

Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

June 10, 2013

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on June 10, 2013, in the Vernon Township Municipal Building, 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 January 11, 2013, 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, Brian Lynch, Dick Wetzel, and Council President Patrick Rizzuto. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly.

SALUTE TO THE FLAG

The Council President led the salute to the flag.

PRESENTATION – FATHER BOLAND

The Council President spoke about Father Boland:

“Every once in a while a person comes along whose presence touches so many lives, and it’s indeed a privilege to know that person. And it’s indeed an even greater privilege to call that person a friend. Such a person, such a man, lives in Vernon, and he is here with us this evening. I am proud to call him my pastor of our church, proud to call him my friend, and I think the people of Vernon also can be proud to call him their friend. I’ve know Father Boland for over 35 years. During that time, his life and his hand has touched many people. It goes beyond the confines of our parish, and the members of our parish. It goes to the members of our community. I know many people who have been helped and aided by this man, and they consider him a very close friend. Because of that, I’d like to read this proclamation.”

Council President Rizzuto read the following proclamation:

Proclamation



Whereas, Father John V. Boland, son of John and Nora Boland was born in Eyrecourt County Galway, Ireland and following his education was ordained at St. Patrick’s College in Carlow Ireland in 1965; and

Whereas, Father Boland arrived in the United States in 1965 to serve in the Diocese of Paterson, his first assignment being at the Church of Our Lady of the Magnificat, Kinnelon from 1965-1969 and then was assigned to Pope John High School as its principal and as Vicar of Sussex County;

Whereas, in June of 1979, the Most Reverend Frank J. Rodimer, Bishop of Paterson, appointed Father Boland pastor of the new parish of St. Francis de Sales with its Church located on Rt. 94 and Rudetown Rd. during which time the parish flourished under his spiritual guidance and inspirational leadership requiring construction of a new and larger church on Rt. 517 which was dedicated August 24, 1986;

Whereas, Father Boland continues to exemplify the teachings of the Church, preaching the gospel, providing help to the less fortunate with the establishment of food pantries, counseling those in need, offering help and guidance to our veterans and has spent over 34 years as a friend to Vernon and its people;

Whereas, on July 1, 2013 Father Boland will be retiring from the active priesthood and will be missed by all in our community.

Now therefore be it Proclaimed that the Council of the Township of Vernon in the County of Sussex in the State of New Jersey hereby declares,

June of 2013
to be
“FATHER BOLAND MONTH”

in Vernon Township in recognition of his service and devotion to the people of Vernon.

Presented this 10th day of June, 2013
Victor J. Marotta, Mayor
Township of Vernon

Mayor Marotta presented Father Boland with the framed Proclamation, noting that Mr. Rizzuto had “said it all,” and that he hoped it would be held in a place so dear to his heart as he is to ours.

Father Boland had the following to say:

“Over the past 34 years, I can very easily say that Vernon has become a home. In listening to the Council President reading off this proclamation, I was looking around the room to see who was this all about. I suppose when you look back over 34 years it is very difficult to really realize that so much has been accomplished. But, as I think, and as the Council President knows, I am a firm believer in the collaborative ministry; and even though I was present as Pastor, nevertheless, I can honestly say that none of this would have happened without the people of this unbelievable Township. And I want to express particular thanks to the Councils in the past, and the representatives of our community, ‘cause I sat here time and time again for different meetings, and I have seen Vernon progress, really, from when I came here 30 and 40 years ago. I can very easily say that there were more sheep and cattle in Vernon than there were people. I have seen this place grow. I think we can all recall times in our lives when we figure, we can do a better job than the people already in positions up here.” He referred to a Dr. Schweitzer statement that stuck with him over the years, “No one of us knows more than all of us.” He continued, “it changed me to realize that there is incredible talent in the minds and hearts of people like yourselves, and the people of Vernon in general. It is in the back of his mind to appreciate this incredible place we call Vernon, as it is a very, very special place.” He recalled a few anecdotes over the years. He thanked everyone for the memories, and noted that the people of Vernon have really become his family.

PUBLIC COMMENTS

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

MOVED: Brian Lynch

SECOND: Dick Wetzel

All were in favor.

Mary Bradley – thanked everyone for coming out for Vernon Day, noting that it was a great success. She had special thanks for Missi Wiedbrauk (Recreation Director), and

“Digger” (Craig Leidig) and his DPW team for all their hard work. She also thanked the members of the Board of Recreation.

Council President Rizzuto agreed that it was a great time, and the employees who worked to get everything ready were very dedicated.

Mary Chambers of Pleasant Valley Lake – thanked the Council and the Road Dept. for correcting the problem on Evergreen. She noted that after all the rain that day, there were no water problems.

Doreen Edwards – noted that Breakneck Road needed repairs. She reported that the directional arrows at the light by the Rite Aid are hard to see.

The Council President advised that the condition of Breakneck is well known to the Council. The Mayor noted that the 2013 budget included \$200,000 as part of a Dept. of Transportation grant application (a total of @\$700,000), but we were not successful in obtaining that grant. He added that the road is a number one priority concern for repairs.

Bill Perrecka of Laurel Lake – thanked the Council for paving Canistear. He reminded the Council that there is still a speed problem through that section of the roadway. He felt it was a dangerous condition for anyone turning off of Canistear or onto Canistear. Mr. Rizzuto noted he would ask the Mayor to speak to the Police Department.

Len Coloccia - spoke about the proposed helicopter rides over Great Gorge Village, noting that the emergency helicopter is very loud when it goes by. He re-stated his desire to have a member of Great Gorge Village on the MUA. The Council President suggested he speak to the Mayor during office hours.

Howard Greenblatt – wondered about the condo owners being mistreated relative to the MUA.

Mary Ellen Vichiconti – advised how the appointments to the various Boards are made.

Noreen Moran – spoke about Resolution #13-121 for the helicopter issue, stating that it was an intrusion on their privacy and peace.

Susan Elfein – noted that people who work night shifts would be trying to sleep during the day with the extra noise.

Sandra Ooms – commented on the OPRA lawsuit, feeling that it all could have been easily avoided through direct contact.

Krista Gherry – was glad for Father Boland, and was glad that the Council helped Jamie Rickey. She then had comments on the OPRA lawsuit issue.

Jessi Paladini – noted that she had come to celebrate Father Boland. She commented on the OPRA lawsuit issue in defense of the Council’s decision to pursue a lawsuit.

Jean Murphy – read a prepared statement on the OPRA lawsuit issue as well. When her five minutes had expired she was asked to sit down by the Council President.

Sally Rinker – began to continue Ms. Murphy’s statement. As she was informed that Ms. Murphy’s time had expired, Ms. Rinker’s words became heated. The Council President asked her to sit down as she was out of order and was making libelous statements. Ms. Rinker would not cooperate with the Council President.

RECESS

Council President Rizzuto asked for a motion to go into recess.

MOVED: Brian Lynch

SECOND: Dick Wetzel

All were in favor.

Time: 8:21pm

RETURN FROM RECESS

Council President Rizzuto asked for a motion to return from recess and resume the order of business (still Open for Public Comments).

MOVED: Brian Lynch

SECOND: Eddie Dunn

All were in favor.

Time: 8:26pm

Gary Martinsen – felt that Vernon Day went very well, and felt that there were a number of children who helped out. On Resolution #13-121 he was concerned with the issue not being presented to the public prior to discussion of the matter at tonight's meeting. He felt the issue needed an impact study and possibly an environmental study.

CLOSED TO PUBLIC COMMENTS

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

MOVED: Brian Lynch

SECOND: Eddie Dunn

All were in favor.

MAYOR'S REPORT

Mayor Marotta reported on the following items:

- He noted that the Council members had all received a budget report through May 31.
- Advised that the Township applied to the Environmental Protection Agency for a grant to replace trees by the pipeline - we were awarded \$30,642.00, with no municipal match required. He advised that the grant application was put together by the Environmental Commission, led by Bev Budz. He noted that we were awarded the grant in record time of two weeks!
- Advised about the Clean Communities Grant to keep streets, waterways, and byways clean. We were awarded \$49,274.00, which is based on taxes collected by waste-producing companies in Vernon. It is the highest amount we have received.
- He received notification early on June 7 that Dave Tynan had applied to FEMA for an Assistance to Firefighter Grant in the amount of \$342,562.00. The Township is responsible for close to 10% or \$38,063.00. This is to complete the radio frequency upgrade. He thanked FEMA and Homeland Security.
- He advised that repairs to the Lake Conway communications system would be close to \$500,000.00 total.

Council President Rizzuto thanked Mr. Tynan for submitting the Assistance to Fire Fighters Grant application.

PUBLIC AUCTION

Mr. Kelly explained the auction process, noting that there were 2 parcels for auction:

- a) 10 Barberry Street, Block 90.05 Lot 5, as per Ordinance #13-07; and
 - b) 8 Clover Lane/2 Gilbert Drive, Block 83.08 Lot 2, as per Ordinance #13-08.
- a) Thomas Nye was the only eligible property owner in attendance. He offered a bid of \$500.00, and presented the Clerk with a check in that amount. He was advised that there were additional fees as stipulated in the ordinance that would be owed at a later date.
 - b) Mark Zaremba was the only eligible property owner in attendance. He offered a bid of \$100.00, and presented the Clerk with a check in that amount. He was advised that there were additional fees as stipulated in the ordinance that would be owed at a later date.

CONSENT RESOLUTIONS

Council President Rizzuto gave a brief description of Resolutions #13-111 through #13-120.

Business Administrator Giaimis noted that there was a typo in the Shared Service Agreement for Animal Control Officer (Resolution #13-116). The item in question is for call-out charges, and will be corrected before being sent out for signatures.

Mr. Rizzuto asked for a motion to accept Resolutions #13-111 through #13-120:
MOVED: Brian Lynch
SECOND: Daniel Kadish

Council Member Wetzel asked what a pocket license was. Mr. Kelly explained.

A roll call vote was taken:

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

NAYS: None

Resolutions #13-111 through #13-120 were approved.

RESOLUTION # 13-111

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON AUGUST 10, 2013, WITHIN THE TOWNSHIP OF VERNON

WHEREAS, N.J.S.A.21:3-1et seq. Explosive and Fireworks, provides that a Municipal Governing Body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the New Jersey Fire Prevention Code; and

WHEREAS, Highland Lakes Country Club and Community Association has submitted an application to Vernon Township to conduct a fireworks display on August 10, 2013, in conjunction with their Annual Family Day celebration; and

WHEREAS, the proposed fireworks display will take place on Lakeside Drive East, a private road owned by Highland Lakes Country Club and Community Association; and

WHEREAS, Highland Lakes Country Club and Community Association has engaged in a contract with Garden State Fireworks, Inc., to perform the fireworks, and has provided the required certificate of liability insurance.

NOW THEREFORE BE IT RESOLVED, that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display, performed by Garden State Fireworks, Inc. and sponsored by the Highland Lakes Country Club and Community Association on August 10, 2013, upon satisfaction of all statutory and departmental requirements.

RESOLUTION #13-112

CORRECTIVE ACTION PLAN 2012 AUDIT

WHEREAS, the 2012 Annual Audit Report was delivered in May 2013 and regulations promulgated by the Local Fiscal Affairs Law, N.J.S.A. 40A:5 requires that the Chief Financial Officer prepare a Corrective Action Plan covering all findings and recommendations in the audit report; and

WHEREAS, N.J.S.A. 40A:5 further requires approval of the Corrective Action Plan within 60 days of audit receipt by the Township Council;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Corrective Action Plan for the 2012 Annual Audit Report prepared by the Township Chief Financial Officer and attached hereto as "Appendix A" be approved.

APPENDIX "A" TOWNSHIP OF VERNON

Corrective Action Plan for the 2012 Audit Report

1. **Recommendation:**

Adequate segregation of duties be maintained with respect to the recording and treasury functions.

Corrective Action:

The Township will review the Cost/Benefit of having a separate Cashier function, where residents would have to go to make payments.

Implementation Date: Review started in May should be completed in June.

2. Recommendation:

Receipts collected by the Police Department be turned over to the Finance Office on a timely basis to ensure compliance with statutory requirements.

Corrective Action:

The Police Department will turn over all receipts collected to the Finance Office within 48 hours, as per statutory requirements.

Implementation Date: April 19, 2013, date of audit

RESOLUTION #13-113

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; and

WHEREAS, the Township intends to enter into contracts with the attached referenced state vendors through this resolution, which shall be applicable to all the conditions of 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), which states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time a 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 state vendors shall be from January 1, 2013 to December 31, 2013; and

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

Commodity/Service	Vendor	State Contract #
Auto Parts for Heavy Duty Vehicles over 15K GVWR	Hoover Truck Sales	73702
Radio Communication Equipment and Accessories (Point-to-Point System)	Kenwood, USA (Spectrum Communications)	83927

RESOLUTION #13-114

AUTHORIZING THE USE OF THE SUSSEX COUNTY COOPERATIVE CONTRACT (#CK03-SXC) TO PURCHASE BITUMINOUS CONCRETE UNTIL MAY 31, 2014

WHEREAS, the Township of Vernon has a need to purchase bituminous concrete for road and street repairs; and

WHEREAS, the Township intends to use the Sussex County Cooperative Contract (#CK03-SXC) which publically received bids for bituminous concrete and awarded a subsequent contract during a May 7, 2013, Board of Chosen Freeholders meeting; and

WHEREAS, the price to purchase bituminous concrete is as follows:

TYPE (MIX)	PRICE PER TON (PICKED UP BY THE TOWNSHIP)
I-2	\$54.00
I-3	\$55.00
I-4	\$57.00
I-5	\$57.00
I-6	\$64.00
BOND X	\$140.00; and

WHEREAS, the Purchasing Agent recommends that the Township Council award a contract for bituminous concrete under the terms and conditions of the Sussex County Cooperative contract, using the vendor Weldon Materials, Inc., 141 Central Avenue, Westfield, NJ 07090 (plant is in Rockaway).

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Weldon Materials, Inc., be utilized to purchase bituminous concrete in accordance with the attached document, at the above listed prices; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer pursuant to NJAC 5:30-5.5(b), shall certify amounts chargeable to this contract at the time when such goods or services are ordered or otherwise called for; and

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

RESOLUTION #13-115

RENEWAL OF LIQUOR LICENSES FOR VERNON TOWNSHIP FOR THE 2013-2014 LICENSING TERM

WHEREAS, all licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2013; and

WHEREAS, pursuant to R.S. 33:1, the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

WHEREAS, all of the licenses have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2013-2014 licensing period effective as of July 1, 2013.

CLUB LICENSE

Wallkill Valley VFW Memorial Post #8441 1922-31-010-002

PLENARY RETAIL CONSUMPTION

Drew's Tavern, Inc. (Lamppost Inn) 1922-33-001-003

Great Gorge Country Club Inc. (Golf course) 1922-33-003-007

FLME, Inc. (George Inn) 1922-33-008-003

JD Vernon Lodge & Inn, LLC 1922-33-009-004

Smokeys Glenwood Grill, LLC 1922-33-013-003

Legends Liquors, Inc. 1922-33-006-011

PLENARY RETAIL DISTRIBUTION

Mac & Lindy's LLC 1922-44-012-001

POCKET LICENSE

Mountain Creek Beverages Corp. 1922-33-007-013

RESOLUTION # 13-116

**AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT
BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF SUSSEX
FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Township of Vernon and the Borough of Sussex wish to enter into a Shared Service Agreement for Animal Control Services; and

WHEREAS, the Township of Vernon agrees to provide its Animal Control Officer pursuant to N.J.S.A. 40A:65-4 and those Animal Control services as per the attached Shared Service Agreement; and

WHEREAS, the term of the agreement will be from June 1, 2013 through May 31, 2016; and

WHEREAS, the Borough of Sussex agrees to compensate the Township of Vernon in quarterly installments in the following annual sum of: \$9,400.00 for the first year; \$9,704.00 for the second year; and \$10,019.00 for the third year.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor is authorized to execute the attached Shared Service Agreement between the Township of Vernon and the Borough of Sussex for Animal Control Services; and

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to the Mayor and Clerk of the Borough of Sussex and to the Vernon Township Finance Department.

RESOLUTION 13-117

**RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
N.J.S.A. 54:5-52.1 CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate to Thomas L Scala, Jr. % Rockport, 1618 Union Valley Road, West Milford, NJ 07480 / assigned to Carly Corp., P.O. Box, 673 McAfee, NJ 07428, which certificate is dated May 27, 1998, covering premises known and referred to as Lot 1 Qual.C835W in Block 231.01 as set out on the municipal tax map then in use, which certificate bears number 980099; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Council of the Township of Vernon that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of N.J.S.A. 54:5-52.1 Chapter 99 of Public Laws of 1997; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser, and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.

RESOLUTION #13-118

AMENDING RESOLUTION #13-87

WHEREAS, a **Tax Court Judgment** has been favorably awarded for the year 2010; and

WHEREAS, such judgment has resulted in an overpayment of the 2010 taxes; and

WHEREAS, the Township Council authorized the Township Treasurer to refund said overpayment in Resolution #13-87 at the Council meeting of April 8, 2013; and

WHEREAS, Counsel for the property owners has instructed payment to be made to "Strasser & Associates, P.C. Attorney Trust Account;" and

WHEREAS, Counsel wishes to amend Resolution #13-87 to reflect that change.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that it hereby authorizes the Township Treasurer to issue a check for said overpayment to refund said overpayments of taxes on the following account:

BLOCK	LOT	NAME	AMOUNT	LOCATION
260.18	10	Strasser & Associates P.C. Attorney Trust Account Re:D'Onofrio, Raymond & Christine	\$ 1,199.90	██████████

RESOLUTION #13-119

AMENDING RESOLUTION #13-88

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

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

WHEREAS, the Township Council authorized the Township Treasurer to refund said overpayment in Resolution #13-88 at the Council meeting of April 8, 2013; and

WHEREAS, Counsel for the property owners has instructed payment to be made to "Strasser & Associates, P.C. Attorney Trust Account;" and

WHEREAS, Counsel wishes to amend Resolution #13-88 to reflect that change.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that it hereby authorizes the Township Treasurer to issue a check for said overpayment to refund said overpayments of taxes on the following account:

BLOCK	LOT	NAME	AMOUNT	LOCATION
260.18	10	Strasser & Associates P.C. Attorney Trust Account Re:D'Onofrio, Raymond & Christine	\$ 1,252.11	██████████

RESOLUTION 13-120

WHEREAS, a **Tax Court Judgment** has been favorably awarded for the year 2012; and

WHEREAS, such judgment has resulted in an overpayment of the 2012 taxes.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that it hereby authorizes the Township Treasurer to issue a check for said overpayment to refund said overpayment of taxes on the following account:

BLOCK	LOT	NAME	AMOUNT	LOCATION
260.18	10	Strasser & Associates, P.C. Attorney Trust Account Re: D'Onofrio, Raymond & Christine	\$ 1,268.39	██████████

RESOLUTION FOR DISCUSSION

Resolution #13-121: Municipal Consent for Eagles Arie LLC

The Council President asked for a motion to adopt Resolution #13-121.

MOTION: Dick Wetzel

SECOND: Eddie Dunn

Mayor Marotta explained that Mr. Fussman was in attendance to answer any questions that Council had. Mr. Kelly noted that this use is governed entirely by the Department of Transportation, and that a 1983 Supreme Court decision noted that the DOT must take into account comments by the town, but that no approval is required.

Mr. Fussman addressed the concerns raised earlier by the residents. He advised that he is a resident of Vernon, and that he owns a flight school in the area and has had no complaints. He further advised that he had no intentions of creating a nuisance, that the flights would only be over the ski area, and that any flights over the Walkill River and Delaware River are at high altitude.

Council Member Dunn asked about the flight paths, which Mr. Fussman promised to provide. Mr. Dunn asked how high he would need to go to make less noise. Mr. Fussman advised that it would be about 900 feet. Mr. Fussman added that there was no set altitude in mind, but that he would use direct routes without damage to any areas.

Council President Rizzuto asked how many flights he was planning on and Mr. Fussman replied that he hoped for a lot.

Mr. Fussman explained that the flights would be very short, comparing them to the flights to the Walkill River (30 minutes) and the Delaware River (40 minutes). Mr. Fussman also responded to an earlier complaint about the noise of the medivac helicopter, noting that it has a jet engine while he flies a single engine piston which is about ½ as loud. He noted that if the trip over the hotel becomes a problem, he would be willing to cancel that flight path. He advised that he would not be using the medivac helipad.

The Council President asked if he would consider changes to the flight paths if complaints came in. Mr. Fussman said that would certainly be considered.

Council Member Lynch noted his negative experiences with landing zones as a firefighter, advising that he had no problem with necessities such as medivacs, but wasn't sure that this type of recreational usage was needed, as he felt it was a safety issue.

Council Member Dunn noted his positive experience as a military man, but was also concerned with the need.

A motion was made to table Resolution #13-121:

MOTION: Eddie Dunn

SECOND: Brian Lynch

A roll call vote was taken:

AYES: Eddie Dunn, Dick Wetzel, Patrick Rizzuto

NAYS: Daniel Kadish, Brian Lynch

Resolution #13-121 was tabled.

Council Member Wetzel noted that noise pollution is a major concern, and that more discussion was warranted.

Council President Rizzuto asked Mr. Fussman to provide more flight path information.

ORDINANCES – PUBLIC HEARING/2ND HEARING

2ND Reading of Ordinance #13-13 by Title Only

Council President Rizzuto asked for a motion to adopt Ordinance #13-13 on 2nd reading by title only.

MOTION: Daniel Kadish

SECOND: Brian Lynch

Open to Public Comments on Ordinance #13-13 only:

MOTION: Daniel Kadish

SECOND: Brian Lynch

All were in favor.

No one wished to speak at this time.

Closed to Public Comments on Ordinance #13-13

MOTION: Brian Lynch

SECOND: Eddie Dunn

All were in favor.

A roll call vote was taken on Ordinance #13-13:

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

NAYS: None

Ordinance #13-13 was adopted.

ORDINANCE # 13-13

**AN ORDINANCE OF THE TOWNSHIP OF VERNON,
COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AUTHORIZING THE SALE OF CERTAIN PROPERTY
OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR
PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS
44 CURVING HILL DRIVE, BLOCK 103.23, LOT 6**

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

WHEREAS, the Township of Vernon is the owner of certain real property known as 44 Curving Hill Drive, Block 103.23, Lot 6; and

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

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

1. The property known as 44 Curving Hill Drive, Block 103.23, Lot 6 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on July 8, 2013 at 7:30 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. This property shall be sold subject to the following terms and conditions:
(a) There is no minimum bid price.
(b) After legal advertisement of this Ordinance the sale shall be made to the highest bidder at public auction.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason. The purchaser-successful bidder waives any and all right in damages or by way of damages.

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

(e) Upon acceptance of the bid, the purchaser shall be required to pay ten percent (10%) of the bid plus \$450.00 to cover the Township's transaction costs, in cash or by check.

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

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

(h) The property will be sold subject to 2012 taxes, pro-rated from the date of delivery of the Deed under subsection 2(g).

3. Where all bids have been rejected a private sale is hereby authorized pursuant to N.J.S.A. 40A:12-13(b).

Effective Date.

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

CONTIGUOUS PROPERTY OWNERS

Block 103.23, Lot 5

Marc Rembish and
Eve Rembish

[REDACTED]
[REDACTED]

Block 103.23, Lot 7 (incl. Lot 8)

David Alan Festa and
Elizabeth Festa

[REDACTED]
[REDACTED]

Block 103.23, Lot 9 (incl. Lots 14, 15 & 16)

James K. McCarthy

[REDACTED]
[REDACTED]

Block 103.23, Lot 17

Peter J. DiSciascio and
Marion L. DiSciascio

[REDACTED]
[REDACTED]

Block 103.23, Lot 18 (incl. Lot 19)

Kenneth Sogaro

[REDACTED]
[REDACTED]

MAYORAL APPOINTMENT

Environmental Commission – Mayor Marotta asked Council to approve the appointment of Beverly Budz as the Chairperson to the Environmental Commission.

Council President Rizzuto asked for a motion to approve this appointment:

MOTION: Daniel Kadish

SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Daniel Kadish, Brian Lynch, Dick Wetzel

NAYS: Eddie Dunn, Patrick Rizzuto

Ms. Budz was approved as Chairperson to the Environmental Commission.

COUNCIL BUSINESS

Council Member Dunn reminded all that there is a scheduled work session on June 17 which will be about the "Buy Local" campaign. He encouraged people to go on the website to find out about the program that can help them save money on their property taxes.

Council Member Kadish advised that if seniors in town replace their hot water heaters without obtaining permits, the fine is about \$500.00, and appeals are about \$100.00. He felt this was unfair for seniors.

Council Member Lynch thanked the Board of Recreation for a fine event at Vernon Day. He noted that the sun came out for all to enjoy the day. He addressed Mr. Fussman, advising that his vote was not personal, but purely from a professional standpoint. He noted that Vernon is moving forward.

Council Member Wetzel offered kudos to everyone involved with Vernon Day, noting that the food lines were long. He advised that he received a lot of positive comments. He thanked everyone.

Council President Rizzuto advised that the Council must always consider the possible outcomes of decisions that might lead to litigation, but noting that the outcome of what is now being seen justifies the decision taken, as well as the judge's decision. He further advised that the Township Attorney would be present at a future court date to ensure that the judge's decision is honored in the best interests of the Township and our employees.

Mr. Rizzuto noted that Vernon Day was a wonderful event. He congratulated the Recreation Department, the Department of Community Affairs, and the Recreation Board. He complained, however, that there were no zeppoles!

ADJOURNMENT

There being no further items of business to be conducted at the Regular Meeting, a motion for Adjournment was made by Council Member Lynch. Motion seconded by Council Member Dunn, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:21pm.

Respectfully submitted,

Susan S. Nelson, RMC
Municipal Clerk

Minutes approved: July 22, 2013

Patrick Rizzuto, Council President