

**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
NOVEMBER 1, 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, 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."

CONSENT AGENDA

Mayor Parrott requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

Mr. Fransen made a motion to accept the consent agenda of November 1, 2010. Seconded by Mr. LaBar.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated October 12, 2010 from Francis E. Sutter of Parsons Brinckernoff to John Ruschke regarding the Route 23 Sussex Bypass.
2. Letter dated May 17, 2010 from John Ursin to Julia Devine regarding the runoff of her sump pump.
3. Notice of hearing from the Wantage Township Landuse Board regarding Block 158 Lot 10 (18 Volcanic Hill Road).
4. Letter dated October 8, 2010 from Suzanne Reinke, District Manager, to John Ursin regarding the master meter at Alpine Village.
5. Letter dated October 18, 2010 from John Nugent, Superintendent Wastewater Facilities SCMUA to Robert Schultz regarding sewage flows for September 2010.
6. Letter dated October 18, 2010 from Ivan Cohen of Statewide Insurance to Catherine Gleason regarding the loss control service visit.
7. Letter dated October 20, 2010 from JCP&L regarding adjustments to the reading and billing of electric meters.
8. Letter dated October 15, 2010 from John Leyman, Director of Government Affairs for Horizon to Mayor Parrott regarding Tri State Actor's Theater receiving a grant from the Horizon Foundation.
9. E-mail dated October 27, 2010 from John Eskilson, County Administrator to Catherine Gleason regarding 2011 Direct Grant Reduction Letter Template.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. September 2010 report from the Construction Office
2. September 2010 Municipal Court Report

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 1, 2010

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #1

Mr. Meyer 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. Fransen. All were in favor.

COMMITTEE REPORTS

Mr. Rose stated that there is one more event left for Recreation which is the Holiday Tree Lighting and he asked Mrs. Gleason to see if Steve Danner would be interested in being Santa again this year.

Mrs. Gleason asked Mr. Rose to make sure that the Recreation Commission members know that they have to get permission now from either her or Sam before they make any purchases. She also said that there was a voucher that was not signed that was on the bill list for this evening.

Mrs. Little stated that if Steve can't be Santa that she has spoken to Nick Irons and he would be interested in doing it if need be.

Mrs. Little stated that on October 26th there was a BOH meeting and it was decided that it would be a good idea to notify the members a couple of days before the meetings so that they remember to show up. The rabies clinic will either be January 15th or the 22nd. The Board of Health also asked if they could receive the animal control report when Vernon gives it to the Clerk.

Mrs. Little also stated that on October 28th we received the list of the Sussex/Wantage students for Sussex Borough. Both she and Colleen reviewed the list and they found four names and addresses of students not on our tax list. The deadline to turn it in was the 31st, which was yesterday. The information was faxed to the Board office on Friday. That made three from High Point and four from Sussex Wantage that were not listed as taxpayers of Sussex Borough. Copies of those reports and the Clean Communities Report were given to the Deputy Clerk to be kept on file in the Clerk's office.

Mr. Meyer reported that there is a water line leak on the pipe under the Loomis Avenue bridge. The line will need to be replaced. Right now we are looking at putting in shut off valves on either side of the bridge to shut the line off until we can repair it during better weather. We think that there will be enough water pressure when we take that piece of pipe off line. The sewer line is also in need of insulation. The water line is completely shot and has many leaks. They noticed it when they were scraping it to get it ready to be painted. Mr. Meyer stated that Bob is planning on paving the entrance to the theater lot up on Harrison Street. He doesn't know if he will be able to get to it by the end of the year though.

Mr. Meyer stated that there have been several issues where there have been some concerns about different services that the DPW had been supplying and will continue to supply, such as leaf pickup and road cleaning. Bob Schultz has requested that any concerns regarding things such as that get funneled through Cathy, the Mayor or himself. Then they can be addressed. Bob will be available ½ hour before the next meeting to meet with any of the Council people who have concerns that they would like to address with him. He is looking over the proposed DPW budget for 2011. He really wants to get a feel for what it is that the Council would like to get accomplished in the coming years. There seems to be some controversy over how many times we sweep the streets, how many times we pick up leaves, and things of that nature. Mr. Meyer stated that when they originally met with Hardyston to discuss entering into an Interlocal agreement they talked about taking care of some of the serious issues in the Borough. The water main leak that he is taking care of right now would have been a \$20,000 job because we would have had to hire an outside contractor. They are going to be able to do all the work in house. It depends now on where we want to put the labor. Is it more important to have leaf pickups where the DPW is driving around just looking for bags to pick up or would it be better suited to use the labor and have it picked up once or twice a month. He believes that it is better to use the labor to do some of the major repairs done in the town that need to be done. It is an issue that the council needs to look at and consider. Is it more important where we are having leaf pickups where people are driving around every Monday looking for two or three bags of leaves or would it be better suited to use the labor and have it picked up once or twice a month and use the labor to help offset and repair some of the major leaks and the problems within our infrastructure. He thinks, as he thinks the Mayor does, that it is better to use that type of labor and get some of the repairs done and save money instead of having to hire out to have an independent contractor perform the work. The Council will have the opportunity to have input into it. When we first entered into negotiations with Hardyston we were looking at ways to bring the costs down and efficiency of labor is very important. He saw in the past when the DPW was just driving around looking for bags of leaves to pick up. That is wasteful. Most other municipalities have one pickup per month. It is something that we need to consider. Even our

street sweeper is somewhat inefficient. The entire brush can not be used and it sometimes took a whole week to do the entire town. After two weeks the brushes were so worn down that they would have to be replaced. Bob's sweeper can do most of the town very quickly. It has twice the capacity as our sweeper. It is the decision of the Council how they want Bob to proceed. His recommendation is to limit the amount of times that we pick up leaves and brush and go around with the sweeper.

Mayor Parrott reiterated what Mr. Meyer stated about the DPW and that the Borough should take advantage of Hardyston DPW and the services that they can perform. The DPW has to determine which businesses are going to be affected while we install the valves on either side of the bridge. We tried to work them today and they were not operable. We are going to have to put in three new shut offs for the building that houses the laundromat. We think that there is going to be enough pressure for fire protection when we isolate that piece of pipe. We will test it to make sure. We are not sure yet which line supplies water to the barber shop across the street. We have to call for mark outs. We are lucky that we have the equipment and the man power now that we are working with Hardyston to do this job in-house. We will probably start the job at the end of this week and will try to do it at a time that will have the least impact on the businesses involved. The engineer will make the final decision as to whether the pipe has to be replaced or not. The County is planning on replacing the bridge sometime in the future so if we need to replace it perhaps we can coordinate it with them.

Mayor Parrott stated that Bob would like to speak to the Council, like he speaks with Cathy, Ed and him, about what is going on in the Borough and what he sees as the priorities. Bob has definite ideas about what is important to work on. Infrastructure to him is a top priority. He is limited in manpower and he likes to see the most production out of the manpower that he has. The way we used to collect leaves was a total waste of manpower. He would much rather prefer to work on the infrastructure. Next year he is planning on buying another garbage truck which he can use to collect the leaf bags. It will only take them one day to go through the entire town. He would also like to have a bulk pickup. He will have a much more efficient way of doing things then the labor intense way that we were doing things before. He thinks that the Council will find it very interesting to hear what Bob has to say about how he approaches the DPW services. Bob has put a lot of work into the solar project possibilities and also has helped Cathy greatly with the energy audits.

Mayor Parrott also discussed the possibility of selling the street sweeper and also about the procedures for snow plowing this winter.

Mr. Dykstra asked Mr. Fransen if he would be able to sit in for him on Property Maintenance until the end of the year because of his work commitments.

Mr. Fransen agreed to do so.

Mr. Ursin requested an Executive Session to discuss the Sussex/Crew Engineers lawsuit.

Mrs. Gleason also requested an Executive Session to discuss contracts.

OLD BUSINESS

NEW BUSINESS

Mayor Parrott stated that he would like to jump forward to number 10 on the agenda since we have Sam Rome and Dave Evans, a representative from the auditor, to answer any questions that the Council may have.

Resolution #2010-74R – \$400,000 Tax Anticipation Notes

Mr. Dykstra made a motion to adopt a resolution authorizing the issuance of not exceeding \$400,000 tax anticipation notes of 2010 of the Borough of Sussex, in the County of Sussex, New Jersey. Seconded by Mr. Fransen.

Mr. Fransen asked why, again, this was last minute. Why wasn't this brought up months ago and why all of a sudden is it another crisis that is presented to the Council. Originally it was supposed to be \$150,000 and now all of a sudden it is \$400,000. He stated that the Council needs an explanation.

Mr. Evans stated that the \$150,000 that Mr. Fransen is referring to is what we expect the deficit to be in sewer for 2010. That has not changed. Mr. Rome called him about two weeks ago and expressed his concerns about cash flow for the remaining Borough operations for the end of

2010 and the first 30 to 60 days of 2011. When you have a situation where you are getting a large amount of State aid and your budget has been adopted very late in the year, very often the municipality runs into problems with cash flow. This tax anticipation note alleviates the cash flow for the last 30 to 60 days of the year and the first 30 to 60 days of 2011. It will help flow the \$150,000 deficit. It is entirely possible that the transition aid that we received we won't get until the very end of December. Those two items alone are a quarter of a million dollars. This gives the Borough the cash cushion that it will need to get through the next two collection cycles on the property taxes. Receipt of November taxes has now been delayed until the very end of November.

Mr. Rome stated that the due date for the taxes will be the 25th of November with the grace period ending on the 5th of December. We will not receive any of our tax money until at least probably another three weeks. We still have bills from October that need to be paid plus we have our County taxes due and school board payments.

Mr. Evans stated that the normal operating revenue will come in and the \$400,000 will be paid back within the first 120 days of 2011.

Mr. Dykstra asked what the interest is and Mr. Evans responded that it is likely to be somewhere in the neighborhood of 1% and the payback time will be May 1st of the subsequent year. It is approximately a six month note.

Mr. Rose stated that it is approximately a \$2500 cost to the Borough.

Mr. Rome stated that the County could assess penalties to us if we pay the County taxes late. The other necessity going into the first of the year is that we have debt obligations that are due to Farmer's Home as of January 1st in the amount of about \$40,000 and then later on in the month of January we have two more obligation due that are in the amount of about \$80,000 to \$90,000. We are not going to realize any of the additional rent increases from sewer until February.

Mr. Meyer stated that we were talking about the sewer but now we are talking that we are running short for the Borough operations. He asked how that happened.

Mr. Rome stated that a lot of the shortage right now is just because we didn't get the tax bills out. It is a timing issue.

Mr. Evans stated that we have a deficit, a cash flow problem in sewer and a timing issue for the remainder of the Borough because of the lateness of the adoption of the budget, which then creates a lateness in the tax bills, the heavy dependence of State aid, which we really have no control over when it is received. So the Borough has all of those three factors working in conjunction which creates a cash flow problem through the first quarter of 2011.

Mr. Meyer asked if this could have been anticipated better because this is something that was known. He stated that he hopes that Mr. Rome knew that we were going to be putting bonds out for repairs to the sewer system. Shouldn't the Council have been notified that there was going to be a problem?

Mr. Rome stated that this is not the bonds for the sewer repairs. The Farmer's Home loans are for the original repairs to the sewer main, not the most recent projects that the Borough is planning on doing. The problem is that we do not have the account's receivables coming in to cover the cash flow to pay those obligations. This is already to cover payments that are in the budget. We will not collect the new increase in rents until next year.

Mr. Meyer stated that here we are in November and we have had since January of this year to look forward. Why do we only realize now that we are going to fall short?

Mr. Rose stated that the taxes are adequate to cover the expenses. It is just a cash flow issue. We will not receive the money until some of the Borough's bills are due.

Mr. Meyer stated this should have been anticipated however.

Mr. Evans stated that we may not get the transitional aid until the end of the year and there is also some talk of withholding the December COMPTRA and Energy Receipts Tax money. The Borough is heavily reliant on State aid that we may not get until the very end of the year.

Mr. Dykstra stated that schools have the same problem sometimes. Mr. Dykstra also stated that he would like Sam to be at every other Council meeting to give an update. He stated that

he is sick of this and that this is what we pay him for. We need him here to give the Council projections on fixed costs which they don't know. He told Sam that this is what the Borough pays him for – to tell us what is going on and what we can expect. He stated that we need a fiscal report once a month or at least once every other month to give us the state of affairs. He stated that he doesn't know how to do Sam's job so that is why he needs to be educated. He stated that he is not asking Sam do to anything that he himself is not asked to do at his job.

Mr. Meyer stated that that is the point that he too was trying to make. The Council is constantly behind when we should be informed. He expects that either Sam or the auditor would be reporting to the Council on at least a quarterly basis so that we know where we are headed so that we don't end up in these situations. He stated that he understands that this is basically a bridge loan to carry us through until we get the funds in but this should have been given to us before so that we could have anticipated this better.

Mr. Dykstra stated that he can't remember in the twelve years that he has been here that we have had to do this before.

Mr. Rome stated that we never have had to do this before. The problem is, and it was mentioned in the budget meetings, we are running tight. We knew that we had to do the rate increases. We wish that we had gotten them in sooner but that didn't happen. The problem of it is that we have this large receivable out there that is killing us. We are up to almost \$300,000 in receivables that we haven't gotten from High Ridge. Every year that we don't collect that puts us further and further back.

Mr. Meyer asked how much was anticipated in the budget from High Ridge on an annual basis.

Mr. Rome stated that the bills are running in the neighborhood of \$40,000 to \$50,000 a year but we haven't been collecting them.

Mr. Ursin stated that it has only been about a year that we haven't collected any money from them.

Mr. Rome stated that until we officially collect it in cash it is considered a cash deficit.

Mr. Meyer stated that we probably will never collect it and Mr. Ursin stated that we will never collect the \$300,000. That amount is based upon figures that are unsupported.

Mr. Fransen asked why we project something in the budget if we don't know that we have it. Why are we even doing projections? That should not be included in the budget if we do not know for sure if we are going to receive that income.

Mr. Meyer stated that we can only anticipate what we collected in the previous year.

Mr. LaBar stated that we collected nothing last year so we should be at zero this year.

Mr. Meyer stated that they balanced it by saying that we were going to have a 90% collection rate. The best way would be to anticipate zero.

Mr. Dykstra stated that there has to be more interaction so that they can understand it better.

Mayor Parrott stated that they will discuss how often they would like Sam to come to the meetings.

Mr. Rome stated that whatever the Council decides will be agreeable to him.

Mr. Meyer stated that one of the conditions of accepting the transitional aid was that the Council take some courses. He thinks it would be a good idea for the Council to take a course on preparing budgets.

Mr. Rome stated that the bond attorney will draft up the note tomorrow and give him a list of several banks that she has, as well as local banks, to send it to. The quotes will go out with a due date. It should be able to be done within the next two weeks. We will probably be better off with a local bank because it is a small issue. We should be getting the tax revenue in within the next three to four weeks.

Mr. LaBar asked what the tax rate was and Mr. Rome responded that he didn't get a chance to take a look at it. He thinks it is 4.334.

Mr. LaBar stated that when we did the budget he thought it was 4.27.

Mr. Rome stated that it depended on what the County rate came in at. The County rate is an estimate until we finally strike our bill. More than likely it is higher than what we anticipated. We had the actual on the schools so the discrepancy had to be on the County rate.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2010-75R – Corrective Action Plan – 2009 Audit

Mr. Dykstra made a motion to approve a resolution approving the Corrective Action Plan for the 2009 Audit as submitted by the Borough's CFO, Grant Rome. Seconded by Mr. LaBar.

Mr. Rome stated that most of the issues were with the Wantage Court and they are working on correcting the problems. They are working with the judge on straightening out the problems and they anticipate that they should be resolved by the end of the year.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2010-76R – Extend Grace Period for Taxes

Mr. Dykstra made a motion to adopt a resolution authorizing the extension of the grace period for the 4th quarter taxes. Seconded by Mrs. Little.

Mr. Rose stated that earlier Mr. Rome stated that the taxes would be due December 5, 2010 and the resolution states November 30th.

Mrs. Gleason stated that she received the resolution from the tax collector.

Mr. Rome stated that it is a ten day grace period after the actual due date. Normally we put in a ten day grace period.

Mrs. Gleason asked if the due date is the 25th because it doesn't say that in the resolution the Council is voting on. It just says that it is extending the grace period until November 30th.

Mr. Rome stated that he believes that the statute says is that you can not assess a penalty within 25 days after the bills are certified being mailed. It depends on what day they are actually going to be mailed and postmarked.

Mrs. Gleason stated that if they go out on the 5th then they will be due the 30th.

Mr. Rose stated that the grace period would then extend to the 10th of December.

Mrs. Gleason stated that she depends on the Tax Collector and the CFO to give her the correct information.

Mr. Rome stated that he didn't even see the resolution. It is ten days after whatever the due date is. The due date has to be 25 days after mailing so the 30th will be the due date and it will be 10 days after that for the extension of the grace period. We will be ok with the bridge loan.

Mr. Rose made a motion to amend the resolution to change the due date for taxes to December 1, 2010 and to extend the grace period until December 10, 2010. Seconded by Mr. Fransen.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approval of Meeting Minutes

Mr. LaBar made a motion to approve the meeting minutes of the Regular Meeting held on October 19, 2010. Seconded by Mr. Fransen.

Mrs. Little stated that the Deputy Clerk should be listed as the person who called the roll for that evening's meeting.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #2010-18 – Roads and Sidewalks

Mrs. Little made a motion to table the adoption of an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ROADS AND SIDEWALKS". Seconded by Mr. Rose. All were in favor.

Adoption Ordinance #2010-20 – Uniform Fire Code Enforcement

Mr. LaBar made a motion to adopt 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. Fransen.

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2010-20.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2010-20, 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

Adoption Ordinance #2010-21 – OR Zone

Mr. Fransen made a motion to adopt 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 Mr. LaBar.

Mr. Rose stated that he would like to have it read that the "most recent" RSIS standards be followed.

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2010-21.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2010-21, 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

Introduction Ordinance #2010-23 – Parking Enforcement Officer

Mr. Fransen made a motion to introduce an ordinance entitled "AN ORDINANCE TO REPLACE SECTION 2-10A OF THE CODE OF THE BOROUGH OF SUSSEX REGARDING PARKING ENFORCEMENT OFFICER". Seconded by Mr. Meyer.

Mr. Ursin stated that the Borough's Parking Enforcement Officer ordinance was out of date. It required that the officer be appointed for one year terms and also that he be given a minimum of 30 hours per week. While he doesn't think those would be enforceable with respect to terms of employment he stated that they probably shouldn't be in there. That is why we redid the ordinance and took them out.

Mr. Rose stated that the current title should be "Quality of Life" officer and wanted to know if we should change it in the ordinance.

Mr. Ursin stated that it could be changed if the Council chooses. The Council agreed.

Mr. Rose also stated that in 2-10 a.1, subsection d refers to the officer not being allowed to carry a firearm. He stated that there have been former officers who have held the position and thinks that we may not want to take the right to carry a weapon away from them.

Mrs. Gleason stated that she thought that we had discussed this before and that the Council decided that they did not want him to carry a weapon while on duty.

Mr. Ursin stated that the Council can dictate whether or not we want him to be able to carry a weapon. He stated that he will check the statute. The Council can introduce it as is and will report back to the Council whether or not they have the option to allow him to carry a weapon. If he can, and they decide that they want him to then the ordinance will have to be changed and reintroduced.

Mr. Rose also stated that in 2-10.a.i, subsection f, subsection one stated that the officer needs to be a resident of NJ and wonder if we want to make that a qualification.

The Council agreed that they would like to keep that in the ordinance and require him to be a resident of New Jersey.

Mr. Rose stated that 2-10a, 2b, states that it will be determined by the chief law enforcement officer of the Borough. We don't have anyone to fill that role right now.

Mr. Ursin asked if he would like to eliminate that whole provision or does he want to make it as determined by the Borough Council. He stated that he thinks that making a determination as to whether or not an applicant has the appropriate training should be a Council decision. Or the Council could take it out all together but if we have a waiver procedure it should be a Council decision.

After discussion Mr. Ursin stated that he will change it to Borough Council.

Mr. Fransen made a motion to amend his motion to include the changes regarding the name change to "Quality of Life Officer" and creating the wavier procedure for the Borough Council. Seconded by Mr. Meyer.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

FINAL READING: DECEMBER 7, 2010

Introduction Ordinance #2010-24 – Sale of Municipally Owned Property

Mr. Fransen made a motion to introduce 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 THE PUBLIC PURPOSES AND MORE COMMONLY KNOW AS BLOCK 301.21 LOT 371 AND BLOCK 603 LOT 1". Seconded by Mr. Meyer.

The Council asked for more information regarding all three lots, including maps of the properties, before they introduce both ordinances.

Mrs. Little made a motion to table the introduction of 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 THE PUBLIC PURPOSES AND MORE COMMONLY KNOW AS BLOCK 301.21 LOT 371 AND BLOCK 603 LOT 1" and Ordinance #2010-25, 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 THE PUBLIC PURPOSES AND MORE COMMONLY KNOW AS BLOCK 503 LOT 1". Seconded by Mr. LaBar. All were in favor.

Introduction Ordinance #2010-26 – Modify Section 20-2 – Awarding Contracts

Mr. Meyer made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SECTION 20-2 OF THE CODE OF THE BOROUGH OF SUSSEX REGARDING AWARDDING CONTRACTS." Seconded by Mr. Fransen.

Mr. Meyer made a motion to amend the ordinance to eliminate the reference to “the Mayor” in section ?. Seconded by Mr. Fransen.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

FINAL ADOPTION: NOVEMBER 16, 2010

Resolution #2010-73R – Memorandum of Understanding

Mr. LaBar made a motion to adopt a resolution regarding memorandum of understanding by and between the Director of Division of Local Government Services and the Borough of Sussex. Seconded by Mrs. Little.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Approve Mayor’s Appointment – Recreation Commission

Mr. Meyer made a motion to approve the Mayor’s appointments of David Southard and Walter Manley to the Sussex Borough Recreation Commission with their terms expiring on December 31, 2010. Seconded by Mrs. Little.

Upon roll call vote:

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

Nays: None Absent: None 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 Mr. Dykstra. 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.

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 contracts, the High Ridge litigation and the Crew Engineer litigation. Motion seconded by Mr. Rose.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

After meeting in closed session, the Governing Body returned to their seats at 9:52 p.m. and Mr. LaBar made a motion to return to the regular order of business. Seconded by Mr. Dykstra. All were in favor.

MISCELLANEOUS COMMENTS

Mrs. Gleason stated that Mrs. Little had to leave the meeting at 9:25 due to an emergency.

Mr. Meyer stated that we may want to look at a shared service for the CFO position and definitely start looking at new proposals for auditor. He stated that he is very uncomfortable with the way things have been going.

Mrs. Gleason stated that the RFPs went out for auditor and they need to be back by November 19th.

Mr. Meyer stated that the point he was trying to get across earlier in the meeting was that we should have had all of this information sooner. We shouldn’t have been so far behind, we should have been told what the numbers are. He stated that he is not a professional financial

manager. The professionals that we hire are supposed to know this. We are in their hands and he doesn't feel that they are treating us very well. We had the same thing last year.

Mr. LaBar stated that in their defense, we didn't approve the budget until a week ago and the tax bills couldn't go out, which means the revenue is not coming in.

Mr. Rose stated that they thought that we were going to back bill the water bill. That is an elementary mistake that should never have been made by the auditor and certainly not the CFO when we have gone through it last year.

Mr. Ursin stated that Mr. Evans, who is now representing the Borough from the auditing firm, has done a lot of utility work.

Mr. Fransen stated that with everything that has gone on in Trenton, knowing that the transitional aid is going to disappear in four year's, why hasn't Sam been working on this knowing that some of this stuff was coming down.

Mrs. Gleason stated that there is a plan that needs to be sent down to the State by December 31st and Sam needs to be on top of that.

Mr. Rose stated that the suggestion of bringing Sam in one meeting a month is a great idea, just like we do with Bob Schultz. Mr. Rose stated that perhaps it should be more then once a month.

Mayor Parrott stated that there are a lot of questions that Cathy gives him that aren't responded to and perhaps if he gets the questions directly from the Council they will be addressed in a more timely fashion.

Mr. Dykstra stated that Cathy should compile a list of things that the Council needs to know and then the Council can make sure that Sam provides the information at a meeting.

Mr. Rose stated that since right now the Borough is in a state of turmoil financially the Council should make him come every meeting. We need to know what is going on.

The Council agreed that Sam should come to every meeting until the end of the year.

Mayor Parrott asked Mr. Ursin if he had heard from Mrs. Devine about the driveway issue.

Mr. Ursin responded that he had not heard from her and that it was up to the Council as to what they want to do. It is not a serious liability.

The Council agreed to let it go for another two weeks to see if we get a reply.

ADJOURNMENT

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

Christian Parrott, Mayor

Catherine Gleason, RMC