

**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, 2011**

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

Absent: Mr. Dykstra

Also present Borough Attorney John Ursin of Courter, Kobert & Cohen, P.C

Mayor Parrott led the assembly in the flag salute and requested a moment of silence.

Mayor Parrott stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

PRESENTATIONS

Recreation Commission Report

Mrs. Melissa Fransen and Mrs. Lynn Meyer updated the Mayor and Council on the Harvest Festival and other concerns of the Commission. The Harvest Festival was a big success with approximately five hundred visitors throughout the day. Some of the planned activities had to be canceled but a few new vendors showed up the day of the event. A total of 87 vouchers were returned from local merchants and most business owners said the event was positive for the Borough and the stores on Main Street. The Recreation Commission thanked everyone who participated and volunteered especially the DPW and Steve Danner for his hard work and guidance throughout the day.

Mrs. Fransen stated that in her opinion there is a lack of handicap parking spaces around the theater area when there is an event by Cornerstone Playhouse.

The Recreation Commission requested that the ordinance that guides the Commission be amended to allow two non-resident merchants on the commission and impose attendance requirements for members. The Council directed John Ursin to review the Ordinance and return recommendations to include these changes.

I&I Project

Mr. John Ruschke of Hatch Mott McDonald presented an update on the proposed change orders for the I&I project. Mr. Ruschke described the proposed work that will be performed; the work should take about three days to complete. Some work that was within the original scope of the project was removed therefore leaving a sum of money remaining. The change orders that are proposed reflect a reduction of the original contract in the amount of \$572.78. A total of thirty four sewer laterals where clear water flow was detected will be videoed along with the repair of the main line and manholes.

The Borough along with John Ruschke has been diligent in pursuing Alpine Village to correct their infiltration. Alpine Village performed an inspection of the system after a small rain event. Mr. Ruschke does not feel confident that all infiltration was detected because of the amount of rainfall. The proposal is for Hatch Mott McDonald to install flow meters for a couple of weeks to measure the exact infiltration.

Mrs. Little asked what part of the project the \$12,000.00 engineering fees cover.

Mr. Ruschke stated that it is for oversight of all the change order work that has been proposed. Mrs. Little feels that it appears to be a large amount of money for just the next step of the project. Mr. Ruschke explained that it is not a lump sum that the request is up to \$12,000.00 to cover all aspects of oversight such as reports as well as field time.

Mayor Parrott asked if the paving work on the roadways will be completed by the end of the year. Mr. Ruschke stated that he has tried to get the contractor to finish the work but is not confident that this work will be completed by the start of winter.

Mr. LaBar asked if there is the possibility to inspect all dwelling within the borough for illegal hook ups to the sewer system. The consensus of the professionals is that it would be a vast undertaking, with a lot of manpower to inspect all homes. It is more logical to first target the

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homes where infiltration was observed, correct those problems and continue on from there to other properties.

Mrs. Little stated that in the past the DPW would look for illegal connections whenever they were performing meter readings.

NEW BUSINESS

Change Scope of Work for I&I Project – Reivax Contracting Corp

Mr. Fransen made a motion to approve a change in the scope of work with a reduction in the amount of \$572.78 to Reivax Contracting Corp for the Clove Brook Watershed Manhole Rehabilitation Project. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Engineering Change for I & I Project – Hatch Mott MacDonald

Mr. LaBar made a motion to approve an amount not to exceed \$12,000.00 with John Ruschke of Hatch Mott MacDonald to provide engineering services in connection with the Clove Brook Watershed Manhole Rehabilitation Project. Seconded by Mr. Meyer

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Engineering Services for Alpine Village

Mr. Fransen made a motion to approve \$1,600.00 for John Ruschke of Hatch Mott MacDonald to install flow meters at Alpine Village in connection with the Clove Brook Watershed Manhole Rehabilitation Project. Seconded by Mr. LaBar

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Mr. Ruschke reviewed the funds that are remaining within the I&I project.

CONSENT AGENDA

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

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Letter dated September 30, 2011 from John Hatzelis of SCMUA to Mayor Parrott regarding FY2010 Flow Exceedances Surcharges.
2. Letter dated October 18, 2011 from John Sollicito of Wilson Manor to Sussex Borough regarding the work ethic of Jeff VanAcker.
3. Memo dated October 21, 2011 from FEMA that extends New Jersey Deadline to register for disaster assistance.
4. Memo dated October 24, 2011 from FEMA regarding local hires assisting in disaster recovery.
5. Hampton Township resolution regarding the opposition of S-2887 and A-3992, which revises standards for wind generation facilities on farmland.
6. Letter dated October 13, 2011 from Michael Hoskam of Suds City Laundromat to Mayor Parrott regarding the flushing of fire hydrants.
7. Notice of Public hearing from NJ Transit on Thursday November 17th.

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8. Notice of meeting date change for Sussex County Board of Chosen Freeholders from November 9th to November 14th.
9. Notice of meeting date change for Sussex County Board of Chosen Freeholders from November 22nd to November 30th.
10. Stillwater Township Resolution opposing S-2887 and A-3992 which revises standards for wind generation facilities on farmland.
11. Memo from Mark W. Vogel, CEM MEP Deputy Emergency Management Coordinator County 911 Coordinator Sussex County Sheriff's Office, regarding a Nationwide Emergency Alert System test for November 9, 2011 at 1:00PM

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 1, 2011

Mr. Rose made a motion to accept the consent agenda of November 1, 2011. Seconded by Mr. Fransen

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

OPEN PUBLIC SESSION #1

Mr. LaBar made a motion to open the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. (Comments limited to 5 minutes), Seconded by Mr. Meyer All were in favor.

Mrs. Linda Masson, 15 Spruce Avenue, asked if the settlement with SCMUA, that is on the agenda was included in this year's budget. Mr. Zschack stated that he does not know the answer but will find out.

Mr. Donald Hough, 5 Walling Avenue, stated that there used to be three fire hydrants near his property and now there are none. Mr. Hough is concerned that his homeowners insurance will increase due to the lack of fire protection within 1000' from his residence.

Mayor Parrott stated that the hydrant at the intersection of Route 23 and Walling Avenue is first on a list to repair all the hydrants in the Borough. Mr. Hough asked for a time frame as to when the hydrant at the intersection of Route 23 and Walling Avenue will be repaired. Mr. Zschack stated that he will check with DPW tomorrow and relay a message to Mr. Hough as to the time frame.

Mrs. Georgeanne Stoll, 18 Hill Street, stated that this is the first year that vendors did not pay for table space at the Harvest Festival therefore a better turnout occurred. The Recreation Commission put a lot of time and effort into the festival this year and a large number of children were in attendance. Mrs. Stoll stated that from the public point of view the event was a success.

There being no one 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.

COMMITTEE REPORTS

Mr. Zschack gave a brief report on the meeting with White Water, the company that United Water is assigning the water and sewer contract to. The meeting was attended by Councilman LaBar, Councilman Meyer, two representatives from White Water, and one representative from United Water. This meeting was an opportunity to meet with the prospective new company. The history of their company as well as their experience with surface water systems was discussed. White Waters forte is water systems the size of Sussex so they feel it is a perfect fit for them. Main concerns that were presented to them were the amount of notices for water quality that have been issued in the past five months. The second major concern is the lack of direction and guidance that is received from the sewer operator.

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Mr. Meyer stated that White Water is a subsidiary of a large construction company therefore they have vast resources available to them. The first thing they expect to do is create a capital improvement plan so the Borough can plan on future expenditures.

Mr. Meyer offered no other report at this time.

Mr. LaBar offered no report at this time.

Mrs. Little stated that the Board of Health meeting was held on October 25, and passed Ordinance BOH 2011-01. Nineteen people gave blood at the Harvest Festival blood drive and this number exceeded their goal. The Next project for the Board of Health is the rabies clinic in January and the next meeting is scheduled for November 22.

The clean communities table was set up at the Harvest Festival and distributed pens, pencils, pads, and handouts from the County Recycle Coordinator. Mrs. Little had help from her granddaughter handing out material and requested that she receive community service credits for her efforts.

Mr. Rose stated that the next event for the Recreation Commission is the holiday tree lighting ceremony scheduled for the first week in December.

Mr. Fransen stated that the next Planning Board meeting is scheduled for Thursday. The Route 23 Realignment project will be discussed.

Mr. Fransen thanked Mayor Parrott, Mr. Zschack, and Mr. Ursin for their diligence in completing all that was needed for Cornerstone Playhouse to open over the weekend.

Mr. Ursin offered no report at this time.

Mr. Zschack offered the following report:

Borough Sites and Street Issues

The branch cleanup from the storm over the weekend is continuing. The DPW is not enforcing the four foot length of debris but are asking that the branches are cut to a manageable length to be able to fit in the truck.

I will be attending a preconstruction meeting on November 3rd concerning improvements to Newton Ave. in Wantage. This project will affect the traffic flow within Sussex Borough and more information will be provided after this meeting.

The Sewer pump was delivered today and the plan is to have it installed by the end of the day.

Operational/Personnel Matters

The CFO search is continuing. We have had meetings with three surrounding Municipalities and are still awaiting proposals. An advertisement seeking a part time CFO will start running on the League of Municipalities website starting November 1st and will run through the end of the month.

Long-term and Capital Projects

The Borough has received a proposal from Thomas Davis to prepare the application to the USDA for the solar energy grant. The preliminary application cost is \$1,800 and an additional \$2,500 for the final application, totaling \$4,300. I am attending a USDA Rural Development Community Seminar on November 3rd this seminar will cover the application process and how to fill out the forms necessary to apply. I will have a better idea after Thursday if the Borough can handle the application process in-house.

John Ruschke is reviewing the proposals that United Water submitted at the last Council meeting concerning upgrades to the Sussex water tank and the filter media.

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A letter is drafted and will be mailed to the residents that were listed in Hatch Mott McDonald's infiltration report dated October 17, 2011. This letter is informing the residents that the Borough will investigate the source of the water infiltration through the service connections. As requested at the last Council meeting a list of the remaining funds for the I&I project is attached to the administrators report.

We received a summary from Sam Rome concerning the loss of the \$382,000 grant from the USEPA. According to Mr. Rome the loss of this grant does not affect the payback schedule. The Meeting to discuss this grant with Congressmen Garrett is scheduled for November 8th Mayor Parrott, myself, and John Ruschke will attend.

Misc

There is a household waste collection day scheduled at SCMUA on Saturday November 5th from 7am-2pm. also a Sussex County Prescription Drug Disposal Day is scheduled for Saturday November 12th from 10am-2pm.

The lease with Cornerstone Playhouse was signed on Friday afternoon and they had their first performances over the weekend.

Mayor Parrott described the circumstances surrounding the gas service hook up at the theater Friday October 28th.

NEW BUSINESS

Approval of Meeting Minutes

Mr. Meyer made a motion to approve the meeting minutes of the Regular Meeting held on October 18, 2011, seconded by Mr. Fransen

Upon roll call vote:

Ayes: Fransen, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: LaBar

Resolution 2011-81R Settlement Agreement with SCMUA

Mr. Meyer made a motion to authorize the Mayor to enter into a settlement agreement with SCMUA in the amount of \$42,715.50 for 2010 overages. Seconded by Mr. Rose

Mr. Meyer stated that there will not be a reduction in the sewer rates directly from the decrees in surcharges but a stabilization of rate due to the I&I project.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Adoption Ordinance 2011-15 Bond Ordinance

Mr. LaBar made a motion to adopt an ordinance entitled "BOND ORDINANCE PROVIDING FOR VARIOUS WATER SEWER CAPITAL IMPROVEMENTS OF THE BOROUGH OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$118,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF." Seconded by Mr. Meyer

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Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-15.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-15, Mayor Parrott closed the meeting to the public and returned to the regular order of business.

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

Resolution 2011-80R Rescind Resolution 72R

Mr. Fransen made a motion to adopt a resolution to rescind Resolution 72R Emergency Appropriation of \$100,000 for Water and Sewer Operating Utility due to storm damages from Hurricane Irene. Seconded by Mrs. Little

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: Dykstra Abstentions: None

OPEN PUBLIC SESSION #2

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

Mrs. Linda Masson 15 Spruce Avenue stated that she thought that the only way there would be a decrease in the water and sewer rates was if new users were added.

Mr. Ursin stated that the only way to have a decrease is if that budget went down or if the cost is spread among more users.

Mrs. Masson stated that with the I&I project reducing the amount of water going to SCMUA this will not reduce the rates.

Mr. Ursin stated that the relationship is more indirect. If the flow to SCMUA is reduced the Borough will be allowed to add more users therefore spreading the cost.

Mrs. Masson stated that the I&I project within and of itself will not reduce the rates.

Mr. Ursin stated that with the exception of the possibility of eliminating fines to reduce the overall budget.

Mrs. Masson stated that if fines are eliminated that would result in a reduction to the rate payer.

Mr. Ursin stated that would result in a reduction in that particular line item. The entire water and sewer budget would have to be looked at to determine if it would reflect a reduction of the rate.

Mrs. Masson stated that mathematically that should result in a reduction.

Mr. Ursin stated that would assume that none of the other costs would go up other years.

Mrs. Masson stated that she is only talking about the water and sewer budget.

Mr. Ursin stated that within the water and sewer budget the primary cost is from SCMUA and as we all know these rates can go up.

Mr. Meyer stated that we will be able to control the rates as we reduce the amount of flow sent to SCMUA.

Mayor Parrott stated that there is a minimum amount of flow that is contracted for. The goal is to add users to actually send that amount of flow.

Mrs. Masson asked if there is a time frame as to when the I&I project will be completed.

Mayor Parrott stated that the project will be reviewed in the spring to determine if more work is warranted.

Mrs. Masson asked who oversees this project on a day to day basis.

Mayor Parrott stated that the Boroughs water and sewer engineer John Ruschke oversees the project.

Mrs. Masson asked if there is a new contract with White Water or do they assume the current contract.

Mr. Ursin stated they assume the existing contract.

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Mrs. Masson asked were do we stand on getting an operation manual from the water company.

Mr. Meyer stated that White Water will work on plan on how the plant should be operated.

Mrs. Masson asked what will be done if we do not get better service from the new company. Most people do not drink the water because notices come after the incident.

Mr. LaBar stated that he drinks the water all of the time and has not been sick in sixteen years.

Mr. Meyer stated that there is a committee of the Council reviewing what the best course the Borough should take concerning the water company.

Mrs. Masson asked if we can stop payments to United Water.

Mrs. Masson stated that the users should withhold their payments to the Borough for the water service.

Mrs. Julia Devine 4 Main Street stated that in July she went to the Administrator and asked for a water test. She had just returned from having her eyes examined. Mrs. Devine felt that when she spoke to a United Water representative he made fun of her. Mrs. Devine is still having problems with her eyes and is spending a lot of money on an ointment. Mrs. Devine stated that the Administrator never got back to her with testing results. When the United Water representative called to set up an appointment Mrs. Devine told him he was not welcome in her house. Mrs. Devine briefly described her eye condition to the Council. Mrs. Devine felt she received no cooperation from the Administrator and now it is in the attorneys hands. Mrs. Devine stated that in her opinion the Borough should have nothing to do with United Water.

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

MISCELLANEOUS COMMENTS

Mrs. Little stated that letters were included in tonight's packet about wind farms. The idea of lifting the review process and allow wind farms is not a good idea. This senate bill would allow wind farms and by-pass local boards.

ADJOURNMENT

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