

**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 16, 2010**

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, Mr. Rose, Mayor Parrott.

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

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."

PRESENTATIONS:

At this time representatives from SECTV presented their application for their "Renewal of its Municipal Consent" to own, operate, extend and maintain a cable television and cable communications system in the Borough of Sussex.

Mr. Michael Meliti, attorney for SECTV, introduced Mr. Ronaldo D'Argenio, a partner in his firm as well as Sheri LaPreston a representative from SECTV. Mr. Meliti stated that the company currently has 586 subscribers in the Borough and has been servicing them for 30 years. They provide cable tv, high speed internet and more recently digital phone service. SECTV has had a good relationship not only with the Borough at the government level but with the residents as well.

Mr. Meliti stated that according to the "Cable TV Act" the company needs to have municipal consent in order to provide services in the Borough in order to renew their franchise. The town was previously under a franchise agreement but it needs to be renewed with another ordinance. The agreement will then be sent to the Board of Public Utilities for approval to go forward with providing services within the Borough. They are the only cable provider right now but it is important to note that pursuant to state law it is a non-exclusive franchise agreement. Many towns are concerned that they are only signing on with one company but that is not the case. He believes that there haven't been any written complaints from any of the subscribers in the Borough. As part of the process the Governing Body has received an application that provides the information regarding the company itself.

He explained that the company has increased its services to include video on demand and a triple play package – which includes digital phone service, high speed internet and cable television. By choosing the triple play option the subscriber can now bundle all three utilities into one at an extremely discounted rate.

Tonight is the public hearing allowing residents and the Governing Body to ask questions regarding the renewal process. Subsequent to this meeting a draft ordinance will be provided to the Borough. Additional requests can be added by the Governing Body and a final ordinance will then be created to be voted on by the Council.

Mr. Ursin stated that what Mr. Meliti stated is correct. Tonight's meeting is an opportunity for the public and the Governing Body to ask questions. As previously discussed with representatives from SECTV, cable will be provided to the Municipal Building, Fire House and DPW garage at no cost and internet service can be provided at cost to the Borough. When the ordinance is prepared those things will be mentioned. Between now and the next meeting Mr. Ursin stated that he will make sure that what ever requests come from the council are included in the ordinance. If it is acceptable to the company then the ordinance can go on the agenda at the next meeting.

Mr. LaBar stated that the only complaint that he has is that the bill went up again and that he didn't see a notice of the increase on the bill.

Ms. LaPreston stated that a letter was included in the November bill discussing his increase.

Mayor Parrott asked if and when a new channel card is sent out and Ms. LaPreston responded that it goes out once a year, usually in March.

Mr. Dykstra asked why the volume changed when the commercials were on and Ms. LaPreston stated that they have been working on correcting the problem by changing the channels to digital channels. Some of the channels, however, are still analog.

Mr. Meyer asked if the municipality could benefit from digital phone service and Ms. LaPreston stated that currently digital phone service is only being offered to residential customers.

Mr. Meliti asked if the Borough would be considering a 10 or 15 year renewal and Mr. Ursin stated that he would be recommending that the municipality enter into a 10 year agreement.

Mr. Meliti thanked the Council for allowing them to be here tonight and stated that he will work with the Borough attorney on the ordinance.

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.

Mr. Rose asked if the field application will be approved by accepting the consent agenda.

Mayor Parrott asked if he would like it pulled off of the consent and discuss it separately.

Mr. Rose stated that in the past we have requested that they provide port-o-johns and Mrs. Gleason stated that she has an e-mail from them stating that they will provide them this year as well.

Mr. Rose stated that he is fine then with it being approved along with the rest of the consent agenda.

Mrs. Little made a motion to accept the consent agenda of February 16, 2010. Seconded by Mr. Meyer.

Mr. LaBar stated that when he and Frank signed the bills he realized that there were three repair bills – 2 snow blowers that were damaged by the DPW cost approximately \$200.00 each.

Mayor Parrott stated that the snow blowers were damaged due to negligence – they weren't secured to the back of the truck properly.

Mr. LaBar stated that the third invoice to Bassani was for \$404.00 and it was for the servicing of the cut off saw. He and Frank were upset because they don't know how old the saw is and that they spent so much on the repair. He stated that he called Montague tool and a new one cost about \$850.00. He knows in the past they have, under prior administrations, been very liberal on getting things fixed, but he thinks they should have to get an estimate first to see if it is worth fixing or if we should purchase a new one. They should also be required to get more estimates. There are many shops that repair small engines.

Mayor Parrott stated that he will have Cathy tell Hank to get more than one estimate when things need to go in to be repaired, unless it is an emergency.

Mr. Rose stated that he noticed that there was a voucher for a \$250.00 pair of boots.

Mr. LaBar stated that it is in the employee handbook that we supply 2 pair of boots every year.

Mr. Rose stated that we should put a dollar limit on that.

Mr. LaBar stated that the voucher was for two pair of boots.

Mr. Rose stated that is about what two pair of good boots cost

Mr. Ursin stated that he will do a resolution changing the manual and it can be on for approval at the next meeting.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated January 28, 2010 from John Ruschke to Catherine Gleason regarding the water allocation permit.
2. Letter dated February 8, 2010 from Catherine Gleason to Harry Howell regarding water/sewer connections.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Collector's Cash Book Breakdown for January 2010.
2. Utility Year-to-Date Receipts Report for January 2010.
3. Fire Department and EMS Report for January 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application from High Point Soccer Club to use Boggs Field for Spring and Summer soccer seasons. (with the condition that they provide a valid insurance certificate)

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of February 16, 2010.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #1

There was no one in attendance at this evening's meeting.

COMMITTEE REPORTS

Mr. Rose stated that Recreation had a meeting last Tuesday and that they are in the process of planning the Egg Hunt and that the ordinance that was discussed at the last meeting is on the agenda this evening. Mr. Rose also stated that he met with Bruce and Ed last Thursday regarding what to do with the DPW. They will be meeting every Wednesday from this point forward.

Mrs. Gleason stated that Vernon is working on preparing a proposal for Interlocal services and that she spoke to Hardyston today and that they would like to have a meeting with the committee to discuss a possible agreement. She will give Ed Meyer Marianne Smith's contact information for them to set up a meeting. Vernon was told only to work up a proposal for DPW services, not water and sewer.

Mr. Meyer stated that perhaps we should look at replacing both the water/sewer and DPW.

Mr. Rose stated that OSHA requires that we have two employees at a time. So we know we have to keep two guys out of three, so how much savings are we really going to realize? It really needs to be looked at as an integrated service.

Mr. Ursin stated that Vernon will probably have an operating sewer system in the fall. He is not sure if they have employees that actually perform water/sewer services, like fixing leaks.

Mr. LaBar stated that he thinks United Water runs all of their utility and thinks that they do not have any skilled water/sewer people. We need to look for a town that has skilled repair people already in house.

Mr. Ursin stated that it will be changing because the Town Center will have its own water system.

Mr. Meyer stated that the committee will be meeting on Wednesdays at 6:00 pm. At some point they would like to have a work session with the entire Council. Essentially they came up with three options. One would be to keep the DPW as it is and searching for a DPW foreman. Mr. Ursin and the clerk are working on putting an ad in the paper. Unless there will be a significant savings by going with an Interlocal agreement it might be more cost effective to maintain the DPW services. Based on the rough analysis that they have done so far they have realized that they need to keep two workers out of three.

Mr. Ursin stated that a department can probably be staffed with a few part time people – he would have to look at how well that would work though running the department. He would like Mr. Dykstra to work with Mr. LaBar on analyzing the cost of what we currently have, including the equipment needs as we go forward.

Mr. Rose stated that Sam gave them a spread sheet but that the numbers simply don't add up.

Mr. Dykstra stated that Hank should give us an inventory list of all the equipment and Mrs. Gleason stated that we are having an outside company come in to do an inventory.

Mr. Meyer thanked all of the Council people for wanting to be involved. He asked Mr. Fransen to work with Jonathan on looking over the shared services agreements that we receive from other towns. They should be looking at the possibility of contracting out for the plowing. Mowing can also be broken out the same way. It depends on how many employees we have to keep.

Mr. Meyer stated that if we are going to hire someone then we have to do it as quickly as possible so that they can work with Hank before they leave. He asked Mrs. Little to work on the interviews with him.

Mr. Dykstra stated that he has heard that perhaps some of the things that are being told to the Mayor by the DPW are not the entire truth and suggested that he meet with them to find out what the employees are willing to do once Hank retires.

Mayor Parrott stated that the only thing that he was told was that Tucker did not want to take over the supervisory duties and that he heard that right from Hank. He will, however, talk to the employees about it sometime this week.

Mr. Meyer stated as part of the process the committee will meet with the DPW to discuss what is going on and to get recommendations as to what they think would be effective.

Mrs. Little stated that both the Solid Waste meeting and the '208' meeting were cancelled because of snow. She reported that the Sussex Borough Board of Health received a letter in error from the CDC regarding immunization concerning an individual. The child being discussed in the letter actually lives in Newton. The letter was supposed to be for the County. She called them to let them know. She was told to shred the letter if it was received in error.

Mrs. Little also reported that she will be attending the recycling tonnage grant workshop on February 25th and that she will also be a celebrity reader at the Wantage School on March 2nd in cooperation with the "Read Across America" program.

Mayor Parrott stated that the DPW is doing a great job and that they are accumulating very little overtime.

Mr. Meyer stated that they did a great job with the sidewalks, parking lots and the roads. He asked if the Council would like to set up a workshop session now to discuss DPW and Mayor Parrott stated that when they have more information then a session could be planned.

Mr. LaBar stated that the Shade Tree Commission is meeting tomorrow because the meeting last week was canceled due to snow.

Mr. Dykstra stated that they had the Property Maintenance Reorganization meeting last week and there aren't any problems. In the spring they plan on addressing the messy porches in town. The Committee is now going to meet quarterly.

Mayor Parrott stated that the Governor is taking away a lot of aid from the schools. Sussex Wantage and High Point weren't hurt as bad as some of the other schools in the County.

Mr. Dykstra stated that it is a good thing then that the referendum didn't go through.

Mr. Fransen stated that he, Rich Klein and Ken Nelson will be meeting with the Wantage Plan Endorsement Committee on February 22nd. The Planning Board had its reorganization meeting and Rich Klein was appointed as the Chairman. Sal Lagattuta was selected as the Vice-Chair. Ken is not doing anything at this time with the housing element of the Master Plan. We are going to see what happens with COAH before we proceed.

Mr. Ursin reported that he believes that every municipality needs to have a trained CPWM and can not be satisfied by an outside contractor. Someone can be hired without the certification but they have to obtain it within a year or two of hiring.

Mr. Ursin also reported that Allied Meter has not sent their check to the Borough for the settlement agreement because they are arguing that the Borough still has their retainage on the contract. Mr. Ursin stated that the retainage was never brought up during the negotiation process and he recommends that the Borough not pay it. He recommends that we even go back to court if we have to.

With regard to the Alpine Village easement, Mr. Ursin stated that he has not heard from them. If we have to go through with taking the easement it will be costly.

Mayor Parrott stated that he will try and contact the management company directly to see if it can be worked out.

Mr. LaBar stated that we have helped them out with their parking problems so he doesn't understand why they are not signing the agreement.

Mr. Ursin stated that he looked into the taxes that the Borough is paying to Wantage on the three properties having to do with the water supply. According to the law that is the only instance when a municipality has to pay taxes. The Borough can check to see whether the assessed value is correct if they so choose. In future agreements with Wantage, where water is being provided to its residents, the Borough should negotiate with the developer to offset these costs.

Mayor Parrott stated that he and Cathy met with Tom Davis and Sam to go over any grants that may be available. He also stated that he attended the Wantage Township meeting last week. They discussed the construction Interlocal at the meeting. The Committee people reduced the annual fee to \$90,000.00 as requested. They went against Jim Doherty's recommendation to keep the cost at \$95,000.00. They want to stay friendly with Sussex Borough and keep our business. The original proposal was for \$100,000.00 so by just having a phone conversation with the committee they have dropped the price \$10,000.00. The Borough should look however to get it down even further.

Mayor Parrott also reported that we met with John Ruschke to discuss the possibility of drilling wells in the Borough. The way the Borough gets and treats its water, from the reservoir and then the treatment plant, is the most expensive way to provide water. For what we pay to United Water in one year alone would pay for the cost of drilling one well. He has maps that show the possibility of finding water in the Borough. John Ruschke thinks that it will be an economical move to make in the long run. The plant is deteriorating to the point where we have to put a lot of money into it. Maintenance on the plant that should have been done for many years hasn't been done and now this Council has to find the money to pay for it. Everyone always stuck their heads in the sand and just let it go. Now that the dam is classified we might have to do things that the State requires which could cost a lot of money. The Coleville Reservoir needs to be dredged which is also going to cost a lot of money. John Ruschke thinks it would probably take about three years to get wells up and running. We could hold off on doing a lot of things if we decide to drill wells. The water tanks still need to be painted however. It would cost approximately \$25,000 to drill the well and test it to see if it would have an adequate supply of water. We supply part of Wantage with water so pump stations may be needed.

Mr. Meyer stated that we would need 2 or 3 well, depending on water pressure. It will cost approximately \$1,000,000.00 for three wells.

Mayor Parrott stated that right now there are a lot of unknowns to deal with regarding the reservoirs and the treatment plant. Perhaps we could sell the reservoir property to cover the cost of drilling the wells.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on January 19, 2010. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose
Nays: None Absent: None Abstentions: Dykstra

Mr. Fransen made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on February 2, 2010. Seconded by Mrs. Little.

Upon roll call vote:
Ayes: Dykstra, Fransen, LaBar, Little, Meyer
Nays: None Absent: None Abstentions: Rose

Resolution #2010-22R – Opposing Senate Bill S-3094

Resolution #2010-23R – Opposing Assembly Bill A-4305

Resolution #2010-24R – Opposing Assembly bill A-4151

Mr. Fransen made a motion to adopt a resolution opposing Senate Bill S-3094, Assembly Bill A-4305 and Assembly bill A-4151. Seconded by Mrs. Little.

Upon roll call vote:
Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose
Nays: None Absent: None Abstentions: None

Resolution #2010-26R – Paris Grant Implementation Project

Mr. Rose made a motion to adopt a resolution authorizing Sussex Borough to participate in the Paris Grant Electronic Document Management System Implementation Project to be sponsored by the County of Sussex. Seconded by Mr. Meyer.

Upon roll call vote:
Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose
Nays: None Absent: None Abstentions: None

Resolution #2010-27R – Authorizing Loan from Infrastructure Trust

Mr. Fransen made a motion to adopt a resolution authorizing application for a loan from the New Jersey Environmental Infrastructure Financing Program (I & I project). Seconded by Mr. LaBar.

Upon roll call vote:
Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose
Nays: None Absent: None Abstentions: None

Appointment – Recreation Members

Mr. Fransen made a motion to approve the Mayor's appointment of Leigh Ann Meyer and Lynn Meyer as members of the Sussex Borough Recreation Commission for a one year term. Seconded by Mr. Rose.

Upon roll call vote:
Ayes: Dykstra, Fransen, LaBar, Little, Rose
Nays: None Absent: None Abstentions: Meyer

Final Voucher – Owl Contracting for Newton Avenue Project

Mrs. Little made a motion to approve a final payment in the amount of \$2,553.40 payable to Owl Contracting for work done on the Newton Avenue Road Improvement Project. Seconded by Mr. Meyer.

Upon roll call vote:
Ayes: Dykstra, Fransen, Little, Meyer, Rose
Nays: None Absent: None Abstentions: LaBar

Key-Tech Voucher – Core Drilling and Lab Analysis for Lakeview Terrace

Mr. Dykstra made a motion to approve a voucher in the amount of \$1,600.00 payable to Key-Tech for the core drilling and laboratory analysis of Lakeview Terrace. Seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Engineering Services for Energy Audit – CHA

Mr. Meyer made a motion to accept a proposal from CHA to conduct an energy audit on four municipal buildings at a cost not to exceed \$29,356.00. (75% of which will be funded by the New Jersey Clean Energy Program – the remaining 25% will be reimbursed to the Borough if we implement at least 25% of the projects suggested in the audit report). Seconded by Mr. LaBar.

Mr. Ursin stated that the report will have certain recommendations and the payback time for your investment. In order to get the approximately \$7500.00 reimbursed, the Borough will have to spend \$7500.00 on the recommendations. Most municipalities have done it. The Borough is not obligated to do any of the recommendations but then they have to pay 25% of the cost of the audit. Some of the recommendations include street lights, sensors, controls on HVAC and lights.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #2010-01 – Fee Schedule

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

Mr. Parrott stated that there was no one in attendance and no need to open the meeting to the public.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Interlocal Agreement – Animal Control Services – Vernon Township

Mr. Dykstra made a motion to enter into a 3 year agreement with Vernon Township for Animal Control Services at a cost of \$8,700.00 for the year 2010. (\$304.00 increase in 2011 and \$315.00 increase in 2012). Seconded by Mr. Meyer.

Mr. Ursin stated that because he is the municipal attorney for both the Borough and Vernon Township he did not review the agreement. He recommended to both towns that the Planning Board attorney review the proposal.

Mrs. Gleason stated that Glenn Gavan, the Borough’s Planning Board attorney reviewed the agreement and suggested that a clause be put in it stating that the Borough will receive monthly reports for the first six months and then quarterly reports after that.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

DPW Purchase – Touch Read Digital Pads

Mr. LaBar made a motion to approve the purchase of 200 Touch Read Digital Pads and Meter Wire from The Lee Company in the amount of \$2795. Seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

DPW Purchase – Water/Sewer Supplies

Mrs. Little made a motion to approve the purchase of Water/Sewer Department supplies from Schmidt’s Wholesale, Inc. in the amount of \$4,913.38. Seconded by Mr. Meyer.

Mr. LaBar made a motion to table this purchase until other quotes can be obtained. Seconded by Mr. Dykstra. All were in favor.

The Council discussed whether or not the Borough is taking advantage of being a member of the Morris County Co-op. If we aren't then it is not worth the \$1600.00 membership fee. Mrs. Gleason stated that she would check with Hank and Sam to see how much we used the Co-op last year for purchases.

Mr. LaBar made a motion to pull the bill for the Morris County Co-op off of the bill list. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #2010-02 – Recreation

Mr. Rose made a motion to introduce an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 2, SECTION 14, OF THE CODE OF THE BOROUGH OF SUSSEX ENTITLED 'BOARD OF RECREATION AND PARKS COMMISSION'" with changes as discussed. Seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #2

There was no one in attendance at the meeting at this time.

EXECUTIVE SESSION

Mayor Parrott requested an Executive Session to discuss personnel.

In accordance with the provisions of the Open Public Meetings Act, Mrs. Little made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Meyer.

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 10:37 p.m. and Mayor Parrott declared the meeting to be reconvened into open public session.

MISCELLANEOUS COMMENTS

Mr. Fransen stated that he was told that Rutgers sent out questionnaires to Wantage residents regarding the consolidation study. Sussex residents did not get them.

ADJOURNMENT

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

Christian Parrott, Mayor

Catherine Gleason, RMC