Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

September 24, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on September 24, 2012, in the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 9, 2012, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

ROLL CALL OF MEMBERS

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

SALUTE TO THE FLAG

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

PRESENTATIONS

1) Chief Wherry introduced Vernon Township's newest Patrolman, Jason A. Mangano. He noted that Patrolman Mangano comes to us after completing his police training from the Morris County Police Academy and serving 6 years with the Morris County Sheriff's Office. The Patrolman graduated from the University of West Virginia, has been married for 10 years, and has a young daughter. Patrolman Mangano was given the Oath of Office by Mayor Marotta, with the Chief holding the bible for the swearing in. The Mayor and Council welcomed him to Vernon Township.

2) Council Member Dunn showed a PowerPoint presentation from the Economic Development Advisory Committee entitled "Vernon is Open for Business." This presentation is part of a planned event to promote a business-friendly atmosphere in Vernon. The event was planned for Wednesday, October 3 at Minerals Spa from 6:30-9:30pm.

PUBLIC COMMENTS

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

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

Jean Murphy – asked for the cost of the seminar by the EDAC. Council Member Dunn did not have a firm number at this time, as it was based on a per-person cost. Ms. Murphy asked the Council President what the length of his term as President was. Mr. Lynch noted that it was for 1 year.

Linda Gervald – noted that she was a condo resident. She asked why the Mayor does not attend the MUA meetings. Ms. Gervald stressed that the number of residents in each unit should be the determining factor in the cost, as opposed to the size of the unit.

Tom Conniver – noted that he was a condo resident. He noted that other residents have complained about their taxes and septic costs at MUA meetings and have been advised by the Attorney for the MUA that it was not the proper place to discuss those issues. He asked for the process that was formulated in determining the fee schedule.

Tom McClachrie – referenced Ordinance #12-01, the salary ordinance and now the ballot question in November. He disagreed with the removal of the municipal judge and the court administrator from the question, but noted that the Morris County judge

determined the removal of positions from the ordinance. He felt that the judge's salary and benefits should be up for a vote. He advised that he was not in agreement with the terms of the Mt. Creek/Intrawest contract. He noted that the assessments should be revisited town-wide. He pointed out that the MUA had made some changes.

Gary Martinsen – advised Council and the public that the 2nd annual tourism/cultural festival to draw in small businesses was scheduled for October 21. He noted that the cost of admission was \$3.00, and that it was broken down as follows: \$1.00 to cover costs of the festival; \$1.00 as a donation to the Fire Dept.; and \$1.00 as a donation to the veterans cemetery project.

Mary Ellen Vichiconti – noted that Pete Seeger was recently in town, and that she was disappointed that no one from the governing body was there to welcome him. She pointed out that no governing body members had attended any events at Jamie Rickey's place.

Beverly Budz – asked about the Chamber of Commerce getting businesses together to put up a billboard on Rt. 94. She inquired about any regulations for that.

CLOSED TO PUBLIC COMMENTS

Council President asked for a motion to close the public portion of the meeting. MOVED: Patrick Rizzuto SECOND: Eddie Dunn All Members present were in favor.

MAYOR'S REPORT

- Mayor Marotta advised that this Saturday, Sept. 29 from 10:00am to 2:00pm, the Vernon Township Police Dept. would be holding a "Got Drugs" program. Residents can bring their outdated prescriptions and drop them off at the A&P. He noted that this was encouraged by the Coalition.
- He advised that we had taken possession of two 2012 Ford interceptor SUV's, noting that these were 4wd pursuit-rated vehicles. He further advised that we would be holding a public auction to dispose of old vehicles (on-line auction Oct. 11 Oct. 14 per Resolution #12-187); and that the Department has developed a schedule of rotation to keep the fleet with vehicles in good working order. He pointed out that installation of the in-vehicle cameras had been completed, giving them a new tool for safety. Also noted, was that the Department was looking into a computerized ticket writing system to streamline the process.
- The Mayor advised that he and the Council had received a letter from the Walker Vernon Valley Farm requesting a reduction of fees to construct an opensided barn at the farm. They had been advised that these fees would be about \$10,000, which they felt was excessive. The project was being designed and funded by the U.S. Dept. of Agriculture, through the Natural Resources Conservation Service. The Mayor asked Council to consider this request, noting that there was also a time constraint. Council discussed this request, with Council Member Kadish stating that it was an agricultural *single-use* building, designed to prevent manure getting into our water supply. He added that it can <u>only</u> be used as a feeding area for cattle; and since it is a federal project planned and supervised by a federal engineer, he proposed eliminating the fees.

MOTION

Motion to eliminate fees for the Walker Vernon Valley Farm to construct a manure stacking facility.

MOVED: Daniel Kadish SECOND: Dick Wetzel

Council Member Dunn asked the Mayor if he knew what the time constraint was. The Mayor advised that they must break ground this year. Mayor Marotta noted that included in the letter was a comparison of fees from neighboring towns vs. Vernon fees. Mr. Dunn felt more information was needed.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch NAYS: None Motion carried. The fees were waived.

 Mayor Marotta read a letter from Ed Rolando, the current Chairman of the MUA. Mr. Rolando thanked the Council for their cooperation in creating the MUA and getting it up and running. Unfortunately, Mr. Rolando was tendering his resignation from the MUA due to a conflict of interest. He is one of the developers at Theta 456 Associates, LLC, who are coming before the LUB with plans for the senior affordable housing project.

APPROVAL OF MINUTES

Regular Meeting Minutes of August 27, 2012

MOVED: Patrick Rizzuto
SECOND: Dick Wetzel
A roll call vote was taken:
AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYS: None
ABSTAIN: None
The regular meeting minutes of 8/27/12 were approved.

Regular Meeting Minutes of September 10, 2012

MOVED: Patrick Rizzuto
SECOND: Daniel Kadish
A roll call vote was taken:
AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel,
NAYS: None
ABSTAIN: Brian Lynch
The regular meeting minutes of 9/10/12 were approved.

CONSENT AGENDA - RESOLUTIONS #12-176 through #12-188

Council President Lynch gave a brief explanation of each resolution. Council Member Kadish asked to vote on #12-188 separately.

Mr. Lynch asked for a motion adopting Resolutions #12-176 through #12-187.

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

ABSTAIN: * Entry #2513 and #2521 from Resolution #12-176

Resolutions #12-176 through #12-187 were adopted.

RESOLUTION #12-176 AUTHORIZING THE APPROVAL OF BILLS LIST

BE IT RESOLVED THAT THE FOLLOWING BILLS LISTED ARE

HEREBY APPROVED:

Disbursement				
Journal	Fund	AMOU	NT	Major Vendor
#1	CURRENT	\$	13,711.35	
#2	CURRENT	\$	636,480.00	BOND PAYMENT
#3	CURRENT	\$	830,016.16	BD OF ED
#4	CURRENT	\$	181.94	
#5	CURRENT	\$	84,663.86	MUA
#6	CURRENT	\$	20,501.69	MUA
#7	CURRENT	\$	478.40	MUA
#8	CAPITAL	\$	3,435.90	
#9	GRANT	\$	402.46	
#10	GRANT	\$	39,525.00	
#11	P & Z	\$	2,756.44	
#12	RECREATION	\$	337.33	
#13	RECREATION	\$	474.48	
	OUTSIDE			
#14	SERVICES	\$	7,714.00	
#15	OUTSIDE	\$	5,808.68	

	SERVICES		
#16	OTHER TRUST	\$ 2,688.52	
	DEVELOPER'S		
#17	BONDS	\$ 12,196.68	
#18	RECREATION	\$ 5,405.55	
#19	1ST PAY-SEPT	\$ 314,521.27	
		\$ 1,981,299.71	

RESOLUTION #12-177 TOTAL DISABLED VETERAN

WHEREAS the Department of Veterans Affairs on February 22, 2012, awarded Ronald Stephenson 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 Mayor and Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2012 in the amount of \$4,750.21 and refund the payment made in the amount of \$1,638.32 to Stephenson, Ronald & Frances Re: Block 72 Lot 1.05 Location and

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

RESOLUTION #12-178 TOTAL DISABLED VETERAN

WHEREAS the Department of Veterans Affairs on December 27, 2011 awarded Larry Decker 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 Mayor and Council of the Township of Vernon authorizes the Tax Collector to refund the 2011 Homestead Benefit payment made in the year 2012 1st quarter in the amount of \$ 531.33 to Decker, Larry & Dorothy Re: Block 82 Lot 6.05 Location

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

RESOLUTION #12-179 TOTAL DISABLED VETERAN

WHEREAS the Department of Veterans Affairs on January 26, 2012, awarded William F. Jackson 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 Mayor and Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2012 in the amount of \$4,784.78 and refund the payment made in the amount of \$1,602.97 to Jackson, William F. & Darlene J. Re: Block 154.20 Lot 4 Location

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

RESOLUTION #12-180 TOTAL DISABLED VETERAN

WHEREAS the Department of Veterans Affairs on February 6, 2012, awarded Richard A Patterson 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 Mayor and Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2012 in the amount of \$6,349.79 and refund the payment made in the amount of \$2,157.22 to Richard A. Patterson Re: Block 206.08 Lot 11 Location and

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

RESOLUTION #12-181 TOTAL DISABLED VETERAN

WHEREAS the Department of Veterans Affairs on March 12, 2012, awarded John G. Esteve 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 Mayor and Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2012 in the amount of \$4,216.37 Re: Block 104.02 Lot 13 Location and

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

RESOLUTION #12-182 TAX OVERPAYMENT

WHEREAS, a duplicate payments were made on the Third quarter 2012 taxes; and

WHEREAS, such payments created OVERPAYMENTS.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue checks for said overpayments, and the Tax Collector refund said overpayments of taxes on the following accounts:

<u>BLOCK</u>	<u>LOT</u>	NAME	<u>AMOUNT</u>	<u>QTR</u>	LOCATION
199.08	34 C0233	BAC Tax Services Corp (Re: Jacob, John & Ellen E #	\$ 780.20 #064324044)	3 rd	
192.03	1 C06.1	Core Logic (Re: Villano, MN #70193819	\$1,022.19 02)	3 rd	

TOWNSHIP OF VERNON

RESOLUTION #12-183

WHEREAS, a **County Board Judgment** has been favorably awarded for the year 2012; and,

WHEREAS, such judgment has resulted in an overpayment of the 2012 taxes;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue a check for said overpayment, and the Tax Collector refund said overpayment of taxes on the following account:

BLOCK	LOT	NAME	AMOUNT	LOCATION	
140	4	EEC Associates LLC	\$2,527.01		

RESOLUTION #12-184

AUTHORIZING THE RENEWAL OF A CONTRACT WITH WINTERS AUTO PARTS FOR AUTOMOTIVE AND LIGHT DUTY TRUCK AFTERMARKET PARTS

WHEREAS, the Mayor and Township Council awarded a contract for automotive and light duty truck aftermarket parts to Winters Auto Parts on September 26, 2011 via resolution 11-186; and

WHEREAS, the Local Public Contracts Law allows for one-year renewals of contracts that are competitively bid; and

WHEREAS, this contract was competitively bid.

NOW, THEREFORE BE IT RESOLVED, by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to authorize a one-year contract renewal to Winters Auto Parts, for the purchase of automotive and light duty truck aftermarket parts; and

BE IT FURTHER RESOLVED, the Vernon Township Mayor and Council, pursuant to NJAC 5:30-5.5 (b), the certification of available funds, shall not 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 Financial Officer.

This Resolution shall take effect immediately according to law.

RESOLUTION #12-185

AUTHORIZING THE RENEWAL OF A CONTRACT WITH H&H AUTO PARTS OF VERNON FOR AUTOMOTIVE AND LIGHT DUTY TRUCK AFTERMARKET PARTS

WHEREAS, the Mayor and Township Council awarded a contract for automotive and light duty truck aftermarket parts to H&H Auto Parts of Vernon on September 26, 2011, via resolution 11-185; and

WHEREAS, the Local Public Contracts Law allows for one-year renewals of contracts that are competitively bid; and

WHEREAS, this contract was competitively bid.

NOW, THEREFORE BE IT RESOLVED, by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to authorize a one-year contract renewal to H&H Auto Parts of Vernon for the purchase of automotive and light duty truck aftermarket parts; and

BE IT FURTHER RESOLVED, the Vernon Township Mayor and Council, pursuant to NJAC 5:30-5.5 (b), the certification of available funds, shall not 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 Financial Officer.

This Resolution shall take effect immediately according to law.

RESOLUTION #12-186

AUTHORIZING THE AWARD OF A CONTRACT FOR CONTAINER SERVICE AT THE TOWNSHIP'S PUBLIC WORKS AND ANIMAL CONTROL FACILITIES

WHEREAS, there is a need to haul and dispose of solid waste (type 10) containers at the Township's public work's and animal control facilities; and

WHEREAS, the Township has received three quotations for providing this service; and

WHEREAS, these quotations were reviewed by the Qualified Purchasing Agent; and

WHEREAS, the QPA recommends awarding a contract to Gaeta Recycling Company, Inc. who submitted the lowest quote of \$1,049.77 per month (annual cost of \$12,597.24) which covers the period from October 16, 2012 to October 17, 2013; and

WHEREAS, the Chief Financial Officer has certified funds available for this purpose in account #10577237; and

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award a contract to Gaeta Recycling, 278 West Railway Avenue, Paterson NJ 07053 for container service for the aforementioned time period.

This Resolution shall take effect immediately according to law.

RESOLUTION #12-187

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Vernon has determined that the surplus property described on Schedule "A" attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Township of Vernon through this resolution gives notice of the intention to the public, pursuant to Local Finance Notice 2008-9, that the sale will be by means of an on-line auction at the following approved provider at a date to be determined:

www.usgovbid.com

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Vernon in the County of Sussex, authorization is hereby given to sell the surplus property as indicated on the attached Schedule "A" on an online auction to be determined at a later date; and

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 40A:11-36, that formal public notification will be provided by the publication of a Legal Notice in the official newspaper, the New Jersey Herald, not less than 7 or more than 14 days prior to the scheduled auction.

This Resolution will take effect immediately according to law.

SCHEDULE "A"

VUIIC	105	
#66	1990 White GMC	4V2JCBME5LR807642
#97	1982 John Deere JD301A	301AD389962T
#212	1998 Ford E350 XLT	1FBSS31SXWHB00058
#310	2005 Ford Crown Victoria	1FAFP71W15X154829
#311	2006 Dodge Charger	2B3KA43H06H503497
#317	2007 Ford Crown Victoria	2FAFP71W07X100540
#321	2004 Dodge Durango	1D4HB38N24F141298
#400	1993 Chevy Suburban	1GNGK26K9PJ390900
#428	1997 Ford Expedition	1FMEU18W2VLB49164
#444	1999 Chevy Suburban	3GNFK16R0XG130177

Vehicles

Miscellaneous Items

- Various old Stainless Steel Hopper Sanders
- #11 1999 Scag STT61-22KA Serial #4350434 Mower
- Scotchlite Model #VA110 Serial #3397 Heat Lamp Application for Heat Activated Sheeting
- Sign System 3 Serial #001 Die Cutter with sets of Dies: 2", 3", 4", 5", 6", 8", 10". All Dies 2" through 8" are A-Z and 1-10. Also, 15 rolls Heat Activated Sheet: 24"30" rolls red, yellow, white, green
- Graphtec CE 3000-60 Serial #40565523 Plotter for Cutting Sheeting up to 24"
- Monty S410 Air Operated Tire Changer
- (3) Motorola GM300 High Band Radios

Resolution #12-188

Council Member Kadish asked if the work had already been completed on Resolution #12-188. Mayor Marotta explained that this resolution was only authorizing the third project at the back of the building by the Police Dept. entrance. The only reason for including the other two projects was that all three together would exceed the \$17,500 threshold.

MOVED: Daniel Kadish SECOND: Eddie Dunn A roll call vote was taken: AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch NAYS: None ABSTAIN: None Resolution #12-188 was adopted.

RESOLUTION #12-188

AUTHORIZING THE AWARD OF A CONTRACT TO INSTALL NEW SIDEWALKS AT THE MUNICIPAL BUILDING

WHEREAS, there is a need to install new sidewalks at various locations around the municipal building; and

WHEREAS, earlier in the year the Township on two separate occasions solicited and received quotations to install new sidewalks, one for the front of the building and one for the rear of the building outside of the senior center; and

WHEREAS, Joe Maggio, LLC had submitted the lowest quotes for this aforementioned service on each occasion and installed new sidewalks at these two locations; and

WHEREAS, the Township recently received quotes to install new sidewalks at a third location in the back of the municipal building, outside of the police station; and

WHEREAS, Joe Maggio, LLC submitted the lowest quote for this location; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of this service at all three locations exceeds \$17,500; and

WHEREAS, the Township of Vernon is desirous to enter into an agreement with Joe Maggio, LLC located at PO Box 561, Sussex, NJ 07461; and

WHEREAS, this contract will be awarded as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-1 et seq. and the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq., as amended; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of a contract to Joe Maggio LLC to install new sidewalks at the municipal building; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

COUNCIL PRESIDENT

Council President Lynch addressed the Mayor on the recent power outage over the weekend. The power was out for 3 ½ to 4 hours due to a resident who cut a tree down and took out a transformer. He felt they had done a very professional job to restore the power, and in fact had it back on within minutes of their projected timeframe. He asked the Mayor to send Sussex Rural Electric a letter of thanks.

COUNCIL COMMENTS

Council Member Wetzel advised he received a letter from Mr. Ditmar on Arapaho Drive about a "junkyard" on a neighbor's property. The Mayor advised that the Zoning Officer was out to view the situation the same day and noted that it was being addressed. Mr. Wetzel addressed Ms. Budz's suggestion for a billboard, noting that this idea had been investigated years ago but never went anywhere. The Council Member noted that the Flying Monkey Deli held their grand opening and are doing well. He understood that the Deli owners had been warned against opening in Vernon due to the reputation that it is not business-friendly, but they went ahead anyway.

Council Member Rizzuto extended his compliments to the staff with the appearance of the outside of the Municipal building – "It looks great." He noted that last year at this time we were well into the budget process, with 2012 showing a 2pt drop in the tax rate. He advised that there was a possibility of a further decrease in 2013. Mr. Rizzuto addressed Mr. McClachrie's statement about the taxes being too high, noting that while the Vernon Taxpayers Association has said that all Township expenditures over \$500,000 should be approved by the voters, they were curiously silent when the Board of Education chose to take away approval of their budget from the taxpayers.

Council Member Kadish advised that hearing about Mr. Ditmar's letter reminded him that in the 1990's the Mt. Creek development plans included certain stipulations that have not been followed, such as a tree buffer by the snowboarding area and some security issues. Mr. Kadish also noted the passing of the owner of Precision Metals who was a long-time supporter of the Historic Preservation Commission. The Council Member advised that he would like to propose an ordinance for people to be able to raise hens on their property if they have a large enough piece of land (but no roosters). He pointed out that the noise ordinance does not list a decibel level denoting excessive noise, which makes it hard to determine if the many complaints from events at the Richey farm are in violation.

Council Member Dunn agreed with Mr. Wetzel about the new Flying Monkey Deli, and felt it looked great and was generating a decent business. He raised a veteran's issue, noting that there will be 130,000 to 200,000 military personnel coming out of the service during the next 12-18 months. He asked people to be thoughtful and considerate during their transition as we approach Veteran's Day in November. He added that the unemployment rate for 18-24 year old veterans is 12.1%.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:41pm.

Respectfully submitted,

Susan S. Nelson, RMC Municipal Clerk

Brian Lynch, Council President

Minutes approved: October 11, 2012