

**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 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. Dykstra, Mr. Fransen, Mr. LaBar, Mrs. Little, Mr. Rose, Mayor Parrott.

Absent: Mr. Meyer

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:

Finance Report

Mr. Rome stated the most important matter is the delay in the release of state aid concerning the tax rate. Local School Boards received additional funding this year with the option to reduce taxes or use this money as surplus next year. Today was the deadline for the schools to decide on how to utilize this extra funding. Approval for the tax rates should be released by the end of the week. There will be a need for a resolution at the next meeting to extend the grace period for payment of taxes. The lack of revenue coming in the Borough could cause a cash flow problem.

Mrs. Little asked that if people came in to pay their taxes and water bills would this alleviate the problem.

Mr. Rome stated that third and fourth quarter billing amounts are not in the system therefore there is no place to post the payments. The problem is that the payment would have to go toward the second quarter causing an overpayment.

Mrs. Little stated that even if the money comes in there is no place to put it.

Mr. Rome stated that the levies for the second half of the year have not been created yet.

Mrs. Little asked if this is the only problem with the flow of money.

Mr. Rome stated that right now the Borough is working off the first and second quarter taxes and has not received the state aid.

Mr. Dykstra asked for an update on the consolidation loan or refinance.

Mr. Rome stated the he was talking with Mr. Ruschke that the Borough has to come up with a project to borrow more money. Mr. Rome stated that if there is more I & I work done the gentleman from USDA indicated that with a \$750,000.00 to \$1,000,000.00 project the Borough could received about a 25% grant.

Mr. Dykstra stated that this could add about a half million dollars of more debt to the Borough.

Mr. Rome stated that in the long term the Borough could decrease interest obligations and add on the money to current loans and keep the payments the same.

Mr. Dykstra asked if Mr. Rome was given a timetable when this would have to be done or submitted.

Mr. Rome stated that they will be excepting applications for the next funding cycle in October.

Mr. Dykstra asked when the final submission date is.

Mr. Rome stated that he will call tomorrow to get an answer.

Fire Department Request for Capital Funds

Mrs. Little made a motion to approve \$11,700 to be used by the Sussex Fire Department to purchase eight (8) sets of turnout gear through a USDA Grant. Seconded by Mr. Rose.

Mr. Rome stated that there are monies left from previous budgets for capital funds for the Fire Department. There is \$3,600.00 from last year's budget, \$232.00 from 2008's budget, and \$6,500.00 from 2007's budget. These monies are appropriated and can be used for fire related purchases.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

EMC Report:

Jake Little Emergency Management Coordinator and Floyd Southard Deputy EMC gave the Council a hand out showing the activity and training EMC members have taken. Mr. Southard stated that the training is essential in order to receive any grant monies from the State. Mr. Little stated that he discussed in the fall that EMC needed new radio frequencies but after researching this issue the expense is too large and they have decided to use the existing frequencies. Mr. Little asked for the Council's permission to reinstate the radio frequency that the Sussex DPW used. Mr. Little stated that there is a minimal cost to reinstating this frequency.

Mr. Dykstra made a motion to authorize the EMC to pursue a proposal to reinstate the radio frequency that the Sussex DPW used in the past, and present the total cost to the Council. Seconded by Mr. Fransen

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Mr. Dykstra thanked the EMC for all of their hard work.

Mr. Rose asked the EMC, that in the past they had requested a generator. Mr. Little stated that they received a free generator from the Vernon Board of Education. Mr. Little stated this generator is in need of repair to get it into service. Mayor Parrott asked that the Hardyston DPW look at the generator to see what repairs would be needed.

I & I Project:

At this time John Ruschke, water and sewer engineer of Hatch Mott McDonald gave a Power Point presentation on the progress of the I & I project. This report is available in the Clerks office for review.

Mr. Ruschke asked the Council for their permission to perform inspections of the sewer system to determine the next course of action within the budget of the current loan.

Mr. Rose asked what engineering was performed prior to this project because it is not clear why these inspections were not done already.

Mr. Ruschke stated that his engineering firm was hired after the plans were prepared and they were following the existing plans.

Mr. Dykstra asked if the scope of work performed was less than what the plans indicated.

Mr. Ruschke stated that because of lower than expected bids and field changes, the project financially is very stable and there are monies left to perform more work.

Mr. Fransen made a motion to direct John Ruschke of Hatch Mott McDonald to perform further investigation into the sewer I & I issues up to the amount that is allowed for engineering in the Clove Brook Watershed Manhole Rehabilitation Project. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Water Operators Report:

Jana Frederick from United Water presented the Council with a hand out entitled Total Coliform Frequently Asked Questions. Ms. Frederick stated she is here tonight to discuss results of tests taken in June and the Tier 2 notification that was sent to all water customers. Ms. Frederick is also present to discuss some of the misconceptions that were printed in a July 1, 2011 article in the New Jersey Herald. Ms. Frederick stated that the reason that water companies test for coliform is that if it is present this indicates that other more harmful bacteria could be present. During the week of June 6th three samples tested positive for total coliform. The state requires that any sample that tests positive for total coliform is also analyzed for E-Coli. Ms. Frederick stated that all samples tested in the Borough were negative for E-Coli. At no time was there ever E-Coli detected in the water system. As a result of the testing United Water was in constant correspondence with the Division of Safe Drinking Water. The Division of Safe Drinking Water requested more samples which is the proper procedure. Between June 6 and June 11 a total of seventeen samples were taken. There were a total of four positive samples all were E-Coli negative. The Department of Environmental Protection dictates that with any positive sample for total coliform a tier 2 notification must be issued. Ms. Frederick indicated that there is a holding time of 24 hours before the laboratory can analyze the sample. There can be a two day waiting period before results are returned from the laboratory. Ms. Frederick stated that the tier 2 notification was mailed out on June 20. United Water received feedback that too much time

elapsed from the positive testing to when the notification was mailed. Ms. Frederick stated that there is a process that needs to be followed first the template from the State needs to be filled out then approval from United Water's corporate office is needed before the mailing. As a precautionary measure samples were taken at the water treatment plant and all were negative for total coliform.

Mr. Rose asked where the initial positive tests were taken, at the water main construction site or the regular test sites.

Ms. Frederick stated that the three initial positive testes were taken at the construction site, the DPW garage, and the hospital. Ms. Frederick stated that the protocol when water tests positive for total coliform is that samples are taken upstream and downstream from those samples.

Mr. Rose asked where the next positive samples were taken.

Ms. Frederick stated that only one more sample tested positive and that sample was taken at Walnut Street.

Mr. Rose asked if this sample was near the construction site on Main Street and the answer was no.

Ms. Frederick stated that she can not give an answer as why this happened but other water systems in the area are having the same issue.

Mayor Parrott opened the meeting to the public for questions, limiting the time to five minuets concerning the report by Jana Frederick from United Water.

Ms. Linda Masson, 15 Spruce Ave stated that in the notice it states that "if you have specific health concerns, consult your doctor. People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care provider." Ms. Masson stated that she received this notice 16 days after the sample. So how are you giving people in the community that fall into that category opportunity to do that?

Ms. Frederick stated that United Water sent out the notification well within the 30 day time period dictated by the DEP.

Ms. Masson stated that it was the obligation of this Mayor and Council to notify the residents of this community and they did not.

Mr. Fransen stated that this company is hired by the Council to run the water system. They have to follow the guidelines. The Council had to wait for the exact wording from DEP before a notice was to be issued.

Ms Masson asked if there is a moral compass in any of you to represent the people of this community.

Mr. Fransen stated that the Ms. Masson's five minuet time period was up.

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

Emil Coviello from United Water stated that there was nothing to add to Ms. Frederick report.

Mr. Dykstra asked what the water level is at Lake Rutherford and how often the Reservoir is checked.

Mr. Coviello stated that he has not visited Lake Rutherford for a couple of weeks he is not sure of the level. United Waters schedule is to visit the reservoir every week but he has not had the time to get up there in the last couple of weeks.

Mr. LaBar asked if the landscaping is completed at the water treatment plant.

Mr. Coviello stated the tank company was scheduled to come next week to complete the landscaping.

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 July 19, 2011. Seconded by Mr. Dykstra

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated June 16, 2011 to Mayor Parrott regarding the National Flood Insurance Program.
2. Letter dated June 23, 2011 from New Jersey Department of Transportation notifying Sussex Borough of the resurfacing and miscellaneous repairs to Route 23.

3. Township of Fredon Resolution 2011-55 in support of the endeavor by the Walkkill Valley Chapter 1002 of the Vietnam Veterans of America effort to construct a veterans cemetery in northern New Jersey.
4. Township of Lafayette Resolution 2011-28 in support of the endeavor by the Walkkill Valley Chapter 1002 of the Vietnam Veterans of America effort to construct a veterans cemetery in northern New Jersey.
5. Township of Wantage resolution in support of the endeavor by the Walkkill Valley Chapter 1002 of the Vietnam Veterans of America effort to construct a veterans cemetery in northern New Jersey.
6. Township of Stillwater Resolution 2011-38 in support of the endeavor by the Walkkill Valley Chapter 1002 of the Vietnam Veterans of America effort to construct a veterans cemetery in northern New Jersey.
7. Township of Stillwater Resolution 2011-41 in support of A-196 by the New Jersey State Assembly.
8. Township of Stillwater Resolution 2011-39 supporting A-3412 sharing the burden of property assessment appeal refunds.
9. Township of Stillwater Resolution 2011-36 urging Sussex County's Local Legislators to draft a bill to amend the Open Public Records Act.
10. Letter from Hardyston Township to Senator Steve Sweeney regarding the Shared Services & Consolidation Bill.
11. Letter dated July 5, 2011 from John Ursin to Joseph J Ragno, Esq. attorney for Alpine Village.
12. Letter dated July 11, 2011 from Patricia Fischer program coordinator for North Jersey Housing and Planning Services, LLC to Mark Zschack providing an update on the Housing Rehabilitation Program.
13. Letter dated July 11, 2011 from Senator Loretta Weinberg concerning the Open Public Meetings Act.
14. Letter from Lynne Schweighardt, Tax Administrator Sussex County Board of Taxation concerning Tax Revaluation.
15. Letter from Mark Zschack to Leslie Hirsch President of Saint Clare's Health System concerning the heliport behind the Sussex Borough Fire Department.
16. Township of Sandyston Resolution R-37-2011 supporting A-3412 sharing the burden of property assessment appeal refunds.
17. Township of Sandyston Resolution R-38-2011 for fair distribution of state aid for education.
18. Letter from State of New Jersey Department of Community Affairs Concerning the delay of Property Tax Bills and Statements of State Aid.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Sussex Fire Department and EMS report for the month of May, 2011
2. Sussex Fire Department and EMS report for the month of June, 2011
3. Construction Department report for the month of June, 2011.
4. Water/Sewer Collector Report for the month of June, 2011.
5. Zoning Department report for the month of June, 2011.
6. Property Maintenance report for the month of June, 2011.
7. Clerk's Report for the month of June, 2011.
8. Tax Collector's Report for the month of June, 2011.
9. Vernon Township Animal Control report for the month of May, 2011

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

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

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer 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. Dykstra All were in favor.

Mr. Rick VanderPloeg Deputy Chief of the Sussex Fire Department thanked the Council for their support with the \$11,700.00 toward the USDA grant. The total grant is for \$26,000.00 with a 45% match from Sussex Borough. In October there will be another round of grant monies the Sussex Fire Department will be applying for.

There being no one 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. Dykstra stated that Mr. Rome will hold off on paying some bills.

Mr. Fransen offered no report at this time.

Mr. LaBar stated that the Sussex Fire Department had a very successful parade two weeks ago in Port Jervis and asked Jake Little to list the seven trophies won.

Mrs. Little stated that on June 9th she did not attend the 208 Water Resources Meeting due to bad weather.

Mrs. Little stated that on June 11th she helped the Recreation Committee with the Ms. Sussex Contest.

Mrs. Little stated that on June 14th she did not attend the Solid Waste Meeting.

Mrs. Little stated that on June 28th she was present at the Board of Health meeting and Mark Zschack was appointed the Local Registrar.

Mrs. Little stated that there was a reported problem with mosquitoes at Clove Lake and Karen Vander Veer called the Sussex County Board of Health to report the problem.

Mrs. Little stated that there was a problem with overgrown weeds and vines at 7 Lakeview Terrace and the property is in the hands of a bank.

Mrs. Little stated that on July 14th she attended the 208 Water Resources Meeting all the volunteers that helped pull the water chestnut plants out of Clove Lake were thanked.

Mr. Rose offered no report at this time.

Mr. Ursin stated that one of the contractors for the I&I project filed a municipal lien, after payments were made between the contractors the lien was withdrawn.

Mr. Ursin stated that he spoke with John Ruschke about the Alpine Village situation. Mr. Ruschke informed Mr. Ursin that he has not heard from Alpine Village about their plan to remedy the sanitary sewer infiltration.

Mr. Ursin stated that one more follow up letter will be sent but the Borough is getting close to start issuing summonses.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meetings held on June 21, 2011 Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Rose

Nays: None Absent: Meyer Abstentions: Little

Resolution #2011-58R – Refund of Homestead Rebate

Mrs. Little made a motion to adopt a resolution authorizing the Tax Collector to refund \$169.70 to Mr. Richard Williams of 6 Chestnut Street, Sussex Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Resolution #2011-59R – Dissolve Crossing Guard Post

Mr. LaBar made a motion to dissolve the crossing guard post at the intersection of New Highway Route 23, AKA Main Street and New Jersey State Highway Route 284, AKA East Main Street. Seconded by Mr. Rose

Mrs. Little requested some information on why this is being considered she was not present for the meeting when this was discussed.

Mayor Parrott stated that the Council received a letter from Steve Danner suggesting this post be dissolved due to the fact that only three or four children use this crossing per day. These children are at the age that they do not like to be crossed by a guard and actually go up the street to cross were there is no guard. Superintendent of schools Dr. Izbicki was contacted and he has no problem with this decision.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Approval of Social Affair Permit for Sussex Fire Department

Mr. LaBar made a motion to approve a social affair permit for the Sussex Fire Department on November 12, 2011. Seconded by Mrs. Little

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Adoption Ordinance #2011-09 – Sanitary Sewer

Mr. Fransen made a motion to adopt 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. Ursin stated that there are a number of clerical changes that need to be made to this Ordinance none of which significantly change the meaning of the Ordinance.

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-09.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-09, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Mrs. Little stated that in the Board of Health Ordinances there is mention of sanitary sewers and asked if this Ordinance should be referenced in said ordinances.

Mr. Ursin stated that he recommends that any ordinances that are inconsistent with this ordinance should be altered to reflect the new Sanitary Sewer Ordinance.

The consensus of the Council is to have a draft Ordinance go directly to the Board of Health for review.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Adoption Ordinance #2011-08 – Flood Hazard Areas

Mr. Fransen made a motion to adopt 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. LaBar

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-08.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-08, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

Discussion – Property Maintenance Board

Mr. Ursin stated that at the last meeting questions arose concerning the Property Maintenance Board. Mr. Ursin provided the Council with a draft ordinance entitled “AN ORDINANCE TO MODIFY THE CODE OF THE BOROUGH OF SUSSEX REGARDING PROPERTY MAINTENANCE AND ELIMINATING THE PROPERTY MAINTENANCE BOARD” The Council determined that they need more time to review this proposed ordinance and will discuss it at the next Council meeting.

Mr. Rose stated the he reviewed the ordinances Mr. Ursin provided from three other municipalities and none have a Property Maintenance Board

Discussion – Grease Trap Ordinance

Mr. Ursin stated that he received a grease trap policy from Mr. Ruschke and converted it into the proposed ordinance that is before the Council. Mr. Ruschke felt that a Grease Trap Ordinance is appropriate for Sussex Borough. Mr. Ruschke has not reviewed this Ordinance at this time. Mr. Ursin suggested that from now until the next meeting the Council and Mr. Ruschke review this proposed ordinance and that it be discussed at the next meeting. Discussion continued about out of Borough users and would they be covered by this Ordinance. Mr. Ursin was confident that the Ordinance does cover out of Borough users.

Discussion – Tax Revaluation

There was a discussion concerning the upcoming Tax Revaluation that will take place in Sussex Borough. Mr. Ursin suggested that a timeline be developed to help guide the Borough through the entire process.

Discussion – Cornerstone Playhouse Lease

Mr. Ursin stated that he distributed to the Council a proposed lease between the Borough of Sussex and Cornerstone Playhouse. This lease is a combination of the previous lease and suggestions from the attorney for Cornerstone Playhouse. Mr. Ursin stated that he feels that the most important issue is the responsibility of structural verse non-structural repairs. The attorney for Cornerstone Playhouse suggested that the Borough be responsible for the structural repairs. In the past the arrangement was that the tenant was responsible for all of the repairs and this is reflected in this lease.

The Council would like more time to review this lease and send it to the attorney for Cornerstone Playhouse for his review.

Mr. Ursin stated that besides the structural verse non-structural issue the only other item brought up by Cornerstone’s attorney was a lighting issue.

Approve Fire Department Memberships

Mr. LaBar made a motion to approve the Sussex Fire Department Memberships of Kayla Stoll and Richard Klein Seconded by Mr. Fransen

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

OPEN PUBLIC SESSION #2

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. Alice Dasalla, 25 Lakeview Terrace stated that every time she receives her water bill it knocks her off her feet. Ms. Dasalla asked if the current water rates are permanent or are they temporary while the construction work is being done.

Mayor Parrott stated that the current rates are permanent and set by ordinance.

Ms. Dasalla asked how the Sussex water rates compare with other towns in the area.

Mr. Dykstra stated that his sister lives in Hamburg and her rates are less than Sussex but they have more customers.

Mayor Parrott stated that with the work being done the rates should become more stable in the future. The purpose of this project is to eliminate the amount of flow that is sent to SCMUA so the Borough can bring on new customers to further stabilize the rates. This current Council saw fit to start this project to get the rates under control by eliminating the fines and treating rain water.

Ms. Dasalla stated that she came here tonight to try to understand this better and thanked the Council.

Scott Mason, artistic director for Cornerstone Playhouse stated that the situation with lighting is not located in the parking lot but is on the walkway from the parking to the theater. There is a dark area along this walkway that could cause a hazard to patrons attending events.

Mayor Parrott stated that the Borough will have the DPW check out this situation and report back to the Council.

Mr. Mason asked what is maintenance, as opposed to structural? If the foundation goes that is structural as opposed to air conditioning, this is a cost that Cornerstone would burden.

Mr. Mason stated that they would like to make some changes inside the building, one example is the handicap access. This access is through the dressing rooms and they would like to change this to better serve their guests.

Mr. Ursin stated that these issues should be addressed in the lease so both parties know what their responsibilities are.

Mr. Mason stated because of amount of time this process has taken their group is starting to lose momentum.

Mr. Mason stated that because there is no lease he can not plan a fall season which means they are out of business for the next six months.

Mr. Ursin stated that he feels that before the next meeting comments from both the Council and Cornerstone can be collected to finalize the contract by the next Council meeting.

Mr. Mason stated that time is of the essence because Cornerstone has an offer from another entity and a decision needs to be made by Cornerstone ASAP.

Mr. Ursin stated that the Council will make recommendations to the administrator. The Mayor and administrator has the authority to negotiate and make changes.

Mr. Mason asked is it ok with the Council if Cornerstone started to advertise that they will be in Sussex?

Mr. Ursin stated that the Council is committed to Cornerstone to be in Sussex. Cornerstone has already been given permission to access the building. Mr. Ursin feels that there is no legal reason that advertising can not begin.

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

MISCELLANEOUS COMMENTS

Alter Council Meetings Agendas

Mr. Fransen made a motion to change the agenda to the first open public session is for agenda items only for which no public discussion is provided with a 5 minute per person limit and the second open public session is for items of interest in the community with a 5 minute per person time limit. Seconded by Mr. Dykstra

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Rose

Nays: None Absent: Meyer Abstentions: None

ADJOURNMENT

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