

**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
FEBRUARY 2, 2009**

Mayor Parrott 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: Mr. Dykstra, Mr. Fransen, Mr. LaBar, Mrs. Little Mr. Meyer, Mayor Parrott.

Absent: Mr. Rose (arrived at 8:11 pm)

Mayor Parrott led the assembly in the flag salute and requested a moment of silence.

Mayor Parrott welcomed back Mr. Dykstra and said that he was greatly missed during his absence. He stated that he is glad that Mr. Dykstra is feeling better and he is looking forward to working with him during the year

Mayor Parrott stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

CONSENT AGENDA

Mayor Parrott requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

Mrs. Little made a motion to accept the consent agenda of February 2, 2010. Seconded by Mr. LaBar.

Mrs. Little stated that she would like the Borough to pass resolution similar to the ones that are on the consent agenda from Lafayette. Mrs. Gleason stated that she will put them on the next agenda for consideration.

Mr. LaBar asked if there is any way to increase the amount given to the Borough by SECTV?

Mr. Ursin responded that it is usually a fixed amount that is given to every town and that there isn't much room to negotiate when it comes to that. There will be a public hearing at the next council meeting to discuss other incentives. Soon there will be other companies that will provide competition in the County for these services.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. SECTV Cable TV Franchise Fee
2. SCMUA 2010 Schedule for Hazardous Waste Days, Electronic waste recycling days, recycling center and vegetation
3. Letter Dated January 15, 2010 from Ronald Chen re: avoiding water shut-offs in Tenanted, residential properties
4. Resolution from Lafayette Township re: Opposition to Assembly Bill A-4151 expanding prevailing wage requirements to food services, public bodies and schools.
5. Resolution from Lafayette Township re: Opposition to Assembly Bill A-4305 (Companion Bill to S-3094) requiring apprenticeship programs and other standards for public works contractors
6. Resolution from Lafayette Township re: Opposition to Senate Bill S-3094 requiring apprenticeship programs and other standards for public works contractors

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Court Report for the month of December 2009
2. December Construction Report
3. Year to date Construction Fees

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 2, 2010

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer

Nays: None Absent: Rose Abstentions: None

OPEN PUBLIC SESSION #1

Mr. Fransen made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mrs. Little. All were in favor.

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

COMMITTEE REPORTS

Mr. Dykstra stated that he doesn't have a report but stated that the High Point referendum didn't pass.

Mayor Parrott stated that he thinks that they were hanging their hat on the fact that even with the new projects debt service payments would be reduced. He thinks that most people found the improvements to the athletic facilities distasteful.

Mr. Fransen stated that he doesn't know why the 40 year old science labs were not done before this, at a time when the economy was better.

Mr. Fransen stated that the Planning Board reorganization meeting is scheduled for Thursday night. The Planner, Ken Nelson, will have an update for the Board on COAH.

Mr. Ursin updated the Council on the legislation being introduced in the state assembly. He is not sure if the cure is going to be worse than the illness. Each town will still be mandated to provide affordable housing but the new legislation will leave the towns to fight developers on their own.

Mr. Fransen stated that he went to the workshop meeting of the Sussex Wantage Board of Education. The meeting was terribly run and it was very hard to hear. Their Level Three Curriculum is on hold because the test scores were lower than the year before. He was concerned because the Board went into Executive Session without giving a reason other than to discuss the budget.

Mr. Ursin stated that he wonders what about the budget process is an Executive Session item and stated that as individual taxpayers the Council members could request an explanation, but recommended that they didn't do it formally as a Council.

Mr. Dykstra stated that the reorganization meeting for the Property Maintenance Board is scheduled for February 11th.

Mrs. Little reported that the rabies clinic was held on January 24th and that they gave shots to 115 dogs and 26 cats. The clinic was arranged by Karen VanderVeer and four of the members, including her, were in attendance to help.

Mrs. Little stated that the Board of Health reorganization meeting was held on January 26th and that Karen VanderVeer was appointed as the Chairperson. Lynn Meyer was appointed as the Vice Chairperson.

At the meeting Mike Plaza informed the Board that the Recreation Commission members do not have to go through the same certification process as food establishments do. He also stated that members can make food, such as cookies, to be sold at a bake sale, but he recommends that if they do that then they should have a sign stating that the foods were not prepared in a "certified kitchen".

Mr. Rose joined the meeting at 8:11pm.

Mrs. Little stated that Lee Abbott will be moving to Vernon so a new member is needed for the Board of Health.

Mrs. Little stated that she gave everyone a copy of the 2008 recycling audit report from Morris County Co-op. She also stated that there was not a '208' meeting or a solid waste meeting

since the last time the Council met. She also did not attend court yesterday. She asked the Clerk to call to see if there is anyway that the court clerk could distinguish on the court calendar the cases that belong to Wantage and the cases that belong to Sussex.

Mr. Meyer stated that the Borough has been given the go ahead by the State to award a contract for the energy audit. It will go on the next agenda. He stressed the importance of putting together a committee to discuss the water/sewer rates and the DPW situation. Perhaps while we are looking at entering into inter-local agreements with Vernon and Wantage we could advertise for a DPW foreman at the same time. That would give us choices when it comes to making a decision as to whether to keep the DPW in house or to share services with another municipality.

Mr. Dykstra agreed and also stated that we may want to consider subcontracting out for snow plowing services.

Mr. LaBar stated that he has asked Sam to give a thorough print out of what the DPW actually costs the Borough on a yearly basis so that an informed decision can be made.

Mayor Parrott stated that he will call everyone this week to discuss forming a committee to discuss the DPW and will make a decision by the end of the week.

Mrs. Gleason stated that she and the Mayor met with Hank today to go over the DPW report. A copy of the report is on file in the clerk's office. She stated that Mr. Ruschke will be meeting with Hank on Thursday to look at the condition of the water lines under the bridge on Loomis Avenue and the one under the bridge on Newton Avenue.

Mr. LaBar stated that the Shade Tree Commission will be meeting next week and that they were just informed that they didn't receive the grant for last year because our plan was not actually effective until 2010. They will apply for the grant for trees for Main Street again next year.

Mr. Ursin requested an Executive Session to discuss the bill dispute with Crew Engineers.

Mr. Ursin updated the council on the following matters:

1. Today, he, the Mayor and Cathy met with Vernon to discuss Interlocal agreements. Because he is the attorney for both towns he attended the first meeting but recommended to both municipalities that they have another attorney review the agreements before signing them. He recommended that the Borough use Glenn Gavan, the Planning Board Attorney
2. He has left messages with the attorney for Alpine Village regarding the easement but has had no response. He will contact them again.
3. The judge has given a time table to both the Borough and High Ridge to come to a settlement agreement. He will be working on that this week.
4. Clove Hill Manor litigation has been very quiet. Mediation has been put off.
5. He will find out if all of the money has been collected for the Allied settlement.
6. The Council has the lease for the Route 23 property and he has drafted a resolution that can be voted on tonight.
7. He will follow up with the proposal sent to Mr. Hannigan for the water bill.
8. The lawsuit brought upon the Borough by someone who slipped and fell in front of the Fountain Square is now in the hands of the insurance company. He doesn't think that the tort claim was filed within the time limits.
9. The agreement for the driveway was signed with Julia Devine and the check was received.

Mayor Parrott stated that we did talk to Vernon today regarding Interlocal agreements regarding DPW, construction and Animal Control. We did receive another proposal for construction services. It is \$5000.00 lower than the original proposal because, according to Wantage, one of their part time inspectors resigned. Mayor Parrott wonders why he wasn't told that someone resigned and is looking for an even larger savings. He spoke to the Committee people from Wantage and they told him that they are not informed by the administrator at times regarding the Interlocal fees and that from now on the Mayor is to go to them if he has an issue with price.

Mr. Ursin stated that the Council should pass the water/sewer agreement with Wantage – there is no way to change it at this point but any agreements in the future will definitely be more favorable to the Borough. He can't understand why a master meter was ever put in Clove Hill.

Mr. Meyer asked Mr. Ursin to look into the fact that the Borough is paying taxes on the water treatment plant, the Lake Rutherford Reservoir and the Colesville Reservoir. He doesn't understand why we are paying taxes to Wantage for these properties.

Mr. Rose stated he attended the Merchant's Association Meeting and that they have asked if we would put up the spring banners.

Mayor Parrott stated that he would have Hank put it on his list of things to do but that he would recommend putting them up after the winter and the snow.

Mr. Rose stated that at the meeting they discussed beautifying Main Street and that he recommended to the business owners that they contact Bruce and the Shade Tree Commission.

Mayor Parrott asked Mr. Ursin if he thinks that the SCMUA can charge towns that don't use the landfill a fee.

Mr. Ursin responded that he does not believe that is what SCMUA has in mind. They have no mechanism to charge municipalities a fee. He believes that they will increase revenue by increasing the tipping fees.

OLD BUSINESS

Mr. LaBar asked about the property that the Borough owns and if it may be time to sell it. He stated that previously Mr. Ursin told the Council that it may be a good idea to hold onto the property in case the Borough needed it to meet their COAH obligation.

Mr. Ursin stated that although that may be a valid reason to hold onto property he would advise, in most instances, for the Borough to sell the property.

NEW BUSINESS

Introduction Ordinance #2010-01 – Fee Schedule

Mr. LaBar made a motion to introduce an ordinance entitled "AN ORDINANCE TO AMEND SECTION 24 OF THE ORDINANCE OF THE BOROUGH OF SUSSEX ESTABLISHING FEES". Seconded by Mr. Meyer.

Mrs. Gleason stated that the only change in the ordinance is to allow for a fee to be charged for the postage and handling when we send the water meters to be tested by an independent company.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

FINAL READING: FEBRUARY 16, 2010

Sussex – Wantage Little League Parade

Mrs. Little made a motion to approve a request from the Sussex-Wantage Little League to hold its annual opening day parade on Saturday, April 17, 2010 (with a rain date of Saturday, April 24, 2010) beginning at 11:30 am, conditioned on approval from the County and the State. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Social Affair Permits – Sussex Fire Department

Mrs. Little made a motion to approve 4 Social Affair Permits submitted by the Sussex Fire Department to hold events on February 27, 2010 from 6:00 pm to 1:00 am, March 13, 2010 from 6:00 pm to 1:00 am, March 20, 2010 from 5:30 pm to 12:00 am and March 27, 2010 from 6:00 pm to 12:00 am, at the Sussex Fire House. Seconded by Mr. Meyer.

Mrs. Gleason stated that the Fire Department has already requested permits for 6 social affairs and it is only February. They are only allowed a certain number of them a year.

Mr. Ursin stated that there is no down side, as he understands it, for the department to get a club license.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Custodial Services – Municipal Building

Mr. LaBar made a motion to hire Colleen Little to provide custodial services for the municipal building at the rate of \$10.00 an hour. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Resolution #2010-21R – Lease Agreement, Mill Street Properties

Mr. Meyer made a motion to approve a resolution authorizing non-residential lease agreement between New Jersey Department of Transportation and the Borough of Sussex. Seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #2

Mrs. Little made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Meyer All were in favor.

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Fransen made a motion to adjourn into closed executive session to discuss the bill dispute with Crew Engineers. Motion seconded by Mrs. Little.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10: 41 p.m. Mrs. Little made a motion to return to the regular order of business. Seconded by Mr. LaBar. All were in favor.

MISCELLANEOUS COMMENTS

Mr. Ursin stated that during Executive Session the Council discussed giving an employee a raise for all of the extra work he has been doing since the DPW Supervisor resigned.

ADJOURNMENT

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

Christian Parrott, Mayor

Catherine Gleason, RMC