

Township of Vernon

TOWNSHIP COUNCIL REGULAR MEETING

September 22, 2014

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, September 22, 2014 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Brian Lynch presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 8, 2014, 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 Dan Kadish, Jean Murphy, Patrick Rizzuto, Dick Wetzel and Council President Brian Lynch. Also present were Township Engineer Corey Stoner, Special Township Attorney John Ursin, Township Administrator Bill Zuckerman, Mayor Victor Marotta and Township Attorney Kevin Kelly.

There was no Executive Session.

SALUTE TO THE FLAG

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

PROCLAMATIONS

Council President Lynch requested that Chief Scott Semchesyn of the Highland Lake Fire Department and Chief Joseph Byra of the Vernon Fire Department please come to the podium.

Council President Lynch read the following proclamation:

PROCLAMATION

WHEREAS, being a firefighter is a very satisfying profession that is highly respected by children and adults alike; and

WHEREAS, firefighters stand for all that is good in our society which is why they are one of the few occupations to be welcomed into your homes without an appointment; and

WHEREAS, communities rely on their firefighters to solve many types of problems ranging from fires, floods, traffic accidents, and hazardous materials incidents, and more; and

WHEREAS, firefighters go through a rigorous training program so they can follow their dreams to serve their communities with the knowledge that the other members of their team have been equally trained and will look out for each other; and

WHEREAS, despite human instinct to run away from a fire for fear of being injured, firefighters are the only ones who run towards a burning building as they are willing to risk their lives for complete strangers regardless of race, creed, color, or socioeconomic status; and

WHEREAS, Bells Across America will be held during National Fallen Firefighters Memorial Weekend held on October 11 and 12 to honor those fallen heroes who have made the ultimate sacrifice; and

WHEREAS, Vernon Township has been fortunate to not lose any firefighters in the line of duty while serving with our fire departments: Highland Lakes, McAfee, Pochuck Valley, and Vernon.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon that it does hereby recognize all Fallen Firefighters.

Mayor Marotta and Council President Lynch thanked the volunteer firefighters. Mayor Marotta stated the Township was very fortunate to have all the volunteers.

PUBLIC COMMENT: Council President Lynch asked for a motion to open the meeting for Public Comments.

MOTION: Dan Kadish
SECOND: Patrick Rizzuto
All members were in favor.

Christa Gerry stated that there had been some news articles that were in her opinion offensive about Council Member Kadish and his wife. Ms. Gerry said the Taxpayers Association would be in superior court on Sunday and they were very brave. Ms. Gerry opined that only God knows the answers to the problems the Township is facing. Ms. Gerry stated there was no political agenda and that we can't keep holding a grudge. Ms. Gerry claimed she did not see people going to Camp Sussex for drugs or sex. Ms. Gerry expressed that children learn from their parents.

CLOSED TO PUBLIC COMMENTS

Seeing no other members of the public wishing to speak, Council President Lynch asked for a motion to close the public portion of the meeting.

MOTION: Patrick Rizzuto
SECOND: Dick Wetzel
All Members were in favor.

Township Attorney Kevin Kelly stated that the Court hearing about Ordinance 14-17 had been adjourned to Friday at 11:00 am..

Council President Lynch noted that due to the recent events in West Milford where a 22 year old Rutgers student was attacked and killed by a black bear that the Clerk had placed copies of the brochure "Know the Bear Facts" on the counter for any persons interested.

TOWNSHIP MAYOR'S REPORT

- Mayor Marotta indicated that he had distributed to the Council a statement indicating that the Township was on target for revenue. Mayor Marotta expressed a desire for a higher figure, but it presently was not.
- Mayor Marotta announced that the refunding bond had been put through and the net savings to the Township was above the \$295,000 predicted and was actually \$348,000, which was a little more than one tax point higher.
- Mayor Marotta asked Corey Stoner, Township Engineer to come forward regarding the various resolutions on the agenda this evening. Mr. Stoner explained the resolutions noting that by breaking out the Breakneck Road Project into separate parts the Township would save money. Mr. Stoner noted the portion of Upper Plateau and Murphy that was blocked would continue to be so, but the other portions of the road were being repaved. Mr. Stoner noted that Aqua NJ was placing a bond to do work in the Township. Council Member Murphy asked if she should recuse herself because her broker had properties listed on Upper Plateau. Township Attorney Kelly stated there was not a conflict. Council President Lynch noted that many Highland Lakes residents are concerned with Upper Plateau. Mr. Stoner explained they will be adding reflectors to the guiderails for safety. Mr. Stoner noted that a monitoring well had been requested for the tank remediation at animal control so an additional resolution would be forth coming. Council Member Murphy asked if this was covered by insurance. Mayor Marotta indicated it was not.

APPROVAL OF MINUTES

It was moved and seconded as noted below to approve the following minutes:

August 25, 2014 Regular Meeting Minutes

MOVED: Dan Kadish
SECONDED: Dick Wetzel

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
ABSTAIN: None.
ABSENT: None

Motion carried to approve minutes for August 25, 2014.

CONSENT AGENDA

Council President Lynch gave a brief explanation of Resolutions #14-152 - #14-157.
Council President Lynch asked for a motion to adopt Resolutions #14-152 - #14-157.

MOVED: Dan Kadish
SECONDED: Patrick Rizzuto

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
ABSTAIN: None

Resolutions ##14-152 - #14-157 were adopted.

RESOLUTION #14-152

AUTHORIZING A CONTRACT WITH ABOVE ENVIRONMENTAL SERVICES, INC. FOR UNDERGROUND STORAGE TANK REMEDIATION AND INVESTIGATION SERVICES IN THE AMOUNT NOT TO EXCEED \$14,139.00

WHEREAS, Vernon Township is in need of retaining a contractor for Underground Storage Tank Remediation and Investigation Services for the Vernon Township Animal Control Building renovation project; and

WHEREAS, the improvements planned to the Animal Control Building required the removal of the underground storage tank which was found to have a small leak resulting in the Township to need NJDEP approvals of cleanup; and

WHEREAS, Above Environmental Services, Inc. has submitted a proposal dated August 13, 2014 for the above mentioned services for a total cost of \$14,139.00;

WHEREAS, the Chief Financial Officer has certified funds in an amount not to exceed \$14,139.00 in Account # 3095715.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:

1. A contract shall be awarded by the Township of Vernon, New Jersey for services specified on the agreement with Above Environmental Services, Inc., Vernon, NJ for the Underground Storage Tank Remediation and Investigation Services for the Vernon Township Animal Control Building.
2. The cost of said agreement shall not exceed a total of \$14,139.00

RESOLUTION #14-153

AUTHORIZING A CONTRACT FOR TERM AUGUST 13 - DECEMBER 31, 2014 FOR RECORDING SECRETARY FOR THE LAND USE BOARD IN THE AMOUNT NOT TO EXCEED \$1,500.00

WHEREAS, there exists a need for a Recording Secretary for the Township's Land Use Board for the remainder of the year 2014; and

WHEREAS, Colleen Ragnetti has expressed interest as an independent contractor for these services as stated in Exhibit 'A'; and

WHEREAS, Vernon Township desires to award a contract with Colleen Ragnetti for the term from August 13, 2014 to December 31, 2014, with a total contract price not to exceed \$1,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2014 Municipal Budget.

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

1. The Township of Vernon is authorized to award a contract with Colleen Ragnetti for Recording Secretary for the Township's Land Use Board.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Contract for these services.

A copy of this Resolution shall be published in the New Jersey Herald by the Municipal Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Municipal Clerk.

**Exhibit A
Land Use Board**

1. Setup Recording System on meeting room computer.
2. Attend Land Use Board Meetings.
3. Prepare Meeting Minutes.

RESOLUTION #14-154

**AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #36
FOR TRAFFIC STRIPING FOR PROPOSED IMPROVEMENTS
FOR BREAKNECK ROAD PHASE I**

WHEREAS, the Township of Vernon has a need for Traffic Striping for Proposed Improvements for Breakneck Road Phase I; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #36; and

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for the Traffic Striping for Breakneck Road Phase I using the vendor Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, NJ 07866 subject to the final approval from the New Jersey Department of Transportation; and

WHEREAS, the total cost of the road striping will be \$14,167.50 and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account# 3095718.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Denville Line Painting, Inc. be utilized for the Traffic Striping improvements for Breakneck Road Phase I, through the Morris County Co-Op contract #36 at a cost not to exceed \$14,167.50.

RESOLUTION #14-155

**AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #6 FOR
PROPOSED IMPROVEMENTS TO BREAKNECK ROAD PHASE I**

WHEREAS, the Township of Vernon has a need for Proposed Improvements on Breakneck Road Phase I specifically road resurfacing; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #6; and

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for the Road Resurfacing of Breakneck Road using the vendor Tilcon New York, Inc. 625 Mt. Hope Road, Wharton, NJ 07885 subject to the final approval from the New Jersey Department of Transportation; and

WHEREAS, the total cost of the proposed improvements will be \$362,743.00 and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account#3095718 and Account#3095719.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Tilcon New York, Inc. be utilized for the Proposed Improvements to Breakneck Road Phase I through the Morris County Co-Op contract #6 at a cost not to exceed \$362,743.00

RESOLUTION #14-156

AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #6 FOR ROAD RESURFACING FOR UPPER PLATEAU & MURPHY COURT

WHEREAS, the Township of Vernon has a need for Road Resurfacing on Upper Plateau and Murphy Court; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #6; and

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for Road Resurfacing Project using the vendor Tilcon New York, Inc. 625 Mt. Hope Road, Wharton, NJ 07885; and

WHEREAS, the total cost of the resurfacing project will be \$89,356.00 and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account#79120123.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Tilcon New York, Inc.. be utilized for the Road Resurfacing project at Upper Plateau & Murphy Court through the Morris County Co-Op contract #6 at a cost not to exceed \$89,356.00.

RESOLUTION #14-157

ACCEPTANCE OF PERFORMANCE BOND FROM AQUA NEW JERSEY, INC. FOR ROADWAY REPAIRS FOR PHASE III & PHASE IV WATER MAIN REPLACEMENT ALONG WOODLAND DRIVE, SUSAN COURT, CARR LANE & CHRISTINE PLACE

WHEREAS, Aqua New Jersey, Inc. has submitted plans to Vernon Township for a water main replacement project along Woodland Drive, Susan Court, Carr Lane, and Christine Place within Vernon Township; and

WHEREAS, the Township Engineer, Cory Stoner has reviewed and approved the final plans, prepared by James C. Barbato, P.E. with a requirement of a performance bond be posted per the attached letter dated September 17, 2014; and

WHEREAS, based on the estimated cost of the project, the Township Engineer is requiring a performance bond in the amount of \$357,096.00 submitted to Vernon Township prior to the start of the project by Aqua New Jersey, Inc.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, authorization to accept a performance bond in the amount of \$357,096.00 to be submitted by Aqua New Jersey, Inc. for road repairs in relation to the water main replacement along Woodland Drive, Susan Court, Carr Lane, and Christine Place; and

BE IT FURTHER RESOLVED, the performance bond can be formally released when construction has been completed and approved by the Township Engineer and further accepted by the Township Council by way of Resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Public Works for their records.

This Resolution will take effect immediately according to law.

INTRODUCTION/1st READING OF ORDINANCES

None

PUBLIC HEARING/2nd READING OF ORDINANCES

Ordinance #14-16

Council President Lynch read Ordinance #14-16 by title only.

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ESTABLISHING THE ELIGIBILITY OF REDEVELOPMENT PROJECTS WITHIN DESIGNATED AREAS IN NEED OF REDEVELOPMENT FOR THIRTY (30) YEAR TAX EXEMPTIONS AND ABATEMENTS PURSUANT TO THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A: 20-1, ET SEQ.

Special Township Attorney John Ursin noted that the Township had had a work session regarding this ordinance and that he was recommending two minor changes. Mr. Ursin stated that the phrase in paragraph nine (9) of the ordinance where it stated after the cure period “unless the financial agreement provides otherwise” should be stricken. Council Member Kadish asked if that also included paragraph number eight (8). Mr. Ursin upon review stated paragraph eight (8) was acceptable as written. Mr. Ursin noted that also in paragraph nine (9), it had stated that the cure period was 90 days in one section and then 30 days later in the same paragraph. Mr. Ursin stated the second time should be corrected to reflect 90 days. Council Member Kadish asked if the phrase “up to” 30 years should be added. Mr. Ursin referred that to the prerogative of the Council. Council President Lynch noted that tax revenue would be less if the agreement was for a shorter term. Council Member Murphy disagreed and felt the ordinance should be up to 30 years and more specific. Mr. Ursin noted this ordinance was not required but was a best practice. Council Member Murphy reiterated that she felt the ordinance should read “up to 30 years” and be specific to Mountain Creek. Mr. Ursin also opined that he doubted the Township would have an opportunity to have a project of this magnitude come along again as this was not typical for Sussex County. Council Member Murphy noted that this was the first long term redevelopment ordinance that was drafted by Mr. Ursin. Mr. Ursin indicated that these amendments were simple typographical changes.

Council Member Murphy moved to have the changes Mr. Ursin suggested in paragraph nine (9), and that the ordinance should state up to 30 years and only specific to Mountain Creek.

MOVED: Jean Murphy

SECONDED: Dan Kadish

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy

NAYES: Patrick Rizzuto, Dick Wetzels, Brian Lynch

ABSTAIN: None

Council President Lynch moved to have the Ordinance amended to reflect in paragraph nine (9) that the phrase where it stated after the cure period “unless the financial agreement provides otherwise” should be stricken that the cure period in the second reference to the cure period in paragraph nine (9) would be ninety (90) days.

MOVED: Brian Lynch
SECONDED: Patrick Rizzuto

A roll call vote was taken:

AYES: Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: Jean Murphy
ABSTAIN: None

Council President Lynch asked for a motion to open the public hearing on Ordinance #14-16.

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel
All members were in favor.

Gary Martinsen, Vernon stated that he felt this ordinance should go to the people as a referendum. Mr. Martinsen stated he did not feel the entity building this water park needed this ordinance and they could simply build the water park without the other elements of the project. Mr. Martinsen noted the other projects the developer had created. Mr. Martinsen indicated for the developer to simply earn a profit was the wrong reason to approve this. Mr. Martinsen also indicated that if foreign investors came into build this project they could bring in 10 foreign persons to be allowed to come into the Township to work here. Mr. Martinsen stated he did not support this project.

Robert Oliver, [REDACTED] stated that Mr. Martinsen's assertions about immigrant visas and bringing in foreign persons were incorrect.

Seeing no more members of the public come forward regarding Ordinance #14-16, Council President Lynch asked for a motion to close the public hearing.

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel
All members were in favor.

Council President Lynch asked for a motion to adopt Ordinance #14-16.

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel

Council Member Murphy stated she did not believe that Hardyston had done a PILOT agreement when projects were built there. Council Member Murphy indicated she disagreed with the comparison of the PILOT to a 30 year mortgage because at some point with a mortgage you are paying more principal than interest which does not happen under this agreement. Council Member Murphy expressed that she did not believe this was in the best interest of the Township. Council Member Murphy questioned the valuation of the land by the property assessor before and after the project was built. Mr. Ursin explained the assessment was governed by the agreement.

Council Member Rizzuto indicated that this project will be a significant project for the Township and will dwarf the largest county project thus far. Council Member Rizzuto noted the constant stream of taxes and excise taxes the Township would receive which would offset the contractual sewer requirements. Council Member Rizzuto expressed that once the new property went on line it would benefit the Township.

Council Member Wetzel stated that in the example of the 30 year mortgage that a person was not paying the mortgage off faster if they paid for all thirty years; they were just contributing to more principal in the end.

Council Member Murphy stated that she felt the township should receive 75% of the funds, not just 50-50 for all thirty (30) years.

A roll call vote was taken:

AYES: Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYES: Dan Kadish, Jean Murphy

ABSTAIN: None

Motion carried to adopt Ordinance 14-16.

COUNCIL COMMENTS:

Council Member Wetzel stated he felt the PILOT was a good program as was the farm preservation program. Council Member Wetzel commented that Council Member Kadish had benefited from that program where he received two (2) tax bills, one for the farm and the other for the house. Council Member Wetzel noted by selling \$1000 in lumber or hay or cattle and that was sufficient to qualify and in his opinion there was nothing wrong with following the rules and participating in the program. Council Member Wetzel pointed out the PILOT is a legal government sponsored program and this project was the biggest thing in this town in a long time.

Council Member Rizzuto echoed Council Member Wetzel's comments. Council Member Rizzuto stated that this was the only way the town will be able to maintain and reduce taxes. Council Member Rizzuto indicated that he was not looking to move forward with a trend towards rising taxes and the Township needed ratatables. Council Member Rizzuto stated he felt that this PILOT was a confirmation and affirmation of what the council had done many years ago when it built the ski areas. Council Member Rizzuto pointed out that it would be unlikely that someone would spend the amount of money needed for this project if they felt it was going to fail. Council Member Rizzuto expressed hope that there would be a developer's agreement.

Council Member Kadish stated he agreed with much that had been said but also disagreed with much that had been said. Council Member Kadish stated that this project had thirty year abatement but in his opinion did little for the public benefit and created traffic and water consumption. Council Member Kadish expressed dissatisfaction with the thirty (30) year abatement time period and felt that some projects may need less time and that this time period put a large burden on the unabated tax payer. Council Member Kadish indicated that if the investors needed a thirty year abatement because the project was too risky that perhaps it was too risky for Vernon. Council Member Kadish expressed that other than Mr. Ursin, there had been no expert witnesses or reports. Council Member Kadish felt the Council is remiss in its due diligence noting there are no underlying requirements, such as a per unit contribution towards COAH funds or a financial impact study. Council Member Kadish expressed concern that this ordinance would create an open season from developers in the redevelopment zone. Council Member Kadish opined the ordinance was a benefit to the developer at the expense of the tax payer. Council Member Kadish stated in his opinion that the creation of the redevelopment zones by previous administrations was an error and abatements were designed for urban blighted areas.

Council Member Murphy stated she had listened time and again about the accomplishments made in the Township but she noted they are made with tax payer dollars. Council Member Murphy opined there was a lot of "my way or the highway" and that is what Vernon tax payers are getting; if Mountain Creek would not build without this ordinance it should have been negotiated. Council Member Murphy noted a lot of the jobs would be created but they would be minimum wage jobs which people could not live on. Council Member Murphy indicated that jobs would go to the lowest bidder which may not necessarily be the people in town.

Council Member Murphy moved to put the Council Meetings on the web-site.

MOVED: Jean Murphy

SECONDED: Dan Kadish

Council President Lynch stated he would like to make a motion to table that request until the Township finds out what is required to do this before it was voted on.

MOVED: Brian Lynch

SECONDED: Patrick Rizzuto

Township Attorney Kevin Kelly stated this motion was not on the agenda. Council Member Murphy asked if this could be done at next meeting. Council President Lynch stated this could be on the next agenda.

Council President Lynch stated he liked the sound of \$1.2 million per year as opposed to \$15,000. Council President Lynch noted that just because you are elected to the Council and have a negative opinion of the project does not make you a financial guru. Council President Lynch indicated some council members should not have private meetings without the other members' knowledge. Council President Lynch stated that everyone should get the information and review the information to make a decision.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:42 p.m..

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Brian Lynch,
Council President

Minutes approved: October 16, 2014