

**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
MAY 17, 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. 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, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

PRESENTATIONS:

Auction of Municipal Owned Property – Block 603, Lot 1

Mr. Ursin stated that the sale is subject to all of the terms and conditions set forth in the ordinance and that the minimum bid on the property is \$5000.00. He asked if there was anyone in the audience who was prepared to bid \$5,000.00 for the property.

There was one person in the audience who indicated he was interested.

Mr. Ursin asked if there was anyone in the audience who was prepared to bid higher than \$5,000.00. There being no one who indicated that they were, Mr. Ursin closed the auction and indicated that the property be sold to the gentlemen in the audience. Mr. Ursin recommended that there be a five minute recess so that the clerk could gather the information from the gentlemen who purchased the property.

Mayor Parrott stated that there would now be a five minute recess.

The Council came back into open public session at 7:39 pm and returned to the regular order of business.

DPW Report

At this time Robert Schultz, DPW Supervisor, gave the DPW report for the meeting of May 17, 2011.

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. Dykstra made a motion to accept the consent agenda of May 17, 2011. Seconded by Mr. Meyer.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated April 28, 2011 from John Ruschke to John Mello, with the EPA, regarding FY 2008 Appropriations Act Project Clove Brook Watershed Manhole Rehabilitation Project.
2. Memo dated April 28, 2011 from Elaine Morgan, Clerk of the Board, regarding an ordinance to amend the fare schedule for Skylands Rides, in the Department of Human Service, Division of Social Services.
3. Clean Communities check received in the amount of \$4,000 on April 29, 2011.
4. Letter dated May 2, 2011 from John Eskilson to all Sussex County Municipalities regarding the New Jersey State Fair.
5. Letter dated May 4, 2011 from Catherine Gleason to Harold Pellow regarding a proposal for planning services for the subdivision potential of Block 103 Lot 1.
6. Letter dated May 6, 2011 from Catherine Gleason to Linda Masson regarding her water sewer adjustment.
7. Letter dated May 6, 2011 from Linda Masson to Mayor Parrott and members of the Council regarding her water adjustment.

8. Letter dated May 10, 2011 from Catherine Gleason to Linda Masson regarding her OPRA request.
9. Proclamation from the Sussex County League of Municipalities regarding Municipal Clerk's Week.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's report for the month of April 2011.
2. Zoning Officer report for the month of April 2011.
3. Property Maintenance report for the month of April 2011.
4. Water/Sewer Collector report for the month of April 2011.
5. Construction department report for the month of April 2011.
6. Tax Collector's Report for the month of April 2011.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Association Membership Application from Shawn P. Lamoreux for the Sussex Fire Department.
2. Blue Light Permit Application from Andrew Fedynich.
3. Blue Light Permit Application from Melissa Stormes.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of May 17, 2011.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #1

Mrs. Little 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, addressed the Council regarding a gentleman who came to a previous council meeting and addressed the Governing Body regarding power washing of his house and requested that he only be charged the water portion of the bill. She stated that he was told that if he had come to the council before he did it that he would have been allowed to do that.

Mayor Parrott stated that it is incorrect information. He was told that we could not even consider his request at that time because the job was already completed. If he had come before the job was done then the Council could have considered it.

At this time, Mr. Meyer, Council President, asked Ms. Masson to direct her questions to him.

Ms. Masson asked what the procedure is if a resident would just like to use water and not sewer.

Mr. Meyer stated that if a resident has a pool that they would like to fill then they can fill out an application, for a fee, and have a meter put on that only records the water usage. There is also a fee to use the meter.

Mrs. Gleason stated that the ordinance right now only lets a resident do that to fill a pool, for no other reason.

Ms. Masson asked if there was a minimum amount of water.

Mr. Meyer stated that it is only for the filling of pools. He stated that the Council can consider doing it for other things as well if they so choose. Mr. Meyer stated that it is the only time that he ever goes over the minimum usage is when he power washes his house.

Ms. Masson asked how the sewer work is going to affect the residents of the Borough.

Mr. Meyer stated that there will be some temporary disruption as we do the construction. We have met with the contractors to make certain that the residents who will be affected will be notified in a timely manner. Ultimately the goal of the project is to reduce the I & I in the sewer line ultimately helping us see some relief from SCMUA as far as the fines.

Ms. Masson asked how the work on the sewer lines is going to affect the residents.

Mrs. Gleason stated that she spoke to the engineer about it and he told her that there should be no disruption of sewer service unless of course while they are doing the work they have to turn off the water because the pipes are in close proximity to each other. They don't foresee any interruption of any of the service. Of course if a line gets broken there will be temporary disruption.

Mr. Meyer stated that we have a very professional DPW Superintendent who is working hand in hand with the contractors to make sure that if there is a problem that the residents will be notified on a timely basis. As with all construction there are unforeseen things that occur.

Ms. Masson asked how people will be notified and Mr. Schultz, DPW Supervisor stated that if there is enough notice they will hang tags or knock on doors. If it is an emergency his main goal is to fix the problem.

Ms. Masson stated that she read in the paper that notification is given to residents for the flushing of the hydrants and she stated that she has asked people all over town and that no one was notified.

Ms. Gleason stated that the notification is done in the paper in a block ad, not in the legal section. We are not going to flush the hydrants until after the project is completed.

Ms. Masson stated that website has a schedule on it but it doesn't say exactly who's water is going to be shut off.

Mr. Meyer stated that it is a temporary project and we are all going to experience a little bit of inconvenience. We will notify the people in the area.

Ms. Masson stated that it is the workman's schedule and doesn't say what streets.

Mr. Schultz stated that they are done with the water work up on Willow and that the next area is Main Street. Those people will be notified.

Ms. Gleason stated that a meeting will be held regarding the notification of Main Street businesses and residents. There is a plan in place to notify the residents.

Ms. Masson stated that at the last meeting the Borough attorney went on about her \$19.00 adjustment being requested was going on the backs of the rate payers. She found out through an OPRA request this week that not only does the Mayor owe some \$30,000 on water/sewer but that he also owes \$20,000 in property taxes. She asked the attorney how that doesn't impact the rate payers.

Mr. Ursin stated that the Borough has a policy of charging interest on any overdue payments and that he is relatively sure that the amount of interest that is charged on late payments far exceeds the debt service cost.

Ms. Masson asked if there is any special interest charged when a payment plan doesn't take effect for over a year.

Mr. Ursin stated that the late charges and interest are set by statute and the system automatically calculates it from the minute the bill is late.

Ms. Masson asked if other rate payers can wait a year or over a year to start making payments.

Mr. Ursin stated that they can if they want to pay excessive interest.

Mr. Meyer stated that no one can go over a year without payments. By statute they can't.

Ms. Masson stated that the Mayor's is over a year overdue.

Mr. LaBar stated that he doesn't know what report Ms. Masson is reading from but some of the information in the letter that she wrote to the Council is totally erroneous. He stated that she obviously did not read the report correctly. He stated that he is going to correct it for her. He stated that she stated that the Mayor's water bill was past due in the end of 2009. His water bill in the end of 2009 read 0.

Ms. Masson stated that there was a balance and that she doesn't make statements without backup. That is why she made an OPRA request. He started accumulating a water bill at the end of the 2009.

Mr. Dykstra recommended to Mr. Meyer to limit each person to 10 minutes. Ms. Masson has spoken longer than ten minutes.

Mr. Meyer stated that we have a five minute limit and that we are letting people talk longer than that as it is.

Ms. Masson stated that she doesn't want Cathy Gleason to call her home any more. She has also asked Mrs. Gleason not to put her on the speaker phone but she insists on doing it. She stated that she hung up the phone on her today when she called.

Mrs. Gleason stated that her OPRA request asked that she be called when the OPRA request is ready to be picked up and that is why she called her.

Ms. Masson stated that she wants the deputy clerk to call her.

Mr. Richard DeCourse lives at 13 Spruce Avenue and he complained about how large his water bill is. It is only him and his mother. Something has got to be done.

Mayor Parrott stated that the problem is on the sewer side and explained the I & I problem and the rates that we get charged by SCMUA.

Mr. Ursin stated that the cost of the system has to be borne by the ratepayers and the only way to stabilize or reduce the rates is to increase the number of ratepayers – which means going out of town. Every effort is being made in that regard right now. We have very little service to other towns at this point. We service limited developments with water in Wantage and they pay the same fees that Sussex Borough residents pay. There are also a few sewer customers outside of the Borough.

Mayor Parrott stated that we can not even entertain the thought of bringing on more customers however until we get the I & I under control.

Mr. Dykstra asked Mr. Ursin to once again explain why we cannot renegotiate the SCMUA contract.

Mr. Ursin stated that it can not be done because there are certain types of debts that are harder to renegotiate than others. In fact what we have in SCMUA is six or seven towns who have joined together to build a sewer treatment plant. When they bond the contract requires the town to guarantee the bond for our portion of the project. That means that if we stop paying or try to discontinue our relationship with SCMUA then the town would still be on the hook for our share of the bond payments for the sewer treatment plant. That is what really makes the town's agreement with SCMUA non-negotiable. He stated that 85% of the sewer bill is our obligation to SCMUA.

Mrs. Gleason told Mr. DeCourse to check his meter to make sure that there aren't any leaks.

Mr. Meyer stated that from 1999 to 2005 previous councils did not raise the sewer rates or water rates even though we had increases from SCMUA in 2002 and 2003. Finally it was raised modestly in 2005 and then SCMUA increases and the Borough had to follow and raise the rates. Everyone knows that there is inflation and we should always be raising the rates modestly so that we don't have to hit the ratepayers with such high increases all at once. One of the reasons that the Borough didn't have to raise the rates back then is because they used up all of the surplus to falsely depress the operational costs. Then ultimately when that money was gone the rates skyrocketed and here we are. Instead of using the surplus to address some of the I & I problems and to maybe pay down some of the debt it was used to keep the rates low.

Mayor Parrott stated that it coincided with SCMUA doing the same thing.

Mr. Carlos Flores, 20 Spruce Avenue, addressed the Council regarding any capacity planning that was done prior to the SCMUA agreement.

Mr. Ursin stated that the contract was signed in 1992 and he doesn't know what planning was done by prior administrations. He stated that on the water side our source of water is service water treatment. The costs over the past 20 years associated with that system have gone up dramatically not only because of the requirements that come from the State as to what has to be

done. The Borough is fighting the battles right now as to the level of treatment that needs to be done. Surface water treatment is a very expensive way to do it. Over the years it has gotten much more expensive to treat. The Borough owes money on the capital improvements that it would be very hard to change course right now as to how the water is being treated. The Council is constantly looking at alternatives to how the water is being treated right. With respect to sewer the costs have been borne upon a small amount of customers, mostly Borough based. Mr. Ursin again explained why we are obligated to the SCMUA contract. The sewer system is under utilized if you were to look at how much capacity the Borough has as compared to how many customers are currently on the system. We need to add more customers and the only way to do that is to get the I & I under control. We could theoretically double the number of customers if we were to get the storm water issue under control. That would spread all of the fixed costs out that much further. That is the only way to stabilize or lower the rates.

Mr. Flores asked why there wasn't capacity planning put in place then when the contract was signed.

Mr. Ursin stated it was signed in 1992 and the only way to solve the problem is to do these projects and add more customers. There is a 1.1 million dollar project under way as we speak and a sub committee of the Council met this evening to draft ordinances to sell excess capacity to developers. When the municipal engineer feels that the problem is under control then we will be able to sell it. We already have potential buyers for our sewer allocation asking for it right now.

Mr. Meyer stated that once we complete the project we should see some decrease in the I & I going down to SCMUA which could potentially save us money.

Mr. Ursin stated that the engineer is hoping that we can cut the overage days down to SCMUA by 70%. Mr. Ursin once again explained how the average daily flow works and why the Borough is some times fined for going over.

Mayor Parrott stated that we will monitor the first phase of the project with flow meters and then see how successful the job was. Then we can move to other parts of the town.

Mr. Rose stated that one of the biggest problems that we have right now with bringing on new customers is that the state is in the process of taking out properties along our force main out of the sewer service area. He recommended that citizens contact our State representatives to make sure that those areas are kept in the sewer service area.

Mayor Parrott stated that prior administrations did little in the way of addressing these issues and now this Council has had to bite the bullet and start to fix the problem.

Mr. Flores stated that it seems like the root cause of all of this was bad planning and bad negotiations on the part of past administration.

Mr. Meyer stated that deferred maintenance has been a huge problem here. The water tanks were not taken care of and this Council had to spend \$500,000 to repair them before they failed and they needed to be replaced.

Mayor Parrott stated that right now the future is looking much brighter then it has in the past with regard to the water/sewer utility. We have a five year plan now which doesn't include sticking our head in the sand and spending all of the capital monies.

Mrs. Flores asked Mayor Parrott if he has ever had his water shut off and when the payment plan was put into effect.

Mayor Parrott stated that he is on a payment plan and that copies of the plan could be provided to Mrs. Flores. It is current and up to date.

Mrs. Flores asked Mr. Ursin about the 1992 SCMUA contract and Mr. Ursin responded that it was not negotiable and that it is not the type of contract that expires.

Mrs. Flores asked many questions about the I & I project and once again the Council and Mr. Ursin explained the importance of the project and the effects that it will have on the sewer bills.

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. LaBar. All were in favor.

COMMITTEE REPORTS

DPW Report

At this time Robert Schultz, DPW Supervisor, gave the DPW report for the meeting of May 17, 2011. A copy of his report is on file in the Clerk's office.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. Fransen made a motion to approve the meeting minutes of the Regular Meetings held on April 19, 2011. Seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Dykstra

Mr. Dykstra made a motion to approve the meeting minutes of the Regular Meetings held on May 3, 2011. Seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: None Abstentions: Little

Introduction Ordinance #2011-07 – Clothing Bins

Mr. LaBar made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, SUSSEX COUNTY, NEW JERSEY TO MODIFY SECTION 4-11.1 TO REGULATE CLOTHING BINS". Seconded by Mr. Fransen.

Mr. Rose made a motion to amend the ordinance to include language which would require the zoning officer to determine if zoning regulations have been reviewed before a permit is issued. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer

Nays: Rose Absent: None Abstentions: None

FINAL READING: JUNE 7, 2011

Introduction Ordinance #2011-08 – Flood Hazard Areas

Mr. Fransen made a motion to introduce an ordinance entitled "AN ORDINANCE TO AMEND, DELETE AND REPLACE CHAPTER XXII 'FLOOD HAZARD AREAS' OF THE ORDINANCES OF THE BOROUGH OF SUSSEX". Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: None

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

Resolution #2011-46R – Amendment to the adopted Capital Budget section of the General Capital

Mr. Fransen made a motion to adopt a resolution amending the adopted capital budget section of the General Capital. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2011-48R – Cancellation of Improvement Authorization

Mr. Dykstra made a motion to adopt a resolution authorizing the cancellation of improvement authorization in the general capital fund. Seconded by Mr. LaBar.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2011-42R – Stormwater Program Coordinator

Mr. Fransen made a motion to adopt a resolution appointing Robert Schultz as the Stormwater Management Coordinator of the Borough of Sussex and to authorize him to submit the 2011 and all subsequent annual Stormwater Management Reports to the NJDEP. Seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2011-43R – Refund of Homestead Rebate, Block 510, Lot 23

Resolution #2011-44R – Refund Taxes – Block 510, Lot 23

Mr. Dykstra made a motion to refund the Homestead Rebate in the amount of \$262.00 and to refund taxes for Block 510, Lot 23, for 2011 in the amount of \$2,156.44 as a result of being approved for a permanently disabled Veteran status. Seconded by Mr. Fransen.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2011-45R – 2011 Salaries and Wages

Mr. Meyer made a motion to adopt an ordinance setting the 2011 salaries and wages within the guidelines set forth in Salary Ordinance #2008-35. Seconded by Mr. Fransen.

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 two social affair permits submitted by the Sussex Fire Department for events to be held on July 30, 2011 and August 27, 2011 from 6 pm to 1 am at the Sussex Fire House. Seconded by Mr. LaBar.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2011-47R – Due Diligence Access Agreement, Cornerstone Playhouse

Mr. Fransen made a motion to adopt a resolution entering into a Due Diligence Access Agreement with the Cornerstone Playhouse for access to the Borough owned theater building. Seconded by Mr. Rose.

It was decided that the group will receive a key and let the administrator know when they are going to access the building. A status report will be given to the Council at the next meeting.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #2

Mr. Dykstra made a motion to open the meeting to the public for anyone wishing to address the Governing Body, limiting each person to five minutes and not to exceed 15 minutes total. Seconded by Mr. Fransen. All were in favor.

Ms. Julia Devine, 4 Main Street stated that she noticed that there was an ad in the paper on Monday looking for a new Clerk/Administrator. She asked the Council to consider eliminating the position of administrator. She stated that at this time she doesn't think that an administrator is necessary.

Ms. Linda Masson asked when and where the water is being tested.

Joanne Roof, the representative from United Water, stated that the water is tested for bacteria once a month, usually the first Tuesday of every month by a certified lab. The samples are taken from the distribution system. Two samples are taken per month, one from the DPW garage and one is from the hospital.

Ms. Masson asked if the water is tested when it is brown and Ms. Roof stated that if they know that there is work being done on the distribution system and there is an explanation for the water being brown and they know that there is water in the system then they do not test the water. If they are requested to take a sample then they do. If someone wanted to have there water tested then they would have to call the Borough Hall and register a complaint.

Mr. Furry, another representative from United Water, stated that there is additional testing being done during the water main replacement project. It is a requirement of the DEP.

Ms. Masson stated that she would like to see the results of the day her water was off.

Mr. Schultz stated that there was no reason to test her water that day because it was safe to drink. The system is a closed system.

Ms. Masson asked if some of the pipes were disintegrating and Mr. Schultz stated that the line broke. She stated that she has only had dark brown water twice in the eleven years that she has lived here. The first time was in the year 2000 and she was given an adjustment on her bill which approved by the DPW and the Mayor at the time. When it happened again for a longer period of time she was not given a credit. If it wasn't tested she doesn't see any way that they could tell her that the water was safe to drink. She would not let her children drink it.

Mr. Schultz stated that the stuff is always in the line – it is nothing that was injected. It is a closed system.

Mr. Meyer stated that he went to Ms. Masson's house that night and the water was no where near the dark brown that she is saying.

Ms. Masson disagreed.

Ms. TerryAnn Zander, stated that the information left in the back of the room about water quality was very good however it should have stated that it came from United Water.

Ms. Zander also asked about the solar project. She asked when the decision was going to be made about the RFP.

Ms. Gleason stated that it will be discussed between the engineer and the DPW.

Ms. Zander stated that she too saw the ad about he clerk position being available and Ms. Gleason stated that she is in fact leaving and that that she has accepted a position.

Mr. Ursin stated that the administrator position is discretionary but the clerk's position is mandatory.

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

MISCELLANEOUS COMMENTS

Election Day Clerk Coverage

Mr. LaBar made a motion to give the Mayor the authority to negotiate a per diem rate with Catherine Gleason to work June 7, 2010, to cover the election and the Council meeting. Seconded by Mr. Meyer. All were in favor.

ADJOURNMENT

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

Christian Parrott, Mayor

Catherine Gleason, RMC