

**Township of Vernon**

**TOWNSHIP COUNCIL REGULAR MEETING**

**DECEMBER 22, 2014**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, December 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, Patrick Rizzuto, Dick Wetzel and Council President Brian Lynch. Council Member Jean Murphy appeared via phone. Also present were 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.

**MOMENT OF SILENCE**

Council President Lynch asked for a Moment of Silence in Honor of Police Officers Ramos and Liu who assassinated earlier this week in New York City.

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

MOTION: Dan Kadish

SECOND: Pat Rizzuto

All members were in favor.

Beverly Budz, Chairperson of the Environmental Commission reminded residents that New Jersey has a three minutes idling law which was revised recently. Ms. Budz stated it was the mission of the Environmental Commission to watch over the town's air, land and water. Ms. Budz stated the commission is bringing attention to this law because as a resort town there are a lot of out of state visitors. Ms. Budz stated extensive idling is against the law; let's not forget to be kind to mother earth.

Teresa Vihti, Glenwood, stated the fireworks and tree lighting were awesome. Ms Vihti stated there were many people in attendance. Ms. Vihti wished everyone a Merry Christmas.

Sandra Ooms, stated that 2 years ago the Council voted to have a Community Garden. Ms. Ooms explained that trees were supposed to be planted to block the view for the neighboring streets. Ms. Ooms expounded that the trees planted were not sufficient and some of the money from the grant received by the environmental commission could be used to rectify the situation. Ms. Ooms also stated that the gate is never locked and the garden is in a poor state. Ms. Ooms asked how could the Township take care of an 87 acres for Camp Sussex when it could not take care of the garden.

**CLOSED TO PUBLIC COMMENTS**

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

MOTION: Dan Kadish

SECOND: Patrick Rizzuto

All Members were in favor.

**TOWNSHIP MAYOR'S REPORT**

- Mayor Marotta stated that eleven (11) trees were planted for the Community Garden and spaced based on the recommendation of the garden professional. Mayor Marotta explained that the Township had not yet received the second no net loss grant. Council Member Kadish questioned if the Township had gotten paid. Mayor Marotta explained that the Township received \$33,000 for the first grant; not the \$348,000 for the second grant. Mayor Marotta further explained the Township had been awarded the grant but it had not been received at this juncture. Council

Member Kadish asked what type of tree had been planted near the garden. Mayor Marotta explained it was an evergreen as recommended by the garden expert.

**APPROVAL OF MINUTES**

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

December 8, 2014 Regular Meeting Minutes

MOVED: Dan Kadish  
SECONDED: Patrick Rizzuto

All members voted in favor to approve minutes

Motion carried to approve minutes for December 8, 2014.

**CONSENT AGENDA**

Council President Lynch gave a brief explanation of Resolutions #14-201 - #14-209.  
Council Member Kadish asked that Resolutions #14-206, and 14-207 be voted separately.  
Council President Lynch asked for a motion to adopt Resolutions #14-201 - #14-209 excluding 14-206, and 14-207.

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 # Resolutions #14-201 - #14-209 were adopted excluding #14-206, and 14-207 for separate vote.

**RESOLUTION #14-201**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND  
APPROPRIATION AMENDING THE 2014 BUDGET AS A REVENUE AND  
APPROPRIATION OF \$7,500.00**

**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 a \$7,500.00 2014 Drive Sober or Get Pulled Over Statewide Year End Holiday Crackdown from the New Jersey Division of Highway Traffic Safety; and wishes to amend its 2014 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 2014 in the sum of \$7,500.00 which is now available as a revenue from the New Jersey Division of Highway Traffic Safety,

**BE IT FURTHER RESOLVED** that a like sum of \$7,500.00 is hereby appropriated under the caption 2014 Get Sober or Get Pulled Over Year End Holiday Crackdown Grant.

**RESOLUTION #14-202**

**AUTHORIZING THE VERNON TOWNSHIP COUNCIL TO APPROVE A PERSON-TO-  
PERSON TRANSFER OF LIQUOR LICENSE #1922-33-004-005**

**WHEREAS**, an application has been filed for a person-to-person transfer of a Plenary Retail Consumption License #1922-33-004-005, 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 December 22, 2014, person-to person transfer of the Plenary Retail Consumption License #1922-33-004-005, located at [REDACTED] to transfer from HV Hospitality LLC to HV Holdings LLC, as delineated in the application form.

**RESOLUTION #14-203**

**REFUND OF TAX OVERPAYMENT**

**WHEREAS**, a Tax Court Judgment has been favorably awarded for the year 2013; and

**WHEREAS**, such judgment has resulted in an overpayment of the 2013 taxes.

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

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
199.08	8 C0302	Ernst, Andrew M	\$ 249.76	[REDACTED]

**RESOLUTION #14-204**

**CANCELLATION OF TAXES FOR TOTAL DISABLED VETERAN**

**WHEREAS**, THE DEPARTMENT OF VETERANS AFFAIRS on July 1,2007 awarded Drapeau, Norman E. 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 2014 in the amount of \$865.45 Re: Block 104.01 Lot 28&27 Location [REDACTED]

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

**RESOLUTION #14-205**

**REFUND OF PAYMENT OF TAXES FOR TOTAL DISABLED VETERAN**

**WHEREAS**, THE DEPARTMENT OF VETERANS AFFAIRS on July 1, 2007 awarded Drapeau, Norman E. 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 \$865.45 to Drapeau, Norman E.

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

**RESOLUTION #14-208**

**RESOLUTION TO JOIN (RENEW) THE STATEWIDE INSURANCE FUND**

**WHEREAS**, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

**WHEREAS**, the Township of Vernon (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

**WHEREAS**, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

**WHEREAS**, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT; and

**WHEREAS**, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2015** terminating on **January 1, 2018** at 12:01 a.m. standard time; and

**WHEREAS**, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

**BE IT FURTHER RESOLVED** that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT will be afforded the following coverage(s) as marked “Yes”:

	<u>YES</u>	<u>NO</u>
Workers’ Compensation & Employer’s Liability	X	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	X	
Pollution Liability		X

**BE IT FURTHER RESOLVED** that William Zuckerman is hereby appointed as the LOCAL UNIT’s Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

### **RESOLUTION #14-209**

#### **RESOLUTION APPOINTING FUND COMMISSIONER**

**WHEREAS**, the Township of Vernon (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Fund’s Bylaws require participating members to appoint a Fund Commissioner.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Vernon that William Zuckerman is hereby appointed as the Fund Commissioner for the Local Unit for the calendar year 2015; and

**BE IT FURTHER RESOLVED** that Elke Yetter is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the calendar year 2015; and

**BE IT FURTHER RESOLVED** that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

**RESOLUTIONS ADOPTED BY SEPARATE VOTE**

Council President Lynch asked for a motion to adopt Resolution #14-206 and #14-207.

MOVED: Dick Wetzel  
SECONDED: Patrick Rizzuto

Council Member Kadish questioned the dollar amount and amount of years this application applied to. Mayor Marotta explained that resolution was for the Township to seek \$60,000 to offset the cost of salaries of officer's working in the Township's schools. Council Member Kadish asked if the Township had made the 1991 bench-mark. Mayor Marotta indicated that we had and the application was done by the police department. Council Member Kadish questioned that if accepting the grant meant that the Township could not terminate officers. Mayor Marotta indicated anyone could be terminated for cause. Council Member Kadish questioned what the grant money would be used for. Mayor Marotta indicated it was simply for the salary of the officer.

Council Member Kadish questioned why the Township was renewing the Risk Management Consultant at this time. Mayor Marotta explained that the Township's insurance expired on December 31 and re-organziaiton was not until January 1, 2015. Mayor Marotta stated he did not wish to have the Township un-insured for a day.

A roll call vote was taken:

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

Motion carried to adopt Resolution #14-206 and #14-207.

**RESOLUTION #14-206**

**RESOLUTION OF PARTICIPATION**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY  
FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL  
JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.**

**WHEREAS**, the Vernon Township Police Department wishes to apply for funding of approximately \$60,000 with a match of \$245,452.76 for an approximate project total cost of \$305,452.76 for a project under the State of New Jersey Safe and Secure Grant Program; and

**WHEREAS**, the Council of the Township of Vernon has reviewed the accompanying application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Vernon Township Police Department for the purpose described in the application.

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

1. As a matter of public policy the Vernon Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**RESOLUTION #14-207**

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**

**WHEREAS**, the Township of Vernon (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

**WHEREAS**, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

**WHEREAS**, the “Fund” has requested its members to appoint individuals or entities to that position.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. The Township of Vernon hereby appoints Skylands Risk Management, Inc./ Wayne F. Dietz as its local Risk Management Consultant.
2. The Mayor of the Township of Vernon and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2015 in the form attached hereto.

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

None

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

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

#### **AN ORDINANCE TO AMEND TOWNSHIP ORIDNANCE 14-09**

Council Member Kadish asked if the Board Planner was being removed as the person giving approval on the Highlands applications. Mayor Marotta explained that the Board Planner, as well as the Engineer, and Board Secretary, has the authority to make approvals. However the original ordinance had only made the changes in one portion; this correction carries the change all the way through.

Council President Lynch asked for a motion to open the public hearing on Ordinance #14-19.

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

Seeing no members of the public come forward regarding Ordinance #14-19, 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 #14-19.

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

Motion carried to adopt Ordinance 14-19.

Council President Lynch read Ordinance #14-21 by title only.

#### **AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE CHAPTER 250, ARTICLE II FEES AND ESCROWS ENUMERATED IN SECTION 250-15 RELATING TO ANIMAL CONTROL**

Council Member Kadish asked if the late fee was the same in this ordinance as in the previous ordinance. Mayor Marotta explained that it was, but this was a \$3 increase in the cost of the actual license. Mayor Marotta noted the cost of the license had been increased to \$11 several years ago, but even with the

increase the Township was less expensive than half of municipalities. Mayor Marotta noted that the fee would go toward the expansion of the animal control center.

Council President Lynch asked for a motion to open the public hearing on Ordinance #14-21.

MOVED: Dan Kadish  
SECONDED: Dick Wetzel  
All members were in favor.

Seeing no members of the public come forward regarding Ordinance #14-21, Council President Lynch asked for a motion to close the public hearing.

MOVED: Dan Kadish  
SECONDED: Dick Wetzel  
All members were in favor.

Council President Lynch asked for a motion to adopt Ordinance #14-21.

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

Motion carried to adopt Ordinance 14-21.

#### **COUNCIL COMMENTS:**

Council Member Kadish had no comments.

Council Member Wetzel congratulated the recreation staff on the tree lighting ceremony. Council Member Wetzel complimented the singers particularly the high school band who had to walk with all their instruments from down the street.

Council Member Murphy wished everyone a Happy New Year.

Council Member Rizzuto wished everyone a happy holiday season, a Happy New Year and a Happy Hanukkah. Council Member Rizzuto thanked the Township employees for their work.

Council President Lynch wished everyone a happy and healthy 2015. Council President Lynch thanked the Clerk for her hard work this year. Council President Lynch complimented the entire municipal staff for the wonderful job they do with integrity. Council President Lynch said this was despite the rude editorial made by a former council member.

#### **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 Rizzuto, seconded by Council Member Wetzel with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:05 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Brian Lynch,  
Council President

Minutes approved: February 3, 2015