

**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
OCTOBER 19, 2010**

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

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."

Adoption Ordinance #2010-19 – Water/Sewer Fees

Mr. Dykstra made a motion to adopt an ordinance entitled "AN ORDINANCE TO AMEND SECTION 24 OF THE ORDINANCES OF THE BOROUGH OF SUSSEX ESTABLISHING FEES". 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 #2010-19.

Mr. Eric Meichsner, 47 Lakeview Terrace, addressed the Council regarding the water/sewer bill and the possibility of having it incorporated into the tax bill. That way it could be written off on his taxes as opposed to paying it separately.

Mr. Ursin responded that it is set up as a separate utility and the Council could consider whether to integrate it or not. The only way to integrate it that would be 100% fair would be if every tax payer were also a water and sewer customer. There would also be some difficulty accounting for the out of town water customers. There are a significant number of out of town water customers.

Mr. Meichsner asked if they could be billed separately and Mr. Ursin responded that it would get very complicated.

Mr. Meichsner stated that it is a burden to every one here but at least they could get some relief by being able to write it off on his taxes at the end of the year. It is a considerable amount of money.

Mr. Parrott stated that they will take it under advisement and see if it is something that the Council would like to pursue.

There being no one else from the public who wished to address the Governing Body regarding Ordinance #2010-19, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

PUBLIC HEARING ON FY 2010 MUNICIPAL BUDGET AMENDMENT - UTILITY

At this time the Borough Auditor and CFO Grant Rome addressed the Mayor and Council regarding the FY 2010 Municipal Budget Amendment – Utility.

Mr. Rome stated that the first amendment that needs to be approved tonight would be the one that was introduced at the last Council meeting for the changes in the water/sewer additional rents. There is also a second one where the auditor found an additional amount that we had to change to be inclusive of the debt service payment from the new Infrastructure Trust Loan.

Mayor Parrott opened the meeting to the public for any questions or comments concerning the FY 2010 Municipal Budget Amendment – Utility.

Not seeing anyone who wished to address the Governing Body, **Mayor Parrott** closed the meeting to the public and returned to the regular order of business.

Resolution #2010-71R – Amendment to 2010 Budget – Utility

Mr. LaBar made a motion to adopt a resolution amending the FY 2010 Municipal Budget with regards to the Utility. Seconded by Mr. Meyer.

Mr. Rome stated that this includes the Infrastructure Trust debt service payment for the water tank project. This amendment is slightly different because it does not change any of the lines in the budget by 10%. Therefore it doesn't require publication or a public hearing. This one can just be adopted by the Mayor and Council.

Mrs. Little asked what the difference is and Mr. Rome responded that it is \$19,155.00. That is the debt service payment on the loan.

Mr. Rose asked if this is on the water/sewer budget and Mr. Rome responded that it is.

Mr. Rose asked if this is more money that we are behind now this year.

Mr. Rome stated that we already made the payment but when they looked back at the full booklet that came from Infrastructure Trust whether or not they were allowing us to make the debt service payments during construction as part of the loan. They weren't. It had to be moved over to the budget. We are further behind because this is another debt service payment that is going to have to go in there just like the debt service payment will have to be put into next year's budget as well as the payout schedule for the I & I project. It is roughly \$40,000 to \$50,000. Some of them might have a little more principle included in them. There was one payment this year but next year we will add the February payment and a payment on the new loan.

Mr. Rome stated that the loan payments were included in the rate study and Mr. Rose stated that they weren't. Mr. Rose stated that the tank painting was included in the rate study but not the I and I project.

Mr. Bill Schroeder from Nisivoccia and Company stated that he doesn't have the answer for that.

Mayor Parrott asked if Mr. Schroeder could call his partner, Dave Evans, to see if that payment was included in the rate study.

Mr. Fransen asked what that would do to the quarterly rates.

Mr. Rose stated he believes that it will be a \$50 per quarter rate increase for the loan in the amount of 1.1 million dollars.

Mayor Parrott stated that he believes it was included in the rate study. Dave Evans told him that they were very conservative with their estimates.

Mr. Rome stated that they were trying to figure it out even though they didn't have the exact amounts yet for the payments on the manhole project. They should be around the same interest rate though. If they close within the next two to three weeks the interest rates will be at what the rate is this year. The Infrastructure Trust strikes their rate sometime in November and that rate carries for the entire year.

Mr. Dykstra asked if the water rate was going to go up over \$120.

Mr. Rome stated that if it was calculated in the rate study then it shouldn't.

Mr. Rose stated that the water tank project was calculated in but that the other project was not. He stated that next year we are dealing with a \$60,000 deferred payment and that they didn't think that next year we would have to raise it any more.

Mr. Rome stated that it all depends on how the revenues come in. If we do really well on the final quarter revenue collection it will decrease the amount that we are short.

Mr. Rose stated that we are another \$20,000 in the hole however and Mr. Rome stated that the deferred payment is already calculated out. The deferred payment was the amount that we were short last year plus the emergency that we had to do last year when the sewer line broke.

Mr. Rose stated that he is talking about the deferred payment that we are taking from last year into next year. We are going to need to take the bridge loan.

Mr. Rome stated we don't know what that is yet and Mr. Rose stated that we do know approximately what it is. Mr. Rome stated that what she estimated was calculated into the long term study for the rates.

Mr. Rose stated that it had to be adjusted though because we didn't back date the increase to the third quarter of this year. Mr. Rose stated that we are going to be short again.

Mr. Rome stated that in the long term, sticking with this rate increase, we will be ok.

Mr. Rose asked Mr. Rome if next year we will need another rate increase and Mr. Rome responded that he hopes not.

Mr. Schroeder stated that he just spoke to Dave Evans and that the first loan is in the rate increase calculations. The two payments of \$19,000 are in there for next year as is the one payment for this year. The other loan is not. We don't know what the payment schedule is yet for the new loan.

Mr. Rome stated that depending on what the payments are then, the rates may have to be addressed.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Resolution #2010-72R – Adoption of 2010 Municipal Budget

Mr. LaBar made a motion to adopt a resolution adopting the FY 2010 Municipal Budget for the Borough of Sussex. Seconded by Mr. Meyer.

Upon roll vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

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. LaBar made a motion to accept the consent agenda of October 19, 2010. Seconded by Mr. Fransen.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated October 5, 2010 from John Ruschke to Francis E. Sutter of Parsons Brinckerhoff regarding the Route 23 Sussex Bypass.
2. Letter dated September 23, 2010 from Harold Pellow to Ticon New York regarding Final Paper for the Maple Ave and Cross Street project.
3. Letter dated October 6, 2010 from Grant Rome to Howard Cohen regarding Hepatitis Inoculation Fund.
4. Letter dated October 7, 2010 from Robert Lee, Project Manager, to Catherine Gleason regarding route 23 Sussex Borough Realignment.
5. Letter dated October 4, 2010 from Bettina Durmaskin Sholk, Appraiser Consultant to Catherine Gleason regarding Parcel No. 2R63B Route 23, Block 102, Lot 10.
6. Letter dated October 4, 2010 from Bettina Durmaskin Sholk, Appraiser Consultant to Catherine Gleason regarding Parcel No. R63E Route 23, Block 103, Lot 1.
7. Letter dated October 4, 2010 from Bettina Durmaskin Sholk, Appraiser Consultant to Catherine Gleason regarding Parcel No. DER63A Route 23, easement on Block 18, Lot 43 in Wantage Township.
8. Letter dated October 7, 2010 from John Ursin to John Hatzelis, Administrator SCMUA regarding Sussex Borough's sewer utilities.
9. Memo dated October 12, 2010 from Catherine Gleason to the Sussex and Wantage Fire Departments regarding Colesville Water Tank being offline.
10. Letter dated October 8, 2010 from Catherine Gleason to Julia Devine regarding lease of municipal driveway.

11. Memo dated October 13, 2010 from John Ursin to Catherine Gleason regarding pending legislation S-818 and A-2095.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. September 2010 report from the Animal Control Officer
2. September 2010 Registrar Report
3. September 2010 Clerk's Report
4. September 2010 Tax Collector's Report

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Blue Light Application permit from Colleen Little.
2. Blue Light Application permit from Jake Little.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of October 19, 2010

Mayor Parrott stated that Mr. Ursin is going to look into the letter regarding the EMS mandate.

Mr. Ursin stated that the Council may want to track the bills associated with these mandates because they will affect municipalities dramatically if they pass.

Mrs. Little asked if on items 5, 6 and 7 they referenced Vernon Avenue.

Mayor Parrott stated that he thinks that they meant Walling Avenue. He stated that he will look into it further.

Mrs. Little stated that they should be correct with their information. She also stated that it is a realignment of Route 23, not bypassing it.

Mr. LaBar stated that there was an e-mail from Harold Pellow to pay the final bill to Tilcon for the Lakeview project. We couldn't pay them because we didn't have the money from the State. We now have the money.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #1

Mr. Fransen 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. Linda Masson, 15 Spruce Street, addressed the Governing Body regarding the water bills. She asked who the Borough has representing us at SCMUA, looking out for our interests.

Mayor Parrott stated that there is no one on the Board from the Borough of Sussex. He stated that when he read in the paper about a month ago that there would be an opening on the Board he approached the Freeholder Director and requested that the Borough be given the opportunity to have a representative to SCMUA. The Director told him that there were resumes on file already and that the person had already been chosen who would replace the person that was leaving. The Mayor stated that he told the Director that it was unfair that we were one of the sending towns and that we had no representation. He told the Director that the Borough would like to be considered for the next time there is an opening. The Mayor stated that he is going to get people to submit resumes so that when there is a vacancy one of our residents will be considered to fill the opening. The representative can not be a Councilperson because the Governor doesn't want any one to "double dip".

Mr. Dykstra stated that we did at one time have a representative on the Board.

Mrs. Little stated that it was Christine Sharlow.

Mayor Parrott stated that there are two vacancies on the SCMUA Board right now which the Board is not going to replace for budgetary reasons. They said that they are going to continue to operate with the number that they have now. The new member is from Wantage and the Mayor stated that he is very familiar with him. He is going to be calling the new member in and

giving them the concerns that Sussex Borough has which should be brought forth to the rest of the Board. He would like this new member to report back to the Borough after the meetings. He is going to try to use him as a Sussex representative.

Mr. Ursin stated that it is a Sussex County position and not linked to the sending districts.

Ms. Masson asked about other towns and the rates that they pay to SCMUA.

Mayor Parrott stated that every town has a different contract and our contract is horrible for Sussex Borough because we have to pay a minimum no matter what we actually send down. If we cut down our flow to 5 gallons we still have to pay for our minimum flow. Other towns just pay for what they send down. Our contract doesn't say that.

Ms. Masson asked why our contract says that. It is a terrible contract.

Mayor Parrott stated that our contract was signed in 1992 and he believes that Mr. Horvath was the Mayor at the time.

Ms. Masson asked if it was possible to renegotiate the contract and the Mayor responded that we have discussed it with the attorney. The attorney feels that it is kind of written in stone.

Mr. Ursin stated that he doesn't want to say written in stone but he can tell us that there would be very little incentive for SCMUA to open up any of the towns contract to renegotiate them. They are all based on sewer expansions to the plant at various times and when SCMUA incurs debt to expand the plant they make a deal with each town and the towns are generally bound by those agreements.

Ms. Masson stated that her water and sewer bill will be approaching her tax amount. That is wrong and an investigation is called for.

Mayor Parrott stated that the goal of this Council is to lower the I & I, even though it isn't going to help us in lowering our bill to SCMUA that we have to pay. We want to be able to bring more customers in. Right now SCMUA will not allow us to sell any allocation, even to people along the Route 23 corridor who want to hook into our line because they have to have pumpers come in to truck sewerage down to SCMUA, because of the I & I problems that we have. We finally have the money from the State so now we can go out to bid and get the project moving.

Ms. Masson stated that we had a rate increase last year to do this and asked where the money went.

Mayor Parrott responded that we had penalties from SCMUA and an increase in the amount that they are charging the Borough. SCMUA again gave us a 20% increase. We had millions and millions of gallons go down last March. The shovel will go in the ground in the spring. The bids will go out in November. The bids will be opened in January and then we can start the construction in the spring of next year. We need to get the flow under control so that we don't get the fines. Then SCMUA will also allow us to sell some of our allocation so that we can have a wider customer base to bill.

Ms. Masson stated that she has lived here 10 years and was told back then the meters were going to be replaced and that the bills would go down. The bills have never gone down.

Mayor Parrott stated that he has owned a business in the Borough for many years and the reason he joined the Council was to address the outrageous water/sewer bills. The I & I situation was the cause, he believes, and it has taken this long to get the funding in place to start to address the issue. The entire town was taped and the tape sat in a basement for two years without being looked at. This Council got it out of the basement and saw where all the leaks are and now we know how to address it.

Ms. Masson asked if the town works with people to pay the bills since so many people in this community are out of work

Mayor Parrott responded that we work with the residents if they are having a problem paying their bills.

Ms. Masson stated that a lot of residents are not aware that the rates are going up. The property values are plummeting for other reasons and this is not helping.

Mayor Parrott stated that we hope next year will be the turn around year.

Ms. Masson stated that maybe the community as a whole needs to investigate SCMUA.

There being no one 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.

COMMITTEE REPORTS

Mr. Fransen stated that on the agenda there is an ordinance which addresses the OR Zone. At the Planning Board meeting an applicant came before the Board and one of the sections that was cited in the ordinance regarding two family homes and the conditions under which they are allowed actually had no conditions listed. Previous administrations were given the paperwork but there were never any conditions listed. So when the applicant came before the Board there was nothing for the Board to reference. The applicant allowed the Board to table the application until next month and Mr. Gavan put together this ordinance addressing the conditions. The conditions have to be approved by the Governing Body before the Board can proceed hearing the application. This is one of many problems in the zoning ordinances. This isn't actually giving permission to the applicant to have a two family. It is clarifying the conditions under which a two family would be allowed. Mr. Gavan told the Board that if they proceeded with the application and denied him then it could create a legal issue. There would be no basis for denial. There are presently no conditions.

Mayor Parrott stated now we will at least have an ordinance that lists the conditions which will allow the Board to either accept or deny the application.

Mr. Fransen stated that it is only for the OR zone and there shouldn't be many issues. This house right now is a single family on the tax rolls. This is one of many that will probably crop up as we go along.

Mayor Parrott stated that we need to deal with this quickly so that the Planning Board can hear the application.

Mr. Dykstra stated that he has nothing to report. He has been unable to attend anything because of work commitments.

Mr. Fransen asked if Mr. Dykstra would like him to go to the meeting next Wednesday and Mr. Dykstra said that he would appreciate that.

Mr. LaBar stated that he doesn't have anything to report this evening.

Mr. Dykstra asked if the ambulance squad would be based out of the hospital and Mr. Ursin stated that he is not clear what the statute would require and can not tell the Council exactly where it is going.

Mr. Meyer stated that Mr. Schultz is on vacation so there is no DPW report tonight.

Mrs. Little reported that on October 12th she called and asked the Sussex County Solid Waste Committee if she could be excused due to the death of a dear friend. She stated that the "208, Water Resources" meeting on October 14th was canceled. On October 17th she attended the Spooky Sunday events and had the help of Victoria Majestic and they set up a table for the Sussex Borough Clean Communities and Recycling Programs. They gave out biodegradable bags with coloring books, pencils, notepads, crayons and other information. They gave away about 80 bags to the children. Mrs. Little also reported that today she reviewed the High Point High School student list. There were three names of students who lived in Wantage on our list. She faxed the information to the school today and hopefully they will be taken off of our list. She did not receive the list from the Sussex/Wantage Schools.

The Mayor asked Mr. Dykstra to look into that for us.

Mr. Dykstra stated that should be done from the clerk.

Mayor Parrott stated that we will get the list but wanted Mr. Dykstra to find out if there is a deadline.

Mrs. Little stated that she filled out the 2009 Clean Communities Report. When she had check down at the DPW back when Hank was still here she was told that there was no report. She doesn't know what went on before so she did what she could put in. She faxed it to the County program coordinator and to the State executive director. Next year, when someone needs to do it, there is something in a file to use as a reference. The only thing she could get was what

money was spent and we still have money in both Clean Communities and Recycling. Mrs. Little stated that the next BOH meeting is on October 26th.

Mr. Rose stated that the Spooky Sunday event was held on Sunday and about 70 children attended which was about the same as last year and the year before. He stated that he did not hear any complaints from the merchants so that is good. The Recreation Commission has one more event in December which is the Holiday Tree Lighting. He will let everyone know when that is going to be. He stated that they are going to be losing two members, Alison Luke and Leigh Ann Meyer. They have two other individuals who are coming on Board and he has there applications.

Mr. Meyer stated that Leigh Ann will be back.

Mr. Rose stated that someone dumped an entire gallon of paint on the sidewalk on Main Street.

Mayor Parrott stated that we called the State Police and they said that there was nothing that could be done about it. They think they know who did it but no one saw it being done. The property owner is going to be taking care of it.

Mr. Dykstra stated that there is a Property Maintenance Meeting next month and asked if the office could send out notices to the members so that they show up.

Mayor Parrott stated that there is a new representative from the Planning Board and he wanted to know when the meetings are.

Mr. Ursin reported that at the last meeting he reported that the High Ridge law suit had been dismissed by the judge and he alluded to the fact that he thought it would be back and it is. They have attempted to re-file it and he stated that we are going to procedurally try to block it with the judge and he will report back when he hears anything.

Mr. Ursin stated that the other water issue has been settled and there is a signed agreement but the document has not been filed yet.

Mr. Ursin stated that Hardyston was now brought into the High Ridge suit but that the allegations against the Borough are identical.

Mayor Parrott stated that the negotiations regarding the court are still ongoing. He stated that he spoke to the Mayor of Wantage and that Stillwater is interested in coming on board the Interlocal agreement. They should be able to come in and lower the cost for us, at least \$5000. The court is looking to hire new people and until we establish the staffing pattern we won't know exactly how much it is going to cost.

Mayor Parrott also reported that there is a leaking sodium hydroxide tank up at the water treatment plant. There was an e-mail from Dave Kirkham today stating that it was going to cost about \$6500 plus installation for a new tank. The Mayor stated that he didn't like the sound of that so he spoke to John Ruschke and he stated that he doesn't think that we have to buy a new tank but that we can repair the old one. The Mayor is going up tomorrow with Bob Schultz to look at the tank and we are going to get three estimates on repairing the tank.

Mr. Kirkham stated that he did locate one contractor who might be able to repair the tank.

Mrs. Little asked if the judge gave any idea of the percentage of cases that belong to Sussex Borough and Mayor Parrott responded that he hasn't gotten that information as of yet.

OLD BUSINESS

Mr. LaBar asked why the streets aren't being swept more often and Mayor Parrott responded that a couple of our employees, that are now working for Hardyston, are unable to work because of different reasons. Hardyston has been very short handed personnel wise. This time of the year it is hunting season and many of Bob's employees save their time do use during this time of year. The individuals that we sent down to them are both out so with the vacations we are working with a skeleton crew and have to take care of the necessities. We don't want the leaves going in the storm drains.

Mr. Meyer stated that they were out on Monday.

NEW BUSINESS

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on September 28, 2010. Seconded by Mr. Fransen.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Dykstra

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on October 5, 2010. Seconded by Mr. LaBar.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Dykstra

Adoption Ordinance #2010-17 – Sale of Block 301.08, Lot 68

Mr. LaBar made a motion to adopt an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 301.08, LOT 68.” 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 #2010-17.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Introduction Ordinance #2010-18 – Roads and Sidewalks

Mr. LaBar made a motion to introduce an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ROADS AND SIDEWALKS”. Seconded by Mr. Meyer.

Mr. Ursin stated that this is an ordinance to update the Borough’s permitting requirements for construction on sidewalks and road openings. The old ordinance was very outdated so he and Harold Pellow worked on this new ordinance with some new requirements.

Mr. Rose stated that in section 114-1 states that the permit is given by the Borough Clerk and asked if it would make more sense to have the permit be given by the Construction Official.

Mr. Ursin stated that he has seen it both ways. Here we have the disadvantage that the Clerk can not coordinate with the building official. There are two different permits in this ordinance.

Mr. Rose stated that the construction official would make more sense to him because the person may be getting another permit, such as a plumbing permit at the same time.

Mr. LaBar stated that if you were just going to replace your curb or your apron then you don’t need any other permit. He stated that on Harrison Street last year a resident only replaced several feet of sidewalk and they didn’t need any other permits.

After discussion Mr. Rose made a motion to amend the ordinance to change the issuance of the permits from the Borough Clerk to the Construction Official. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Mr. Rose stated that in 14-4.1 regarding specifications, part c, deals with the composition of sidewalks. He is not sure that those specifications are what we really want. He would like it to specify the PSI requirements instead of the actual mixture.

Mr. Ursin stated that he will speak to Harold Pellow directly about it before the adoption.

Mr. Rose stated that the thickness also was not specified and that perhaps it should state that it should be between 4 – 6 inches. Rebar would be adequate as well in the last sentence.

Mr. Ursin stated that he will ask the opinion of the engineer.

Mr. Rose stated that the ordinance includes a penalty of \$1000.00 and he thinks that is under the cost of complying with the regulations. Perhaps it should be per day.

Mr. Ursin stated that those amendments will be of a technical nature that if the engineer agrees can be changed in the adoption of the ordinance.

FINAL READING: NOVEMBER 1, 2010

Introduction Ordinance #2010-20 – Uniform Fire Code Enforcement

Mr. Dykstra made a motion to introduce an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY, REPLACING CHAPTER 11 OF THE CODE OF THE BOROUGH OF SUSSEX PROVIDING FOR LOCAL ENFORCEMENT OF THE NEW JERSEY UNIFORM FIRE CODE”. Seconded by Mr. LaBar.

Mr. Ursin stated that as the Governing Body is aware, the Borough recently entered into an agreement with Hardyston. The State required that the Borough adopt the model ordinance designating the lead enforcement agency and making reference to some of the regulatory provisions in their model ordinance. The primary purpose of this was to designate Hardyston as the local enforcement agency and the secondary purpose was to make updated references both to the costs where they are listed and regulations where they are referenced.

Mr. Rose asked if the fees are new on 11-6 and Mr. Ursin stated that it looks like the old ordinance referenced fees back to 1995. This references fees that are in the uniform fire code at the present time.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

FINAL READING: NOVEMBER 1, 2010

Introduction Ordinance #2010-21 – OR Zone

Mr. Fransen made a motion to introduce an ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 19 OF THE CODE OF THE BOROUGH OF SUSSEX REGARDING O-R OFFICE RESIDENTIAL DISTRICT ZONING”. Seconded by Mrs. Little.

Mr. Rose commented that under number 2, section ii, regarding parking, it references RSIS and he wanted to know if that acronym was defined somewhere in the ordinance.

Mr. Ursin stated that he will speak to Mr. Gavan and will have the answer by the time of adoption.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

FINAL READING: NOVEMBER 1, 2010

Introduction Ordinance #2010-22 – Leaf and Brush Collection

Mr. Meyer made a motion to introduce an ordinance entitled “AN ORDINANCE TO REPLACE SECTION 15-4 OF THE CODE OF THE BOROUGH OF SUSSEX REGARDING LEAF AND BRUSH COLLECTION”. Seconded by Mr. Fransen.

Mr. Rose stated that subsection a, regarding a person occupying the residence would be responsible for the pick up, should also include the ability for the resident to take their garbage to the dump themselves.

Mr. Ursin stated that we can improve the wording.

Mr. Rose stated that a homeowner should be able to take it down but if it is a rental then they should have arrangements to pick it up.

Mr. Ursin stated that he was considering just adding that a person can take their garbage to the County landfill once a week and asked Mr. Rose if that would be sufficient.

Mr. Rose stated that we do on the application for yearly inspections ask for the name of their garbage collector. We don't want the tenants to be responsible for it because they won't and the garbage will be thrown on Main Street or in their backyards.

Mr. Ursin stated that right now we don't require that even though we might be asking for that in the inspection form.

Mr. Dykstra asked why we were only going to once a month pick up when we were having the leaves and brush picked up weekly. He thinks that once a month is not good enough. There will be stuff all over the place.

Mayor Parrott stated that it was at the recommendation of the DPW. Hardyston only picks up once a month.

Mr. LaBar stated that it should be, at a minimum, twice a month.

Mr. Ursin stated that there are two sections to the ordinance but that the leaf and brush section was the moving factor. He recommended that perhaps it be tabled until it can be discussed with the DPW Supervisor.

Mr. Dykstra stated that he thinks that it should be twice a month and in October and November maybe three or four times a month.

After discussion Mrs. Little made a motion to table this ordinance until they can speak to the DPW supervisor. Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

FINAL READING: NOVEMBER 1, 2010

Resolution #2010-68R – Place to Place Transfer, Teach Padraig, LLC

Mr. LaBar made a motion to adopt a resolution approving, effective October 19, 2010, the expansion of Retail Consumption License 1921-44-005-001, Teach Padraig, LLC (Patrick's Wine Barn) to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto. Seconded by Mr. Meyer.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Resolution #2010-70R – Fire Official Appointment – Bill Walsh

Mr. LaBar made a motion to adopt a resolution appointing Bill Walsh the Fire Official for the Borough of Sussex. Seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Social Affair Permit – Sussex Fire Department

Mr. LaBar made a motion to approve a Social Affair Permit for the Sussex Fire Department to hold an event on November 13, 2010 from 6 pm to 1 am at the Sussex Fire House. Seconded by Mrs. Little.

Mr. Dykstra asked how many they had left because he thinks that we are getting pretty close.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

Space Farms – Removal of Deer Carcasses

Mr. LaBar made a motion to enter into an agreement with Space Farms to remove deer carcasses from municipal road right of ways at a fee of \$40.00 per deer, payable monthly. Seconded by Mr. Meyer.

Mayor Parrott stated that it is the same price as last year. Last year we only had one that they had to remove.

Upon roll call vote:

Ayes: Dykstra, Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #2

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

Ms. Linda Masson asked how she would find out if there is an opening on the SCMUA Board.

Mayor Parrott stated that there are two openings that they aren't going to fill. The only way he found out that there was an opening is that he read it in the paper. He told the Freeholder Director that the next time there is an opening he wants to know immediately so that he can send them the resumes that we have on file. He told Ms. Masson that if she is interested in submitting a resume he would be happy to accept it and give it to the Freeholder Director.

Mayor Parrott stated that there were years and years of neglect on the water tanks and this Council had to take the bull by the horns and enter into a very expensive contract to have them repainted. We were told that if the painting wasn't done now then we were going to be in danger of having to replace them in a few more years.

Ms. Masson stated that her quarterly water bill will be approximately \$950 after this rate increase. She is being very conservative with her water usage.

Mayor Parrott stated that he may contact the Freeholders to see if they will fill one of the spots that they have chosen not to replace with someone from Sussex Borough.

TerryAnn Zander, Advertiser News, addressed Mr. Ursin about his reference earlier in the meeting to the other water issue and asked what that was.

Mr. Ursin stated that the Council hasn't made public that settlement yet since the paperwork has not been signed. He should have the papers back this week and at the next Council meeting there may be a public motion to accept the settlement agreement.

Ms. Zander stated that she was at a meeting a few months ago and asked if these are different people who will be appointed.

Mayor Parrott stated that they will be on the agenda to be appointed next month.

Mr. Rose stated that there are two openings anyway. One of the people who is leaving is leaving for a short trip on November 1st and the other individual has expressed to him that she is done at the end of the year.

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.

MISCELLANEOUS COMMENTS

Mr. Dykstra stated that he would like to pursue the general public comment about changing the water bill to include it with the tax bill.

Mr. Ursin stated that the auditor should come in and talk to that issue. Dave Evans, the accountant, is very knowledgeable about utilities and will be able to talk to the Council about the pros and cons.

ADJOURNMENT

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

Christian Parrott, Mayor

Catherine Gleason, Clerk