

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

August 26, 2013

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:32 p.m. on Monday, August 26, 2013 in the Vernon Municipal Center, 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 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. 10:4-7.

ROLL CALL OF MEMBERS

Present were Council Members Eddie Dunn, Daniel Kadish, Brian Lynch, and Dick Wetzel, and Council President Patrick Rizzuto. Also present were Mayor Vic Marotta, Interim Business Administrator Bill Zuckerman, and Robert B. McBriar, Esq., who was filling in for Township Attorney Kevin Kelly.

SALUTE TO THE FLAG

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

PROCLAMATIONS

Camera Haven – Ron Ceder

Mayor Marotta read a biography and timeline of Ron Ceder and Camera Haven over the years. Council Member Dunn read the proclamation to Mr. Ceder and his wife.

Proclamation



Whereas, Vernon Township is proud and honored to have an individual who has devoted nearly the last 40 years to sharing with our community his outstanding knowledge and love of photography;

Whereas, Ron Ceder, owner of Camera Haven and Studio has been a well known business owner who enjoyed teaching many residents the complex aspects of photography and camera equipment, taking portraits, helping them progress forward to the digital age; and

Whereas, Ron also has been actively involved with the schools, various sports teams and township events selflessly sharing his expertise of photography to capture those very special timeless memories; and

Whereas, after 38 years, Ron has closed his exceptional store retiring to spend much deserved time with family and friends; and

Whereas, those who have had the pleasure of visiting Camera Haven have sincerely appreciated his dedication and the professionalism he displayed servicing Vernon Township and its people on his long enjoyable run.

Now therefore be it Proclaimed, I, Mayor Victor Marotta, hereby extend my sincerest gratitude and appreciation to

Ron Ceder

for sharing his love of photography with the residents of the Township of Vernon and his important contributions to the business community. We extend congratulations and best wishes to him for continued success in his life's pursuits.

Presented this 26th day of August, 2013
Victor J. Marotta, Mayor
Township of Vernon

Mr. Ceder thanked all who supported his business over the years, and also thanked his wife. He then thanked the Mayor and Council for their thoughtfulness and support.

Highland Lakes Fire Department – 50th Anniversary

Council Member Lynch gave a history of the Department, noting that Emil Izzo was in attendance and is one of the original members from 1963. He also noted the many Department members present. He advised that the current President of the Ladies Auxiliary was in attendance and was an original member from 1963 as well.

Council President Rizzuto read the Proclamation and presented it to Chief Scott Semchesyn, who thanked the Mayor and Council.

Proclamation



WHEREAS, the Highland Lakes Fire Department was originally called the Vernon Fire Department – Highland Lakes Division, which was organized in April of 1963, Incorporated in July of 1963, and is now celebrating 50 years of dedicated service to the community; and

WHEREAS, due to geographic challenges and road conditions during inclement weather, especially during the winter months, a group of concerned residents formed the Department for fire protection in the Highland Lakes area; and

WHEREAS, now known as the Highland Lakes Fire Department, they have grown in size with over 35 members; and

WHEREAS, in addition to responding to fire calls, they also respond to motor vehicle accidents, and are capable of extrication as well as fire suppression; and

WHEREAS, at present, the Highland Lakes Fire Department has expanded to 2 Fire Engines, 1 Tanker truck, and 1 Rescue truck, with unit numbers 423, 424, 425, and 426; and

WHEREAS, Vernon Township thanks Highland Lakes Fire Department Chief Scott Semchesyn.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the following be proclaimed:

**HAPPY 50TH ANNIVERSARY
to the
HIGHLAND LAKES FIRE DEPARTMENT**

Council Member Eddie Dunn
Council Member Brian Lynch

Council Member Daniel Kadish
Council Member Dick Wetzel

Patrick Rizzuto, Council President

Highland Lakes Fire Department Ladies Auxiliary – 50th Anniversary

Council President Rizzuto read the Proclamation and presented it to President, Irene Boeren. Ms. Boeren thanked the Mayor and Council, and remarked that the Fire Department had put up with the Auxiliary over the years, noting that they really didn't have a choice!

Proclamation



WHEREAS, the Highland Lakes Fire Department was started in July of 1963, and is now celebrating 50 years of dedicated service to the community; and

WHEREAS, the firefighters' wives soon realized a need for refreshments for the firefighters while they fought fires, as well as fund raising for numerous equipment and other items; and

WHEREAS, the Highland Lakes Fire Department Ladies Auxiliary was formed in December of 1963 with 10 ladies under the leadership of Irene Whitehead, meeting in her basement; and

WHEREAS, the Highland Lakes Fire Department Ladies Auxiliary held numerous bake sales in front of the Highland General Store, wreath sales in December, and other fund raising efforts; and

WHEREAS, once the Highland Lakes Fire Department secured a firehouse, the Highland Lakes Fire Department Ladies Auxiliary's first project was to outfit the kitchen in an effort to allow for increased fund raising opportunities; and

WHEREAS, at present, the Highland Lakes Fire Department Ladies Auxiliary maintains a small group of very dedicated ladies that continue to hold fund raising activities for the Fire Department, march with the Fire Department in the Sussex County Firemen's Inspection Parade, and provide water, coffee, and other necessities at fire scenes; and

WHEREAS, Vernon Township thanks the Highland Lakes Fire Department Ladies Auxiliary President Irene Boeren.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the following be proclaimed:

**HAPPY 50TH ANNIVERSARY
to the
HIGHLAND LAKES FIRE DEPARTMENT LADIES AUXILIARY**

Council Member Eddie Dunn
Council Member Brian Lynch

Council Member Daniel Kadish
Council Member Dick Wetzel

Patrick Rizzuto, Council President

Photos were to be taken, but after a few moments of unsuccessful attempts, Mr. Ceder got up to assist. He was able to get everyone positioned properly to get the appropriate shots, all to the audience's amusement.

PUBLIC COMMENTS

Council President Rizzuto asked for a motion to open the meeting for Public Comment.

MOVED: Brian Lynch

SECOND: Eddie Dunn

All were in favor.

Gary Martinsen – thanked the Mayor and Council for the proclamations, noting that all were very deserving. He noted that the Attachment A was not available online for

Resolution #13-169. He spoke about Ordinance #13-16, noting that the work session had gone well on the 19th. He pointed out that the term of the lease had been changed from 50 years to only 25. He asked about including the schools, and was still concerned about the “public rights of way” being part of residential properties (like sidewalks are). He asked about including a clause about how to get out of the lease if it is not going well.

Bob Gherry – spoke about having the playgrounds removed from Veterans Field, and the construction of new ball fields. He questioned why we would be increasing the number of fields, when the Mayor reported the loss of 400+ students on the latest Vernon Vibes broadcast. He felt that maintenance and/or repairs would be a better option than replacement of existing equipment.

Robert Oliver – clarified that the Mayor may have mis-spoken on the reduction in number of students, advising that Vernon had 5,500 students in 2002, but only 3,600 in 2012. The Mayor said he might have said it wrong.

Sally Rinker - read a prepared statement from the Vernon Taxpayers Association that was political in nature, including the affordable housing project.

Seeing no one else from the public wishing to speak, Council President Rizzuto asked for a motion to close the public comment portion of the meeting.

MOVED: Brian Lynch

SECOND: Eddie Dunn

All were in favor.

MAYOR’S COMMENTS

Mayor Marotta reported on the following items:

- Veterans Field – the site was inspected by our insurers, engineers, DPW personnel, etc. for safety concerns. It was determined that the equipment was in need of major replacement/repairs, that the basketball courts had suffered from being built on swampland which had chronic problems with flooding (including the “waviness” of the surface), and that the majority of children use the Maple Grange Park.
- Ambulance Purchase – the current rig is in poor shape.
- Oil and Stone Treatments – the planned areas have been completed for Evergreen and the Pleasant Valley Lake areas. The cost was less than anticipated, so with the money left over we will be able to treat the Cliffwood Lake area as well.
- He rebutted Ms. Rinker’s statements on the Affordable Housing project as to the steps the Land Use Board and the principles have taken from the beginning, and going forward with funding from COAH and HUD. This project will not use any funds from Vernon taxpayers.

Council President Rizzuto added that the Land Use Board approval was contingent on those approvals and funding.

APPROVAL OF MINUTES

Council President Rizzuto asked for a motion to approve the August 15, 2013 Regular Meeting Minutes:

MOVED: Eddie Dunn

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

ABSTAIN: Patrick Rizzuto

The minutes from the Regular Meeting of August 15, 2013 were approved.

The Council President asked for a motion to approve the August 19, 2013 Work Session Minutes:

MOVED: Brian Lynch

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

The minutes from the Work Session of August 19, 2013 were approved.

CONSENT AGENDA

Council President Rizzuto gave a brief description of Resolutions #13-166 through #13-172.

The Council President asked to separate out Resolution #13-172.

Mr. Rizzuto asked for a motion to approve Resolutions #13-166 - #13-171:

MOVED: Brian Lynch

SECOND: Eddie Dunn

A call vote was taken:

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

NAYS: None

Resolutions #13-166 - #13-171 were adopted.


RESOLUTION #13-166

TAX OVERPAYMENT

WHEREAS, A DUPLICATE PAYMENT was made on the Third quarter **2013** taxes; and

WHEREAS, such payment created an **OVERPAYMENT.**

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, 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>
199.08	34 C0233	Core Logic (Re: Jacob, John & Ellen E #75873137/11765)	\$ 908.94	3 rd	

RESOLUTION #13-167

WHEREAS, the State of New Jersey, Department of the Treasury, Division of Taxation has favorably awarded a HomeStead Credit to Scialla, Kathleen Block 150.16 Lot 44 for the year **2013**; and

WHEREAS, the Department of Veterans Affairs on March 11th, 2013 awarded Scialla Kathleen a 100% permanent and total disabled Veteran and the law exempts said property from taxation; and

WHEREAS, such HomeStead Credit has resulted in an overpayment of 2013 property taxes in the amount of \$395.61.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorizes the Township Treasurer to issue a check, and the Tax Collector refund said overpayment in the amount of \$395.61 for said overpayment of property taxes to Scialla, Kathleen; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and Township Treasurer.

RESOLUTION #13-168

WHEREAS, the State of New Jersey, Department of the Treasury, Division of Taxation has favorably awarded a HomeStead Credit to Little, Raymond & RuthAnn Block 200.12 Lot 18 for the year **2013**; and

WHEREAS, such HomeStead Credit has resulted in an overpayment of 2013 property taxes for this property in the amount of \$848.94; and

WHEREAS, the property was sold to a 100% permanent and total disabled Veteran and the law exempts said property from taxation.

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 a check and the Tax Collector refund said overpayment in the amount of \$848.94 for said overpayment of property taxes to Little, Raymond & RuthAnn.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and Township Treasurer.

RESOLUTION #13-169

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 described on Schedule “A” attached hereto and incorporated herein 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 on the attached Schedule “A” 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.

SCHEDULE “A”

TOWNSHIP OWNED VEHICLES

LOT #	YEAR/MAKE/MODEL	VIN#
1	2003 Ford F250	1FTNF21L83EA32016
2	2000 Ford F550	1FDAF57F2YEE06804
3	2000 International 2654	1HTGMADR8YH279621
4	2008 Ford Crown Victoria	1FAFP71V18X123950
5	2004 Ford Crown Victoria	2FAFP71W34X172019

6	2004 Dodge Durango	1D4HB38N04F141297
7	2004 Dodge Durango	1D4HB38N24F141298
8	2006 Dodge Charger	2B3KA43H26H503470

RESOLUTION #13-170

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR BARRY LAKES DAM REHABILITATION EXPENSE ESCROW PURSUANT TO N.J.S.A. 40A:4-39

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimated in advance; and

WHEREAS, N.J.S.A. 40:55D-53.1 provides for receipt of Barry Lakes Dam Rehabilitation Expense Escrow by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A 40A:4-39 provides the dedicated revenues anticipated from the Barry Lakes Dam Rehabilitation Expense Escrow are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Vernon, County of Sussex, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Barry Lakes Dam Rehabilitation Expense Escrow (N.J.S.A 40:55D-53.1).
2. The Clerk of the Township of Vernon, County of Sussex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

RESOLUTION #13-171

WHEREAS, Paul Dionne, Sponsorship Coordinator of the Reach the Beach Relay has applied for permission to use roadways within the Township of Vernon to conduct a Reach the Beach Relay Race beginning on Friday, October 18, 2013; and

WHEREAS, the race offers opportunities to raise money to support Back On My Feet, a national nonprofit organization that is dedicated to creating independence and self-sufficiency within the homeless and other underserved populations; and

WHEREAS, the Reach the Beach Relay Race is a 200-mile race starting at Mountain Creek on Friday, October 18, 2013, and ending at Seaside Heights on Saturday, October 19, 2013; and

WHEREAS, Paul Dionne has been advised to contact the State of New Jersey for permission to utilize a portion of Rt. 94; and

WHEREAS, Paul Dionne has been advised that one police officer will be required to be posted at Mountain Creek South where they cross the roadway, and payment for that officer will be required in advance of the event.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that there is no objection to the Reach the Beach Relay beginning at 6:00am and finishing in Vernon at 3:00pm on Friday, October 18, 2013; and

BE IT FURTHER RESOLVED that approval will be rescinded if payment for one officer is not received in advance of the event.

Mr. Rizzuto asked for a motion to approve Resolution #13-172:

MOVED: Brian Lynch
SECOND: Daniel Kadish

Mr. Rizzuto asked the Mayor if there were any issues or concerns with this Resolution. Mayor Marotta advised that after investigating the issue, everything was acceptable.

A call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Brian Lynch, Patrick Rizzuto
NAYS: None

Resolutions #13-172 was adopted.

RESOLUTION #13-172

AUTHORIZING THE RELEASE OF AN IRREVOCABLE STANDBY LETTER OF CREDIT FOR BLOCK 91 LOT 1.13

WHEREAS, Sussex Bank issued an Irrevocable Standby Letter of Credit #10097 in the amount of \$107,804.61 on August 13, 2007, for Block 91, Lot 1.13; and

WHEREAS, Sussex Bank advises that this Letter of Credit expired on August 31, 2012, and is asking for the original Letter of Credit to be returned to them; and

WHEREAS, this property is no longer owned by the original applicant, Sally A. Rinker.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, that it hereby approves and authorizes that the Irrevocable Standby Letter of Credit #10097 is to be released in its entirety to Sussex Bank.

ORDINANCES

Ordinance #13-16

Council President Rizzuto asked for a motion to approve Ordinance #13-16 on 1st reading by title only:

MOTION: Brian Lynch
SECOND: Daniel Kadish

Council Member Lynch felt confident on the details of the lease, noting that all or most of the equipment will be overhead and not underground.

Council Member Wetzel noted that the original ordinance was for a lease of 50 years, and now was down to 25 years.

Council Member Kadish was disheartened that the equipment will not be underground.

Council Member Dunn was satisfied with the work session discussion on this issue.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Dick Wetzel, Brian Lynch, Patrick Rizzuto
NAYS: None

Ordinance #13-16 was approved on 1st reading.

ORDINANCE #13-16

**AN ORDINANCE GRANTING NON-EXCLUSIVE PERMISSION TO
CO-LOCATE TELECOMMUNICATIONS EQUIPMENT AND FACILITIES
WITHIN THE PUBLIC RIGHTS-OF-WAY IN VERNON TOWNSHIP**

WHEREAS, facilities and equipment are co-located at various locations within the public Rights-of-Way in Vernon Township to facilitate the efficient and reliable distribution and provision of utility services; and

WHEREAS, Cross River Fiber, Inc. ("Cross River Fiber") was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011 and Docket No. TE12040297 on June 18, 2012 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Cross River Fiber proposes to co-locate its telecommunication facilities aerially on existing utility poles or in underground conduit within the Public Rights-of-Way of Vernon Township for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, the best interests of the Township and its citizenry are served by granting consent for co-location of equipment and facilities within the public rights-of-way for provision of telecommunication and other utility service; and

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Township for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

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

Section 1. Grant of Consent.

The Township hereby grants Cross River Fiber its municipal consent for the non-exclusive use of the Public Rights-of-Way within the municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

Section 2. Duration of Consent.

The non-exclusive municipal consent granted herein shall expire twenty-five (25) years from the Effective Date of this Ordinance.

Section 3. Public Purpose.

It is deemed to be in the best interests of the Township and its citizenry, particularly including commercial and industrial citizens, to grant non-exclusive municipal consent to Cross River Fiber to co-locate within said Public Rights-of-Way of the Township for this purpose.

Section 4. Scope of Use.

Any and all rights expressly granted hereby shall be exercised at Cross River Fiber's sole cost and expense, and shall be subject to the prior and continuing right of the Township under applicable laws to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other person or persons, and shall by further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such Public Rights-of-Way. Nothing in this Ordinance shall be deemed to grant, convey, create or vest in Cross River Fiber a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

Section 5. Location and Relocation of Facilities and Equipment.

Cross River Fiber's facilities and equipment shall be located and relocated in accordance with applicable standards, including, but not limited to, Township ordinances, as may be mutually agreed upon with the Township. Underground facilities shall be placed at least eighteen (18) inches below the surface of the public streets. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities and shall be constructed to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles. Cross River Fiber shall reimburse the Township for costs or fees incurred for engineering, legal or other review of its plans.

Section 6. Construction Requirements.

Cross River Fiber shall comply with the street opening or excavation permit requirements of the Township. Any area affected by the construction shall be restored to as good condition as it was before commencement of the work. No public streets or ways shall be encumbered for a period longer than reasonably needed to execute the work.

Section 7. No Obligation to Accept or Open Street.

Nothing contained herein shall be construed as an acceptance by the Township of any unaccepted street nor impose an obligation on the part of the Township to open any street not dedicated or opened to the public use.

Section 8. Maintenance of Facilities and Equipment.

Cross River Fiber shall maintain its facilities and equipment within the Township.

Section 9. Copies of Maps and Plans

Cross River Fiber agrees to provide to the Township, free of charge, copies of such maps and/or plans of its facilities and equipment as may be necessary or helpful to the Township in connection with any of its construction projects. This Section does not impose any obligation to create maps and plans specifically for the Township's use. Any maps or plans provided pursuant to this section shall be for general information purposes only and are not to be relied upon as an indication of the exact location of the facilities and equipment.

Section 10. Liability Insurance

Cross River Fiber shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy amount in the amount of Five Million Dollars (\$5,000,000.00).

Cross River Fiber shall file with the Township Certificates of Insurance with endorsements evidencing the coverage provided by said liability and excess liability policies prior to the commencement of any work in the Public Rights-of-Way.

The Township shall notify Cross River Fiber within thirty (30) days after the presentation of any claim or demand to it, either by suit or otherwise, made against the Municipality on account of any of Cross River Fiber or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this municipal consent.

Section 11. Indemnification

Cross River Fiber, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Municipality, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all personal injury and property damage claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Cross River Fiber

actions under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys fees, court costs and any other expenses that may be incurred by the Municipality in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Cross River Fiber activities pursuant to the rights hereby granted.

Section 12. Taxes, Fees and Charges

Cross River Fiber shall pay reasonable fees imposed by the Township for actual services made and provided in connection with this municipal consent and its non-exclusive use of the Public Rights-of-Way. This municipal consent does not affect the ability of the Township to impose real property taxes on the telecommunications facilities and equipment under current law. Further, in the future should applicable law change so as to enable the Township to impose a franchise fee or other fee, tax, charge, or other monetary obligation on Cross River Fiber's operations or facilities, it agrees that the provisions of this municipal consent shall not preclude the Township from imposing or collecting such fee, tax, charge or other monetary obligation as may be permitted by law.

Section 13. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 14. Severability.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 15. Effective Date

This Ordinance shall take effect upon notice, publication and adoption as required by law.

COUNCIL COMMENTS

Council Member Lynch reminded drivers to be more careful as children return to school. He is glad for the new law against texting and driving.

Council Members Wetzel, Kadish, and Dunn had nothing to add at this time.

Council President Rizzuto also cautioned drivers about being more careful with schoolchildren.

Mayor Marotta noted that there is a sign out front about "Drive Sober or Get Pulled Over", advising that police are out doing increased patrols on this issue.

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 Brian Lynch. Motion seconded by Council Member Eddie Dunn, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:29pm.

Respectfully submitted,

Susan S. Nelson, RMC
Municipal Clerk

Minutes approved: September 9, 2013

Patrick Rizzuto, Council President