

**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
APRIL 6, 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, Mrs. Little Mr. Meyer, Mr. Rose, Mayor Parrott. Absent were Mr. Fransen and Mr. LaBar.

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."

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. Meyer made a motion to accept the consent agenda of April 6, 2010. Seconded by Mr. Dykstra.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated 3/29/10 to Judge Dana, Wantage Municipal Court regarding Inter-local agreement with Vernon Township Animal Control and Sussex Borough.
2. Letter date 3/22/10 to Ms. Julia Devine regarding the Borough Hall roof drain.
3. Letter dated 2/17/10 regarding High Ridge Development Approval Application Beaver Run Shopping Center.
4. Notice dated 3/17/10 from Township of Sparta regarding their 2010 Public Auction will not be held for 2010.
5. Letter dated March 8, 2010 from John E. Ursin, Borough of Sussex Attorney, to Nisivoccia & Company, LLP regarding any pending or potential litigation involving the Borough of Sussex.
6. Notice of Hearing from the Wantage Township Land Use Board regarding 40 Fernwood Road, Wantage NJ regarding an application for height variance.
7. Notice of Hearing from the Wantage Land Use Board regarding Lewisburg Road, Block 18 Lots 15 & 25 regarding a minor subdivision.
8. Letter dated 3/16/10 from Catherine Gleason, RMC, to Ms. Jacobucci, Local Finance Board, regarding Financial Disclosure Statements
9. Ordinance from the Township of Wantage regarding the regulation of outdoor furnaces and boilers.
10. Memo dated 3/19/10 to George Morville, from Colleen Little regarding the fence at Colesville
11. Letter dated 3/16/10 from Harold Pellow, Sussex Borough Engineer, to Owl Contracting regarding Newton Avenue resurfacing.
12. Letter dated 3/17/10 from NJ Environmental Infrastructure Trust to Mayor Parrott regarding water treatment plant upgrades.
13. Letter dated 3/16/2010 from Harold Pellow, Sussex Borough Engineer, to Mr. Thomas Davis, Northern Consulting, regarding Parking Lot on Mill Street.
14. Letter dated 3/16/10 from Harold Pellow, Sussex Borough Engineer, to Catherine Gleason Clerk/Administrator, regarding Proposed Parking lot on Route 23.
15. Letter dated 3/22/10 from Catherine Gleason, to NJ State Police regarding Inter-local Agreement with Vernon Township for Animal Control.
16. Stillwater Township Resolution Supporting Senate Bill S-1,
17. Stillwater Township Resolution in opposition of Senate bill S-458.
18. Stillwater Township Resolution opposing legislation amending the time of decision rule .
19. Township of Green Resolution in opposition of Senate Bill S-458.
20. Letter dated 3/25/10 from Ralph D'Aries, Health Officer, Sussex County to Violetta Protogeropoulos, Sussex Diner, regarding requirements for retail food establishment.
21. Letter dated 3/23/2010 from Nathaniel Sajdak, Sussex County Municipal Utilities Authority Wallkill River Watershed Management Group to Mr. Dwayne Snead, NJDEP regarding a stream debris clearing project for a location on the Clove Brook .
22. State of New Jersey Administrative Order 2010-03 whereas the DEP readopted the Water Quality Management rules with amendments.

23. Township of Fredon resolution 2010-35 opposing Senate bill S-458.
24. Letter dated 3/30/10 to Ms. Cherie LoPresti, SECTV from Catherine Gleason , Sussex Borough Clerk/Administrator regarding SECTV renewal of Municipal Consent.
25. Letter dated 3/26/10 from the State of New Jersey DEP to Sussex Borough regarding Suspected Hazardous Substance discharge from 22 East Main Street. Incident Description: Spill is due to a broken seal of an oil pump. Cleanup is in progress.
26. Letter dated 3/29/10 from the Sussex County Health Department to Lorenzo's of Sussex regarding requirements for retail food establishments.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 6, 2010

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: Fransen, LaBar Abstentions: None

OPEN PUBLIC SESSION #1

Mr. Dykstra 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 present who wished to address the Governing Body, Mr. Meyer made a motion to close the meeting to the public, seconded by Mr. Rose. All were in favor.

COMMITTEE REPORTS

Mr. Meyer stated that he did not meet with the DPW this week because Hank was on vacation. He reported that one of the sewer pumps went down last week and that it needs to be repaired.

Mayor Parrott stated that we have put the cost of the repair through our insurance since it was a result of the storm that we had a few weeks ago. The pump was running 24/7 and just couldn't keep up with the flows. We had to notify the DEP because we overflowed. We also put the damaged fence up at Colesville through the insurance. We contacted Senator Oroho's office to see if we could get any FEMA money but we were told that the County did not meet the \$480,000 threshold needed to declare a state of emergency.

Mayor Parrott also reported that Hardyston fixed the clutch on one of our trucks and the bill was approximately \$200.00. They are also going to repair the other truck for us. He also stated that Tucker called him on Saturday night to say that he had to go do a mark out in Hamburg because they were doing work close to our sewer pipe. The DPW has been working down in the basement, jack hammering a drain around the inside perimeter of the building to help with the flooding problem.

Mrs. Little reported that on March 23, 2010 she attended the BOH meeting. The County representative Mike Plaza was not in attendance. They did not begin to update the code book because he was not there. The last update was in 1973. Patti Jacobs was appointed the OEM liaison. The next meeting is April 27th at 7:30. Since Karen VanderVeer will not be there, Lynn Meyer will be running the meeting.

Mrs. Little stated that on March 27th she helped the Recreation Committee with the very successful Easter Egg Hunt at the Sussex Middle School. It was a beautiful day and well attended. On March 29th she met with Renee Casapulla, the County Recycling Coordinator, to work on the recycling grant report. They are working on verifying the list of businesses in the Borough and their recycling contractors. There are quite a few businesses that are listed on ours that are actually in Wantage. She will be sending letters to Wantage to see if they have any of ours. We also have two of Vernon's on our list. She is working on getting it straightened out so that so that we have the right ones listed on our grant report. She also met with Renee yesterday to coordinate the reports. She has already sent the letter to Vernon.

Mrs. Little stated that she has information on a company that provides a box for collecting rechargeable batteries. You have to have someone responsible however for going through the box to make sure that each one is in its own bag. She is wondering if it would be worthwhile for us to get it since there will be no one down at the Borough garage if the agreement gets

approved with Hardyston. Does the Council want her to go ahead and get one of these boxes and if so where do they want it placed.

Mr. Meyer stated that once we decide what we are doing with Hardyston, they have the ability to do recycling for us. There will be, to his knowledge, always personnel down at our DPW garage. There will be two guys and a supervisor. It will be operational at all times. We should wait and see how it works out with Hardyston.

Mrs. Little stated that they don't want it integrated with Hardyston. If they are going to do it for us it has to be separated out. Right now she is going to work on the tonnage report.

Mr. Meyer stated that they will keep it separated so that we get credited for our own recycling.

Mr. Dykstra stated that our residents pay individually for recycling on top of paying for garbage collection. Hardyston has their own truck to pick up the recycling.

Mr. Rose reported that the egg hunt was a huge success. There were over three hundred children who participated and they actually ran out of eggs. Alison, the new chairwoman, did a great job. Mr. Rose stated that we met with United Water to talk about the possibility of them purchasing the water treatment plant. They seemed interested but only in the water not the sewer.

Mayor Parrott stated that he was surprised that we got a good reception from them. They didn't want to give us any high hopes for the sewer end of it. He stated that he impressed upon them that we didn't want to give away all of the good stuff and be left with the sewerage. They didn't shut the door on it completely. We talked numbers only hypothetically. The purchase price of a utility is governed by the BPU.

Mr. Rose stated that the rates are governed by the BPU as well.

Mrs. Gleason stated that the cost of operating the utility would be spread amongst all of the users which could possibly make the rates lower.

Mayor Parrott stated that we sent almost 22 million gallons of sewerage down to SCMUA in March stressing the importance of moving forward with the I & I project.

Mr. Dykstra stated that we should reach out to American Water as well.

Mayor Parrott stated that it has to go out to bid anyway.

Mr. Dykstra stated that paying a lower rate would help us get out of debt.

Mr. Dykstra reported that he understands that the Mayor and 2 Council persons met with Dr. Izbicki to review the Sussex Wantage School budget. It seems that layoffs are eminent.

Mayor Parrott stated that he heard that the teacher's union chose not to take a pay freeze in order to save some of their fellow employees from losing their jobs. When he met with representatives from the school he could only have three councilpersons in attendance. He stated that he asked the head of the finance committee and Frank because he is the liaison to the schools. Because Mr. Dykstra couldn't attend because he was working he asked Mr. Fransen to attend the meeting in his place. Mr. Fransen had volunteered many months ago to sit in for Mr. Dykstra during his illness so he thought that it was only logical to ask him to attend in Frank's place. Everyone got a copy of the presentation that was made and there is going to be a meeting in Wantage on April 15th that the rest of the council is welcome to attend. If anyone wants to go they have to let Cathy know so that she can advertise if there is going to be a quorum. That was the reason, and the only reason that he chose the two council people that he did to attend the meeting – one was finance and one was the school liaison. He stated that he does not have his favorites on the Council, as someone said to him this week. He is very happy that there is great participation from the members of the Council and that they all volunteer to help whenever they are called upon. He doesn't like being accused of calling on his favorites when he knew that everyone was going to have an opportunity to hear the presentation.

Mrs. Gleason told Mr. Rose that the reason they couldn't attend the meeting tonight is because the schools are on spring break this week. High Point couldn't attend because they were making presentations at two of the other sending districts tonight. We were the odd man out.

Mr. Ursin reported that the Borough has been served a lawsuit by Crew Engineers. He will begin to file an answer. He is assuming that it will probably go to mediation probably pretty early on.

Mr. Ursin also reported that the talks with High Ridge have been very productive and that Cathy has assisted him in tabulating all of their payments over the last 10 years.

Mr. Dykstra asked if he thinks that High Ridge is ready to come to some type of real settlement with the Borough.

Mr. Ursin stated that he isn't sure but that the talks that they have had in the last month have been more productive than the talks that have taken place over the last two years. We have court dates with the judge next month so the threat of that may be fueling the settlement talks. Our settlement posture has not changed in 9 months to a year.

Mayor Parrott thanked Maria and Cathy for gathering the information for Mr. Ursin. They had to do a lot of research and as the Council is aware the record keeping was not the best in the past. They did an excellent job of finding everything so that we can present our best case.

Mr. Ursin stated that having all of the information is key because he believes that once you settle something that it has to wrap up everything. We spent time on what had been paid in the past because there is significant disagreement on what has been paid over the past ten years. The records in some years lacked detail and so we put them together. Hopefully this will put us in a position where we can settle it completely.

Mayor Parrott stated that he met with two of the Councilmen from Hardyston regarding the DPW agreement. The meeting was very friendly and cordial and he stated that they couldn't be happier that we are potentially joining forces. They are looking at it as a challenge. They hold their DPW foremen and Township Administrator in very high regard and he agrees with them. They are looking forward to working in our garage. They were putting money away to build their own building but now they will be able to use ours which they saw as a huge positive for them. They are considering us as a partner, and they will be happy to provide us with whatever we may need.

Mayor Parrott also reported that he went to fundraisers for both Steve Oroho and Jeff Parrott. He also participated in the Meals on Wheels. He stated that he and Cathy met with Harold Pellow to go over some issues that are currently still pending such as the DOT letters regarding the Route 23 realignment, Brookside Park and FEMA, Alpine Village easement and the Lakeview Terrace project.

Mayor Parrott also asked Kathy Little if she could check with the school to see if the number of students enrolled in the school as residents of Sussex Borough is correct. Cathy will call Dr. Izbicki to see if there is a time frame in which this has to be done. He stated that he also attended the Beemerville Fire Department annual dinner. He spoke to one of the Committeemen from Wantage and they told him that they were disappointed that a deal couldn't have been made between the two towns regarding DPW services. The Committee was kept out of the loop with regard to the discussions and he told the Mayor that he was going to be raising the issue with Jim Doherty as to why.

OLD BUSINESS

NEW BUSINESS

Adoption Ordinance #2010-05 - Exceed Municipal Budget Appropriation Limits

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK". Seconded by Mr. Dykstra.

Before final roll call **Mayor Parrott** opened the meeting to the public for any questions or comments that they may have regarding Ordinance #2010-05.

There being no one from the public who wished to address the Governing Body, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

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

Social Affair Permit – Sussex Fire Department

Mr. Meyer made a motion to approve a Social Affair permit for the Sussex Fire Department to hold an event on May 7, 2010 from 6:00 pm to 12:00 am at the Sussex Fire House. Seconded by Mr. Dykstra.

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

Introduction Ordinance #2010-04 – Supplemental Appropriation

Mr. Meyer made a motion to introduce an ordinance entitled “A BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$150,000 FOR THE REHABILITATION OF MANHOLES IN AND BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AUTHORIZING THE ISSUEANCE OF \$150,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE APPROPRIATION AND AMENDING THE PRIOR PROJECT DESCRIPTION”. Seconded by Mr. Dykstra.

Mr. Rose voiced his concerns as to adding more debt and stated that it will raise the rates once again.

Mayor Parrott stated that he understands but that the I and I issue is not going to go away and that it really needs to be addressed. Past councils and administrations have put their heads in the sand and didn't deal with the issue and now this council is forced to take action. SCMUA rates are constantly increasing and we are getting fines for sending down too much sewerage to them. We have to get it under control so that we stop getting fined and so that we can, when the economy turns around, sell allocation.

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

FINAL READING: APRIL 20, 2010

Resolution #2010-35R – Application to Local Finance Board

Mr. Meyer made a motion to adopt a resolution making application to the Local Finance Board pursuant to N.J.S.A. 40A:2026(e), N.J.S.A. 58:11B-9, N.J.S.A. 40A:207(d) and 40A:2-11 (c). Seconded by Mr. Dykstra.

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

Interlocal Agreement Hardyston Township – DPW Services

Mr. Meyer made a motion to approve an Interlocal agreement with Hardyston Township to provide DPW Services for the Borough of Sussex, for a four and ½ year term beginning May 1, 2010 and ending December 31, 2014. Seconded by Mr. Dykstra.

Mr. Rose discussed with the Council some of the concerns that he had with the draft agreement. Mr. Ursin stated that he will include all of these concerns in a letter to the Hardyston attorney and asked that they be addressed in the final agreement. A copy of the concerns outlined by Mr. Rose is on file in the Clerk's office.

After discussion Mr. Dykstra made a motion to table the approval of an Interlocal agreement with Hardyston for DPW services until further review by the attorney. Seconded by Mr. Meyer.

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

Small Cities Housing Rehab Grant Consultant Agreement– Patricia Fischer

Mr. Meyer made a motion to approve a contract with Patricia Fischer to provide consulting services for the Small Cities Housing Rehab Grant in the Borough of Sussex. Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: Fransen, LaBar Abstentions: None

OPEN PUBLIC SESSION #2

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

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

MISCELLANEOUS COMMENTS

ADJOURNMENT

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

Christian Parrott, Mayor

Catherine Gleason, RMC