

Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

January 9, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:31pm on January 9, 2012, in the Vernon Township Municipal Building, 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 December 30, 2011, 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.

SALUTE TO THE FLAG

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

ROLL CALL OF MEMBERS

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

PUBLIC COMMENTS

Council President Lynch opened the meeting to public comments at this time.

Gary Martinsen – [REDACTED] – was concerned over the recent shootings/armed robberies. He advised that he had posted them on Facebook, but felt it should also have been posted elsewhere. He was also concerned with the behavior at the last meeting on the re-development zone ordinance. He noted that this ordinance was on the agenda this evening for 2nd reading. He voiced his opinion on the meeting and the issue in general.

Sandy Owens – [REDACTED] – spoke about the Board of Education and the Council's actions on approving the dog park. She has strong concerns about the safety of children on neighboring properties and in the neighboring area around the dog park. She noted that the homes could be under watch day and night, as well as the concern of potential sex offenders being present in close proximity to the schools in the guise of taking their dog to the park. She was also concerned about dogs barking.

Linda Koplinae – [REDACTED] and Appalachian Hotel – spoke about the location of the proposed urgent care facility, as opposed to other resort areas and other medical facilities.

Ed Harrigan – [REDACTED] – spoke about his view of the situation, notably lack of parking for all functions located at the resort.

Jim Delia – [REDACTED] (he is an attorney) – noted he represents Mr. Wigder and several other residents of the Appalachian Hotel – gave his clients' views about why they oppose this usage.

Kevin Monahan – [REDACTED] – gave an overview of his experiences over the last 4 years, noting his concern with the changes that would occur with the addition of this facility. His concerns included the impact on his small children and the loss of real estate values.

Melinda Jose – [REDACTED] – spoke on the safety issues, using her experiences as an urgent care nurse/manager, as well as traffic issues. She noted that medical facilities must have garbage disposed of every day, and that hazardous materials must also be removed daily.

Bill Wigder – [REDACTED] – spoke about the parking issues, as well as traffic issues for people parking across Rt. 94 and then crossing through traffic. He suggested alternate locations for the urgent care facility: Northwoods or Cobblestone Village.

Dorothy McMurrer – [REDACTED] – was hopeful that Council would not approve the ordinance.

Paul Jorgensen – CEO of Mountain Creek and resident of [REDACTED] – refuted some claims made by the other Hotel residents: Mountain Creek is not an Intrawest resort, and he gave examples of other Intrawest facilities with urgent care facilities; parking will be addressed, including staff parking; medical waste regulations will be appropriately dealt with.

Robert Oliver – [REDACTED] – felt the proposed facility would be good neighbors, but noted that parking was a nightmare when he took his handicapped mother to dinner at the new Red Tail Lodge last week.

Lisa Spirko – [REDACTED] – questioned how the raises being offered would be funded, noting that residents were struggling to make ends meet.

Council President Lynch advised that the salaries would be paid for without raising taxes, noting the additional workload for the new government's full-time Mayor was the justification for the proposed increase in his salary.

Council Member Wetzel noted that other positions earn more than the Mayor.

Council Member Rizzuto reminded the audience that this was a totally new kind of government, and that the current Mayor's position would be comparable to the CEO of a large corporation.

Tom McClachrie – Vernon Taxpayers Association – spoke about the proposed urgent care facility. He questioned if the use in the redevelopment zone is changed, will that become a conforming use, and asked how it will change the property values at the Appalachian Hotel. He advised that he had no problem with the increase in the Mayor's salary noting that he now works about 80 hours per week. However, he felt that in working those hours he must be doing someone else's job and they should be taking a relative cut in pay.

Sally Rinker – [REDACTED] – commented on the Mayor's statement on the previous tax increases. Mayor Marotta advised that he obtained those figures from the CFO and the Tax Assessor. Ms. Rinker noted that the Council President rushes through the agendas without giving enough information to the public. She felt that OPRA responses were not being addressed completely. She questioned the Mayor's previous remarks on the savings with the current Fire Prevention office staffing.

Council Member Rizzuto responded on the Fire Prevention office issue, advising Ms. Rinker how he had arrived at that information.

Debra Carasellas – resident near the dog park – had questions about how it was approved. Mayor Marotta advised her on the process.

CLOSED TO PUBLIC COMMENTS

No one else wished to speak at this time, and Council President Lynch asked for a motion to close the public portion of the meeting.

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

All were in favor.

MAYOR'S REPORT

Mayor Marotta had nothing to report at this time.

Motion to Change Order of Agenda

Motion made to change the order of the agenda to move up the action on Ordinance #11-25.

MOTION: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: none

Motion carried.

Council Member Rizzuto noted to the Council President that substantial testimony had been given at this meeting, as well as at the last regular meeting, that Council members had visited the proposed site, and he felt that taking a vote at this time was appropriate.

The Public Hearing for Ordinance #11-25 was held on December 27, 2011; therefore, Council was not required to open the meeting to public comments specifically on the ordinance prior to holding a vote on the matter.

Ordinance #11-25 on 2nd Reading by Title Only

ORDINANCE #11-25

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ZONING MODIFYING PERMITTED USES IN THE MOUNTAIN RESORT ZONE

WHEREAS, the Township of Vernon has a Zoning Ordinance creating the Mountain Resort Zone;

WHEREAS, Ordinance #03-30 established a Mountain Creek Area Redevelopment Plan in the Mountain Resort Zone;

WHEREAS, both the Zoning Ordinance and Redevelopment Plan set forth the permitted uses in the Mountain Resort Zone;

WHEREAS, the Township Council desires to add Urgent Care Medical Offices as a permitted use in the Mountain Resort Zone under the Zoning Ordinance and the Redevelopment Plan;

WHEREAS, the Township Council believes that this use is consistent with the purposes of the Mountain Resort Zoning Ordinance and the Redevelopment Plan;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Vernon that Ordinance 06-35 is hereby supplemented and amended as follows:

1. Section 4(B) of the Ordinance, "Principle Uses" shall be amended to include in the definition of a Mountain Resort, the term "Urgent Care Centers".

2. Section 4(C) (14) of the Ordinance, "Development Requirements" shall be amended to include a specific use and component of a Mountain Resort to be, "Urgent Care Centers, defined as urgent care medical facilities with ambulance services, medical offices, or other medical uses including doctor's offices, and/or professional offices and all activities necessarily or customarily incident thereto".

NOW THEREFORE IT BE FURTHER ORDAINED upon passage of first reading, this Ordinance shall be forwarded to the Land Use Board for advice and comment as required by the Municipal Land Use Law.

Motion to adopt Ord. #11-25 on 2nd reading by title only:

MOTION: Patrick Rizzuto

SECOND: Dick Wetzel

Mr. Kelly noted that following the meeting on December 27 he reviewed the issue and asked that Council consider his resulting memo.

Council Member Kadish gave his opinions on the matter:

- An ordinance from last year should not be continued into the new year
- No report had been given to the Council from the Land Use Board on their approval process
- Introduction of the ordinance was not put on the agenda until the last minute
- The public comment section on this matter should not be timed at 5 minutes
- He was concerned about the separation of ventilation systems between the Hotel population and the proposed urgent care facility
- There was no application process for approval by the Land Use Board
- He felt that assessed values of Hotel units would go down

A roll call vote was taken:

AYES: none

NAYS: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
Ordinance #11-25 was defeated.

Council Member Wetzel and Council President Lynch both noted that they had inspected the site.

Council Members Rizzuto, Wetzel, and Dunn gave their ideas on why they made their decisions, which were based on information and due diligence.

Council President Lynch thanked Mr. Wigder for meeting with him and accompanying him to view the site.

RESOLUTIONS #12-16 - #12-19

Council President Lynch gave a brief description of each Resolution for the Council members. The Council President asked that 12-17 and 12-18 be removed from the consent agenda for separate consideration.

Council Member Kadish asked that all resolutions be considered separately.

Motion to approve Resolution #12-16:

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

Council Member Kadish asked about the lack of reports. Mayor Marotta noted that these reports would be included with the bill lists. Council President Lynch advised that a vote is not required for information from the Mayor.

RESOLUTION #12-16

PAYMENT OF RECURRING BILLS RESOLUTION

WHEREAS, all claims of payment by the Township of Vernon, County of Sussex, State of New Jersey, are required to be first submitted to the Township Council for consideration before payment is made, and

WHEREAS, due to the nature of certain claims and timing of the particular meetings involved, certain claims should be paid when presented which are statutory and regular in nature, rather than held for the next meeting of the Township Council due to the nature of said bills.

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

1. This Township does hereby approve of the payment between meetings of the following enumerated claims for payment, when the same are presented to the Township Council and Chief Finance Officer of the Township of Vernon.

- a. Township of Vernon net payroll and payroll deduction accounts.
- b. Township of Vernon, Board of Education
- c. County Treasurer (County taxes only)
- d. Banks for Debt Service payment Bond/Note Payments
- e. Township Prosecutor
- f. Standard Life Insurance, Delta-Dental Plan of N.J, Statewide Workers Compensation Fund, Vision Service Plan, and Horizon Blue Cross & Blue Shield of N.J and all other insurance
- g. Repair of emergency, police and rescue vehicles; parts needed for said vehicles; and critical equipment related to the operations of the DPW/Police or emergency services
- h. Bond Releases
- i. All utility payments
- j. Employee Reimbursements
- k. Petty Cash Reimbursements

A roll call vote was taken:

AYES: Eddie Dunn, Dick Wetzel, Brian Lynch

NAYS: Daniel Kadish, Patrick Rizzuto

ABSTAIN: none

Resolution #12-16 was adopted.

Motion to approve Resolution #12-17:

MOVED: Daniel Kadish

SECOND: Dick Wetzel

RESOLUTION #12-17

AUTHORIZING THE USE OF THE MORRIS COUNTY CO-OP CONTRACT #40 TO PURCHASE TURNOUT GEAR FOR THE TOWNSHIP'S VOLUNTEER FIRE DEPARTMENTS

WHEREAS, the Township of Vernon has a need to purchase turnout gear for its volunteer fire departments; and

WHEREAS, the Township desires to use the Morris County Cooperative Pricing Council which received bids for said equipment through Contract #40, item #7 and #72; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract for turnout gear to Continental Fire and Safety, Inc 180 Volusia Avenue, Trenton, NJ 08610 per the attached price quote; and

WHEREAS, additionally the town desires to purchase 48 Nomex protective hoods that are not covered under a contract; and

WHEREAS, the total cost to purchase this turnout gear (including \$763.20 for the hoods) will be \$35,990.04 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in account #3094306.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Continental Fire and Safety, be utilized to purchase turnout gear.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel

NAYS: none

ABSTAIN: Brian Lynch

Resolution #12-17 was adopted.

Motion to approve Resolution #12-18:

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

RESOLUTION #12-18

AUTHORIZING THE USE OF THE MORRIS COUNTY CO-OP CONTRACT #40 TO PURCHASE BOOTS AND HELMETS FOR THE TOWNSHIP'S VOLUNTEER FIRE DEPARTMENTS

WHEREAS, the Township of Vernon has a need to purchase boots and helmets for its volunteer fire departments; and

WHEREAS, the Township desires to use the Morris County Cooperative Pricing Council which received bids for said equipment through Contract #40, item #6 and #18; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract for said equipment to Firefighter One, 26 Gail Court, Sparta NJ 07871 per the attached price quote; and

WHEREAS, the total cost to purchase these items will be \$13,906.00 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in account #3094306.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Firefighter One, be utilized to purchase boots and helmets.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel

NAYS: none

ABSTAIN: Brian Lynch

Resolution #12-18 was adopted.

Motion to approve Resolution #12-19:

MOVED: Eddie Dunn

SECOND: Daniel Kadish

RESOLUTION # 12-19

AUTHORIZING THE APPROVAL OF BILLS LIST

BE IT RESOLVED that the following bills listed are hereby approved:

Disbursement Journal	Fund	Amount	Major Vendor
-------------------------	------	--------	--------------

#1	Current	\$	12,198.05	
#2	Current	\$	7,850.00	Transfer \$
#3	Outside Services	\$	193.93	Transfer \$
#4	Current	\$	1,520,327.84	Wires/Debt Payment
#5	Recreation	\$	1,065.20	
#6	Other Trust	\$	1,274.74	
#7	Current	\$	1,000.00	Petty Cash
	Payroll	\$	322,563.04	
	Total		\$1,866,472.80	

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: none

ABSTAIN: none

Resolution #12-19 was adopted.

Council Appointments

Municipal Utility Authority 5-year term ending 02-01-2017

Motion to approve re-appointment of Vincent Zinno to the MUA for a 5-year term ending February 1, 2017.

MOTION: Dick Wetzel

SECOND: Patrick Rizzuto

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: none

Mr. Zinno was re-appointed to the MUA.

COUNCIL BUSINESS

Council Members Dunn and Rizzuto had nothing to report at this time.

Council Member Kadish asked for copies of the negotiated contracts.

Council Member Wetzel invited all to the Historical Society's meeting on January 22 from 1-3pm at the Senior Center. He noted that refreshments would be served. He advised that there would be stories of the past 80 years in Vernon from long-time residents.

COUNCIL PRESIDENT

Council President Lynch advised everyone to stay warm.

ADJOURNMENT

There being no further items of business to be conducted at the Regular Meeting, a motion for Adjournment was made by Council Member Dunn. Motion 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 8:58pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: January 24, 2012

Brian Lynch, Council President