

**Township of Vernon**

**TOWNSHIP COUNCIL REGULAR MEETING**

**September 8, 2014**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:30 p.m. on Monday, September 8, 2014 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Acting Council President Dan Kadish presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on January 8, 2014, 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 Dan Kadish, Jean Murphy, Patrick Rizzuto, and Dick Wetzel. Council President Brian Lynch was absent. Also present was Township Attorney Kevin Kelly and Mayor Victor Marotta.

**ACTING COUNCIL PRESIDENT**

Township Attorney Kevin Kelly asked for a motion to appoint the Acting Council President in Mr. Lynch's absence.

Motion was made to appoint Council Member Dan Kadish.

MOTION: Patrick Rizzuto

SECOND: Jean Murphy

All members present were in favor.

**SALUTE TO THE FLAG**

Acting Council President Kadish led the assemblage in the salute to the flag.

**PUBLIC COMMENT: Acting Council President Kadish asked for a motion to open the meeting for Public Comments.**

MOTION: Jean Murphy

SECOND: Patrick Rizzuto

All members were in favor.

Gary Martinsen stated he was glad to see no one was hurt in the fire at Camp Sussex. Mr. Martinsen stated the responders did a wonderful job. Mr. Martinsen said that this past week the last page of the AIM had an advertisement for Shop Local which took the whole last page. Mr. Martinsen opined that all town businesses should be advertised in the newspaper not just the ones who participate in the Shop Vernon program. Mr. Martinsen said the Chamber of Commerce website was also disappointing because it only advertised the businesses that were a member of the Chamber. Mr. Martinsen stated there are 200 businesses in Vernon and only 22 in the Shop Vernon program. Mr. Martinsen expounded that you cannot advertise just the Shop Vernon businesses and slight everyone else. Mr. Martinsen further explained that the Chamber should likewise expand their page.

Theresa Vihti, Glenwood, Co-Chair Economic Development Advisory Committee explained that the Township only advertised the 20 or so businesses because those businesses are paying for the advertising and participating in the Shop Local program. Ms. Vihti stated she could not speak on behalf of the Chamber. Ms. Vihti noted that if Mr. Martinsen wanted, his business was welcome to join the Shop Vernon Program which was \$10 a month.

Christa Gerry claimed that several people including her husband were being sued by the Township's Attorney Kevin Kelly and the Mayor. Ms. Gerry stated that Ordinance 14-17 belonged on the ballot. Ms. Gerry stated there were character assassinations perpetrated against some people and others who gloat over the misfortunes of others. Ms. Gerry continued that the Christian way is to love thy neighbor. Ms. Gerry stated she was outraged by the Mayor's

editorial. Ms. Gerry stated she would not be silenced by lawsuits and that she believed all had the right to have their voices heard.

Sally Rinker, Vernon read a 2009 quote from Mayor Marotta about when you cannot rely on the Governing Body you must to stand up and call the situation for what it is. Ms. Rinker stated she had a message for the Mayor and his three friends, Ms. Rinker stated she was sorry Council President Lynch was not there to hear her statement. Ms. Rinker stated the Township's government was a tyranny with a tyrant, the Mayor, who uses a bully pulpit, called Vernon Vibes. Ms. Rinker stated that the tyrant has turned the Boards and Commission into political action committees. Ms. Rinker stated that 3 council members have abdicated their roles to the tyrant. Ms. Rinker stated that friends of the tyrant malign persons, make up lies and attack those persons that come to meetings much like the tyrant they serve. Ms. Rinker stated that as to the lawsuit involving 119 social security numbers, it was given rise to from a request to seek information. Ms. Rinker asked if the Council if they were aware that seeking a declaratory judgment was a lawsuit. Ms. Rinker stated when she was served, named as a defendant, and there was a request that included the petitioners pay the legal fees. Ms. Rinker stated this was spite. Ms. Rinker stated that we will not be silenced by lawsuits, social media and letters to the editors. Ms. Rinker stated she would speak about any and everything she wished.

### **CLOSED TO PUBLIC COMMENTS**

Seeing no other members of the public wishing to speak, Council President Lynch asked for a motion to close the public portion of the meeting.

MOTION: Patrick Rizzuto

SECOND: Jean Murphy

All Members were in favor.

### **PROCLAMATIONS**

Acting Council President Dan Kadish asked Mayor Marotta to approach the podium.

Mayor Marotta read the following proclamation:

#### **Proclamation**

**WHEREAS**, Prostate Cancer is a serious threat to men's health across New Jersey and the nation, and

**WHEREAS**, while the causes of Prostate Cancer are still unknown, men with certain risk factors may be more likely to develop the disease and most men who suffer from Prostate Cancer are over the age of 65 and those whose fathers, brothers, or sons have had the disease are also at greater risk, and African American men experience both the highest incidence and the highest mortality rates; and

**WHEREAS**, increased public awareness of this disease, its risk factors, and its symptoms may save lives as men across New Jersey learn to recognize the warning signs of Prostate Cancer as listed at [www.Cancer.gov](http://www.Cancer.gov); and

**WHEREAS**, Prostate Cancer is treatable when detected early, and prompt treatment can significantly reduce the suffering and deaths caused by this disease.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that the *MONTH OF SEPTEMBER* shall be proclaimed *PROSTATE CANCER AWARENESS MONTH* in the Township of Vernon, and that we encourage citizens to stand together against this disease.

**September 2014**

**PROSTATE CANCER AWARENESS MONTH**

**In Vernon Township**



## TOWNSHIP MAYOR'S REPORT

- Mayor Marotta stated that there had been an extensive review by Moody's for the Township's bond rating and the Township had received an A3 rating. Mayor Marotta explained there was going to be a higher savings on the refunding bond, noting it would probably be around \$310,000.
- Mayor Marotta explained the Township had received the new street sweeper that had been authorized for purchase earlier this year. Mayor Marotta stated that the Township had saved \$41,000 by purchasing a demo model. Mayor Marotta indicated that the machine was now in use for the oil and stone project.
- Mayor Marotta noted that the playground at Veteran's Park had been closed by the Township's insurer and the Township was looking at reconfiguring the fields in 2015.

## APPROVAL OF MINUTES

It was moved and seconded as noted below to approve the following minutes:

August 18, 2014 Work Session Meeting Minutes

MOVED: Pat Rizzuto  
SECONDED: Dick Wetzel

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy, Patrick Rizzuto, Dick Wetzel  
NAYES: None  
ABSTAIN: None.  
ABSENT: Brian Lynch

Motion carried to approve minutes for August 18, 2014.

## CONSENT AGENDA

Acting Council President Kadish gave a brief explanation of Resolutions #14-146 - #14-151.  
Acting Council President Kadish asked for a motion to adopt Resolutions #14-146 - #14-151.

MOVED: Jean Murphy  
SECONDED: Dick Wetzel

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy, Patrick Rizzuto, Dick Wetzel  
NAYES: None  
ABSTAIN: None  
ABSENT: Brian Lynch

Resolutions #14-146 - #14-151 were adopted.

### **Resolution # 14-146**

#### **AUTHORIZING IN REM FORECLOSURE PROCEEDINGS**

**WHEREAS**, the Township of Vernon holds Tax Sale Certificates more Specifically set forth in the annexed Tax Foreclosure List, which pertain to Property within Vernon Township; and

**WHEREAS**, the Council of the Township of Vernon has determined that said Tax Sale Certificates shall be foreclosed by summary proceedings In Rem.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the

Township of Vernon, Sussex County, New Jersey, as follows:

That the Tax Certificates, as shown on the annexed Tax Foreclosure List, Now held by the Township of Vernon, be foreclosed by summary process In Rem as described in N.J.S.A. 54:5-104.29 et seq., as amended, and Pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

**RESOLUTION #14-147**

**REFUNDING TAX OVERPAYMENT**

**WHEREAS, A DUPLICATE PAYMENTS** was made on the Third & Second quarter 2014 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>QUARTER</u>	<u>LOCATION</u>
83	3.07	LERETA LLC (Re: Heslin, Edward T #19460110-0001)	\$ 1,305.07	3 <sup>rd</sup>	████████████████████
188.01	18 C0005	Mountain Creek Resort	\$1,395.99	2 <sup>nd</sup>	████████████████████
199.02	18 C0008	Core Logic (Mickens, Lonnie #28754829-404189)	\$764.96	3 <sup>rd</sup>	████████████████████
199.08	41 C0196	Core Logic (Boone, Bernard #24982627-41417)	\$774.22	3 <sup>rd</sup>	████████████████████
232.01	7	Core Logic (Santiago, Pamela #08490035-40189)	\$795.77	3 <sup>rd</sup>	████████████████████
233.04	10	Core Logic (Park, Jang #19137948-59307)	\$3535.51	3 <sup>rd</sup>	████████████████████

**RESOLUTION #14-148**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2014 BUDGET AS A REVENUE AND APPROPRIATION OF \$2,185.96**

**WHEREAS,** N.J.S.A. 40A:4-87 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 has been awarded a \$2,185.96 Municipal Court Alcohol Education Rehabilitation and Enforcement Fund from the New Jersey Courts; and wishes to amend its 2014 budget for this amount as a revenue.

**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 2014 in the sum of \$2,185.96 which is now available as a revenue from the New Jersey Courts and;

**BE IT FURTHER RESOLVED** that a like sum of \$2,185.96 is hereby appropriated under the caption Alcohol Ed Rehab Fund Grant.

**RESOLUTION #14-149**

**AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #52 TO PURCHASE A CLEAN AGENT FIRE SUPPRESSION SYSTEM FOR THE VERNON TOWNSHIP POLICE DEPARTMENT SERVER ROOM AND VAULT**

**WHEREAS**, the Township of Vernon has a need to purchase a Clean Agent Fire Suppression System for the Police Department Server Room and Vault; and

**WHEREAS**, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said equipment through Contract #52; and

**WHEREAS**, the Vernon Township Police Department recommends the Township Council award the contract for the Clean Agent Fire Suppression System using the vendor Absolute Protective Systems, Inc. 3 Kellogg Court Unit 13, Edison, NJ 08817; and

**WHEREAS**, the total cost of the Clean Agent Fire Suppression System will be \$16,467.00 and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account#3095501 per Ordinance #14-05.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, Absolute Protective Systems, Inc. be utilized to purchase a Clean Agent Fire Suppression System for the Police Department Server Room and Vault through the Morris County Co-Op at a cost not to exceed \$16,467.00.

**RESOLUTION #14-150**

**AUTHORIZING PLACEMENT OF BANNER FOR “HEROES FOR MAKENZIE”**

**WHEREAS**, “Heroes for Makenzie” in Highland Lakes, New Jersey has requested permission from the Township Council to place a banner at the Intersection of Route 515 and Route 94 to advertise for the “Heroes for Makenzie” Stuffed Cabbage Fund Raiser in memory of Makenzie Hooke, a nine (9) year old resident of Vernon whose life was tragically cut short by AT/RT cancer; and

**WHEREAS**, “Heroes for Makenzie” has received permission from the property owner Vernon Tire and Auto Center, Terry Huber, located at the intersection of Route 515 and Route 94 to place a sign on his property near the intersection, and

**WHEREAS**, the banner measuring 3’ by 8’ will be securely staked at the intersection of Route 515 and Route 94; and

**WHEREAS**, “Heroes for Makenzie” is requesting to display the banner, for a time period of twenty days, beginning September 9, 2014 through to September 28, 2014 and thereafter will promptly remove it; and

**WHEREAS**, the Township Code Enforcement Officer has advised that pursuant to the Vernon Township Code 330-180 that the placing of a sign of this size and character requires permission of the Council for placement and waiver of fees.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon, that “Heroes for Makenzie”, 2069 Lakeside Drive West, Highland Lakes, New Jersey is granted permission to place a banner, without fee, at the intersection of Route 515 and Route 94, as described above, from September 9, 2014, through September 28, 2014, in association with the “Heroes for Makenzie” Stuffed Cabbage Fund Raiser Event, provided all other requirements of Township Code 330-180 are followed.

**RESOLUTION #14-151**

**RESOLUTION TO AWARD A CONTRACT TO THOMSON REUTERS-WEST**

**WHEREAS**, there exists a need for the Township to maintain the most current version of the New Jersey Statutes Annotated and New Jersey Administrative Code; and

**WHEREAS**, the Township currently maintains the New Jersey Statutes Annotated in a paper format which is only updated yearly; and

**WHEREAS**, after review of pricing and services it is more cost effective for the Township to purchase the on-line version of the Statutes Annotated and Administrative Code rather than maintain paper books; and

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

**WHEREAS**, the term of the contract will be from September 9, 2014 through September 8, 2017 with a total contract price not to exceed \$288.15 per month during the first twelve months; \$302.55 per month during the second twelve months; \$317.67 per month during the third twelve months.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor, Clerk and CFO are authorized to execute a contract with Thomson Reuters, A West Corporation, for maintenance of the New Jersey Administrative Code and New Jersey Statues Annotated.

### **INTRODUCTION/1st READING OF ORDINANCES**

#### **Ordinance #14-18**

Acting Council President Kadish read Ordinance #14-18 by title only.

#### **AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF VERNON BY ADOPTION OF A REVISED PAGE 1 OF THE ZONING MAP, SECTION 330-158 OF CHAPTER 330.**

Acting Council President Kadish asked for a motion to introduce Ordinance #14-18 with a public hearing to be held on October 16, 2014.

MOVED: Dick Wetzel  
SECONDED: Patrick Rizzuto

A roll call vote was taken:

AYES: Jean Murphy, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None

ABSENT: Brian Lynch

Motion carried to introduce Ordinance 14-18 with a public hearing on October 16, 2014.

### **PUBLIC HEARING/2nd READING OF ORDINANCES**

None

#### **COUNCIL COMMENTS:**

Council Member Wetzel questioned which government entity was responsible for the divider on Route 515 as parts of it were looking poorly. Mayor Marotta indicated that it was under the purvey of the County with the exception of the first 50 feet that were controlled by the State. Mayor Marotta indicated he had had conversations about its repair but he had not received any results as of yet.

Council Member Rizzuto indicated that the Township's form of government was a representative democracy and that representatives are elected by the people. Council Member Rizzuto expressed distress over being called part of the party of the tyrant and a tool of the Mayor simply because he and the Mayor shared the same view point. Council Member Rizzuto stated that agreeing with someone else's viewpoint does not make them wrong. Council Member Rizzuto stated he would like to see some examples of how we are trying to oppress the people or persons

that have a different point of view. Council Member Rizzuto stated his exercising a different point of view is done so as a representative of the people; these people voted for me and in four years they can chose not to vote for me. Council Member Rizzuto stated that someone who does not have the strength of their convictions can put their finger in the wind but he was comfortable with his decisions. Council Member Rizzuto opined being called a tyrant or a tool is totally wrong. Council Member Rizzuto stated the choice to go to the Court was because the will of the people was already spoken. Council Member Rizzuto noted that this was the government we chose and we have to make the best of it.

Council Member Murphy asked Mayor Marotta who he spoke to about Route 515. Mayor Marotta stated he spoke to the Engineer. Mayor Marotta explained there is controversy over this road because Vernon wanted control of this but the County said no. Mayor Marotta noted that previously the Township had met with the County as to what Vernon could and could not do along the edges but not the middle, which remained with the County. Mayor Marotta noted that the accidents on the road were the reason the State wanted control of the one section. Council Member Kadish stated that the County was rather insistent that they maintain control of the road. Council Member Murphy questioned that according to the Township Code the Council is the Open Space Committee. Council Member Murphy stated she would like the information on the bike path. Mayor Marotta stated the open space committee falls to the Environmental Commission. Mayor Marotta noted the code may need to be corrected. Township Attorney Kevin Kelly stated he would look up the issues discussed to provide a better response. Council Member Murphy reviewed section 5-90 of the Township Code. Township Attorney Kelly stated he will review same and reply.

Council Member Kadish stated the Township Code also included a health department ordinance for a health department that the Township does not have. Council Member Kadish stated he had no comment.

Council President Lynch was absent.

#### **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 Rizzuto, seconded by Council Member Kadish with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:17 p.m..

Respectfully submitted,

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Lauren Kirkman,  
Municipal Clerk

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Dan Kadish,  
Acting Council President

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Brian Lynch,  
Council President

Minutes approved: October 16, 2014