

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

Absent: Dykstra, Fransen

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."

PRESENTATIONS:

Auction of Municipal Owned Property – Block, 301.08, Lot 68

Mr. Ursin stated that the municipality by ordinance has advertised at first and second reading an auction for municipally owned property, block 301.08, Lot 68. The Governing Body has adopted the ordinance, certifying that the property is not needed for government purposes anymore at this time and this evenings meeting has been noticed as the auction date. The auction is subject to the terms and conditions set forth in the ordinance itself. At this time he asked if there was anyone in attendance who is prepared to bid on this property with at least the minimum bid of \$5600.00.

Mr. Ursin asked the member of the public if the bid was the minimum \$5600.00

The resident from the public stated that the bid that she is willing to offer is less then the minimum required bid.

Mr. Ursin stated that the terms of the ordinance require the minimum bid. The Council is not empowered to entertain bids of less then the \$5600.00. Since they were the only members of the public in attendance and potential bidders the auction will be concluded as unsuccessful since they did not wish to bid the minimum.

Mayor Parrott asked what they would have to do if they wanted to bid less for the property.

Mr. Ursin responded that they would have to discuss whether or not they wanted to re-auction the property by passing another ordinance with a lower minimum. Typically the municipality should not be in the business of reducing its minimum accept in the face of some additional evidence of the value or further consideration of the criteria that led to the minimum in the first place .

Mr. Ursin asked that the Council accept his recommendation that the auction be completed as unsuccessful and that this matter is now closed and the ordinance has no further effect.

Mr. Ursin stated that the Council would like to know what the amount is that the member of the public would be willing to bid.

The member of the public stated that she would be willing to pay \$1000.00 for the property.

Mr. Ursin stated that the record will reflect that the member of the public offered \$1000.00 and that the Council will take that into consideration at some future date to decided whether or not to reintroduce the ordinance or to take other methods in selling the property. The Council can not act on that bid tonight.

Mayor Parrott stated that the estimate to do the drainage work on the property that is needed would cost approximately \$1320.00. Mayor Parrott stated that the Borough would then have to have an easement on the property in order to go in and do that job. The Mayor stated that although he is not speaking for the entire Council he thinks that if it is going to cost the Borough \$1320.00 to do the work to make the drainage better on their property then he would think that that is what the town should sell the property for. If they were willing to purchase it for that price then it would go back on the tax rolls of the community.

The member of the public stated that they would be willing to purchase it for that price.

Mayor Parrott stated that the Council will consider that price and if they so choose another ordinance will be drawn up at that price.

Mr. Ursin stated that the Council has two options. One is to continue to attempt to sell it to adjacent property owners. Once it is auctioned twice, if the auction is not successful then the municipality has the option of selling the property to a nonadjacent property owner. That could have more potential bidders and perhaps more interest. That is the other step that could be taken.

Mr. Meyer requested an Executive Session to discuss negotiations.

Mayor Parrott stated that when the Council comes back into public session formal action may be taken regarding the sale of the property.

DPW Report

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

Mr. Meyer stated that he knows that there was concern about the streets not being swept more regularly but he thinks that we have redirected the labor of the DPW and we are now focusing on different projects. It is not cost effective to have the guys go around and sweep the streets. Mr. Meyer stated that Mr. Schultz told him that it took about sixteen hours to clean up four yards of debris. That is only about 3 ½ wheelbarrows full. Not that we don't want to keep the streets as clean as possible but there is a certain amount of efficiency that needs to be maintained. He stated that he would rather see us working on the storm drains and maintenance work which will ultimately benefit us more in the long run. He stated that it took him 20 minutes to get rid of the weeds in front of his own curbs. It is not a big deal for the homeowners to take care of it themselves. Brookside Park looks wonderful. With the painting of the building and the pavement of the parking lot down there it looks like a very nice facility now. Mr. Meyer stated that he really appreciates all of the hard work that the men are putting in to the Borough and it has been a pleasure having Hardyston handle this part of our business for us.

Mr. LaBar stated that it says on the bulletin board that the branches have to be tied in order for the town to pick them up. He stated that he does a lot of tree trimming and he is not going to tie tree branches. They are too big.

Mr. Schultz stated that it is our policy to pick them up only if they are tied.

Mr. LaBar stated that he is not going to tie up tree branches. He has some branches that are eight and ten feet long.

Mr. Schultz stated that is his concern. He would send the guys out to pick it up and they couldn't put it in the truck. Then they would have to run back to get a chain saw to cut it. It is not efficient. In Hardyston they require that the branches be in four foot lengths.

Mrs. Gleason stated that our policy is the same.

Mr. Schultz stated that it is not efficient for our guys to do that.

Mr. LaBar stated that he can't be tying up large oak branches.

Mr. Schultz stated that when they first started up here they would run into having to pick up huge piles and they needed to get it under control. He didn't create the policy, it was already in place. It was just not being enforced.

Mr. LaBar also asked about the energy audits and programmable thermostats for the municipal building.

Mr. Schultz stated that it is part of the recommendations from the Direct Install Company.

Mr. LaBar stated that he came in here Labor Day weekend to do the bills and the air conditioning was set down to 68 degrees. It would have been freezing cold for the whole weekend. To him it is ridiculous and a waste of money. There is no need for the air conditioning to be that low.

Mrs. Gleason stated that the problem is that the thermostats are in the Council chambers and that in order to keep the offices cool the temperature has to be kept down. There are no thermostats in the offices across the hall.

Mr. Schultz agreed and stated that he can purchase them. They are very reasonable in price and a quick fix.

Mayor Parrott stated that a lot of people use the building at all times of the day and evening.

Mrs. Little stated that she has been in contact with a woman in the Borough who is interested in doing a recycling program with a program through a school for autistic children. There is a provision that we would need a dumpster to collect small electronic appliances such as toasters. She asked Mr. Schultz how much those dumpsters cost and if that is a program that we can participate in.

Mr. Schultz stated that he will look into getting a small 10 yard dumpster.

Mrs. Little stated that she will check into the details of the program and let Mr. Schultz know.

Mr. Schultz stated that he starts his recycling certification this week. Hardyston will have a dumpster mechanism available shortly that could possibly be used for bulk pick up if the Borough is interested. Mr. Schultz stated that he prefers curb side bulk pick up. It is more efficient and neater.

Mrs. Little stated that she is filling in as the recycling coordinator for Sussex and wants to make sure that we get the credit for our recycling. Right now the Borough is at a good percentage compared to some of the other municipalities.

Mr. Schultz stated that there were some problems with the mason dump. They put it up on the lift because they were told by the Borough's former employees that the ball joints were bad. The frame is actually twisted which would be enough to throw the front end out and cause continuous damage. He is going to look to see if it is worth being repaired. It is the oldest truck.

Mayor Parrott stated that we are only waiting for the paperwork to complete the parking lot that we are leasing from the State. He asked the Council if they would be interested in getting a title search done for who owns the ally way that connects to Main Street. It will cost between \$650 and \$800 to complete the search.

After discussion the Council directed Mr. Ursin to have the title search done.

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. Meyer made a motion to accept the consent agenda of September 21, 2010. Seconded by Mr. Rose.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated August 25, 2010 from Harold Pellow to Elizabethtown gas regarding Gas services along Newton Avenue.
2. Letter dated August 31, 2010 from John H. Moyle, NJ DEP to Mayor Parrott regarding Lake Rutherford Dam & Colesville Reservoir Dam.

3. Letter dated September 2, 2010 from Joseph Eaker from NJ DEP to Martin Hilfinger of Cumberland Farms regarding remedial investigation report dated July 2010 for 1 Main Street.
4. Letter dated September 7, 2010 from Mukesh Shah of the NJ DOT to Mayor Parrott regarding maintenance roadway repair for the Route 23 bypass project (M.P. 39.5 to 42.0)
5. Letter dated September 9, 2010 from John Ruschke, Borough Water Sewer Engineer to Mr. Shadab Ahmad, NJDEP regarding Clove Brook watershed manhole project.
6. Letter dated September 11, 2010 from David H. Kerr from the NJ DEP to Catherine Gleason regarding a suspected hazardous substance discharge.
7. Wantage Township Land Use Board notice of hearing.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. LEA rebate from Wantage Township for the 1st, 3rd and 4th quarters.
2. August 2010 Tax Collector Report.
3. August 2010 Animal Control Report.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Association application from Andrew J. Fedynich for the Sussex Fire Department.
2. Junior Membership application from Garrett Reynolds for the Sussex Fire Department.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 21, 2010.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen 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. LaBar stated that he had no report this evening.

Mr. Meyer reported that there were two other things that he discussed with Bob this afternoon. One was the paving of the entrance to the theater parking lot which Bob is going to try to have done before the winter. Mr. Meyer also reported that we are still waiting to see the complete repair to the Maple Avenue drainage project. We want to make sure that when it rains that it works correctly before we send the final payment to the contractor.

At this time Mrs. Little gave her report, a copy of which is on file in the clerk's office.

Mr. Rose reported that the last Recreation Commission meeting was canceled and that the next one has been scheduled for Tuesday, September 28th.

Mr. Ursin reported that the town has been engaged in litigation with High Ridge for some time and this week the judge dismissed their complaint against the Borough for failure to prosecute the action. He said that the judge issued an order requiring certain things to be done in the case so that it could be moved along and it wasn't so the judge decided that the remedy was to dismiss the case that was filed by High Ridge. He doesn't think that this is the end of the matter. He just sees it as a procedural set back.

Mr. Ursin also stated that he needs an Executive Session to discuss the water issue with Mr. Hannigan.

Mr. Ursin also stated that some meetings ago the Council asked him to look into the health benefits that were being given to some of the retirees of the Borough. One of the specific questions was what was the basis for their eligibility and specifically whether or not the municipality was on the hook to pay both the cost of the premiums under the State health benefits program and the reimbursement of the Federal Medicare premiums. Two of the three persons who are receiving the benefits did hire an attorney and the attorney provided him with some documentation including a resolution that was passed by the Borough adopting this policy in 1990. The attorney also provided him with copies of the minutes from that meeting, which he can see was a hotly contested issue back in August of 1990. At the time that these three individuals retired that is what the municipality agreed upon and as such this is what should continue.

Mayor Parrott asked if Mr. Ursin had the resolution and the minutes from those meetings.

Mr. Ursin responded that he did and that for the first time we can see that Mr. Struble and Mr. Kuperus spoke in opposition to the proposal and voted against it and it passed by a three to two margin.

Mayor Parrott asked who was in favor of it.

Mr. Ursin responded that the Mayor, Councilperson Coulson and Councilperson Little voted in favor of the proposal. One abstained and one was absent. That is the policy that has been in place and he doesn't see any way of disturbing it for those individuals. The policy makes it clear that it was intended to cover anyone who qualified during this time period so he doesn't have any reason to think that it is different with respect to the third person.

Mayor Parrott stated that on Friday he went to the Governor's mansion to hear the Governor speak. He spoke about the reason that the name of the aid was changed from extraordinary aid to transitional aid. This aid is meant to transition us from relying on the aid to being self sufficient.

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 September 7, 2010. Seconded by Mrs. Little.

Upon roll call vote:

Ayes: Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: LaBar

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

Mr. Meyer made a motion to adopt an ordinance entitled "AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$15,000.00 FROM THE GENERAL CAPITAL, CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$15,000.00 FOR FUNDING". 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 #2010-15.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2010-15, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: None

Mitchell Humphrey Software Purchase – Zoning and Property Maintenance

Mr. Rose made a motion to enter into a contract with Mitchell Humphrey in the amount of \$14,600 to purchase software for the Zoning/Property Maintenance department. (includes software, training, data conversion and yearly maintenance). Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: None

Introduction Ordinance #2010-16 – Parking on Newton Avenue

Mr. Meyer made a motion to introduce an ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 9, SCHEDULE I, OF THE CODE OF THE BOROUGH OF SUSSEX REGARDING PARKING”. Seconded by Mr. Rose.

After discussion Mr. Rose made a motion to amend the introduced ordinance to include no parking on Church Street from the Unionville Avenue intersection west to the Main Street intersection. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: None

FINAL READING: OCTOBER 5, 2010

Resolution #2010-63R – Municipal Alliance Grant Application

Mr. LaBar made a motion to adopt a resolution authorizing the submission of an application for the Sussex County Municipal Alliance grant for calendar year 2011. Seconded by Mrs. Little.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: None

Resolution #2010-64R – Fire Inspector Appointment

Mr. LaBar made a motion to adopt a resolution appointing Bill Walsh, an employee of the Township of Hardyston as the Fire Inspector for the Borough of Sussex. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: None

Discussion – Route 23 Parking Lot, Parking Regulations

At this time a discussion took place regarding the Route 23 lot and proposed parking regulations. Mayor Parrott stated that he believes that there should be some regulations regarding how long people can park there. If we don't it could have a negative impact on the revenue that we receive from the people who have to rent a spot in the Mill Street lot. Mr. Schultz is going to see how many spots we can get in the lot.

Mr. LaBar stated that once we determine how many spots then we could possibly say that the long term people who would pay for parking could be back by the brook and then the rest of the spots could be used for parking for Main Street.

Mr. Ursin stated that the adjacent property owner would also like to have some spots in the lot and perhaps they could give us a proposal that would contribute to the cost of constructing and maintaining the parking lot.

Mr. Rose stated that he will call Ann Cole to see if there is going to be a merchant's meeting in the near future so that they can discuss and offer suggestions as to the regulations for the new lot.

Mayor Parrott stated that it should be done before the winter. Bob will get started as soon as he gets permission from the DEP.

Mr. LaBar stated perhaps we can put aside ten spots that can be paid for.

Mayor Parrott stated that there will be an egress and ingress on Newton Avenue and only an egress on Route 23. There will be an access into the new lot from the Mill Street lot.

The Council agreed with the idea of having the day time parking being limited to a certain number of hours and to keep some of the spots to rent out to bring in some revenue.

Discussion – Permit Fees

At this time a discussion took place regarding waiving construction permit fees for non profit organizations.

Mrs. Gleason stated that the Christian School has asked that the fees be waived for their solar project and that is what prompted this discussion.

Mr. Ursin stated that he recommends that the municipality proceed very cautiously in waiving fees for any entity. We would set a precedence that can be binding and can have unintended effects. He has seen a lot of situations in municipalities where a non profit group is a good citizen and does a lot in town and the municipality might be inclined to waive some of their fees. When another non profit comes along that may not be as popular we might feel that we have set a precedent and would be stuck with it at that point. He urged the Council to be very cautious about setting a policy in waiving fees for non profits. Non profits take on many forms, not just the ones that we typically think of.

Mr. Meyer stated that there are costs associated with doing these inspections and Mrs. Gleason stated that this project would cost approximately \$1960 in fees.

Mr. Ursin stated that the reason that there are permit fees is to insure that the town has money to hire the staff to do the inspections.

Mrs. Gleason stated that a neighboring town was waiving fees and discovered that in one year they had waived \$30,000 in fees for non profits.

Mr. Meyer stated that he does not think that we should be waiving fees where we have to provide a service. In these economic times we can not waive fees.

Mr. LaBar stated that he agreed especially because this is a major project and many inspections will be necessary. Why should the town pay for that.

Mrs. Little stated that she likes to help out non profits but she said that the non profit that she is involved with did pay for the permits when they did a project. She asked if there could be a waiver on one particular item such as this.

Mr. Ursin stated that the answer is that it is within the power of the council to waive fees on a generalized basis or on a specific basis. The question is whether or not we want to adopt that policy.

Mrs. Little also asked how the fee is figured.

Mr. Ursin stated that the fees are generally based on a percentage of the anticipated cost of the project.

Mrs. Little stated that she does not like to set a precedent. She voted for one precedent and it got the Borough into trouble but she hates to see non profits that have enough of a problem making ends meet have to pay for fees. She stated though that she's leaning towards not waiving the fees.

Mr. Rose stated that he is against waiving the fees as well.

Mr. LaBar made a motion to direct the Clerk to write a letter to the Sussex Christian Church informing them that the Governing Body, after discussion, has chosen not to waive construction fees for non-profit organizations. Seconded by Mr. Meyer. All were in favor.

Resolution #2010-65R – 2010 Budget Amendment

Mr. Meyer made a motion to adopt Resolution #2010-65R – Amendment to 2010 Budget. Seconded by Mr. LaBar.

Mayor Parrott stated that Mr. Rome is not in attendance because he is at a convention in Atlantic City.

Mrs. Gleason stated that as the Council is aware we did receive \$100,000 in transitional aid from the State. The estimated bills showed a municipal increase of 34.8% and the overall increase was 9.5%. That would be approximately a 38 cent increase, or \$380 on a house assessed at \$100,000. With the transitional aid the new municipal rate would increase by

18.5% and an overall increase of 6.2%. That would be a 25 cent overall increase, or \$250.00 on a \$100,000 home. We are still short \$40,000 in aid from last year and we don't have the \$100,000 in surplus that we used last year.

Mr. Rose asked if we have to apply all of the aid to lowering the taxes. He questioned whether that was the right thing to do or if it was only going to put us in the same boat as last year. Can we use \$50,000 and just bank the other \$50,000 and use it as a buffer.

Mrs. Gleason stated that she thinks that it all has to be used to offset the taxes.

Mr. Ursin stated that one of the complaints is that if we had the ability to plan and have some surplus for next year it might kill the Borough's chance for aid next year.

Mayor Parrott stated that he thinks that the Governor wants us to be on a three year plan so that we wean ourselves off of the aid. There is a check list of items that we need to fulfill in order to get the aid.

Mrs. Gleason stated that she has completed her part of the check list and that we look like we are doing everything that the Governor wants us to be doing. Sam still has not completed his part of the list. One of the items would require the Council to take classes on such things as ethics and budgeting. The checklist is due the first day of October.

Upon roll call vote:

Ayes: LaBar, Little, Meyer

Nays: Rose Absent: Dykstra, Fransen Abstentions: None

Board of Health Appointment – Jay Dowling

Mrs. Little made a motion to approve the Mayor's appointment of Jay Dowling as a member of the Board of Health to fill an unexpired term ending December 31, 2010. Seconded by Mr. LaBar.

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra, Fransen Abstentions: None

OPEN PUBLIC SESSION #2

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

Ms. Zander asked about the dates that Mrs. Little discussed earlier in the meeting regarding SCMUA events and Mrs. Little told her the dates.

Ms. Zander also asked Mr. Ursin if the retirees were going to receive those health benefits for life and Mr. Ursin responded that they are for life.

Mrs. Gleason stated that it is for their spouses as well and that it cost approximately \$2400 a month.

Ms. Zander asked about the Alliance grant and Mrs. Gleason gave her a copy of the resolution.

Ms. Zander asked if any other municipality got the transitional aid and Mr. Ursin stated that he is not aware of any other town in the county that received the aid.

Mrs. Gleason thanked Senator Oroho, Assemblyman Chiusano and Assemblywoman McHose for sending a letter down to the State on our behalf. It was very helpful in helping us get the aid. We have to have more than 77 items on the checklist to receive all of the aid. The next step is to sign the MOA and return it to the State.

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

EXECUTIVE SESSION

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

Upon roll call vote:

Ayes: LaBar, Little, Meyer, Rose

Nays: Non Absent: Dykstra, Fransen Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:52 p.m. and Mrs. Little made a motion to reconvene into open public session, seconded by Mr. Meyer. All were in favor.

MISCELLANEOUS COMMENTS

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.

Christian Parrott, Mayor

Catherine Gleason, RMC