

**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 20, 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, Mr. LaBar, Mrs. Little Mr. Meyer, Mr. Rose, Mayor Parrott.

Absent: Mr. Dykstra

Also present Borough Attorney John Ursin 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."

**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. Letter dated September 9, 2011 from Patricia Fischer of North Jersey Housing and Planning Services concerning the Housing Rehabilitation Project.
2. Letter from Saint Clare's Health System concerning the Annual Community Meeting.
3. Outbound 9-1-1 registration form.
4. FEMA Disaster Assistance Registration Form.

**REPORTS:** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Department report for the month of August, 2011.
2. Water/Sewer Collector Report for the month of August, 2011.
3. Zoning Department report for the month of August, 2011.
4. Property Maintenance report for the month of August, 2011.
5. Animal Control Report for the month of August, 2011.
6. Tax Collector's Report for the month of August, 2011.

**RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 6, 2011

Mr. Fransen made a motion to accept the consent agenda of September 20, 2011.  
Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

**OPEN PUBLIC SESSION #1**

Mrs. Little 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 Mr. Rose. All were in favor.

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Mrs. Terry Ann Zander from The Advertiser News asked what is the annual community meeting that Saint Clare's Hospital has advertised in the consent agenda.

John Ursin stated that it is an open public meeting that anyone can attend to discuss issues concerning Saint Clare's Hospital.

Mrs. Zander asked if the Borough would attend to discuss the helicopter landing pad.

Mr. LaBar stated that since the hospital did not respond to two letters sent to them and the Sussex Fire Department does not need the pad the Borough does not feel the expense to repave is a necessity.

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. LaBar. All were in favor.

**COMMITTEE REPORTS**

Mr. Fransen offered no report at this time

Mr. Meyer stated that the Borough had a meeting with United Water last week. Present were Councilmen Meyer, Mayor Parrott, Mark Zschack, John Ruschke, Bob Schultz, and representatives of United Water. It was a very constructive and positive meeting. Some of the concerns of the Borough were addressed and looking forward, it appears it will be a good working relationship.

Mayor Parrott stated that he requests an executive session concerning the contract with United Water.

Mr. LaBar stated that there was no Shade Tree Commission meeting and has nothing else to report.

Mrs. Little stated that on September 8, she attended the 208 Water Management Pact meeting. There is a lot of activity along the Route 23 corridor in Wantage Township.

Mrs. Little stated that she asked Wantage Township to include her in any correspondence and she will pass it on to the Council.

Mrs. Little stated that she was unable to attend the Sussex County Solid Waste meeting on September 13<sup>th</sup>.

Mrs. Little stated that the next Board of Health meeting is next Tuesday September 27<sup>th</sup> details of the blood drive and other projects will be finalized for the Harvest Festival.

Mrs. Little requested a budget report for the Board of Health meeting.

Mrs. Little requested a detailed financial report of recycling and clean communities' line items.

Mrs. Little would like to purchase some items that have a Sussex Borough logo on them for recycling.

Mr. Rose stated that the only discussion for the Recreation Commission is item number two on tonight's agenda. The Commission is trying to make the Harvest Festival a larger event and that is why they are asking the Council to close Main Street on October 22, 2011.

Mr. Rose stated that the Property Maintenance Board meeting was canceled in anticipation of tonight's possible decision to disband this Board.

Mrs. Melissa Fransen, Vice Chair / Secretary Recreation Committee stated that the Commission has a lot of goals. Mrs. Fransen stated that they are expecting many vendors and activities at the Harvest Festival and anticipates a successful event.

Mayor Parrott stated that Cornerstone Playhouse is getting involved in the activities and is offering the restrooms at the theater for public usage.

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Mrs. Little stated that in order to have a blood drive a restroom facility must be available that is why the Commission asked Cornerstone Playhouse to open up its doors.

Mrs. Fransen stated that the Main Street Barber also offered it's restrooms to be used for the public.

Mrs. Fransen stated that the blood mobile will be parked a couple of parking spaces away from the bank. The truck needs a level area to park and this is the most logical location.

Mark Zschack, Acting Borough Clerk offered the following report;

Borough Sites and Street Issues

The final lease agreement has not been received from Cornerstone Playhouse but permission was granted to Cornerstone for the removal of carpet and furniture that is stained and unusable. The Furnace and hot water heater were destroyed during Hurricane Irene and Bob Schultz is working on the replacement. A claim has been made to the insurance company concerning these two appliances.

The new furnaces were installed in the Municipal Building this week and the lighting retrofit was started with some work remaining.

Financial Controls/Legal Issues

The Borough received a Notice of Civil Claim from a resident that allegedly tripped in a roadway during the I&I project this notice was sent to the Borough Attorney and insurance carrier.

The Borough has registered with FEMA for storm related damage and will continue in the process to receive aid.

Long-term and Capital Projects

We have asked for bids from two additional solar companies and neither has responded in the past six weeks. We are now looking into different solar companies to solicit additional bids. The lack of response has slowed this projects start; we will be diligent to get three bids to the Mayor Council for review.

We have produced a list of twenty properties within the Borough that are not hooked up to the sanitary sewer system. This list has been sent to John Ruschke for his review to determine which properties can feasibly be connected to the system.

John Ruschke collected data after Hurricane Irene and found a great deal of infiltration in areas of the Borough, a partial list is attached to the administrators report. John is working on the change orders for the I&I project and hopes to present them to the Mayor and Council at the October 18<sup>th</sup> meeting.

Misc

Sussex County OEM is responsible for the outbound 911 system. Anyone that wishes to participate must register with the County. We have forms available at the Municipal Building and a link has been added to our website and we have started going door to door handing out information.

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Mayor Parrott asked if a follow up letter was sent to Alpine Village concerning their infiltration into the sewer system.

John Ursin stated that a letter was sent today advising them that they must be in contact with the Engineer by the end of the week. They must convince him that progress is being made toward fixing the problem or summons will be sent.

Mayor Parrott stated that a meeting was held at the water treatment plant with United Water. Many issues were discussed and much was accomplished with a very positive attitude by all parties. United Water was on the defensive about the events that happened during Hurricane Irene. A lot of changes have taken place since the storm. United Water is treating the water with a different chemical and system. Their representatives stated that this is the way the plant was set up to run with these chemicals. The former employee changed the chemicals to treat the water.

Mayor Parrott stated that this employee is no longer working for United Water.

Mayor Parrott stated the question was asked why the Sussex water tank was not used during the storm. The response was that nobody was aware the tank was not working. United Water now has a plan to incorporate the Sussex water tank into the distribution system.

Mayor Parrott stated that United Water placed a lot of fault on themselves, because of the lack of supervision at the water plant. The previous person that ran the plant did not pass down information to other workers on how the plant should be run. After this employee left the company, United Water lacked the knowledge to run the water plant properly.

Mayor Parrott stated that the day of the meeting there were many people working at the plant trying to solve problems. New equipment has been purchased without additional cost to the Borough. This equipment will remain the property of the Borough.

Mayor Parrott stated that he feels very comfortable with the new T-4 operator Emil Coviello. He wants to share his knowledge and work with the Borough to solve any issues. Mr. Coviello offered his services to the Hardyston DPW to help in any way he can.

Mayor Parrott stated that the water plant appears to be in good shape and is kept very clean and orderly. The new chemical that is now used will produce the same amount of sludge or possibly a little less.

Mayor Parrott stated that the Mayor and Council have heard from residents that they do not drink the water and this concern was passed along to United Water.

Mayor Parrott stated that the Borough's Water and Sewer Engineer was present at the meeting and agreed with all the changes that United Water proposed.

Mayor Parrott stated that Mr. Coviello has a master plan to flush the hydrants that is efficient and will remove all sediment from the system

Mr. Zschack stated that United Water is developing a capital budget list of items needed so the Borough can plan for the future of the water plant.

Mayor Parrott stated that preventive maintenance is very important for the stability of the water utility in the future.

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Mr. Meyer stated that a standard operating procedure of the plant should be drafted to help guide this Council and future Councils on their decision making process. Flushing of the system is a very important function to maintain the quality of water. The valve system on the Sussex water tank is the main reason this tank is not in use.

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on September 6, 2011, seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Request to Close Main Street October 22, 2011

Mrs. Little made a motion to approve a request from the Recreation Commission to close Main Street on October 22, 2011 pending approval from the DPW and State Police, seconded by Mr. Rose.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Approval for Dam Inspection

Mr. Fransen made a motion to approve Michael Vreeland of Guerin & Vreeland Engineering to complete the inspections on three dams and submit associated reports. Cost not to exceed \$6,500.00, seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Resolution 2011-74R – Refund for Duplicate Tax Payment

Mr. LaBar made a motion to adopt a resolution to refund \$861.91 to Block 504 Lot 22 for a duplicate tax payment made for the August tax quarter, seconded by Mrs. Little.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Resolution 2011-75R – Cancel Taxes

Mr. Meyer made a motion to adopt a resolution canceling the balance of 2011 taxes in the amount of \$2,554.30 to Block 510 Lot 23 for a permanently disabled veteran with full exempt status, seconded by Mr. Rose.

After a brief discussion on residency requirements occurred this motion was rescinded.

Mr. LaBar made a motion to table a resolution canceling the balance of 2011 taxes in the amount of \$2,554.30 to Block 510 Lot 23 for a permanently disabled veteran with full exempt status, seconded by Mr. Meyer.

All were in favor.

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Adoption Ordinance # 2011-11 Grease Traps

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE TO AMEND THE ORDINANCES OF THE BOROUGH OF SUSSEX TO ADD SECTION 12-7 CONCERNING GREASE TRAPS", 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 #2011-11.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-11, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Adoption Ordinance 2011-12 Modify Flood Hazard Areas

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE TO MODIFY CHAPTER XXII "FLOOD HAZARD AREAS" OF THE ORDINANCES OF THE BOROUGH OF SUSSEX", seconded by Mrs. Little.

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-12.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-12, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Introduction Ordinance 2011-13 Emergency Appropriation

Mr. LaBar made a motion to introduce an ordinance entitled "AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S. 40A:4-53 ET SEQ. TO FINANCE REVISION OF TAX MAPS, BY THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY.", seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Mayor Parrott stated that the final reading is October 4, 2011

Introduction Ordinance 2011-14 Property Maintenance Board

Mr. Rose made a motion to introduce an ordinance entitled "AN ORDINANCE TO MODIFY THE CODE OF THE BOROUGH OF SUSSEX REGARDING PROPERTY MAINTANCE AND ELIMINATE THE PROPERTY MAINTENANCE BOARD", seconded by Mr. LaBar.

Mr. Rose stated that he feels that the maintenance of retaining walls should be added to section 12-4.4. A brief discussion took place about adding retaining walls to this section.

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Mr. Rose made a motion to amend the previous motion and add the maintenance of retaining walls to section 12-4.4, seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Mayor Parrott stated that the final reading is October 4, 2011

Dredging of Colesville Holding Pond

A discussion took place of the need to dredge the entrance stream at the Colesville Holding Pond. A brief discussion took place on the cost limit.

Mrs. Little made a motion to approve the dredging of the entrance stream to Colesville Holding Pond, cost not to exceed \$1,500.00, seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

**OPEN PUBLIC SESSION #2**

Mr. Fransen made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. (Comments limited to 5 minutes). Seconded by Mr. LaBar. All were in favor.

Mrs. Linda Masson of 15 Spruce Avenue asked if there was any damage to the water treatment plant as a result of Hurricane Irene.

Mayor Parrott stated that there was no damage.

Mrs. Masson asked who is in charge of the water treatment plant.

Mayor Parrott stated that Emil Coviello of United Water is the T-4 operator and is the person assigned to the plant full time.

Mrs. Masson asked if an operator's manual exists and do they document every thing they do at the plant.

Mr. Zschack stated that since Emil Coviello started every procedure is documented.

Mr. Meyer stated that in the past not everything was and this was part of the concern the Mayor and Council brought up at the recent meeting.

Mrs. Masson stated that if the Borough contracts with a different water company in the future their operating manual should be reviewed.

Mrs. Masson asked if the Sussex water tank is usable.

Mayor Parrott stated that only a small portion of the water is utilized from the Sussex tank.

United Water is working on this situation to be able to use both water tanks together to increase water capacity.

Mrs. Masson asked if the infiltration into the sewer system, that was discussed early happened after the I & I project.

Mayor Parrott stated that the areas discussed were not in the scope of the project and additional work must be done in these areas. Most of this infiltration is accruing in the sewer laterals that service the residents.

Mrs. Masson asked what is the source of this water coming from the sewer laterals.

Mayor Parrott stated that the lateral could have leaks, roof drains and sump pumps could also be the source.

Mr. Meyer stated that the Borough targeted the larger infiltration problems with the first phase of the project and now it is time to target other areas.

Mrs. Masson stated that the area around Spruce and Willow streets is a major problem when it rains with water running down the street.

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Mayor Parrott stated that the DOT grant voted on earlier tonight is for the rehabilitation of Willow Street. The project includes underground drainage that should alleviate this problem.

Mrs. Masson asked if the county 911 system is where Sussex Borough residents will get their advisories from.

Mr. Zschack stated that the reverse 911 system is operated by the county and they update and maintain the database.

Mrs. Masson stated that she thinks that the first open public session should be open to any and all comments and not limited to agenda items.

Mrs. Masson stated that she feels that the Mayor and Council meetings should be advertised on the sign in front of the Municipal Building.

Mrs. Terry Ann Zander, from the Advertiser News, asked when the lease agreement with Cornerstone Playhouse to be completed.

Mayor Parrott stated that the Borough is waiting for Cornerstone to present the final draft.

Mrs. Zander asked if a final dollar amount for the application to FEMA has been determined.

Mr. Zschack stated that those numbers are still being tabulated by Sussex Borough's OEM office.

Mrs. Zander asked if United Water will be releasing any statement to the public about their plans to improve the water system.

Mayor Parrott stated that he will discuss this topic with them.

Mrs. Zander asked if the dam inspections show there was damage from the hurricane and can this be filed with FEMA.

Mayor Parrott answered yes.

Mrs. Zander asked if the dredging proposed at the Colesville holding pond can be related to the storm.

Mayor Parrott answered that it could not, the storm actually helped clear out some of the sediment.

Mrs. Zander asked for a copy of the report, that was mentioned earlier on infiltration into the sanitary sewer system.

Mr. Zschack stated that he would make a copy available to Mrs. Zander.

Mrs. Masson stated that she feels that the notices of water quality are getting out to the public to long after the violation has taken place. The notices state that certain people should consult a doctor. These notifications do not give the public time to do this.

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.

Mrs. Little asked if the water in the Sussex water tank was ever tested.

Mayor Parrott stated that it was tested and the quality was good.

**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 attorney client privilege matters concerning the United Water contract. Motion seconded by Mr. Rose.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

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Mayor Parrot stated the following; THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES. BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW. THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

After meeting in closed session, the Governing Body returned to their seats at 9:55 p.m. and Mayor Parrott declared the meeting to be reconvened into open public session.

**MISCELLANEOUS COMMENTS**

Mr. Meyer stated that the reason United Water was asked to put together an operating manual is to help guide future Councils.

Mayor Parrott mentioned that a prime example of this is the filter system at the plant.

Mrs. Little stated that she recalls that these filters were replaced at one time.

Mr. Meyer stated that it was relayed to us that they had not been replaced but the lack of documentation is a concern.

Mr. Meyer stated that he has a lot of confidence in Emil Coviello because he is documenting everything.

Mr. Meyer is not confident that in the past the DEP was notified of all violations.

Mr. Meyer asked the professionals if that in the past ten years this plant could have operated without a DEP notice. It was a resounding no from all.

Discussion continued about the need for better documentation of all Borough business.

Mr. LaBar asked if the road to Lake Rutherford has been repaired.

Mr. Zschack answered that it is not repaired.

**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. LaBar. All were in favor.