

**MINUTES OF THE SPECIAL MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF SUSSEX
HELD AT THE SUSSEX MUNICIPAL BUILDING
2 MAIN STREET, SUSSEX, NJ
July 29, 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. Stoll offered no report at this time.

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. Stendor offered no report at this time.

Mrs. Masson offered a report concerning a meeting held on July 16th in attendance was Councilwoman Masson, Mayor Rose and various merchants from Main Street.

CONSENT AGENDA

Mayor Rose requested that the Governing Body review the consent agenda. If any member of the Council desires an item to be removed, the Municipal Clerk shall remove said item, which will then be considered separately.

Mrs. Masson requested that item number 4 under Correspondence be removed and considered separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter from NJ League of Municipalities regarding the 17th Annual Elected Officials Hall of Fame.
2. Thank you note from Marlene Zschack for the flower arrangement.
3. Resolution from the Sussex County Board of Chosen Freeholders opposing expansion of federal control under clean water act.
4. Letter dated July 14, 2014 from Marian Baker to the Mayor and Council regarding events that occurred on July 12, 2014.
5. Resolution from the Township of Wantage opposing expansion of federal control under clean water act.
6. Legal Notice to all neighboring property owners and local government officials concerning Block 6 Lot 3.02 in Wantage Township.

7. Resolution from the Township of Fredon regarding the opposition of federal control under clean water act.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department report for the month of June, 2014.
2. Animal Control Department reports for the months of January – June 2014.
3. Delinquent Utility Properties Report as of July 25, 2014.
4. Unpaid Utility Properties Report as of July 25, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of July 29, 2014

Mr. Lagattuta made a motion to accept the consent agenda of July 29, 2014 with the removal of item number 4 under Correspondence. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mrs. Masson made a motion to accept item number 4 under Correspondence on the July 29, 2014 Consent Agenda. Motion seconded by Mr. Lagattuta

A brief discussion ensued concerning a letter dated July 14, 2014 from Marian Baker to the Mayor and Council regarding events that occurred on July 12, 2014.

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. Masson
All were in favor.

There being no one else 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 the Administrator/Clerk offered no report at this time.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Resolution 2014-94R - Appointment of Special Projects Engineer

Mr. Lagattuta made a motion to adopt Resolution 2014-94R appointing Charles Cuyulis of the firm Engineered Solutions Corporation, as Special Projects Engineer to Provide

Instrumentation, Automation and Computer Systems Engineering Services at the Sussex Water Treatment Plant.

Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Resolution 2014-95R - Appointment of Special Projects Engineer

Mr. Lagattuta made a motion to adopt Resolution 2014-95R appointing Michael W. Grimm, PE, of the firm Aquamize, LLC., as Special Projects Engineer to Conduct a Comprehensive Performance Evaluation at the Sussex Water Treatment Plant and submit the final report to Sussex Borough and the NJDEP on or before October 17, 2014 at a cost not to exceed \$14,400.00. Motion seconded by Mr. LaBar

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Mayor Rose recused himself from the dais at 7:40pm

Adoption Ordinance #2014-11 – Referendum on the Proposed Utility Sale

Mr. Lagattuta made a motion to adopt Ordinance #2014-11 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REQUIRING A REFERENDUM ON THE PROPOSED SALE OF THE BOROUGH OF SUSSEX WATER AND SEWER UTILITY SYSTEMS.” Motion seconded by Mr. LaBar

Council President Krynicky opened the meeting to the public for any questions or concerns regarding Ordinance #2014-11

Mr. Dan Veit, 5 Brink Road Wantage, expressed his concerns that Wantage residents should have a voice in the sale of the borough’s utility system.

Mrs. Debra Nicholson, attorney for Aqua New Jersey, offered comments concerning the possible sale of the water and sewer utility.

Mr. Albert Decker, 2 Harrison Street Sussex, thanked Mrs. Masson for doing the job that she was elected to do and offered comments concerning the possible sale of the water and sewer utility.

Mr. Bill Weightman, Hardyston, expressed his concerns concerning the possible sale of the borough’s water sewer utility.

Mr. Charles Fronheiser, 35 Bank Street Sussex, expressed concerns in regards to the borough’s current water and sewer ordinances should the water/sewer system sell.

Mr. Ed Meyer, 47 Lakeshore Drive, Sussex, expressed his concerns in regards to the possible sale of the borough’s water sewer utility.

Bruce Kristiansen, 4 Liberty Street, Sussex, expressed his concerns in regards to the possible sale of the borough’s water sewer utility.

Mr. Brett Giammanco, 37 Third Street, expressed his concerns in regards to the possible sale of the borough’s water sewer utility.

Mr. William Hunt, 26 Hamburg Avenue, Sussex, expressed his concerns in regards to the possible sale of the borough’s water sewer utility.

There being no one else present who wished to address the Governing Body, Council President Krynicky closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Stoll

Nays: Masson, Stendor

Abstentions: None

Absent: None

Mayor Rose returned the dais at 8:47pm.

Resolution 2014-93R – Referendum on Use of Excess Proceeds from Utility Sale

Mr. Lagattuta made a motion to adopt Resolution 2014-93R entitled “A RESOLUTION OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REQUIRING A REFERENDUM ON THE PROPOSED USE OF EXCESS PROCEEDS FROM SALE OF THE BOROUGH OF SUSSEX WATER AND SEWER UTILITY SYSTEMS” Motion seconded by Mrs. Krynicky

After a brief discussion Mr. Lagattuta made a motion to amend the previous motion for the resolution to read as follows section II the ballot question should read Shall the Borough of Sussex establish a trust account with the excess proceeds from the sale of its water and sewer utility to Aqua New Jersey, Inc. to provide future tax relief including permitting the Governing Body to utilize up to seventy five percent (75%) of the interest accrued from the preceding year in any operating budget and section 3 the interpretive statement should read If approved, a trust account would be established with the excess proceeds from the sale of the Borough’s water and sewer utility to Aqua New Jersey, Inc. The trust account would be available to the Borough to provide future tax relief which would include allowing the Governing Body to utilize up to seventy five percent (75%) of the interest accrued from the preceding year in any operating budget. Motion seconded by Mr. LaBar

Upon roll call vote:

Ayes: Krynicky, LaBar, Lagattuta, Masson, Stoll

Nays: Stendor

Abstentions: None

Absent: None

Approve Hire of Part Time Seasonal Employee

Mr. LaBar made a motion to approve the hiring of Mr. Mark Space as a part time Clean Communities seasonal employee at a rate of \$10.00 per hour, not to exceed 20 hours per week.

Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Main Street Grand Opening Request

Mr. LaBar made a motion to approve the request from Whirled Revolution Studio, 86 Main Street to hold grand opening festivities on August 16, 2014 as outlined in a June 19, 2014 email.

Motion seconded by Mrs. Krynicky

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION #2

Mrs. Stoll 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 Mr. Lagattuta

All were in favor.

Mr. Bruce Kristiansen, 4 Liberty Street Sussex, expressed his concerns about the removal of bicycle lanes from the Route 23 plan and possibly talking to the State DOT to have them put back in the plans.

Mr. Ron Harris, 144 Lower Unionville Road Wantage, expressed his concerns about bicycle lanes on Route 23.

Mayor Rose recused himself from the dais at 9:12pm

Mr. Ed Meyer, 47 Lakeshore Drive Sussex, expressed his concerns regarding the referendum question and the possible sale of the utility system.

Mayor Rose returned at 9:15

Mrs. Renee Harris, 144 Lower Unionville Road Wantage, expressed her concerns regarding bicycle lanes on Route 23.

There being no one else 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.

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