

Township of Vernon

TOWNSHIP COUNCIL WORK SESSION MEETING

March 30, 2015

The Meeting of the Township Council of the Township of Vernon was convened at 6:30 p.m. on Monday, March 30, 2015 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Patrick Rizzuto presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on March 24, 2015, 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.

SALUTE TO THE FLAG

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

ROLL CALL OF MEMBERS

Present were Council Members Brian Lynch, Jean Murphy, Dick Wetzel and Council President Rizzuto. Also present were Mayor Victor Marotta, and Assistant Township Attorney Tom Cotton.

There was no Executive Session.

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

MOTION: Brian Lynch

SECOND: Dick Wetzel

All members were in favor.

Catherine Johnson-Witte, [REDACTED] stated that she was a Realtor. Ms. Witte expressed that Realtors must be exempt in this ordinance; noting they are not property managers. Ms. Witte opined that fines on properties would be a barrier to new ownership. Ms. Witte stated she felt the ordinance would be a restriction on commerce. Ms. Witte stated she would like a side by side analysis of the current code with the proposed ordinance.

John Nuss, stated he was a Realtor from Wantage. Mr. Nuss discussed the maintenance ordinance in Wantage, causing a reduction in sales there. Mr. Nuss opined that government should be a service and not a business. Mr. Nuss stated that the population in Sussex County is decreasing. Mr. Nuss indicated that Vernon is a great place to live but the market is difficult.

Council President Rizzuto explained the basis for this ordinance is not to create a hardship but to help people currently living in Vernon from having to live next door to a home that is not maintained or cared for, as well as to protect values for existing residents. Council President Rizzuto discussed the fines and requested any suggestions on another way to enforce people maintaining their homes. Mr. Nuss stated that all towns are struggling with this issue. Council Member Lynch thanked Mr. Nuss for his comments. Council Member Wetzel stated that society is more important that the individual and other areas of town are not being addressed.

Gary Martinsen, Vernon, stated he believed more time was needed to discuss this ordinance as it contained a total re-write of a portion of the code and can create financial hardship. Mr. Martinsen observed that the code was being changed from 50 lines to 250 lines. Mr. Martinsen opined that the ordinance should be published in its entirety in every newspaper. Mr. Martinsen said he would like to also see an article written about the ordinance. Mr. Martinsen discussed the provisions of the ordinance and experience by other towns such as Raritan. Mr. Martinsen stated a subcommittee should work on this ordinance. Mr. Martinsen provided a copy of S-229 that was a model ordinance for this item and also samples of ordinances from other towns.

Karen Glowacki stated she took issue with the lawn maintenance section of the ordinance because the current ordinance is not being enforced. Ms. Glowacki opined that this will not be enforceable on Freddie Mae or Fanny Mac homes. Ms. Glowacki expressed concern that the Mayor was the hearing officer per this ordinance. Ms. Glowacki discussed builders being discouraged to come to Vernon. Council Member Lynch stated the ordinance is not being rushed through; it is a discussion, not a vote. Council Member Lynch discussed that people who take care of their homes should not be penalized by mortgage companies who do not maintain adjoining property. Ms. Glowacki expressed concern over Realtors not getting paid to maintain property. Council President Rizzuto stated builders are not discouraged to come to Vernon, Dollar General and CVS came to the Township recently. Council Member Lynch recommended further discussion on the ordinance. Council President Rizzuto discussed that since 2008 the assessed value of the Township had dropped and the town had not built new homes to build that amount back up. Council President Rizzuto discussed the negative effect of having an unkempt home in your neighborhood on your property value. Ms. Glowacki stated there were ill people in town who could not maintain their property.

John Leavitt, Realtor stated the ordinances were not going to help; the homeowners do not have the money and cannot do the work. Mr. Leavitt stated he was not suggesting that anyone should live next to an eyesore but the Township would not be able to collect the funds. Mr. Leavitt expressed concern over having a hearing before the Mayor and Construction official, as well as the Highlands Act. Mr. Leavitt discussed the foreclosure pipeline and banks holding back properties to avoid flooding the market.

John Massari, resident of Wantage, stated that he was the President of the Sussex County Board of Realtors and noted that Vernon has 372 active listings, with many of them being bank foreclosures and there are even more that have not hit the market. Mr. Massari stated that if the Township were to increase the property maintenance enforcement, they would need more staff. Council President Rizzuto discussed vandals going into vacant homes and the need for empty homes to be maintained. Council Member Wetzel expressed concern that the comments focused on one side of the issue. Council Member Murphy noted that some people speaking were homeowners and a broad view was being obtained. Council Member Murphy stated no one wants to see homes deteriorate.

Ann Larsen, Realtor, stated she was aware of vacant homes being stripped of their copper piping by vandals. Ms. Larsen stated a home can be sold without these items. However, Ms. Larsen objected to code enforcement coming through and requesting permits for all the work that was done to repair the home. Ms. Larsen also objected to homeowners being required to line chimneys. Council Member Lynch stated people are happy their chimney is lined when it helps them avoid having their home catch fire. Council Member Lynch stated that as a firefighter, he had been involved in many chimney fires including one that killed two children. Ms. Larsen objected to having difficulty obtaining permits because the person did not have proof of ownership. Ms. Larsen objected to the way persons are treated by the building department.

Wally Zosche, Scenic Lakes questioned the meaning of the sections of the ordinance that stated that a person could not use as a defense that they were in compliance with another portion of the Township code. Mr. Zosche also questioned what it meant that the occupant could not use as a defense that the landlord was responsible or vice versa for the property maintenance. Assistant Attorney Tom Cotton explained the sections. Mr. Zosche objected to the Township building inspector advising that the homeowner that building permits were never obtained for the work that was done. Mr. Zosche stated the work could have been done 30 years ago and you cannot prove at that point that the homeowner did obtain permits. Mr. Zosche opined that people do not want to come to Vernon because of the building department inspections.

John Bender, Glenwood questioned the section about where payment of the fines would be collected. Council President Rizzuto indicated the housing department issues a ticket which directs you to pay the fines to the Court. Mr. Bender questioned the section of the ordinance that indicated that by having a contract (i.e. a lease) that does not relieve you of your duty. Assistant Attorney Cotton explained the ordinance. Mr. Bender objected to the maintenance ordinance providing fines for poison ivy. Mr. Bender stated he was concerned about the liens. Mr. Bender also expressed concern about the unintended consequences of the ordinance. Council Member Lynch stated if this was just a money making item he would vote no; however, he pointed out that he and the other members of the Council receive the complaints from residents about abandoned homes that are being neglected.

Sandy Ooms, Vernon, noted this ordinance addressed foreclosures and questioned how to address persons who live in their home and simply do not take care of it. Ms. Ooms expressed concern that the Mayor was who determined if fines could be waived.

Pam Willard, Vernon, stated she did not realize that currently we cannot enforce a refrigerator being left in the front yard. Ms. Willard suggested that neighbors should mow the grass and take care of the neighboring properties. Ms. Willard stated there should not be a strong arming of people to be a better neighbor, people should help people.

Ellen Meixner, Scenic Lakes stated that where she lives there are areas that are a disgrace that are not being addressed by code enforcement currently. Ms. Meixner felt a new ordinance would not change things.

Rachel Hendricks stated she was an executive officer of the Sussex County Board of Realtors and that she lived in Pennsylvania. Ms. Hendricks stated she had a few issues with the ordinance and she believes that: Realtors should be exempt, the Township can't enforce the ordinance, the ordinance has a conflict because you make the rules and enforce the ordinance, older properties are difficult to keep up, no cap to the fine, no exemption for hardship, no discussion of undisturbed areas. Ms. Hendricks also questioned the issue of how far the ordinance goes towards safety issues. Ms. Hendricks questioned if the staff have incentives to fail homes because they will generate more revenue. Ms. Hendricks said the person having the hearing is not qualified.

CLOSED TO PUBLIC COMMENTS

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

MOTION: Brian Lynch

SECOND: Jean Murphy

All members were in favor.

Council President Rizzuto stated this is just a starting point to gain information and that was the intent of the workshop. Council President Rizzuto stated this was not a new circumstance this has been an issue that was raised in 2011. Council President Rizzuto stated the law now allows townships to go after the banks for homes in foreclosure. Council President Rizzuto stated this was to impact people who live near homes that are in foreclosure and not maintained. Council President Rizzuto stated that perhaps there would be another work session and also asked if persons would like to be on a committee about the ordinance.

ITEMS FOR DISCUSSION:

Ordinance 15-07: An Ordinance Replacing Chapter 447 of the Code of the Township of Vernon Entitled “Property Maintenance”

Council President Rizzuto asked for any further discussion. No members of the Council indicated they would like additional discussion at that time.

COUNCIL COMMENTS

Council Member Wetzel said there was a lot of food for thought in this discussion.

Council Member Lynch stated he did not want a person to say his grass was too high. Council Member Lynch understood helping your neighbor and he had been doing that a long time. Council Member Lynch stated not everyone is in the same situation and some people cannot help themselves. Council Member Lynch stated this is not a money making ordinance but one that is to help people who are looking to sell their home and are able to glean top dollar. Council Member Lynch said unfortunately people would be required to do things that they did not want to, particularly the banks.

Council Member Murphy stated that she was a Realtor in town for 23 years and a member of the Association. Council Member Murphy stated it was great to see the members of the Board here. Council Member Murphy stated the Board does address issues like this when they arise in other towns as well. Council Member Murphy stated that Rachel is their employee and does a wonderful job. Council Member Murphy stated she realized abandoned homes are in town and they have been like that for a long time. Council Member Murphy stated there are many reasons why these homes are not kept up. Council Member Murphy stated the abandoned homes are kind of sudden. Council Member Murphy commented that 447:14 comes off as overzealous, with all these officials coming forward to enforce this provision. Council Member Murphy commented on the storage of commercial equipment and if someone has a plow on their truck and no garage. Council Member Murphy said these items need to be addressed. Council Member Murphy stated she had delivered meals on wheels for the last five years and had noted some problems with some homes. Council Member Murphy stated she had asked then members of the council to come with her to see these people’s struggles but they did not come. Council Member Murphy stated she was trying to help.

Mayor Marotta indicated he had taken notes. Mayor Marotta objected to being a hearing officer for appeals and stated he would like to see that removed from the Ordinance. Mayor Marotta stated he did not feel it was acceptable to put any Mayor in that position. Mayor Marotta stated this should be in the judiciary’s office.

Council Member Rizzuto thanked everyone for their input and noted this was a starting point. Council Member Rizzuto stated if they had any further comments to leave their name with the Clerk. Mayor Marotta stated if anyone needed more information from his office, please contact Irene Mills. Council Member Murphy suggested that the information go through Rachel.

ADJOURNMENT

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Lynch, seconded by Council Member Murphy with all members voting in favor.

The Meeting of the Township Council of the Township of Vernon was adjourned at 8:07 p.m..

Respectfully submitted,

Lauren Kirkman, RMC CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: May 11, 2015