

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

July 25, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, July 25, 2011 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Brian Lynch presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on July 8, 2011, 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, Dan Kadish, Patrick Rizzuto, Dick Wetzel, and Council President Brian Lynch. Also present were Mayor Vic Marotta, Township 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 opened the meeting for Public Comment.

Phyllis Pfeifer, questioned if the public access hours to Council Members are posted. Ms. Pfeifer also questioned which Council Members are in the pension system. Ms. Pfeifer questioned the responsibilities of the Municipal Clerk and what, if any, penalties would be imposed if the Municipal Clerk is late in performing the duties of that office particularly in regard to the meeting minutes and the Open Public Records Act. She was especially interested in what would be the definition of a willful act with respect to late responses to OPRA requests or the preparation of Township Council minutes.

Gary Martinsen, spoke regarding his correspondence to the Council and Clerk requesting an auto responder for emails. He gave his approvals and non-approvals regarding tonight's resolutions. Mr. Martinsen also spoke regarding the Township's website.

Judy Storms, Glenwood, spoke regarding the Sustainable New Jersey program. Ms. Storms opposes it, stating it is directly connected to the U.N. Agenda 21, and she feels it's goals are sinister, and urged the Council to further research it.

Mike Furrey, [REDACTED] wished the Mayor and Council the best of luck. Mr. Furrey spoke regarding the A.C.L.U.'s decision against the former Township Council. Mr. Furrey noted that he had received a letter of apology; however, since Vernon has changed the form of government, there should be a change in our Township code.

Tom McClachrie, Vernon Taxpayers Association, had questions about the following: how this government differs from the last Council; high priced line items; term limits for members of boards and commissions; and the ordinance to move the election to November. Mr. McClachrie handed out a Mayor's Report from a town in Massachusetts to the Council President.

Ed Seger, spoke regarding campaign promises and credibility. Mr. Seger questioned the Mayor's salary, stating that the community voted for him at a certain amount, and now the salary is more.

Dan Borstad, stated he has owned commercial properties in Vernon for over 40 years, and he was never overdue on his taxes. Mr. Borstad spoke regarding key boxes that

are now required for the firemen to get into buildings in case of emergencies. Mr. Borstad was concerned for his tenants' safety, not knowing who would have access to the key boxes.

Jessi Paladini, [REDACTED], cited a statute that states you can't change the date of the election to November for the next three years, unless you put it out to the voters first. Ms. Paladini spoke about a quote from the Business Administrator, Jerry Giaimis, (from a few weeks ago in the Herald) and also questioned his responsibilities. Ms. Paladini also stated she was troubled by the \$10,000. resolution for a new website; and questioned sharing IT services with the Board of Education.

Mary Ellen Vichiconti, [REDACTED], thanked members of the Council who participated in the Battle of the Bands, and also thanked Mary Bradley who worked with the kids. Ms. Vichiconti also mentioned National Night Out which will be held on August 2, 2011 at the Maple Grange Park at 7:00pm.

Council President Brian Lynch asked the Deputy Clerk, Andrea Bates, to read a statement from Mary Bradley of the Board of Recreation, who was unable to attend tonight's meeting. In the statement, Mary Bradley thanked everyone who was involved in the recent event – the Battle of the Bands held on the Rickey Farm property and stated "this was too good to only do once."

Jeff Parrott, Acting County Clerk, offered assistance to the new Council and spoke regarding the services of the County Clerk's Office in Newton. He advised that he also had some handouts for the governing body on their services. He spoke about a company targeting homeowners relative to obtaining copies of their deeds for a fee which was far in excess of what the County charges for the same service. He added that the State Attorney General's office was investigating this company and their questionable tactics.

Jamie Rickey, Vernon, spoke regarding the Battle of the Bands and appreciated the Council's participation. Mr. Rickey also mentioned that he would like to receive his ballot earlier than the day before each election. As the County sends out the ballots, Mr. Parrott advised that he would look into this, especially since "local mail" no longer exists and all mail goes to Paterson before it can come back up here.

Seeing no one else from the public wishing to speak, Council President Lynch closed the public portion of the meeting.

MAYOR'S REPORT

Mayor Marotta acknowledged all the participants of the Battle of the Bands, as well as the fantastic job done by Mary Bradley. He also thanked Mr. Rickey for his generosity in providing the venue. Mr. Marotta invited all to the first National Night Out which will be held on Tuesday, August 2nd. He thanked Mr. John Rosenberg who brought this program to the attention of the Rec. Board, and convinced them to go forward with it.

The Mayor mentioned a slight change in the meeting agenda – adding in the resolution to extend the contract for Main Street Associates.

Mr. Marotta thanked the previous Council for their work regarding the repair of the HVAC system. The Mayor recognized Craig (Digger) Leidig, one of our Department of Public Works employees, for his knowledge of the building and his dedication by coming in after hours to check on the system.

Mr. Marotta asked the Council to create a liaison committee to work hand in hand with the Board of Education, and suggested Council Member Rizzuto be involved due to his Board of Education experience. He felt that working with them would benefit the town greatly.

The Mayor recognized Mr. Artie Rhinesmith, a Vernon resident who currently is a Specialist in the U.S. Army, and is about to be re-deployed for a full year to Kandahar, Afghanistan. Our sincerest gratitude is extended to Mr. Rhinesmith for his

distinguished public service as well as loyalty and dedication. The proclamation is on display on the bulletin board outside the Mayor's office.

Mr. Marotta acknowledged Mr. Jeff Parrott's presence and welcomed any elected officials to visit his office.

Mr. Marotta spoke regarding his attempt to retrieve \$380,000. from the previous Township Manager regarding the Ameripay issue.

APPROVAL OF MINUTES

July 1, 2011 Regular Meeting Minutes (previous Council – Council Member Lynch was the only member able to vote on this set of minutes.)

MOVED: Brian Lynch
SECONDED: Brian Lynch

A roll call vote was taken:

AYES: Brian Lynch
NAYES: None
ABSTAIN: Eddie Dunn, Patrick Rizzuto, Dick Wetzel
PRESENT: Dan Kadish

July 1, 2011 Reorganization Meeting Minutes

MOVED: Patrick Rizzuto
SECONDED: Eddie Dunn

A roll call vote was taken:

AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None

July 8, 2011 Special Information/Education Session Meeting Minutes

MOVED: Eddie Dunn
SECONDED: Patrick Rizzuto

A roll call vote was taken:

AYES: Eddie Dunn, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
ABSTAIN: Dan Kadish

July 9, 2011 Special Information/Education Session Meeting Minutes

MOVED: Dick Wetzel
SECONDED: Patrick Rizzuto

A roll call vote was taken:

AYES: Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
ABSTAIN: Eddie Dunn, Dan Kadish

Council Member Kadish explained that he was there for both meetings of July 8th and July 9th, however, he was unable to open the minutes that were emailed to him for review.

CONSENT AGENDA

Council Member Kadish asked to separate out Resolutions #11-117, -145, -152, -156, and -155. He noted that he needed more explanation on #11-155.

RESOLUTION #11-147

AUTHORIZING THE USE OF THE MORRIS COUNTY CO-OP CONTRACT #15D TO PROVIDE AND INSTALL DUMP BODIES AND SNOW PLOWS FOR UP TO SIX (6) RECENTLY PURCHASED BRAND NEW FORD F-550 TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Township of Vernon has recently purchased up to six (6) brand new Ford F-550 trucks to be used by the Department of Public Works; and

WHEREAS, these vehicles need to be equipped with dump bodies and snow plows; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said equipment and service through Contract #15D, Item #2; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract for providing and installing up to six (6) dump bodies and snow plows for these Ford F-550's from the items chosen from the attached price quote of Cliffside Body Corporation, PO Box 206, Fairview, NJ 07022 at a unit price of \$13,779.00; and

WHEREAS, the total cost for the purchase and installation of up to six (6) dump bodies and snow plows will be \$82,674.00 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available per Ordinance #11-07, Account #3094206.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Cliffside Body Corporation be utilized to provide and install up to six (6) dump bodies and snow plows through the Morris County Co-Op, in accordance with the attached estimates in the amount not to exceed \$82,674.00; and

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

RESOLUTION #11-148

AUTHORIZING THE USE OF THE MORRIS COUNTY CO-OP CONTRACT #15D TO PROVIDE AND INSTALL DUMP BODIES AND SNOW PLOWS FOR UP TO TWO (2) RECENTLY PURCHASED BRAND NEW INTERNATIONAL TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Township of Vernon had recently purchased up to two (2) brand new International trucks to be used by the Department of Public Works; and

WHEREAS, these vehicles need to be equipped with dump bodies and snow plows; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said equipment and service through Contract #15D, Item #4; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract for providing and installing up to two (2) dump bodies and snow plows for these International trucks from the items chosen from the attached price quote of Cliffside Body Corporation, PO Box 206, Fairview, NJ 07022 at a unit price of \$42,907; and

WHEREAS, the total cost for the purchase and installation of up to two (2) dump bodies and snow plows will be \$85,814.00 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available per Ordinance #11-07, Account #3094206.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Cliffside Body Corporation be utilized to provide and install up

to two (2) dump bodies and snow plows through the Morris County Co-Op, in accordance with the attached estimates in the amount not to exceed \$85,814.00; and

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

RESOLUTION #11-149

AUTHORIZING THE APPLICATION TO THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE THROUGH THE COUNTY OF SUSSEX FOR THE MUNICIPAL ALLIANCE GRANT FOR 2012 IN THE AMOUNT OF \$20,467.00

WHEREAS, The Township of Vernon Council of the Township of Vernon, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages: and

WHEREAS, the Township of Vernon Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township of Vernon Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Vernon, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Council of the Township of Vernon does hereby authorize submission of an application for the Municipal Alliance Grant for calendar year 2012 in the amount of \$20,467.00.
2. The Township of Vernon acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

RESOLUTION #11-150

AUTHORIZING THE AWARD OF BID FOR PURCHASE OF ONE REFURBISHED 2000 MODEL RD688SX MACK TRUCK

WHEREAS, there is a need to purchase one (1) refurbished 2000 Model RD688SX Mack Truck to be used by the Department of Public Works; and

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

WHEREAS, the Township of Vernon received and opened one bid for the above mentioned purchase on July 13, 2011 at 10:00 a.m. in the Vernon Township Municipal Building; and

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

WHEREAS, the QPA and Director of Public Works recommends awarding the contract to the only bidder, H & H Mack Truck Sales, Inc. 80 Green Pond Road, Rockaway, NJ 07866 at the unit price of \$46,000, up to the maximum amount of \$46,000.

WHEREAS, the Chief Finance Officer has certified funds available for this purpose in Ordinance #11-07, Account #3094206

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award the bid to H & H Mack Sales, Inc. for the purchase one (1) refurbished 2000 Mack Truck Model RD688SX.

This Resolution shall take effect immediately according to law.

RESOLUTION #11-151

RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Township of Vernon has determined that the surplus property as follows: 2003 Ford Crown Vic (vin) 2FAFP71N23X128768, is no longer needed for public use; and

WHEREAS, the Township of Vernon through this resolution gives notice of the intention to the public, pursuant to Local Finance Notice 2008-9, that the sale will be by means of an on-line auction at the following approved provider at a date to be determined:

www.usgovbid.com

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Vernon in the County of Sussex, authorization is hereby given to sell the surplus property as indicated above on an online auction to be determined at a later date; and

BE IT FURTHER RESOLVED, pursuant to N.J.S.A. 40A:11-36, that formal public notification will be provided by the publication of a Legal Notice in the official newspaper, the New Jersey Herald, not less than 7 or more than 14 days prior to the scheduled auction.

This Resolution will take effect immediately according to law.

RESOLUTION # 11-153

RESOLUTION SUPPORTING THE "OVER THE LIMIT UNDER ARREST 2011 STATEWIDE CRACKDOWN"

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, as enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Over the Limit Under Arrest 2011 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19, 2011 through September 4, 2011; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

THEREFORE BE IT RESOLVED, that the Township of Vernon declares its support for the *Over the Limit Under Arrest 2011 Statewide Crackdown* from August 19 through September 5, 2011 and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 11-154

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON AUGUST 14, 2011 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 & Association has submitted an application to Vernon Township to conduct a fireworks display on August 14, 2011in 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 Community & Association; and

WHEREAS, Highland Lakes Country Club Community & Association has engaged in a contract with Garden State Fireworks, Inc., to perform the fireworks and special effects display 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 with special effects, performed by Garden State Fireworks, Inc. and sponsored by the Highland Lakes Country Club Community & Association on August 14, 2011 upon satisfaction of all statutory and departmental requirements.

RESOLUTION#11-158

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

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

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

WHEREAS, the Township of Vernon has offered, for appropriate compensation, to allow the County of Sussex to utilize a portion of the Senior Citizen facility for the Vernon Nutrition Site Operation project as per attached lease agreement for the year 2011; and

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

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

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

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

MOVED: Dan Kadish
SECONDED: Patrick Rizzuto

A roll call vote was taken:

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

NAYES: None

Resolutions #11-147, 148, 149, 150, 151, 153, 154 and 158 were approved.

RESOLUTION #11-146

AUTHORIZING WAIVER OF CERTAIN TOWNSHIP FEES FROM THE FIRE PREVENTION OFFICE FOR THE 2011 ANNUAL FIREWORKS DISPLAY SPONSORED BY THE HIGHLAND LAKES FIRE DEPARTMENT

WHEREAS, the Highland Lakes Volunteer Fire Department is requesting a waiver of all Township fees from the Fire Prevention Office associated with the 2011 Annual Fireworks Display held on July 2, 2011; and

WHEREAS, the fees requesting to be waived include the Type 3 Fireworks permit in the amount of \$331.00 and the Type 1 Open Flame at a Public Gathering in the amount of \$42.00 for a total amount of \$373.00; and

WHEREAS, as per N.J.A.C.5:70-2.7 (i), Fire Safety Permit fees are required unless a waiver by resolution is approved by the governing body.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, that the required fees in the amount of \$373.00 for the 2011 Annual Fireworks Display from the Fire Prevention office set by Township Ordinance, are hereby waived for the Highland Lakes Volunteer Fire Department; and

BE IT FURTHER RESOLVED, that a signed copy of this resolution be forwarded to the Vernon Township Fire Prevention and Finance Offices.

This Resolution will take effect immediately according to law.

RESOLUTION #11-157

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, Craig L. Roland Jr., an active firefighter and member of the Vernon Township Volunteer Fire Department, Company #1, 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 Craig L. Roland Jr., for membership in the New Jersey State Firemen's Association.

Council Member Kadish made a motion to move Resolutions #11-146 and 157.

MOVED: Dan Kadish
SECONDED: Patrick Rizzuto

AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel
NAYES: None
ABSTAIN: Brian Lynch
Resolutions #11-146 and #11-157 were approved.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #11-117

RESOLUTION TO ADOPT A CASH MANAGEMENT PLAN

BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex, that for the year 2011, the following shall serve as the cash management plan of the Township of Vernon.

1. Cash Management and Investment Objectives

The Township of Vernon has the following objectives.

- A. Preservation of capital.
- B. Adequate safekeeping of assets.
- C. Maintenance of liquidity to meet operating needs.
- D. Investment of assets in accordance with State and Federal Laws and regulations.
- E. Maximize Yield.

2. Designation of Official Depositories

The following Government Unit Protection Act approved banks are authorized depositories for deposit of funds:

Sussex Bank
Valley National Bank
Highlands State Bank
Lakeland Bank
PNC Bank

3. Cash Management

A. All funds shall be deposited within 48 hours of receipt in accordance with N.J.S.A. 40A:5-15

B. The Chief Financial Officer shall minimize the possibility of idle cash accumulating in accounts by assuring that any excess amounts not needed to cover expenses or in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

C. Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer.

4. Permissible Investments

- A. Certificates of Deposits.
- B. Savings and Loan Associations and Saving Bank Accounts.
- C. New Jersey Cash Management Plan
- D. MBIA Municipal Investors Service Corporation CLASS

5. Authority for Investment Management

The Chief Financial Officer is authorized and directed to make investments on behalf of the Township. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6. Reporting

The Chief Financial Officer shall report to the Township Council investments in accordance with N.J.S.A. 40A: 5-15.2.

7. Audit

The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A: 5-14.

8. Disposition of Abandoned Property

The Chief Financial Officer shall escheat to the State of New Jersey checks which remain outstanding for more than twelve months after the date of issuance.

Council Member Kadish made a motion that we accept the Cash Management plan with the following banks being our designated banks: Valley National Bank and Lakeland Bank; since there was no second, Council Member Kadish rescinded his motion.

Council Member Kadish discussed his opinion that we really don't need more than one bank and we currently use Lakeland Bank. He noted that Valley Bank is also

preferable. Mr. Kadish further explained that we have problems with the other two banks, other than PNC Bank. Mr. Kadish commented that having some board members or officials that have involvements with certain banks could create a possible perception of conflict of interest.

Council Member Kadish, again, made a motion that we accept the Cash Management plan with the following banks being our designated banks: Valley National Bank and Lakeland Bank; again, there was no second to the motion.

Council Member Rizutto made a motion to adopt Resolution #11-117 as is with the five banks listed; seconded by Council Member Wetzel. A discussion ensued regarding the banks being FDIC insured, and the Township's money being secure.

AYES: Eddie Dunn, Patrick Rizzuto, Dick Wetzel
 NAYES: Dan Kadish, Brian Lynch
 Resolution #11-117 was approved.

RESOLUTION # 11-145

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	\$1,183,565.96	BOE
#2	Current	\$1,200,499.78	BOE
#3	Grant	\$ 837.55	
#4	Capital	\$ 686.88	
#5	Recreation	\$ 365.50	
#6	Recreation	\$ 5,337.00	
#7	Other Trust	\$ 7,073.00	
#8	Other Trust	\$ 2,022.76	
#9	Outside Services	\$ 570.89	
#10	Outside Services	\$ 5,028.80	
#11	Open Space	\$ 2,875.00	
#12	Sewer Operating	\$ 516.15	
	Payroll	\$ 326,082.02	
	Total	\$2,735,461.29	

Council Member Kadish had some questions regarding the Bills List, and Mayor Marotta answered his questions.

MOVED: Dan Kadish
 SECONDED: Brian Lynch

AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
 NAYES: None
 Resolution #11-145 was approved.

The Council Members discussed the lights being on after the fields are not in use. Mayor Marotta explained that they are regulated by timers, but this will be looked into further.

RESOLUTION #11-155

RESOLUTION SUPPORTING A-3412 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are granted, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminish, if not completely deplete; and

WHEREAS, a recent League of Municipalities' survey has measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (1590) municipalities, representing all both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010;

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009 compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because they have conducted a revaluation; however, only 5 of the 150 municipalities, which participated in the survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, the survey, also, indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000 per appeal; and

WHEREAS, fifty-six (56%) percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011, since the reductions, which were granted by County Tax Boards in 2010, will have a multiplier effect when neighbors learn of their neighbor's tax reduction, which will likely increase the appeals and, in the alternative, Tax Assessors could be forced to adjust property values based upon the appeal information; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the school district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and school district 100% of their levies, the municipality bears the full cost of any re-imbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be further decline in the property tax base used to support municipalities, county governments and school systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Assemblyman Carroll has recently introduced A-3412, which requires fire districts, school districts, and county governments to share in the burden of property assessment appeal refunds.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby urge the swift passage and signing of A-3412; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Governor Chris Christie, Senate President Stephen Sweeney, Assembly Speaker Sheila Oliver, Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison McHose, NJ League of Municipalities and all Sussex County municipalities.

Mayor Marotta gave an explanation of this resolution.

MOVED: Dan Kadish
SECONDED: Eddie Dunn

AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
Resolution #11-155 was approved.

RESOLUTION #11-152

RESOLUTION TO JOIN NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the Township of Vernon has determined that membership in the Joint Meeting is in the best interest of the Township.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Township of Vernon does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that Mayor Victor Marotta is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$300 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

Jerry Giaimis, Business Administrator gave an explanation regarding this resolution.

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel

AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
Resolution #11-152 was approved.

RESOLUTION #11-156

AUTHORIZING THE AWARD OF CONTRACT FOR WEBSITE DEVELOPMENT AND DESIGN

WHEREAS, there is a need for Website Development and Design for the Township of Vernon; and

WHEREAS, as per Local Public Contract Law, if the estimated cost of the services over the life of the contract is less than the bid threshold, the municipality must solicit more than one proposal and then contract with the vendor they find to be most advantageous, price and other factors considered, with the option to extend for up to two more years; and

WHEREAS, the Township of Vernon has received proposals for these services from four (4) vendors as stated in the attached Schedule "A"; and

WHEREAS, the Purchasing Agent and Business Administrator recommend the award of contract to Paviaweb.com, 2 Hamilton Road #3J, Morristown, NJ for a term of 24 months; and

WHEREAS, the amount of the proposal includes the initial set-up fee of \$9,500.00 and the monthly maintenance fee of \$255.00 which the Chief Finance Officer has determined and certified funds are available for 2011 and subject to the adoption of the 2012 and 2013 budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of contract to Paviaweb.com, 2 Hamilton Road #3J, Morristown, NJ, to provide Website Development and Design for the Vernon Township Municipal website for a term of 24 months.

Mayor Marotta explained this resolution.

MOVED: Eddie Dunn
SECONDED: Patrick Rizzuto

AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
Resolution #11-156 was approved.

Council Member Rizzuto made a motion to approve an extension of 180 days for the Main Street Associates contract; seconded by Council Member Brian Lynch. Mayor Marotta commented that any contract unfulfilled between two parties that has lasted now eight years and required six extensions certainly has the potential for litigation and would be considered for Executive Session. However, he or Attorney Kelly would be willing to speak to the specifics involved.

A roll call vote was taken:
AYES: Eddie Dunn, Dan Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None

FIRST READING ON PROPOSED ORDINANCES

Council President Lynch read Ordinance #11-16 by title only.

ORDINANCE #11-16

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO MODIFY SECTION 179-7 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING CAMPSITES

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the Code of the Township of Vernon is hereby modified as follows:

SECTION I

Section 179-7 of the Code of the Township of Vernon is hereby replaced as follows:

§179-7. Individual Sewer Connection for Camping Vehicles.

Section 8:22-6.5 of Chapter 22, entitled "Individual Sewer Connections for Recreational Vehicles" is amended to provide that any individual sewer connection shall be permitted only where there is a central sewage disposal system. All connections shall comply with the provisions of the New Jersey Uniform Construction Code and applicable subcodes (N.J.A.C. 5:23).

SECTION II

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION III

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION IV

This Ordinance shall take effect upon final passage and publication.

Council Member Patrick Rizzuto made a motion to approve Ordinance #11-16 upon introduction, seconded by Council Member Dick Wetzel.

There was a discussion regarding the wording in the Ordinance.

A roll call vote was taken:

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

NAYES: Dan Kadish

Ordinance #11-16 was approved as introduced. Public Hearing to be scheduled for August 8, 2011.

Council President Lynch read Ordinance #11-19 by title only.

ORDINANCE #11-19

AN ORDINANCE ESTABLISHING THE VERNON TOWNSHIP MUNICIPAL ELECTIONS ON THE SAME DAY AS NOVEMBER GENERAL ELECTIONS HELD AND EXTENDING THE TERMS OF OFFICE FOR THE EXISTING MAYOR AND COUNCIL MEMBERS PURSUANT TO LAW

WHEREAS, since July 1, 2011, the Township of Vernon has operated under the non-partisan Mayor-Council Plan of the Optional Municipal Charter Law (N.J.S.A. 40:69A-31 et seq.) as adopted by the voters of the Township on November 6, 2010; and

WHEREAS, non-partisan municipal elections were required to be conducted on the second Tuesday in May pursuant to the Uniform Nonpartisan Elections Law (N.J.S.A. 40:45-1 et seq.); and

WHEREAS, on January 14, 2010, Acting Governor Steven Sweeney signed P.L. 2009, c.196 into law to permit municipalities to adopt an ordinance to change the time of non-partisan elections to correspond with the November general elections; and

WHEREAS, P.L. 2009, c. 196 requires that the "term of any person in office on the date of the adoption of such an ordinance shall be extended until the beginning of the term of the person elected to that office on the day of the general election in November";

WHEREAS, the Township Council of Vernon believes that such a measure would result in substantial savings by eliminating separate and costly elections, while

generating larger voter participation in municipal elections and aligning the terms of professional and other contracts with the Township's fiscal year.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon in the County of Sussex, State of New Jersey that the Revised General Ordinances of the Township of Vernon are hereby amended and supplemented as follows:

SECTION 1. Mayoral Election; Term of Office

Pursuant to N.J.S.A. 40:45-7.1, the Mayor shall be elected by the voters of the Township in a non-partisan election to be held at the time of the November general election and shall serve for a term of four years, beginning on January 1 following such election. Accordingly, the term of the Mayor holding office at the time of the adoption of this ordinance shall be extended until December 31 beyond the expiration date of the Mayor's present term.

SECTION 2. Township; Terms of Office

Pursuant to N.J.S.A. 40:45-7.1, the Township Council shall consist of five members, elected at-large by the voters of the Township at the regular non-partisan municipal election to be held at the time of the November general election. The terms of the members of the Council shall be four years, beginning January 1 following such election. Accordingly, the terms of the Council members holding office at the time of the adoption of this ordinance shall be extended until December 31 beyond the expiration of their present term of office.

SECTION 3. Repealer

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall and are hereby repealed to the extent of any such inconsistency.

SECTION 4. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited to its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 5. Effective Date.

This Ordinance shall be enacted twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law, to be effective on January 1, 2012, as provided by P.L. 2009, c. 196.

Council Member Patrick Rizzuto made a motion to approve Ordinance #11-19 upon introduction, seconded by Council Member Dick Wetzel.

Council Member Kadish questioned the validity of this ordinance. Township Attorney Kevin Kelly stated he would look into this further.

A roll call vote was taken:

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

NAYES: Dan Kadish

Ordinance #11-19 was approved as introduced. Public Hearing to be scheduled for August 8, 2011.

COUNCIL BUSINESS

Council President Brian Lynch announced that he would like to hold a work session on August 4, 2011 at 7:00 p.m., in the Municipal Center to discuss the Administrative Code changes. Council Member Eddie Dunn made a motion; seconded by Council Member Dan Kadish.

A roll call vote was taken:

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

NAYES: None

Council Members Lynch and Rizzuto agreed to be on the liaison committee with the School Board, there were no Council Members opposed.

Council President Lynch asked that there be a 15 minute Public Comment section at the end of the meeting, asking the public to limit their comments to 3 minutes, there were no Council Members opposed.

Council President Lynch spoke regarding the League of Municipalities Convention in November. He advised that whoever is interested in attending can contact the Municipal Clerk, Susan Nelson. The Council gets to decide who can attend. Mayor Marotta explained that this is a good time for the Department Heads to economically attain Educational Credits for their certifications. Council President Lynch asked Mayor Marotta to provide a list of attendees by the next Council Meeting.

Council President Brian Lynch asked the Council Members for their goals and objectives.

The Council President asked the Mayor and Business Administrator to come up with a 3-5 year budget plan and provide it at the January meetings and update them every year as well. We need to bring back the 10-20 year Road Maintenance project plan, which has to be funded. Also a 10-20 year Capital budget plan needs to be in place. Mr. Lynch also expressed his desire to establish an ordinance to create an abandoned property registration program to protect residential neighborhoods from becoming blighted through the lack of maintenance and security of abandoned properties. The Township is to look into a Youth Advocate Council in Vernon.

Council Member Eddie Dunn stated his goals and objectives are basically surrounded by a very basic mission, mainly the Township's expenses and how the Township can grow revenues. The Township needs to establish a positive attitude toward establishing new business. Mr. Dunn explained that he would like to integrate outcome based budgeting and what that is. He stated we should have an ordinance review task force. Another objective is ensuring our new Town Center and re-establishing a vision of our Town Center. Mr. Dunn would like to introduce the opportunity for concierge services. He mentioned an Agro-tourism initiative which can enable our farmers to prosper and grow. Lastly, Mr. Dunn mentioned that he would like to establish a first ever bear sanctuary in New Jersey at Wawayanda State Park.

Council Member Patrick Rizzuto stated he would like to work with the Mayor and Council Members to develop a Municipal Budget for 2012 that would not require additional taxation. Mr. Rizzuto would like to promote and encourage new business growth in the community and referred to the concierge services that Council Member Dunn had mentioned. Mr. Rizzuto is in agreement with the creation of a Youth Council; and he would also like to re-establish a common vision of the Town Center.

Council Member Dick Wetzel thanked Mr. Brad Sparta from the Board of Education and stated the avenue of communication is now open between the Council and the Board of Education. Mr. Wetzel reported that his number one goal is to the loyalty of the concerns of the Vernon taxpayer. He would like to see the Health Department return to Vernon Township, and regarding Legends, what is the feasibility of taking over the golf course to establish a County Golf Course. There are many possibilities regarding Legends possibly a medical center or community college. The rail road is a necessity for this Township not only for transportation, but for freight or commuters. Mr. Wetzel mentioned another road coming into Vernon. We must become more business friendly. There should be a review of all permit fees. There must be tax incentives for new businesses. Mr. Wetzel mentioned a bulk pick up; and discussed future budget plans. Lastly, Mr. Wetzel discussed the feasibility of a tax on ski lift tickets.

Council Member Dan Kadish discussed the current Administrative Code having 9 Municipal Departments, and there are currently 13. Mayor Marotta stated we have already started to address this issue. Mr. Kadish mentioned the current Personnel Policy must be converted and asked if the manual could be printed back to back to be more economical.

PUBLIC COMMENTS – limited to 3 minutes per person

Council President Lynch opened the meeting for Public Comment.

Jamie Rickey, offered to be involved in a youth advocacy program for Vernon Township. Mr. Rickey stated the historic farm district should be designated as such; his vision is for a Greater Vernon Tourism Council.

Jessi Paladini, suggested the Township permit fees should be revisited – as they are higher than four other municipalities in the vicinity. Ms. Paladini reported the former Manager stated that she is insured for \$250,000. (regarding the issue of Ameripay).

Doreen Edwards, spoke regarding the extension of the contract for Main Street. Ms. Edwards commended Council Member Kadish for “doing his homework” on the issue of Cash Management. Ms. Edwards commented on the Canistear Road project.

Brad Sparta, Board of Education, spoke regarding shared services between Vernon Township and the Board of Education.

Judy Storms, stated her fears and doubts regarding Sustainable New Jersey and urged the Council to look into this further.

Gloria Frato-Gallo, Highland Lakes, had some questions regarding Ordinance #11-16, modifying the Township Code regarding campsites. Ms. Frato-Gallo has a site in Tall Timbers and didn't understand the ordinance. Mayor Marotta gave an explanation of the ordinance.

Gary Martinsen, thanked the Council for their thoughts, noting he can make his data available to the Council. Mr. Martinsen does not agree with Resolution #11-156 regarding the Township website.

Phyllis Pfeifer, questioned the procedure for ordinances. Mayor Marotta explained.

Seeing no one else from the public wishing to speak, Council President Lynch closed the public portion of the meeting.

Council Member Eddie Dunn thanked everyone for their condolences on the death of his Mother who recently passed.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:35 p.m.

Respectfully submitted,

Andrea Bates
Deputy Municipal Clerk

Minutes approved: August 22, 2011