

**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
August 19, 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. Linda Masson, Mrs. Annette Stendor, Mrs. Georgeanna Stoll, Mayor Jonathan Rose.

Absent: Mrs. Marina Krynicky, Mr. Bruce LaBar, Mr. Salvatore Lagattuta,

Also present: Borough Attorney Mr. Steve Roseman, 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 two Items on the agenda can not be considered tonight, number 4 "Resolution 2014-99R – Establishing Utility Sale Committee" and item number 9 "Appointment to the Clove Lake Maintenance Committee." A quorum will not exist to allow these items to be considered.

Mr. Steve Roseman presented an overview of an email from Municipal Attorney Frank McGovern explaining the reasoning why the two agenda items can not be discussed. Three Councilmembers alone do not constitute a quorum.

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.

Mrs. Stendor offered no report at this time.

Mrs. Masson stated that on August 6th she attended the SCMUA meeting and asked specific questions. She asked them if they had sewer contracts with non municipalities or private companies and they said they did in Sparta. A small portion in Sparta which is now owned by Aqua. She also asked if SCMUA has re-negotiated the terms of any of their municipal sewer service contracts and they said in Vernon they merged two contracts and they transferred allocation. She also asked is whether SCMUA would consider reassigning Sussex Borough's sewer service contract to Aqua New Jersey and they said it is in the hands of the bond counsel and I said if the bond counsel gives their OK it has to be voted on by the board, the board has the final decision, what would the board say. Their answer was it would have adverse tax consequences and they need the security of the borough, it would have to go to the local finance board. They really couldn't give a definitive answer.

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 1 under Correspondence be removed and considered separately.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter received August 7, 2014 from Sandy Mitchell expressing disappointment with the Council's decision concerning the water and sewer bill for 55 Bank Street.
2. Letter dated August 1, 2014 from Diane Zalaskus, Bureau of Water System Engineering concerning a permit for the Sussex Water Treatment Plant.
3. Letter dated July 28, 2014, from Robert Walker, Interim Superintendent Wallkill Valley Regional High School to Mayor and Council requesting the Borough to adopt a Resolution.
4. Letter dated August 7, 2014 from Christopher Adams, PE, Civil Dynamics, inc. to John Moyle, NJDEP Bureau of Dam Safety concerning Lake Rutherford Dam.
5. Letter dated August 6, 2014 from Jane Herndon, NJDEP concerning ground level ozone.
6. Notice of Hearing received August 14, 2014 from Merle Tackema concerning a Minor Subdivision application for Block 52 Lot 5.09 to the Wantage Township Land Use Board. Public Hearing to be held on August 26, 2014.
7. Notice of Hearing received August 15, 2014 from Wantage Township Land Use Board concerning the Wantage Township Master Plan. Public Hearing to be held on August 26, 2014.
8. Notice of Hearing received August 8, 2014 from McNamara Investments, LLC concerning an application to the Sussex Land Use Board for 25 Bank Street Public Hearing to be held on August 25, 2014.
9. Resolution #14-129 from Vernon Township opposing expansions of federal control under the clean water act.
10. Resolution #14-32 from Statewide Insurance Fund expressing opposition to Senate Bill S374.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector report for the month of July, 2013.
2. Municipal Clerk's report for the month of July, 2013.
3. Water Sewer Collector report for the month of July, 2013.
4. Property Maintenance report for the month of July, 2013.
5. Construction Department report for the month of July, 2013.
6. Delinquent Utility Properties Report as of August 15, 2014.
7. Unpaid Utility Properties Report as of August 15, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Association Membership application for Joshua W. Pauly.
2. Use of Brookside Park by Sussex Wantage Little League from August 1, 2014 to December 31, 2014 from 8am until 9pm.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of August 19, 2014

Mrs. Stoll made a motion to accept the consent agenda of August 19, 2014 with the removal of item number 1 under Correspondence. Motion seconded by Mrs. Masson

Upon roll call vote:

Ayes: Masson, Stendor, Stoll

Nays: None

Abstentions: None

Absent: Krynicky, LaBar, Lagattuta

Mayor Rose stated that he needs to recuse himself from item number 1 under correspondence therefore a quorum does not exist to discuss this issue. This item will be placed on the next Consent Agenda.

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. Masson 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;

Water/Sewer Utility

The water meter for the Wantage Elementary School is in need of replacement. The school and Bob Schultz are working together to schedule a date for the installation. A bypass pipe is leaking and will also be replaced at a small cost to the Borough; all other expenses will be the incurred by the Board of Education.

Karl Hafner and Kathryn Drost have signed the agreement with the Borough for monies owed to the Water/Sewer Utility. This agreement allows for additional payments of \$250.00 per quarter to cover an agreed upon amount of \$6,000.00 in arrears.

Financial

On August 20, 2014 the Borough will solicit bids for \$60,000 in Special Emergency Notes. This is the amount remaining from the 2013 Emergency Appropriation of \$100,000 that financed the Tax Revaluation.

Land Use Board

The Sussex Land Use Board will hold a meeting August 25, 2014 at 7:30 pm. Items on the agenda include:

Block 204 Lot 4 also known as 49 Bank Street. The applicant is seeking a Use Variance, Height Variance and a Variance to allow an apartment with fewer square feet than permitted.

Block 204 Lot 10.01 also known as 25 Bank Street. The applicant is seeking A Use Variance to utilize the existing structure on the lot for residential purposes.

NJDOT Route 23 Project

NJDOT has decided to include bicycle lanes in the Route 23 project as per the Borough's request. The striping for the bike lanes will be installed after the final top course paving has been completed. I would like to thank the NJDOT for the addition of this striping. It will provide a layer of safety for cyclists utilizing the State Highway within Sussex Borough.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

Adoption Ordinance #2014-09 – Amend Ordinance 2014-07

Mrs. Masson made a motion to adopt Ordinance #2014-09 entitled "AN ORDINANCE TO AMEND BOROUGH ORDINANCE 2014-07" Motion seconded by Mrs. Stendor

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2014-09.

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

Resolution 2014-96R – Third Quarter Water/Sewer Adjustments

Mrs. Stendor made a motion to adopt Resolution 2014-96R approving the third quarter water/sewer adjustments. Motion seconded by Mrs. Masson

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

Resolution 2014-97R – Walling Avenue Parking Lot Agreement

Mrs. Stoll made a motion to adopt Resolution 2014-97R authorizing the Mayor and Clerk to enter into an agreement with Franklin Sussex Reality, LLC for the rental of fourteen (14) parking spaces at \$250 per space, per year for a total of \$3,500. Motion seconded by Mrs. Stendor

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

Resolution 2014-99R - Establishing Utility Sale Committee

A quorum does not exist to discuss this issue.

Resolution 2014-100R - Award of Contract to TAM Enterprises, Inc

Mrs. Masson made a motion to adopt Resolution 2014-100R awarding a contract to TAM Enterprises, Inc., 384 Onion Avenue, New Hampton, NJ 10958 in the amount of \$3,000.00 per day (cost not to exceed \$15,000.00) to provide cleaning and video inspections of sewer mains within the NJDOT Route 23 Improvement Project. Motion seconded by Mrs. Stoll

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

Resolution 2014-101R – Water/Sewer Temporary Adjustment

Mrs. Stendor made a motion to adopt Resolution 2014-101R authorizing the Water/Sewer Collector to temporarily suspend the collection of \$8,715.55 for account # 970. Motion seconded by Mrs. Masson

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

Resolution 2014-102R – Continuing Disclosure Obligation

Mrs. Stoll made a motion to adopt Resolution 2014-102R authorizing the CFO to comply with Rule 15c-12 under the Securities Exchange Act of 1934, providing “Continuing Disclosure Obligation” to the public marketplace. Motion seconded by Mrs. Stendor

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

Approval of Expenditures for the N. J. State League of Municipalities Convention

Mrs. Masson made a motion to approve the expenditure of up to \$500.00 per person to attend the New Jersey State League of Municipalities Convention to be held in Atlantic City November 18, 19, 20, 2014, Eligible to attend are the Mayor, Councilmembers, and full time employees. Motion seconded by Mrs. Stendor

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

Appointment to the Clove Lake Maintenance Committee

A quorum does not exist to discuss this issue.

Resolution 2014-103R - Award of Contract to Atlantic Engineering, LLC

Mrs. Masson made a motion to adopt Resolution 2014-103R awarding a contract to Atlantic Engineering, LLC, 170 Kinnelon Road, Kinnelon, NJ 07405 in the amount of \$2,400 for ½ day (4 hours.) and \$3,600 per day (8 hours) to evaluate and repair the intake pipe located in the Colesville Reservoir. Motion seconded by Mrs. Stendor

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

OPEN PUBLIC SESSION #2

Mrs. Masson 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.

Mr. Albert Decker, 2 Harrison Street, Sussex addressed the Mayor and Council regarding the replacement of the larger garbage cans in Deckertown Commons.

Ms. Alison Orsi, 41 Lowe Road, stated that she will be asking questions and making comments concerning the possible sale of the Borough’s Water/Sewer Utility therefore at 7:57 Mayor Rose recused himself from this portion of Open Session and exited the dais.

Mrs. Masson presided over the remainder of Open Session.

Ms. Alison Orsi asked if there are any planned meetings with Aqua America or any new information about the sale.

Mrs. Masson stated that we did have Aqua at a meeting several meetings ago. We are supposed to be holding public meetings at the firehouse where we give information to the public.

Ms. Orsi expressed her concerns that the possible sale of the water sewer utility would negatively impact the Borough.

Mr. Albert Decker, 2 Harrison Street, Sussex expressed his concerns regarding the members on the proposed utility sale committee.

Mayor Rose returned to the dais at 8:08pm.

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

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk