overview of the amendment as requested by the State. This amendment does not affect the bottom line of the introduced budget.

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

**Resolution 2014-56R - Adoption CY 2014 Municipal Budget**

Mrs. Masson made a motion to adopt a resolution adopting the CY 2014 Municipal Budget for the Borough of Sussex. 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. Lagattuta 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. Stoll made a motion to close the meeting to the public. Motion seconded by Mrs. Stendor

All were in favor.

**EXECUTIVE SESSION**

In accordance with the provisions of the Open Public Meetings Act, Mr. LaBar made a motion to adjourn into closed executive session to discuss potential litigation and certain items excluded from the public. Motion seconded by Mr. Lagattuta

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 9:31 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.

**OLD BUSINESS**

**Resolution 2014-44R – Sewer Adjustment**

A motion is in order to adopt a resolution granting the owners request for the adjustment of Water/Sewer Account # 1886.

No action was taken.

**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.

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Jonathan Rose, Mayor

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Mark Zschack, Municipal Clerk