

Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

April 23, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:33pm on April 23, 2012, in the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 9, 2012, 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, Patrick Rizzuto, Dick Wetzel, and Council President Brian Lynch. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, Township Attorney Kevin Kelly, and CFO Bill Zuckerman.

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:
Main Street Associates – Potential Litigation
DEP issue - Potential Litigation
3. This resolution shall take effect immediately.

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call was taken:

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

NAYS: None

Motion carried with all in favor.

Council went into Executive Session at 7:35pm

RETURN TO OPEN SESSION

Council President Lynch called for a motion to return to open session.

MOVED: Eddie Dunn

SECOND: Patrick Rizzuto

All were in favor.

Council returned to Open Session at 7:55pm

SALUTE TO THE FLAG

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

PUBLIC COMMENTS

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

MOTION: Patrick Rizzuto

SECOND: Dick Wetzel

All were in favor.

Tom McClachrie – addressed Mr. Lynch with information on Fire Department grants. Mr. Lynch suggested he give the applications to the Mayor, and thanked him for the information.

CLOSED TO PUBLIC COMMENTS

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

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

All were in favor.

MAYOR'S REPORT

The Mayor noted an article in yesterday's paper on Vernon Township Patrolman David DeHart for the arrest of 2 felons – auto burglaries. One of the felons is a known heroin user.

ADOPTION AND PUBLIC HEARING ON THE 2012 MUNICIPAL BUDGET

2nd Reading on Ord. #12-07: Cap Bank Ordinance

MOVED: Patrick Rizzuto

SECOND: Brian Lynch

OPEN TO PUBLIC COMMENT ON ORD. #12-07 ONLY

MOVED: Patrick Rizzuto

SECOND: Brian Lynch

All were in favor.

Tom McClachrie – felt it meant a 3.5% tax increase which the Vernon Township Taxpayers Association was not in favor of. Mr. Lynch noted that it was not a tax increase at all.

Gary Martinsen – felt Council should not use the increase.

CLOSED TO PUBLIC COMMENT ON ORD. #12-07

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

All were in favor.

Council President Lynch advised that this ordinance allows for fiscal flexibility. Mayor Marotta noted that this ordinance had been recommended by the auditor. He advised that we are very far below the cap, and it would be prudent looking down the road in case of an emergency so we would not need to go out for referendum to increase the budget. He also noted that this does not increase the budget nor increase taxes or appropriations.

Council Member Kadish asked if this is in the budget. The Mayor advised that this amount will be reserved for the next 2 years' budgets. Mr. Kadish asked for more clarification. Mr. Zuckerman explained it was just paper money and not real dollars.

ROLL CALL VOTE ON ORD. #12-07

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

NAYS: None

Ordinance #12-07 was adopted on 2nd reading.

CALENDAR YEAR 2012 ORDINANCE #12-07

**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 2.5% 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 Township Council of the Township of Vernon in the County of Sussex finds it advisable and necessary to increase its CY 2012 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 Township Council hereby determines that a 1 % increase in the budget for said year, amounting to \$ 158,923.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council 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 Township Council 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 2012 budget year, 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 1 %, amounting to \$158,923.00, and that the CY 2012 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.

BUDGET ADOPTION

Resolution #12-97 – Read Budget by Title Only

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

Resolution #12-97 was adopted.

RESOLUTION #12-97

A RESOLUTION TO READ THE 2012 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 2012 Municipal Budget by Township Officials.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of Vernon, New Jersey that the 2012 Municipal Budget shall be read by title only at the Public Hearing on April 23, 2012.

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

Resolution #12-98 – Adoption of the 2012 Municipal Budget

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

OPEN TO PUBLIC ON THE 2012 MUNICIPAL BUDGET

Robert Oliver – asked about health insurance being inside or outside of the cap. He was advised that it was listed outside of the cap. Mr. Oliver then asked about surplus items. Mayor Marotta listed the following increases for this year: previous pension payments; debt for \$13 million – refinanced last year and payment was skipped creating a double payment this year; and SCMUA payment in 2011 was only ½ of the total billed. Mr. Giaimis clarified that health insurance is not outside the cap but was only partially included inside the cap.

Tom McClachrie – noted the tax levy was cut by \$510,000. He noted a number of items from last year's budget as they affect this year's budget. He felt the Mayor did a good job by reducing the budget.

CLOSED TO PUBLIC COMMENT ON THE 2012 MUNICIPAL BUDGET

MOVED: Eddie Dunn

SECOND: Daniel Kadish

All were in favor.

Mayor Marotta noted he wanted to give credit to the Department heads and employees by not spending excessively or even spending all their budgeted amounts. Council President Lynch was pleased to have a budget document back in January, noting that all questions asked had been answered. He felt that all employees have put themselves in a position to make this budget happen so successfully.

Mr. Lynch saw no new purchases for Police Dept. vehicles and asked the Mayor about that. Mayor Marotta advised that none were being requested, but through capital funds they were planning on two (2) SUV's (noting that 5 vehicles had been purchased last year). The Mayor added that the entire fleet was being reviewed for safety and reliability.

Mr. Lynch asked about Road Dept. equipment, specifically jet vac and sweepers which were not included in the budget. The Mayor advised that the jet vac was repaired and is up and running. The sweeper was not over-used due to the mild winter, so the plan is to use it until it breaks down at which time we will rent a new one.

We will keep track of it's condition to recommend a course of action. Mr. Lynch suggested it might be appropriate to do a shared service arrangement for the sweeper. The Mayor advised that this was being considered.

The Council President asked about the Ambulance Corps' rig status. The Mayor noted that it was being reviewed for future plans, as well as upgrades in radio communication for all emergency services.

Mr. Lynch asked about the condition of the fields, and the equipment to maintain them. The Mayor noted that the schools are working with the Township on all fields as a shared service. He advised Mr. Lynch on the condition/status of all parks and basketball courts.

Mr. Lynch asked about the status of the recycling center. Mayor Marotta felt it has been doing great, and noted that we received \$88,000 over the past 8 months for recycled materials. He advised that there were new bins recently purchased, and that the center was clean and well-maintained.

Council Members Wetzel and Rizzuto spoke about the fund surplus. Mr. Rizzuto asked the Mayor if he felt there was enough in the fund surplus to act as a cushion for emergencies. The Mayor felt that there was.

Mayor Marotta addressed how many successful tax appeals had occurred this year and the adverse effect this has had on the overall tax rate – noting the total was equal to two (2) tax points.

Council Member Rizzuto noted the efforts made by the Board of Education to reduce their budget as much as possible.

Council Member Kadish felt some items should be worked on for the future, such as bargaining agreements. He had a number of other items to discuss:

- He did not see any notation of retirements included in the budget, and felt those items could be negotiated.
- He asked about a health benefit waiver for those not needing the benefits, also as a potential negotiation. (The Mayor advised that it had been discussed during negotiations.)
- Mr. Kadish asked about the uniform fire code amount which was not noted in the budget. The Mayor advised that the Fire Prevention office should be self-funded.
- Mr. Kadish asked about the Kelly Bill amount. Mayor Marotta explained that the amount is a "plan" but that the Township was still not current in their payments. He pointed out the changes agreed to and how they will affect this line item going forward.
- He asked about Canistear Road/NJ DOT line item. The Mayor noted that the work will come out of capital funds.
- Mr. Kadish asked why there was no line item for the sewer utility. The Mayor advised that this was not only with the MUA.
- He asked about dedicated assessments. Mr. Zuckerman noted that 2 roads were assessed for roads for revenues paid back to us as a reimbursement.

Council Member Dunn noted his appreciation for the terrific work on the budget and expressed a desire to see it repeated next year.

Mayor Marotta also thanked the Council for their cooperation and communication to make this all possible. He committed to continuing this type of budget and looking for more ways to save money.

A roll call vote was taken on Resolution #12-98:

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

NAYS: None

Resolution #12-98 and the 2012 Municipal Budget were adopted.

RESOLUTION #12-98

ADOPTION OF THE 2012 MUNICIPAL BUDGET

BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex that the budget herein 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) \$ 15,798,093.00 (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 Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of
- (d) \$ the following summary of general revenues and appropriations.
(Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

Abstained

RECORDED VOTE

(insert last name) **AYES**

NAYS

Absent

SUMMARY OF REVENUES

1. General Revenues									
	Surplus Anticipated						08-100	\$	575,000.00
	Miscellaneous Revenues Anticipated						13-099	\$	4,874,678.00
	Receipts from Delinquent Taxes						15-499	\$	1,800,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)							07-190	\$	15,798,093.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:									
	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									
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:									
	Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)						07-191	\$	
	Total Revenues						13-299	\$	23,047,771.00

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:								xxxxxx	xxxxxxxxxx
	Within "CAPS"							xxxxxx	xxxxxxxxxx
	(a&b) Operations Including Contingent						30001-00	\$	14,387,590.00
	(e) Deferred Charges and Statutory Expenditures - Municipal						30004-00	\$	1,819,267.00
	(g) Cash Deficit						46-885		
	Excluded from "CAPS"							xxxxxx	xxxxxxxxxx
	(a) Operations - Total Operations Excluded from "CAPS"						60023-00	\$	904,087.00
	(c) Capital Improvements						60002-00	\$	400,000.00
	(d) Municipal Debt Service						60003-00	\$	2,537,355.00
	(e) Deferred Charges - Municipal						60024-00	\$	410,000.00
	(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						60008-00	\$	
	(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)						50-899	\$	2,589,472.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)							60010-00	\$	
	Total Appropriations						30000-00	\$	23,047,771.00

APPROVAL OF MINUTES

January 23, 2012 Amendment to Regular Meeting Minutes

MOVED: Eddie Dunn

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Amendment to Minutes of 1/23/12 was approved.

April 9, 2012 Work Session Minutes

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

Work Session Minutes of 4/9/12 were approved.

April 9, 2012 Regular Meeting Minutes

MOVED: Eddie Dunn

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

Regular Meeting Minutes of 4/9/12 were approved.

CONSENT AGENDA - RESOLUTIONS #12-85 through #12-96

Council President Lynch gave a brief explanation of all resolutions.

Council Member Kadish asked to vote separately on Resolutions #12-88, 12-92, 12-93, and 12-94.

The Council President asked for a motion to approve Resolutions #12-85, 12-86, 12-87, 12-89, 12-90, 12-91, 12-95, and 12-96.

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: None

Resolutions #12-85, 12-86, 12-87, 12-89, 12-90, 12-91, 12-95, and 12-96 were approved.

RESOLUTION # 12-85

AUTHORIZING THE APPROVAL OF BILLS LIST

BE IT RESOLVED that the following bills listed are hereby approved:

Disbursement Journal	Fund	Amount	Major Vendor
#1	CURRENT	\$ 13,660.07	
#2	CURRENT	\$ 1,126,589.68	BD OF ED
#3	CURRENT	\$ 461.91	MUA
#4	CAPITAL	\$ 37,739.75	
#5	P & Z	\$ 4,064.51	
#6	RECREATION	\$ 857.50	
#7	OUTSIDE SERVICES	\$ 458.58	
#8	OUTSIDE SERVICES	\$ 305.72	
#9	1 ST PAY IN APRIL	\$ 292,248.02	
#10		\$	
#11		<u>\$ 1,476,385.74</u>	

RESOLUTION #12-86

**RESOLUTION- AUTHORIZING THE CANCELLATION OF
CAPITAL APPROPRIATION BALANCES**

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed: and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Capital Surplus, and unused debt authorizations may be canceled.

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon, that the following unexpended and dedicated balances of the General Capital Appropriations be cancelled:

ORD. NO.	DATE PROJ. ADOPTED	DESCRIPTION	AMT. TO CANCEL	
04-26	08-09-04	Various Improv.		\$
			27.00	
07-24	05-31-07	Improv. to Maple Grange Park	\$ 4,020.00	
07-36	08-13-07	Various Improv.	\$ 1,110.00	
TOTAL:			<u>\$5,157.00</u>	

RESOLUTION #12-87

WHEREAS, there is a balance in the Reserve for Public Assistance account in the amount of \$28,156.85 due to old balances; and

WHEREAS, this balance is no longer needed.

NOW, THEREFORE, BE IT RESOLVED that the balance in the Reserve for Public Assistance account in the amount of \$28,156.85 be cancelled to the Current Fund fund balance.

RESOLUTION #12-89

RESCIND RESOLUTION #12-60

WHEREAS, the governing body of the Township of Vernon adopted Resolution #12-60 to authorize tax refunds as a result of Tax Court Judgments for 2009 taxes on March 12, 2012; and

WHEREAS, it was subsequently determined that Resolution #12-60 contained a duplication of information from Resolution #12-24.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Vernon that Resolution #12-60 be hereby rescinded and vacated.

RESOLUTION #12-90

**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 applicable to current 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), and the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, 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 the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2012 to December 31, 2012; 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>
Office Supplies	Clinton Business Products	#16
Office Paper Supplies	Paterson Paper	#30
Maintenance of Fire Alarms, Sprinklers, Standpipe Systems And Fire Pumps	Absolute Protective Systems	#52

RESOLUTION #12-91

AUTHORIZING EXECUTION OF A CONTRACT WITH MINERALS HOTEL FOR THE VERNON TOWNSHIP SENIOR LUNCHEON TO BE HELD ON MAY 9, 2012

WHEREAS, the Vernon Township Department of Community Affairs sponsors an annual Senior Luncheon; and

WHEREAS, the Township of Vernon desires to enter into a contract with Minerals Hotel, Vernon, NJ, to host and cater this event; and

WHEREAS, the event is currently scheduled for May 9, 2012, at a cost not to exceed \$5,000.00; and

WHEREAS, the Chief Finance Officer has certified that funds are available for this purpose subject to the adoption of the 2012 Municipal Budget.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that the Mayor is authorized to sign the attached Contract with Minerals Hotel for the purpose of hosting and catering the Senior Luncheon on May 9, 2012, at a cost not to exceed \$5,000.00.

RESOLUTION #12-95

AUTHORIZING THE AWARD OF CONTRACT FOR Professional PLANNING Services FOR THE TOWNSHIP OF VERNON

WHEREAS, there is a need for Professional Planning Services for 2012 in 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 licensed to practice a recognized profession; and

WHEREAS, the Township of Vernon is desirous to enter into an agreement with J Caldwell & Associates, LLC, located at 122 Main Street, Suite 204, Newton, NJ 07860, 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 that funds are available for this purpose subject to the adoption of the 2012 Municipal Budget; and

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 Services Contract to J Caldwell & Associates, LLC, located at 122 Main Street, Suite 204, Newton, NJ 07860, 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 Township Planning 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:

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,
2. Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq. and
3. New Jersey Business Registration Certificate.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contract 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 #12-96

AUTHORIZING THE AWARD OF A CONTRACT TO REIVAX CONTRACTING CORP. FOR MOTT DRIVE TO ROUTE 94 DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Township received eight (8) bids for this project for the bid opening that occurred on April 19, 2012; and

WHEREAS, the Township Engineer recommends awarding a contract to the lowest responsible and responsive bidder, Reivax Contracting Corp. of 46 Washington Street, Harrison, New Jersey 07029, who submitted a bid of \$172,293.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Council, County of Sussex, State of New Jersey to award a contract to Reivax Contracting Corp. in the amount of \$172,293 for the Mott Drive to Route 94 Drainage Improvement Project.

This Resolution shall take effect immediately according to law.

The Council President asked for a motion to approve Resolution #12-88.

MOVED: Patrick Rizzuto

SECOND: Daniel Kadish

Council Member Kadish asked for more information on this Resolution on Bond Anticipation Notes for \$2,983,000. Mr. Zuckerman noted this was the annual renewal and that Bond Anticipation Notes are cheaper than bonds, and you can rollover for 10 years. Mayor Marotta noted this is often cheaper and more flexible.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYS: None
Resolution #12-88 was approved.

RESOLUTION #12-88
AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$2,983,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON,
IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED by the Township Council of the Township of Vernon, in The County of Sussex, New Jersey, as follows:

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (herein called "local unit") entitled: "Bond ordinance appropriating \$1,650,000, and authorizing the issuance of \$1,571,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on March 28, 2011 (#11-7), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,571,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$1,484,000, and authorizing the issuance of \$1,412,000 bonds or notes of the Township, for various improvements or purposes for emergency services authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on April 28, 2011 (#11-08), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,412,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 3. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 and 2 described, shall be combined into a single and combined issue of bonds in the principal amount of \$2,983,000.

Section 4. The following matters in connection with said Bond Anticipation Notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the interim chief financial officer (the "chief financial officer") of the local unit, provided that no note issued pursuant to Section 1 and 2 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 5. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

Section 6. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 7. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 8. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 9. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 10. This resolution shall take effect immediately.

The Council President asked for a motion to approve Resolutions #12-92, 12-93, and 12-94.

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Brian Lynch

Resolutions #12-92, 12-93, and 12-94 were approved.

RESOLUTION #12-92

AUTHORIZE FIRE SAFETY TRAINING SITE

WHEREAS, the State of New Jersey has created a voluntary program to certify Firefighters; and

WHEREAS, the Township Council of Vernon Township, New Jersey, has reviewed, discussed, and voted to participate in the program.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of Vernon Township, New Jersey, appoints the Vernon Township Fire Marshal as the authorized Signator to sign any documents necessary to implement the Firefighter Certification Program in Vernon Township, New Jersey.

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

RESOLUTION #12-93

AUTHORIZING THE AWARD OF A BID FOR ONE (1) BRAND NEW PUMPER FOR THE VERNON FIRE DEPARTMENT

WHEREAS, there is a need to purchase a new pumper for the Vernon Fire Department; and

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary apparatus; and

WHEREAS, the Township of Vernon received and opened five bids for the above mentioned apparatus on March 21, 2012 at 10:00 a.m. in the Vernon Township Municipal Building; and

WHEREAS, the bids were received and reviewed by the Qualified Purchasing Agent, Township Attorney and the Township Municipal Clerk for the specified bid requirements; and

WHEREAS, the QPA, Fire Marshal and the Chief of the Vernon Fire Department recommend awarding a contract to the lowest responsible and responsive bidder, Kovatch Mobile Equipment Corp., 1 Industrial Complex, Nesquehoning, PA. 18240 for a total price of \$436,549.00; and

WHEREAS, the Chief Finance Officer has certified funds available for this purpose in account #3094304.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Council, County of Sussex, State of New Jersey, to award a contract to Kovatch Mobile Equipment, for the purchase of (1) brand new pumper

This Resolution shall take effect immediately according to law.

RESOLUTION #12-94

AUTHORIZING THE AWARD OF A BID FOR ONE (1) BRAND NEW RESCUE TRUCK FOR THE VERNON FIRE DEPARTMENT

WHEREAS, there is a need to purchase a new rescue truck for the Vernon Fire Department; and

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary apparatus; and

WHEREAS, the Township of Vernon received and opened five bids for the above mentioned apparatus on March 21, 2012 at 10:00 a.m. in the Vernon Township Municipal Building; and

WHEREAS, the bids were received and reviewed by the Qualified Purchasing Agent, Township Attorney and the Township Municipal Clerk for the specified bid requirements; and

WHEREAS, the QPA, Fire Marshal and the Chief of the Vernon Fire Department recommend awarding a contract to the lowest responsible and responsive bidder, Pierce Manufacturing, 2600 American Drive, Appleton, Wisconsin 54914 for a total price of \$416,738.00; and

WHEREAS, the Chief Finance Officer has certified funds available for this purpose in account #3094304.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Council, County of Sussex, State of New Jersey, to award a contract to Pierce Manufacturing, 2600 American Drive, Appleton, Wisconsin, 54914, for the purchase of one (1) brand new Rescue Truck.

This Resolution shall take effect immediately according to law.

ORDINANCES

1st Reading / Introduction of Ordinance #12-08 by Title Only

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

Mayor Marotta noted that this ordinance will fund the remainder of the Canistear Road project. Mr. Zuckerman advised that no new funds are being incurred, but a re-determination for their existing purpose.

A roll call vote was taken:

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

NAYS: None

Ordinance #12-08 was approved on 1st reading.

ORDINANCE #12-08

**ORDINANCE PROVIDING FOR VARIOUS
IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN
BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF
SUSSEX, NEW JERSEY, APPROPRIATING \$510,000
THEREFOR, CONSTITUTING PROCEEDS OF BONDS OF
THE TOWNSHIP HERETOFORE ISSUED**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS
FOLLOWS:**

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey, as a general improvement, and there is hereby appropriated therefor the sum of \$510,000, said sum constituting proceeds of bonds of the Township heretofore issued and not necessary for financing the purposes for which issued and now available for financing the said improvement or purpose.

Section 2. The improvements or purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance are the rehabilitation of a sewer jet vac truck, the acquisition of various equipment including video cameras for use by the Police Department and the improvement of various streets, locations and properties in and by the Township by the construction, reconstruction or resurfacing thereof including Canistear Road, together with for all the aforesaid all structures, site work, accessories, appurtenances, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

Section 3. It is the opinion of the Township Council of the Township, as the governing body thereof, that it is in the best interest of the Township that \$510,000, constituting proceeds of bonds of the Township heretofore issued under Ordinance Nos. 08-10 (\$250,000) and 08-17 (\$260,000) of the Township, shall be appropriated to and used to finance costs, including incidental expenses, of the improvements or purposes above described in Section 2 of this ordinance.

Section 4. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 5. This ordinance shall take effect after final passage as provided by law.

1st Reading / Introduction of Ordinance #12-09 by Title Only

MOVED: Daniel Kadish

SECOND: Dick Wetzel

Council President Lynch asked for verification that the structure on this property will be knocked down. Mayor Marotta advised that it would, and that though the price low, the costs incurred by the new owners will be substantial to take down the structure.

A roll call vote was taken:

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

NAYS: None

Ordinance #12-0 was approved on 1st reading.

ORDINANCE #12-09

**AN ORDINANCE OF THE TOWNSHIP OF VERNON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AUTHORIZING THE SALE OF CERTAIN PROPERTY
OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR
PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS
BLOCK 159.02, LOT 26**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interest therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Township of Vernon is the owner of certain real property known as Block 159.02, Lot 26; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that:

1. The property known as Block 159.02, Lot 26 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12/13. Said auction shall be conducted on June 11, 2012, at 7:30 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. This property shall be sold subject to the following terms and conditions:

(a) The property shall be sold for not less than \$200.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance to highest bidder.

(c) The successful bidder shall arrange for the demolition and removal of all structures at the subject premises within a reasonable period of time.

(d) The successful purchaser shall thereafter keep and maintain the subject property in its natural vacant condition.

(e) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reasons. The purchaser-successful bidder waives any and all right in damages or by way of damages.

(f) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(g) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 to cover the Township's transaction costs, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(h) A Quit Claim Deed without covenants will be delivered at the office of the Township Clerk on or before thirty (30) days after the date of the sale at which time and place the balance of the purchase price shall be required to be paid in cash or certified check.

The Mayor and Clerk are hereby authorized to execute said Deed.

(i) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(j) The purchaser shall also pay to the Township of Vernon the costs of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.

(k) The property will be sold subject to 2012 taxes, pro-rated from the Deed within thirty (30) days of the date of sale.

3. Where all bids have been rejected a private sale is hereby authorized pursuant to N.J.S.A. 40A:12-13(b).

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

CONTIGUOUS PROPERTY OWNERS

Block 159.02, Lot 25

Adam Canning

[REDACTED]
[REDACTED]

Block 159.02, Lot 28

Margaret Stanz

[REDACTED]
[REDACTED]

Block 159.02, Lot 29

TLR IV, LLC

[REDACTED]
[REDACTED]
[REDACTED]

ORDINANCES

2nd Reading and Public Hearing on Ordinance #12-05 (Signs) by Title Only

The Council President asked for a motion to adopt Ordinance #12-05 on 2nd reading.

MOTION: Eddie Dunn

SECOND: Patrick Rizzuto

OPEN TO PUBLIC COMMENT ON ORDINANCE #12-05

Gary Martinsen – asked about the changes he had asked for, noting they did not appear to have been made as posted on the website. Ms. Nelson advised that she would look into the posted ordinance to be sure the changes agreed to were made. Mr. Martinsen pointed out that in particular, the definition of A-Frame signs was missed. (Mayor Marotta gave Mr. Martinsen his copy of the ordinance.)

Mary Ellen Vichiconti – noted that Mr. Martinsen was working on the sign ordinance for over 3 years and should be credited for that effort.

Tom McClachrie – congratulated the Council on getting this ordinance moved forward.

Gary Martinsen – noted that his changes still do not appear to be included (in the Mayor's copy).

CLOSED TO PUBLIC COMMENT ON ORDINANCE #12-05

MOTION: Patrick Rizzuto

SECOND: Daniel Kadish

All were in favor.

Council President Lynch noted that changes had been made and would be available first thing in the morning. He acknowledged the hard work by Mr. Martinsen. He advised that even after adoption, this ordinance may be changed again as needed.

Council President asked for a motion to table the adoption of Ordinance #12-05 to the next meeting.

MOTION: Brian Lynch

SECOND: Daniel Kadish

All were in favor except Council Member Dunn.

Ordinance #12-05 was tabled to the next meeting.

COUNCIL PRESIDENT

Council President Lynch noted that there was still a high fire danger in the area. He added that the budget represents hard work of the Mayor and staff; and he felt they deserved a round of applause. All present applauded.

COUNCIL BUSINESS

Council Member Dunn suggested that people might want to read the book Speed of Trust.

Council Member Kadish read a letter to the Council in opposition to the previously adopted Ordinance #12-04 on Recreational Vehicles. The letter was from William and Juanita Ledita. Council President Lynch advised that he had spoken to the Mayor about this, and then he spoke to Mr. & Mrs. Ledita. He further advised that they had been responding to an article in the newspaper, but that they were pleased with the correct information he provided them. They were no longer opposed to the Ordinance.

Mr. Kadish noted that other states were using excise taxes. The Mayor advised that New Jersey does not allow that.

Council Member Rizzuto echoed the Mayor's compliments on Police Officer DeHart and his hard work on the recent arrest. He noted that there would be a presentation at the next meeting on drug abuse; and that the School Board and Superintendent of Schools would be in attendance.

Council Member Wetzel expressed his hope that Council could continue with presentations on various groups to keep the residents up-to-date on activities.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:32pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: May 14, 2012

Brian Lynch, Council President