

**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
SEPTEMBER 7, 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, Mrs. Little Mr. Meyer, Mr. Rose, Mayor Parrott.

Absent: Fransen (arrived at 8:05), LaBar

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, P.L. 1975, Ch. 231. It has been properly advertised and certified by the Clerk."

Mrs. Gleason stated that Bob Schultz is on vacation this week so there will not be a DPW report this evening.

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 September 7, 2010. Seconded by Mr. Meyer.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated August 4, 2010 from Catherine Gleason to Hardyston Township commending Bob Schultz and the Hardyston DPW for the work done on the Route 23 water leak.
2. Letter dated August 10, 2010 from Harold Pellow to Mathews David, DOT regarding Lakeview Terrace Road Improvement Project.
3. Letter dated August 13, 2010 from Price, Meese, Shulman and D'Arminio to Sussex Borough regarding application for site plan approval.
4. Letter dated August 13, 2010 from NJDEP to Catherine Gleason regarding Approval of IDSE Final Report.
5. Letter dated August 18, 2010 from John Ursin to Catherine Gleason regarding final judgment of in rem tax foreclosures.
6. Letter dated August 17, 2010 from Hollander, Strelzik et al to Catherine Gleason regarding the Borough's request seeking confirmation of unpaid sewer utility payments for the HTMUA.
7. Letter dated August 19, 2010 from NJDEP to Sussex Borough regarding hazardous substance discharge notification.
8. Letter dated August 19, 2010 from Hardyston Township to Mitchell Humphrey & Co. regarding construction department software agreement.
9. Notice from JCP&L regarding basic generation service.
10. Letter dated August 26, 2010 from NJDEP to Catherine Gleason regarding Clove Brook Watershed Manhole Rehabilitation Project.
11. Notice dated August 27, 2010 from JCP&L regarding adjustment to charges.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Court Report for July 2010.
2. Municipal Court Analysis 2009 (\$13,925.93 reimbursement check)
3. Community Forest Status Report 2010 (mid-year)
4. Utility Year-to-Date report for August 2010.
5. Clerk's report for August 2010

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 7, 2010.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: Fransen, LaBar Abstentions: None

OPEN PUBLIC SESSION #1

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

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. Rose. All were in favor.

COMMITTEE REPORTS

Mr. Dykstra stated that he spoke with the president of the High Point Board of Education. The president told him that the paper was wrong and that the increase for the superintendent was only 2.5%, not 3.5%. Mr. Dykstra stated that the president was going to send the town a letter stating such and asked the Mayor and the Clerk if we received it.

Mrs. Gleason stated that we did not get a letter.

Mayor Parrott stated that Mr. Nelson, the board member from Wantage, told us that the increase was 3.5% and that he was the only one who voted no on the increase.

Mr. Dykstra asked the Clerk and the Mayor to call the Board president for clarification. He also stated that he will be attending both Board of Education meetings at the end of the month. He stated that the president told him that the superintendent had much more responsibility now that is why they gave him the increase. Mr. Dykstra stated it was a good time to save even more money since they cut a position.

Mayor Parrott stated that the high school has lower enrollment and a lower student to teacher ratio so an increase in pay was not needed.

Mr. Dykstra stated that he and Mr. LaBar signed the bills for payment at tonight's meeting.

Mr. Rose stated that there has not been a Recreation meeting since the last Council meeting. The commission will be sending a letter to the Council shortly about closing the road for the Harvest Festival.

Mr. Meyer stated that we need more advertising for the Harvest Festival and asked if we would be waiving the vendor fee.

Mr. Rose stated that it is expensive to do large scale advertising but that the Commission would be sending the information to the schools and making up brochures.

Mayor Parrott stated that we could put the information on the board in front of Borough Hall.

Mrs. Little reported that on August 24 she attended the Board of Health meeting. Jay Dowling was appointed to fill the vacancy left by Lee Abbott who moved out of the Borough. Mike Plaza, the County Representative gave his report. All water samples passed. Brookside pavilion passed inspection but Mr. Plaza recommended that a small sink to wash hands be installed. At the meeting a discussion took place regarding a resident who has been gathering garbage which has created a health hazard. The Board asked Mr. Plaza about bed bugs and he reported that as of now only one place in the County has reported a problem and it is not in the Borough. Mike Plaza also gave the Board forms for "Registration for Temporary Food Vendors". They can be kept on file in the clerk's office and can be used for the Harvest Festival if needed.

Mrs. Little reported that on September 3, 2010 she met with Victoria Majestic, a Borough resident, to discuss a recycling program for small electronic appliances. The program helps autistic children. It is called Green Vision at the Allegro School. No televisions or items containing Freon would be accepted. It would require a dumpster at the Borough Garage for collections. Sussex Borough would receive credit for tonnage in our recycling report.

Mrs. Little asked if the Council would like her to move forward with the program.

After discussion the Council agreed to discuss the program with Bob Schultz to see if Hardyston could provide the service and if so at what cost.

Mrs. Little stated that the Water Resources PAC meeting will be held on this Thursday.

Mr. Meyer stated that the streets were swept and that Hardyston will now be putting it on a schedule to be done.

Mayor Parrott stated that he believes that they will sweep three times a year, once a season except in the winter.

Mr. Meyer stated that he would like to have the stop lines repainted as some of the intersections in the Borough are dangerous.

Mayor Parrott stated that he thinks that Bob had the DPW paint the lines already but will check with Bob once he gets back from vacation.

Mr. Meyer also asked if Steve could go up to school in the mornings to see if people are parking too close to the intersection of Newton and Elizabeth Avenues. Maybe the DPW could mark it out so that people don't park too close to the stop sign. It is very dangerous.

Mr. Ursin reported that by the next meeting he should have a final approval for the Council to vote on regarding the Clove Hill Manor litigation. He also reported that the Borough has answered the interrogatories in the Crew litigation and that we are waiting for Crew's answers to the ones that we sent them. Mr. Ursin also reported that the Borough has foreclosed on two properties and that the Council may want to consider selling them off. If the Council decides to do that then he can create an ordinance to put them up for sale.

Mayor Parrott reported that he went up to 33 Maple Avenue with Bob Schultz and Cathy during the last rain storm because the owner called and said that they were still getting flooded out. Bob thinks that the drains are too high and need to be lowered to catch the water coming down the street. Bob was going to contact the engineer and also see if there were any modifications that we can make to the driveway of 33 Maple.

Mrs. Gleason stated that Bob has already taken care of fixing the driveway and contacting the engineer.

Mayor Parrott stated that he attended the OEM meeting last week and that he also met with John Ruschke to talk about the water treatment plant.

Mayor Parrott requested an Executive Session to discuss contracts.

Mayor Parrott also reported that Hardyston, in conjunction with the County, is in the process of cleaning the debris out of Clove Brook. It is going very well. The Mayor also reported that the water tank in town is back on line and that there were no complaints while it was being put back into service. The other tank painting should begin by the end of the month. Temporary storage tanks are going to be put up at Colesville Fire House.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting, with corrections, and Executive Session held on August 17, 2010. Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Meyer, Rose

Nays: Little Absent: Fransen Abstentions: None

Adoption Ordinance #2010-12 – Certificates of Occupancy

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER XII ENTITLED 'BUILDING AND HOUSING' REGARDING CERTIFICATE OF OCCUPANCY". Seconded by Mr. Rose.

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2010-12.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2010-12, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: Fransen, LaBar Abstentions: None

Adoption Ordinance #2010-13 – General Capital

Mr. Rose made a motion to adopt an ordinance entitled “AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$26,421.00 FROM THE GENERAL CAPITAL, CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$26,421.00 FOR FUNDING THE IMPROVEMENTS TO MUNICIPAL BUILDINGS”. 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 #2010-13.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2010-13, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: Fransen, LaBar Abstentions: None

Adoption Ordinance #2010-14 – SECTV

Mr. Dykstra made a motion to adopt an ordinance entitled “AN ORDINANCE AMENDING CHAPTER XVI OF THE CODE OF THE BOROUGH OF SUSSEX ENTITLED CATV”. 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 #2010-14.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2010-14, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer, Rose

Nays: None Absent: Fransen, LaBar Abstentions: None

Resolution #2010-60R – Execution and Delivery of Loan Agreements

Mr. Dykstra made a motion to adopt a resolution “AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS IN CONNECTION WITH THE ISSUANCE BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY OF NOT EXCEEDING \$1,250,000 WATER UTILITY BONDS TO BE EXECUTED BY THE BOROUGH AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL TRUST FINANCING”. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer

Nays: Rose Absent: Fransen, LaBar Abstentions: None

Resolution #2010-61R – Determining Form of General Improvement Bonds

Mr. Dykstra made a motion to adopt a resolution “DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,250,000 GENERAL IMPROVEMENT BONDS OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST

AND THE STATE OF NEW JERSEY PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING". Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Little, Meyer

Nays: Rose Absent: Fransen, LaBar Abstentions: None

Mr. Fransen arrived and joined the meeting at 8:05.

Resolution #2010-62R – Third Quarter Water/Sewer Adjustments

Mr. Meyer made a motion to adopt a resolution approving of third quarter water/sewer adjustments. Seconded by Mrs. Little.

Upon roll call vote:

Ayes: Dykstra, Fransen, Little, Meyer, Rose

Nays: None Absent: LaBar Abstentions: None

Introduction Ordinance #2010-15 – General Capital – Office Equipment

Mr. Dykstra made a motion to introduce an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$15,000 FROM THE GENERAL CAPITAL, CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$15,000.00 FOR FUNDING". Seconded by Mr. Meyer.

Mrs. Gleason stated that this is going to be used to purchase new software for the zoning/property maintenance office. The software that was being used in Wantage is proprietary in nature so we can't make a copy of it to use in Borough Hall. The new software company will extract our information from the programs being used up in Wantage.

Ayes: Dykstra, Fransen, Little, Meyer, Rose

Nays: None Absent: LaBar Abstentions: None

FINAL READING: SEPTEMBER 21, 2010

Appointment Zoning Officer – Steven Danner

Mr. Dykstra made a motion is to appoint Steven Danner as the Zoning Officer for the Borough of Sussex at an hourly rate of \$16.81 beginning September 1, 2010. (error in original calculations) Seconded by Mr. Meyer.

Mrs. Little raised concerns that the heading of the worksheet that was given to them to show the new calculations only said Zoning Officer when it should have said all of the duties that both Steve and Maria would be performing for the Borough.

Mrs. Gleason agreed and apologized. The total hours that they will both work will be 34 and the hourly rate will encompass all of their hours and all of their job duties.

Mr. Ursin stated that he agreed and that it will be for all of the hours that they work, no matter which job they are performing.

Upon roll call vote:

Ayes: Dykstra, Fransen, Little, Meyer, Rose

Nays: None Absent: LaBar Abstentions: None

Appointment Zoning Secretary – Maria Mascuch

Mr. Meyer made a motion to appoint Maria Mascuch as the Zoning Secretary at an hourly rate of \$20.17 beginning September 1, 2010. (error in original calculations) Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Fransen, Little, Meyer, Rose

Nays: None Absent: LaBar Abstentions: None

Approve Appointment to Planning Board

Mr. Fransen made a motion to approve Lynn Meyer as an Alternate Member #1 to the Sussex Borough Planning Zoning Board for a term of 2 year beginning September 7, 2010 and expiring December 31, 2012. Seconded by Mr. Dykstra.

Mr. Fransen stated that the term of office should end on December 31st to keep it consistent with all of the other members.

After discussion Mr. Rose made a motion to appoint Lynn Meyer for a term beginning September 7, 2010 and expiring December 31, 2012 in order to keep the expiration dates consistent with the other members of the Board. Seconded by Mrs. Little.

Upon roll call vote:

Ayes: Dykstra, Fransen, Little, Rose

Nays: None Absent: LaBar Abstentions: Meyer

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. Meyer. All were in favor.

TerryAnn Zander from the Advertiser News asked the Council if she could have a total amount of the Water/Sewer adjustments. Mrs. Gleason gave her a copy of the resolution. She also asked if the ordinance to purchase the software was for the software that is going to be used in Hardyston and Mrs. Gleason responded that it will be used here in Borough Hall for the Zoning/Property Maintenance office. It will be compatible with the software that was purchased for the construction office however.

Ms. Zander asked if the Council would like her to put the new salaries in the paper since they are different then what was published last week. Mayor Parrott stated that they are not that much different and that it wouldn't be necessary.

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

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Meyer made a motion to adjourn into closed executive session to discuss personnel and attorney client privilege matters. Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Fransen, Little, Meyer, Rose

Nays: None Absent: LaBar Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 8:38 p.m. and Mrs. Little made a motion to reconvene into open public session. Seconded by Mr. Fransen. All were in favor.

MISCELLANEOUS COMMENTS

Mrs. Little asked what the parking regulations are on Church Street and Mrs. Gleason responded that she will look in the ordinance book.

Mr. Meyer stated that Mr. Dykstra should ask the schools about sharing services with other schools. There is no need for each district to have their own superintendent and business administrator.

Mr. Fransen stated that the lights are out up at the park in town and Mrs. Gleason stated that she will have Steve look into it.

Mr. Dykstra stated that Mr. LaBar asked him to mention the shape of the ball field down at Brookside. There are so many weeds growing through the clay.

Mayor Parrott stated that the engineer is aware of the problem and is going to have it straightened out with the contractor as soon as possible.

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. Meyer. All were in favor.

Christian Parrott, Mayor

Catherine Gleason, RMC