

Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

May 30, 2013

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:30pm on May 30, 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 Daniel Kadish, Dick Wetzel, and Council President Patrick Rizzuto. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, Township Attorney Kevin Kelly, CFO Bill Zuckerman, and Auditor Bud Jones. Council Member Eddie Dunn arrived at 7:00pm. Council Member Brian Lynch was absent.

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:
Contract Negotiations: Police Chief
Addendum Item: Litigation – Jade Reed vs. Vernon Township, et al.
3. This resolution shall take effect immediately.

MOVED: Daniel Kadish

SECOND: Dick Wetzel

All were in favor.

Council exited to Executive Chambers at 6:36pm.

Council returned to open session at 7:30pm.

MOVED: Daniel Kadish

SECOND: Dick Wetzel

All were in favor.

SALUTE TO THE FLAG

The Council President led the salute to the flag.

PRESENTATIONS

1. Heroes Award

Mayor Marotta read the following proclamation:

Proclamation



Whereas, the Township of Vernon was faced with a dramatic medical emergency on May 4, 2013 which involved our Ambulance, Fire and Police responders;

Whereas, within minutes of the accident occurring, resident Tom Hayes did what came very natural to him – help someone in need;

Whereas, without regard to his own safety, Tom, after seeing the vehicle in distress tumbling down the mountainside, raced to the scene of the accident and searched vehemently for the young passenger who was ejected from the vehicle;

Whereas, Tom located the injured youth and carried him down the rocky mountain trail to safety for immediate medical treatment;

Whereas, those who know Tom personally, praise him for his giving nature every day of his life, never giving it a second thought and always having a magnetic positive attitude.

Now therefore be it Proclaimed, I, Mayor Victor Marotta, hereby extend my sincerest gratitude and appreciation to

Tom Hayes

and pronounce him a true **Vernon Hero** for his gracious willingness to assist people in need.

Presented this 30th day of May, 2013

Victor J. Marotta, Mayor
Township of Vernon

Council President Rizzuto and Council Member Wetzel read aloud from a plaque on behalf of the Council honoring Mr. Hayes. Mr. Rizzuto noted that people aren't heroes, but that there are people who rise to the occasion as needed.

Mr. Hayes thanked the Mayor and Council.

2. Louis Bay 2nd Future Municipal Leaders Scholarship Competition:
The Business Administrator, Jerry Giaimis, explained that this award honors Mr. Bay who was a long-time Mayor of Hawthorne and was very high on education. The award advances the virtues of elected, professional, and volunteer municipal officials, and is a statewide scholarship competition run by the New Jersey State League of Municipalities. Vernon's candidate, Maxwell J. Schriener, was selected as a semi-finalist. He was presented with a Certificate of Participation from the League, and a gift certificate on behalf of the Township. Mr. Giaimis worked closely with Max on this competition, and was also his baseball coach. Max thanked Mr. Giaimis, as well as the

Mayor and Council, and his parents for their support. Council President Rizzuto told Max that he “makes us proud.”

3. Mayor Marotta introduced Mr. Bud Jones of Nisivoccia, LLP, our Municipal Auditors. Mr. Jones reported that the 2012 Audit was given a “clean audit opinion,” noting that the Township’s financial condition had improved significantly in 2012 with a \$2.9 million surplus (from \$2.1 million in 2011). There were only 2 recommendations made for improvement:
 - a) Adequate segregation of duties be maintained with respect to the recording and treasury functions.
 - b) Receipts collected by the Police Department be turned over to the Finance Office on a timely basis to ensure compliance with statutory requirements.

Mr. Jones advised that a) was the same recommendation he makes with all of his municipalities that his firm audits.

Council President Rizzuto asked how significant it is for the Township to take over properties that were in foreclosure or had tax title liens. Mr. Jones advised that it is very important, as it gets the process moving forward much sooner to get the property back on the tax rolls. Mr. Rizzuto pointed out that the number of recommendations has dropped from 4 in 2011 to these 2, due to staff adjustments/corrections. Mayor Marotta advised that b) has already been addressed and will not be a problem in the 2013 Audit report. Mr. Rizzuto felt the audit is a report card for the Township.

PUBLIC COMMENTS

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

MOVED: Dick Wetzel

SECOND: Eddie Dunn

All were in favor.

Jim DeMorrow of [REDACTED] – spoke against the community garden and the dog park. He was concerned with the visual effect once the leaves are gone in the fall and winter months. He asked for shrubs or trees to be planted to block that view. He also was concerned about the hours of operation, and asked for the hours to be determined with possibly 8:00am to dark so as to prevent people hanging out until all hours.

Debra Parasol – was also concerned with the hours of operation of the garden and park area. She referred to lawn cutting, dogs barking, etc. She noted that she had been told that a line of trees would be planted once the project was approved.

Mary Bradley – invited everyone to Vernon Day on June 9 from noon to 4:00pm, as well as the 5K race/walk at 9:00am.

Bonnie Rubin – read a prepared statement about Green-Ways and open space issues.

Gary Martinsen – advised that he had videotaped the parade and would make it available. He noted that he would try to combine that with a taping from Vernon Day.

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: Eddie Dunn

SECOND: Dick Wetzel

All were in favor.

MAYOR’S REPORT

Mayor Marotta reported on the following items:

- A spreadsheet was passed out on shared services we currently utilize, with revenue totals just under \$275,000.00, and no new hires to cover these services
 - a) 911 dispatch for Wantage and Sussex Borough
 - b) Animal Control for Sussex Borough

- c) CFO and QPA services for Sussex Borough
 - d) CFO services for VT MUA
 - e) Administrative Assistant services for VT MUA
 - f) Inspections and Maintenance for pump stations for the VT MUA on an hourly basis
 - g) Fire Prevention services for Wantage on an hourly basis
- A review of equipment/vehicles was undertaken and is now electronically filed with photos. The total value is \$6,514,419.00. There is a clear plan for replacement of any items. Items have been located that were not included on previous fixed asset lists.
 - Energy Aggregation (discussion item on the agenda): he noted that the Business Administrator, Gerald Giaimis, negotiated a similar plan for the Township with significant savings. Each Council Member had received a packet for review before the meeting. There are savings available for residents at about \$150.00 to \$200.00 per year. The company noted in the packet is available for a presentation at a subsequent Council meeting. He cautioned that Sussex Rural customers were not eligible for this plan, but that they were already getting the benefit of aggregation.
 - Council Member Dunn asked about quality, a good reputation, etc. of this company.
 - Mayor Marotta noted that all those kind of concerns were reviewed, and that all references have checked out.
 - Council Member Wetzel questioned about the issues of service with JCP&L.
 - The Mayor advised that this is not meant to address that problem, but to save the residents money that they can use for other purposes. He noted that all petitions signed by residents were on file, and that he has not given up the fight with JCP&L, though there were not as many signatures as he would have thought. He has seen some changes by JCP&L to make improvements.
 - Council President Rizzuto felt this was a great opportunity. He was unsure when he started using alternative fuel, and would welcome a presentation.
 - Mayor Marotta advised that he would arrange a date for a presentation on this idea.
 - COPS Grant (on the agenda) – he distributed a hand out to correct an error in their Council meeting packets. The original amount was stated as \$106,000.00, but there were some other factors/costs that had been left out. The actual cost is \$141,000.00 over a 3-year period.
 - Audit report for 2012 – in 2009 there were 12 items for recommended changes, in 2010 there were 8, in 2011 there were 4, and in 2012 there were only 2. This is as a direct result of the hard work of the Business Administrator, the CFO and his Finance Office staff, as well as all Department Heads.
 - No-Net-Loss Grant for re-forestation around the Tennessee Gas Pipeline project. This grant has been approved (\$30,000.00+) by the DEP. A lot of work was put in by the Environmental Commission, especially by Beverly Budz.

MINUTES

Council President Rizzuto asked for a motion to approve the minutes of the Regular meeting of March 25, 2013:

MOVED: Dick Wetzel

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSENT: Brian Lynch

The Minutes from the Regular meeting of March 25, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Regular meeting of April 8, 2013:

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
The Minutes from the Regular meeting of April 8, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Executive Session meeting of April 8, 2013:

MOVED: Eddie Dunn
SECOND: Daniel Kadish

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto
NAYS: None
ABSENT: Brian Lynch

The Minutes from the Executive Session meeting of April 8, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Regular meeting of April 22, 2013:

MOVED: Eddie Dunn
SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel
NAYS: None
ABSTAIN: Patrick Rizzuto
ABSENT: Brian Lynch

The Minutes from the Regular meeting of April 22, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Executive Session meeting of April 22, 2013:

MOVED: Eddie Dunn
SECOND: Daniel Kadish

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel
NAYS: None
ABSTAIN: Patrick Rizzuto
ABSENT: Brian Lynch

The Minutes from the Executive Session meeting of April 22, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Joint Meeting with the Vernon Township Board of Education of April 25, 2013:

MOVED: Dick Wetzel
SECOND: Patrick Rizzuto

A roll call vote was taken:

AYES: Dick Wetzel, Patrick Rizzuto
NAYS: None
ABSTAIN: Eddie Dunn, Daniel Kadish
ABSENT: Brian Lynch

The Minutes from the Joint meeting with the Vernon Township Board of Education of April 25, 2013 were approved. Township Attorney Kevin Kelly advised that they were accepted without majority.

Council President Rizzuto asked for a motion to approve the minutes of the Work Session of May 6, 2013:

MOVED: Eddie Dunn
SECOND: Daniel Kadish

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto
NAYS: None
ABSENT: Brian Lynch

The Minutes from the Work Session of May 6, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Regular meeting of May 13, 2013:

MOVED: Daniel Kadish
SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSENT: Brian Lynch

The Minutes from the Regular meeting of May 13, 2013 were approved.

Council President Rizzuto asked for a motion to approve the minutes of the Executive Session meeting of May 13, 2013:

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

The Minutes from the Executive Session meeting of May 13, 2013 were approved.

DISCUSSION

Council President Rizzuto noted there was a request to waive Township Code 330-155 – requirement for taxes to be paid before granting event permit for music festival event at the Rickey Farm, August 9-11. The Council President asked for a motion to allow for discussion:

MOVED: Eddie Dunn

SECOND: Dick Wetzel

The Council President asked Mr. Rickey if he would like to speak to the Council.

Jamie Rickey noted that his request was not just for the August event, but for the summer season, noting he had filed four (4) event permits with the Zoning Officer. He advised that he fully intends to clear up his taxes prior to the August date.

Mr. Rizzuto asked what the first event was for, and was informed that it was for June 7 through June 9 for the Rocks, Ribs, & Ridges event at Hidden Valley. The Mayor advised that Mr. Rickey's land would be used as a campground for people attending at Hidden Valley. Mr. Rickey advised that the next even would be over Father's Day weekend for a Spring Jam. The third event would be a Farm Fest in August. He said there could be additional events, such as at the Montessori School for motorcycles during the third week in July, and a Summer Jam in August. Mr. Rickey noted that the waiver would be for a time period to end in early September, as there is a tax title lien that is due at that time, and if he fails to clear that lien he could lose the property to the lien holder by foreclosure.

Council Member Dunn tried to clarify how the situation could be cleared up so that the tax situation doesn't start all over again. Mr. Rickey advised that the revenue he could earn by hosting these events would allow him to pay off the lien. Mr. Dunn asked for something that would give Council a feeling of confidence that this would actually happen. Council Member Wetzel suggested putting the revenue from the events into an escrow account. Council President Rizzuto asked for assurance that the first event revenue would go to the taxes. Council Member Kadish remarked that he would have liked to have seen a game plan to resolve the taxes.

MOTION

The motion was made to permit waiving the requirement of 330-155 for events at the Rickey farm, 442 Rt. 94, for the summer season of 2013 from June to early September.

MOVED: Eddie Dunn

SECOND: Dick Wetzel

Council Members Kadish and Wetzel felt the motion should be for 1 time only.

Council President Rizzuto noted that the Rickey Farm has been in existence for a long time and he would like to see positive results.

Council Member Dunn would like to see Mr. Rickey turn this around with assurances.

The Council President advised that this was not setting a precedent.

A roll call vote was taken:

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

NAYS: None
ABSENT: Brian Lynch
Motion was approved.

Mayor Marotta advised that he would direct the Zoning Officer to grant the permits.

Council President Rizzuto noted that Council wants to see businesses succeed. He asked them to let Council know if they can assist him.

Marilyn Rickey (mother of Jamie Rickey) spoke to the Council, thanking the Council. She advised that they were doing everything they could to save this farm.

DISCUSSION

Council President Rizzuto noted there was another request to waive Township Code 330-155 – requirement for taxes to be paid before granting event permit for the Rocks, Ribs, and Ridges event at Hidden Valley. The Council President asked for a motion to allow for discussion:

MOVED: Eddie Dunn
SECOND: Dick Wetzel

The Council President asked if there was a representative of Hidden Valley present.

Arthur Havighorst, an attorney for the owners HV Real Estate Holdings LLC. spoke to the Council.

Council President Rizzuto noted that a conversation he had with Mr. Havighorst indicated that debt financing was in preparation. Mr. Havighorst clarified that it is not debt financing, but rather that the owners were in the process of finalizing a lease with a non-profit to run the operations of the resort. He noted that this would be completed very soon. Mayor Marotta noted that he had spoken to the owners, and they had advised him of the lease issue and related information that was in agreement with what Mr. Havighorst had reported. Mr. Havighorst assured Council that the taxes would be paid within a few weeks, and that the lease agreement terms had been agreed to.

MOTION

The motion was made to permit waiving the requirement of 330-155 for the Rocks, Ribs, and Ridges event at Hidden Valley on June 9, 2013.

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
Motion was approved.

Mayor Marotta advised that he would direct the Zoning Officer to grant any permits.

Mr. Havighorst noted that he neglected to mention that a zoning change of use may be required, and the Mayor directed him to contact the Land Use Board.

MOTION

A motion was made to accept the recommendation of the insurance attorneys to settle the litigation of Jade Reed vs. Vernon Township, et al. for no more than \$8,000.00.

The Council President noted that this was the matter discussed in Executive Session.

MOVED: Dick Wetzel
SECOND: Daniel Kadish

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto
NAYS: none
ABSENT: Brian Lynch
Motion was approved.

1. We are duly elected members of the Township Council of the Township of Vernon in the County of Sussex;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2011;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Patrick Rizzuto, Council President	(L.S.)
Edward Dunn, Council Member	(L.S.)
Daniel Kadish, Council Member	(L.S.)
Brian Lynch, Council Member	(L.S.)
Dick Wetzel, Council Member	(L.S.)

CONSENT RESOLUTIONS

Council President Rizzuto gave a brief description of Resolutions #13-105 through #13-110. He asked for a motion to accept Resolutions #13-105 through #13-110:

Council Members Dunn and Kadish asked to act on Resolution #13-109 separately.

A revised motion was requested to accept Resolution #13-105 through #13-108 and #13-110:

MOVED: Daniel Kadish
 SECOND: Dick Wetzel

Council Member Kadish spoke about #13-106 for the COPS Hiring Program Grant. He felt Council should seriously consider the potential financial difficulty during the 4 years that a new hire would be covered under this grant, including factoring in the cost of benefits.

Mayor Marotta advised that the \$83,000.00 includes all salary and benefits. He noted that if we terminate the program, we are obligated to keep that employee for a 4th year. The Mayor clarified that this was only an application with no guarantee of getting the award. He advised that there were officers scheduled to retire during the term of the grant.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Patrick Rizzuto
 NAYS: None
 ABSENT: Brian Lynch

Resolutions #13-105 through #13-108 and #13-110 were approved.

RESOLUTION #13-105

CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2013 BUDGET AS A REVENUE AND APPROPRIATION OF \$49,148.50

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has been awarded a \$49,148.50 Clean Communities Grant from the State of New Jersey Solid Waste Administration; and wishes to amend its 2013 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$49,274.33 which is now available as a revenue from the State of New Jersey Solid Waste Administration, and;

BE IT FURTHER RESOLVED that a like sum of \$49,148.50 is hereby appropriated under the caption 2013 Clean Communities Grant.

RESOLUTION #13-106

AUTHORIZING THE APPLICATION FOR THE 2013 COPS (Community Oriented Policing Services) HIRING PROGRAM GRANT IN THE AMOUNT OF \$125,000.00

WHEREAS, The Township of Vernon Council of the Township of Vernon, County of Sussex, State of New Jersey recognizes that adding a sworn officer would be to the benefit of the entire community; and

WHEREAS, the Township of Vernon Council further recognizes that it is incumbent upon our public officials to take action to ensure the safety, good and welfare of the community; and

WHEREAS, the Township of Vernon is eligible to apply for funding through the 2013 COPS Hiring Program Grant, in the amount of \$125,000.00 to add one new police officer, paid over a three year period.

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

1. The Council of the Township of Vernon does hereby authorize submission of an application for the 2013 COPS Hiring Program Grant in the amount of \$125,000.00 for the addition of one new police officer.
2. The Township of Vernon acknowledges the terms and conditions for administering the 2013 COPS Hiring Program Grant, including the administrative compliance and audit requirements.

RESOLUTION #13-107

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH VITAL COMMUNICATIONS, INC.

WHEREAS, the Township of Vernon entered into a professional services contract for the purpose of Computer software and services for Tax Assessment/CAMA, Tax Collection and Internet Access including tax billing and customer support by Resolution #13-77 on March 25, 2013; and

WHEREAS, Vital Communications, Inc. will contract directly with the Vernon Township Municipal Utilities Authority for the same services; and

WHEREAS, the original amount of the Township's contract included the monetary amount for computer services for sewer which will now be billed directly through the VTMUA, thus reducing the Township's contract by \$360.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Vernon desires to appoint Vital Communications, Inc., pursuant to a revised contract under the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5; and

WHEREAS, the Qualified Purchasing Agent has certified that the value of the contract will exceed \$17,500.00; and

WHEREAS, the term of the contract will be from April 1, 2013 to March 31, 2014, with a total contract price not to exceed \$18,000.00.

NOW THEREFORE BE IT RESOLVED, this 30th day of May, 2013, 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 Vital Communications, Inc., for the purpose of Computer Services for Tax Assessment/CAMA, Tax Collection and Internet Access; and
2. The Mayor is hereby authorized and directed to execute a Revised Professional Services Contract with Vital Communications, Inc., attested by the Municipal Clerk.

This Professional Services Contract is awarded without competitive bidding (1) as a "Professional Service" under the provisions of the Local Public Contracts Law and/or (2) for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software.

A copy of this Resolution shall be published in the New Jersey Herald by the Municipal Clerk as required by law within ten (10) days of its passage and a true copy of same and the Professional Services Contract shall be available for inspection in the office of the Municipal Clerk.

RESOLUTION #13-108

RENEWAL OF LIQUOR LICENSES FOR VERNON TOWNSHIP FOR THE 2012-2013 LICENSING TERM

WHEREAS, all licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2013; and

WHEREAS, pursuant to R.S. 33:1, the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

WHEREAS, all of the licenses have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2013--2014 licensing period effective as of July 1, 2013.

HOTEL EXCEPTION

Stonehill Recreation Corp. (Kites/Mineral Springs) 1922-36-011-001

PLENARY RETAIL DISTRIBUTION

Highland General Store Inc. 1922-44-002-002

RESOLUTION #13-109

Council President Rizzuto asked for a motion to approve Resolution #13-109:

MOVED: Eddie Dunn

SECOND: Patrick Rizzuto

Council Member Kadish disagreed with the necessity to allow the banner to exceed the maximum size allowed by the Township Sign Ordinance. He also did not agree with placing the banner across the roadway.

The Council President advised that this was the same size and placement as had repeatedly been approved for this annual program at the church. He suggested that the Township should inspect the banner for safety.

A roll call vote was taken:
AYES: Eddie Dunn, Dick Wetzel, Patrick Rizzuto
NAYS: Daniel Kadish
ABSENT: Brian Lynch
Resolution #13-109 was approved.

RESOLUTION #13-109

AUTHORIZING PLACEMENT OF BANNER ACROSS BREAKNECK ROAD AND EXCEEDING ALLOWABLE SIZE

WHEREAS, Christ Community Church in Highland Lakes, New Jersey has requested permission from the Township Council to place a banner across Breakneck Road from the church property to a residential property to advertise for the Annual Vacation Bible School; and

WHEREAS, the banner will be securely hung across Breakneck Road at least 14' high from Church property to a residential property which prior permission has been granted; and

WHEREAS, the Church is requesting to display the banner measuring 3' by 14', for a time period of thirty days, beginning June 21, 2012 through the close of Vacation Bible School July 20, 2012; and

WHEREAS, Vernon Township Code 330-180, Section G.1. specifies that the banner sign cannot exceed thirty-six (36) square feet in area, or 12'L x 3'H in size.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, that Christ Community Church in Highland Lakes, New Jersey is granted permission to place a banner, as described above, across Breakneck Road, from June 13, 2013, through July 12, 2013, in association with the Church's Vacation Bible School event, provided all other requirements of Township Code 330-180 are followed.

ORDINANCES – INTRODUCTION

1st Reading of Ordinance #13-12 by Title Only

Council President Rizzuto asked for a motion to approve Ordinance #13-12 on 1st reading by title only:

MOTION: Eddie Dunn

SECOND: Dick Wetzel

A roll call vote was taken on Ordinance #13-12:

AYES: Eddie Dunn, Dick Wetzel, Patrick Rizzuto

NAYS: Daniel Kadish

ABSENT: Brian Lynch

Ordinance #13-12 was approved.

Township Attorney Kevin Kelly advised that both ordinances #13-12 and #13-13 have no minimum bid. Mayor Marotta noted that there was interest in buying the property in Ordinance #12-12 from an adjacent property owner.

AN ORDINANCE TO AMEND ARTICLE XXI "SOLAR ZONING AND STANDARDS", BEING SECTIONS 330-260 AND 330-261 OF THE CODE OF THE TOWNSHIP OF VERNON TO REVISE SOLAR ZONING AND STANDARDS

ORDINANCE #13-12

BE IT ORDAINED by the Township Council of the Township of Vernon that Article XXI entitled "Solar Zoning and Standards", of the Land Development Code shall be and is hereby amended as follows:

Section 1. Section 330-260 entitled "Solar: Zoning" and Section 330-261 entitled "Solar: Standards" are hereby deleted in their entirety and the following shall be inserted in their place:

§330-260. Solar: Zoning and Standards.

- A. Solar or photovoltaic energy facilities and structures are not permitted uses in any zone within Vernon Township. The Land Use Board shall approve a site plan for a minor solar or photovoltaic energy facility or structure and a major solar or photovoltaic energy facility or structure which shall meet site plan review standards and requirements as set forth in Article VI "Subdivision and Site Plan Review and Approval, of this Chapter" with the following exception:
1. A roof-mounted solar system shall be a permitted accessory use in all zones. A roof-mounted solar system and all necessary equipment shall not extend more than 12 inches beyond the edge of the roofline or 12 inches above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, solar panels on a flat roof shall not extend more than five (5) feet above the roofline.
- B. Ground-mounted minor solar or photovoltaic energy facilities or structures shall be allowed only in accordance with the following requirements:
1. Minor solar facilities shall have a setback requirement consistent with building regulations for accessory structures. Ground arrays which are accessory to an existing structure shall not be permitted in any front yard. These systems shall not exceed 15 feet in height when installed as ground arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment. Screening of the minor facilities shall be deemed necessary, in the Board's discretion, to minimize impacts on adjacent parcels.
- C. Major solar or photovoltaic energy facilities or structures shall be allowed only in accordance with the following requirements:
1. Minimum lot size: 20 acres. Preliminary and final site plan approval shall be obtained prior to obtaining a zoning permit. In the LI District, approval for major solar or photovoltaic energy facilities or structures on lots smaller than 20 acres shall be at the discretion of the Land Use Board. Solar facilities for non-preserved farmland shall be a maximum of 10 acres, have a 2 Megawatt (MW) limit and have a 1:5 ratio, i.e. one acre of the farm in solar use for every 5 acres of the farmland assessed area in order to continue to maintain Right to Farm protection.
 2. All major solar or photovoltaic energy facilities or structure installations shall comply with all applicable State and Federal laws and regulations.
 3. No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures are constructed unless approved as per the Vernon Township Soil Removal Ordinance (Chapter 483). Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads, berms for screening and for construction of inverter and switching equipment pads.
 4. Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with the Municipal, State and Federal regulations. Any Highlands Preservation Area permits must be obtained prior to any work being completed on the site.

5. Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is to be located, exclusive of poles for interconnection of the facility to the electrical grid. The minimum vegetated visual and security buffer width for major solar or photovoltaic energy facilities or structures shall be 50 feet and shall be provided in all zoning districts. The minimum principal setbacks shall be increased to 50 feet in any zoning district where the principal building setback is less than 50 feet. Otherwise minimum setbacks for principal structures within the zoning district shall apply. The Board may reduce setback requirements in the Light Industrial District if the Board finds that such a reduction will not impact adjacent parcels.

6. Major solar or photovoltaic energy facilities and structures shall be visibly screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - a. To the extent achievable, solar or photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.

 - b. If the property is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements it shall buffer the farm, open space and/or easements from view.

 - c. The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the Land Use Board that the proposed screening provides a visual screen of the facility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the Board.
 - (1) Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening throughout the year.

 - (2) The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.

 - (3) Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of Vernon Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75 percent screening of the solar energy generation facilities within 5 years of completing the installation of the facilities. A photo simulated exhibit depicting screening at key locations at the projected 5-year period shall be required.

 - d. A barrier shall be installed behind the required screen which shall:

- (1) Secure the facility at all times.
 - (2) Restrict access to all electrical wiring that may be readily accessible.
 - (3) All electrical control equipment shall be labeled and secured to prevent unauthorized access.
 - (4) Conform to the Uniform Construction Code and other applicable standards.
 - (5) One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - (6) No signs shall be posted on a solar facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - (7) All transformers and high voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - (8) The height of security fences and access gates shall not exceed 8 feet. Barbed wire fences are not permitted except in cases where it is demonstrated to the satisfaction of the Board of jurisdiction that barbed wire fencing is required for security purposes. In such cases the total height of the fence and access gates including barbed wire shall not exceed 8 feet. Approval of barbed wire fencing for solar facilities is at the discretion of the Board of jurisdiction.
7. A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping and fencing shall be a continuing condition of any approval that may be granted. A cost estimate for required plantings shall be presented as part of any application and a 5-year maintenance bond approved by the Township Engineer, which posts a minimum of 5 percent of total landscaping costs, shall be a condition of approval. The Maintenance Plan shall be environmentally responsible.
 8. All ground areas occupied by a major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization:
 - a. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - b. If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species shall be accepted for soil erosion control and soil stabilization,

and the alternative can be better sustained over the life of the facility, the reviewing Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses.

- c. Roadways within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction, except that driveways into the site shall meet the Township standards for driveway entrances from public roadways. Internal roadways shall be constructed to the minimal extent possible. Roadways within the occupied area shall be designed as grassed roadways to minimize the extent of soil disturbance, water runoff and soil compaction. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary roadways during the construction of the solar energy generation facilities is permitted provided that the geotextile fabrics and gravel are removed once the solar energy generation facilities are in operation.
 - d. The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version. Revised 8/2001, prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.
 - e. The components of this plan may be combined with the requirements of the Grading and Drainage Plan. See Subsection A(7), below.
9. The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's Stormwater Ordinance (Chapter 330, Article XII) and other applicable State standards.
- a. A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the Board of jurisdiction's engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also address the need for additional drainage structures on other private properties or public lands.
 - b. The grading and drainage plan shall show, among other things:
 - (1) All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - (2) The calculated volume of water runoff from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the runoff from the slope and the lot; and

- (3) The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water runoff.
 - c. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post development condition.
 - d. The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the Board of jurisdiction.
10. In addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
- a. Location, dimensions, and types of existing structures on the property.
 - b. Location of proposed and existing overhead and underground utility and transmission lines.
 - c. Location of any proposed or existing substations, inverters or transformers.
 - d. Details of solar panels and arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
 - e. Details of all inverters and equipment on the site including size dimensions and noise levels during use.
 - f. Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.
 - g. Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
 - h. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
 - i. For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
 - j. Location and condition of existing hedgerows and vegetated windbreaks.
 - k. A description of any lighting and its impact on neighboring residences and properties.
 - l. A construction plan to include, but not limited to mounting techniques and a description of on-site construction.
 - m. A description of glare on neighboring properties and residences.
 - n. An as-built plan shall be provided following completion of the project as a condition of approval for the site plan.
11. Permitted height – the maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 15 feet.

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
13. Solar energy generation facilities shall be designed to comply with either of the following standards for sound emission:
 - a. The sound level shall not exceed 40 dBA when measured at any point on the property line of the solar facility; or
 - b. The sound level shall not exceed the ambient sound levels measured at locations at the property line of the solar facility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - (1) Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least 1/2 hour and on 3 separate occasions, a minimum of 4 hours apart, representing morning, mid-day and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one-second sampling interval; and
 - (2) The data reported for each occasion shall be the octave band values (31.5 Hz to 8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value ("unweighted" or "flat" response, e.g., dBZ).
14. Any disturbance of wooded or forested areas shall be in compliance with the Vernon Tree Protection Ordinance (Chapter 330, Article XX).
15. All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. The decommissioning plan shall also be documented on the site plans in note form. Prior to removal of solar energy systems a demolition permit for removal activities shall be obtained from the Vernon Township Construction Official. Prior to issuance of a demolition permit, the owner or operator of the facility shall post a performance bond to ensure removal of the facility or systems in accordance with the decommissioning plan. Disconnection of solar energy systems shall be supervised by an electrician licensed in the State of New Jersey. The Zoning Official shall be responsible for compliance with the decommissioning plan.
 - a. Solar and photovoltaic energy facilities and structures which have not been in active and continuous service for a period of 18 months shall be removed from the property to a place of safe and legal disposal in accordance with a decommissioning plan. In order for the facility to maintain its status as an operating solar farm, an annual report shall be submitted to the Township Zoning Official stating the amount of electricity generated by the facility in the previous year and the number of days the facility was operational.
 - b. If the applicant ceases operation of the project for 18 months; or begins, but does not complete, construction of the project within 18 months of start of construction, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without significant delay, including but not limited to the following:

- (1) Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing Federal, State and local regulations.
 - (2) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (3) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.
 - (4) The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration. The decommissioning of all solar energy generation facilities shall be done in accordance with a conservation plan designed to address the impacts of the decommissioning process.
 - (5) The plan must include a timeline for completion of site restoration work.
- c. A cost estimate shall be provided for the cost of fully implementing the decommissioning plan prior to the issuance of a demolition permit. The cost estimate shall be subject to review and approval by the Township Engineer.
 - d. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Township Engineer, assuring the availability of adequate funds to remove the solar infrastructure and restore the site to a useful, nonhazardous condition in accordance with the decommissioning plan.
 - e. Upon cessation of activity for a cumulative period of 18 months of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator shall substantially complete all activities in the decommissioning plan.
 - f. Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. The Township Zoning Official shall be responsible for enforcement. Within 180 days of notice being served, the owner and/or operator shall either resume energy generation to at least 80 percent capacity of the facility at cessation of activity, or fully implement the decommissioning plan. If, within 180 days of receipt of notice, the owner and/or operator of the facility or system fail to resume energy generation to at least 80 percent of capacity of the facility or system as established at the time of approval, the Township may order the owner and/or operator of the facility to implement the decommissioning plan.

- g. If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in paragraphs (e) and (f) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities from the defaulted operator and/or the property owner. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 4. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 5. This ordinance shall take effect after publication and passage according to law.

.....
1st Reading of Ordinance #13-13 by Title Only

Council President Rizzuto asked for a motion to approve Ordinance #13-13 on 1st reading by title only.

MOTION: Dick Wetzel

SECOND: Eddie Dunn

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

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

NAYS: None

ABSENT: Brian Lynch

Ordinance #13-13 was approved on 1st reading.

ORDINANCE # 13-13

**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
44 CURVING HILL DRIVE, BLOCK 103.23, LOT 6**

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 44 Curving Hill Drive, Block 103.23, Lot 6; 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 44 Curving Hill Drive, Block 103.23, Lot 6 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 July 8, 2013 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) There is no minimum bid price.

(b) After legal advertisement of this Ordinance the sale shall be made to the highest bidder at public auction.

(c) 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 reason. The purchaser-successful bidder waives any and all right in damages or by way of damages.

(d) 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.

(e) Upon acceptance of the bid, the purchaser shall be required to pay ten percent (10%) of the bid plus \$450.00 to cover the Township's transaction costs, in cash or by check.

(f) A Quit Claim Deed without covenants will be delivered at the office of the Township Clerk within thirty (30) days, at which time and place the balance of the purchase price shall be required to be paid in cash or by bank check. The Mayor and Clerk are hereby authorized to execute said Deed.

(g) 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.

(h) The property will be sold subject to 2012 taxes, pro-rated from the date of delivery of the Deed under subsection 2(g).

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 103.23, Lot 5

Marc Rembish and
Eve Rembish

████████████████████
████████████████████

Block 103.23, Lot 7 (incl. Lot 8)

David Alan Festa and
Elizabeth Festa

████████████████████
████████████████████

Block 103.23, Lot 9 (incl. Lots 14, 15 & 16)

James K. McCarthy

████████████████████
████████████████████

Block 103.23, Lot 17

Peter J. DiSciascio and
Marion L. DiSciascio

████████████████████
████████████████████

Block 103.23, Lot 18 (incl. Lot 19)

Kenneth Sogaro

ORDINANCES – PUBLIC HEARING/2ND HEARING

2ND Reading of Ordinance #13-09 by Title Only

Council President Rizzuto asked for a motion to approve Ordinance #13-09 on 2nd reading by title only.

MOTION: Dick Wetzel

SECOND: Daniel Kadish

Open to Public Comments on Ordinance #13-09 only:

MOTION: Eddie Dunn

SECOND: Dick Wetzel

All were in favor.

No one wished to speak at this time.

Closed to Public Comments on Ordinance #13-09

MOTION: Eddie Dunn

SECOND: Dick Wetzel

All were in favor.

A roll call vote was taken on Ordinance #13-09:

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

NAYS: None

ABSENT: Brian Lynch

Ordinance #13-09 was adopted.

ORDINANCE #13-09

CAPITAL ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THEREFORE THE SUM OF \$215,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL FUND BALANCE OF THE TOWNSHIP

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

SECTION 1 The Township of Vernon, in the County of Sussex, New Jersey (the “Township”) is hereby authorized to make the following acquisitions, repairs and improvements in, by and for the Township, for the aforesaid structures, site work, accessories, appurtenances, equipment, work and materials necessary therefore or incidental thereto and suitable therefore:

New Mowing Equipment	Estimated Cost: \$ 80,000.00
Road Repairs	Estimated Cost: \$120,000.00
Improvement to Town Properties	Estimated Cost: \$ 15,000.00

SECTION 2 The sum of \$215,000.00 is hereby appropriated to the payment of the cost of the improvements and acquisitions authorized and described in Section 1 hereof (hereinafter referred to as “purpose”). Said appropriation shall be raised from the Capital Fund Balance of the Township to the payment of the cost of said purpose.

SECTION 3 Said improvements and acquisitions are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements and acquisitions shall be made as general improvements, no part of the cost of which shall be assessed against property specifically benefited.

SECTION 4 This ordinance shall take effect at the time and in the manner provided by law.

MAYORAL APPOINTMENT

Municipal Utility Authority – Mayor Marotta asked Council to approve the re-appointment of Gloria Frato-Gallo to the MUA for a 5-year term ending February 1, 2018. He advised that the delay in re-appointing her was due to a personal tragedy that occurred around the time when other appointments were made at the beginning of the year.

Council President Rizzuto and Council Member Wetzel, and the Mayor as well, all expressed their high praise for Ms. Frato-Gallo’s past work on the Authority.

Council President Rizzuto asked for a motion to approve this appointment:

MOTION: 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

Ms. Frato-Gallo was approved for re-appointment to the MUA.

COUNCIL BUSINESS

Council Member Dunn invited everyone to the EDAC meeting on Monday, June 3 at 6:30pm in the Senior Center. He advised that the topic would be on a Buy Local Campaign, and that there would be a representative from Marlboro in attendance as they have a program for Buy Local that has had great success (as have other towns). The benefit of this program is that it is a tax-neutral activity. He advised that the public is welcome to attend as well.

Council Member Kadish, Council Member Wetzel, and Council President Rizzuto had nothing to report at this time.

Mayor Marotta reminded everyone that Tuesday, June 4, was Primary Election Day. He asked that everyone please go out and vote.

Council President Rizzuto added that voting was an important right that should be utilized.

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 Wetzel, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:16pm.

Respectfully submitted,

Susan S. Nelson, RMC
Municipal Clerk

Minutes approved: June 24, 2013

Patrick Rizzuto, Council President