

**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 19, 2011**

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. Fransen, Mr. LaBar, Mrs. Little, Mr. Meyer, Mr. Rose, Mayor Parrott.

Absent: Mr. Dykstra

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, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

PRESENTATIONS:

High Point Regional High School Budget Presentation

At this time representatives from High Point Regional High School presented their 2011-2012 school budget. A copy of their power point presentation is on file in the clerk's office.

Mr. Rose questioned why the taxes were going up if they received more State Aid and reduced expenditures.

Ms. Alvarez explained that decreased revenues were the cause and that Mr. Rose could contact her in her office to discuss the entire budget.

CY 2011 Budget Amendment Resolution

Resolution #2011-39R – Amendment to CY 2011 Budget

Mr. Meyer made a motion to adopt a resolution amending the 2011 budget. Seconded by Mr. LaBar.

At this time Sam Rome, CFO, updated the Council on the CY 2011 Budget Amendment. He stated that he has incorporated the reductions that were discussed at the budget workshop.

Mrs. Little asked if Mr. Rome found out if we can entirely close out the Public Assistance account.

Mr. Rome stated he believes that we can since the State has told other towns that they could close out the accounts. The money was not put back into surplus yet. Right now we are just using extra money from surplus.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

PUBLIC HEARING: MAY 3, 2011

Mr. Schultz, DPW Supervisor, stated that the I & I project started today up on Willow with the replacement of the water line. The sewer and water lines are right next to each other up there – that is why it is being replaced. The sewer line will also be replaced. They did hit a ghost service line that we weren't aware of but it was a quick fix. They shut the main off and replaced the service.

He also stated that he and Cathy met with representatives from the Wallkill Watershed Group today. They have a 1.4 million dollar grant to do work on the Clove Brook and Papakating Creek. We talked to them about long term planning with regard to drainage up in the lake area. They want to put some containment basins up on Lakeshore Drive. We told them that we have to put storm drains in up above that area because there aren't enough of them. We may be able to tap into some of their grants to do some of that work so that what they are doing down at

the bottom will be effective. They seemed to be agreeable to that idea. We also discussed with them their plans for around the beach area and they are going to be contacting the Shade Tree Commission to try to coordinate the efforts. They are doing feasibility studies right now but wanted the Borough to be aware of what they are planning on doing. They were appreciative of the information that we gave them with regard to our future plans. They are going to come and present their plans to the Council in the near future. They are going to work on the Route 23 side of the lake as well but there they have to deal with the DOT.

Mrs. Gleason asked Mr. Schultz if he wanted to discuss the solar project and also asked Mr. Ursin how to proceed with the project.

Mr. Ursin stated that the Council can direct Mr. Schultz to move forward with the RFP.

Mr. Rome stated that we should get an ordinance in place to provide the funding. It was in the capital improvement part of the budget but the funding ordinance still has to be put into place. He asked how the Council was planning on paying for the preparation of the RFP.

Mr. Schultz stated that he believes that the cost of the RFP is included in the consultant's proposal.

Mr. Ursin stated that if there is a cost for the preparation of the RFP then Mr. Rome is correct when he says that the source of the funding has to be identified. If there is no cost then the Council can vote to get them prepared.

Mr. LaBar made a motion to direct Mr. Schultz to have the RFP prepared if there is no cost involved. Seconded by Mr. Meyer. All were in favor.

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. Fransen made a motion to accept the consent agenda of April 19, 2011. Seconded by Mr. LaBar.

Mrs. Gleason stated that the Council has a new bill list in front of them because PO #'s 9570, 9571, 9572 and 9573 were pulled off after she completed the Consent Agenda. Those bills are not due until May.

Mrs. Gleason also stated that she and Mr. LaBar did not sign PO #9578 to U.S. Tank Painting because Mr. Rome told her that there was not enough money left in the account. He did sign the PO however. She stated that she doesn't know where the money is coming from to pay the bill.

Mr. Fransen made a motion to amend his motion to approve the consent agenda without PO 9578 included. Seconded by Mr. LaBar.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Memo dated March 31, 2011 from Elaine Morgan, Clerk of the Board of Chosen Freeholders, to all Sussex County Municipal Clerks regarding the establishment of an interim policy and application form for county roadway occupancy for banners, charitable solicitation, parades and events.
2. Letter dated March 31, 2011 from Elaine Morgan, Clerk of the Board of Chosen Freeholders, to Honorable Chris Christie, Governor, regarding urging Sussex County's Local legislators to draft a bill to amend the open public records act.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector's Report for the month of March 2011.
2. Municipal Clerk's Report for the month of March 2011.
3. Water Sewer Collector's Report for the month of March 2011.
4. Zoning Officer's report for the month of March 2011.
5. Property Maintenance report for the month of March 2011.
6. Construction Department report for the month of March 2011.
7. Active Firemen's Membership Report for the year 2010 from the Sussex Fire Department.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Fireman's Association Membership Application from William C. Gebhard III for the Sussex Fire Department.
2. Sussex Fire Department Application from Christopher Cameron for an Associate Member in the department.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of April 19, 2011.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra 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 Mr. Rose. All were in favor.

Ms. Linda Masson, 15 Spruce Avenue, asked if when the Borough first purchased our allocation from SCMUA if it was more than we really could use.

Mr. Ursin stated that it happened back in 1992 and that what he can tell her is that the Borough has more allocation than it is currently using. He stated that he would assume that since the system hasn't changed significantly in size that would have been true back then as well.

Ms. Masson asked Mr. Ursin if the I & I can not be considered part of that.

Mr. Ursin stated that it is considered part of that in a very negative way. When storm water runs into the sewer system and it goes to SCMUA they have a meter that has whatever kind of water comes to them. They don't make any distinction between storm water or sewer water. The Borough is paying to have clean water treated as well as the sewerage.

Ms. Masson asked if that could be considered part of our allocation.

Mr. Ursin stated that it is and that what happens is that, if for example, we have rate payers for 200,000 gallons and we have additional 200,000 gallons of storm water going in, no one is paying for the stormwater. There are certain days that the Borough sends down over a million gallons. So not only is the Borough exceeding its allocation but it is going into the red zone where fines are being imposed. That is bad not only because of the fine but whatever amount over what the rate payers are sending down, no one is paying for. Actually the rate payers are paying for it.

Mayor Parrott stated that according to the contract we pay double for those times that we exceed our allocation.

Ms. Masson stated that several meetings ago the Council voted not to hire an independent attorney to review the SCMUA contract to see if it could be renegotiated. She asked if the Council would reconsider that decision. She stated that she thinks that it would be \$5,000 well spent on behalf of the taxpayers in this town.

Mr. Ursin stated that he could tell her with absolute certainty that SCMUA will not enter into a renegotiation with the Borough. The only thing to get a second opinion on would be to see if there was some kind of legal defect in the contract. He stated that there would be no incentive in the world for SCMUA to open up the contract with the Borough. If they did, he stated that he could guarantee that the other five towns would do the same.

Ms. Masson stated that is not the Borough's concern.

Mr. Ursin stated that it is the Borough's concern because it is a cooperative. There are six towns that contribute to the cost of SCMUA. Those six towns carry the cost of SCMUA completely.

Ms. Masson stated that we pay the highest.

Mr. Ursin stated that he doesn't believe that. He told her to ask either the auditors or SCMUA that question.

Ms. Masson asked the Council what cost cutting measures have been taken on the non water/sewer side. She stated that she knows that we have entered into shared services.

Mrs. Gleason stated that we are down to two full time and two part time employees.

Ms. Masson stated that it was said at a previous meeting that we have two full time and one part time employee.

Mrs. Gleason stated that we have a part time zoning officer as well.

Ms. Masson stated that we used to have a part time clerk and now we have a full time clerk and that we haven't reduced our staff in over two years.

Mrs. Gleason stated that we no longer have any DPW employees, they are part of a shared service agreement. She stated that we can not run an office with less then three people.

Mayor Parrott stated that we have increased the work load on the collector because she now is responsible for the zoning.

Mrs. Gleason stated that the water/sewer collector is also the part time zoning secretary.

Ms. Masson asked what the procedure is when someone comes in to pay their water bill and who is responsible for recording it.

Mrs. Gleason stated that the water/sewer collector takes the money and records it in the computer. The tax collector is only here 2 hours a week.

Ms. Masson asked what the responsibilities are of the water/sewer collector.

Mrs. Gleason stated that she also deposits the payments.

Ms. Masson asked if she ran reports and Mrs. Gleason responded that she does them quarterly.

Ms. Masson asked if she provided the reports to the tax collector.

Ms. Gleason stated that the tax collector only gets the reports once a year before the tax sale.

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. LaBar. All were in favor.

COMMITTEE REPORTS

Mr. Fransen stated that we haven't had a Planning Board meeting in couple of months.

Mr. Meyer stated that on March 23rd he went to a meeting regarding the small bridge on Route 23 by the Double S Diner. The project will begin in 2014. They are working it out so that there are not any road closures. They are going to widen the bridge and include a walk way.

Mr. Meyer also reported that the Council asked him to take a look at some of the Borough owned property to see whether they should be put up for sale. There are clearly some issues with some of the properties.

Mrs. Gleason stated that the tax maps need to be updated to accurately reflect the location of some of the properties.

Mr. Meyer stated that the property in question up in the Clove Lake section of town can and should be auctioned off to the adjoining property owners.

A discussion took place regarding the piece of property on Harrison Street that is owned by the Borough. It was decided that Mrs. Gleason would ask Harold Pellow to give the Borough a price on what it would cost for him to do the engineering work required to subdivide the property so that it could be put up for sale.

Mr. LaBar stated that everyone attended the Firemen's Installation dinner.

Mrs. Gleason stated that Hardyston gave the Fire Department a quote on how much it would cost to repair the ambulance and the Borough is going to pay for half of the repair cost.

Mrs. Little reported that on April 7th she helped the Recreation Commission fill the Easter eggs and on the 9th she helped clean up at the egg hunt. She stated that she also attended the Fire Department's dinner on the 9th. She stated that she did not attend the Solid Waste meeting on the 12th because she attended the budget workshop here in the Borough. On April 14th she attended the Water Quality 208 meeting and stated that they are still working on the maps. She also stated that on April 15th she met with Bob Schultz to work on the 2010 Recycling Tonnage report which is due to the State on April 30th. She also stated that on April 16th she attended the Eagle Scout ceremony for Brendon Flynn.

Mr. Rose stated that at the Eagle Scout ceremony he invited Brendon to come to the Council meeting on the 3rd so that he can be presented with a plaque. He also stated that there was a Property Maintenance Board meeting last week but unfortunately there were not enough members to have a quorum. He stated that they had an informal discussion. There are a lot of people on the Board that don't come to the meeting because they are not contractually required to or it used to be two positions and it is now one. He stated that he would like to change the composition of the Board and change the form to one similar to that of the Recreation Commission.

Mr. Ursin stated that he will get the statute over to Mr. Rose right away so that he can take a look at it before he starts amending the Property Maintenance ordinance.

Mr. Ursin stated that he has been in touch with the attorney for the theater group that wants to come into town. He stated that they had a general discussion about the lease and he is waiting for the draft from their attorney. Mr. Ursin also stated that the tax collector gave the Council information about properties that can be foreclosed upon but he recommended to the Council that they wait to begin that process until we see if there are other properties that can be foreclosed upon. The values of the properties are not that high so the Borough will not lose that much money by waiting a little longer.

Mrs. Gleason stated that a few of the Council people have discussed with her the need to redo the ordinance regarding clothing bins. Right now they are allowed but some have voiced their opinion that they no longer want them to be allowed.

Mr. Ursin stated that if the ordinance conforms with the State statute then the Borough has some control over clothing bins that we didn't have before.

Mayor Parrott stated that it is up to the Council whether they want to continue to allow them in the Borough.

Mr. LaBar stated that he wants to disallow them for any reason.

Mr. Ursin stated that he recommends that the Council not do that. He recommended that there be a subtle change in the ordinance. Some towns create a permitting process independent of zoning regulations or they linked the permitting process to zoning regulations. He will look at the current ordinance and if the Council so chooses he will amend the ordinance to make the applicants demonstrate that the clothing bin can go on a property without violating any site plan restriction or regulation. That will greatly reduce where clothing bins can be located. They would have to conform to such things as parking regulations. He recommended that we find ways to make it more restrictive rather than an outright ban. It will greatly narrow where the clothing bins can be located.

Mrs. Little asked if the town has a clothing bin does the town get credit for the recycling.

Mr. Ursin stated that he doesn't know an answer to that but he does know that the permitting process asks the question as to whether or not the clothing is being recycled for raw material or if they are being reused in the community.

Mrs. Gleason stated that right now it is becoming an enforcement issue because no one is coming in for a permit. She stated that they just drop them off in the middle of the night.

Mr. Rose asked if they are becoming a problem in town.

Mr. LaBar stated that there are way too many of them. There is a big recycling center in Lafayette. There are many others around and most of them look very unsightly. It is a bad image for the town.

Mrs. Little stated that there are organizations that send around post cards asking people to donate to worthy causes.

Mr. LaBar would like to see it changed to make it much more restrictive.

Mr. Fransen, Mr. Meyer, and Mrs. Little agreed with Mr. LaBar. Mr. Rose stated that he is not in favor of making it more difficult.

Mr. Ursin stated that he will work on it for the next Council meeting.

Mrs. Gleason stated that the ethics forms are due by April 30th.

Mayor Parrott stated that he went to the Wantage Committee meeting and had a photo op with representatives from the members of the joint court. The Mayor's were there from the two towns. He stated that he also went to the Fire Department dinner and congratulated them on a job well done.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. Fransen made motion to approve the meeting minutes of the Regular Meeting held on April 5, 2011. Seconded by Mr. LaBar.

Mrs. Little stated that on two of the roll call votes Mr. Fransen was listed as absent instead of Mr. Meyer.

Mrs. Gleason stated that she would correct it on the minutes.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Rose

Nays: None Absent: Dykstra Abstentions: Meyer

Adoption Ordinance #2011-05 – Sale of Municipal Owned Property – BI 603, Lot 1

Mr. LaBar made a motion to adopt an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 603, LOT 1. Seconded by Mrs. Little.

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-05.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-05, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Auction: May 17, 2011

Resolution #2011-40R – Supporting A-3412

Mr. LaBar made a motion to adopt a resolution supporting A-3412 sharing the burden of property assessment appeal refunds. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Draft of Sewer Ordinance

At this time a discussion took place regarding the proposed sewer ordinance. Mr. Ursin told the Council to review the changes and to submit any questions or concerns to either himself or the Clerk before the next meeting. He stated that after he receives comments from the Council he will give it to some of the attorneys for the developers and get comments from them.

OPEN PUBLIC SESSION #2

Mr. Meyer 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.

Ms. TerryAnn Zander, Advertiser News, asked Mr. Ursin if he thought that it was wise to give the draft ordinance to the developers who would have a vested interest in the language of the ordinance.

Mr. Ursin stated that such things as the time tables and the fees will be something that the Borough might want to get the developer's input on and because this process is happening in the open he thinks that comments from the developers are valuable. The developers may come back and tell us that the time frames sound realistic or not, or that the fees are way too high. The Council can then take into consideration that information when considering the ordinance. The process is being done in the open at public meetings. We want to create terms that are going to be competitive. The Borough is in effect being competitive with other SCMUA municipalities who may or may not have excess capacity at the plant. We want our ordinance to be competitive in the market, which is other SCMUA towns, in a way that will bring in some offers. The Council will also receive suggestions here at the meetings and will fully have the right to incorporate some of those suggestions or not.

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

MISCELLANEOUS COMMENTS

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