

**Township of Vernon**  
**AMENDED MINUTES**  
**REGULAR TOWNSHIP COUNCIL MEETING**  
**April 8, 2013**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:30pm on April 8, 2013, in the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey, with Council President Patrick Rizzuto presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on January 11, 2013, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

**ROLL CALL OF MEMBERS**

Present were Council Members Eddie Dunn, Daniel Kadish, Brian Lynch, Dick Wetzel, and Council President Patrick Rizzuto. Also present were Mayor Vic Marotta, Township Attorney Kevin Kelly, CFO Bill Zuckerman, and Auditor Bud Jones. Business Administrator Jerry Giaimis arrived during Executive Session.

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-6 permits the exclusion of the public in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:  
Litigation – OPRA issue  
November 2012 Election Ballot issue.
3. This resolution shall take effect immediately.

MOVED: Brian Lynch  
SECOND: Dick Wetzel  
All were in favor.

Council exited to Executive Chambers at 6:33pm.

Council returned to open session at 7:30pm.  
MOVED: Brian Lynch  
SECOND: Eddie Dunn  
All were in favor.

**SALUTE TO THE FLAG**

The Council President led the salute to the flag

Mr. Kelly advised that the second item of litigation was not discussed in Executive Session.

**PUBLIC COMMENTS**

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

MOVED: Brian Lynch  
SECOND: Daniel Kadish  
All were in favor.

*Krista Gherry* – addressed the OPRA lawsuit, defending the parties in the suit.

*Gary Martinsen* – noted that the Township website had been named the best in Sussex County. He addressed the Town Center Ordinance, noting that with the elimination of some of the redevelopment zones the Township will have lost the ability to apply for grants to assist residents with sewers and sidewalks. He felt the Council's decision to provide 5 years of LifeLock protection was excessive. He asked for the resignation of the Township Attorney.

Council President Rizzuto addressed the lawsuit issue, and asked Mr. Kelly to give a report on this issue to clarify the situation, rather than to ignore mis-information. Mr. Kelly did so, giving a step-by-step account of what happened and in what timeframe.

*Ted Warnet* – spoke on behalf of the Highland Lakes Fire Department relative to the fireworks request from Mt. Creek on this meeting's agenda that is being planned for the 4<sup>th</sup> of July weekend. He advised about the long-standing understanding between the Fire Dept. and the former owner of Mt. Creek relative to not scheduling fireworks at the same time of year. He noted that the Fire Dept. event has been scheduled for the 4<sup>th</sup> of July holiday for a long time, and is funded through donations. He asked Council to table or deny Mt. Creek's request. He advised that he had been trying to get a hold of Mt. Creek, but had been unsuccessful so far.

#### **MOTION**

Council President Rizzuto suggested tabling Resolution #13-84 to the next meeting to take the time for the two parties to work this issue out.

MOVED: Dick Wetzel

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

Motion carried – Resolution #13-84 was tabled at this time.

#### **RESOLUTION #13-84**

##### **RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON JULY 5, 2013, 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**, Minerals Resort and Spa has submitted an application to Vernon Township to conduct a fireworks display on July 5, 2013; and

**WHEREAS**, the proposed fireworks display will take place at Rail 4 at Great Gorge Golf Course at 9:30pm; and

**WHEREAS**, the Minerals Resort and Spa has engaged in a contract with Garden State Fireworks, Inc., to perform the public fireworks and special effects 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, performed by Garden State Fireworks, Inc. and sponsored by the Minerals Resort and Spa on July 5, 2013, upon satisfaction of all statutory and departmental requirements.

Council Member Kadish advised that when he was previously on Council, they had passed an ordinance on the books to protect the Fire Department from scheduling conflicts by other people for fireworks requests.

Mr. Warnet advised that he would go to Mt. Creek in person this week to discuss the matter.

*Bonnie Rubin* – spoke about the OPRA litigation issue, asking if all the information in the Herald was correct, as it included mention of damages and a monetary award.

Mr. Kelly advised that it was not for damages. He explained that the original filing did include a monetary award, but not the formal motion before Judge Gannon (which did not).

*Robert Oliver* – noted that in his experience with social security numbers and other significant information going where they shouldn't, people had received LifeLock protection for 7 years.

#### **CLOSED TO PUBLIC COMMENTS**

No one else wished to speak at this time, and Council President Rizzuto asked for a motion to close the public portion of the meeting.

MOVED: Brian Lynch

SECOND: Dick Wetzel

All were in favor.

#### **MAYOR'S REPORT**

Mayor Marotta noted the following items:

- The website ranking as 1<sup>st</sup> in Sussex County, including that we were in the top 20% for the entire state. He is very proud of that.
- Advised the Council that 2 resolutions had been distributed to all. He explained that Resolution #12-153 for a Volunteer Fire Assistance Grant had been passed in July of 2012, but the State had notified us that it was non-conforming. He asked for cancellation of #12-153 in Resolution #13-90, and passing a new Resolution #13-91 for the grant.

#### **RESOLUTIONS #13-90 AND #13-91**

Council President asked for a motion to approve Resolutions #13-90 and #13-91.

MOVED: Daniel Kadish

SECOND: Dick Wetzel

Council Member Dunn asked what the error was. Mayor Marotta advised that it was the title of the resolution that the state objected to.

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Brian Lynch

#### **RESOLUTION # 13-90**

##### **CANCELLATION OF RESOLUTION #12-153**

**WHEREAS**, the Township of Vernon authorized application and execution for the 2011-2012 Volunteer Fire Assistance Grant from the State of New Jersey in Resolution #12-153, dated July 9, 2012; and

**WHEREAS**, the State of New Jersey noted a clerical error in the language of that resolution making it non-conforming.

**NOW THEREFORE BE IT RESOLVED** that the Council of the Township of Vernon, hereby cancels Resolution #12-153 of July 9, 2012.

**RESOLUTION #13-91**

ATTACHMENT C (Gov)

**TOWNSHIP OF VERNON  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER:  
GOVERNING BODY RESOLUTION**

**WHEREAS**, the governing body of the Township of Vernon desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$10,000.00 to fund the following project: Firefighter Equipment for the Township Fire Departments.

**NOW THEREFORE THE GOVERNING BODY OF THE TOWNSHIP OF VERNON, STATE OF NEW JERSEY, RESOLVES** that Mayor Victor J. Marotta, or the successor to the office of Mayor, is authorized as follows:

- (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 \$0.00 and not more than \$10,000.00, and
- (c) to execute any amendments thereto which do not increase the Grantee's obligations.

**BE IT FURTHER RESOLVED** that the Grantee agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

This Resolution shall take effect immediately upon adoption according to law.

The Mayor's report continued:

- Advised that he had received a letter from the Division of Alcoholic Beverage Control relative to an application they received for a new liquor license for Ballic Winery. He read the letter to Council. The wine would be sold at Heaven Hill Farm. The State was asking for any comments from the governing body.
- Advised that he was pleased to have representatives from our auditing firm in attendance this evening relative to the 2013 Budget Public Hearing. He was also pleased to have the CFO present. He felt everyone had done some hard work on the budget, resulting in the 2<sup>nd</sup> year in a row for a drop in municipal taxes.

**2<sup>ND</sup> Reading of Ordinance #13-03 by Title Only**

Council President Rizzuto asked for a motion to approve Ordinance #13-03 on 2<sup>nd</sup> reading by title only.

MOTION: Brian Lynch

SECOND: Dick Wetzel

**Open to Public Comments on Ordinance #13-03 only:**

MOTION: Daniel Kadish

SECOND: Eddie Dunn

All were in favor.

No one wished to speak at this time.

**Closed to Public Comments on Ordinance #13-03**

MOTION: Brian Lynch

SECOND: Eddie Dunn

Mayor Marotta explained that this was a paper transaction and not a monetary one. Council Member Lynch thanked the Mayor and CFO Zuckerman for their hard work. Mr. Zuckerman noted that the Council would have 2 years to use the cap dollars as a rolling cap.

**A roll call vote was taken on Ordinance #13-03:**

AYES: Eddie Dunn, Brian Lynch, Dick Wetzel, Patrick Rizzuto

NAYS: Daniel Kadish

Ordinance #13-03 was adopted.

**ORDINANCE #13-03**

**CALENDAR YEAR 2013  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the governing body of the Township of Vernon in the County of Sussex finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the governing body hereby determines that a 1.5 % increase in the budget for said year, amounting to \$243,103.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the governing body hereby determines that any amount authorized, hereinabove, that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the governing body of the Township of Vernon, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget, the final appropriations of the Township of Vernon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$567,240.00, and that the CY 2013 municipal budget for the Township of Vernon be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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**PUBLIC HEARING ON THE 2013 MUNICIPAL BUDGET**

Council President Rizzuto advised that Mr. Zuckerman and Mr. Jones were available for questions.

Mr. Zuckerman noted that there would be a reduction of \$.01 in property taxes. He advised that the State had asked us to amend the introduced budget by a small amount.

Mr. Jones advised that he had offered technical expertise to the CFO and Mayor, but that the Township had done most of the work.

The Council President asked Mr. Jones' opinion of the budget for the last 2 years. Mr. Jones advised that it is always good when you can lower taxes; that he feels the fiscal situation of the Township is healthy at this time; and it was a very good effort in getting unpaid properties off the tax rolls and getting the revenue back.

Mr. Rizzuto asked about a sinking fund, which the Mayor had recommended for \$150,000. Mr. Jones noted that he had worked with another town that paid off their debt early and saved a significant amount in interest. Council Member Lynch felt it was a great idea. Council Member Wetzel noted that since Council was working on a 5-year plan for the future, the sinking fund would fit right in with that plan.

#### **PUBLIC COMMENTS – 2013 BUDGET**

Council President Rizzuto asked for a motion to open the meeting to public comments on the 2013 Municipal Budget.

MOVED: Brian Lynch

SECOND: Daniel Kadish

All were in favor.

*Gary Martinsen* – asked if \$500,000 for re-doing the roof was part of the budget. Mayor Marotta noted that it was part of the capital budget. Mr. Martinsen felt it should be investigated. The Mayor advised that it had been, and that an architect had been brought in for input and a cost estimate. Mr. Martinsen felt it should be done by referendum. Council President Rizzuto pointed out that no one had appeared to oppose removing the \$42Million Board of Education budget from taxpayers' hands.

*Robert Oliver* – noted what appeared to be a mathematical error on sheet 3C relative to Police Department value of compensated absences. Mr. Zuckerman advised that the figures were from payroll records. Mr. Oliver did not feel it was correct and asked Mr. Zuckerman to review it further. Mr. Zuckerman advised that he would.

#### **CLOSED TO PUBLIC COMMENTS**

Council President Rizzuto asked for a motion to close the meeting to public comments on the 2013 Budget.

MOVED: Brian Lynch

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Motion carried.

#### **2013 BUDGET RESOLUTIONS**

Resolution #13-80: Council President Rizzuto explained that this was to amend the introduced budget to pay down the emergency loan for Hurricane Irene which we received in excess of \$200,000; \$600 from phones; \$20,000 into uniform safety – which are all accounting adjustments. He also noted the \$20,000 LifeLock increase. The total net change is \$25,866.

The Council President asked for a motion to approve Resolution #13-80:

MOVED: Brian Lynch

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

Resolution #13-80 was adopted.

(See Resolution on next page.)

**TOWNSHIP OF VERNON**

**RESOLUTION #13-80 TO AMEND 2013 MUNICIPAL BUDGET**

WHEREAS, the local municipal budget for the year 2013 was introduced on March 11, 2013 and has not yet been adopted; and

WHEREAS, the public hearing on said budget is being held on April 8, 2013; and

WHEREAS, it is desired to amend said budget.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Vernon, Sussex County, that the following amendments to the introduced budget of 2013 be made:

**CURRENT FUND BUDGET**

	FROM	TO
<b>ANTICIPATED REVENUES</b>		
3. Miscellaneous Revenues- Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services- Other Special Items		
Reserve for Hurricane Irene- FEMA Payments	\$0	\$200,000
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services- Other Special Items	1,081,884	1,281,884
<b>TOTAL MISCELLANEOUS REVENUES</b>	<b>4,399,945</b>	<b>4,599,945</b>
4. RECEIPT FROM DELINQUENT TAXES	1,850,000	1,650,000
5. SUBTOTAL GENERAL REVENUES	7,192,945	7,192,945
6. Amount to be Raised by Taxes for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	15,458,230	15,484,096
<b>TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET</b>	<b>15,458,230</b>	<b>15,484,096</b>
7. TOTAL GENERAL REVENUES	22,651,175	22,677,041
<b>APPROPRIATIONS</b>		
8. GENERAL APPROPRIATIONS (A) Operations- within "CAPS"		
General Administration:		
Other Expenses * (Per DLGS)	106,250	95,560
Workers Compensation	348,100	373,100
Volunteer Emergency Svcs- OE	290,000	270,000
Uniform Fire Safety *(Per DLGS)		
Salaries and Wages	6,464	26,464
<b>TOTAL OPERATIONS (item 8(A))within "CAPS"</b>	<b>14,174,244</b>	<b>14,188,554</b>
<b>TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"</b>	<b>14,174,244</b>	<b>14,188,554</b>
Detail:		
Salaries and Wages	7,433,786	7,453,786
Other Expenses	6,740,458	6,734,768
	FROM	TO
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	\$15,953,206	\$15,967,516
8. GENERAL APPROPRIATIONS (D) Municipal Debt Service- Excluded from "CAPS"		
Capital Lease Obligations *(Per DLGS)	0	10,690
<b>TOTAL MUNICIPAL DEBT SERVICE-EXCLUDED FROM "CAPS"</b>	<b>2,593,018</b>	<b>2,603,708</b>
(O) TOTAL GENERAL APPROPRIATIONS- EXCLUDED FROM "CAPS"	4,318,368	4,329,058
(L) SUBTOTAL GENERAL APPROPRIATIONS (items (H-1) and (O))	20,271,574	20,296,574
(M) RESERVE FOR UNCOLLECTED TAXES	2,379,601	2,380,467
9. TOTAL GENERAL APPROPRIATIONS	22,651,175	22,677,041

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2013 Local Municipal Budget so amended.

**Resolution #13-81:** The Council President advised that this would allow the Council to act on the budget without reading each page into the record.

The Council President asked for a motion to approve Resolution #13-81:

MOVED: Brian Lynch

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

Resolution #13-81 was adopted.

### **RESOLUTION #13-81**

#### **A RESOLUTION TO READ THE 2013 MUNICIPAL BUDGET BY TITLE ONLY**

**WHEREAS**, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within the municipality and in the free county or regional library located within the municipality; and

**WHEREAS**, if there is no county or regional library located within the municipality, then it must be provided to the county or regional library of the county where the municipality is located; and

**WHEREAS**, the public officer delegated the responsibility for delivering copies to said libraries has completed a certification and forwarded same to the governing body attesting that such copies and deliveries were made and that copies have been made available by the Clerk to each person requesting same; and

**WHEREAS**, the conditions required by N.J.S.A. 40A:4-8 have been satisfied for the 2013 Municipal Budget by Township Officials.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of Vernon, New Jersey that the 2013 Municipal Budget shall be read by title only at the Public Hearing on April 8, 2013.

This Resolution shall take effect immediately upon adoption according to law.

#### Resolution #13-82

The Council President asked for a motion to approve Resolution #13-82:

MOVED: Brian Lynch

SECOND: Eddie Dunn

Council Member Lynch advised that most steps of the budget were done under the scrutiny of the Mayor and Mr. Zuckerman. He noted that any questions he had were quickly answered, and he felt everything was being done the way it should be done.

Council President Rizzuto thought the budget was a great accomplishment, noting that a few towns last year in the State were able to reduce their budgets, but we were able to do it for a second year in a row. He added that while the Board of Education and the Township were showing reductions in their 2013 budgets, people were still complaining that we are spending too much. He complimented the Mayor, noting that he would be asking for a hat trick next year! He felt the staff was to be commended for their efforts to continue efficiencies without cutting services, despite also addressing road repairs again this year.

Mr. Lynch felt that the paying down of debt is phenomenal. He and the Council President advised that in their opinion Township debt was being handled effectively.

A roll call vote was taken:

AYES: Eddie Dunn, Brian Lynch, Dick Wetzel, Patrick Rizzuto

NAYS: Daniel Kadish

Resolution #13-82 was adopted.

(See Resolution on next page.)



<b>TOWNSHIP OF VERNON</b>										
<b>RESOLUTION #13-82</b>										
<b>ADOPTION OF THE 2013 MUNICIPAL BUDGET</b>										
<b>BE IT RESOLVED</b> by the Township Council of the Township of Vernon, County of Sussex that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of										
(a) \$	22,677,041.00	(item 2 below) for municipal purposes and								
(b) \$		(item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A-9-2) to be raised by taxation and,								
(c) \$		(item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in								
(d) \$		Type II School Districts only (N.J.S. 18A-9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.								
		(Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy								
									<b>Abstained</b>	
<b>RECORDED VOTE</b>										
(insert last name) AYES								NAYS		
									<b>Absent</b>	
<b>SUMMARY OF REVENUES</b>										
<b>1. General Revenues</b>										
Surplus Anticipated								08-100	\$	943,000.00
Miscellaneous Revenues Anticipated								13-099	\$	4,599,945.00
Receipts from Delinquent Taxes								15-499	\$	1,650,000.00
<b>2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)</b>								07-190	\$	15,484,096.00
<b>3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:</b>										
Item 6, Sheet 11								07-195	\$	
Item 6(b), Sheet 11 (N.J.S.A. 40A-4-14)								07-191	\$	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only										
<b>4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:</b>										
Item 6(b), Sheet 11 (N.J.S.A. 40A-4-14)								07-191	\$	
<b>5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY</b>										
								07-192	\$	
<b>Total Revenues</b>								13-299	\$	22,677,041.00
Sheet 41										
<b>SUMMARY OF APPROPRIATIONS</b>										
<b>5. GENERAL APPROPRIATIONS:</b>										
Within "CAPS"								xxxxxxx		xxxxxxxxxxxx
(a&b) Operations Including Contingent								34-201	\$	14,188,554.00
(e) Deferred Charges and Statutory Expenditures - Municipal								34-209	\$	1,778,962.00
(g) Cash Deficit								46-885		
Excluded from "CAPS"								xxxxxxx		xxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"								34-305	\$	1,125,350.00
(c) Capital Improvements								44-999	\$	400,000.00
(d) Municipal Debt Service								45-999	\$	2,603,708.00
(e) Deferred Charges - Municipal								46-999	\$	200,000.00
(f) Judgements								37-480	\$	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)								29-405	\$	
(g) Cash Deficit								46-885	\$	
(k) For Local District School Purposes								29-410	\$	
(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)								50-899	\$	2,380,467.00
<b>6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A-4-13)</b>										
<b>Total Appropriations</b>								34-499	\$	22,677,041.00

## CONSENT RESOLUTIONS

Council President Rizzuto explained Resolutions #13-83, and #13-85 through #13-89. He asked for a motion to approve these consent resolutions:

MOVED: Brian Lynch

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Resolutions #13-83, and #13-85 through #13-89 were adopted.

## RESOLUTION #13-83

### LIMOUSINE LICENSE FOR GLENWOOD MOUNTAIN LIMOUSINE

**WHEREAS**, Lee Widdicombe, [REDACTED] d/b/a Glenwood Mountain Limousine, has made application for a Limousine Operator's License in the Township of Vernon and has submitted the required fee for said application; and

**WHEREAS**, the Vernon Township Police Department has certified that the limousine was inspected and passed all inspection requirements; and

**WHEREAS**, the Township Clerk has verified that all documentation and insurance information has been found to be in good order and in full compliance of state laws.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that a Limousine Operator's License for Lee Widdicombe, [REDACTED] d/b/a Glenwood Mountain Limousine is hereby approved; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a Limousine Operator's License to Lee Widdicombe, [REDACTED] d/b/a Glenwood Mountain Limousine in accordance with N.J.S.A. 48:16-13 et al.

.....  
**RESOLUTION #13-85**

**AUTHORIZING A CONTRACT WITH WTH TECHNOLOGY, INC. FOR THE POLICE DEPARTMENT'S THINK GIS CLIENT SUPPORT FOR 2013**

**WHEREAS**, the Township of Vernon has a need for client support for its Police Department's Think GIS software program; and

**WHEREAS**, WTH Technology, Inc. supplied the original Think GIS software to the Township and has the expertise to offer client support for said program; and

**WHEREAS**, the Qualified Purchasing Agent and Chief Financial Officer recommend that the Township Council award a contract for client support for the Police Department's Think GIS software to WTH Technology, Inc., 3665 Washington Boulevard, Indianapolis, IN 46205; and

**WHEREAS**, the total cost for this annual contract is \$670.50 and the Chief Financial Officer of the Township of Vernon, has certified these funds are available in account #10574591.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, WTH Technology, Inc., be awarded a contract to offer Client Support for the Township Police Department's Think GIS software in an amount not to exceed \$670.50; and

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

.....  
**RESOLUTION # 13-86**

**AMENDMENT TO THE INTERLOCAL SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF SUSSEX FOR MUNICIPAL FINANCE SERVICES FOR 2013**

**WHEREAS**, the Township of Vernon and the Borough of Sussex entered into an Interlocal agreement for Municipal Finance Services for the year 2013 in Resolution #12-232; and

**WHEREAS**, the Borough of Sussex wishes to amended that agreement relative to Article II; and

**WHEREAS**, the Township of Vernon wishes to amend the selection of employee to perform Municipal Finance Services; and

**WHEREAS**, the Business Administrator of the Township of Vernon has reviewed the proposed amendment and recommends approval of said amendment.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon of the County of Sussex, State of New Jersey, that the Mayor is authorized to execute the amended Interlocal Service Agreement between the Township of Vernon and the Borough of Sussex for Municipal Finance Services for the year 2013 as per the attached Interlocal Service Agreement; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to the Mayor and Clerk of the Borough of Sussex and to the Vernon Township Finance Department.

**RESOLUTION 13-87**

**WHEREAS**, a **Tax Court Judgment** has been favorably awarded for the year 2010; and

**WHEREAS**, such judgment has resulted in an overpayment of the 2010 taxes.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that it hereby authorizes the Township Treasurer to issue a check for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
260.18	10	D'Onofrio, Raymond & Christine Adam R. Jones, Esq.	\$ 1,199.90	██████████

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**RESOLUTION 13-88**

**WHEREAS**, a **Tax Court Judgment** has been favorably awarded for the year 2011; and

**WHEREAS**, such judgment has resulted in an overpayment of the 2011 taxes.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that it hereby authorizes the Township Treasurer to issue a check for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
260.18	10	D'Onofrio, Raymond & Christine	\$ 1,252.11	██████████

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**RESOLUTION #13-89**

**AUTHORIZING CONTRACT WITH MICROSYSTEMS-NJ, LLC, FOR THE YEAR 2013 IN THE AMOUNT NOT TO EXCEED \$3,000.00**

**WHEREAS**, there exists a need for Computer services for the Township of Vernon for the Tax Assessment Computer Assisted Mass Appraisal System (CAMA); and

**WHEREAS**, the Municipal Assessor has determined that Microsystems-NJ, LLC, the Township's current contractor providing Computer services for Tax Assessment/CAMA is qualified and authorized by the State of New Jersey to continue providing the Township with such services; and

**WHEREAS**, Vernon desires to appoint Microsystems-NJ, LLC, pursuant to a contract under the provisions of N.J.S.A. 40A:11-5(1) (dd), which states computer software services are an exception to public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose in the 2013 Municipal budget and the value of the contract will not exceed \$3,000.00.

**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 engage Microsystems-NJ, LLC, for the purpose of Computer Services for Tax Assessment; and
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Contract with Microsystems-NJ, LLC

This Professional Services Contract is authorized to engage Microsystems-NJ, LLC, without competitive bidding for the provision of performance of goods or services for the support or maintenance of proprietary computer hardware and software.

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### **COUNCIL PRESIDENT**

Council President Rizzuto asked for the following to be read into the minutes:  
The budget that the council approved this evening as submitted by Mayor Marotta for 2013 will once again result in a decrease in municipal taxes and for the first time in over 15 years the Vernon taxpayer will see a decrease in local property taxes. The combined reduction in the municipal and school tax rate was more than enough to offset the very slight increase in the county tax rate thus allowing this reduction in taxes. Mayor Marotta, his staff and the employees of Vernon Township, are to be commended for their excellent work in bringing to us a financial plan for this coming year that meets the needs of the community with no loss of services, and yet provides us with a reduction in our taxes.

A successful financial plan such as this is not possible without a very disciplined approach to spending in all departments and close attention to structuring payment of long-term debt. Clearly the Township has demonstrated its financial stability in earning and maintaining a double A rating. To those who might say that this administration, that this council, have not kept faith with the people of Vernon I would offer the following:

- Lowered taxes 2012.
- Lowered taxes 2013.
- Kelly bill payments to lake communities up to date.
- Payments to SCUMA up to date.
- Fund surplus of less than \$900,000 when we assumed office in 2011, is now almost \$2 million dollars.
- Sound financial planning allowed contribution of \$943,000 from Fund Surplus to be applied to 2013 budget as revenue.
- Establishment of \$150,000 to a bond sinking fund in anticipation of higher debt service costs on higher interest bonds.
- Shared services agreements generating over \$142,000 in revenues for the Township.
- Agreement with Main Street Associates for settlement of illegal taking of land by the Township and avoiding long expensive legal battle.

Mr. Rizzuto thanked Council Member Lynch for joining him at the Board of Education to discuss possibilities to reduce their budget as the Township has done. While they offered no promises, they did indeed lower the taxes.

He thanked Kevin Kelly for representing the Township and for his efforts with the recent legal issues.

### **COUNCIL BUSINESS**

Council Member Wetzel advised that he felt Mr. Kelly did an admirable job, and he was proud to have him as our attorney. He noted that he was proud of the 2013 budget, and also proud of our Mayor.

Mr. Wetzel corrected an earlier statement – he did not teach at Walnut Ridge but instead at Rolling Hills.

He enjoyed the Historical Society's presentation the day before on the Fire Department history.

Council Member Lynch thanked Mr. Kelly, noting that Judge Gannon felt the Township had done the right thing to protect our employees, and that the court was the appropriate place to resolve the issue. He thanked the Aim and the Advertiser newspapers for reporting the issues fairly without editorializing.

Council Member Kadish explained why he voted no on the budget:

- The bills list is no longer being required for Council approval.
- The Council never approved going forward with the legal case relative to the OPRA requests.
- The information for those OPRA requests should already be on the website.
- There was a \$300.00 charge for an overnight stay for an employee without Council approval.
- Vehicles being asked for by employees without Council involvement.
- Part of the lawsuit OPRA request for gross income was not provided as the document does not exist – this is something Council should know about.

Council Member Dunn praised the Mayor and Business Administrator for their outstanding work on the budget, as well as Mr. Zuckerman. He advised that there is an Economic Development Advisory Committee work session scheduled for this Saturday, April 13, from 9am to 12:00noon at the Flying Monkey Café. The public is welcome to attend.

Council President Rizzuto read a section of the Township Administrative Code:

**ARTICLE II  
Mayor and Council**

**§5-3. Office of the Mayor.**

**A. Executive power.**

Pursuant to N.J.S.A. 40:69A-39, the executive power of the Township shall be exercised by the Mayor, subject to the procedures set forth in the Mayor-Council Plan of government.

**B. General powers and duties.**

The powers and duties of the Mayor shall be to:

- (1) Enforce the charter and ordinances of the municipality and all general laws applicable thereto;
- (2) Report annually to the council and to the public on the state of the municipality, and the work of the previous year; the Mayor shall also recommend to the council whatever action or programs the Mayor deems necessary for the improvement of the municipality and the welfare of its residents. The Mayor may from time to time recommend any action or programs the Mayor deems necessary or desirable for the municipality to undertake;
- (3) Supervise, direct and control all departments of the Township government and shall require each department to make an annual and such other reports of its work as the Mayor may deem desirable;
- (4) Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as the Mayor deems necessary;
- (5) Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;
- (6) Supervise the care and custody of all municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the Council;
- (7) Sign all contracts, bonds or other instruments requiring the consent of the Township;
- (8) Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to the Council;
- (9) Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by ordinance;
- (10) Negotiate contracts for the Township, subject to Council approval;
- (11) Assure that all terms and conditions imposed in favor of the Township or its inhabitants in any statute, franchise or other contract are faithfully kept and performed;
- (12) Serve as an ex officio, nonvoting member of all appointive bodies in Township government of which the Mayor is not an official voting member.

Mr. Rizzuto noted that based on this code, the Mayor has the power to protect the employees, even looking ahead to what might occur. He pointed out that the Judge commended the Township for moving so quickly to do so.

**ADJOURNMENT**

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:14pm.

Respectfully submitted,

Susan S. Nelson, RMC  
Municipal Clerk

Amended Minutes approved: June 24, 2013

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Patrick Rizzuto, Council President