

**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
December 20, 2011**

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

Absent: None

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:

Mayor Parrott presented a plaque to Mrs. Little honoring her years of service, dedication, and volunteerism to the Borough of Sussex.

Mayor Parrott stated that a plaque was to be presented to outgoing CFO Sam Rome but he was unable to attend tonight's meeting.

Mr. Meyer Stated the that Council would like to thank Mayor Parrott on behalf of all the residents of Sussex Borough for his leadership and dedication over the past four years. Some of the accomplishments are the paving of Newton Avenue, Lakeview Terrace, and Maple Avenue. Initiatives on pursuing shared service agreements such as Tax Assessor, Municipal Court, Animal Control, DPW, and Construction Department that maintained quality services at a reduced cost. The hallmark of Mayor Parrott's administration will be the inception of the I&I project to address the failing infrastructure for the sewer system.

Mr. Meyer presented Mayor Parrott with a citizenship award for his years and dedication to the Borough of Sussex.

Mayor Parrott thanked the Council and Borough Professionals for their devotion to himself and the residents of the Sussex Borough.

REPORTS

Bob Schultz gave a brief update and end of year recap of the DPW department. This past year was a challenge for the DPW because of the heavy snow early in the year and extreme flooding in the summer. The shared service agreement for DPW service is a very unique situation and it has been a learning experience for Hardyston Township. Efficiency of the department is progressing and will get better in the upcoming year. The two new trucks that Sussex purchased last year have been ordered and an update on when they will be delivered is pending. The DPW will continue to work on the water system with the new operator to insure the function of the infrastructure. Repairs to an air release valve were completed after a valve failed over the past weekend and repairs to fire hydrants are continuing. The need for long term planning for the DPW Department is paramount and a committee should start meeting as soon as possible.

Mrs. Little made a motion to direct the Clerk to draft a letter to Senator Steve Oroho opposing Senate Bill S2794 regarding shared service and municipal consolidation. Seconded by Mr. Meyer

All were in favor

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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 December 12, 2011 from John Hatzelis, SCMUA, to Mayor Parrott regarding the estimated annual charge – FY2012.
2. Letter date December 8, 2011 from Marianne Smith, Hardyston Township Manager, to all Sussex County Mayors regarding senate bill S2794.
3. Letter dated November 30, 2011 from Paul Stridick of the DCA, to Mayor Parrott regarding Small Cities CDBG 2008, Revision #:2008-02292-2129-03.
4. Letter dated November 30, 2011 from Pat James and Helen Homeijer of the Sussex County Cancer coalition to Sussex Borough Mayor and Council thanking them for their participation in the Tie a Ribbon Campaign in October 2011.
5. Flyer from the SCMUA for the 2012 recycling services schedule.
6. Letter dated December 12, 2011 from Michael Vreeland, Dam Engineer, to Mayor and Council regarding the Dam Inspection Services for Clove River dam.
7. Letter dated November 3, 2011 from Michael Mihalic to the Sussex Borough Clerk regarding the No Passing Zone on NJ Route 284.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Animal Control report for the month of November 2011.
2. Tax Collector's Report for the month of November 2011.
3. Construction Department report for the month of November 2011.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of December 20, 2011

Mr. Rose made a motion to accept the consent agenda of December 20, 2011. Seconded by Mrs. Little

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OPEN PUBLIC SESSION #1

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

Mr. Richard Flynn 19 Grove Street requested that the agenda item concerning their property be discussed at this time.

Mayor Parrott stated that this agenda item is moved and will be discussed now.

Mr. Flynn stated that since February of 1989 he and his wife have paid sewer bills and just recently discovered that they are not hooked up to the sewer system. Mr. Flynn gave a brief synopsis of how this discovery came to light. Mr. Flynn stated that they are now experiencing problems with sewer backups and would like guidance from the Borough on what to do.

Mrs. Pamela Flynn 19 Grove Street stated that a letter was written to the Mayor and Council describing the situation. Mrs. Flynn stated that for twenty three years they have never been behind on sewer payments and paid for a service that they never received. Mrs. Flynn stated that for the past six years they have paid over five thousand dollars and should be compensated, because the fault is not of our own.

Mr. Ursin stated that he spoke to Mr. and Mrs. Flynn before the meeting and feels the next appropriate step is to discuss this issue in closed session.

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Terry Ann Zander from the Advertiser News asked what modifications are proposed within the two ordinances on the agenda tonight.

Mr. Ursin stated that in reference to the Recreation Committee two non-resident merchant members will be allowed.

Mr. Rose stated that the change to the Shade Tree Commission is to allow one non-resident member.

Mrs. Zander asked what precipitated the traffic study on Route 284 to create a no passing zone.

Mr. Zschack stated that the Borough does not know why the study was performed but in order to create the no passing zone the DOT needed a resolution from the Borough supporting this action.

Mrs. Zander asked about details concerning the shared service agreement with Vernon Township for CFO.

Mr. Zschack stated that tonight's vote is to allow the Mayor to enter into an agreement and the details in this agreement have not gone through a complete review as of today.

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.

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Meyer made a motion to adjourn into closed executive session at 8:12pm to discuss an attorney client privilege matter. 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 8:25 p.m. and Mayor Parrott declared the meeting to be reconvened into open public session.

Mr. Ursin stated that the Council has given him authorization to prepare a proposal for Mr. and Mrs. Flynn to consider, on a solution to their sanitary sewer situation.

COMMITTEE REPORTS

Mr. Dykstra offered commentary about the surplus that High Point Regional discovered within their budget.

Mr. Fransen offered no report at this time.

Mr. Rose stated that on December 15th Mr. LaBar, Mr. Zschack, and he met with the Vernon Township and the Wantage Township CFO's to interview for the shared service agreement. Franklin Borough canceled a scheduled meeting at the last minute. The consensus of the committee is to enter into an agreement with Vernon Township for CFO. The initial proposal from Vernon requested a five year term. Vernon agreed that a shorter term will be presented in the contract. The proposal also stated a time limit of thirty two hours a month with fifty dollars per hour for coverage. Vernon also agreed to a total of 384 hours per year with a fifty dollar per hour for overage. Monthly reports will be provided showing all line items of the budget and total hours spent servicing Sussex. Vernon agreed to be present in the Sussex Municipal Building four to six hours per week and attend budget hearings.

Mrs. Little stated that she attended the Water Quality Pac meeting on December 15th. One topic of discussion was that the State is becoming more cooperative with the sewer service areas. The next Board of Health meeting is scheduled for December 27,.

Mr. LaBar offered no report at this time.

Mr. Meyer offered no report at this time.

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Mr. Ursin stated that he has had further discussions with NJDOT in respect to the Borough owned property on Walling Avenue. The State needs portions of this property for the Route 23 Realignment project. At this point it is unlikely that a settlement will be reached in the short term. The state will now file their condemnation proceeding which is in everyone's best interest at this time. This will allow the State to take ownership of the portions needed to continue with the project. The main objection from the Borough is the open ended nature of the agreement concerning the environmental clean up of the site.

Mrs. Little asked has there been any correspondence concerning the loss of the \$382,000 grant from the Federal Government.

Mr. Zschack stated that Congressmen Garrett's office asked for more information which was provided and we are still waiting on a decision.

Mr. Zschack offered the following report:

Borough Sites and Street Issues

Three active tasks in regard to the I&I project include:

1. Six mainline pipe repairs by Reivax - complete.
2. Manhole repairs - Reivax retaining subcontractor for this work.
3. Partial video inspection of laterals - Same as No. 2.

Keep in mind that the service connections represent >85% of the additional I/I identified. The Council needs to be prepared to issue letters to homeowners directing them to repair/replace their service lines regardless of the lateral video inspection. We already know that the private services are leaking. The lateral inspection will only tell us if we have to replace/repair our portion too.

Financial Controls/Legal Issues

We have been working on next year's budget and look forward to advice from the new CFO in the upcoming weeks.

Mayor Parrott offered no report at this time.

OLD BUSINESS

NEW BUSINESS

Approval of Meeting Minutes

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

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Dykstra

Resolution #2011-88R Refund 2010 Homestead Rebate

Mrs. Little made a motion to adopt a resolution to authorize the Tax Collector to refund the 2010 Homestead Rebate in the amount of \$474.28 to Mr. Clyde Slate Block 510 Lot 23 also known as 29 Munson Street. Seconded by Mr. Meyer

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Resolution #2011-89R Support of No Passing Zone for Route 284

Mr. Dykstra made a motion to adopt a resolution to support the decision of the Bureau of Traffic Engineering and Investigation for a "No Passing Zone" throughout the entire length of Route NJ 284, in Sussex Borough. Seconded by Mr. Fransen

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2011-90R – CFO Shared Service Agreement

Mr. Fransen made a motion to adopt a resolution to direct the Mayor to enter into a shared service agreement with Vernon Township for CFO services in the amount not to exceed \$21,000 for the year 2012. Seconded by Mr. Rose

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance 2011-16 Recreation Committee

Mr. Fransen made a motion to adopt an ordinance entitled "AN ORDINANCE TO MODIFY THE CODE OF THE BOROUGH OF SUSSEX REGARDING THE RECREATION COMMITTEE".

Seconded by Mr. Dykstra

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-16.

Mrs. Lynn Meyer Chairperson of Recreation Committee 47 Lakeshore Drive would like to thank the Council for their support over the year. Mrs. Meyer also thanks the council for their willingness to change the Ordinance to allow two non-resident merchant members to become part of the committee.

There being no one else from the public who wished to address the Governing Body regarding Ordinance #2011-16, 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 #2011-17 Sale of Block 504 Lot 7

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 504 LOT 7 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 #2011-17.

Terry Ann Zander from the Advertiser News asked for the street address of the property to be sold.

Mr. Zschack responded 42 Harrison Street.

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There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-17, 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

Mr. Ursin stated that the auction will take place on January 17, 2012 at the regularly scheduled Mayor and Council meeting.

Adoption Ordinance #2011-18 Shade Tree Commission

Mr. LaBar made a motion to adopt an ordinance entitled "AN ORDINANCE TO MODIFY THE CODE OF THE BOROUGH OF SUSSEX REGARDING THE SHADE TREE COMMISSION". Seconded by Mr. Dykstra

Before final roll call Mayor Parrott opened the meeting to the public for any questions or concerns that they may have regarding Ordinance #2011-18.

There being no one from the public who wished to address the Governing Body regarding Ordinance #2011-18, 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

Resolution #2011-91R Purchase of Heating for Water Treatment Plant

Mrs. Little made a motion to adopt a resolution for an emergency purchase and installation of electric heating units for the water treatment plant from E & E Electric in the amount of \$6,874.00. Seconded by Mr. Fransen

Mr. Zschack gave a brief explanation as to the need for the heaters at the treatment plant.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

DISCUSSION

Request from the Sussex Fire Department for the Borough to assist in the purchase of an inverter/battery conditioner.

Discussion amongst the Council ensued about the needs of the Fire Department and availability of funds for the purchase.

Mr. LaBar made a motion to direct the Administrator to fund the purchase of the inverter battery for the Fire Department, up to the amount of \$700.00 conditioned upon the certification from the CFO of available funds. Seconded by Mr. Rose

All were in favor.

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. LaBar All were in favor.

Mrs. Pamela Flynn 19 Grove Street thanked the Mayor and Council for their time and consideration for a solution to their predicament.

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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. Fransen All were in favor.

MISCELLANEOUS COMMENTS

Mr. Dykstra thanked Mayor Parrott for his years of service and dedication to the Borough.

Mr. LaBar elaborated on a story about Mayor Parrott and his oversight of the I&I project.

Mayor Parrott wished Mayor Elect Rose good luck in the upcoming years and stated that he has a great Council to work with.

Mrs. Little asked if the plan is still to relocate the fountain that was moved from Walling Avenue to the island in the proposed Route realignment project.

Mayor Parrott stated that it was discussed at a Planning Board meeting and that was one of the possibilities.

Mrs. Little thanked the Mayor and Council and stated that it was a pleasure to serve the resident of Sussex. I might be stepping down from the Council but am not going anywhere.

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. Fransen All were in favor.