

**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
June 21, 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, Mr. Meyer, Mr. Rose, Mayor Parrott.

Absent: Mrs. Little

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:

Nathaniel Sajdak from the Wallkill River Watershed Management Group gave a brief presentation about Water Chestnut an invasive plant species in Clove Lake. The Wallkill River Watershed Management Group wants to remove Water Chestnut from Clove Lake by hand on June 23rd and 24th. Wantage Township has been notified of the plan and has no problem with this plan as presented. After some questions by the Mayor and Council, the group received the backing of the Borough Council to execute their plan.

Finance Report

Sam Rome gave an update on the water tank project and stated that the Borough will have an additional cost of about \$30,000.00 to close out the project. This project should be completed within the next month.

Mr. Rome stated that he has been in touch with the DEP about the I&I project. He stated that he has received verbal approval that the Borough can use the remaining funds with change orders to expand the project. Mr. Rome will check with John Ruschke about the exact procedure that must be followed. Mayor Parrott stated that the Borough would have to get approval from the State before any additional work is to be done. Mr. Rome stated that if we need more I & I work the Borough could try to get more USDA funding and roll all our loans into one.

Mr. Rome stated that there is funding available for local fire departments. Only four communities in Sussex County qualified; Sussex, Franklin, Branchville, and Newton. Three of these communities, Sussex, Franklin, and Branchville were meeting tonight to discuss the grant.

More discussion continued about the possibility of getting more funding for the I & I project and refinancing the loan to save money.

Mr. Rose stated that he has some questions about the Auditors Report. Mr. Rome gave a brief explanation of the report and stated that old financial information was lost during a computer switch over. Mr. Rose asked if the tax records from 2002 to 2004 will ever be cleared up. Mr. Rome stated that they will not because the records are lost. Mr. Rose asked about the recommendation that the tax collector maintains a foreclosure record to identify foreclosed properties within the Borough. Mr. Rome gave a lengthy explanation.

Mr. Rose asked about the fact that the accounts receivable account does not have a reserve. Mr. Rome stated that the money came in to late to be shown as a deposit transfer into that account. Mr. Rose asked for an explanation of the statement, about the Water/Sewer Utility "The Borough has accrued \$1,950; however, the accrual should be \$107,937 as of December 31, 2010" Mr. Rome gave an explanation. Mr. Meyer stated that the Borough did not fully fund what we should have for several years to keep the water and sewer rates down. So now we are paying for the rates that we should have paid for in the past. Mr. Rome stated that we are building that accrual back up so we can get back to be where we should be. Mr. Meyer asked if this is the same issue with the \$500,000 that was used from surplus to falsely keep the rates down. Mr. Rome stated that the surplus dwindled over the years because the Borough was not regenerating it. Mr. Meyer asked

what it was used for and Mr. Rome stated that it was used to fund the budget. Mr. Rome stated that the Borough did not raise the rates until 2004 when it should have started in 1996 or 1997.

Mr. Meyer asked about how the initial charge of \$95,000.00 a year for ten years for the connection fees was funded. Mr. Rome stated that it was funded through the bill and each year it was raised in the budget. Mr. Meyer questioned if this amount was added to the debt service because there was confusion on how to interpret this. Mr. Rome stated that the best person to discuss this with is Earl Snook because he set this up. Mr. Meyer asked that the council set up a meeting with Earl Snook to discuss this matter.

Mr. Rose asked about the \$183,000 deficit and questioned if this is more money coming out of surplus. Mr. Rome explained and stated that the number is actually \$120,000. Mr. Rose asked what the current surplus was as of January 1st. Mr. Rome stated that it is the same as it has been for the last two years \$2,000.00. Mr. Rose asked how can we run a deficit if we do not have a surplus? Mr. Rome stated that the Borough is not using the surplus and that is why the rates are being raised every year. Mr. Rome stated that in 2012 the Borough should start going back into the green because of the current rates. Mr. Meyer stated that he was under the impression that the Borough would be in the positive this year. Mr. Rome stated that if High Ridge would ever come in and pay the Borough would be in a lot better shape financially. Mr. Meyer stated that this income is not in the projections for the future. Mr. Meyer asked if the Borough is self liquidating how can we run a deficit. Mr. Rome stated that to be self liquidating the revenues must equal the operations and debt service and the Borough is right on that fringe. Mr. Rome gave a lengthy explanation on this matter. Mr. Meyer stated that he understands the reason but does not like what is being done. Mr. Meyer stated that it looks like papers were shifted to lower what we should have been paying and put it into the next year.

Mr. Rose questioned that the auditor's report stated a cancelation accrued without Council approval. Mr. Rome does not remember a cancelation being done and gave a brief explanation to what happened.

Resolution #2011-51R – Certification of Annual Audit

Mr. Rose made a motion to adopt a resolution approving the certification of the 2010 Annual Audit of the Borough of Sussex. Seconded by Mr. Meyer

Mr. Dykstra suggested to Mr. Rome that when he has discussions with the auditor that he gets everything in writing. Mr. Rome stated that he will from now on.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Adoption of Ordinance 2011-06 – Bond Ordinance

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$430,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$408,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF". Seconded by Mr. LaBar

Before final roll call, Mayor Parrott opened the meeting to the public for any questions or concerns regarding Ordinance 2011-06.

Ms. Linda Masson 15 Spruce Avenue asked what the impact on taxes for this bond is. Mr. Rome stated if the Borough goes ahead with the solar project the revenues that are received and the saving on energy cost will pay the debt service cost. Ms. Masson stated that in the interim taxes would be paying for this. Mr. Rome stated that the revenue would start as soon as the solar project was up and running. Ms. Masson asked if there would be a tax increase before the Borough started receiving money. Mr. Rome stated that the Borough would not, because the first payment would not be made until next year after the solar plant is operational. Mr. Meyer stated that what Ms. Masson is looking for is what the cost of the bond would be on an annual basis and whether or not it would impact our taxes. What would the impact be if the Borough did not receive the revenue from the solar? Mr. Dykstra stated that the Borough did not know what the revenue would be. The Council was to lock in for a certain amount of years and those

figures are not available yet. So the money was not to be spent until the Council knows those numbers. Ms. Masson stated that the Council is voting to spend the money right now. Mr. Dykstra stated that the Council is not voting on spending the money but to make it available to spend in the future. Mr. Rome stated that if the Council decided not to do the solar project, that portion of the bond would be canceled. Mr. Dykstra stated that the goal of the Council was to offset the cost of the two new trucks with the solar project. Mr. Rose stated that the only danger is the price of SREC's because these are a varying rate and the Council needs to lock into a good rate to guarantee no cost to the taxpayers. Mayor Parrott stated that this is not tonight's decision. Ms. Masson stated that in the ordinance it states that the obligation shall be direct unlimited obligation of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount. Mr. Rome stated that it gives the Borough the rights to raise the taxes. Ms. Masson stated that this bothers her because people in this town are struggling to pay the water and sewer bills and if there is any possibility that taxes could be raised as a result of this we should not be doing this now. Mr. Dykstra stated that we need to plow the streets in the winter. Ms. Masson stated that she is not talking about the trucks. Mr. Dykstra stated that you have to trust the Council to make prudent decisions. Ms. Masson stated that she does not have to do that. Mr. Dykstra stated that she should because these are the facts and you can not argue with the facts. Ms. Masson stated that she is only asking questions. Mr. Meyer stated that this decision is just allowing the Council to look at it and if we think that this will work the Council will go forward with it.

Mr. Flores 20 Spruce Avenue asked where the solar panels would be installed within the Borough. Mayor Parrott stated that they will be installed at the Borough Garage. Mr. Rose stated that the panels are a ground installation at the Borough Garage. Mr. Flores asked if the electricity produced will be used around the Borough or just at the garage. Mr. Rose stated that it would be used for the Borough's purpose.

There being no one else present who wished to address the Governing Body Mayor Parrott closed the meeting to the public.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Emil Coviello the new T-4 and W-4 from United Water introduced himself to the Council and gave a brief description of his qualifications. Mr. Coviello stated that he is here to help the Borough anyway that he can and knows we have to work together during these hard economic times. Mr. Coviello asked if the Mayor could sign the license for the operator in charge notification forms. Mayor Parrott requested that he leave them here for review by our attorney and will process them as soon as we can.

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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Resignation letter for Recreation Commission from David Southard.
2. Sandyston Township resolution urging Sussex County's legislators to draft a bill to amend the Open Public Records Act.
3. Borough of Hamburg resolution urging Sussex County's legislators to draft a bill to amend the Open Public Records Act.
4. Letter from New Jersey Department of Community Affairs concerning Unsafe Buildings Demolition Loan Fund.
5. Letter from Steve Danner concerning the crossing guard position at the corner of Route 23 and Route 284.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of June 21, 2011

Mr. Fransen made a motion to approve the consent agenda of June 21, 2011 seconded by Mr. Meyer.

Mr. Zschack stated that there is one change on the bill list PO 5485 has been reduced by \$30.00 to \$1949.32 there was a mistake on one of the bills.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

OPEN PUBLIC SESSION #1

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

Mrs. Lynn Meyer 47 Lakeshore Drive stated that she is here tonight to update the Council on what the Recreation Committee has been doing. Mrs. Meyer is the chairperson of the committee. There was a Miss. Sussex contest on June 11th and it was successful. Mrs. Meyer passed out brochures from this year and last year for comparison. The total expense for Miss. Sussex this year was \$895.00. There was \$178.00 spent on the brochure some of that money was donated. If that is subtracted the total amount spent on Miss. Sussex this year was \$717.00 in comparison to \$866.00 last year. Mr. Rose stated that last year the brochure was donated so the Committee did a much better job this year with a \$150.00 savings in total cost.

Mrs. Melissa Fransen 17 Clove Avenue a member of the Recreation Committee stated that former winners of the Miss. Sussex contest were invited to attend and there was a great turnout. The turnout for this year Miss. Sussex was very low so for next year the Committee is going to reach out to the High Schools, Project Self-Sufficiency, and to all resources that they have to increase the amount of contestants for next year.

Mrs. Meyer stated that the next thing the Committee is going to work on is keeping their cost down by using items from year to year. Mrs. Fransen stated that a laminator was purchased this year to cover signs so they can be reused.

Mrs. Meyer stated that there is a teen night planned in cooperation with Project Self-Sufficiency and all volunteers need to have background checks and finger printing. The teen night will start in July with a \$10.00 cost per child. Mr. Rose stated that this is the project that was budgeted for last year at the Grange but did not happen because of some issues. Mayor Parrott asked what the cost for the background checks will be. Mrs. Meyer stated that they are \$82.00 each. Mrs. Fransen stated that this amount is under the budgeted amount.

Mrs. Fransen stated that the Recreation Committee has been in contact with the theater group to work with them on the tree lighting ceremony.

Mrs. Meyer stated that the next event will be the Fall Festival in October.

Mrs. Meyer stated that the Recreation Committee has been working on a master book to keep all the information needed for the Committee. This book will help the Recreation Committee this year and the years to come to maintain consistency.

Mr. Rose stated that there are some members of the Recreation Committee that are not coming to meetings and is there a procedure in the Ordinances to remove a member. Mr. Ursin went to find the Ordinance book to research the question.

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

COMMITTEE REPORTS

Mr. Dykstra offered no report at this time.

Mr. Fransen offered no report at this time.

Mr. Meyer stated that the sewer ordinance is on the agenda tonight and will be discussed later. Mr. Meyer answered a concern from the previous meeting by Mr. Richard DiCorica about making Spruce Avenue a one way. There are slow signs but one is about fifteen feet in the air by the dam and suggests that sign be lowered. Mayor Parrott stated that Steve Danner the Borough's traffic enforcement official took a look at the one way question and his recommendation was not to make a change. Mr. Meyer stated that he is very concerned that drivers are still in "commuter mode" when traveling on local streets and questioned if anything can be done to deter this behavior. Mr. LaBar stated that efforts have been made in the past but did nothing to change the driving habits. Mr. Meyer stated that the Borough should move the one slow sign and repost speed limit signs to help the situation.

Mr. LaBar offered no report at this time.

Mr. Rose stated that the Property Maintenance Board met last week and did not have a quorum. There was an informal discussion concerning the need for a Property Maintenance Board three options were offered. First option is to eliminate the Board. Second option is become an enforcement Board to give consent and advice to the Code Enforcement Official. Third option is become a quasi-judicial Board where the Code Enforcement Official could issue summons to residence to come before the Property Maintenance Board to work out a resolution to the problem. Mr. Rose asked Mr. Ursin to look into how other Towns handle these types of situations. Mr. Ursin stated that he would look into this and said that many of the property maintenance ordinances are similar to the International Property Maintenance Code. Mr. Rose questioned whether the Board should be eliminated? Discussion continued that Steve Danner is the officer that could take over the function of this board. Mr. Rose questioned some of the powers that the Property Maintenance Board has. Mr. Ursin will give his opinion at the next meeting.

Mr. Ursin stated that there was not a procedure in the ordinance to remove a member of the Recreation Committee. The same procedure should be followed that any other board would use to remove a member which is to give notice that a vote will be taken to remove them from the board. Therefore giving them the opportunity to come to the Council and give reasons that they should not be removed.

Mr. Ursin stated that the Board of Health has very limited functions in the Borough because of the County Health Department. Mr. Ursin stated that in the past there has been some discussion on disbanding this Board. One of the powers of the Board of Health is to appoint the Registrar. With the Board meeting infrequently and having quorum issues it raises the question if this Board should be disbanded. Mayor Parrott asked if we did away with the local Board of Health who would appoint the Registrar. Mr. Ursin stated that the Borough Council would make that appointment. Mr. Ursin stated that the powers of the local Board of Health are very limited and receive their powers from the Council. Mr. Ursin stated that the Borough's ordinances are very old and outdated. There is not a lot of need for Board of Health legislation. Mr. Dykstra stated that the rabies clinic has been the main function of the Board. Mayor Parrott asked if the clinic could be run through the County. Mr. Dykstra stated that the clinic could be run through the Council. Discussion continued on how to get volunteers to work the rabies clinic.

Mr. Zschack stated that all major work on the I&I project has been completed. The contractor will be finishing up a punch list over the next few weeks. Mr. Zschack stated that the Borough water and sewer engineer has placed meters in various manholes to start monitoring the sewage flows.

Mr. Zschack stated that he received an update on the Housing Rehab Project from Mrs. Fischer the project coordinator. Mrs. Fischer is in the process of working with the five families to complete the issues of the lead paint. Mr. Zschack stated that all work must be completed by December 31, 2011. If the work is not completed by the end of this year the Borough will be responsible to pay the State back for all cost.

Mr. Zschack stated that United Water reported a positive hit for coliform bacteria on June 8th. Three repeat samples were taken on the June 9th with one of the samples testing positive. On June 10th all tests were negative for coliform bacteria. The Borough must follow strict Department of Environmental Protection guidelines on the type of notification and timing of this notification.

Mayor Parrott stated that the Borough has been getting calls from one resident about people staying too late in the park on Main Street. The ordinance states the parks close at 10pm. Mayor Parrott stated the reason people are hanging in the park is because of the Mayor's request that they do not hang out on Main Street. Mayor Parrott stated that this issue will be discussed with the residence to see if a compromised closing time can be agreed upon.

OLD BUSINESS

Mr. Ursin stated that the attorney for the theater on Main Street sent him an outline of items to be incorporated into the lease and he does not see any major issues with it. Mr. Ursin hopes to have the lease completed soon.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Fransen made a motion to approve the meeting minutes of the Regular Meeting held on June 7, 2011. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Resolution #2011-52R - Liquor License Renewals

Mr. Meyer made a motion to approve the renewal of the following liquor licenses for the license period July 1, 2011 through June 30, 2012. Seconded by Mr. LaBar

TEACH PADRAIG, LLC, T/A THE WINE BARN
38 Hamburg Avenue, Sussex, NJ 07461
License #1921-44-005-001

EMERALD CONSTRUCTION SERVICES, LLC, T/A ALLENS BAR & LIQUOR, 31
Loomis Avenue, Sussex, NJ 07461
License #1921-33-001-003.

FOUNTAIN SQUARE INN CORP, T/A FOUNTAIN SQUARE INN
82 Fountain Square, Sussex, NJ 07461,
License #1921-33-002-001.

ZIGGY KPZ INC, T/A THE GREEN RESTAURANT 7 PUB
3 Harrison Street, Newton, NJ 07860
License #1921-33-003-004, at 14 Newton Avenue, Sussex, NJ 07461

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Resolution #2011-53R – Sussex Inn Liquor License Renewal

Mr. LaBar made a motion to adopt a resolution stating that the Governing Body of the Borough of Sussex has no objection to the renewal of Plenary Retail Consumption License No. 1921-33-004-004 and consents thereto, and furthermore is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject license. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Introduction of Ordinance # 2011-08 – Flood Hazard Area

Mr. Fransen made a motion to introduce an ordinance entitled “AN ORDINANCE TO AMEND AND REPLACE CHAPTER XXII “FLOOD HAZARD AREAS” OF THE ORDINANCES OF THE BOROUGH OF SUSSEX” Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

FINAL READING: JULY 19, 2011

Introduction of Ordinance # 2011-09 – Sanitary Sewer

Mr. Meyer made a motion to introduce an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO REPLACE CHAPTER 13, SECTION 13-5 REGARDING SANITARY SEWER” Seconded by Mr. Dykstra

Mr. Rose suggested some wording changes to the Ordinance. Mr. Ursin stated that these will be looked at and changed if it is deemed necessary. Mr. Ursin stated that all of these changes are minor in nature and can be changed in time for the second reading.

The motion was amended by Mr. Meyer to include said changes mentioned by Mr. Rose seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

FINAL READING: JULY 19, 2011

Resolution 2011-54R – Opposition to Senate Bill No. 1351

Mr. Meyer made a motion to adopt a resolution stating that the Governing Body of the Borough of Sussex is in opposition to Senate Bill No. 1351. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Discussion – Crossing Guard

A discussion took place regarding the crossing guard at the corner of Route 23 and Route 284. The consensus of the Council is that the crossing guard position is not needed and a resolution should be drafted for the next meeting.

Lead Paint Clearance Testing

Mr. LaBar made a motion to approve a contract with EMC Lead Testing in the amount of \$150.00 per house to perform lead testing and \$15.00 for each dust wipe used. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Resolution 2011-55R-Increase Safety on State Highway Route 23

Mr. Dykstra made a motion to request that the State of New Jersey, through the appropriate State departments, immediately conduct a study to determine both long-term and short-term safety improvements along State Highway Route 23. Seconded by Mr. Fransen

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

Resolution 2011-56R – Support of State Assembly Bill A-196

Mr. Meyer made a motion to support assembly Bill A-196 and urge the General Assembly to pass this legislature. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer

Nays: Rose Absent: Little Abstentions: None

Approval of Social Affair Permits for Sussex Fire Department

Mr. LaBar made a motion to approve social affair permits for the Sussex Fire Department on September 24, 2011 and October 8, 2011. Seconded by Mr. Fransen

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer, Rose

Nays: None Absent: Little Abstentions: None

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 Mr. LaBar All were in favor.

Mrs. Fransen 17 Clove Avenue asked if the curfew that covers the park on Main Street could also be enforced at the park by the lake. Mr. Ursin stated that the Borough can make a rule when the park is open and when the park is closed.

Mayor Parrott stated that whatever decision is made for the park on Main Street will also apply to this area and signage will be installed. Mr. Dykstra stated that no alcoholic beverages permitted should be added to the sign.

There being no one else 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.

ADJOURNMENT

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

Christian Parrott, Mayor

Mark Zschack, Acting Borough Clerk