

Township of Vernon
REGULAR TOWNSHIP COUNCIL MEETING

April 9, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:33pm on April 9, 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, Dick Wetzel, and Council President Brian Lynch. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly.

SALUTE TO THE FLAG

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

PUBLIC COMMENTS

Council President Lynch asked for a motion to open the meeting to public comments at this time.

MOTION: Dick Wetzel

SECOND: Patrick Rizzuto

All were in favor.

Mr. Kelly advised the audience that public comments on the listed ordinances should be reserved until the public hearings section of the meeting.

Gary Martinsen – asked about Resolution #12-82, if it was part of the original purchase. The Mayor advised that this was in addition to the purchase. Mr. Martinsen asked about the sign ordinance, noting the 2nd reading was not listed on the agenda. He was advised that it was still under review by the Land Use Board. He requested that the website should post the resolutions in an easier format, as well as that it should post the recordings of each meeting.

Tom McClachrie – had a question on the work session, namely where would the funds come from for the road work. He also commented on tax appeals and the reserve for uncollected taxes.

Bob Geary – spoke about the Homestead, noting that other towns have supported the issue to save it and put it to a vote on the November ballot. He asked for Council support. Council President Lynch advised that he had spoken to the Freeholders on the matter, and does not feel that Council should interfere in how they do their job (just as he would not appreciate the County telling Council how to do their jobs).

Ray Whitty – spoke on the Homestead issue on behalf of a nurse and other employees of the Homestead. He addressed Mr. Lynch's comments but noting that a non-binding referendum was the good way to go, which would still allow the Freeholders to take action as they see fit. He read a short prepared statement.

Alan Zurtwich – advised that the sign ordinance was too much to get through. He asked if Council could condense it to make it more "user-friendly."

Bill Costabile – spoke about the continuing flooding issues in his neighborhood, noting that he was still not getting anywhere. Mr. Kelly noted that he had directed him to the Township's insurance carrier. Mr. Costabile advised that he would not speak to them. He continued by stating his opinions on when and how the problem was created.

Krista Geary – also spoke on the Homestead issue, asking if Council would vote on the referendum suggestion.

Council Member Kadish asked for a motion to support the referendum question.

MOVED: Daniel Kadish

No one offered a second. Mr. Kadish spoke about his experience with the senior population of the area and the challenges they face, especially financially. Mr. Lynch re-stated his stance on the issue. Mr. Wetzel disagreed with some of Mr. Kadish's statistics, noting that no one would be evicted, nor lose their jobs. He delineated some of the obstacles faced by the County in maintaining the facility.

Mr. Whitty clarified some points on the matter.

John Kosh – Assistant Chief of the Pochuck Fire Dept. – noted that the Mayor came out during their recent fire call, where all members left their families and Easter dinner.

The Mayor noted that he went to support the volunteers and got quite an education. He advised that less than 6% of the budget goes to underwrite the fire departments in Vernon.

CLOSED TO PUBLIC COMMENTS

No one else wished to speak at this time, and the Council President 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

The Mayor had no report at this time.

PUBLIC AUCTION – Block 103.20 Lot 12

Mr. Kelly asked if the 2 eligible property owners were present. They were not. Mayor Marotta asked Mr. Kelly to clarify if the Township could move forward from here and was advised that it could.

CONSENT AGENDA - RESOLUTIONS #12-78 through #12-84

Council President Lynch gave a brief explanation of all resolutions. He noted that Resolution #12-82 would need to be removed from the consent agenda for separate action.

Council Member Kadish asked about the IRS payment for 2006 social security. The Mayor advised that this was a back payment. Mr. Kadish also inquired about the payment to the Vernon Veterinary Hospital for emergency gastro surgery. Mr. Kelly advised that this animal was viciously attacked and the matter was before the Court. He further advised that the money would be returned to the Township once the case was resolved.

Council Member Dunn asked about Resolution #12-83 on energy taxes. Mayor Marotta explained how the State stopped reimbursing the towns for the energy taxes collected on our behalf, but had since been put into the State's general fund and then only partially returned to the towns as state aid (since @2001).

The Council President asked for a motion to approve Resolutions #12-78 through 12-81, and #12-83 and #12-84.

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 #12-78 through 12-81, 12-83, and 12-84 were approved.

RESOLUTION # 12-78

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	\$ 1,268,517.00	PERS/PFRS
#3	CURRENT	\$ 177,669.00	HLCC
#4	CURRENT	\$ 6,567.50	VT MUA
#5	GRANT	\$ 500.00	
#6	CAPITAL	\$ 2,000.00	
#7	CAPITAL	\$ 952.25	WIRE TRANSFER
#8	P & Z	\$ 2,851.00	
#9	OUTSIDE SERVICES	\$ 496.80	
#10	ROAD ASSESSMENT	\$ 13,800.00	
#11	OTHER TRUST	\$ 6,607.45	
#12	OTHER TRUST	\$ 3,751.00	
#13	PVL DAM REHAB ASSESS	\$ 257.54	
#14	3RD PAY IN MARCH	\$ 334,733.45	
		\$ 2,698,622.81	

RESOLUTION #12-79

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

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

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

BLOCK	LOT	NAME	AMOUNT	LOCATION
188.01	2 C0001	Robert J & Catherine M Weeks/ Adam R Jones Esq.	\$ 965.20	
188.01	12 C0007	Joseph P & Irene Spano/ Adam R Jones Esq.	\$ 984.46	
190	9 CA206	Esther Lee etal/ Adam R Jones Esq.	\$ 880.96	
190	9 CA406	Robert Kiszka etal/ Adam R Jones Esq.	\$ 945.95	

RESOLUTION #12-80

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 Council of the Township of Vernon, County of Sussex, and State of New Jersey, who hereby authorize the Township Treasurer to issue checks for said overpayments and the Tax Collector to refund said overpayments of taxes on the following accounts:

BLOCK	LOT	NAME	AMOUNT	LOCATION
188.01	2 C0001	Robert J & Catherine M Weeks/ Adam R Jones Esq.	\$ 1,858.71	
188.01	12 C0007	Joseph P & Irene Spano/ Adam R Jones Esq.	\$ 1,893.78	
190	9 CA206	Esther Lee etal/ Adam R Jones Esq.	\$ 1,695.88	
190	9 CA406	Robert Kiszka etal/ Adam R Jones Esq.	\$ 1,821.13	

RESOLUTION #12-81

WHEREAS, a Tax Court Judgment has been favorably awarded for the year 2011; and,

WHEREAS, such judgment has resulted in an overpayment of 2011 taxes;

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

BLOCK	LOT	NAME	AMOUNT	LOCATION
269.10	1	Pleasant Valley Country Club Inc/ McCarter & English LLP	\$ 2,614.00	

RESOLUTION #12-83

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY TO CALL FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Governing Body of the Township of Vernon, County of Sussex and State of New Jersey, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

RESOLUTION #12-84

AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH VITAL COMMUNICATIONS, INC.

WHEREAS, there exists a need for professional services for the Township of Vernon for the purpose of Computer software and services for Tax Assessment/CAMA, Tax Collection and Internet Access including tax billing and customer support; and

WHEREAS, the Township has determined that Vital Communications, Inc., the Township's current contractor providing these services, is qualified to continue providing the Township with such services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose 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.) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Vernon desires to appoint Vital Communications, Inc., pursuant to a contract under the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that the value of the contract will exceed \$17,500.00; and

WHEREAS, the term of the contract will be from April 1, 2012 to March 31, 2013, with a total contract price not to exceed \$18,000; and

WHEREAS, Vital Communications, Inc. has submitted a Business Entity Disclosure Certification in compliance with applicable law.

NOW THEREFORE BE IT RESOLVED, this 9th day of April, 2012, 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 Vital Communications, Inc., for the purpose of Computer Services for Tax Assessment/CAMA, Tax Collection and Internet Access; and
2. The Mayor is hereby authorized and directed to execute a Professional Services Contract with Vital Communications, Inc., attested by the Municipal Clerk.

This Professional Services Contract is awarded without competitive bidding (1) as a "Professional Service" under the provisions of the Local Public Contracts Law and/or (2) for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software.

A copy of this Resolution shall be published in the New Jersey Herald by the Municipal Clerk as required by law within ten (10) days of its passage and a true copy of same and the Professional Services Contract shall be available for inspection in the office of the Municipal Clerk.

A copy of the Business Entity Disclosure Certification shall be filed with this Resolution.

The Council President asked for a motion to approve Resolution #12-82.

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Brian Lynch

Resolution #12-82 was approved.

RESOLUTION #12-82

AUTHORIZING THE AWARD OF A BID FOR FOUR (4) FIRE CHIEF VEHICLE CONVERSIONS.

WHEREAS, there is a need to convert four (4) recently purchased vehicles into fire chief vehicles; and

WHEREAS, these conversions include new consoles, cabinets, lights, sirens, lettering and wiring for communications equipment for each of the vehicles; and

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary service; and

WHEREAS, the Township of Vernon received and opened two bids for the above mentioned service on April 4, 2012 at 10:00 a.m. in the Vernon Township Municipal Building; and

WHEREAS, the bids were received and reviewed by the Qualified Purchasing Agent and the Vernon Township Municipal Clerk for the specified bid requirements; and

WHEREAS, the QPA recommends awarding the contract to the lowest responsible and responsive bidder, General Sales Administration t/a Major Police Supply, 47 North Dell Avenue, Kenil NJ 07847 for the unit price of \$9,998.17 and a total price of \$39,992.68; and

WHEREAS, the Chief Finance Officer has certified funds are available for this purpose in account #711310.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Council, County of Sussex, State of New Jersey to award a contract to General Sales Administration t/a Major Police Supply, for the service of converting four (4) fire chief vehicles.

This Resolution shall take effect immediately according to law.

POSSIBLE ACTION ITEMS

Earthfest - The Council President spoke about the request received for a temporary sign to be placed over by the A&P for Earthfest, and that copies had been distributed to all members of the Council. He asked for a motion to approve this request.

MOVED: Daniel Kadish

SECOND: Brian Lynch

A roll call vote was taken:

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

NAYS: None

Motion carried and temporary sign was approved.

Permit Extension Act – Council Member Rizzuto explained the nature of this act as it was passed in 2008. He noted that the act is relative to affordable housing permits being able to be held until economically feasible. The new act would allow the time frame to be extended to December of 2014. A discussion on its merits followed. Mr. Kelly advised that the idea originated in 1992.

Council President Lynch asked for a motion to support this Act.

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: Eddie Dunn, Daniel Kadish

Motion carried.

ORDINANCES

2nd Reading and Public Hearing on Ordinance #12-04 by Title Only

The Council President asked for a motion to adopt Ordinance #12-04 on 2nd reading.

MOTION: Patrick Rizzuto

SECOND: Daniel Kadish

OPEN TO PUBLIC COMMENT ON ORDINANCE #12-04

Gary Martinsen – felt that good steps were being taken in the right direction.

CLOSED TO PUBLIC COMMENT ON ORDINANCE #12-04

MOTION: Daniel Kadish

SECOND: Eddie Dunn

All were in favor.

VOTE ON ORDINANCE #12-04

A roll call vote was taken:

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

NAYS: None

Ordinance #12-04 was adopted on 2nd reading.

ORDINANCE #12-04

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, Section 330-193 is hereby repealed and replaced as follows:

330-193 Storage of recreational vehicles and equipment in residential districts.

The outdoor storage or parking in residential districts of recreational vehicles such as, but not limited to, trailers, large boats, and motorized homes is permitted subject to the following requirements:

- A. Any such vehicle or piece of equipment shall be owned or leased by a resident of the premises, and shall have a current registration with the NJDMV in the resident's name and the vehicle or equipment must be in operable condition.

- B. Any such recreational vehicle shall be located so as to meet yard and setback requirements applicable to accessory buildings and shall be stored in the rear or side yard (behind the front yard setback) unless a review by the Zoning Officer determines there is no suitable storage location in the rear or side yard. In that case, recreational vehicles may be stored in the front yard, if located in the driveway provided that the recreational vehicle(s) does not encroach onto the public right of way and/or is 10 feet from the street line.
- C. No such storage or parking shall eliminate any required off-street parking area.
- D. No more than two (2) such vehicles shall be parked or stored on a lot unless it is garaged. In the event a commercial vehicle is stored on the property, no more than one (1) recreational vehicle is permitted.
- E. All covers and tarps for such vehicles shall be of neutral or earth tone colors and maintained in good condition.
- F. Recreational vehicles are not permitted to be parked on public rights of way and shall be parked at least 10 feet from the street line or curb line.

2nd Reading and Public Hearing on Ordinance #12-06 by Title Only

The Council President asked for a motion to adopt Ordinance #12-06 on 2nd reading.

MOTION: Eddie Dunn

SECOND: Patrick Rizzuto

OPEN TO PUBLIC COMMENT ON ORDINANCE #12-06

Tom McClachrie – asked if this raised fines/fees from old ordinances.

Council President Lynch advised that all fines/fees would be in line with the State.

Mr. McClachrie – noted that he was in favor of shared services, suggesting Tax Assessor services with the County, as well as Fire Prevention services with the County.

CLOSED TO PUBLIC COMMENT ON ORDINANCE #12-06

MOTION: Eddie Dunn

SECOND: Daniel Kadish

All were in favor.

Council Member Kadish had a question on page 4 of the ordinance where it lists the term of office for department head and employees. The Mayor felt it should be the same as the Administrative Code and state statute. It was agreed that there would be a change to reflect this: the term of office for the Fire Marshal shall also state in “b” “with the advice and consent of the Council” and that “c” would delete “with advice and consent of Council upon recommendation of the Fire Marshal for a period of one year.”

VOTE ON ORDINANCE #12-06

A roll call vote was taken to adopt Ordinance #12-06 as amended:

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

NAYS: None

Ordinance #12-06 was adopted on 2nd reading.

ORDINANCE #12-06

AN ORDINANCE REVISING CHAPTER 263 FIRE PREVENTION

OF THE CODE OF THE TOWNSHIP OF VERNON

Chapter 263 FIRE PREVENTION

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**ARTICLE 1. ENFORCEMENT OF FIRE PREVENTION CODE
OF THE CODE OF THE TOWNSHIP OF VERNON**

263-1. Local Enforcement.

Pursuant to Section II of the Uniform Fire Safety Act (P.L. 1983, c.383) the International Fire Code New Jersey Edition shall be locally enforced in the Township of Vernon.

263-2. Agency Designation.

The local enforcing agency shall be the Vernon Township Department of Fire Prevention.

263-3. Duties.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the establishment boundaries of the Township of Vernon, other than owner-occupied one and two family dwellings, used exclusively for dwelling purposes and building structures, and premises owned by the Federal Government, Interstate Agencies or the State, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the International Fire Code, New Jersey Edition.

263-4. Life Hazard Uses.

The local enforcing agency established by Section 263-2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

263-5. Organization

The local enforcing agency established by Section 263-2 of this ordinance shall be under the direct supervision of the Fire Marshal, who shall report to the Township Mayor/Business Administrator.

263-6. Appointments, Term of Office, or Removal.

a. Appointment & Qualifications of the Fire Marshal: The local enforcing agency shall be under the direct supervision of a Fire Marshal.

- i. Certified Fire Official/Fire Inspector with the State of New Jersey, Division of Fire Safety.
- ii. Current Fire Fighter 2, ICS Level 3, NIMS

Certifications with the State of New Jersey, Division of Fire Safety.

iii. Minimum of 5 years experience as a certified Fire Inspector/Fire Official, further education in iii may substitute for years of experience.

b. Term of Office: The Fire Marshal shall be appointed by the Mayor with the advice and consent of the Council and serve for the term of the Mayor. Any vacancy shall be filled for the unexpired term.

c. Inspectors and Employees: Fire inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor. Inspectors shall be appointed for a period of one year. All Life Hazard Use Inspectors will be certified by the state.

d. Removal from Office: The Fire Marshal, Fire inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor;pursuant to State of New Jersey Statutes.

e. Appointment of Legal Counsel: The governing body shall be responsible for legal counsel to assist the agency in enforcing the Uniform Fire Code.

263-7. Board of Appeals.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Sussex County.

263-8. Establishment and Duties of Department of Fire Prevention.

a. The New Jersey Uniform Fire Code shall be enforced by the Department of Fire Prevention which shall be operated under the supervision of the Fire Marshal.

b. The Department of Fire Prevention shall consist of the following:

1. The Fire Marshal who shall be in charge of Department of Fire Prevention.
2. A maximum of five (5) fire inspectors.
3. One part time clerical staff

The above officials shall be appointed by the Mayor with the advice and consent of the Council, as per their appropriate terms. Any vacancy in the above positions shall be filled for the unexpired term.

- c. The Duties of the Department of Fire Prevention shall consist of:
 - 1. Enforcing the International Fire Code New Jersey Edition.
 - 2. Making any and all inspections as required by law or deemed necessary.
 - 3. Making accurate reports of any and all inspections and activities of the Department of Fire Prevention
 - 4. Making recommendations to the appropriate Township officials in furtherance of enforcing or amending the New Jersey Uniform Fire Code.
 - 5. Performing any additional duty which the Mayor and Common Council may assign.
 - 6. Conduct the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.
 - 7. Make a quarterly report of the Department of Fire Prevention and transmit to the Mayor.
 - 8. Investigate any/all calls of alarm or fire within the Township of Vernon.
 - 9. Make a annual report of the Department of Fire Prevention and transmit to the Mayor. It shall contain all proceedings under the New Jersey Uniform Fire Code, with such statistics as the Department may wish to include therein. The report is to be transmitted no later than the fourth Monday of January in the next succeeding years following the year for which the report is made.

263-9. Duties of the Fire Marshal of the Department of Fire Prevention

The duties of the Fire Marshal of the Department of Fire

Prevention shall consist of the following:

1. Designating regularly scheduled hours for routine fire inspections.
2. Convening and presiding over meetings of the Department of Fire Prevention.
3. Promulgating and administering a budget for the Department of Fire Prevention.
4. Formulating and implementing a schedule of routine inspections and reinspections as shall be required.
5. Maintaining accurate records of the inspection reports and activities of the Department of Fire Prevention.
6. Performing any additional duty which the Mayor may assign pursuant to this ordinance.
7. Formulating and implementing a schedule of inspection and implementing a system that will effectively enforce the provisions of the New Jersey Uniform Fire Code.
8. Perform fire prevention education within the Township of Vernon Community.
9. Respond to calls of alarm within the Township of Vernon and assist the Chief Officers with Incident Command and/or interior fire attacks/investigations.
10. Coordination of Fire Pre-Plans with the Vernon Township Fire Chiefs.
11. Perform all the duties of Fire Marshal as set forth in N.J.S.A. 5:70-3.3.

263-10. Non Life Hazard Inspection Required.

Before a certificate is issued, the Fire Marshal or the Fire Marshal's designated representative, shall make or cause to be made an inspection to assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code. These shall be a two year inspection cycle.

263-11. Life Hazard Annual Inspection Required.

Before a certificate is issued, the Fire Marshal or the Fire Marshal's designated representative, shall make or cause to be made an inspection to

assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code.

263-12. Change of Use Permits

A permit shall constitute permission to occupy and use such buildings, premises, structures or, uses. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of the Fire Code. Said permit shall remain in effect until revoked or one year, unless otherwise specified. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

263-13. Revocation of Permit

The Fire Marshal may revoke the permit issued hereunder if upon inspection any violation of the Fire Code exists or conditions of a permit have been violated.

263-14. Fee Required.

A certificate or permit shall not be issued until the designated fees have been paid. The owners and/or occupiers of all properties and businesses subject to this Article shall be responsible for the payment of the certificate/permit fees.

263-15. Amount of Fee.

- A. The fee schedule for registrations for non-life hazard use inspections shall be an annual registration fee of:
 - i. \$50.00 for 1 sq ft to 4,500 sq ft
 - ii. \$75.00 for 4,501 sq ft to 8,500 sq ft
 - iii. \$100.00 for 8501 sq ft to 11,999 sq ft.
- B. All Life Hazard Use, Permits, Non Life Hazard Use, & Smoke & CO Inspection fees collected as per N.J.A.C 5:71-2.6(d) shall be appropriated to the Local Enforcing Agency for the enforcement of the code & yearly operations of the Department of Fire Prevention.
- C. Fire Lane Fees
 - i. Penalty for noncompliance with Section 263-23 parking in a fire lane \$50.00

- ii. Be it further ordained that this ordinance shall take effect after adoption and publication according to law.
- iii. All fines shall be made Payable to: Vernon Township Department of Fire Prevention or designated agency writing said summons.

The fee for permits and inspections of life hazard uses shall be as set forth in Uniform Safety Act.

263-16. Inspections and Application for Permit

Application for a permit required by this ordinance shall be made in such form and detail as the Fire Marshal shall require. Fee schedule shall be given to the applicant at time of application depending on type of permit required. The fee schedule shall be as follows:

Type 1 Permit: \$ 42.00

Type 2 Permit: \$ 166.00

Type 3 Permit: \$ 331.00

Type 4 Permit: \$ 497.00

263-17. Unlawful to Fail to Obtain a Permit

It shall be unlawful to fail to obtain the permit or pay the inspection fees required by this ordinance. This shall also and/or constitute the issuance of penalties set forth by the Fire Marshal.

263-18. Penalties for Violations

The violation of any provision of Sections 263-10 through 263-17 shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County jail for a term not exceeding ninety days (90). Each day any violation of this ordinance shall continue a separate offense and be punishable as such.

ARTICLE 2. SMOKE DETECTORS

263-19. Existing Structures

No owner of an existing single family, two family or multifamily dwelling, on or after the effective date of this Ordinance, shall sell a single family, two family or multifamily dwelling or any residential unit contained therein, unless

and until one or more smoke detectors (or other approved fire alarm system) is installed for each dwelling unit being so sold in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code.

263-20. Enforcement

(a) The Fire Marshal of the Township of Vernon, or in his absence or unavailability, an inspector of the Department, shall be responsible for the enforcement of the requirements of this Ordinance. Said Fire Marshal or Fire Inspector, as the case may be, shall inspect and approve all smoke detectors and other fire alarm systems installed in accordance with the provisions of this Ordinance and the New Jersey Construction Code and Uniform Fire Code, including the approval of the location or locations selected for such installation.

(b) In order to inform prospective purchasers of residential properties within the Township of Vernon that no residential dwelling unit may be sold without first installing (a) smoke detector(s) or such other approved fire alarm system in accordance with the requirements of this Ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code, each and every tax search issued by the Township of Vernon shall contain a statement calling attention to the requirements of this Ordinance and shall include a certification for the seller to execute and deliver to the purchaser at the closing of title, attesting to compliance with the provisions of this Ordinance. Such certification form shall be forwarded with each tax search ordered.

i. The fee to be paid to the Vernon Township Department of Fire Prevention for the initial or re-inspection and certificate of approval shall be \$45.00 prior to 15 days of closing. \$75.00 14 days to 5 days prior to closing and \$125.00 4 days or less to closing. There will be a \$500.00 non compliance penalty issued to anyone not applying for or getting said certification with sale of house.

(c) Whenever a smoke detector or other approved fire alarm system is required to be installed by this Ordinance, such requirement shall not be considered to have been complied with unless such smoke detector(s) or other type of fire alarm system is installed in accordance with all the technical requirements and specifications of the New Jersey Uniform Construction Code (and the Building Code and Uniformed Fire Code adopted therein by reference) and has been inspected and approved by the Fire Marshal (or in his absence or unavailability, by the Construction Official).

(d) The owner(s) of the real estate upon which the structure in question is located shall be the party responsible for installation of smoke detectors or other fire alarm system in accordance with the requirements of this Ordinance,

(e) Any owner of the property upon which is constructed or located a structure required to have installed therein a fire detector or other fire alarm system, and who falls to do so in accordance with the requirements of this Ordinance, shall be liable to a fine of not more than \$500.00 or to imprisonment for not more than thirty (30) days, or to both such fine and imprisonment.

(f) The Fire Marshal, and in his absence or unavailability, the Construction Official, is hereby empowered, upon reasonable advance notice to the owner and/or the tenant or other party in possession, to come upon any premises and enter any structure which is required to comply with the requirements of this Ordinance in order to verify compliance with this Ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code and to otherwise carry out the objectives and enforcement of this Ordinance.

(g) The Fire Marshal shall maintain a list of all properties in the Township of Vernon which have had smoke detectors or other fire alarm systems installed in accordance with the requirements of this Ordinance and the New Jersey Uniform Construction Code and the Uniform Fire Code. This list shall be kept current as additional buildings within the Township are

equipped with smoke detectors and other fire alarm systems in accordance with this Ordinance.

263-21. False Alarms

(a) Investigations. In the case of false alarms which summon the police or fire department to investigate, the Fire Marshal & Fire Chief shall cause an investigation to be made and shall keep a record of such false alarms on file.

(b) Penalties for False Alarms: In any calendar year period of the following penalties shall apply:

1. For the first to third false alarm a written warning shall be issued.
2. For the fourth to twelfth false alarm a fine of \$250.00 shall be imposed for each such false alarm.
3. For any violation in excess of the twelve alarms a fine of \$500.00 shall be imposed for each such violation.

(c) Penalties for Intentional False Alarms. Any individual intentionally, willfully, or maliciously destroying or injuring any of the posts, alarm boxes or other alarm apparatus owned by the Township of Vernon or intentionally, willfully or maliciously interfering with the operation of same or any part thereof or who hinders or impedes any of the operations intended to be accomplished thereby or who intentionally causes or assists in causing a false alarm or fire or other emergency to be given in any manner shall, upon conviction thereof, be imprisoned in the County Jail for a term not exceeding ninety (90) days or shall forfeit and pay a fine not less than \$500.00 and not more than \$1,000.00.

(d) All fines and fees collected for the above are to be set in a separate dedicated penalty account to serve for training and education for the Vernon Township Primary Response Fire Department and the Vernon Township Department of Fire Prevention.

263-22. Violations and Penalties

(a) Any person convicted of a violation of this Chapter, shall, in addition to the revocation of the license or permit of any person, or any person found guilty of failure to comply with any rules or regulations duly promulgated pursuant thereto, such person may, after being found guilty of such violation, to be subject to a fine of not more than \$1,000.00.

(b) Said maximum fine of \$1,000.00 shall not apply in those instances in which the amount of the maximum penalty has hereinbefore been limited to a lesser amount by this Chapter. In the case of a continuing violation, the violator may be found guilty of as many separate offenses or counts as the number of days as he is proved to have continued in violation of this Chapter.

ARTICLE 3. FIRE ZONE ESTABLISHED

263-23. Fire Lanes & Drafting Sites

a. Designation: The Fire Official may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.

b. Obstruction: Designated fire lanes shall be maintained and free of obstructions and vehicles at all times. They shall also be marked in a manner prescribed by the Fire Official, who shall coincide with the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways."

263-24. Compliance with Orders

A person shall not willfully fail or refuse to comply with any lawful order or direction of any fire official or interfere with the compliance attempts of the fire official or his designee.

263-25. Blocking of Fire Hydrants, Fire Department Connections and Draft Sites.

It shall be unlawful to obscure from view, damage, deface, obscure, or restrict the access to any fire hydrant or fire department connection for the pressurization of fire suppression systems. Included in this provision are Fire Hydrants, Fire Department Connections, Drafting Sites that are located on public or private streets, access lanes or on private property.

Snow removal from all fire hydrants, fire department connections and stand pipe systems that are located on public or private streets and access lanes or on private property within twenty-four (24) hours of the end of the said snow storm are also included in this section.

263-26. Parking Regulations

Except in compliance with the directions of a police officer or posted traffic signal, no operator of a motor vehicle, moped, motorized bicycle or bicycle shall stop or stand or park in any of the following places:

- a. Within ten (10) feet of a fire hydrant or fire department connection or stand pipe system
- b. In any area marked by yellow or white lines or signs indicating the location of a Fire Zone or Fire Lane

263-27. Delineation and Marking

Any of the below or a combination of such shall constitute compliance within this ordinance.

- a. Each fire lane shall be striped along the perimeter with a yellow or white stripe not less than four (4) inches wide.
- b. Each fire lane shall be clearly marked on the surface of the pavement "FIRE LANE NO PARKING" in yellow letters no less than twenty-four (24) inches high. This wording shall be located horizontally and between the perimeter lines and shall be repeated throughout the fire lane or fire zone.
- c. Each fire lane shall be clearly marked with a metal sign every fifty- (50) feet with a minimum of two (2) signs. The metal signs shall be no less than eighteen (18) inches by twenty-four (24) inches with three (3) inch red letters, shall contain a white reflective background and shall read as follows:

FIRE LANE

NO PARKING

263-28. Maintenance of Fire Lane

The owner of the property where the fire lane is located shall properly maintain any such markings, striping, curbing, and signage in the designated areas at all times.

Defacing, tampering with, or damaging any such markings, striping, curbing, or signage or allowing them to deteriorate so as to reduce their effectiveness shall constitute violation of the chapter.

263-29. Penalties

Any person who shall violate any of the provisions of this section or who fails to comply herewith shall for each and every violation and non-compliance respectively upon conviction, be subject to a fine not in excess of \$500.00 and is subject to removal by the Vernon Township Police Department at the sole expense of the owner or operator therefore.

ARTICLE 4. KNOX BOXES

263-30. Installation.

When a property is protected by an automatic alarm system, and access to or within a structure or an area on that property is impeded by secured openings, and where immediate access might become necessary for lifesaving or fire-fighting purposes, the Fire Marshal may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Marshal and shall be installed at the expense of the property owner.

263-31. Contents.

The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
2. Keys to locked mechanical equipment rooms.
3. Keys to locked electrical rooms.
4. Keys to elevator controls.
5. Keys to other areas as directed by the Fire Marshal.
6. Other material as directed by the Fire Marshal.

All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

263-32. Application.

This subsection applies to both existing and future structures, but shall not apply to any residential units.

263-33. Approvals.

1. The Fire Marshal shall, within 90 days of the effective date of this subsection, develop and submit to the Mayor a list of specifications for key boxes. Following approval of the specifications by resolution of the Township Council, any box complying with those specifications shall be deemed to be approved. Until such specifications are developed and at any time thereafter, any property owner may request the Fire Marshal to render a determination as to whether a particular key box, which does not comply with the specifications, can be approved for installation.

2. Prior to installing any key box required by this subsection, the property owner shall make written request to the Fire Marshal to designate or approve the proposed location.

263-34. Fees.

The Vernon Township Department of Fire Prevention may determine appropriate fees for processing an application to determine whether a key box which does not comply with the specifications can be approved for installation and a request for designation or approval of proposed locations for key boxes. Such fees shall become effective upon adoption by resolution of the Township Council.

263-35. Enforcement.

The Vernon Township Department of Fire Prevention shall be the enforcing agency of this Ordinance section. Any person who owns or operates a structure subject to this section shall be subject to penalties set forth in this code for any violation of this section, and the minimum fine for a conviction or a violation of this section shall be \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for failure to comply.

ARTICLE 5. FIRE WATCH & FIRE SAFETY STANDBY

263.36. Intent and Purpose

Fire safety compliance has always been and continues to be a high priority for the Township of Vernon. Town officials frequently assess what can be done to assure the safety of all Township residents, and to that end, the Township of Vernon deems it necessary to implement fire watch procedures

when there exist substantial risks to life, safety and property, including when all or part of the required fire protection systems in Township structures are intentionally interrupted for repairs and maintenance, not functioning properly, not functioning at all, or when they are damaged or destroyed by fire or other disaster. In certain circumstances detailed herein, the Fire Official/Marshal, Fire Chief or his designee, is hereby authorized to order a fire watch for the affected structure in order to ensure continued safety of residents during this period.

263.37. Definitions

As used in this article, the following terms shall have the meanings indicated:

FIRE WATCH

A temporary measure intended to ensure continuous and systematic surveillance of a building or portion(s) thereof by one or more qualified individuals for the purpose of identifying and controlling fire hazards, detecting early signs of an unwanted fire, raising an alarm of fire to the occupants and notifying the Fire Department.(202 definitions)

263.38. Fire Watch; When Required

A. A fire watch may be ordered by the Fire Marshal, Fire Chief or his assigned designee in public and privately owned buildings and or properties within the Township of Vernon under the following circumstances:

(1) Where required fire protection systems are out of service due to system failure, repair, scheduled maintenance, vandalism, etc.; the Fire Marshal and Fire Chief shall be notified immediately and where the Fire Marshal determines that an imminent hazard exists pursuant to N.J.A.C. 5:70-2.17 or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Upon restoration of the Fire Protection System and proper documentation is supplied, the Fire Marshal and Fire Chief shall then sign off on the ability to remove such fire watch. (901.7)

(2) When in the opinion of the Fire Marshal or Fire Chief, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the

performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted. (403.1)

(3) When required by the Fire Marshal for building demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire Watch personnel shall be provided with at least one approved means of notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire. (1404.5)

(4) A fire watch shall be posted by the Fire Marshal or Fire Chief or his designee at the following type of events: Hot work welding or cutting (2604.2), Fire Works Displays (3308.2.2.1), fumigation in gas tight tank or vault (1703.3.3), Tent, canopy or membrane structures used as places of assembly (2404.20)

B. A fire watch may include the maintaining of posted fire lanes, means of egress, posted occupancy loads, building surveillance for signs of smoke or fire, checking for proper permits, inspecting for proper safety precautions of cooking equipment, and other functions as required by the Fire Official/Marshal, Fire Chief or his assigned designee.

C. Should a fire watch be posted by the Fire Marshal, Fire Chief or his designee, that party is then responsible to contact and maintain open communications with such on the status of the fire watch and conditions of the property in question. Proper fire watch procedure forms will be supplied to the Fire Chief in the Command or Support Vehicles. The Fire Marshal's Office shall take responsibility of all posted Fire Watches and report back to the Fire Chief on the status of the property and fire protection systems.

D. Should the building owner, agent, lessee be unable to post their own fire watch, a fire watch shall be performed by the Vernon Township Department of Fire Prevention. In the event no one of the above agency is available, other qualified individuals may be utilized at the discretion of the Fire Marshal, Fire Chief or his assigned designee.

Any qualified individuals used for the purposes of a fire watch shall report directly to the Fire Official/Marshal, Fire Chief or his assigned designee, who will report to the Business Administrator of the Township of Vernon.

263.39. Fees and Payments

- A.** A fire watch shall be paid for by the building owner, tenant, lessee, or organization for which the fire watch is requested or required, as appropriate.
- B.** All fire watch services not incurred and paid by the Township of Vernon shall be at the rate of \$35 per hour per person with a minimum of 3 hours per person. Individuals conducting said fire watch shall receive hourly payment after payment is made by owner on the next available pay roll date.
- C.** There shall be a \$25.00/per hour fee for the use of each Township vehicle utilized, plus a 15% administration fee.
- D.** All payments shall be made within 10 days after service is provided.
- E.** Payments shall be made payable to the Township of Vernon.

263.40. Violations and Penalties

Any person, partnership, corporation, or other entity that violates the provisions of this article shall be subject to the penalties as set forth in the Uniform Fire Code.

APPOINTMENTS – ECONOMIC DEVELOPMENT ADVISORY COMMISSION

Mayor Marotta gave Council an overview of the credentials for the following candidates as members of the EDAC:
Antonios Avramidis and Gloria Frato-Gallo

Council President Lynch asked for a motion to approve the appointments to the Economic Development Advisory Commission as proposed by the Mayor.

MOTION: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

The appointments of Antonios Avramidis and Gloria Frato-Gallo to the EDAC were approved.

COUNCIL PRESIDENT

Council President Lynch noted that there had been a lot of brush fires, with the area of Rt. 94 behind Barrett Road having burned significantly. He advised that the brush is very dry at this time of year, especially with the mild winter and recent dry weather. He urged people to be careful.

Mr. Lynch advised that there would be work sessions scheduled at 6:30pm before each regular meeting (7:30pm). He noted the discussion that took place at this evening's work session (Capital Improvements for roads).

COUNCIL BUSINESS

No Council members wished to speak at this time.

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 8:27pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: April 23, 2012

Brian Lynch, Council President