

Township of Vernon
TOWNSHIP COUNCIL REGULAR MEETING

October 27, 2014

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, October 27, 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 CFO Elke Yetter, 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.

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

MOTION: Dan Kadish

SECOND: Dick Wetzel

All members were in favor.

CLOSED TO PUBLIC COMMENTS

Seeing no 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: Jean Murphy

All Members were in favor.

TOWNSHIP MAYOR'S REPORT

- Mayor Marotta stated that Breakneck Road had re-opened today at 5:30 pm. Mayor Marotta thanked Corey Stoner, the Township Engineer for his work in bringing the project in under budget. Mayor Marotta also thanked the NJ DOT for their participation in the project. Council President Lynch stated that a great job had been done.
- Mayor Marotta announced that the Township had won an Honorable Mention from the NJ League of Municipalities for innovation in local government for the Township's inmate video conferencing in the Municipal Court. Mayor Marotta explained by setting up video conferencing with prisoners at the jail, the Township had saved the cost, manpower and expense of having to pick prisoners up and return them to the jail. Mayor Marotta indicated that Princeton and Princeton Boro had won the top prize as the two had merged this year.
- Mayor Marotta indicated that the Township had received a bill from Schenck Price and there was an expenditure that was not authorized. Mayor Marotta asked the Council to consider a motion to resolve this. Council President Lynch stated that there was a charge for a meeting of some Council Members with Special Counsel Ursin regarding redevelopment, but other Council members were not advised of the meeting. Council Member Rizzuto expressed dissatisfaction that Special Counsel Ursin had been present at a public meeting where the redevelopment/PILOT ordinance had been tabled and that subsequently some council members had spoken with Mr. Ursin privately. Council President Lynch requested a motion regarding the payment of the bill.

It was moved and seconded to pay the bill:

MOVED: Patrick Rizzuto
SECONDED: Dan Kadish

A roll call vote was taken:

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

Motion carried for the payment of the bill.

Council Member Wetzel stated a house divided could not stand and he would not support payment of the bill.

ITEMS FOR DISCUSSION Best Practices Inventory Form

Council President Lynch confirmed that all the members of the Council had received the Best Practices Inventory form and asked if any of the Council Members had questions or would like to have any discussion on the matter. As there was no discussion or questions on the Best Practices Inventory Form, Council President Lynch moved forward with the agenda.

CONSENT AGENDA

Council President Lynch gave a brief explanation of Resolutions #14-178 - #14-182.

Council President Lynch asked for a motion to adopt Resolutions #14-178 - #14-182 excluding resolution 14-180.

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel

A roll call vote was taken:

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

Resolutions #14-178 - #14-182 excluding resolution 14-180 were adopted.

RESOLUTION #14-178

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

WHEREAS, there exists a need to haul and dispose of solid waste (type 10) containers at the Township's Public Works and Animal Control facilities and;

WHEREAS, formal quotes were solicited and received by the Qualified Purchasing Agent; and

WHEREAS, the Qualified Purchasing Agent recommends awarding a contract to the lowest quote submitted by Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson NJ 07053 who submitted the lowest quote of \$1232.00 month/annual which covers the contract period of November 1, 2014 through October 31, 2015; and

WHEREAS, the Chief Financial Officer pursuant to NJAC 5:30-5.5(b), has certified these funds are available; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor, Clerk and CFO are authorized to execute a contract with Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson NJ 07053 not to exceed \$14,784.00.

RESOLUTION #14--179

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on February 16, 2010 awarded Ukson, John D a 100% permanent and total disabled veteran: and,

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that the Tax Collector is authorized to cancel the taxes for 2014 in the amount of \$1,217.54 Re: Block 103.02 Lot 8 Location [REDACTED]

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

RESOLUTION #14-181

**AUTHORIZATION TO ENDORSE A TREATMENT WORKS APPROVAL (TWA)
APPLICATION TO THE NJ DEP FOR AN ON-SITE WASTEWATER AND DISPOSAL
SYSTEM ALTERATION
BLOCK 192.03, LOT 1**

WHEREAS, Hidden Village Condo Association has the need to apply for a Treatment Works Approval from the NJDEP for the construction of an On-Site Wastewater Treatment and Disposal System Alteration; and

WHEREAS, Hidden Village Condo Association has requested that Vernon Township endorse the Treatment Works Approval (TWA) application to be submitted to the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, Hidden Village Condo Association will pay for the entire cost of the On-Site Wastewater Treatment and Disposal System Alteration and all permits pursuant thereto; and

WHEREAS, Hidden Village Condo Association shall ensure that all required sewer connection, electrical and any other requisite permits for each building shall be obtained pursuant to N.J.A.C. 5:23.

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

1. The Township will endorse the Treatment Works Approval (TWA) application for this project on the NJDEP WQM-003 form.
2. The Township Mayor and Township Clerk are hereby authorized to sign the TWA application on behalf of the Township.
3. This resolution shall be made part of the application and submitted to the NJDEP.
4. This resolution shall take effect immediately upon adoption according to law.

RESOLUTION # 14-182

**RESOLUTION AMENDING RESOLUTION #14-167 AUTHORIZING FIREWORKS TO
BE DISPLAYED ON
DECEMBER 9, 2014 WITHIN THE TOWNSHIP OF VERNON**

WHEREAS, N.J.S.A.21:3-1et seq. Explosive and Fireworks, provides that a Municipal Governing Body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the New Jersey Fire Prevention Code; and

WHEREAS, the Township Council of the Township of Vernon approved Fireworks to be displayed on December 10, 2014 within the Township, and

WHEREAS, a conflict has arisen and the event must be re-scheduled until December 9, 2014.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that Resolution #14-167 is amended to read that the fireworks display shall occur on December 9, 2014.

BE IT FURTHER RESOLVED THAT, all other terms of Resolution #14-167 shall remain in full effect.

RESOLUTIONS REQUIRING SEPARATE ACTION

Resolution #14-180

Council President Lynch asked for a motion to adopt Resolutions #14-180.

MOVED: Patrick Rizzuto

SECONDED: Jean Murphy

Council Member Murphy questioned if the Township was going forward with this item so the Township could obtain money from the Land Conservancy. Mayor Marotta explained the Land Conservancy is following green acres standards in establishing a procedure for bidding on the appraisal of the property. The Council discussed that the taxes were outstanding on the property but could be paid until December 1, 2014 by the current owner. The Council discussed the current assessment on the property, it was opined by Mayor Marotta that it was established by the revaluation company. Council Member Murphy noted that the Township currently had to pay the school taxes on the property as the Township was not receiving payments from the owner.

A roll call vote was taken:

AYES: Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYES: Dan Kadish, Jean Murphy

ABSTAIN: None

Resolution #14-180 was adopted.

RESOLUTION #14-180

A RESOLUTION AUTHORIZING THE AWARD OF PROFESSIONAL SERVICES CONTRACTS FOR THE PREPARATION OF TWO APPRAISALS TO GREEN ACRES STANDARDS OF PROPERTY KNOWN AS BLOCK 82 , LOT 8 IN THE TOWNSHIP OF VERNON

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Vernon in the possible acquisition of certain real property located within the Township of Vernon; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the appraisals must be completed in accordance with the specifications of Green Acres; and

WHEREAS, The Township wishes to retain the services of Michael E. Holenstein in accordance with his proposal letter dated October 20, 2014, and Joshua D. Mackoff, LLC., in accordance with its proposal letter dated October 21, 2014, and;

WHEREAS, the Council wishes to award a contract in an amount not to exceed \$5,400 for Michael E. Holenstein and a second contract in an amount not to exceed \$3,500 for Joshua D. Mackoff, LLC., and the Chief Financial Officer has certified that funds are available for this purpose;

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

1. The Township of Vernon hereby awards and authorizes Michael E. Holenstein to perform the appraisal report on the above-referenced property in accordance with Green Acres standards, for an amount not to exceed \$5,400.
2. The Township of Vernon hereby awards and authorizes Josh Mackoff, a certified Green Acres appraiser, to perform the appraisal report on the above-referenced property in accordance with Green Acres standards, for an amount not to exceed \$3,500.
3. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

INTRODUCTION/1st READING OF ORDINANCES

Ordinance #14-19

Council President Lynch read Ordinance #14-19 by title only.

AN ORDINANCE TO AMEND TOWNSHIP ORDINANCE 14-09

Council President Lynch asked for a motion to introduce Ordinance #14-19 with a public hearing to be held on December 22, 2014.

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call vote was taken:

AYES: Jean Murphy, Patrick Rizzuto, Dick Wetzel, Dan Kadish, Brian Lynch

NAYES: None

ABSENT: None

Motion carried to introduce Ordinance 14-19 with a public hearing on December 22, 2014.

PUBLIC HEARING/2nd READING OF ORDINANCES

None

COUNCIL APPOINTMENTS: Municipal Utilities Authority-Phyllis Pfeiffer

Council President Lynch asked for a motion to appoint Phyllis Pfeiffer to the vacant seat created by Mr. Tanfield's resignation, which will expire on 02/10/19?

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call vote was taken:

AYES: Jean Murphy, Patrick Rizzuto, Dick Wetzel, Dan Kadish, Brian Lynch

NAYES: None

ABSENT: None

Motion carried to appoint Ms. Pfeiffer to the vacant seat.

COUNCIL COMMENTS:

Council President Lynch announced that the MUA is looking for persons to fill the 2 open seats on their board.

Council Member Wetzel stated that on Saturday we must turn the clocks back and don't forget to change the batteries in your smoke alarms and CO2 detectors.

Council Member Rizzuto had no comments.

Council Member Kadish had no comments.

Council Member Murphy stated that on the bill she received from Mayor Marotta for Schenk Price there was an expenditure relating to the petition. Council Member Murphy noted they are the Township's conflict attorney. Council Member Rizzuto explained a petition is a conflict. Council Member Murphy stated that she believed Resolution 14-02 was altered after the Council voted on it. Council Member Rizzuto stated he objected to the implication that there was some wrong doing and stated that knowing the last clerk it was probably just an error. Council Member Murphy stated that the resolution must include if the Township was planning to take action according to the Court case provided by Mr. Kelly. Council Member Murphy stated that at the January 6 workshop meeting the Township voted on John Ursin's contract. Council Member Murphy questioned a comment Council President Lynch had made previously about "secret meetings" asking if he was referring to the bill from Mr. Ursin. Council Member Rizzuto asked Attorney Kelly if it was against the law for members of the council to convene in a number greater than quorum always. Attorney Kelly opined it was acceptable for a majority of the Council to get together as long as not for the purpose of discussing Township business; that would not violate the Open Public Meetings Act. Council President Lynch indicated that when Council members accuse other Council Members of not providing information and do not provide information themselves it is not acceptable.

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 8:08 p.m..

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Brian Lynch,
Council President

Minutes approved: December 8, 2014