

**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
JULY 15, 2010**

Mayor Parrott called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Dykstra, Mr. Fransen, Mr. LaBar, Mrs. Little, Mr. Meyer, Mr. Rose, Mayor Parrott.

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

Mayor Parrott stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6. It has been properly advertised and certified by the Clerk."

PRESENTATIONS:

At this time Bob Schultz, DPW Supervisor, presented the DPW report. A copy of the report is on file in the Clerk's office

At this time, Jake Little and Floyd Southard, presented the Hazard Mitigation Plan to the Council. A copy of the plan is on file in the Clerk's office.

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 July 15, 2010. Seconded by Mr. Fransen.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated June 17, 2010 from Harold Pellow to Tilcon regarding Lakeview Terrace final paperwork.
2. Letter dated June 17, 2010 from NJDEP to 58 Hamburg Avenue regarding site remediation.
3. Freshwater Wetlands Application for 85 Sally Harden Road.
4. Letters dated June 17, 2010 from Bruce Benton to Mayor Parrott regarding the Maple Avenue Small Cities Grant and the Housing Rehabilitation Small Cities Grant.
5. Letters dated June 22, 2010 from Mayor Parrott to Bruce Benton regarding Small Cities Grants – Maple Avenue and Housing Rehabilitation.
6. Letter dated June 18, 2010 from NJDOT to Mayor Parrott regarding Municipal Aid grants.
7. Public Hearing Notice from NJ Transit regarding Senior Citizen and Disabled Resident Transportation Assistance Act.
8. Ordinance from the Township of Wantage amending Chapter 13 of the Comprehensive Land Use Ordinance of the Township of Wantage to permit and regulate small wind energy systems.
9. Notice of Deficiency from the NJDEP dated June 14, 2010 regarding Frederick's Fuel Oil and site remediation.
10. Letter dated June 8, 2010 from Senator Oroho to Commissioner Simpson regarding his support of the Route 23 Realignment project.
11. Letter dated June 17, 2010 from NJDEP to 8 Overlook Drive regarding heating oil underground storage tank system.
12. Letter dated June 30, 2010 from Harold Pellow to M. Sky Construction regarding Maple Avenue Drainage Project.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Court Report for May 2010.
2. Construction Department Report for May 2010.
3. Collector's Cash Book Breakdown for June 2010.
4. Utility Year to Date Receipts Report for June 2010.
5. Monthly Clerk's Report for June 2010.

6. Animal Control Report for June 2010.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of July 15, 2010.

Upon roll call vote:

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

Nays: None Absent: None 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 Mrs. Little. All were in favor.

Mr. Mike Johnson, owner of Great Renovations, one of the contractors that did work on one of the five homes being rehabilitated with the grant money, asked when he would be getting his final payment.

Mrs. Gleason stated that his voucher was on the bill list that the Council just approved this evening.

Mr. Brian Pailia, Vernon's assistant town manager, and Tom Pinand, Building Inspector, addressed the Council regarding the proposed construction agreement with Vernon Township. Mr. Pailia stated that Vernon is proposing to offer, in September, construction services, housing inspections, fire prevention and zoning for \$75,000 a year with a 3% escalation. Mr. Pinand stated that he has been in Vernon for over 15 years and he has his building, electrical, plumbing and fire subcode licenses. Of his staff he can offer five building inspectors or building subcode officials. Their fire prevention bureau also has a building and construction official license beside the fire licenses. They will never have a problem providing coverage. His zoning officer has been in town for 12 years and the fire prevention officer has been in town 10 years. Mr. Pinand asked the Council if they had any questions.

Mr. LaBar stated that in view of the fact that the Governor signed a 2% cap on budgets, how is the 3% escalation going to work.

Mayor Parrott stated that Vernon is tied into contracts with the 3%.

Mr. Pailia stated that he doesn't think that they could get down to the 2%.

Mr. Fransen stated that all of the towns are going to be in the same boat.

Mr. Pinand stated that it is 2% on the tax rate, not individual contracts that are limited to 2%.

Mr. Pailia stated that if it comes down to it they will split the difference with us.

Mayor Parrott stated that the contract that the Borough is currently working under with Wantage is very comparable to Vernon's proposal. The contract offer from the other town excludes housing inspections. The mayor stated that Cathy told him that she spoke to Brian about taking the housing and zoning out of the contract and that Brian told her that they could reduce the price by \$15,000 bringing the cost down to \$60,000 a year.

Mr. Pailia stated that they could do the service for \$60,000 excluding those elements.

Mrs. Little asked if Vernon has a lot of rentals because Sussex seems to have a lot more rentals than actual buildings.

Mr. Pailia stated that they do have a lot of rentals but that they do not do the multi-family housing inspections. They do, however, have four staff members that are licensed to perform those inspections.

Mr. Pinand stated that the State of New Jersey does their multiple housing inspections.

Mayor Parrott stated that the discussion will be taking place in Executive Session regarding which proposal the Council will be accepting.

Mr. Pailia stated that he will contact Cathy in the morning to see what was decided.

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 Mrs. Little. All were in favor.

COMMITTEE REPORTS

Mr. Rose stated that the Recreation Commission held two events since the last meeting, the Miss Sussex Pageant and the Fishing Contest. The pageant was very successful but the fishing contest was not very well attended. Next year they might have to hold it earlier in the year and do more advertising. It was very hot the day that it was held.

Mr. Rose also reported that the Merchant's Association held a meeting and they requested that the Recreation Commission work with them on the October Harvest Festival. The date has been changed until October 17th. The merchants themselves requested that we close the road. It is a Sunday, in the afternoon for approximately three hours. The Recreation Commission had a discussion regarding the Friday night youth group but he just heard from Kathy Little before the meeting that there may be some changes.

Mrs. Little stated that on June 10th she attended the '208' meeting and on the 25th she attended Hank's retirement party. On June 26th she participated in and was one of the judges for the Miss Sussex Contest. She commended the Recreation Commission for a job well done. Mrs. Little also reported that she met with Annette Stendor at the Borough Hall to dispose of the Census information. There is information, however, that needs to be permanently kept on record in Borough Hall. She also stated that on July 8th she attended another '208' meeting and that backyard infiltration systems were discussed.

Mrs. Little stated that she spoke to the Grange members about the changes proposed by the Council regarding the lease agreement and that they were not willing to go along with the changes.

Mr. Meyer reported that Hardyston is selling bear proof garbage cans and that Sussex Borough residents can purchase them.

Mr. LaBar stated that he and Frank met to sign the vouchers and suggested that there be a quarterly review of the mileage that is being put on the Borough vehicles since the Interlocal agreement with Hardyston was put in place.

Mr. Fransen stated that he had no report because the July Planning Board meeting was canceled.

Mayor Parrott reported that a truck hit the wall at the Christian School while they were trying to bring a dumpster up to the water tank. The contractor is taking care of it. He also reported that he met with Ken Nelson to discuss the proposed zoning changes for the Walling Avenue section of town. He suggested to Mr. Nelson that it be put on hold until the State actually starts the realignment project on Route 23.

Mayor Parrott also reported that there has been some recent vandalism in town and that he has spoken to Steve about changing his hours during the summer so that there is more of a police presence on Main Street in the evenings. He won't be working any additional hours, just working different hours. The Guardian Angels do not seem to be a presence in the town any longer and Mayor Parrott doesn't want people to think that it can go back to the way things were before in town.

Mayor Parrott asked for an Executive Session to discuss contracts.

Mr. Dykstra asked how the tank painting project was going.

Mayor Parrott stated that it was going well but that the engineer stated that we have to stay on top of it and make sure that in the future it is properly maintained. There was some damage due to the lack of maintenance by past administrations.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on June 15, 2010. Seconded by Mr. Fransen.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Dykstra

Mr. Meyer made a motion to approve the meeting minutes of the Special Meeting held on June 29, 2010. Seconded by Mrs. Little.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Fransen, LaBar

Adoption Ordinance #2010-06 – Trucks over Four Tons

Mr. Dykstra made a motion to adopt an ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 9, SCHECULE V, TRUCKS OVER FOUR TONS”. Seconded by Mr. Meyer.

Before final roll call, Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2010-06.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #2010-10 – Garage Sales

Mr. Fransen made a motion to adopt an ordinance entitled “AN ORDINANCE TO REPLACE SECTION 4-2 OF THE CODE OF THE BOROUGH OF SUSSEX REGARDING GARAGE SALES”. Seconded by Mr. Meyer.

Before final roll call, Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2010-10.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Meyer

Nays: Little, Rose Absent: None Abstentions: None

Resolution # 2010–56R Clove Hill Manor Settlement

Mr. Ursin stated that this item would be moved to Executive Session and that formal action may take place regarding it after the Governing Body reconvenes into open public session.

Resolution #2010-55R – Increase of Bid Threshold

Mr. LaBar made a motion to adopt a resolution increasing the bid threshold from \$29,000 to \$36,000. Seconded by Mrs. Little.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Introduction Ordinance #2010-11 – Sale of Block 301.08, Lot 68

Mr. LaBar made a motion to introduce 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 301.08, LOT 68. Seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

FINAL READING: AUGUST 17, 2010

Construction Interlocal Agreement

This item was moved to Executive Session at the request of Mayor Parrott. He stated that formal action would be taken when the Governing Body reconvened into open public session.

Contract – LEW Corporation for Lead Based Testing

Mr. LaBar made a motion to enter into a contact with the LEW Corporation in the amount of \$495.00 per home to do lead based paint testing on the five homes currently being rehabilitated with the Small Cities Grant monies. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

U.S. Tank Painting – Payment in amount of \$128,478.00

Mr. LaBar made a motion to approve a payment in the amount of \$128,478.00 to U.S. Tank Painting for work done on the Borough Water Tank Painting Project – as recommended by John Ruschke, Water/Sewer Engineer. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2010-57R – Amendment to 2010 Budget

Mr. Fransen made a motion to adopt a resolution amending the 2010 budget. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2010-58R – Application to Local Finance Board

Mr. Fransen made a motion to adopt a resolution making application to the Local Finance Board pursuant to N.J.S.A. 40A:4-45.46. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

NJ State Firemen's Association Membership – Larissa Sutphen

Mr. Fransen made a motion to approve an application from Larissa Sutphen to join the NJ State Firemen's Association. Seconded by Mrs. Little.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #2

Mr. LaBar 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.

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.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Fransen made a motion to adjourn into closed executive session to discuss personnel, two litigation matter – Clove Hill Manor and Mr. Hannigan, and contract negotiations. Motion seconded by Mrs. Little.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats Mr. Dykstra made a motion to reconvene into open public session. Seconded by Mrs. Little. All were in favor.

Clove Hill Manor Settlement

Mr. Fransen made a motion to direct Mr. Ursin to prepare a settlement agreement with Clove Hill Manor in the amount of \$45,000.00. Seconded by Mr. Rose.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Interlocal Construction Agreement – Hardyston Township

Mr. Fransen made a motion to enter into an inter-local construction agreement with Hardyston Township in the amount of \$40,000 a year, beginning September 1, 2010. Seconded by Mr. Dykstra.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

MISCELLANEOUS COMMENTS

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. Dykstra. All were in favor.

Christian Parrott, Mayor

Catherine Gleason, RMC