

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

July 22, 2013

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:30 p.m. on Monday, July 22, 2013 in the Vernon Municipal Center, 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. 10:4-7.

ROLL CALL OF MEMBERS

Present were Council Members Eddie Dunn, Daniel Kadish, Brian Lynch, Dick Wetzel, and Council President Patrick Rizzuto. Also present were Mayor Vic Marotta and Township Attorney Kevin Kelly.

SALUTE TO THE FLAG

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

PUBLIC COMMENTS

Council President Rizzuto asked for a motion to open the meeting for Public Comment.

MOVED: Brian Lynch

SECONDED: Dick Wetzel

All were in favor.

Mary Bradley, Board of Recreation, reminded everyone about the National Night Out to be held at the Maple Grange Park in Vernon on August 6th, from 7 to 9 pm.

Seeing no one else from the public wishing to speak, Council President Rizzuto asked for a motion to close the public portion of the meeting.

MOVED: Brian Lynch

SECONDED: Dick Wetzel

All were in favor.

MAYOR'S COMMENTS

Mayor Marotta reported that two DPW dump trucks need replacing. He mentioned moving funds in the capital budget to pay for one truck this year. He noted that even if ordered now, it can take up to 6 months, but we would have it for most of the winter season. He advised that a resolution to purchase one truck will be presented at an upcoming Council meeting.

The Mayor received a letter from Mr. William Zuckerman, our current Chief Financial Officer, who will be resigning as CFO as of August 1, 2013. Mr. Zuckerman will be 75 years of age in January 2014 and will at that time retire, until then, he will serve as Interim Business Administrator with reduced hours, and as Treasurer on an hourly basis. Ms. Elke Yetter will be stepping in as CFO; she has just passed her State exam, receiving a grade of 98.

The Council had some questions about Ms. Yetter's qualifications and the Mayor answered that she has been in our Finance Department for a year and a half and that she also has her CPA License, and that he is confident she is well qualified for the job.

Council President Rizzuto asked for a motion to appoint Mr. William Zuckerman as Interim Business Administrator and Treasurer until the end of this year.

MOVED: Brian Lynch

SECONDED: Eddie Dunn

A roll call vote was taken:

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

NAYES: None

APPROVAL OF MINUTES

Council President Rizzuto asked for a motion to approve the June 10, 2013 Regular Meeting Minutes:

MOVED: Eddie Dunn

SECONDED: Daniel Kadish

A roll call vote was taken:

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

NAYES: None

The minutes from the Regular Meeting of June 10, 2013 were approved.

The Council President asked for a motion to approve the June 24, 2013 Regular Meeting Minutes:

MOVED: Brian Lynch

SECONDED: Eddie Dunn

A roll call vote was taken:

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

NAYES: None

The minutes from the Regular Meeting of June 24, 2013 were approved.

CONSENT AGENDA

Council President Rizzuto gave a brief description of Resolutions #13-136 through #13-144. He asked for a motion to accept Resolutions #13-136 through #13-144:

MOVED: Brian Lynch

SECONDED: Dick Wetzel

Council Member Daniel Kadish stated he doesn't want to donate the pumper for training. Council Member Lynch stated that if it just sits there, it will just rust away. Council Member Dick Wetzel stated it is a gesture of good will. Council Member Eddie Dunn said it is surplus and gives us an opportunity to 'pay it forward'. Mayor Marotta stated that it will not meet pump standards.

A roll call vote was taken:

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

NAYES: Daniel Kadish

ABSTAIN: Brian Lynch abstained from Resolution #144.

Resolutions #136 through #144 were approved; #138 with a revision and #141 with a corrected amount.

RESOLUTION #13-136

CHAPTER 159 RESOLUTION

FY2012 FEMA-AFG (ASSISTANCE TO FIREFIGHTERS GRANT)

WHEREAS, N.J.S.A. 40A4-87 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 of Vernon has made application and obtained a grant from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), for \$342,562.00 Federal Share with \$38,063.00 local share for a total contract of \$380,625.00 for 2013 to provide fire service radio communications among emergency personnel.

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 \$380,625.00 which is now available as a revenue from the Federal Emergency Management Agency and the Township of Vernon.

BE IT FURTHER RESOLVED that a like sum of \$380,625.00 is hereby appropriated under the caption FEMA-Assistance to Firefighters Grant.

RESOLUTION #13-137

AUTHORIZING IN REM FORECLOSURE PROCEEDINGS

WHEREAS, the Township of Vernon holds Tax Certificates more specifically set forth in the annexed Tax Foreclosure List, which pertain to property within Vernon Township; and

WHEREAS, the Council of the Township of Vernon has determined that said Tax Certificates shall be foreclosed by summary proceedings In Rem.

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

That the Tax Certificates, as shown on the annexed Tax Foreclosure List, now held by the Township of Vernon, be foreclosed by summary process In Rem as described in N.J.S.A. 54:5-104.29, et.seq., as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

RESOLUTION #13-138

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on March 11, 2013 awarded Rogers, Joseph C Sr. a 100% permanent and total disabled veteran; and,

WHEREAS, as of said date the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that it authorizes the Tax Collector to cancel the taxes for 2013 in the amount of \$6,843.19 Re: Block 200.12 Lot 18 Location [REDACTED]; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #13-139

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on March 11, 2013 awarded Scialla, Kathleen a 100% permanent and total disabled veteran; and,

WHEREAS, as of said date the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that it authorizes the Tax Collector to cancel the taxes for 2013 in the amount of \$4,041.11 Re: Block 150.16 Lot 44 Location [REDACTED]; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #13-139

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on March 11, 2013 awarded Scialla, Kathleen a 100% permanent and total disabled veteran; and,

WHEREAS, as of said date the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that it authorizes the Tax Collector to cancel the taxes for 2013 in the amount of \$4,041.11 Re: Block 150.16 Lot 44 Location [REDACTED]; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #13-140

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on April 16, 2013 awarded Karwoski, Edward R. a 100% permanent and total disabled veteran; and,

WHEREAS, as of said date the law exempts said property from taxation,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that it authorizes the Tax Collector to cancel the taxes for 2013 in the amount of \$6,756.70 Re: Block 194.04 Lot 13 Location [REDACTED]; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #13-141

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on February 20, 2013 awarded Warren, John a 100% permanent and total disabled veteran; and,

WHEREAS, as of said date the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that it authorizes the Tax Collector to cancel the taxes for 2013 in the amount of \$10,717.14 Re: Block 81 Lot 1.24 Location [REDACTED]; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #13-142

**AUTHORIZING CONTRACTS WITH
CERTAIN APPROVED STATE CONTRACT VENDORS**

WHEREAS, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the State Contract; and

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

WHEREAS, the Township intends to enter into contracts with the below-referenced state vendor through this resolution, which shall be applicable to all the conditions of current state contracts; and

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 state vendor(s) listed below, pursuant to all conditions of the individual state contracts; and

BE IT FURTHER RESOLVED, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b) (the certification of available funds), which states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time a 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 contract between the Township of Vernon and the referenced state vendor shall be from January 1, 2013 to December 31, 2013; and

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

Commodity/Service	Vendor	State Contract #
Dump Truck, 39,000 lb. GVWR	Bucks County International, Inc.	79123

RESOLUTION #13-143

DONATING ONE 1993 VERNON FIRE DEPARTMENT PUMPER TO THE SUSSEX COUNTY PUBLIC SAFETY TRAINING ACADEMY

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

WHEREAS, the Township of Vernon authorized the sale at public auction for one 1993 Vernon Fire Department Pumper declared as surplus property no longer needed for public use in Resolution #13-33; and

WHEREAS, the Township of Vernon did hold two public auctions for the sale of this pumper; and

WHEREAS, the Township of Vernon received one bid for \$5,000.00 which was rejected; and

WHEREAS, the Township of Vernon has decided that it is in the best interests of the public to donate this pumper for training of fire fighters; and

WHEREAS, the Sussex County Public Safety Training Academy has expressed an interest in utilizing this pumper for training purposes in fire fighting, HazMat, and various other emergency services

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that the above-referenced pumper is hereby donated to the Sussex County Public Safety Training Academy for training purposes.

RESOLUTION #13-144

APPROVING VOLUNTEER FIREMAN ACTIVE MEMBERSHIP

WHEREAS, the Highland Lakes Volunteer Fire Department has selected Christopher Petronzio for active membership, and

WHEREAS, the Highland Lakes Volunteer Fire Department has requested municipal approval from the Township Council of the Township of Vernon for said appointment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, Sussex County, New Jersey, that the application for active membership by Christopher Petronzio to the Highland Lakes Volunteer Fire Department is hereby approved.

COUNCIL BUSINESS

Resolution for Consideration:

Council President asked for a motion to approve Resolution #13-145: in Support of Senate Bill 2340:

MOVED: Brian Lynch
SECONDED: Eddie Dunn

Council Member Kadish stated that he didn't like the tone of this resolution, as it harnesses the actions of the public, it is an unnecessary resolution and an unnecessary Senate bill.

Township Attorney Kevin Kelly gave an explanation of Open Public Records Act (OPRA) lawsuits and paying attorney fees regarding same.

A roll call vote was taken:

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

NAYES: Daniel Kadish

RESOLUTION #13-145

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, IN SUPPORT OF SENATE BILL 2340

WHEREAS, Senate Bill 2340 would expand the definition of frivolous lawsuits to include lawsuits filed merely to attack an individual or organization or as retaliation, and to include claims, motions, pre-trial affidavits or other pleadings; and

WHEREAS, S2340 would expand the ability of courts to order payment of attorney fees and costs by parties who file frivolous lawsuits; and

WHEREAS, the taxpayers of the Township of Vernon deserve protection against individuals who abuse the privileges of the legal system by pursuing vendettas and unsupportable claims against municipalities and their employees, professionals, and officials; and

WHEREAS, it is appropriate that the taxpayers of the Township of Vernon should not be forced to pay the legal costs involved in defense against legal actions which were pursued in bad faith, solely for the purpose of harassment, delay, malicious injury, or retaliation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that it hereby supports Senate Bill 2340, and encourages the entire New Jersey Legislature and Governor Chris Christie to support this measure.

COUNCIL COMMENTS

Council Member Lynch thanked everyone who came out for the fireworks; he said that a lot of people enjoyed the festivities.

Council Member Lynch also spoke about the Fire Department wet down and said that everyone had a good time.

Council Member Lynch spoke against texting and driving and stated that a friend of his was in a head-on collision because the other driver was texting. Fortunately both are in good health, but that is not always the case. He asked everyone to pull over to the side of the road to text. Council Member Lynch would like to see the Police Departments enforce stronger fines for texting and driving.

Council President Rizzuto mentioned that Mr. Fred Brody from Cross River Fiber will attend the next Council work session on Monday, August 5, 2013 to do a presentation regarding fiber optic networks.

Council President Rizzuto and Council Member Eddie Dunn had great fun at the fireman's wet down for the new truck.

Council President Rizzuto stated the reason for his leaving the last Council Meeting early was because his triplet grandsons were born. The proud Grandpa showed a picture of his daughter and her baby boys.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:10 p.m.

Respectfully submitted,

Andrea Bates
Deputy Municipal Clerk

Minutes approved: August 15, 2013

Patrick Rizzuto, Council President