

**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
DECEMBER 16, 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."

APPROVAL OF AGENDA

Mrs. Masson made a motion to approve the agenda for December 16, 2014.
Motion seconded by Mrs. Stendor

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

PRESENTATIONS:

No presentations were offered.

COMMITTEE REPORTS: Mayor Rose opened the floor to each member of the Council to offer their respective committee reports.

Mrs. Masson offered a report as liaison to SCMUA and commented about the Sussex County League of Municipalities dinner recently attended.

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 a report as the Council Representative on the Recreation Committee and commented about the Sussex County League of Municipalities dinner recently attended.

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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter from Angelo Ballistreri, Sussex Laundromat, in regards to concerns about his water and sewer bill.

2. Thank you note from Joanne Cosh to the DPW for picking up her leaf bags.
3. Letter dated December 9, 2014 from Elke Yetter, CFO, to Mark Zschack in regards to the results of the Bond Anticipation Note Sale.
4. Letters dated December 10, 2014 to all professionals in regards to their professional services agreement.
5. Resolution from the Township of Hampton urging the New Jersey State Legislature to enact a 2% cap on tuition increases charged by county vocational technical high schools to local sending districts.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Clerk's report for the month of November 2014.
2. Tax Collector's report for the month of November 2014.
3. Water Sewer Collector's report for the month of November 2014.
4. Construction Department report for the month of November 2014.
5. Property Maintenance Department for the month of November 2014.
6. Zoning Department Report for the month of November 2014.
7. Delinquent Utility Properties Report as of December 12, 2014.
8. Unpaid Utility Properties Report as of December 12, 2014.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Blue Light application for Regina Cintron
2. Blue Light application for Robert Cintron.
3. NJ State Firemen's Application for Christopher E. Ross.
4. NJ State Firemen's Application for Marisa C. Gorman.
5. NJ State Firemen's Application for James K. Courtright.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Payment of bills for the meeting of December 16, 2014.

Mr. Lagattuta made a motion to accept the consent agenda of December 16, 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 #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.

Mrs. Joanne Horvath 31 Bank Street, Sussex requested that the Council reconsider the adoption of Ordinance #2014-14.

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

ADMINISTRATORS REPORT

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

Water/Sewer Utility

On Sunday there was a break in the sewer force main on Route 23 southbound approximately 30 feet from the break that occurred earlier this year. The Hardyston DPW

needed to construct a small access road to be able to get machinery to the location of the break. The pipe was repaired early Monday morning.

The replacement of the damaged water valve on Route 23 is scheduled for Thursday evening starting about 10:30 pm. At the same time the NJDOT will be working on the water line in the area of Fourth Street. Once this project is completed the Borough will be able to isolate three separate sections of the construction area.

The Sussex County Municipal Utilities Authority (SCMUA) provided its estimate of the annual sewage treatment charges for 2015. The new estimate for 2015 is \$696,002 this amount reflects a general charge of \$197,369 and an operating charge of \$498,633. Keep in mind this DOES NOT include any additional charge for 2014.

Misc

There was a fire this weekend on Lakeview Terrace in the condominium portion of the development. The Sussex Fire Department responded and was able to isolate the damage to two units. One unit is uninhabitable and the building department is working to secure the premises.

We are continuing the search for a new CMFO and are in the process of scheduling interviews. Very few resumes have been received as of today but two Municipalities have shown interest in discussing an interlocal agreement.

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 Special Meeting held on April 16, 2014. Motion seconded by Mr. LaBar

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

Mrs. Stoll made a motion to approve the meeting minutes of the Regular Meeting held on September 2, 2014. Motion seconded by Mr. Lagattuta

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

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on September 16, 2014. Motion seconded by Mrs. Stendor

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

Mr. LaBar made a motion to approve the meeting minutes of the Special Meeting held on September 24, 2014. Motion seconded by Mrs. Krynicky

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

Mr. Lagattuta made a motion to approve the meeting minutes of the Special Meeting held on October 28, 2014. Motion seconded by Mrs. Masson

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

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on December 2, 2014. Motion seconded by Mrs. Stendor

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

Resolution 2014-132R – Purchasing Policy

Mr. Lagattuta made a motion to adopt Resolution 2014-132R establishing a purchasing policy manual for the Borough of Sussex. Motion seconded by Mrs. Masson

Mr. Lagattuta made a motion to amend the previous motion to add the word Contract on page one under DEFINITIONS to the beginning of the second paragraph and on page sixteen change number sixteen to read “ Intentionally Omitted.”
Motion seconded by Mrs. Stoll
All were in favor.

Mr. Lagattuta made a motion to table Resolution 2014-132R establishing a purchasing policy manual for the Borough of Sussex until after tonight’s Executive Session.
Motion seconded by Mrs. Krynicky
All were in favor.

Public Works Department Services

Mr. Lagattuta made a motion to authorize the Mayor and Clerk to execute an interlocal agreement with Hardyston Township for Public Works Department Services as outlined in the attached proposal for the term of January 1, 2015 through December 31, 2015
Motion seconded by Mr. LaBar

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

Resolution 2014-137R – Cancellation of Reserve Balances in Current Fund

Mr. LaBar made a motion to adopt Resolution 2014-137R authorizing the cancellation of reserve balances in current fund. Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Resolution 2014-138R – Refund of Resale Inspection Fee

Mrs. Stoll made a motion to adopt Resolution 2014-138R approving a refund of \$50.00 to Sussex County Real Estate, LLC for a housing resale inspection that was cancelled. Motion seconded by Mrs. Masson

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Sussex Fire Department Raffle License

Mr. LaBar made a motion to approve Raffle License RA 2015-02 for the Sussex Borough Fire Department and to waive the Borough fees associated with this license.

Motion seconded by Mrs. Stoll

Upon roll call vote:

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

Nays: None

Abstentions: None

Absent: None

Adoption Ordinance #2014-14 – Water/Sewer Rates

Mr. Lagattuta made a motion to adopt ordinance #2014-14 entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED “WATER/SEWER SYSTEM FEES,” OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX”

Motion seconded by Mrs. Krynicky.

Mayor Rose opened the meeting to the public for any questions or concerns regarding Ordinance #2014-14.

Mrs. Joanne Horvath offered comments concerning Ordinance 2014-14

There being no one else 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: None

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

Abstentions: None

Absent: None

Mrs. Masson made a motion for a five minute recess to draft an Ordinance for consideration by the Council tonight. Motion seconded by Mrs. Stendor

All were in favor

Mayor Rose announced that the Council is now adjourned from recess.

AMEND AGENDA

Mr. Lagattuta made a motion to amend the agenda for December 16, 2014 and add the Introduction of Ordinance 2014-15 "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED "WATER/SEWER SYSTEM FEES," OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF SUSSEX".

Motion seconded by Mr. LaBar

Mr. Lagattuta made a motion to amend the previous motion and add to the agenda of December 16, 2014 a Resolution setting a Special Meeting on December 30, 2014 at 7:30pm. Motion seconded by Mrs. Stoll

All were in favor of the admendment.

Upon roll call vote to amend agenda:

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

Nays: None

Abstentions: None

Absent: None

Introduction Ordinance #2014-15 – Water/Sewer Rates

Mayor Rose read the Ordinance in full and also stated that the Public Hearing for this Ordinance will be scheduled for December 30, 2014 at 7:30 pm.

Mr. Lagattuta made a motion to adopt ordinance #2014-15 entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY TO AMEND CHAPTER XXIV, SECTION 24-1.4, ENTITLED "WATER/SEWER SYSTEM FEES," OF THE GENERAL REVISED ORDINANCES OF 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

Resolution 2014-139R - Special Meeting

Mrs. Masson made a motion to adopt Resolution 2014-139R scheduling a Special Meeting on December 30, 2014 at 7:30 pm at 2 Main Street, Sussex New Jersey, 07461

Motion seconded by Mr. Lagattuta

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 Mrs. Masson

All were in favor.

Ms. Kathy Esposito, 39 Bank Street and business owner at 49 Main Street, stated that she represents a task force of the Borough Merchants and reported on the progress of this group.

Mr. Ed Meyer , 47 Lakeshore Drive, Sussex, Offered questions and concerns in relation to Ordinance 2014-15

Mr. Miles Kuperus, 10 Kuperus Lane, Sussex stated that he also represents a task force of the Borough Merchants and reported on the progress of the website for this group.

Mrs. Kathy Little, 27 Clove Avenue, Sussex stated she is an at-large member of the Sussex County Water Management Policy Advisory Committee and offered a report concerning said Committee.

Ms. Nancy Bookbinder, owner 86 Main Street, Sussex offered questions and concerns for the sidewalks on Main Street, State Police presence in the Borough and the projected conclusion date for the NJDOT Route 23 project.

Mayor Rose offered answers and comments concerning Ms. Bookbinder's questions.

Mrs. Julia Devine, 4 Main Street, Sussex offered comments and questions concerning liens and tax sales in Sussex Borough.

There being no one else present who wished to address the Governing Body, Mr. Lagattuta made a motion to close the meeting to the public. Motion seconded by Mrs. Stoll 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 personnel and attorney client privilege matters involving the possible purchase of real property, contract negotiations and potential litigation with Bosma. Motion seconded by Mrs. Masson

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

Mayor Rose stated that Council President Krynicki left the dais at 8:59 pm, before the discussion concerning Bosma and returned at 9:04 pm after the discussion ended.

After meeting in closed session, the Governing Body returned to their seats at 9:30 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

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

Resolution 2014-132R – Purchasing Policy

Mayor Rose stated that a motion and second for Resolution 2014-132R was presented earlier and tabled until after the Executive Session.

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

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mrs. Krynicky made a motion to adjourn the meeting. Motion seconded by Mrs. Stoll
All were in favor.

Jonathan Rose, Mayor

Mark Zschack, Municipal Clerk