

## Township of Vernon

### REGULAR TOWNSHIP COUNCIL MEETING

June 11, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on June 11, 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 Wetzell 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.

Council President Lynch moved the Public Auction on the Agenda to after the Mayor's Report.

#### PUBLIC COMMENTS

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

*Mary Bradley*, expressed her thanks to everyone, and especially to Mayor Marotta and Missy Wiedbrauk, for all their help in making Vernon Day a success. Council President Lynch stated that Mary Bradley needed to be thanked also for all of her efforts.

*Robert Winter*, thanked the Mayor and Council for getting the podium fixed at the Memorial Park for Memorial Day.

*Sandy Ooms*, *Vernon*, is interested in the community garden; Council President Lynch suggested she make an appointment with the Mayor regarding this.

*Bob Gerry*, *Vernon*, discussed the poor visibility at the Maple Grange Road intersection.

*Gary Martinsen*, questioned the progress of getting the resolutions and other things on our Website.

#### 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: Patrick Rizzuto

SECOND: Dan Kadish

All Members present were in favor.

#### MAYOR'S REPORT

Mayor Marotta discussed the COAH funds that will be used for senior affordable housing and the State requirements. The Township advertised for Request for Proposals for Senior Affordable Housing, and the due date was today. The Township is in receipt of a proposal by Theta 456 Associated LLC, the Mayor asked the Council to peruse the information and be prepared to discuss and move on this at the next Council meeting. The Mayor explained that if the funds that are allocated for affordable housing is not used within a certain time, the State of New Jersey, DCA, has said that they will confiscate those funds in the amount of \$258,000.00, which he would not like to see happen. Mayor Marotta suggested the Council consider a resolution directing

that the COAH funds be moved into a line item as a sub-category of affordable housing and left there until it is decided whether to accept the proposal that was submitted or what ever action the Township decides to take.

The Mayor discussed the construction project on Maple Grange Road and the Department of Transportation grant that will cover a portion of the expense. This project is a joint project between Sussex County and Vernon Township.

The Mayor spoke of the progress since Hurricane Irene – 22 of the 40 projects that the Township is involved in have been reviewed by FEMA; and in every case, we are being reimbursed at the absolute maximum allowed under Federal law, which is 75%. Out of \$219,000.00 worth of repairs that the Township has provided on the projects listed, we are receiving a reimbursement of \$164,262.00. This is a result of our people doing their job right and that also includes our Department of Public Works. Four of Vernon's lake communities – Lake Wallkill, Highland Lakes, Barry Lakes and Stonehill Condominiums will be receiving \$116,391.00 and that is a direct result of the efforts of Mr. Zuckerman, our CFO and Mr. Giaimis, our Business Administrator, in processing the paperwork for FEMA.

Mayor Marotta discussed the acquisition of the abandoned Camp Sussex property - the Township has sold approximately \$495,000.00 in tax sale certificates on this property when someone bought the certificates. The Mayor recommended to the Council that they consider purchasing those tax certificates back, paying the interest, and foreclosing on this property for the purpose of use by Vernon Township for recreation. The Mayor requested that the Environmental Commission review this proposal and make a suggestion; he will also attend the next Environmental Commission meeting to discuss this. Mayor Marotta suggested discussing the issue more thoroughly at a work session.

The Council President clarified the reasons for a special meeting: 1) to discuss the COAH money; and 2) to discuss working on Maple Grange. The Mayor suggested also for the Council to award the bid – it has to be awarded before the 24<sup>th</sup>. The Council decided to have this special meeting on June 19<sup>th</sup> at 8:00 pm.

Mayor Marotta reported that he will be absent the following week, and in his absence he would be appointing Mr. Jerry Giaimis as our Acting Mayor.

Lastly, the Mayor noted that tomorrow evening at 8:00 pm, on Channel 10 SECTV, "Vernon Vibes" program would be broadcast with Mayor Vic Marotta hosting. The Mayor invited the public to tune in and hear what's happening in the Mayor's office and in Vernon Township.

### **PUBLIC AUCTION**

Public Auction – Block 159.02 Lot 26, 14 Pine Street East per Ordinance #12-09 adopted May 14, 2012. The three eligible bidders who own contiguous properties are at 12 Pine Street East, 16 Pine St. East and 18 Pine St. East/2 Spruce St. The Township Attorney, Mr. Kelly, stated this was previously postponed on the agenda to give the prospective bidders time to attend the meeting. The only prospective bidder was Mr. and Mrs. Canning, who accepted the bid price of \$200.00, with an additional \$450.00 per the ordinance. Mr. Kelly explained that a deed would be put together for them. Mayor Marotta thanked Mr. & Mrs. Canning for purchasing this property, as it was quite an eyesore in the community.

### **APPROVAL OF MINUTES**

#### **May 14, 2012 Executive Session Meeting Minutes**

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Daniel Kadish

The Executive Session Minutes of 5/14/12 were approved.

**May 31, 2012 Regular Meeting Minutes**

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Daniel Kadish, Patrick Rizzuto, Dick Wetzel

NAYS: None

ABSTAIN: Eddie Dunn, Brian Lynch

Regular Meeting Minutes of 5/31/12 were approved.

**CONSENT AGENDA - RESOLUTIONS #12-122 through #12-132**

Council President Lynch removed Resolution #12-131 from the Consent Agenda because it was a Fire Department Resolution; it will be voted on separately. Mr. Lynch gave a brief description of all the resolutions; Council Member Kadish stated that he would like to separate them all except for the ROID Grant resolutions.

Council President Lynch asked for a motion to adopt Resolution #12-122.

MOVED: Eddie Dunn

SECOND: Patrick Rizzuto

Council Member Kadish questioned several entries on the Bills List.

A roll call vote was taken:

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

NAYS: None

ABSTAIN: \*

\* Resolution #12-122 was approved. Council President Lynch voted with an "Aye"; however he abstained from entries 1504, 1506, 1508, 1527, 1530, 1531, 1532 and 1533 due to their being Fire Department issues.

**RESOLUTION # 12-122**

**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	\$ 213,141.25	LAKELAND	NOTE PAYMENT
#2	CURRENT	\$ 1,309,593.09	BD OF ED	
#3	CURRENT	\$ 268.69	MUA	
#4	CURRENT	\$ 881,812.55	BD OF ED	
#5	CURRENT	\$ 26,989.30		
#6	GRANT	\$ 5,227.50		
#7	CAPITAL	\$ 3,580.14		
#8	CAPITAL	\$ 3,024,462.99	LAKELAND	VALLEY NAT'L
#9	P & Z	\$ 2,750.00		
#10	RECREATION	\$ 3,520.00		
#11	RECREATION	\$ 61.95		
#12	RECREATION	\$ 119.86		
#13	OTHER TRUST	\$ 122.70		
#14	OTHER TRUST	\$ 1,080.00		
#15	OUTSIDE SERVICES	\$ 7.95		
#16	OUTSIDE SERVICES	\$ 1,031.81		
#17	OUTSIDE SERVICES	\$ 152.86		
#18	DEVELOPER'S BONDS	\$ 3,111.00		
#19	DEVELOPER'S BONDS	\$ 9,474.00		
#20	DEVELOPER'S BONDS	\$ 33,280.15		
#21	2ND PAY-MAY	\$ 306,459.39		



issue checks for said overpayments and the Tax Collector refund said overpayments of taxes on the following accounts:

<b>BLOCK</b>	<b>LOT</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>QTR</b>	<b>LOCATION</b>
153.07	2	Indy Mac Mortgage (Corelogic Refund Unit) (Re: Leskanic, Dennis F #107513)	\$ 1,229.89	1 <sup>st</sup>	██████████
200.04	35	Fifth Third Bank (Corelogic Refund Unit) (Corter, Michael J #38611855)	\$1,484.75	2nd	██████████
269.03	48	Citimortgage (Corelogic Refund Unit) (Pensallorto, Frank&Angela#39760308)	\$1,613.49	2 <sup>nd</sup>	██████████

Council President Lynch asked for a motion to adopt Resolution #12-125.

MOVED: Dan Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

Resolution #12-125 was approved.

**RESOLUTION #12-125**

**TAX OVERPAYMENT**

**WHEREAS, a DUPLICATE PAYMENT** was made on the Second quarter **2007** taxes

**WHEREAS, such payments created an OVERPAYMENT**

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QTR</u>	<u>LOCATION</u>
74.04	20	Treasurer, State of NJ Re: Poulin, Jennifer L #92242	\$1,372.00	1st	██████████ ██████████

Council President Lynch asked for a motion to adopt Resolution #12-126.

MOVED: Dan Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

Resolution #12-126 was approved.

**RESOLUTION #12-126**

**ACCEPTANCE OF 2012 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES (ROID) GRANT**

**WHEREAS, the Township of Vernon, per Resolution #11-106** made application to the New Jersey State Department of Community Affairs to obtain a grant for 2012 to provide therapeutic horseback riding Recreational Opportunities for Individuals with Disabilities (ROID), and

**WHEREAS**, the New Jersey Department of Community Affairs has awarded the Township of Vernon for the term January 1, 2012 through June 30, 2012 the amount of \$5,000.00 State Share with \$1,000.00 local share for a total contract of \$6,000.00 to provide therapeutic horseback riding recreational opportunities for people with disabilities.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby accepts the terms and obligations of the Grant/Loan Agreement from the New Jersey Department of Community Affairs ROID Grant, for the term January 1 through June 30, 2012, in the amount of \$5,000.00 with a \$1,000.00 local share; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Department of Community Affairs Division of Housing and Community Resources Grant Production Unit and the Vernon Township Chief Finance Officer and Director of Community Affairs.

Council President Lynch asked for a motion to adopt Resolution #12-127.

MOVED: Eddie Dunn

SECOND: Dan Kadish

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

Resolution #12-127 was approved.

#### **RESOLUTION #12-127**

##### CHAPTER 159 RESOLUTION

##### RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT

**WHEREAS**, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township of Vernon has made application and obtained a grant from the New Jersey Department of Community Affairs, for \$5,000.00 State Share with \$1,000.00 local share for a total contract of \$6,000.00 for 2012 to provide therapeutic horseback riding recreational opportunities for people with disabilities.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$6,000.00 which is now available as a revenue from the New Jersey Department of Community Affairs and the Township of Vernon.

**BE IT FURTHER RESOLVED** that a like sum of \$6,000.00 is hereby appropriated under the caption Recreational Opportunities for Individuals with Disabilities Grant 2012.

Council President Lynch asked for a motion to adopt Resolution #12-128.

MOVED: Dan Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

Resolution #12-128 was approved.

**RESOLUTION #12-128**

**AUTHORIZING THE APPLICATION TO  
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE 2013  
RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT  
AND FURTHER AUTHORIZE EXECUTION OF AGREEMENT**

**WHEREAS**, the Township of Vernon desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000.00 State share with \$2,000.00 local share for a total contract of \$12,000.00 for 2013 to provide therapeutic horse back riding recreational opportunities for people with disabilities; and

**WHEREAS**, the local funds for this purpose have been certified by the Chief Finance Officer in the Recreation Trust Fund Account.

**NOW THEREFORE BE IT RESOLVED**, that the Township of Vernon does hereby authorize the application for such a grant; therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said Agreement between the Township of Vernon and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith:

Council President Lynch asked for a motion to adopt Resolution #12-129.

MOVED: Dick Wetzel

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: Dan Kadish

ABSTAIN: None

Resolution #12-129 was approved.

**RESOLUTION #12-129**

**AUTHORIZING PLACEMENT OF TEMPORARY SIGNAGE**

**WHEREAS**, Christ Community Church in Highland Lakes, New Jersey has requested permission from the Township Council to place temporary signage across Breakneck Road from the church property to a residential property to advertise for the Annual Vacation Bible School; and

**WHEREAS**, the banner will be securely hung across Breakneck Road at least 14' high from Church property to a residential property which prior permission has been granted; and

**WHEREAS**, the Church is requesting to display the temporary signage, one (1) banner measuring 3' by 14', for a time period of thirty days, beginning June 21, 2012 through the close of Vacation Bible School July 20, 2012.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Vernon, that Christ Community Church in Highland Lakes, New Jersey is granted permission to place temporary signage, as described above, across Breakneck Road, from June 15, 2011 through July 15, 2011, in association with the Church's Vacation Bible School event.

**BE IT FURTHER RESOLVED** that any and all approved signage placed pursuant to this Resolution shall be removed on the day following the event.

Council President Lynch asked for a motion to adopt Resolution #12-130.

MOVED: Dan Kadish

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None  
ABSTAIN: None  
Resolution #12-130 was approved.

**RESOLUTION #12-130**

**RENEWAL OF LIQUOR LICENSES FOR VERNON TOWNSHIP  
FOR THE 2012-2013 LICENSING TERM**

**WHEREAS**, all licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2012; 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 2012-2013 licensing period effective as of July 1, 2012.

**CLUB LICENSE**

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

**PLENARY RETAIL CONSUMPTION**

Great Gorge Country Club Inc. (Golf course) 1922-33-003-007  
FLME, Inc. (George Inn) 1922-33-008-003  
JD Vernon Lodge & Inn, LLC 1922-33-009-003  
Smokeys Glenwood Grill, LLC 1922-33-013-003  
HV Hospitality, LLC dba Hickory Sticks Grill 1922-33-004-005  
Legends Liquors, Inc. 1922-33-006-010

**HOTEL EXCEPTION**

Stonehill Recreation Corp. (Kites/Mineral Springs) 1922-36-011-001

**PLENARY RETAIL DISTRIBUTION**

Highland General Store Inc. 1922-44-002-002

**LIMITED RETAIL DISTRIBUTION**

Harry Lawrence Marsh (Lake Wanda Store) 1922-43-005-001

Council President Lynch asked for a motion to adopt Resolution #12-131.

MOVED: Dan Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Brian Lynch

Resolution #12-131 was approved.

**RESOLUTION #12-131**

**APPROVING ACTIVE VOLUNTEER FIREMAN  
FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMAN'S ASSOCIATION**

**WHEREAS**, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

**WHEREAS**, Anthony F. Anari, III, an active firefighter and member of the Pochuck Valley Volunteer Fire Department, Company #4 is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.



**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Anthony F. Anari, III, for membership in the New Jersey State Firemen's Association.

Council President Lynch asked for a motion to adopt Resolution #12-132.

MOVED: Dick Wetzel

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

Resolution #12-132 was approved.

### **RESOLUTION #12-132**

**AUTHORIZING AN EMERGENCY CONTRACT WITH EARTH-TEC ASSOCIATES, INC. FOR REPAIRING A SECTION OF GLENWOOD MOUNTAIN ROAD THAT WAS DAMAGED BY HURRICANE IRENE.**

**WHEREAS**, Hurricane Irene and subsequent storms had seriously damaged several roads in the Township; and

**WHEREAS**, according to NJSA 40A:11-6 an emergency contract may be awarded when an emergency affecting the public health, safety or welfare requires the immediate delivery of a good or service; and

**WHEREAS**, Hurricane Irene and subsequent storms had damaged a section of Glenwood Mountain Road which needed immediate repairs and the Township's Public Work's Director has certified that such an emergency existed with respect to these repairs and the use of EARTH-TEC ASSOCIATES, INC; and

**WHEREAS**, the Purchasing Agent recommends that the Township Council award an emergency contract to repair and replace this section of Glenwood Mountain Road to EARTH-TEC ASSOCIATES, INC., PO Box 941, Vernon, New Jersey 07462; and

**WHEREAS**, the total cost for this contract is \$19,945.00 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in account #101427.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, EARTH-TEC ASSOCIATES, INC., be awarded an emergency contract, in accordance with the attached bill in the amount not to exceed \$19,945.00; and

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

### **COUNCIL PRESIDENT COMMENTS**

Council President Lynch thanked the Mayor for the report on the FEMA money and the work that was put into the grant applications and follow through. Mr. Lynch thanked everyone, again, for all their efforts on making Vernon Day such a success.

### **COUNCIL COMMENTS**

Council Member Wetzel stated the former Principal at Vernon High School, Dennis Mudrick, won the Republican Nomination for Freeholder. Also, a former student of Mr. Wetzel's, Jimmy Tighe, a graduate of Vernon High School, is the Democratic Nomination for Freeholder. Mr. Wetzel further stated that Vernon is rising to the top and the tail is no longer wagging the dog, because people are looking toward us for answers and leadership.

Council Member Rizzuto reported that the next Council meeting of the 25<sup>th</sup> will be one year that this administration has been in office and he invited the public to join the Mayor and Council to celebrate with cake and coffee. Mr. Rizzuto also complimented the Mayor and staff for putting together the paperwork for FEMA in such a timely manner so that we could achieve the maximum awards from FEMA. Mr. Rizzuto was

unable to attend Vernon Day but wanted to comment that it was a wet experience (pertaining to Mayor Marotta being in the dunk tank).

Council Member Kadish commented on the weather on Vernon Day and had two complaints. One being the cost of stocking the Fisherman's Pond of \$1,000.00, and suggested either posting a sign or passing an ordinance to penalize adults for fishing in the pond, which is supposed to be for children. Mr. Kadish commented that posting signs on utility poles is illegal, and we should put a stop to it. Mayor Marotta stated that the Zoning Officer is aware of it and will be issuing summonses.

Council Member Dunn commented on the wonderful service the Vernon Ambulance Squad provided for him when he had to be escorted to the hospital the week before. Mr. Dunn also thanked Mary Bradley for all her work and efforts that she put into Vernon Day.

### **ADJOURNMENT**

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:30pm.

Respectfully submitted,

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Andrea Bates  
Deputy Municipal Clerk

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Brian Lynch, Council President

Minutes approved: July 23, 2012