

**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
August 16, 2011**

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

Absent: Mr. Dykstra, Mr. LaBar

Also present Robert McBriar of Courter, Kobert & Cohen, P.C.

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."

Finance Report

Mr. Rome stated that he has been in communication with John Ruschke about the additional work for the I&I project. There is no deadline for the application process; the Borough can apply at anytime for the loan. Mr. Rome stated that he and John Ruschke have had dialog on where some of the next work could take place such as dredging at the Colesville Reservoir. Mr. Rome stated that he worked out some numbers on how the Borough can receive additional loans and keep the same debt service. Mr. Rome stated that if the five existing loan rates were dropped by 2% there would be a savings of about \$74,000.00 per year in debt service payments. If an additional \$750,500.00 loan was taken out the payback over 40 years would be about \$30,000.00 per year. The savings to the Borough could be about \$40,000.00 to \$45,000.00 per year. Mr. Rome stated that he would call his contact for FHA and schedule a meeting with the Mayor and Council to discuss this loan process.

Waters Operators Report

Mr. Gary Timmer of United water approached the Mayor and Council to introduce himself as the area manager. Mr. Timmer stated that Kimberly Reeder could not make it tonight because she must remain at the water treatment plant due to the heavy rains on Monday. Mr. Timmer asked if the Borough received the email from United Water concerning the operational changes that they are proposing to DEP. Mr. Zschack stated that he received the email and forwarded it to John Ruschke the Borough's water and sewer engineer for his review and comments. Mr. Emil Coviello of United Water stated that there are two items that they are trying to accomplish at the plant. Mr. Coviello stated that the new chemical that they propose to use will save money and power that the plant uses. Mr. Coviello stated that the other upgrade is they are trying to change the injection point of the pre-chlorine to help with the turbidity.

Mayor Parrott asked if this change in the injection point will mean that less chemical will be used.

Mr. Coviello stated that fewer chemicals will be needed with the proposed changes. Mr. Coviello stated that when there is a major storm, they raise the level of the water tank and shut down the plant.

Mayor Parrott asked how long can the plant be shut down for and still have enough water to service the customers.

Mr. Coviello stated that if the level of the tank is at 54' there is about six hours of water usage in the tank.

Mr. Zschack stated that with these proposed changes DEP approval is needed.

Mr. Coviello stated that first approval is needed from the Borough then the changes will be proposed to DEP.

Mayor Parrott stated that the Borough is awaiting the comments from our engineer and then United Water will be notified.

Mr. Zschack stated that he would follow up with the engineer tomorrow morning.

Mayor Parrott asked if there would be a cost factor in these changes.

Mr. Coviello stated that there is no increase in cost.

Mr. Timmer stated that in relation of the sediment at Colesville Reservoir the moving of the intake would be instrumental in reducing sediment.

Mayor Parrott stated that this idea has been discussed in the past. It all comes down to the lack of money available to proceed with the project.

Mr. Coviello stated that the best scenario would be if the Borough could use Lake Rutherford as the primary reservoir and Colesville as a backup.

Mrs. Little asked if water from the tank in the Borough could be utilized when the plant is shut down.

Mr. Coviello stated that this tank is primarily used for fire protection but the water in this tank has sat too long and should be drained because as the tank is not used the water loses its chlorine residual.

Mrs. Little stated that she was under the impression that this tank was used in the past when the turbidity levels were high.

Mr. Coviello stated that he does not know, but United Water is working on a plan for the entire water system to improve their operation.

Mayor Parrott opened the floor for questions to United Water from the public.

Mrs. Terry-Ann Zander from the Advertiser News stated that one of their readers questioned the recent notice that was sent out by United Water. The testing was done in the spring but notification was sent out long after the tests.

Mr. Coviello stated that this comment is not true. The testing is performed from April to June and the results are based on an average of these months.

Mrs. Zander stated that this is quarterly testing and because there was nothing to be concerned about it was just a standard notification.

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 August 16, 2011. Seconded by Mrs. Little

CORRESPONDENCE: (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Email from Sussex County Public Health Services regarding the Health Screening Clinic Schedule.
2. Letter dated July 29, 2011 from Senator Loretta Weinberg concerning Sussex Borough's Resolution 2011-54R Open Public Meetings Act.
3. Letter from Harold Wirths commissioner of the New Jersey Department of Labor to Mayor Parrott concerning a Literacy Training Grant.
4. Letter dated July 22, 2011 from Mark Zschack to all Lakeview Terrace residents concerning possible infiltration of Sussex Boroughs sewer system.
5. Borough of Hamburg resolution 2011-30 in support of the endeavor by the Wallkill Valley chapter 1002 of the Vietnam Veterans of America effort to construct a veterans cemetery in northern New Jersey.
6. Township of Hampton resolution Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds.
7. Township of Fredon resolution 2011-57 Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds.
8. Township of Byram resolution 92-2011 to Continue Support to Participate in the Consolidated County Operated 911 PSAP.
9. Letter dated July 13, 2011 from John Ursin to Dr. John Fisher concerning a blockage in the Municipal Sanitary Sewer System
10. Letter dated August 9, 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.
11. Letter dated July 14, 2011 from Joseph Ragno to the Borough of Sussex concerning a diseased tree on property line.
12. Letter from John Ursin to Michael O'Krepky concerning a private property issue between two neighbors.
13. Invitation from Samaritan Inn for a benefit on September 25, 2011
14. Township of Andover Resolution #R2011-104 supporting A-3412 sharing the burden of property assessment appeal refunds.

REPORTS: (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department report for the month of July, 2011.
2. Water/Sewer Collector Report for the month of July, 2011.
3. Zoning Department report for the month of July, 2011.
4. Property Maintenance report for the month of July, 2011.
5. Clerk's Report for the month of July, 2011.
6. Tax Collector's Report for the month of July, 2011.
7. Best Practice Worksheet CY 2011

APPLICATIONS: (APPROVAL OF THE FOLLOWING):

1. Sussex Fire Department Application from Owen Clark for a junior Member in the department.
2. Sussex Fire Department Application from Brittany McKay for a junior Member in the department.
3. Sussex Fire Department EMS application for junior membership from Megan Rome

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of August 16, 2011

Mrs. Little asked the Borough attorney about the Township of Fredon's resolution 2011-57 Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds. Mrs. Little asked that on page two of their resolution if the terminology of fire districts applies to Sussex Borough.

Mr. McBriar stated that he is not familiar with this ordinance.

Mr. Zschack stated that there are no fire districts in this area so the terminology of fire districts does not apply to Sussex Borough.

Upon roll call vote:

Ayes: Fransen, Little, Meyer, Rose

Nays: None

Absent: Dykstra, LaBar

Abstentions: None

Mrs. Little asked that a resolution such as the Township of Fredon's resolution 2011-57 Supporting A-3412 Sharing the Burden of Property Assessment Appeal Refunds be placed on the next agenda for consideration.

Mrs. Little stated that the percents mentioned in the Fredon Resolution should be checked to determine if the same percents apply to Sussex Borough.

OPEN PUBLIC SESSION #1

Mr. Fransen made a motion to open the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. (Comments limited to 5 minutes), seconded by Mrs. Little, All were in favor.

Mrs. Terry-Ann Zander from The Advertiser News questioned if she can get more information about the energy audit and the Cornerstone Playhouse lease.

Mayor Parrott stated that the Cornerstone Playhouse lease will be discussed in executive session tonight and there most likely will not be a final decision.

Mr. Zschack stated that it would be better if Mrs. Zander would contact him tomorrow about the energy audit while he has the file in front of him.

Mrs. Zander asked when the agenda normally is posted on the Borough's web site.

Mr. Zschack stated that it is normally posted the Friday before the Mayor and Council meeting.

Mayor Parrott stated that perhaps because of vacations it was not posted on time.

Mr. Bob Holowach 41 Lakeview Terrace representing Cornerstone Playhouse stated that the hope is that tonight a decision can be made about the lease.

Mr. McBriar stated that Cornerstone is represented by council and at today's meeting the Borough's attorney was not present.

Mayor Parrott stated that the Cornerstone Playhouse lease will be discussed in executive session tonight and there most likely will not be a final decision.

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. Fransen offered no report at this time

Mr. Meyer stated that there was a meeting with SCMUA on August 4th that was very positive. Discussed was the possibility of shared services with SCMUA for a jet-vac truck.

Mr. Meyer stated that John Hatzelis from SCMUA was very adamant about the idea of selling allocation is not in the best interest of the Borough. The reason is that every time we sell allocation it reduces the amount of allocation the Borough has. If allocation is sold it could increase the amount of overage fees the Borough would have to pay because the Borough has less allocation.

Mayor Parrott stated that at this time the Borough has no interest in selling its allocation, we are interested in bring new customers on board to use the current allocation. This logic creates an income producing event instead of a one time sale that could hurt us because of the reasons that Mr. Meyer just mentioned.

Mayor Parrott stated we are looking to use the allocation that we have available which is 318,000 gallons per day. That is what we pay for but sometimes only use on an average about 180,000 to 200,000 gallons per day so bringing on new customers will help.

Mrs. Little asked if bringing on new customers would be done by contract and not by selling allocation.

Mayor Parrott stated that is correct any new hook ups will use our allocation not buy it.

Mr. Meyer stated that this was eye opening because he thought it was beneficial to sell it but it is not because we could pay more in an overage fee.

Mr. Meyer stated that the Borough would also receive monies from connection fees.

Mr. Meyer stated that the Borough pays in a few ways. First we pay for our sewer rate second we pay for overages and third we pay fines for those overages.

Mayor Parrott stated the SCMUA made it very clear at this meeting that the Borough was well over its allocation on May 18th and 19th with over a million gallons sent down each day. The Borough is liable for these overages on our next bill.

Mayor Parrott stated that it was mentioned to SCMUA how hard the Borough is working on a solution to the infiltration through the I&I project and these overages were before the construction began.

Mayor Parrott stated that it was also stressed that the Borough is looking into additional loans to address more I&I issues to further correct the infiltration problem.

Mr. Meyer stated that at the end of the year we also pay additional monies for overall usage of the plant based on a percent.

Mayor Parrott stated that we are paying for the one time we send it down, in our contract it states that they can charge us double and then the percentage of total usage at the end of the year. In reality we are sometimes being charged four times for the amount we send to SCMUA. Discussion continued about whether the flows for August will be over the allocation due to heavy rains this month.

Mr. Meyer stated that because of the heavy rains he called Jake Little (OEM Coordinator) to take a look at the dam and the amount of water flowing over it. Mr. Little stated that he has seen more water flow over in past storms and did not have any worries.

Mrs. Little requested that the attorney's name, that is in attendance be placed on the minutes.

Mrs. Little stated that on July 26, there was a Board of Health meeting a quorum was present. There is a problem with a property on Lakeview Terrace, this time with bees.

Mrs. Little stated that the Sussex County representative Mike Plaza reported that all eateries in Sussex Borough have passed inspection. Schools have to be inspected two times a year. There was a large influx of mosquitoes this year due to the heavy rains.

Mrs. Little stated that all the members of the Board of Health are not in favor of disbanding the Board.

Mrs. Little stated that the Recreation Commission wants to work with the Board of Health to provide refreshments during the rabies clinic. The next Recreation Meeting is scheduled to be held on August 23rd.

Mrs. Little stated that both the Sussex County Solid Waste Committee and the 208 Water Resources Committee meetings were canceled for August.

Mr. Rose offered no report at this time.

Borough attorney Mr. McBriar stated that there was a minor blockage in a sanitary sewer on East Main Street. A letter was received that the owner has taken care of the situation.

Mr. Zschack offered the following report:

Borough Sites and Street Issues

Lakeview Terrace sump pump inspections are going good. The DPW and Steve Danner have completed inspections at 27 residences and have found no sump pumps. This is good that the residences are not hooked into the system but still leaves the big question as to where the infiltration is originating from.

5 Dead trees throughout the Borough will be cut down over the next few weeks. Four on Willow Street and one on Munson Street. Councilmen LaBar has inspected them and agrees to their removal.

The Route 23 paving has been completed and a bill was sent for the water usage, a total of 31,300 gallons was used, with a bill of \$386.80.

Personnel Matters

Just a FYI Maria Mascuch the water and sewer collector is on vacation and will be returning on Tuesday August 23rd

I attended a breakfast with Congressman Scott Garrett on August 11th in attendance was Mayor Crowley of Franklin and Mayor Stanley Kula of Hardyston. The main concern that Mayor Parrott wanted me to discuss was that the Route 23 corridor should be included in the sewer service area. The Borough's concerns were relayed to the Congressman.

Long-term and Capital Projects

I&I Project:

As per John Ruschke the state has approved additional sewer inspections with the use of remaining funds. They also agreed to the payment of the jet vac truck to clean lines for video inspections including the cutting of the roots at Larch Avenue.

I have received a punch list of repairs from John Ruschke that Reivax Contracting will be taking care of.

There are about 43 items including but not limited to paving, re-stone driveways, topsoil and seeding, repair manholes, fix cleanouts, etc.

John is working with Reivax on scheduling these repairs. They were scheduled for this week but pushed back due to weather.

Misc

On August 4th there was a meeting with SCMUA at the Sussex Municipal Building. In attendance was Mayor Parrott, Councilman Meyer, Mark Zschack, Bob Schultz, John Ruschke, and from SCMUA John Hatzelis (Administrator) and Tom Varro (Chief Engineer).

John Ruschke gave a summary on the I&I Project to date and explained that the Borough will be doing more work within this same loan.

Bob Schultz spoke of the need for long term planning and prioritizing all the issues. Bob mentioned the advantage to Sussex Borough that Hardyston has equipment that both Municipalities can utilize. Bob questioned whether there is the possibility to enter into a shared service to purchase equipment with all the municipalities in the Walkkill Group.

John Hatzelis will look into the possibility that the jet vac truck that the County owns can be rented out to the Municipalities for their use.

Mayor Parrott stated that this current Mayor and Council is committed to fixing the sewer system and has even spoke of getting an additional loan to do further I&I work.

A long discussion took place on the need of the Borough to implement the chemical feed injection system and air release valves into the force main. There is a fear that this pipe is eroding at an accelerated rate without this system. The cost to replace the force main would be astronomical. The dialog from all parties was very positive and the overall consensus was this meeting accomplished its goal of updating SCMUA on the progress and future plans for the sewer system.

Mayor Parrott offered no report at this time.

NEW BUSINESS:

Approval of Meeting Minutes

Mr. Fransen made a motion to approve the meeting minutes of the Regular Meeting held on July 19, 2011, seconded by Mrs. Little.

Upon roll call vote:
Ayes: Fransen, Little, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: Meyer

Approval for use of Borough Facilities

Mr. Meyer made a motion to approve the use of Brookside Park for the High Point Midget Football Pep Rally, to be held on August 27, 2011 from 6pm – 9pm, seconded by Mr. Rose.

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Approval of Sussex Fire Department Funds

Mr. Fransen made a motion to approve \$208.00 for the Sussex Fire Department to be used for Fire Prevention activities, seconded by Mrs. Little.

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Mayor Parrott stated that there are capital improvements monies for the Sussex Fire Department and requested that the paving of the heliport be discussed at the next Mayor and Council meeting.

Approval of Energy Audit

Mr. Meyer made a motion to approve the Scope of Work Attachment for the work to be performed on the Water Treatment Plant and the Municipal Building, seconded by Mr. Fransen

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-60R – Extend Due Date for Tax Payment

Mr. Meyer made a motion to adopt a resolution extending the due date for the collection of Quarterly Taxes to August 30, 2011, seconded by Mr. Fransen

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-61R- Third Quarter Water/Sewer Adjustments

Mr. Meyer made a motion to adopt a resolution approving water/sewer adjustments for the third quarter 2011, seconded by Mrs. Little

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-62R – Cancelation of Taxes

Mr. Fransen made a motion to adopt a resolution canceling taxes for the remainder of the tax year 2011 for Block 510 Lot 23 aka 29 Munson Street in the amount of \$2,554.30. seconded by Mr. Rose

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-64R –Opposing S-2795 and A-3835

Mr. Meyer made a motion to adopt a resolution opposing Senate Bill S-2795 and Assembly Bill A-3835 concerning the enforcement responsibility of the state housing code. seconded by Mrs. Little

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-65R – Corrective Action Plan

Mr. Fransen made a motion to adopt a resolution to approve the corrective action plan for the 2010 audit. seconded by Mr. Meyer

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-66R – Appointment of OEM Member

Mr. Fransen made a motion to adopt a resolution to appoint Mark Zschack to the position of Emergency Public Information Officer and Chief Communications Officer for the Emergency Management Council. seconded by Mr. Rose

Upon roll call vote:
Ayes: Fransen, Little, Meyer, Rose
Nays: None
Absent: Dykstra, LaBar
Abstentions: None

Resolution 2011-67R – Accept Brookside Rehabilitation Project

Mr. Meyer made a motion to adopt a resolution to accept the Brookside Park Rehabilitation Project and the release of the retainer in the amount of \$499.92. seconded by Mr. Fransen

Upon roll call vote:

Ayes: Fransen, Little, Meyer, Rose

Nays: None

Absent: Dykstra, LaBar

Abstentions: None

Introduction Ordinance 2011-10 – Vacate a portion of Munson Street

Mr. Fransen made a motion to introduce an ordinance entitled “AN ORDINANCE TO RELEASE, VACATE AND EXTINGUISH ANY PUBLIC RIGHTS IN AND TO AN UNIMPROVED EXTENTION OF MUNSON STREET WITHIN BLOCK 510, LOT 2.01, IN THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX”, seconded by Mrs. Little

FINAL READING: September 6, 2011

Upon roll call vote:

Ayes: Fransen, Little, Meyer, Rose

Nays: None

Absent: Dykstra, LaBar

Abstentions: None

Discussion Property Maintenance Board Ordinance

It was the consensus of the Council to table the discussion concerning the proposed Property Maintenance Board Ordinance to the next Mayor and Council meeting.

Discussion Tax Assessor

Mr. Zschack stated that Sussex Borough has a shared service agreement with Wantage Township for the Tax Assessor. The current assessor is leaving that position and the Governing Body of Wantage will be making their decision for a replacement later in the week. The consensus of the Council is that this should be discussed after Wantage makes their decision.

Discussion Highland’s Act.

Mr. Zschack stated that he received an email from John Ursin asking if the Borough would be interested in joining a lawsuit to overturn the Highlands Act. A group is seeking to have Municipalities join the suit when it proceeds to the Supreme Court. This group is willing to cover some of the cost but how much they will cover is not known. The Highlands Act does not affect the property within the Borough but does impact the sewer service area along the Route 23 corridor. The Council requested more information from John Ursin at the next meeting.

Discussion Walling Avenue Fountain

Mayor Parrott stated that he received a call from the Hyundai dealership on Walling Avenue concerning the Borough’s fountain that is located in front of their property. The property where the fountain was destined to be relocated to, is now in the hands of the State and the fountain must be moved.

Mayor Parrott stated that he spoke to Bob Schultz about the move and Mr. Schultz asked instead of moving the fountain to the Borough DPW garage should it be moved to a different location in the Borough.

Discussion continued about several locations the fountain could be relocated to. The major concern was the possibility of vandalism to the fountain. The consensus of the Council is to store the fountain at the Borough DPW garage until a safe location can be determined.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mrs. Little made a motion to adjourn into closed executive session to discuss contract negotiations. Motion seconded by Mr. Fransen

Upon roll call vote:

Ayes: Fransen, Little, Meyer, Rose

Nays: None

Absent: Dykstra, LaBar

Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 10:01p.m. and Mrs. Little made a motion that the meeting be reconvened into open public session. Motion seconded by Mr. Rose All were in favor.

Mr. McBriar stated that the reason for the executive was to discuss a lease agreement for the rental of the theater on Main Street.

Approval of lease with Cornerstone Playhouse

Mr. Fransen made a motion to authorize Mayor Parrott to execute the lease agreement with Cornerstone Playhouse subject to the items discussed in executive session, seconded by Mrs. Little

Upon roll call vote:

Ayes: Fransen, Little, Meyer, Rose

Nays: None

Absent: Dykstra, LaBar

Abstentions: None

MISCELLANEOUS COMMENTS

Mrs. Little stated that she observed the repaving of Route 23 and in her opinion they were very organized in their process used to repave.

Mrs. Little stated that she would like to commend the Vernon animal control officer for his diligence during their routine patrols of Sussex Borough.

Mayor Parrott stated that the Clerk's office received a set of plans from the DOT for the Route 23 Realignment Project so it looks like they are moving ahead with that project.

ADJOURNMENT

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