

## Township of Vernon

### REGULAR TOWNSHIP COUNCIL MEETING

February 16, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on February 16, 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 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.

#### **SALUTE TO THE FLAG**

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

#### **MOMENT OF SILENCE**

Council Member Kadish asked for a moment of silence for Terry Stellingwerf.

#### **ROLL CALL OF MEMBERS**

Present were Council Members Eddie Dunn, Daniel Kadish, Dick Wetzel, and Council President Brian Lynch. Also present were Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly. Council Member Patrick Rizzuto arrived at 7:35pm, and Mayor Vic Marotta arrived at 7:40pm.

#### **2012 Campaign Contribution Notice**

The Municipal Clerk read the following notice into the record:

“No holder of a public office or position shall demand payment or contribution from another holder of a public office or position for the campaign purposes of any candidate or for the use of any political party.”

#### **PUBLIC COMMENTS**

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

*Bonnie Rubin* – read a prepared statement relative to Salary Ordinance #12-01 and the committee petitioning against this ordinance.

*Gary Martinsen* – asked about the statement read by the Clerk. The Council President advised that it was sent by the Lt. Governor of New Jersey, Kim Guadagno, pursuant to the provisions of Public Law 1975, Chapter 70. Mr. Martinsen noted that the resolutions listed on the agenda on the website could not be looked at.

*Bob Gerry* – asked about a possible conflict of interest between the Senior Center and the Recreation Board relative to a letter about the Homestead. Mr. Giaimis noted that the he was not aware of this letter.

*Christa Gerry* – explained that she had requested the Township’s involvement in this important issue. Council Member Kadish offered to clarify the matter further.

*Linda Smigen* – spoke about the concession issues on the Township fields, requesting that they allow the sports groups to fundraise (bake sales, etc.) at the fields. She explained that these funds help to offset the additional costs required over budgeted amounts.

*Barbara Chorzepa* – spoke about a mosquito control coalition, noting that they work with the County to inform the public about dealing with treatment and prevention of mosquito infestation.

#### **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: Patrick Rizzuto  
SECOND: Daniel Kadish  
All were in favor.

**APPROVAL OF MINUTES**

**February 28, 2011 - Amendment to Regular Session Minutes**

MOVED: Brian Lynch  
SECOND: Patrick Rizzuto  
A roll call vote was taken:  
AYES: Brian Lynch  
NAYS: None  
ABSTAIN: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel  
Minutes were approved.

**January 23, 2012 - Regular Meeting Minutes**

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

**February 4, 2012 – Special Work Session Minutes**

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

**RESOLUTIONS #12-35 through #12-51**

Council President Lynch gave a brief explanation of all resolutions, and noted that #12-48 would need to be removed from the consent agenda due to a conflict he had with voting on Fire Department business.  
Council Member Kadish asked to remove #12-39 and #12-40 for discussion.

The Council President asked for a motion to approve Resolutions #12-35 through 12-38, 12-41 through 12-47, and 12-49 through 12-51

MOVED: Daniel Kadish  
SECOND: Eddie Dunn  
A roll call vote was taken:  
AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch  
NAYS: None  
Resolutions #12-35 through 12-38, 12-41 through 12-47, and 12-49 through 12-51 were approved.

**RESOLUTION # 12-35**

**AUTHORIZING THE APPROVAL OF BILLS LIST**

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

Fund	Amount	Major Vendor
CURRENT	\$1,099,899.40	BD OF ED
CURRENT	\$1,099,899.40	BD OF ED
CURRENT	\$4,405,774.21	COUNTY TAXES
CURRENT	\$1,010,116.41	BD OF ED
CURRENT	\$ 45,000.00	\$ TRANSFER
GRANT	\$ 973.90	
CAPITAL	\$ 88,857.11	ML RUBERTON
CAPITAL	\$ 765.78	
P & Z	\$ 5,155.26	

RECREATION	\$	78.35	
SEWER OPERATING	\$	56.47	
OTHER TRUST	\$	2,678.87	
OTHER TRUST	\$	1,825.60	
OTHER TRUST	\$	110.40	
OUTSIDE SERVICES	\$	3,735.68	
OUTSIDE SERVICES	\$	2,658.08	
OUTSIDE SERVICES	\$	2,227.04	
OUTSIDE SERVICES	\$	2,514.40	
PVL DAM REHAB ASSM	\$	257.54	
PVL DAM REHAB ASSM	\$	10,000.00	
PVL DAM REHAB ASSM	\$	523.26	
ROAD ASSESSMENT	\$	8,398.43	
CURRENT	\$	1,315.10	V.T. MUA
CURRENT	\$	143,751.06	EARTH TEC
PAYROLL-1 <sup>ST</sup> PAY-FEB	\$	306,061.86	
		<u>\$8,242,633.61</u>	

**RESOLUTION #12-36**

**RESCIND RESOLUTION #12-34**

**WHEREAS**, the governing body of the Township of Vernon adopted Resolution #12-34 to authorize a transfer of appropriations on February 4, 2012; and

**WHEREAS**, it was subsequently determined that Resolution #12-34 referenced a previous incorrect resolution.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Township of Vernon that Resolution #12-34 be hereby rescinded and vacated.

**RESOLUTION #12-37**

**TRANSFER RESOLUTION- FUND BALANCE TRANSFER**

**WHEREAS**, the Township of Vernon Municipal Budget requires certain modifications to cover

Potential expenses that may occur in excess of the original budget; and

**WHEREAS**, this transfer was inadvertently omitted from Resolution 11-243 passed on December 27, 2011.

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

that the following Transfer of Appropriations (2011 Municipal Budget) is in accordance with

N.J.S.A 40A-58/59 and hereby approved.

**FROM:**

Current Fund  
Salary & Wage Adjustments \$45,000.00

**TO:**

Capital Improvement Fund  
\$45,000.00

**RESOLUTION #12-38**

**ENDORING THE SUBMISSION OF THE 2011 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987 c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Vernon Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the Township of Vernon hereby endorses the submission of the 2011 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates David Pullis, Director of Public Works, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the Recycling Tonnage Grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION #12-41**

**AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS.**

**WHEREAS**, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the Morris County Cooperative Pricing Council; and

**WHEREAS**, the Township has the need on a timely basis to purchase goods and services utilizing MCCPC contracts;

**WHEREAS**, the Township intends to enter into contracts with the attached referenced MCCPC vendors through this resolution which shall be applicable to all the conditions applicable to current MCCPC contracts;

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Vernon, authorizes the Purchasing Agent to purchase certain goods and services from those approved MCCPC vendors on the attached list, pursuant to all conditions of the individual MCCPC contracts:

**BE IT FURTHER RESOVLED**, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**BE IT FURTHER RESOVLED**, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2012 to December 31, 2012; and

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

#### **RESOLUTION #12-42**

##### **AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH THE NEW JERSEY OFFICE OF CLEAN ENERGY – DIRECT INSTALL PROGRAM WITH DONNELLY ENERGY SOLUTIONS FOR THE COMPLETION OF ENERGY SAVING IMPROVEMENTS AT THE VERNON TOWNSHIP DPW BUILDING**

**WHEREAS**, the Township of Vernon has made application to the Federal Energy Efficiency and Conservation Block Grant (EECBG) program to obtain grant funding for municipal facility improvements; and

**WHEREAS**, in conjunction with the EECBG grant, the Township has also submitted application to the NJ Clean Energy Incentive Direct Install Program to receive additional funding for facility improvements; and

**WHEREAS**, the proposed improvement project includes the replacement of building lights, the installation of lighting sensor controls, and the completion of other improvements that would aid the Township in making the existing municipal building more energy efficient and reduce overall energy consumption; and

**WHEREAS**, under the Direct Install Program, Donnelly Energy Solutions, 557 Route 23 Wayne, NJ, has submitted a proposal to the Township; and

**WHEREAS**, the total cost of the proposed project is \$65,860.23 of which the NJ Clean Energy Incentive covers \$39,516.14 which leaves a total cost to the Township of \$26,344.09; and

**WHEREAS**, the Chief Financial Officer has certified the funds available for this purpose subject to the adoption of the 2012 Municipal Budget.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Vernon, that the Governing Body does hereby agree to enter into an agreement with Donnelly Energy Solutions through the Direct Install Program and accept additional grant funding through the Energy Efficiency and Conservation Block Grant program for the energy improvements for the Municipal Facility.

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Vernon is hereby authorized to execute an Agreement with Donnelly Energy Solutions, Wayne NJ on behalf of the Township of Vernon and the Township of Vernon does accept the Terms and Conditions specified in the Agreement in connection with this grant.

#### **RESOLUTION #12-43**

##### **AWARDING A CONTRACT TO RUDCO PRODUCTS, INC TO SUPPLY AND DELIVER BRAND NEW CONTAINERS FOR THE PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the Township of Vernon has a need for one (1) brand new 40 yard open top container and one (1) brand new 40 yard octagon container; and

**WHEREAS**, the Township has advertised and received no bids on two occasions for these containers; and

**WHEREAS**, according to NJSA 40A:11 et seq, the Township may award a contract to a vendor after receiving no bids on two occasions; and

**WHEREAS**, Rudco Products, Inc. has provided the lowest quotation for the above referenced containers (including freight) in the amount of \$10,621; and

**WHEREAS**, the Qualified Purchasing Agent and Public Works Director recommend that a contract be awarded to Rudco Products, Inc., 114 East Oak Road, Vineland NJ 08360 per the attached proposal; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, Rudco Products, Inc., be awarded a contract to supply and deliver a brand new 40 yard open container and a 40 yard octagon container per the attached quote for an amount not to exceed \$10,621.00. The Chief Financial Officer has certified a total amount of \$10,621.00 in account #10553137A and 11557827; and

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

**RESOLUTION #12-44**

**RESCIND RESOLUTION #12-23**

**WHEREAS**, the governing body of the Township of Vernon adopted Resolution #12-23 to authorize tax refunds as a result of Tax Court Judgments for 2010 taxes on January 23, 2012; and

**WHEREAS**, it was subsequently determined that Resolution #12-23 contained an error in calculation from the Tax Court.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Township of Vernon that Resolution #12-23 be hereby rescinded and vacated.

**RESOLUTION #12-45**

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

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

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and 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 that 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	1 C0008	Tod Mershon/ Adam R Jones Esq.	\$ 1,856.19	██████████
188.01	3 C0001	Patricia Marino/ Adam R Jones Esq.	\$ 1,858.71	██████████
188.01	3 C0003	Jerie Charnow/ Adam R Jones Esq.	\$ 1,688.37	██████████
188.01	5 C0003	Dawn Maguire/ Adam R Jones Esq.	\$ 1,683.36	██████████
188.01	8 C0001	Ronald & Nadya Kulhangian Adam R Jones Esq.	\$1,858.71	██████████

190	9 CA401	Dawn Maguire/ Adam R Jones Esq.	\$2,552.59	██████████
190	9 CA416	Kevin Woodruff/ Adam R Jones Esq.	\$2,725.44	██████████
190	9 CB142	Mark Braverman & Karen Herrera Adam R. Jones Esq.	\$1,635.76	██████████
190	9 CB232	Diana McGonnell/ Adam R Jones Esq.	\$1,440.38	██████████

**RESOLUTION #12-46**

**AUTHORIZING VERNON YOUTH SOCCER TO HOLD THE VERNON TURF CLASSIC SOCCER TOURNAMENT ON MARCH 24 AND 25**

**WHEREAS**, Vernon Youth Soccer is a non-profit organization that provides an opportunity for youth in Vernon Township to learn and play the sport of soccer; and

**WHEREAS**, Vernon Youth Soccer has submitted a request to the Township Council to hold the Vernon Turf Classic Soccer Tournament on Saturday, March 24 and Sunday, March 25, 2012, at Maple Grange Community Park; and

**WHEREAS**, Vernon Youth Soccer has requested permission to place temporary signage for the Vernon Turf Classic Soccer Tournament around town and has promised to remove such signage within one (1) week after the completion of the tournament; and

**WHEREAS**, Vernon Youth Soccer has advised that all teams participating in the Tournament have provided proof of liability insurance; and

**WHEREAS**, Vernon Youth Soccer has agreed to pay the Township a fee of \$3,000.00 for the Tournament to cover the cost of use of the facilities, DPW costs, and Police Department fees.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Vernon that Vernon Youth Soccer:

1. Is granted permission to hold its Vernon Turf Classic Soccer Tournament at Maple Grange Community Park on March 24 and March 25; and
2. Is granted permission for temporary signage for the Tournament and will remove such signage within one (1) week after completion of the Tournament; and
3. Has agreed to pay the Township \$3,000.00 for use of the facilities, DPW costs, and Police Department fees.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Recreation Department for their records.

This Resolution will take effect immediately according to law.

**RESOLUTION #12-47**

**AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS**

**WHEREAS**, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the State Contract; and

**WHEREAS**, the Township has the need on a timely basis to purchase goods and services utilizing state contracts;

**WHEREAS**, the Township intends to enter into contracts with the attached referenced state vendors through this resolution and properly executed contracts, which shall be applicable to all the conditions applicable to current state contracts;

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Vernon, authorizes the Purchasing Agent to purchase certain goods and services from those approved state vendors on the attached list, pursuant to all conditions of the individual state contracts:

**BE IT FURTHER RESOLVED**, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**BE IT FURTHER RESOLVED**, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2012 to December 31, 2012; and

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

#### **RESOLUTION #12-49**

#### **AWARDING A CONTRACT TO GLOBAL EQUIPMENT COMPANY TO SUPPLY AND DELIVER BRAND NEW SELF-DUMPING HOPPERS FOR THE PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the Township of Vernon has a need for up to three (3) brand new self-dumping hoppers; and

**WHEREAS**, the Township has advertised and received no bids on two occasions for these hoppers; and

**WHEREAS**, according to NJSA 40A:11 et seq, the Township may award a contract to a vendor after receiving no bids on two occasions; and

**WHEREAS**, Global Equipment Company has provided the lowest quotation for the above referenced hoppers (including freight) in the amount of \$4,706.00; and

**WHEREAS**, the Qualified Purchasing Agent and Public Works Director recommend that a contract be awarded to Global Equipment Company, 11 Harbor Park Drive, Port Washington, NY 11050 as per the attached proposal.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, Global Equipment Company, be awarded a contract to supply and deliver up to three (3) brand new self-dumping hoppers for an amount not to exceed \$4,706.00. The Chief Financial Officer has certified a total amount of \$4,706.00 in account # 11557827; and

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



**RESOLUTION#12-50**

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK  
TO SIGN A LEASE AGREEMENT WITH THE COUNTY OF SUSSEX  
FOR NUTRITION SITE PREMISES FOR SENIOR CITIZENS**

**WHEREAS**, Vernon Township has available space in the Senior Citizen Center; and

**WHEREAS**, there is a continuing need for space to offer meals to accommodate approximately 75 senior citizens per day; and

**WHEREAS**, the Township of Vernon has offered, for appropriate compensation, to allow the County of Sussex to utilize a portion of the Senior Citizen facility for the Vernon Nutrition Site Operation project as per attached lease agreement for the year 2012; and

**WHEREAS**, the lease agreement is attached hereto and made a part hereof; and

**WHEREAS**, the compensatory amount for the use of this facility is \$2,400.00 for the agreement year.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Vernon, New Jersey as follows:

1. That the Township Council of the Township of Vernon hereby authorizes and directs the Mayor and Township Clerk to execute the lease agreement between Vernon Township and the County of Sussex for use of the Vernon Township Senior Citizen Center for the Vernon Nutrition Site Project.
2. This Resolution shall take effect after publication and passage according to law.

**RESOLUTION #12-51**

**AWARDING A CONTRACT TO BALDWIN SAND AND GRAVEL TO SUPPLY THE  
TOWNSHIP WITH ROAD GRITS DURING 2012**

**WHEREAS**, the Township of Vernon has a need to purchase road grits for the safety of its streets and roads; and

**WHEREAS**, the Township desires to use Baldwin Sand and Gravel, Inc., 458 Route 94, Vernon New Jersey whose proposal provides the most cost effective way to procure grits for the Township; and

**WHEREAS**, the Township could have secured grits via the Sussex County Cooperative who received responses to a competitive sealed bid for road grits to be picked up by Township employees at a low bid price of \$7.87 per ton; and

**WHEREAS**, Baldwin Sand and Gravel has provided the Township with a quote to deliver grits to the Township for \$10 per ton; and

**WHEREAS**, Baldwin's delivered cost per ton is less the Sussex County Cooperative's cost per ton plus additional costs the Township would have incurred by using its fleet and employees to pick up the grits; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, Baldwin Sand and Gravel, be utilized to purchase road grits, in accordance with the attached quote in the amount not to exceed \$26,000 and the Chief Financial Officer has certified this amount in account #10576561; and

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

The Council President asked for a motion to approve Resolution #12-48.

MOTION: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Brian Lynch

Resolutions #12-48 was approved.

### **RESOLUTION #12-48**

#### **AUTHORIZING CHANGE ORDER #1 TO KME CORP., INC FOR REFURBISHING A HIGHLAND LAKES FIRE DEPARTMENT PUMPER**

**WHEREAS**, the Township of Vernon awarded a contract to refurbish a Highland Lakes Fire Department pumper via resolution #11-223 to Kovatch Mobile Equipment Corp. Inc., for \$167,776.00; and

**WHEREAS**, several additional items that were not in the original specification and unforeseen items are required, totaling \$8,635.00; and

**WHEREAS**, according to NJAC 5:30-1.3, the total amount of all change orders may not exceed 20 percent of the original contract award; and

**WHEREAS**, this change order does not exceed the 20 percent threshold; and

**WHEREAS**, the Qualified Purchasing Agent and Highland Lakes Fire Department Chief recommend that this change order be approved per the attached proposal; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that this change order be approved. The Chief Financial Officer has certified a total amount of \$8,635.00 in account #3094305; and

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

Council discussed Resolutions #12-39 and 12-40.

Council President Lynch advised that, according to Mr. Giaimis, the concession had been awarded incorrectly for competitive contracting in prior years which was against State statute.

Council Member Kadish asked if teams would be precluded from fund raising.

Mr. Giaimis advised that it had been prohibited, but that it would not be in the Township's best interests to have competing businesses. However, he felt it could be worked out during the "bidding" process.

Mr. Kadish asked about special events like the Pow-Wow. Mr. Giaimis advised that those events would allow specific vendors.

The Council President noted that this should be worked out so that the concessions and groups work together for the benefit of all.

Council Member Rizzuto suggested being very careful, and Council Member Dunn asked for balance in making these decisions.

Mayor Marotta noted that the Township could direct that any profit offset costs for families unable to afford total athletic costs.

The Council President asked for a motion to approve Resolutions #12-39 and #12-40. There was a brief discussion on the need for these resolutions at all.

MOTION: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: Eddie Dunn

Resolutions #12-39 and #12-40 were approved.

### **RESOLUTION #12-39**

#### **AUTHORIZING THE PROCUREMENT OF A CONCESSION AT MAPLE GRANGE AND VETERANS MEMORIAL PARKS**

**WHEREAS**, there is a need to operate the concession stands at both Maple Grange and Veterans Memorial Parks; and

**WHEREAS**, a concession operated on a full season basis will increase the quality of these parks and increase revenue for the Township; and

**WHEREAS**, NJAC 5:34-9.4 requires that procuring a concession requires Township Council approval; and

**WHEREAS**, a concession will be awarded via the issue of a license; and

**WHEREAS**, there is minimal risk for the Township when issuing a license to operate a concession while it can benefit from the revenue such a license will generate. No costs will be incurred by the Township as part of this concession; and

**WHEREAS**, the basis of award will be via the Competitive Contracting process; and

**WHEREAS**, the Township owns the facilities and some equipment that will be used as part of the concession.

**NOW, THEREFORE BE IT RESOLVED** by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey that the procurement of a concession at Maple Grange and Veterans Memorial Parks be approved.

This Resolution shall take effect immediately according to law.

### **RESOLUTION #12-40**

#### **AUTHORIZING THE USE OF COMPETITIVE CONTRACTING WHEN AWARDING A CONCESSION LICENSE CONTRACT FOR MAPLE GRANGE AND VETERANS MEMORIAL PARKS**

**WHEREAS**, there is a need to issue a license to operate the concession stand at Maple Grange and Veterans Memorial Parks; and

**WHEREAS**, NJSA 40A:11-4.1 requires that the competitive contracting process be utilized when awarding a contract for concessions; and

**WHEREAS**, this process includes price and other factors considered when determining the successful vendor for a service; and

**WHEREAS**, NJSA 40A:4:11-4.3 requires Township Council approval prior to receiving proposals via the competitive contracting process; and

**NOW, THEREFORE BE IT RESOLVED** by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey that the competitive contracting process be utilized when receiving proposals for a license to operate the concession stand at Maple Grange and Veterans Memorial Parks.

This Resolution shall take effect immediately according to law.

## **MAYOR'S REPORT**

Mayor Marotta reported on the following items:

- ◆ Through the efforts of John Ursin and Courter, Kobert, & Cohen, the Township has taken over more properties. The Township owns 80 as of now. He noted that the next door neighbor of 14 Pine Street East, which was a dilapidated structure, has offered to buy it for \$200 with the caveat to demolish the structure (at a usual cost of about \$10,000). Our DPW will do the demo work. - Mr. Kadish asked about landscaping, etc., to return the property to a proper condition ("natural state").
- ◆ There was a representative from the Veterans group at the Community Covenant Signing held at the Picatinny Arsenal. Most of the 24 communities from Sussex County were represented in support of educational programs at the Arsenal.
- ◆ A training session on Harassment and Discrimination was held today for employees on all levels to set a legal platform. He thanked Mr. Giannis, D&H Associates (risk manager), and Deborah B. Rosenthal, Esq., of Gebhardt & Kiefer, P.C. for their efforts. He felt we were well on our way to changing the culture in Vernon Township.
- ◆ The Court offices had a training session yesterday for the first video arraignment system in northern New Jersey under the direction of Judge Devine. This system will give the court the ability to arraign prisoners from the County without having to transport them from the County jail to our court. It will also cut down on police overtime that is incurred in this transportation. It will also be able to be used with out-of-state prisoners.

## **COUNCIL BUSINESS**

Council Member Kadish complimented the DPW for the Lake Pochuck Road, making it 6 feet wider than in the past.

Council Member Rizzuto noted he shared in the concerns of Ms. Chorzepa on mosquitoes. He suggested building birdhouses for purple martins who can consume vast amounts of mosquitoes daily. He also commended the Mayor and staff on the development of the budget and not raising one penny in municipal taxes.

Council Member Kadish asked if the ratio came down, wouldn't the tax rate come down as well. Mayor Marotta noted that the catch was the loss of real estate taxes for properties not on the tax rolls. Council Member Rizzuto noted the County rate as well. The Mayor further advised that the County was dealing with about 23 bridge projects which are very expensive.

Council Member Rizzuto noted that he and Council Member Wetzel met with the Board of Education on their budget process. They felt the meeting went very well, noting the Board's desire to control costs as much as possible. They felt the Board was trying to keep their portion of taxes flat.

Council Member Kadish supported the Gerry's on the Homestead issue. He noted that 36% of the population in Sussex County are below the poverty level. This greatly concerns him, as well as the increasing aging community. He feels the Homestead should be supported.

Council Member Dunn noted a very positive and helpful work session on the sign ordinance was held the previous evening. He felt that Craig Roland, the Zoning Officer, had been very helpful. He was very pleased with the outcome.

## **COUNCIL PRESIDENT**

- ❖ Council President Lynch advised that there should be one more work session on the sign ordinance before being ready to introduce the new ordinance.
- ❖ He thanked the Mayor for putting the capital budget plan together.
- ❖ He also thanked the Road Department at keeping the roads clear of snow this winter....(everyone enjoyed the joke).

Mayor Marotta noted he had neglected to mention that some 500 catch basins were being repaired.

**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 8:32pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR  
Municipal Clerk

Minutes approved: March 12, 2012

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Brian Lynch, Council President