

Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

January 31, 2013

This Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on January 31, 2013, in the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey.

This meeting was originally scheduled for Monday, January 28, 2013, but due to inclement weather was re-scheduled to this date.

STATEMENT OF COMPLIANCE

Adequate notice of this re-scheduled meeting was posted on the Township website, the Township Facebook page, the Township Police Department Facebook page, and on the front door of the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

ROLL CALL OF MEMBERS

Present were Council Members Eddie Dunn, Daniel Kadish, Dick Wetzel, and Patrick Rizzuto. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly. Council Member Brian Lynch was absent.

SALUTE TO THE FLAG

Council President Rizzuto led the assemblage in the salute to the flag.

PROCLAMATION

Council President Rizzuto noted that St. Patrick's Day was coming up.

Proclamation



WHEREAS, the 2013 Sussex County St. Patrick's Day Parade Grand Marshals will be John L. and Sue Sullivan, as well as Dawn Delaney; and

WHEREAS, John and Sue are Glenwood residents who moved into the area in 1980 and are very active in their Lake Glenwood community, with John founding the Lake Glenwood Association and serving as President for many years, and where Sue is currently a Trustee of the Lake Glenwood Association, and the Sullivan's are committed to the community they live in and all of Sussex County has benefitted from their work; and

WHEREAS, the Sullivan's opened Sullivan's Gaslight Inn and Restaurant in Franklin on St. Patrick's Day 1981 until they retired in 2007, which has been the cornerstone of a gathering place to celebrate being Irish or to feel like you were in Ireland; and

WHEREAS, the Sullivan's sponsored many young people from Ireland to work in their restaurant as wait staff, bartenders, cooks, and Irish entertainers such as the Odd Couple; and

WHEREAS, John and Sue Sullivan established the St. Patrick's Day parade in Sussex County in 1983, continuing through 1992, held in Franklin, and they remain active in the present-day Sussex County St. Patrick's Day Committee.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the following be proclaimed:

March 16, 2013

as

John L. and Sue Sullivan Day

in

Vernon Township

MOVED: Eddie Dunn
SECOND: Daniel Kadish
All were in favor.

Council President Rizzuto noted that this day was Council Member Dunn's birthday, that the Mayor's birthday was on Saturday, and that Council Member Lynch's birthday was on the following Tuesday. Council Member Dunn noted that he was still the youngest member!

The Council President called for a 15-minute recess to allow everyone to enjoy the cake and coffee.

MOVED: Dick Wetzel
SECOND: Eddie Dunn
All were in favor.

Council returned to the dais at 7:53pm.

PUBLIC COMMENTS

Council President Rizzuto asked for a motion to open the meeting to public comments at this time on any topic.

MOVED: Daniel Kadish
SECOND: Eddie Dunn
All were in favor.

Gary Martinsen – thanked the Council for the cake and coffee, and congratulated the birthday people. He noted the resolution for fireworks listed on the agenda, advising that he would be filming the event and that it was for a worthy cause. He voiced concern that the scheduled work sessions throughout the year would bounce other groups that might want to use the courtroom.

Loren Morse – signed the petition on Vanderhoof Court relative to the issue with the funeral home parking during viewings, noting it is a safety hazard with the narrowing of the street. It was also noted that although signs have been posted, it is apparently unenforceable without an ordinance.

Council President Rizzuto thanked her for bringing this to the attention of the Council.

Mary Ellen Vichiconti – again asked for a Beautification Committee to be brought back.

The Council President noted that this would not be a Council decision, but more of a day-to-day operational decision. He suggested she contact the Mayor.

Roger Cortner – he had received an MUA late notice and tax sale notification.

Mayor Marotta explained that assessed billings, as MUA bills are, can then be processed if unpaid through the Township.

Don Conover – also had an MUA issue on the past due bills.

Mayor Marotta explained the process from a billing to an unpaid billing to notification of possible tax sale.

CLOSED TO PUBLIC COMMENTS

Council President asked for a motion to close the public portion of the meeting.

MOVED: Eddie Dunn
SECOND: Dick Wetzel
All Members present were in favor.

MAYOR'S REPORT

The Mayor asked to move the appointments up on the agenda at this time. Council was in agreement.

APPOINTMENTS

Economic Development Advisory Committee

All are 1-year appointments ending December 31, 2013

Eddie Dunn – Liaison

Teresa Vihti

Elmer Platz

Art Alviene

Gloria Frato-Gallo

George Nikanorov, who was a new appointee

MOVED: Eddie Dunn

SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto

NAYS: None

ABSENT: Brian Lynch

Mayor Marotta swore in the members in attendance.

The Mayor continued with his Mayor's Report:

He gave the annual Township Report noting the many accomplishments of the Administration and Council during 2012. Some major points are:

- The negotiated contracts for all 3 unions for 4 years (for the first time). After a year in, analysis has shown that the change in the Police contract from 8-hour to 12-hour shifts alone has saved almost \$50,000 in overtime - mostly attributable to the shift change from 3 shifts to 2, as the bulk of overtime was spent during that time.
- The installation of video cameras in patrol cars which protects the public as well as the officers, eliminating potential questions about what happened during vehicle stops or at accident scenes.
- Proposed in the 2013 budget will be a program for the in-vehicle computers that will allow the ticket inputting in each vehicle to automatically be received by the Court office computers. This will save time and be more efficient for the Court staff.
- While he was disappointed that the issue of employee raises ended as it did, he noted that the operation of the Township has not changed. The department heads and staff continue to do an outstanding job.
- While Hurricane Irene has been long gone, we continue to deal with reimbursement issues. The contractors have done an outstanding job and should be commended. We have received about 50% reimbursement from FEMA and are still appealing for more. Specifically, the lake communities ruling for non-reimbursement, despite Kelly Bill designation. Projects that were undertaken due to Irene's damage include Mott Drive drainage, the Vernon Valley Lake drainage, and Canistear Road. When we filed for reimbursement we were assured that all listed projects would be covered, which resulted in the \$1,000,000 bond ordinance. We will continue to pursue all associated reimbursements.
- The Maple Grange/Rt. 517/Lounsberry Road re-alignment project has been completed with great success, and with enormous public support.
- The HVAC system was completely repaired after many years of the employees suffering from lack of adequate heat during our colder months, or excessive heat in the summers.
- The Municipal Center's sidewalks have been repaired by the front entrance, and in front of both rear entrances (Senior Center and Police Department). Their condition had resulted in many complaints and a few reported falls. In addition to certainly looking better, the repairs have also reduced our liability exposure.
- The beautification of the grounds around the Municipal Center has been completed by the DPW. In response to Mrs. Vichiconti's requests for reinstating the Beautification Committee, he offered to present ordinances to the Council if it is their wish for him to do so.
- The fencing at the DPW Recycling Center has been replaced and repaired. He noted that the NJDEP recognized our Recycling Center as a premier Center throughout the state. It has been well-maintained, and is generating a steady revenue stream of recyclable materials that had previously been out-sourced.

- Council resolved the Kelly Bill reimbursement issues, which has resulted in a cooperative agreement resolving past due payments, and reduced costs for salt and grits purchased through the Township. By doing so, we avoided a potential lawsuit from the lake communities for unpaid reimbursements. By the end of 2013, all past due payments will have been made, bringing us current.
- The maintenance of Maple Grange Park has made it known as the best in the County. We have added exercise stations and walking paths, which have been a great success. The basketball courts at The Flats will be replaced, and the playground needs work to possibly replace the old equipment as it poses a potential safety issue.
- The MUA has been up and running, and has the 2nd lowest EDU rate in the County (only Newton is lower, but is 40 years old, with all their bonding already paid off).
- Vernon Township instituted a new procedure that has saved us a lot of money on police overtime and which has been a huge success. We now do video arraignment with the County jail. Previously when a criminal housed at the County jail needed to appear in Vernon's court for arraignment, requiring 2 officers to drive to Newton to retrieve the criminal, stay with them during court, and then return them to Newton, they no longer have to do so. A video feed from the Courtroom directly to the jail in Newton can be done with the Judge without the criminal physically being here.
- We received word late this afternoon from the Civil Service Commission on a decision relative to a suit filed by 2 former part-time employees of the previous Fire Prevention office. He will keep Council apprised of the situation and assured them that we will comply with the Commissions rulings. They are requiring the Township to file a layoff plan to cover the period of time when their employment ended, which will be filed before the deadline.
- He advised that each member of Council had received a draft document for the 2013 operating budgets, to be discussed at a future work session. He noted that the municipal tax rate would be going down again this year. He also noted that appropriations would be going down about \$80,000, with the cash surplus fund going up about \$250,000. He advised that he had included information on current bonds were currently being paid at increasing amounts, and he would be asking for payment into a line item for the "Reserve for Increased Interest and/or Bond Payments" to protect us by a planned financial approach.

Council President Rizzuto noted that the report was well-received and asked the Council to work on the budget at a work session on Monday, February 4, at 8:30pm. He asked Mr. Zuckerman, CFO, be in attendance. He suggested that if any member of the Council had any other requests, to notify the Mayor.

Mayor Marotta advised that capital budget requests would be discussed on Monday.

The Council President noted that Mountain Creek had held a fireworks display at the Special Olympics event. He felt the whole event was wonderful.

CONSENT AGENDA - RESOLUTIONS #13-21 through #13-34

Council President Rizzuto gave a brief explanation of each resolution.

Mr. Rizzuto asked for a motion adopting Resolutions #13-21 through #13-34.

MOVED: Eddie Dunn

SECOND: Patrick Rizzuto

Council Member Kadish asked about the pumper, questioning why we were getting rid of it. Mr. Rizzuto advised that it is no longer needed. Mayor Marotta advised that the new pumper had already been delivered, but that McAfee will use the old one until theirs is repaired. He added that the DPW nor any other town had any interest in its use.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzler, Patrick Rizzuto

NAYS: None

ABSENT: Brian Lynch

Resolutions #13-21 through #13-34 were adopted.

RESOLUTION #13-21

**DESIGNATING WORK SESSION DATES OF THE TOWNSHIP COUNCIL
FOR THE 2013 CALENDAR YEAR**

BE IT RESOLVED, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et. seq., Work Sessions of the Township Council of the Township of Vernon shall convene on the following Mondays of each Month at 7:30pm (except as noted below **) at the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey for the following dates:

February 4**	July 1 and 15
March 4 and 18	August 5 and 19
April 1, 15, and 29	September 16 and 30
May 6 and 20	October 7 and 21
June 17	November 18
	December 2 and 16

**Work Session will begin at 8:30pm

BE IT FURTHER RESOLVED that all meetings shall be opened to the public and public participation will be entertained at all meetings but limited to five (5) minutes for each speaker to provide the Governing Body sufficient time to complete its work.

BE IT FURTHER RESOLVED that all Notices required by the Open Public Meetings Act shall be published in *The New Jersey Herald/Sunday Herald* and if needed as alternate newspapers, *The Advertiser News* and *The Vernon Aim*, and shall be posted on the bulletin board in the Municipal Building.

**GRANT AGREEMENT
BETWEEN**

**VERNON TOWNSHIP
AND**

**THE STATE OF NEW JERSEY
BY AND FOR**

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER:

GOVERNING BODY RESOLUTION #13-22

The governing body of Vernon Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$30,642.00 to fund the following project:

No Net Loss Grant

Therefore, the governing body resolves that Vic Marotta or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$30,642.00 and not more than \$30,642.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The Township Council of Vernon Township authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

**GRANT AGREEMENT
BETWEEN**

**VERNON TOWNSHIP
AND**

**THE STATE OF NEW JERSEY
BY AND FOR**

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER:

STATEMENT OF ADEQUACY OF ACCOUNTING SYSTEM*

If Grantee is a governmental agency, complete Section A. If Grantee is a non-governmental agency, complete Section B.

Section A: Governmental Agency

I am the CFO of Vernon Township and, in this capacity, I will be responsible for establishing and maintaining the financial statements for the project Route TGP 300 Line NNL Project Grant (Vernon). The accounting system that will be established and maintained for the purpose of this agreement will be adequate to:

1. provide for accurate identification of the receipts and expenditures of funds by approved budget cost categories;
2. provide for documentation supporting each book entry, filed in such a way that it can be easily located;
3. provide accurate and current financial reporting information;
4. be integrated with a strong system of internal controls; and
5. conform to any and all requirements or guidelines that the Department may issue.

Date: _____

William Zuckerman, CFO

Section B: Non-governmental Agency

I am a certified public accountant duly licensed public accountant and have been engaged to examine the financial statements of _____ which will be maintained for the project _____.

In my opinion, the accounting system and internal controls in use to be established on _____ for this agreement are will be adequate to:

1. provide for accurate identification of the receipts and expenditures of funds by approved budget cost categories;
2. provide for documentation supporting each book entry, filed in such a way that it can be easily located;
3. provide accurate and current financial reporting information; and
4. conform to any and all requirements or guidelines that the Department may issue.

Date: _____

(signature)

(print name)

(print title)

* This form must be completed as part of the agreement if required by Section VI.A of Attachment A, Additional Provisions and Special Modifications

RESOLUTION #13-23

A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN

WHEREAS, the Township Council of Vernon Township desires to provide for the orderly development of wastewater facilities within Vernon Township; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on January 7, 2013, for the Sussex County Water Quality Management Plan – Sussex County Future Sewer Service Area Map has been prepared by the County of Sussex.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that:

1. The Township Council hereby consents to the amendment entitled Sussex County Water Quality Management Plan and, publicly noticed by the County of Sussex on January 7, 2013, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

RESOLUTION #13-24

AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR TOWNSHIP SPECIAL ATTORNEY

WHEREAS, there is a need for Special Legal Services including Utility Issues, Tax Appeals/Foreclosures and Conflict Issues for the year 2013 for the Township of Vernon; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, the Township of Vernon is desirous to appoint John E. Ursin, Esq. of the law offices of Schenck, Price, Smith & King, LLP, as a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Chief Finance Officer has determined and certified in writing that the value of the contract may exceed \$55,000.00 has certified that funds are available for this purpose subject to the adoption of the 2013 Municipal Budget; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that Vernon Township hereby authorizes and approves the award of contract of a Professional Service Contract to John E. Ursin, Esq. from the law offices of Schenck, Price, Smith & King, LLP, pursuant to a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide General Legal Services in accordance with the attached Contracts for Professional Services.

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

1. A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
2. Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.;
3. New Jersey Business Registration Certificate; and
4. Upon the aforementioned professional being a member in good standing in his respective profession.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

RESOLUTION #13-25

AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR TOWNSHIP LABOR ATTORNEY

WHEREAS, there is a need for Legal Services as Labor Counsel for the year 2013 for the Township of Vernon; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, the Township of Vernon is desirous to appoint Richard Wenner, Esq. of the law offices of Courter, Kobert & Cohen., as a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Chief Finance Officer has determined and certified in writing that the value of the contract may not exceed \$20,000.00 has certified that funds are available for this purpose subject to the adoption of the 2013 Municipal Budget; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that Vernon Township hereby authorizes and approves the award of contract of a Professional Service Contract to Richard Wenner, Esq., from the law offices of Courter, Kobert & Cohen, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Legal Services in accordance with the attached Contract for Professional Services.

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

5. A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
6. Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.;
7. New Jersey Business Registration Certificate; and
8. Upon the aforementioned professional being a member in good standing in his respective profession.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

RESOLUTION #13-26

AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, there is a need for Professional Services to the Township of Vernon for assisting the Assessor with Tax Appeals and Added Assessments; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, the Township of Vernon is desirous to enter into an agreement with this professional as a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the Chief Finance Officer has certified in writing that the value of the contract is available for this purpose subject to the adoption of the 2013 Municipal Budget; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of contract of a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Services in accordance with the attached Contract for Professional Services pursuant to a non-fair and open contract to the following:

1. Holzhauser & Holenstein, LLC – to Assist the Assessor with Tax Appeals and Added Assessments

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

- (a) A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
- (b) Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.; and
- (c) New Jersey Business Registration Certificate; and
- (d) Upon the aforementioned professional being a member in good standing in their respective profession.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Municipal Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

RESOLUTION #13-27

AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS

WHEREAS, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the Morris County Cooperative Pricing Council; and

WHEREAS, the Township has the need on a timely basis to purchase goods and services utilizing MCCPC contracts; and

WHEREAS, the Township intends to enter into contracts with the attached referenced MCCPC vendors through this resolution, which shall be applicable to all the conditions of these individual MCCPC contracts.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon authorizes the Purchasing Agent to purchase certain goods and services from those approved MCCPC vendors on the attached list, pursuant to all conditions of the individual MCCPC contracts; and

BE IT FURTHER RESOLVED, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds: The Chief Financial Officer shall either

certify the full maximum amount against the budget at the time of the contract award, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing an order, and a certification of availability of funds is made by the Chief Financial Officer; and

BE IT FURTHER RESOVLED, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2013 to December 31, 2013; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law.

<u>Commodity/Service</u>	<u>Vendor</u>	<u>MCCPC Contract</u>
Road Resurfacing (Asphalt)	Tilcon	#6
Drainage Pipe	Campbell Foundry Co.	#7
Crushed Stone, Gravel and Sand	Eastern Concrete Material	#9
Motor Oils	David Weber Oil NJ Lube Oil	#11
Office Supplies	Office Concept Group	#16
Cinder & Concrete Blocks	Harrison Supply Co. The Phillips Company	#19
Beam Guide Rails and Safety Ends	Highway Safety System	#26
Traffic Sign Material	Garden State Highway Products Rocal, Inc.	#28
Traffic Striping on Roadways	Denville Line Painting	#36
Purchase of Communication Equipment	Atlantic Communication Electronics Royal Communications Triangle Communications Gold Type Business Machines Communications Specialists Spectrum Communications Major Police Supply ICOM America L-3 Communications Mobile Vision, Inc. PMC Associates	#41
Janitorial Supplies	Mooney-General Paper Co. Allen Paper and Supply Company Spruce Industries American Paper Towel Co. Pyramid School Products EA Morse and Co., Inc. Bio Shine WB Mason United Sales USA Corp. Summit Paper Company	#25

<u>Commodity/Service</u>	<u>Vendor</u>	<u>MCCPC Contract</u>
Office Paper Supplies	Paterson Papers Paper Mart, Inc. WB Mason	#30

Personal Protection Items and Equipment for Emergency Personnel	Continental Fire and Safety, Inc. Fire Fighter One, LLC Airbill Guard Line Fire and Safety, Inc. Gen-El Safety and Industrial Products, LLC Absolute Fire Protection Co., Inc.	#40
Landscaping Material and Supplies	Reed and Perrine Sales, Inc. The Fibar Group Grass Roots Turf Products, Inc. Levitt's, LLC Pennington Seed Company John Deere Landscapes North Church Gravel, Inc.	#42
Deer Carcass Removal	Space Farms, Inc.	#51

RESOLUTION #13-28

RESOLUTION ACCEPTING THE COMPLETION OF THE MOTT DRIVE TO ROUTE 94 DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Township awarded a contract to Reivax Contracting Corp. for the Mott Drive to Route 94 Drainage Improvements Project via resolution 12-96, awarded on April 23, 2012; and

WHEREAS, the Township Engineer has stated that this contract is complete and recommends that this project be accepted by the Township Council.

NOW, THEREFORE BE IT RESOLVED, that the Vernon Township Council accept this project identified as Mott Drive to Route 94 Drainage Improvement Project as complete, per the attached letter from the Township Engineer; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #13-29

AUTHORIZING CHANGE ORDER #2 TO EARTH-TEC ASSOCIATES FOR IMPROVEMENTS TO COUNTY ROAD 517, MAPLE GRANGE ROAD AND LOUNSBERRY HOLLOW ROAD INTERSECTIONS

WHEREAS, the Township of Vernon awarded a contract for improvements to County Road 517, Maple Grange Road and Lounsberry Hollow Road intersections via Resolution #12-133 to Earth Tec Associates for \$924,819.00; and

WHEREAS, Change Order #1 in the amount of \$37,783.25 was awarded via Resolution #12-192; and

WHEREAS, additional items and/or quantities that were not included in the original specifications totaling \$31,535.30, are needed; and

WHEREAS, less items and/or quantities that were in the original specifications totaling \$70,244.01, are not needed; and

WHEREAS, the net amount of this Change Order #2 is a reduction of \$38,708.71; and

WHEREAS, according to NJAC 5:30-1.3, the total amount of all change orders may not exceed 20 percent of the original contract award; and

WHEREAS, Change Order #1 plus Change Order #2 do not exceed the 20 percent threshold; and

WHEREAS, the Township Engineer recommends that Change Order #2 be approved per the attached request.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that Change Order #2 be approved; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law.

RESOLUTION #13-30

AUTHORIZING THE RENEWAL CONTRACT FOR 2013 RECORDING SECRETARY FOR THE ENVIRONMENTAL COMMISSION IN THE AMOUNT NOT TO EXCEED \$1,000.00

WHEREAS, there exists a need for a Recording Secretary for the Environmental Commission for the year 2013; and

WHEREAS, Aida Cahill is the current Township's Environmental Commission Recording Secretary and desires to continue in this capacity according to the Attached Exhibit 'A'; and

WHEREAS, Vernon Township desires to renew the existing contract with Aida Cahill for the term January 1 – December 31, 2013 with a contract price not to exceed \$1,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2013 Municipal Budget.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to renew the existing contract with Aida Cahill for 2013 Recording Secretary for the Environmental Commission.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached contract with Aida Cahill.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Township Clerk.

Exhibit A Environmental Commission

1. Setup Recording System on meeting room computer.
2. Attend Environmental Commission Meetings.
3. Prepare and distribute Meeting Minutes.

RESOLUTION #13-31

**AUTHORIZING THE RENEWAL CONTRACT FOR 2013 RECORDING SECRETARY
FOR THE HISTORIC PRESERVATION COMMISSION
AND THE LAND USE BOARD
IN THE AMOUNT NOT TO EXCEED \$2,500.00**

WHEREAS, there exists a need for a Recording Secretary for the Historic Preservation Commission and the Township's Land Use Board for the year 2013; and

WHEREAS, Cynthia Davis is the Township's current independent contractor for these services and desires to continue in this capacity; and

WHEREAS, Vernon Township desires to renew the existing contracts with Cynthia Davis for the term of the contract renewal will be from January 1, 2013 to December 31, 2013, with a total contract price not to exceed \$2,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2013 Municipal Budget.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to renew the existing contract with Cynthia Davis for 2013 Recording Secretary for the Historic Preservation Commission and the Township's Land Use Board.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Contract with Cynthia Davis.

A copy of this Resolution shall be published in the New Jersey Herald by the Municipal Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Municipal Clerk.

**Exhibit A
Historic Preservation Commission**

1. Prepare Agendas
2. Setup Recording System on meeting room computer
3. Attend Historic Preservation Commission Meetings.
4. Prepare Meeting Minutes.

**Exhibit A
Land Use Board**

1. Setup Recording System on meeting room computer.
2. Attend Land Use Board Meetings.
3. Prepare Meeting Minutes.

RESOLUTION # 13-32

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON
FEBRUARY 4, 2012, WITHIN THE TOWNSHIP OF VERNON**

WHEREAS, N.J.S.A.21:3-1et seq. Explosive and Fireworks, provides that a Municipal Governing Body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the New Jersey Fire Prevention Code; and

WHEREAS, Mountain Creek Resort, Inc. wishes to conduct a fireworks display on February 4, 2013, in celebration of the 2013 Special Olympics; and

WHEREAS, the proposed fireworks display will take place on Mountain Creek Resort, Inc. property; and

WHEREAS, Garden State Fireworks, Inc., will be contracted to perform the public fireworks display and has provided the required certificate of liability insurance.

NOW THEREFORE BE IT RESOLVED, that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display to be performed by Garden State Fireworks, Inc. and sponsored by Mountain Creek Resort, Inc on February 4, 2013, upon satisfaction of all statutory and departmental requirements.

RESOLUTION #13-33

DECLARING ONE 1993 VERNON FIRE DEPARTMENT PUMPER AS SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND THE SALE OF THIS PUMPER VIA AN ON-LINE AUCTION

WHEREAS, pursuant to N.J.S.A. 40A:11-36, et seq., municipalities may declare surplus property no longer needed for public use and authorize the sale of such surplus property ; and

WHEREAS, the Fire Marshal recommends that a 1993 International 4900 with a Pierce Body and a 1250 gpm Waterous Pump Model CM 27464 (VIN 1HTSDN6R9PH518736) be declared surplus property no longer needed for public use; and

WHEREAS, the Township of Vernon through this resolution gives notice that it will sell this pumper via an on-line auction process, using the vendor usgovbid.com.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that the above-referenced pumper is declared surplus property no longer needed for public use and is authorized to be auctioned using usgovbid.com.

RESOLUTION #13-34

APPROVING ACTIVE VOLUNTEER FIREMAN

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Randi Storbeck, Edward Hastrup, Christopher Breitenbach, Josh Wehnert, and Ellen Rome are requesting approval for membership to the McAfee and Pochuck Valley Fire Departments; and

WHEREAS, the respective Fire Chiefs have approved such memberships.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves the following for membership:

1. Randi Louise Storbeck of [REDACTED] to the McAfee Fire Department;
2. Edward M. Hastrup of [REDACTED] to the Pochuck Valley Fire Department;
3. Christopher Breitenbach of [REDACTED] to the Pochuck Valley Fire Department;
4. Josh Paul Wehnert of [REDACTED] to the Pochuck Valley Fire Department;
5. Ellen Mae Rome of [REDACTED] to the Pochuck Valley Fire Department.

Resolution #13-26 for discussion:

Council President Rizzuto asked for a motion to be able to discuss Resolution #13-36.

MOVED: Dick Wetzel

SECOND: Eddie Dunn

Mayor Marotta explained that this issue revolves around the antennae on the roof of condos at Legends Resort. He advised that AT&T maintains these antennae (and other carriers have theirs as well). The tenants pay for the antennae above their condos; however, block 231.01 lot 1 is above the elevator shaft without any tenant paying the taxes. The property owner is delinquent in their taxes, but the antennae needs to have safety repairs and replacements.

Council Member Kadish asked if the carriers pay fees to the condo association; and if these fees could be redirected to the Township.

MOTION TO TABLE RESOLUTION #13-26

MOVED: Daniel Kadish

SECOND: Eddie Dunn

Revised Motion to Table Resolution #13-26 to the 2-11-2013 Council Meeting pending comment from AT&T.

MOVED: Daniel Kadish

SECOND: Eddie Dunn

Mayor Marotta will ask AT&T to attend the 2-11-2013 meeting.

Council President Rizzuto asked Mr. Kelly to investigate the issue of redirecting fees. Mr. Kelly explained what the statutes say on this subject.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto

NAYS: None

ABSENT: Brian Lynch

Resolution #13-26 was tabled to the February 11, 2013, Council meeting.

DISCUSSION ON PROPOSED FARMER'S MARKET

MOTION

MOVED: Daniel Kadish

SECOND: Eddie Dunn

Council President Rizzuto asked Mary Bradley of the Board of Recreation explained the issue. They would use the upper parking lot at the Municipal Center on Saturdays from 9:00am to 12:00pm starting June 15 through October 12. They hope to be able to include artists and small business wares with about 10 booths. The heavy traffic going to the recycling center would be a great way to attract residents. Ms. Bradley advised that they were working with the Sussex County Health Department and Mr. Herb Yardley, and that there would be no cooking or food licenses required.

Council Member Dunn asked about utilizing the Fire Department area on Rt. 515 where the fireworks were held in December. Ms. Bradley noted that there would be no way to predict the volume of traffic/customers at that location. Mr. Dunn asked for consideration of expanding and moving over to the center of town in future years.

Council Member Wetzel noted that Pochuck Valley has offered much information and assistance. He suggested that the Aim and Advertiser might offer free advertising. He felt that they would need signage warning caution when crossing the street from the lower parking lot across Church Street.

It was also suggested that a bee keeper from the Rickey Farm might be considering holding a booth for local honey.

The issue of liability was raised, and the Mayor advised that he would look into the matter.

Council Member Kadish asked the Mayor if we had a date of completion for the road repairs on Vernon Crossing. The Mayor advised that he had not heard anything yet, but that the embankment work was 90% done and then they should be able to pave.

A roll call vote was taken to approve the Farmer's Market:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto

NAYS: None

ABSENT: Brian Lynch

The Farmer's Market request was approved.

Council President Rizzuto thanked Ms. Bradley for assisting with the birthday cake.

COUNCIL COMMENTS

Council Member Dunn thanked everyone for the cake and cards for his birthday, and reminded them that he was the youngest member. He advised that there was an EDAC meeting on Monday at 6:30pm in executive chambers, which would be focusing on "Buy Local" this year and encouraged local businesses to attend.

Council Member Kadish had 2 suggestions for work sessions: construction issues and Tall Timbers. He advised that he would like to see the Vernon Taxpayers Association, the Boy Scouts, and the Chamber of Commerce to act as a beautification committee without involving the town.

Council Member Wetzel commended the Council President for postponing Monday's Council meeting as a result of the severe weather we experienced. He also offered kudos to the Road Department for their efforts in keeping the roads cleared. He complimented Jessi Paladini and the Mayor on cooperation with the church to make the event a great success. He also complimented anyone else that had contributed.

COUNCIL PRESIDENT

Council President Rizzuto asked for goals for the coming year from any Council member. He advised the following items:

- Board of Education liaison meeting will be on Monday morning with the Mayor, Council Member Lynch, and himself.
- He felt the town would be made prettier with seasonal decorations that could make businesses more desirable. He asked input from the EDAC.
- He made a personal clarification – he thanked the Mayor for addressing this issue with the community through the Vernon Vibes program. He noted his suggestion for markers to edge properties for the plow drivers to prevent damage to curbs and/or their properties. He had asked the Mayor if the Township could provide these markers and maybe distribute them at the recycling center. This was a personal idea, and was not a Township policy.

ADJOURNMENT

There being no further items of business to be conducted by the Council at the Regular Meeting, a motion for Adjournment was made by Council Member Dunn. Motion seconded by Council Member Wetzel, with all members present voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:38pm.

Respectfully submitted,

Susan S. Nelson, RMC
Municipal Clerk

Patrick Rizzuto, Council President

Minutes approved: April 22, 2013