

**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 15, 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.

Also present Borough Attorney Kevin Hahn 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."

**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 from Harold Pellow to Mark Zschack concerning a road opening permit.
2. Letter to Elizabethtown Gas Customer Relations Department from Mayor Parrott.
3. Letter from the Borough of Sussex concerning the closure of Newton Avenue in Wantage Township.
4. Letter from Sussex County Department of Environmental and Public Health Services concerning the relocation of their offices.

**REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Municipal Clerk's report for the month of October 2011.
2. Animal Control report for the month of October 2011.
3. Tax Collector report for the month of October 2011.
4. Water/Sewer Collector Report for the month of October 2011.
5. Property Maintenance report for the month of October 2011.
6. Zoning department report for the month of October 2011.
7. Construction department report for the month of October 2011.

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. Sussex Fire Department Junior Membership application from Christopher Clark.
2. NJ State Fireman's Application from Nicholas P. Osterhoudt.
3. NJ State Fireman's Application from Jacob R. Thompson.

**RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of November 15, 2011

Mr. LaBar made a motion to accept the consent agenda of November 15, 2011. Seconded by Mr. Fransen

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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**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. Rose All were in favor.

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

**COMMITTEE REPORTS**

Mr. Dykstra offered no report at this time.

Mr. Fransen stated that at the last Planning Board meeting there was a discussion about the realignment of Route 23 and its effect on zoning. A sub committee was formed to discuss this issue. The Board professionals were directed to continue talks with Shop Rite to workout the location of the detention basin and if Weibel Place should be a dead-end street.

Mr. Rose offered no report at this time.

Mrs. Little stated that both the Sussex County Solid Waste meeting and the 208 Water Resources meeting were canceled for this month. The Board of Health meeting is scheduled for November 22, at 7:30pm. Members requested a form to fill out for next year's budget. The Board of Health would like to know where the funds for the rabies clinic was transferred in from.

Mrs. Little asked if the list of students that are enrolled at the schools was received, so she can review this list.

Mrs. Little requested that a letter be sent to Walkkill Valley High School to commend her granddaughter for community service during the Harvest Festival.

Mrs. Little stated that she attended a show at the Cornerstone Playhouse and enjoyed it very much.

Mr. LaBar offered no report at this time.

Mr. Meyer stated that a committee meeting was held in reference to the water/sewer utility. A future meeting is planned to give time for the Administrator to gather more information.

Borough Attorney Kevin Hahn of Courter, Kobert & Cohen, P.C offered no report at this time.

Mr. Zschack offered the following report:

**Borough Sites and Street Issues**

The fire hydrant at the intersection of Route 23 and Walling Avenue is scheduled to be repaired on Thursday. This hydrant has a separate shutoff valve therefore no service will be disrupted. The Hydrant on Grant Street will also be repaired on Thursday and residents were notified the water service will be effected 9am to 3pm.

At the last Council meeting the subject of handicap spaces around the theater was discussed by the Recreation Commission. Presently there are three handicap spaces within 100' of the theater. Two spaces are located on the same side of the street as the theater and one across the street. There are 58 total spaces on Main Street including Fountain Square and by State law 3 handicap spaces must be provided. The Borough meets this standard but nothing is stopping the Borough from having more.

It was the decision of the Council not to increase the number or relocate the handicap spaces at this time.

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Financial Controls/Legal Issues

On November 8, 2011 Mayor Parrott, John Ruschke, and I attended a meeting with Congressman Garrett concerning the loss of the grant and the Borough is awaiting an answer if the Congressman's office can help.

I received an email today from the Borough's bond council that a proposed Bond Sizing for the "current" refunding of the Borough's outstanding 1984 FHA and 1996 and 1997 USDA Rural Development Loan(s) - TAXABLE. The analysis contemplates an INSURED/TAX-EXEMPT refunding of the respective Federal loans. In the current market the refunding would achieve 4.12% or \$222, 162 in NPV Savings. Aggregate Budgetary Savings are estimated to be \$411,588. This will be pursued to see if there is a savings to the Borough.

Long-term and Capital Projects

Letters concerning the infiltration of service connections were mailed out as per the list from the Sewer/Water Engineer. The Borough will schedule inspections on Tuesday and Thursday and will try to accommodate residents that are not available during the workday. I recently attended a USDA Rural Development Community Programs Seminar in Flemington.

We feel that the preliminary application can be generated in-house. I explained the solar project and was told that we would not receive a grant for such a project but the Guaranteed Loan Program would cover such a project. I also asked about restructuring all outstanding debt and was told that was very unlikely.

Sam Rome informs me that we can get money through the existing bond ordinance at around 2% while the USDA loan is 3.75%. We are preparing the preliminary loan application for a grant in the hopes that we might receive some funding.

Mayor Parrott offered no report at this time.

**NEW BUSINESS**

Approval of Meeting Minutes

Mr. Fransen made a motion to approve the meeting minutes of the Regular Meeting held on November 1, 2011, seconded by Mr. Meyer

Upon roll call vote:

Ayes: Fransen, LaBar, Little, Meyer, Rose

Nays: None Absent: None Abstentions: Dykstra

Resolution 2011-82R All Hazards Pre Disaster Mitigation Plan

Mr. LaBar made a motion to adopt a resolution to approve Sussex County's All Hazards Pre Disaster Mitigation Plan dated March 14, 2011, seconded by Mr. Dykstra

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution 2011-83R Jurisdictional Agreement with the State of New Jersey

Mr. Meyer made a motion to adopt a resolution to enter into a jurisdictional agreement with the State of New Jersey, seconded by Mr. Fransen

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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Discussion; Interlocal agreement for Tax Assessor with Wantage Township

Mr. Zschack stated that Sussex Borough received an email from Wantage Township in reference to the Tax Assessor agreement. The current agreement is slated to end on June 30, 2012. Wantage is proposing to draft a new shared service agreement to start at the beginning of 2012 and continue through 2015. This proposal is \$1,000 less per year with a 2% increase that will result in a lower cost in 2015 than in 2011. The main concern would be changing Assessors in the middle of a revaluation year. Wantage plans to extend the services of the temporary Assessor until someone in their office passes the exam. The consensus of the Council is to pursue the new agreement with Wantage if there is a 90 day opt out clause.

**OPEN PUBLIC SESSION #2**

Mr. Fransen 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 Mrs. Little. All were in favor.

Mr. Jay Dowling 86 Newton Avenue requested that the Mayor and Council consider his request for a road opening permit to install a new gas line even though the current Ordinance does not allow it. Mr. Dowling drafted a letter to the Mayor and Council describing his reasons why he feels the permit should be granted. Mark Zschack gave a brief synopsis of the events leading up to Mr. Dowling's request. After a discussion by the Mayor and Council it was determined that the request was not an emergency and no action was taken to reverse the denial of the road opening permit.

Mr. Wade Schadeegg 38 Second Street stated that he sent a letter to the Mayor and Council on November 13, 2011 describing an incident that involved his son. This event occurred at the intersection of Route 23 and Route 284 in Sussex Borough. Mr. Schadeegg feels that if there was a crossing guard at this intersection the incident would never have happened. Discussion ensued as to the reasons that this crossing guard position was abolished in July. Mr. Fransen stated that the cross walk light is not in sequence with the traffic light and asked for this to be checked out by the Department of Transportation. Mr. Schadeegg stated that the report from the school states that a student was in the middle of the road, hit hard by side mirror passenger side, spun child around, man got out of truck and checked on the child.

Discussion continued about the sequence of events during the incident.

Mr. Meyer mentioned that he would like to see the crossing guard position reinstated temporarily to give time to investigate alternate safe walking paths to school.

Mrs. Little stated that she feels the school needs to have some responsibility to educate the children on safety at street crossings.

Mr. Fransen stated that he feels that it is safer not to have the crossing guard due to the fact that children avoid the guard and cross themselves at unsafe locations.

Debate among the Mayor and Council continued as to the decision to reinstate a crossing guard or not.

Mrs. Michelle Schadeegg 38 Second Street stated that she contacted the Borough and the School after she was informed about this incident. Mrs. Schadeegg stated she feels the decision by the Borough to remove the crossing guard was financially motivated. Mrs. Schadeegg stated that the Superintendent of Sussex Wantage School was aware of the removal of the guard but not the Principal or Vice Principal. The Borough should have notified the local school that the position was abolished.

Mayor Parrott stated that the decision was not financially motivated. The Superintendent of Sussex Wantage School was notified and it was his responsibility to notify the local school.

Mrs. Schadeegg felt that it was the responsibility of the Borough to notify the parents that this crossing guard position was abolished.

Mr. Fransen stated that the truck that struck this child was very irresponsible and left the scene of an accident.

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. Rose All were in favor.

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Mr. Meyer made a motion to temporarily reinstate the crossing guard position at the intersection of Route 23 and Route 284 until December 31, 2011. Seconded by Mrs. Little

Upon roll call vote:

Ayes: Dykstra, LaBar, Little, Meyer, Rose

Nays: Fransen Absent: None Abstentions: None

**MISCELLANEOUS COMMENTS**

Discussion concerning an Ordinance to regulate outdoor wood furnaces ensued and the Clerk was directed to procure sample Ordinances from adjoining Municipalities.

Mr. Fransen asked the Clerk to have the Zoning Official check out the gas station across the street from the Municipal Building for any violations of signage and the rental of trucks.

Mr. Meyer asked that the Zoning Official look into a large flower pot that is blocking drivers sight and check on the temporary lights at the car dealership on Walling Avenue.

**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.

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Christian Parrott, Mayor

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Mark Zschack, Acting Borough Clerk