

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**August 15, 2013**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:30 p.m. on Monday, August 15, 2013 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on June 12, 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, and Dick Wetzel. Also present were Mayor Vic Marotta and Township Attorney Kevin Kelly. Council President Patrick Rizzuto was absent.

**ACTING COUNCIL PRESIDENT**

Council Member Dunn nominated Brian Lynch as Acting Council President. All members were in agreement.

**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:
  - A. Personnel/Potential Litigation
  - B. Litigation Update
    - a) T. Van Gorder/Hendrickson
    - b) Rinker/Ooms/L. Van Gorder
3. This resolution shall take effect immediately.

MOVED: Daniel Kadish

SECOND: Eddie Dunn

All were in favor.

Time: 6:34pm

**RETURN TO OPEN SESSION**

Acting President Lynch asked for a motion to return to open session:

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSENT: Patrick Rizzuto

Council returned to open session at 7:30pm.

**SALUTE TO THE FLAG**

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

## **PUBLIC COMMENTS**

Acting President Lynch asked for a motion to open the meeting for Public Comment.

MOVED: Dick Wetzel  
SECONDED: Daniel Kadish  
All were in favor.

*Gary Martinsen* - suggested that Township Ordinances be sponsored by individual Council members (like the State Legislature does).

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

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

## **POLICE DEPARTMENT**

Mayor Marotta advised that Chief Wherry would be honoring Detective Sgt. Tom Zabriskie on his retirement after 27 years of service.

Chief Wherry spoke about Detective Sgt. Tom Zabriskie, noting his years of dedicated service to the residents of Vernon Township. He presented a plaque to Tom in the presence of his wife and children, with a standing ovation by members of the audience as well as the entire Council.

Mayor Marotta presented the newest member of the Vernon Township Police Department, Patrolman Emanuel (Manny) Rivera. He administered the oath of office in the presence of his family. The patrolman also received a standing ovation.

Acting President Lynch noted his experiences with Tom Zabriskie over the years, advising that he had done a great job. He also applauded Officer Derrick Scaderi who is the training officer for Manny. He wished both men good luck.

## **MAYOR'S COMMENTS**

Mayor Marotta noted that he was here when Tom Zabriskie was sworn in as a new patrolman and was proud to be here now for his retirement.

The Mayor reported that JCP&L has advised that during construction of Maple Grange Park, they had billed us a service charge which the courts have since determined to be improper. Therefore, we will be receiving a refund of about \$49,000.00.

## **APPROVAL OF MINUTES**

Acting President Lynch asked for a motion to approve the July 8, 2013 Regular Meeting Minutes:

MOVED: Eddie Dunn  
SECOND: Dick Wetzel  
A roll call vote was taken:  
AYES: Eddie Dunn, Dan Kadish, Dick Wetzel, Brian Lynch  
NAYES: None  
ABSENT: Patrick Rizzuto

The minutes from the Regular Meeting of July 8, 2013 were approved.

The Acting Council President asked for a motion to approve the July 22, 2013 Regular Meeting Minutes:

MOVED: Daniel Kadish  
SECOND: Dick Wetzel  
A roll call vote was taken:  
AYES: Eddie Dunn, Dan Kadish, Dick Wetzel, Brian Lynch  
NAYES: None  
ABSENT: Patrick Rizzuto

The minutes from the Regular Meeting of July 22, 2013 were approved.

Council Member Kadish noted a correction for the record on the items discussed in Executive Session – the second litigation item incorrectly included the name of Ooms

(Rinker/Ooms/L. Van Gorder) which should be deleted, as she has no involvement with this matter.

**CONSENT AGENDA**

Acting President Lynch gave a brief description of Resolutions #13-146 through #13-165.

Council Member Kadish asked to separate out Resolution #13-155, appointing the CFO, and acting on that resolution first.

Mayor Marotta introduced Ms. Yetter to the public and gave an overview of her qualifications and service in the Finance Office.

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzels, Brian Lynch

NAYS: None

ABSENT: Patrick Rizzuto

Resolution #13-155 was adopted.

**RESOLUTION #13-155**

**RESOLUTION AUTHORIZING APPOINTMENT OF A  
CHIEF FINANCIAL OFFICER FOR VERNON TOWNSHIP**

**WHEREAS**, the Township Council shall appoint a Chief Financial Officer, who shall serve as the director of the Department of Finance, in accordance with Article IX, Section 5-46 of the Township Code (Ordinance #11-21);

**WHEREAS**, the position of Chief Financial Officer is vacant as of August 1, 2013;

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

1. Elke D. Yetter is hereby appointed as Chief Financial Officer of the Township.
2. Ms. Yetter's term is to commence effective August 1, 2013, in accordance with the requirements of N.J.S.A. 40A: 9-140.10, and shall continue for a period of four years, until July 31, 2017.
3. Ms. Yetter shall receive annual compensation as set forth in the Township municipal salary ordinance, and shall give bond for the faithful performance of her duties, the bond to be paid for by the Township.
4. Ms. Yetter shall perform and discharge all of the functions, powers and duties prescribed for the Chief Financial Officer in the Township Code and other applicable laws.

Acting President Lynch asked for a motion to accept Resolutions #13-146 through #13-154, and Resolutions #13-156 through #13-165:

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzels, Brian Lynch\*,

NAYES: None

ABSENT: Patrick Rizzuto

ABSTAIN: Brian Lynch abstained from Resolutions #157, #158, #159, #160

Resolutions #146 through #154, and #156 through #165 were adopted.

**RESOLUTION #13-146**

**TOTAL DISABLED VETERAN**

**WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS** on March 11<sup>th</sup>, 2013 awarded Scialla, Kathleen a 100% permanent and total disabled Veteran: and,

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of Vernon authorizes the Tax Collector to refund the payment made in the amount \$300.52 to Scialla, Kathleen; and

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

**RESOLUTION #13-147**

**TOTAL DISABLED VETERAN**

**WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS** on March 11<sup>th</sup>, 2013 awarded Rogers, Joseph C., Sr. a 100% permanent and total disabled Veteran: and,

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of Vernon authorizes the Tax Collector to refund the payment made in the amount \$2,303.10 to Rogers, Joseph C., Sr., and

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

**RESOLUTION #13-148**

**TOTAL DISABLED VETERAN**

**WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS** on February 20<sup>th</sup>, 2013 awarded Warren, John R. a 100% permanent and total disabled Veteran: and,

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of Vernon authorizes the Tax Collector to refund the payment made in the amount \$1,364.05 to Warren, John R., and

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

**RESOLUTION #13-149**

**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**, that the Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2013 in the amount of \$6.27 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 #13-150**

**TOTAL DISABLED VETERAN**

**WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS** on April 16<sup>th</sup>, 2013, awarded Karwoski, Edward R. a 100% permanent and total disabled Veteran: and,

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of Vernon authorizes the Tax Collector to refund the payment made in the amount of \$2,036.26 to Karwoski, Edward R.; and

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

**RESOLUTION #13-151**

**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 Municipal 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 Municipal 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.

**TOWNSHIP OF VERNON TAX FORECLOSURE LIST  
(ATTACHMENT TO RESOLUTION #13-151)**

<b>Certificate #</b>	<b>Block</b>	<b>Lot</b>	<b>Assessed to</b>	<b>Amount to Redeem as of 07/24/2013</b>
96-199	73.14	11	Gallucci, Michael & G. Ethel	\$31,361.85
01/116	103.12	23	Norland Corp. c/o Jane Dupont	\$25,547.98
09/040	103.12	32 & 33	Cubero, Fred & Aida	\$ 9,948.54
08/039	103.25	47	O'Donnell, Eugene	\$11,787.70
11/046	124.18	11	Leek, Harry c/o D. Lynch	\$ 2,125.38
03/070	132	11.01	Zapolski, Arkady E. & Eva	\$38,524.83
09/042	132.07	4	N R L L East LLC	\$ 7,749.52
07/060	132.07	7	Centner, Joseph	\$18,414.09
08/047	170.14	30	Middleton, Sean	\$57,433.65
			5/4/09 T&N Funding LLC	
08/057	194.07	6	Scarpa, Patrick c/o Nardella	\$ 8,885.06
			11/30/11 Nardella, Jerry A.	
09/060	194.07	10	Saggau, Albert & Rebecca	\$13,363.11
08/060	221.02	7	Morici, Thomas & Carol	\$10,139.05

**RESOLUTION #13-152**

**AUTHORIZING THE APPLICATION FOR NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT**

**WHEREAS**, the Township of Vernon desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$14,400.00 State share with \$3,600.00 local share for a total contract of \$18,000.00 for 2014 to provide therapeutic horse back riding recreational opportunities for people with disabilities.

**BE IT THEREFORE RESOLVED**, that the Township of Vernon does hereby authorize the application for such a grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said Agreement between the Township of Vernon and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith:

**RESOLUTION #13-153**

**RESOLUTION AUTHORIZING SETTLEMENT OF THE CONDEMNATION ACTION FILED BY THE TOWNSHIP OF VERNON TO ACQUIRE A RIGHT OF WAY AND TEMPORARY GRADING EASEMENT OVER AND UPON PROPERTY DESIGNATED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 84.01, LOT 9**

**WHEREAS**, the Township of Vernon ("Township") previously authorized the acquisition of a Right of Way and Temporary Grading Easement (collectively, "Property Interests") over and upon those portions of Block 84.01, Lot 9 affected by the construction of safety improvements to the intersection of County Route 517 and Maple Grange/Lounsberry Hollow Roads; and

**WHEREAS**, the Right of Way area consists of approximately 1,542 square feet and is located along the northeast side of the subject property; and

**WHEREAS**, the Temporary Grading Easement consists of approximately 190 square feet and is located in the southern portion of the subject property along Route 517; and

**WHEREAS**, the Property Interests were appraised and valued by Michael E. Holenstein, MAI, CTA, SCGREA ("Appraisal Consultant") of Holzhauer & Holenstein, LLC at \$1,100.00; and

**WHEREAS**, on August 28, 2012, the Township filed a condemnation action in the Superior Court of New Jersey, captioned Township of Vernon v. David M. Payne, et al., bearing Docket No. SSX-L-577-12 (the "Condemnation Action") in order to effectuate the acquisition of said Property Interests; and

**WHEREAS**, the Defendant Bank of America, N.A. ("BOA"), successor by merger to BAC Home Loan Servicing LP f/k/a Countrywide Home Loan Servicing, LP was the only Defendant to file a Notice of Appearance in the Condemnation Action; and

**WHEREAS**, the Township and Defendant BOA have engaged in settlement negotiations and the Defendant BOA has agreed to accept the amount of \$2,200.00 as just compensation for said Property Interests; and

**WHEREAS**, the Township Attorney and the Appraisal Consultant for the Township recommend the settlement of the Condemnation Action.

**NOW, THEREFORE, BE IT RESOLVED** this 15<sup>th</sup> day of August, 2013, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey, that:

Section 1. The Township is hereby authorized to resolve and settle the above-captioned matter by establishing the “just compensation” for the Property Interests at \$2,200.00; and

Section 2. The Township’s Special Counsel is hereby authorized to file the necessary pleadings, enter into any agreement, and execute consent orders and/or judgments, as appropriate and necessary to settle the Condemnation Action as described herein; and

Section 3. The Township is hereby authorized to forthwith deposit the sum of Two Thousand, Two Hundred Dollars and 00/100 (\$2,200.00) with the Clerk of the Superior Court of New Jersey to be held to await further order of the Court.

Section 4. This resolution shall take effect immediately.

#### **RESOLUTION #13-154**

#### **RESOLUTION AUTHORIZING SETTLEMENT OF THE CONDEMNATION ACTION FILED BY THE TOWNSHIP OF VERNON TO ACQUIRE A RIGHT OF WAY OVER AND UPON PROPERTY DESIGNATED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 84.01, LOT 10**

**WHEREAS**, the Township of Vernon (“Township”) previously authorized the acquisition of a Right of Way (“Property Interest”) over and upon that portion of Block 84.01, Lot 10 affected by the construction of safety improvements to the intersection of County Route 517 and Maple Grange/Lounsberry Hollow Roads; and

**WHEREAS**, the Right of Way area consists of approximately 1,224 square feet and is located along a portion of the east side of the subject property facing Lounsberry Hollow Road; and

**WHEREAS**, the Property Interest was appraised and valued by Michael E. Holenstein, MAI, CTA, SCGREA (“Appraisal Consultant”) of Holzhauer & Holenstein, LLC at \$900.00; and

**WHEREAS**, on August 28, 2012, the Township filed a condemnation action in the Superior Court of New Jersey, captioned Township of Vernon v. Wells Fargo Bank, N.A. bearing Docket No. SSX-L-578-12 (the “Condemnation Action”) in order to effectuate the acquisition of said Property Interest; and

**WHEREAS**, the Township and Defendant Wells Fargo Bank, N.A. have engaged in settlement negotiations and the Defendant Wells Fargo Bank, N.A. has agreed to accept the amount of \$1,200.00 as just compensation for said Property Interest; and

**WHEREAS**, the Township Attorney and the Appraisal Consultant for the Township recommend the settlement of the Condemnation Action.

**NOW, THEREFORE, BE IT RESOLVED** this 15<sup>th</sup> day of August, 2013, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey, that:

Section 1. The Township is hereby authorized to resolve and settle the above-captioned matter by establishing the "just compensation" for the Property Interests at \$1,200.00; and

Section 2. The Township's Special Counsel is hereby authorized to file the necessary pleadings, enter into any agreement, and execute consent orders and/or judgments, as appropriate and necessary to settle the Condemnation Action as described herein; and

Section 3. The Township is hereby authorized to forthwith deposit the sum of One Thousand, Two Hundred Dollars and 00/100 (\$1,200.00) with the Clerk of the Superior Court of New Jersey to be held to await further order of the Court.

Section 4. This resolution shall take effect immediately.

#### **RESOLUTION # 13-156**

##### **AMENDING RESOLUTION #13-04**

**WHEREAS**, Resolution #13-04, Resolution Reauthorizing Petty Cash Funds for Calendar Year 2013, listed the custodians of the Township Petty Cash Funds; and

**WHEREAS**, the Finance Department custodian is no longer William I. Zuckerman.

**NOW THEREFORE BE IT RESOLVED** that the Council of the Township of Vernon, hereby amends Resolution #13-04 to reflect that the new Custodian of the Petty Cash Fund of the Finance Department is Elke Yetter.

#### **RESOLUTION # 13-157**

##### **CANCELLATION OF RESOLUTION #13-136**

**WHEREAS**, Resolution #13-136, Chapter 159 Resolution, requested 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 amount of \$380,625.00 for the FY2012 FEMA-AFG; and

**WHEREAS**, the amount of \$380,625.00 is incorrect.

**NOW THEREFORE BE IT RESOLVED** that the Council of the Township of Vernon, hereby cancels Resolution #13-136.

#### **RESOLUTION #13-158**

##### **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



\$342,562.00 which is now available as revenue from the Federal Emergency Management Agency.

**BE IT FURTHER RESOLVED** that a like sum of \$342,562.00 is hereby appropriated under the caption FEMA-Assistance to Firefighters Grant.

**Resolution # 13-159**

**EMERGENCY RESOLUTION – NJS 40A:4-48**  
*(Under 3% limitation)*

**WHEREAS**, an emergency has arisen with respect to the local share of the Federal Emergency Management Agency Assistance to Firefighters Grant and, no adequate provision was made in the 2013 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$38,063.00 and three (3) percent of the total operating appropriations in the budget for 2013 is \$479,025.48; and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2013.

**NOW, THEREFORE, BE IT RESOLVED**, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Appropriation- FEMA-Local Share - Assistance to Firefighters Grant in the amount of \$ 38,063.00;
2. That said emergency appropriation shall be provided for in full in the 2014 budget;
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency;
4. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

**Resolution #13-160**

**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 credited to Capital Fund Balance, 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 canceled:

<u>ORD</u>	<u>DATE</u>	<u>PROJECT</u>	<u>AMOUNT CANCELLED</u>
11-08	04-28-2011	EMERGENCY SERVICE IMPROVEMENTS	\$38,063.00

**RESOLUTION #13-161**

**AUTHORIZING THE MAYOR TO EXECUTE AN  
INTERLOCAL SERVICE AGREEMENT WITH THE  
VERNON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
FOR ADMINISTRATIVE SERVICES**

**WHEREAS**, the Mayor and Council of the Township of Vernon Township, a Municipal Corporation of the State of New Jersey and the Vernon Township Municipal Utilities Authority (VTMUA), a municipal utilities authority established pursuant to *N.J.S.A. 40:14-B-1 et. seq.* have determined that an Interlocal Service Agreement for Administrative Services is in the best interest of the parties; and

**WHEREAS**, the specific services, payment arrangements, and term of agreement, have been negotiated and set forth in a written Interlocal Service Agreement between the Township and VTMUA.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the Mayor is hereby authorized to execute the Interlocal Service Agreement between the Township and VTMUA for Administrative Services in accordance with the mutual terms and conditions of the attached Interlocal Service Agreement.

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

**RESOLUTION #13-162**

**AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR  
KDC SOLAR PHASE I AT MOUNTAIN CREEK –  
ROUTE 94 AND SAND HILL ROAD**

**WHEREAS**, KDC Solar, LLC bonded for the Phase I project at Mountain Creek – Route 94 and Sand Hill Road, in the amount of \$223,200.00, through Lexon Insurance Company, Bond #1079798; and

**WHEREAS**, KDC Solar, LLC has decided not to go ahead with this project and therefore the bond is no longer needed; and

**WHEREAS**, the Vernon Township Engineer has reviewed approved the cancellation of this bond.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, that it hereby approves and authorizes that the performance bond is to be cancelled in its entirety.

**RESOLUTION #13-163**

**AUTHORIZING THE SUBMISSION OF A \$40,000.00 GRANT APPLICATION  
TO THE NEW JERSEY HIGHLANDS COUNCIL  
FOR A PLANNING ASSISTANCE GRANT**

**WHEREAS**, the Township of Vernon wishes to apply for a \$40,000 grant from the New Jersey Highlands Water Protection and Planning Council for a Planning Assistance Grant pursuant to the Highlands Water Protection and Planning Act; and

**WHEREAS**, the TDR Receiving Zone Feasibility Grant provides funding to study the potential to create a transfer of development rights receiving zone within the Township of Vernon. The study covers four areas:

Phase I –	Infrastructure and Capacity Evaluation	\$ 5,000.00
Phase II –	Site Evaluation	\$15,000.00
Phase III -	Fiscal Analysis	\$15,000.00
Phase IV -	Final Report	<u>\$ 5,000.00</u>
		\$40,000.00

**WHEREAS**, this grant funding will be utilized by the Township’s current Planning Consultant Jessica C. Caldwell of J. Caldwell & Associates, LLC, with the exception of the fiscal analysis, which will be completed by an economic consultant authorized by the Highlands Council.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor is hereby authorized to execute the TDR Feasibility Grant Application from the NJ Highlands Water Protection and Planning Council and is further authorized along with the Chief Financial Officer of the Township to execute all documents associated with the grant.

**RESOLUTION #13-164**

**AUTHORIZING THE VERNON TOWNSHIP COUNCIL TO APPROVE A PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1922-43-005-002**

**WHEREAS**, an application has been filed for a person-to-person transfer of a Limited Retail Distribution License #1922-43-005-002, for the purpose of changing the name of licensee wherein the sale, service and storage of alcoholic beverages are authorized; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon does hereby approve, effective as of August 15, 2013, person-to person transfer of the Limited Retail Distribution License #1922-43-005-002, located at 812 Canistear Road, Highland Lakes, New Jersey to transfer from Wanda East LLC to LWS2, Inc., as delineated in the application form.

**RESOLUTION #13-165**

**AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS.**

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

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

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

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

**BE IT FURTHER RESOLVED**, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds: The Chief Financial Officer shall either certify the full maximum amount against the budget at the time of the contract award, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing an order, and a certification of availability of funds is made by the Chief 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, 2013 to December 31, 2013; and

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

**Commodity/Service**  
Oil and Stone Treatment

**Vendor**  
Morris Asphalt

**MCCPC Contract**  
#21

**ORDINANCES**

**Ordinance #13-15**

Council President Rizzuto asked for a motion to approve Ordinance #13-15 on 1<sup>st</sup> reading by title only:

MOTION: Eddie Dunn

SECOND: Dick Wetzel

Council Member Wetzel asked about plans for Maple Grange Park vs. The Flats. Mayor Marotta noted that Veteran’s Memorial Park’s equipment and recreation areas were in need of repair/replacement; and after discussions it was determined that due to the instability of the land at The Flats, the basketball courts crack. Therefore, Maple Grange was chosen, especially as families attend games there and siblings need a place close by to play. He advised that both the playground and basketball courts should be done by early October. Mr. Wetzel asked about any plans for “band-aids” in the meantime. The Mayor advised that the area at The Flats would be turned into more baseball fields.

Council Member Dunn asked about the use of the dump trucks. The Mayor advised that they are used on a daily basis for various tasks. He noted that one was red-lined a year ago, and about 6 weeks ago a second truck broke down. In addition, he advised that the parts to repair these trucks are no long made. He added that we will need at least one new truck to make it through the plow season.

A roll call vote was taken:

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

NAYS: None

ABSENT: Patrick Rizzuto

Ordinance #13-15 was approved on 1<sup>st</sup> reading.

**ORDINANCE #13-15**

**ORDINANCE OF THE TOWNSHIP OF VERNON IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE PURCHASE OF VARIOUS EQUIPMENT AND REPAIRS IN, BY AND FOR THE TOWNSHIP PURSUANT TO N.J.S.A. 40:56-1 AND APPROPRIATING THEREFORE THE SUM OF \$215,000.00, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND 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 improvements and acquisitions in, by and for the Township, including all work, materials and appurtenances necessary and suitable therefore pursuant to N.J.S.A. 40:56-1:

<u>EQUIPMENT</u>	<u>ESTIMATED COST</u>
1. Playground Equipment and installation. of same at Maple Grange Park	\$ 75,000.00
2. Dump Truck for Department of Public Works	<u>\$140,000.00</u>
TOTAL:	\$215,000.00

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 Improvement Fund 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.

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

**MAYORAL APPOINTMENTS**

**Senior Citizens Committee**

Mayor Marotta nominated Gloria Frato to fill an unexpired term to 12/31/2013

MOTION: Eddie Dunn

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

ABSENT: Patrick Rizzuto

Ms. Frato's appointment was approved.

**Municipal Utilities Authority**

Mayor Marotta nominated Roy S. Tanfield as Alternate #1 to fill an unexpired term to 02/01/2016

MOTION: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSENT: Patrick Rizzuto

Mr. Tanfield's appointment was approved.

**COUNCIL COMMENTS**

Council Member Wetzel advised that Governor Christie had signed an anti-texting bill into law this day, "Nicki's Law" which makes it illegal to text behind the wheel.

Council Members Kadish and Dunn had nothing to add at this time.

Mayor Marotta advised that monthly budget summaries had been distributed.

Council Member Lynch noted that he was glad that the Governor had finally listened to him about texting behind the wheel. He expressed his pleasure with the appointment of Elke Yetter as CFO, noting that she is well-deserving of the appointment. Mr. Lynch advised that Mrs. Frato is the youngest member of the Senior Citizens Committee!

**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 Eddie Dunn. Motion seconded by Council Member Dick Wetzel, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:04pm.

Respectfully submitted,

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Susan S. Nelson, RMC  
Municipal Clerk

Minutes approved: August 26, 2013

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Brian Lynch, Acting Council President