

**Township of Vernon**

**TOWNSHIP COUNCIL MEETING**

**OCTOBER 15, 2015**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, October 15, 2015 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 4, 2015, 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, Brian Lynch, Jean Murphy, Dick Wetzel and Council President Patrick Rizzuto. Also present were Mayor Victor Marotta, Administrator Zuckerman, CFO Yetter and Township Attorney John Ursin.

**SALUTE TO THE FLAG**

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

**PROCLAMATIONS:**

Council President Rizzuto asked Council Member Murphy to read the following proclamation:

**Proclamation**

**WHEREAS**, Breast Cancer is a serious threat to women’s health across New Jersey and the nation, and

**WHEREAS**, increased public awareness of this disease, its risk factors, and its symptoms may save lives as women across New Jersey learn to recognize the warning signs of Breast Cancer; and

**WHEREAS**, Breast Cancer is treatable when detected early and prompt treatment can significantly reduce the suffering and deaths caused by this disease; and

**WHEREAS**, the Sussex County Chronic Disease Coalition and Project Self Sufficiency are organizations partnering to promote Breast Cancer awareness during the Month of October through the Susan G. Komen’s Annual Tie a Pink Ribbon Campaign; and

**WHEREAS**, Pink Ribbons have become an increasingly recognized sign of courage, support and hope for a cure.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that the **MONTH OF OCTOBER** shall be proclaimed **BREAST CANCER AWARENESS MONTH** in the Township of Vernon and the displaying of Pink Ribbons during the Month of October is a wonderful way to encourage citizens to stand together against this disease.

**October 2015**

**BREAST CANCER AWARENESS MONTH**

**In Vernon Township**

**PUBLIC COMMENT:**

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

MOTION: Brian Lynch

SECOND: Dan Kadish

All members were in favor.

Gary Martinsen, Vernon stated he was hosting his Annual Viking Festival and it would be on October 25, \$3 gate; \$1 to the Veteran’s Cemetery and \$2 to the VFW.

Eric Card of Highland Lakes, stated that he had a history of problems between himself and his neighbor regarding the septic system. Mr. Card explained that he had had a similar issue in the past and he currently believed that the board of health had permitted a septic for his neighbor that was actually on his property. Mr. Card expressed dissatisfaction with the way this issue was being addressed by the County Health Department. Mr. Card expressed distress that they had approved this and now were not being held accountable for their actions and advising him that he had to hire his own attorney to settle the matter. Attorney Ursin noted that while he had no specific recollection of the 2002 litigation on this matter that the issue lies with the County Health Department and a certification from the engineer that the system "as built" does not encroach on the property. Mr. Card said the septic is built on his property and it should not be his issue to prove it. The Council discussed possible solutions including having Mr. Card sit with the Mayor, possibly talk to the Freeholders.

Jessica Paladini, stated she was representing the Vernon Historic Society, who would be holding a Mayoral debate on October 21 at the Vernon High School. Ms. Paladini stated that it would be 90 minutes with candidate introduction and a question and answer period. Ms. Paladini stated the Historical Society was not endorsing any candidate.

Ed Nitch, stated he has been living her since 1992 and he had noticed a lot of negativity in posting online. Mr. Nitch stated since he has moved here they have built Maple Grange Park, the Appalachian Hotel, Red Tail Lodge, the Heli pad, the Urgent Care, the Scenic By-way designation, the Dollar General and CVS; all the development has been done in the past four years. Mr. Nitch stated he is voting for Mayor Marotta. Mr. Nitch commented that October is breast cancer awareness month.

Doreen Edwards, stated her heart goes out to Mr. Card because of the loss of the Health Department. Ms. Edwards stated that the median at 515 is a mess and she had left a message for the County but gotten no response. Ms. Edwards stated Vernon is a Scenic By-way and needs more attention this way. Ms. Edwards thanked Mayor Marotta for keeping the taxes down.

#### **CLOSED TO PUBLIC COMMENTS**

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

MOTION: Brian Lynch

SECOND: Dan Kadish

All Members were in favor.

#### **MAYOR'S REPORT**

- Mayor Marotta indicated that since Herb Yardley had retired from the County Health Department they have no administrator and the service has declined. Mayor Marotta indicated that he has written to the County Administrator to speak with him regarding the matter. Mayor Marotta indicated that not only Vernon is having a problem but that other towns are as well. Mayor Marotta stated he will be raising the issue with the Freeholders as well.
- Mayor Marotta indicated the Police Impound building is being built by the DPW because this was the least expensive option. Mayor Marotta indicated the concrete forms were being poured for the DPW salt shed and it would be completed near the beginning of November.
- Mayor Marotta stated that on Monday morning the reclamation of Lake Wallkill Road will begin and will take about 10 working days. Mayor Marotta thanked Senator Oroho's office for their assistance. Mayor Marotta indicated the road would be completed to a bit beyond Owen Station Road and that an application had been made to the State to put a weight limit on the road for 10 tons as NY had put a weight limit on their side and this had caused a diversion in the traffic. Council President Rizzuto stated that since the Mayor had brought up the issue of the Health Department he would like a discussion item on the agenda for a resolution about this problem.

#### **APPROVAL OF MINUTES**

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

Regular Meeting Minutes of September 14, 2015

MOVED: Dick Wetzel  
SECONDED: Jean Murphy

A roll call vote was taken:

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

Motion carried to approve minutes.

**ITEMS FOR DISCUSSION**

Best Practices- Administrator Bill Zuckerman stated that it is required of every municipality that they must fill out the Best Practices Questionnaire. Mayor Marotta explained the answers to the questions have a direct impact on the State Aid that the Township receives and the questions change each year. Mayor Marotta stated the Township was required to answer yes to a certain percentage each year. Mayor Marotta explained that when the Township implements new policies, it is sometimes in response to the recommended Best Practices. Council Member Kadish questioned why some of the questions were colored differently. CFO Yetter explained the questions were colored by the State. Council Member Kadish noted the difficulty in the wording of many of the questions. CFO Yetter noted one consistent question was the requirement of the Council to attend courses. CFO Yetter remarked all the Council attended courses but they were not required to go. Attorney Ursin stated a motion could be made to create a policy that all elected officials attend each class per year. Attorney Ursin said all the Council did not have to attend the same class. Attorney Ursin stated as the best practices was on the agenda for discussion a motion could be done at this meeting. Attorney Ursin suggested the below form of the motion: that it is the policy of this Council that all the elected officials attend at least one educational training each year. Council President Rizzuto questioned if that would include classes if the Risk Manager would give training. Attorney Ursin stated the motion was made broad enough so that it included all training.

It was moved and seconded to adopt the motion: That it is the policy of this Council that all the elected officials attend at least one educational training each year.

MOVED: Jean Murphy  
SECONDED: Brian Lynch

A roll call vote was taken:

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

Motion passed.

Council Member Murphy stated she would like to see the pay to play changed where it said the Township follows the State pay to play requirements. Council Member Murphy indicated she would like the Township to have their own policy, similar to Andover's policy.

**CONSENT AGENDA**

Council President Rizzuto gave a brief explanation of Resolutions #15-167 - #15-174.

Council President Rizzuto asked for a motion to adopt Resolutions #15-167- #15-174.

MOVED: Brian Lynch  
SECONDED: Dan Kadish

Council Member Murphy questioned if the Township would be doing the title search for the property and how much would it cost. Attorney Ursin stated it would cost about \$300. Mayor Marotta

explained the current owners of the property were older and had no use for the property and would rather donate it than have it go in a tax sale. Attorney Ursin noted that if this was accepted there would be no restriction on the property and the township could sell the property if they so choose.

A roll call vote was taken:

AYES: Dan Kadish, Brian Lynch, Jean Murphy, Dick Wetzel, Patrick Rizzuto (except 15-173)  
NAYES: None  
ABSTAIN: Patrick Rizzuto (15-173- only)  
ABSENT: None

Motion carried to adopt Resolutions #15-167- #15-174.

#### **RESOLUTION #15-167**

##### **AUTHORIZING FEE FOR MAILING OF TAX SALE NOTICES**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of Vernon wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**BE IT RESOLVED** by the Council of the Township of Vernon that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2015 electronic tax sale.

#### **RESOLUTION #15-168**

##### **ACCEPTANCE OF PERFORMANCE BOND FROM UNITED WATER NEW JERSEY FOR WATER MAIN INTERCONNECTION, ISOLATION AND EXTENSION WORK ON RT 94 & CHURCH STREET IN VERNON TOWNSHIP**

**WHEREAS**, United Water, NJ has submitted plans to Vernon Township for Water Main Interconnection, Isolation and Extension Work on RT 94 & Church Street in Vernon Township; and

**WHEREAS**, the Township Engineer, Cory Stoner has reviewed and approved the final plans, prepared by Glenn M. Rametta, P.E. from United Water with a requirement of a performance bond in the amount of \$60,000.00 be posted ; and

**WHEREAS**, the Township Engineer and Township Attorney have reviewed and approved the said performance bond submitted by United Water and recommends acceptance by the Township Council.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon, authorization to accept a performance bond in the amount of \$60,000.00 submitted by United Water, NJ for Water Main Interconnection, Isolation and Extension Work on RT 94 & Church Street in Vernon Township; 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.

**Resolution No. 15-169**

**RESOLUTION OF THE GOVERNING BODY  
OF THE TOWNSHIP OF VERNON  
TO ACCEPT A DONATION OF REAL ESTATE  
LOCATED AT BLOCK 132.03 LOT 17**

**WHEREAS**, Richard J. and Dolores Altieri are the owners of Block 132.03 Lot 17 located at ■■■■■■■■■■

**WHEREAS**, Mr. Altieri has offered to donate the above referenced parcel to the Township of Vernon;

**WHEREAS**, the taxes on said lot are paid through the 2<sup>nd</sup> quarter of 2015;

**WHEREAS**, the Township Council believes that it is beneficial to accept the donation;

**NOW THEREFORE IT BE RESOLVED** by the Township Council of the Township of Vernon that the Municipal Attorney is directed to conduct a title search to determine if there are any liens against the property located at Block 132.03 Lot 17;

**NOW THEREFORE IT BE FURTHER RESOLVED** that provided that the title to the property is clear, the Municipal Attorney is authorized to accept the Deed to effectuate the donation and the Mayor is authorized to sign any required documents to perfect the donation.

**RESOLUTION #15-170**

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR CONSTRUCTION OF ASPHALT PAD FOR VERNON TOWNSHIP DPW SALT DOME**

**WHEREAS**, on September 14, 2015, by way of adoption of Resolution #15-156, the Council of the Township of Vernon awarded a contract to C & V Paving Contractors, Inc. for construction of an Asphalt Pad for the Proposed Salt Dome for the Vernon Township DPW which contract provided for an expenditure of \$36,400.00; and

**WHEREAS**, in a memo dated September 25, 2015, the Township Engineer states that the contract requires a Change Order #1 due to additional quantity of materials needed during construction; and

**WHEREAS**, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will increase the total contract amount by \$4,968.00 to an adjusted total contract amount of \$41,368.00.

**WHEREAS**, the Chief Finance Officer has certified funds available for this purpose in Account#3095858, Ordinance #15-16.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project increasing the total contract amount to \$41,368.00; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to C & V Paving Contractors, Inc. and the Township Engineer.

**RESOLUTION #15-171**

**AUTHORIZING PLACEMENT OF SIGNS IN VARIOUS LOCATIONS (Viking Club)**

**WHEREAS**, the Viking Club has requested permission from the Township Council to place 16 signs in front of various businesses in town and at 6 school properties to advertise their mattress fundraiser; and

**WHEREAS**, the Viking Club has requested to place signs that will be will be 24" x 18" in size from October 15, 2015 through October 24, 2015 and thereafter they will promptly remove them; and

**WHEREAS**, the Township Code Enforcement Officer has advised that pursuant to the Vernon Township Code 330-180 that the placing of multiple signs of this size and character requires permission of the Council for their placement.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon that the Viking Club is granted permission to place 16 signs as well as signs on 6 school properties, as described above, at various businesses, from October 15, 2015 to October 24, 2015, in association with the mattress fundraiser, provided all other requirements of Township Code 330-180 are followed.

#### **RESOLUTION #15-172**

#### **CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2015 BUDGET AS A REVENUE AND APPROPRIATION OF \$25,000.00**

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

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

**WHEREAS**, the Township has been awarded an additional \$25,000.00 Highlands Plan Conformance Grant from the State of New Jersey Solid Highlands Water Protection and Planning Council for Modules 2,3 and 7; and wishes to amend its 2015 budget for this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$25,000.00 which is now available as a revenue from the State of New Jersey Highlands Water Protection and Planning Council, and;

**BE IT FURTHER RESOLVED** that a like sum of \$25,000.00 is hereby appropriated under the caption Highlands Plan Conformance Grant.

#### **RESOLUTION 15-173**

#### **AUTHORIZING PLACEMENT OF SIGNS IN VARIOUS LOCATIONS (St. Francis de Sales)**

**WHEREAS**, St. Francis de Sales Church has requested permission from the Township Council to place 49 signs in front of various businesses and homes in town and to advertise their tricky tray; and

**WHEREAS** St. Francis de Sales has requested to place the signs from October 26, 2015 through November 6, 2015 and the signs will be 24" x 18" thereafter they will promptly remove them; and

**WHEREAS**, the Township Code Enforcement Officer has advised that pursuant to the Vernon Township Code 330-180 that the placing of multiple signs of this size and character requires permission of the Council for their placement.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon that St. Francis de Sales is granted permission to place 49 signs, as described above, at various businesses and homes, from October 26, 2015 to November 9, 2015, in association with the tricky tray, provided all other requirements of Township Code 330-180 are followed.

**RESOLUTION NO. 15-174**

**RESOLUTION OF THE GOVERNING BODY  
OF THE TOWNSHIP OF VERNON  
AUTHORIZING THE EXECUTION OF THE AMENDMENT TO  
THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT (“MSSDA”)**

**WHEREAS**, the Township Council of the Township of Vernon entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

**WHEREAS**, the Township Council of the Township of Vernon recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Township Council of the Township of Vernon has determined that it is in the best interests of the citizens of Vernon Township to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Township Council of the Township of Vernon hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Vernon Township with Econsult Solutions, Inc.

The Township Council of the Township of Vernon hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of Vernon Township with the approval of Vernon Township’s designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Council of the Township of Vernon further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any

additional funding for the MSSDA, the Township of Vernon shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.

This Resolution shall take effect immediately.

Council Member Wetzel commented that the sign for St. Francis de Sales in the consent agenda had the wrong date and asked the Clerk to make the notice regarding the date.

### **INTRODUCTION/1st READING OF ORDINANCES**

None

### **PUBLIC HEARING/2nd READING OF ORDINANCES**

Council President Rizzuto read Ordinance #15-24 by title:

**Ordinance #15-24:** An Ordinance Of The Mayor And Council Of The Township Of Vernon, In The County Of Sussex, State Of New Jersey, Providing For The Municipal Consent Of The Township For United Water New Jersey Inc., To Provide Water Service To Block 263, Lots 1, 1.02, 1.03 And 1.04 In The Township Of Vernon And For The Laying Of Pipes And The Installation Of Other Utility Facilities As May Be Necessary

Council President Rizzuto asked for a motion to open the public hearing for Ordinance #15-24.

MOVED: Brian Lynch  
SECONDED: Dan Kadish  
All members present voted in favor.

There were no comments on this ordinance.

Council President Rizzuto asked for a motion to close the public hearing for Ordinance #15-24.

MOVED: Brian Lynch  
SECONDED: Dan Kadish  
All members present voted in favor.

Council President Rizzuto asked for a motion to adopt Ordinance #15-24.

MOVED: Brian Lynch  
SECONDED: Dick Wetzel

A roll call vote was taken:

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

Motion carried to adopt Ordinance #15-24.

### **COUNCIL COMMENTS**

Council Member Murphy questioned the resolution of the fire department issue. Mayor Marotta indicated that the fire department had been notified and after November 1<sup>st</sup> there would be a budget transfer to raise them back. Mayor Marotta stated that what contributed to this issue were agreements that had been made in 2012 and were predicated upon the Township upgrading the radio system purchasing radios that were not acceptable under the FEMA grant. Our new fire marshal repurposed the grant and received turn out gear which we were going to purchase with capital funds, so that increase



was to be used to offset the cost of the radios, but the Township bought them out of the bond issue. Mayor Marotta noted three of the four fire companies had new Chiefs who were no longer there and they came to the agreement that they would restore the funds for this budget year. Mayor Marotta stated he would ask for the resolution in November. Council Member Kadish asked what occurred with the radios. Mayor Marotta indicated the radios are in use. Council Member Murphy questioned if they needed to be changed in the future. Mayor Marotta stated they do not, it was simply that they did not match the spec of the FEMA grant, not that they were not serviceable.

Council Member Kadish stated that on Sunday he would be attending a walk on the Bridge over the Hudson for ALS.

Council Member Lynch stated that today was Council President Rizzuto's birthday.

Council Member Wetzel stated the sign in McAfee "Welcome to Vernon" has been missing for a year. Mayor Marotta indicated that he has been trying for a year to get it replaced by the State. If they will not replace it, he will be trying to add it to the 2016 budget.

Council President Rizzuto thanked everyone for the well wishes.

### **ADJOURNMENT**

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:37 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Patrick Rizzuto,  
Council President

Minutes approved: November 9, 2015