

## Township of Vernon

### REGULAR TOWNSHIP COUNCIL MEETING

March 12, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on March 12, 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, and Dick Wetzel. Also present were Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly. Council President Brian Lynch and Mayor Vic Marotta were absent.

#### ACTING COUNCIL PRESIDENT

Council Member Wetzel nominated Council Member Rizzuto to stand as Acting Council President for this meeting in the absence of Mr. Lynch. Council Member Dunn seconded the nomination. All were in favor.

#### SALUTE TO THE FLAG

Acting Council President Rizzuto led the assemblage in the salute to the flag. Mr. Rizzuto advised that Mayor Marotta would not be in attendance due to a family emergency.

#### PRESENTATION

The Acting Council President and Council Member Dunn made a power-point presentation entitled "Redirection of the Growth of Vernon." The presentation showed the growth of Vernon Township with patterns of the past and the future. Mr. Rizzuto noted that he moved to Vernon in 1968, and he spoke about his early experiences as well as the changes that have occurred over the years. Mr. Dunn spoke on facilitating the future of Vernon Township.

#### PUBLIC COMMENTS

Acting Council President Rizzuto opened the meeting to public comments at this time. *Doreen Edwards* – Highland Lakes – asked if letters had gone out to those property owners to be connected to the sewers. Mr. Rizzuto advised that he would look into it and make a note on the website.

*Tom McClachrie* – spoke on the petition to repeal the salary ordinance, noting that Council could still rescind the ordinance and forego putting it on the ballot in November. He also noted that Council should make sure any new debt be put before the vote of the public. He suggested reducing permit fees and fines to 2008 amounts. He spoke about the revaluation of properties that was done in 2008, in that it was ill-timed. He would like the entire town to be reassessed across the board at decreased amounts, or a new revaluation. He noted that any pay increases should be the same for all employees.

Mr. Kelly clarified Mr. McClachrie's first statement. He explained that the law does not allow the Council to rescind the salary ordinance – it must go on the November ballot.

*Robert Oliver* – asked how that was true since Vernon is a Faulkner town and under Faulkner law.

Mr. Kelly reiterated that the law does not allow for it. He noted that the appellate division has ruled on this very subject.

*Mr. Oliver* asked if the Council has a relationship with the Skylands P.A.C. who donated money to their campaigns.

Mr. Rizzuto advised that they had received donations from many groups, but that they had no other relationship with the Skylands people.

*Gary Martinsen* – thanked the Council for putting the resolutions on the website, though he did not like the format and asked that it be done the same as ordinances. He spoke about the concessions resolution listed on the agenda. He was concerned with having only one bidder, as well as that the resolution did not list a time frame.

Mr. Kadish asked about the time frame for the contract. Mr. Giaimis advised that it was for one year, with the option to extend for an additional year.

*Mary Ellen Vichiconti* – asked if the position of Mayor was ever voted by Council to be a full-time position. Mr. Rizzuto advised that this was set up as part of the new Administrative Code.

*Doreen Edwards* – asked Mr. Dunn about businesses interested in Vernon that he had spoken about during the presentation. Mr. Dunn advised that he could not explain specifics at this time.

*Sally Rinker* – noted that the statute for the salary ordinance that the Clerk and Attorney are following was not found in the Faulkner Act, which created all the confusion.

Mr. Kelly noted that the Appellate Division decided which statute applies in this ordinance. (Mr. Kelly advised which decision this was later in the meeting during Council Comments.)

*Ms. Rinker* asked about the concession issue and why it had to go out for bid. Mr. Giaimis noted that he got that determination on competitive contracting from the Division of Local Government Services in Trenton. Ms. Rinker asked Mr. Dunn about the businesses who paid for advertisements for three years through the Economic Development Advisory Committee at the time.

*Mr. Oliver* asked if the concession stand was put out for bid 18 months ago.

*Mike Rubin* – asked about the high school plans (as noted in the presentation) based on a dam providing power. He wondered where the dam had been planned. Mr. Rizzuto was not sure where they had planned to put it.

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

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

MOVED: Eddie Dunn  
SECOND: Daniel Kadish  
All were in favor.

Mr. Giaimis noted that there was no Mayor's Report at this time.

#### **APPROVAL OF MINUTES**

##### **February 16, 2012 Regular Meeting Minutes**

MOVED: Dick Wetzel  
SECOND: Eddie Dunn  
A roll call vote was taken:  
AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel  
NAYS: None  
ABSENT: Brian Lynch  
Minutes of 2/16/12 were approved.

##### **February 27, 2012 Regular Meeting Minutes**

MOVED: Daniel Kadish

SECOND: Dick Wetzel  
 A roll call vote was taken:  
 AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel  
 NAYS: None  
 ABSENT: Brian Lynch  
 Minutes of 2/27/12 were approved.

**RESOLUTIONS #12-59 through #12-69**

Acting Council President Rizzuto gave a brief explanation of all resolutions.

Council Member Kadish asked to vote on Resolution #12-62 for the Concessions separately.

The Acting Council President asked for a motion to approve Resolutions #12-59, 12-60, 12-61, and 12-63 through 12-69.

MOVED: Daniel Kadish  
 SECOND: Eddie Dunn  
 A roll call vote was taken:  
 AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel  
 NAYS: None  
 ABSENT: Brian Lynch  
 Resolutions #12-59, 12-60, 12-61, and 12-63 through 12-69 were approved.

**RESOLUTION # 12-59**

**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	\$ 879,919.82	BD OF ED
#2	CURRENT	\$ 1,048,883.93	BD OF ED
#3	CAPITAL	\$ 22,302.19	
#4	P & Z	\$ 4,801.51	
#5	GRANT	\$ 500.00	
#6	OUTSIDE SERVICES	\$ 2,514.40	
#7	OUTSIDE SERVICES	\$ 4,166.72	
#8	OTHER TRUST	\$ 50.00	
#9	SEWER CAPITAL	\$ 508.26	
#10	1ST PAY-MARCH	\$ 297,449.50	
		<u>\$ 2,261,096.33</u>	

**RESOLUTION #12-60**

**WHEREAS, Tax Court Judgments** have been favorably awarded for the year 2009; and,

**WHEREAS,** such judgments have resulted in overpayments of the 2009 taxes;

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

BLOCK	LOT	NAME	AMOUNT	LOCATION
188.01	4 C0003	Jeffrey & Darlyne Pieper/ Adam R Jones Esq.	\$ 873.74	██████████
188.01	4 C0005	Jeffrey & Darlyne Pieper/ Adam R Jones Esq.	\$1,225.16	██████████

**RESOLUTION #12-61**

**WHEREAS**, Tax Court Judgments have been favorably awarded for the year 2010; and,

**WHEREAS**, such judgments has resulted in overpayments of the 2010 taxes;

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

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
188.01	4 C0003	Jeffrey & Darlyne Pieper/ Adam R Jones Esq.	\$ 1,683.36	████████████████████
188.01	4 C0005	Jeffrey & Darlyne Pieper/ Adam R Jones Esq.	\$ 2,359.71	████████████████████

**RESOLUTION #12-63**

**AUTHORIZING THE AWARD OF A CONTRACT RENEWAL WITH GOLD TYPE BUSINESS MACHINES FOR ITS INFO-COP DATA SHARING SERVICE FOR THE TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, there is a need to renew a contract for data sharing services for the Township Police Department; and

**WHEREAS**, this service, called Info-Cop, provides Township police officers with the ability to access local, state and federal crime databases via wireless units in their vehicles; and

**WHEREAS**, the Police Chief recommends that a renewal contract for 2012 be awarded to Gold Type Business Machines, 351 Paterson Avenue, East Rutherford, NJ 07073, at the price of \$3,150.00.

**NOW, THEREFORE BE IT RESOLVED** by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award a contract renewal for 2012 to Gold Type Business Machines to provide data sharing services for the Township's Police Department.

This Resolution shall take effect immediately according to law.

**RESOLUTION #12-64**

**AUTHORIZING THE AWARD OF A CONTRACT TO FIREFIGHTER ONE TO TRAIN MEMBERS OF THE TOWNSHIP'S FIRE DEPARTMENTS.**

**WHEREAS**, there is a need to train members of the Township's Fire Departments in the areas of fire hazards, and engine and truck operations; and

**WHEREAS**, Firefighter One has the expertise to provide this service per the attached flyer; and

**WHEREAS**, the Fire Marshal recommends that a contract to conduct two seminars be awarded to Firefighter One, 26 Gail Court, Sparta, NJ 07871 at the price of \$4,500.00.

**NOW, THEREFORE BE IT RESOLVED** by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award a contract to Firefighter One to provide training for members of the Township's Fire Departments.

This Resolution shall take effect immediately according to law.

#### **RESOLUTION #12-65**

##### **LIMOUSINE LICENSE FOR CAR FOR HIRE, INC.**

**WHEREAS**, John A. Barbero, [REDACTED] d/b/a Car For Hire, Inc., has made application for a Limousine Operator's License in the Township of Vernon and has submitted the required fee for said application; and

**WHEREAS**, the Vernon Township Police Department has certified that the limousines were inspected and passed all inspection requirements; and

**WHEREAS**, the Township Clerk has verified that all documentation and insurance information has been found to be in good order and in full compliance of state laws.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that a Limousine Operator's License for John A. Barbero, [REDACTED] d/b/a Car For Hire, Inc. is hereby approved; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a Limousine Operator's License to John A. Barbero, [REDACTED] d/b/a Car For Hire, Inc. in accordance with N.J.S.A. 48:16-13 et al.

#### **RESOLUTION #12-66**

##### **AUTHORIZING THE AWARD OF A CONTRACT FOR 2012 BETWEEN THE TOWNSHIP OF VERNON AND SPATIAL DATA LOGIC FOR GEOLOGIC SOFTWARE SUPPORT IN THE AMOUNT OF \$6,500.00**

**WHEREAS**, there exists a need for Geologic Software Support for the Township of Vernon in the Planning & Zoning Department, Building Department, Administrative Offices, and the Assessor's Office; and

**WHEREAS**, the Township had previously invested in software from Spatial Data Logic, Somerset, NJ, which is currently being used in the above mentioned departments for permitting, licensing, electronic maintenance of all inspection reports and transmission of monthly activity reports directly to the Department of Community Affairs; and

**WHEREAS**, Technical Customer Support and Upgrades of this system are needed to operate efficiently in these departments and Spatial Data Logic is the sole provider of these maintenance services to Vernon Township's current system; and

**WHEREAS**, the cost estimate for the 2012 Technical Customer Support and upgrades to currently owned modules for the Township of Vernon is \$6,500; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement subject to the adoption of the 2012 Municipal Budget.

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

1. The Township of Vernon is authorized to engage Spatial Data Logic for the purpose of Technical Customer Support and Upgrades to currently owned modules.

2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Contract with Spatial Data Logic, Somerset, NJ, for calendar year 2012.

#### **RESOLUTION # 12-67**

#### **AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF SUSSEX TO PROVIDE THE SERVICES OF A QUALIFIED PURCHASING AGENT FOR 2012**

**WHEREAS**, the Township of Vernon and the Borough of Sussex wish to enter into an Interlocal agreement to provide the services of a Qualified Purchasing Agent for the year 2012; and

**WHEREAS**, the Township of Vernon agrees to provide a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11 et seq. and those purchasing services as per the attached Interlocal Service Agreement; and

**WHEREAS**, the term of the agreement will be from March 1, 2012, through December 31, 2012; and

**WHEREAS**, the Township of Vernon will provide 108 hours over the 10 month period and the Borough of Sussex agrees to compensate the Township of Vernon at a sum of \$3,333 payable semi-annually on July 31, 2012, and December 31, 2012. Any additional hours over the 108 will be paid at the rate of \$30 per hour.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon of the County of Sussex, State of New Jersey, that the Mayor is authorized to execute the Interlocal agreement between the Township of Vernon and the Borough of Sussex to provide the services of a Qualified Purchasing Agent for the year 2012 as per the attached Interlocal Agreement; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to the Mayor and Clerk of the Borough of Sussex, as well as the Vernon Township Purchasing and Finance Departments.

#### **RESOLUTION #12-68**

#### **AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES**

**WHEREAS**, there is a need for Professional Services to the Township of Vernon for updating the tax maps, and assisting the Assessor with Tax Appeals and Added Assessments; and

**WHEREAS**, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

**WHEREAS**, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

**WHEREAS**, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

**WHEREAS**, the Township of Vernon is desirous to enter into an agreement with these professionals as a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

**WHEREAS**, the Chief Finance Officer has certified in writing that the value of the contracts are available for these purposes subject to the adoption of the 2012 Municipal Budget; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of contracts of a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Services in accordance with the attached Contracts for Professional Services pursuant to a non-fair and open contract to the following:

1. VS Land Data, Inc. – Update Tax Maps
2. Certified Valuations, Inc. – Assist the Assessor with Tax Appeals and Added Assessments

**BE IT FURTHER RESOLVED**, that the award of contract shall be contingent upon the completion and receipt of the following:

- (a) A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
- (b) Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.; and
- (c) New Jersey Business Registration Certificate; and
- (d) Upon the aforementioned professional being a member in good standing in their respective profession.

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Municipal Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

## **RESOLUTION #12-69**

### **AUTHORIZING ACCEPTANCE OF THE MUNICIPAL BUILDING HVAC MECHANICAL REPAIRS AND UPGRADES**

**WHEREAS**, the Township Council awarded the base contract for upgrades to the HVAC System in the Municipal Building on April 28, 2011 per Resolution #11-81 to Envirocon, LLC in the amount of \$238,700.00; and

**WHEREAS**, the Township Council further awarded the additional alternative bid for the HVAC Boiler Replacement per Resolution #11-165 to Envirocon, LLC on August 8, 2011 in the amount \$160,000.00; and

**WHEREAS**, the Township Council approved Change Order #1 for the Municipal Building HVAC System Mechanical Upgrade Phase II per Resolution #11-195 on October 13, 2011 in the amount \$1,860.38; and

**WHEREAS**, in a memo dated February 29, 2012, the Township Engineer states that the above referenced project has been completed with all but two outstanding punch list items including the adjustment of the Glycol levels in the system and the repair of Chiller #3 which could be addressed during the one-year maintenance guarantee secured by the contractor once the project is formally accepted by the Council; and

**WHEREAS**, the Township Engineer hereby recommends that the project be accepted by the Township Council and confirms the outstanding items will be addressed during the one-year maintenance guarantee secured by the contractor.

**NOW THEREFORE BE IT RESOLVED**, the Council of the Township of Vernon hereby approves the Township Engineer's recommendations and authorizes acceptance of the Municipal Building HVAC project as complete and directs the Township Engineer to proceed with the final paperwork including the maintenance bond of 5% of the final contract price, \$20,028.02, the Subcontractor's Material Supplier Certification and any outstanding payroll certifications.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Envirocon, LLC. and the Township Engineer.

The Acting Council President asked for a motion to approve Resolution #12-62.

MOVED: Eddie Dunn

SECOND: Dick Wetzel

Council Member Kadish suggested that there had not been enough time to get more bids in. He also noted that the various sports groups use the concession stand to raise funds.

Council Member Wetzel asked about other groups use of the stand.

Council Member Rizzuto noted that the bids were done properly.

Mr. Giaimis advised that there were many interested parties who inquired about the bid requirements, but did not submit bids. He also explained the other bidding questions raised by vendors (such as there being no cooking hoods, etc.).

Mr. Rizzuto expressed concern with the potential fall-out if the competitive contracting procedures that were followed were to be ignored.

#### **RESOLUTION #12-62**

#### **AUTHORIZING THE AWARD OF A CONTRACT FOR A CONCESSION LICENSE AT MAPLE GRANGE PARK AND VETERANS PARK**

A roll call vote was taken:

AYES: Eddie Dunn, Patrick Rizzuto

NAYS: Daniel Kadish, Dick Wetzel

ABSENT: Brian Lynch

Resolution #12-62 ended in a tie vote. The resolution failed.

#### **ORDINANCES**

#### **2<sup>nd</sup> Reading and Public Hearing on Ordinance #12-02 by Title Only**

The Acting Council President asked for a motion to adopt Ordinance #12-02 on 2<sup>nd</sup> reading.

MOTION: Dick Wetzel

SECOND: Daniel Kadish

#### **OPEN TO PUBLIC COMMENT ON ORDINANCE #12-02**

No one wished to comment.

#### **CLOSED TO PUBLIC COMMENT ON ORDINANCE #12-02**

MOTION: Eddie Dunn

SECOND: Dick Wetzel

All were in favor.

#### **VOTE ON ORDINANCE #12-02**

A roll call vote was taken:



AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel  
NAYS: None  
ABSENT: Brian Lynch  
Ordinance #12-02 was adopted on 2<sup>nd</sup> reading.

**ORDINANCE #12-02**

**AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS  
BLOCK 103.20 LOT 12**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

**WHEREAS**, the Township of Vernon is the owner of certain real property known as Block 103.20 Lot 12; and

**WHEREAS**, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

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

1. The property known as Block 103.20 Lot 12 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on April 9, 2012 at 7:30 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. The said property shall be sold subject to the following terms and conditions:

(a) The said property shall be sold for not less than \$2,000.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 to cover the Township's transaction costs, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(f) A Quit Claim Deed without covenants will be delivered at the office of the Township Clerk on or before thirty (30) days after the date of the sale at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(h) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.

(i) The property will be sold subject to 2012 taxes, pro-rated from the date of sale.

(j) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

(k) The property shall only be sold to adjoining landowners. The successful bidder must merge the subject lot with the bidder's adjoining lot by Deed within 30 days of the date of sale.

**Effective Date.**

This Ordinance shall take effect upon final passage and publication as provided by law.

**2<sup>nd</sup> Reading and Public Hearing on Ordinance #12-03 by Title Only**

The Acting Council President asked for a motion to approve Ordinance #12-03 on 2<sup>nd</sup> reading.

MOTION: Dick Wetzel

SECOND: Eddie Dunn

**OPEN TO PUBLIC COMMENT ON ORDINANCE #12-03**

*Mike Rubin* – asked what the ordinance was about.

Acting Council President Rizzuto explained that this was moving the Fire Prevention office from Public Safety to General Administration.

*Tom McClachrie* – asked if the new Administrative Code could be put on the website.

**CLOSED TO PUBLIC COMMENT ON ORDINANCE #12-03**

MOTION: Eddie Dunn

SECOND: Dick Wetzel

All were in favor.

**VOTE ON ORDINANCE #12-03**

A roll call vote was taken:

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

NAYS: None

ABSENT: Brian Lynch

Ordinance #12-03 was adopted on 2<sup>nd</sup> reading.

**ORDINANCE #12-03**

**AN ORDINANCE OF THE TOWNSHIP OF VERNON,  
COUNTY OF SUSSEX, STATE OF NEW JERSEY,  
AMENDING THE CODE OF THE TOWNSHIP OF VERNON**

**BE IT ORDAINED**, by the Township Council of the Township of Vernon that the Code of Vernon Township, Ordinance 11-21 is hereby supplemented and amended as follows:

1. Article III General Administration, Section 5-12(G) "Departments and Offices" shall be amended to include "8. Department of Fire Prevention."
2. Article XII Department of Public Safety, Section 5-68. Organization of Department shall be amended to remove "C. Office of Fire Safety Official."
3. Article XII Department of Public Safety, Section 5-71 shall be amended to read as follows: [reserved for future use].
4. Article XIV shall become "Department of Fire Prevention" and shall be amended as follows:
  - a) "Section 5-74. Establishment; Fire Marshal as head.  
There is hereby established a Department of Fire Prevention, the head of which shall be the Fire Marshal."
  - b) "Section 5-75. Duties of Fire Marshal.  
The Fire Marshall shall be responsible, among other responsibilities which may be assigned from time to time, for:
    - A. The inspection of all buildings and structures within the Township in conformity with the New Jersey and National Fire Safety Codes."

**COUNCIL BUSINESS**

Council Member Dunn addressed comments from Ms. Rinker. He was looking into videos with the businesses, and was willing to work with her on it. Ms. Rinker agreed.

Council Member Kadish gave the floor to Mr. Kelly on the Appellate ruling information.

Mr. Kelly advised the following information:

The applicability of N.J.S.A. 40A:9-165 was settled by the Appellate Division in *City of Ocean City vs. Sommerville*, 403 N.J.Super. 345 (App. Div. 2008), which held that this statute “preempts the Faulkner Act’s general referendum provision of N.J.S.A. 40:69A-185” *City of Ocean City*, supra. 403 N.J.Super. at 369-370.

Acting Council President Rizzuto noted that the question about the salary ordinance would be on the ballot in November, and that he was not troubled by the ballot question. He noted, however, that he was troubled that while the Vernon Taxpayers Association wants to have a referendum for any expenditure over \$500,000, Mr. McClachrie’s voice rang hollow when he chose not to raise his voice and that of the V.T.A.’s in opposition to the Board of Education’s decision to move the Board election to November; thereby disenfranchising the public by not allowing them to vote on a \$72,000,000 budget and a \$40,000,000 tax levy.

Council Member Dunn offered to discuss the 10% reduction amount with Mr. McClachrie and how he arrived at these numbers.

**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 Kadish, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:45pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR  
Municipal Clerk

Minutes approved: March 26, 2012

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Patrick Rizzuto, Acting Council Pres.

\_\_\_\_\_  
Brian Lynch, Council President