

**Township of Vernon**

**TOWNSHIP COUNCIL REGULAR MEETING**

**October 16, 2014**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Thursday, October 16, 2014 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Acting Council President Patrick Rizzuto 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. Also present were Mayor Victor Marotta and Township Attorney Kevin Kelly.

There was no Executive Session.

**SALUTE TO THE FLAG**

Township Attorney Kevin Kelly led the assemblage in the salute to the flag.

**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 Patrick Rizzuto.

MOTION: Dick Wetzel

SECOND: Jean Murphy

All members present were in favor.

**PRESENTATIONS-** Swearing in of New Police Officer- Nicholas Palmisano

Acting Council President Rizzuto asked that Officer Nicholas Palmisano, Mayor Victor Marotta, and Chief Mills Approach the podium.

Mayor Marotta administered the Oath of Office to Officer Palmisano:

**Township of Vernon**

**OATH OF ALLEGIANCE AND OFFICE**

Chap. 217, P.L. 1971. N.J.S.A. 41:1-1 and 41:1-3

STATE OF NEW JERSEY :  
: ss  
COUNTY OF SUSSEX :

I, **Nicholas Palmisano**, do solemnly affirm that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same, and to the Governments established in the United States and in this State, under the Authority of the People.

I do further solemnly affirm that I will faithfully, impartially and justly perform all the duties as **Police Officer** of the Township of Vernon, according to the best of my ability, so help me God.

## PROCLAMATIONS

Mayor Victor Marotta read the following proclamation:

### PROCLAMATION

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

**WHEREAS**, increased public awareness of this disease, its risk factors, and its symptoms may save lives as women across New Jersey learn to recognize the warning signs of Breast Cancer; and

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

**WHEREAS**, the Sussex County Chronic Disease Coalition and Project Self Sufficiency are organizations partnering to promote Breast Cancer awareness during the Month of October through the Susan G. Komen's Annual Tie a Pink Ribbon Campaign; and

**WHEREAS**, Pink Ribbons have become an increasingly recognized sign of courage, support and hope for a cure.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that the *MONTH OF OCTOBER* shall be proclaimed *BREAST CANCER AWARENESS MONTH* in the Township of Vernon and the displaying of Pink Ribbons during the Month of October is a wonderful way to encourage citizens to stand together against this disease.

**October 2014**

### **BREAST CANCER AWARENESS MONTH**

**In Vernon Township**

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

MOTION: Dan Kadish  
SECOND: Dick Wetzel  
All members were in favor.

Jackie Espinoza of JCP&L stated that there is currently a scam going on where people call claiming they are JCP&L and if you do not pay your bill immediately they will turn your power off. Ms. Espinoza explained these people are very demanding, they require a gift card for payment so that it cannot be reversed.

### **CLOSED TO PUBLIC COMMENTS**

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

MOTION: Dan Kadish  
SECOND: Dick Wetzel  
All Members were in favor.

### **TOWNSHIP MAYOR'S REPORT**

- Mayor Marotta indicated that the Court had directed the Township to have a finance committee which would be comprised of himself, Bill Zuckerman and Elke Yetter. They would be working on finances and reviewing the department's budgets. Council Member Murphy questioned if the finance committee would be providing bonuses for employees this year. Mayor Marotta indicated that was possible. Council Member

Murphy questioned the Court's decision. Attorney Kevin Kelly stated he would review the decision.

- Mayor Marotta announced that as of October 15, 2014 Alison Larocca was the new zoning and code enforcement officer.

### **APPROVAL OF MINUTES**

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

#### August 25, 2014 Executive Session Meeting Minutes

MOVED: Patrick Rizzuto  
SECONDED: Jean Murphy

A roll call vote was taken:

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

Motion carried to approve minutes for August 25, 2014.

#### September 8, 2014 Regular Meeting Minutes

It was moved and seconded to approve the following minutes with a correction that in the Mayor's report it indicate Veteran's Park not Maple Grange:

MOVED: Dan Kadish  
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 September 8, 2014 with correction noted.

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

#### September 17, 2014 Work Session Meeting Minutes

MOVED: Dan Kadish  
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 September 17, 2014.

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

#### September 22, 2014 Regular Meeting Minutes

MOVED: Dan Kadish  
SECONDED: Dick Wetzel

Council Member Murphy questioned if the bond referred to by Mayor Marotta in his report was the Aqua Bond. Mayor Marotta indicated that it was.

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 September 22, 2014.

**CONSENT AGENDA**

Acting Council President Rizzuto gave a brief explanation of Resolutions #14-158 - #14-177. Acting Council President Rizzuto asked for a motion to adopt Resolutions #14-158 - #14-177 excluding resolutions 14-161, 14-165, 14-167, 14-168, 14-173 and 14-175 for separate vote.

MOVED: Dan Kadish  
SECONDED: Patrick Rizzuto

A roll call vote was taken:

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

Resolutions #14-158 - #14-177 were adopted excluding resolutions 14-161, 14-165, 14-167, 14-168, 14-173 and 14-175 for separate vote..

**RESOLUTION #14-158**

**AUTHORIZING REFUND OF 2012 TAX OVERPAYMENT- (BL. 270, L 6.03 VARIOUS PROPERTIES)**

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

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

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

<b>BLOCK</b>	<b>LOT</b>	<b>QUAL</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
270	6.03	CT2	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$529.60	████████
270	6.03	CT5	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$529.60	████████
270	6.03	CT6	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$529.60	████████
270	6.03	CT7	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$1,059.20	████████

270	6.03	CT1	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$529.60	██████
270	6.03	CM/L8	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$27,515.37	██████

**RESOLUTION #14-159**

**AUTHORIZING REFUND OF 2013 TAX OVERPAYMENT- (BL. 207, L 6.03 –Various)**

**WHEREAS**, a **Tax Court Judgment** has been favorably awarded for the year 2013; and

**WHEREAS**, such judgment has resulted in an overpayment of the 2013 taxes;

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

<b>BLOCK</b>	<b>LOT</b>	<b>QUAL</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
271	██████	6.03	CT2 Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$525.80	██████
270		6.03	CT5 Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$525.80	██████
270		6.03	CT6 Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$525.80	██████
270		6.03	CT7 Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$1,051.60	██████
270		6.03	CT1 Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$525.80	██████
270		6.03	CM/L8 Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$27,317.94	██████

**RESOLUTION #14-160**

**AUTHORIZING REFUND OF 2014 TAX OVERPAYMENT- (BL. 270, L 6.03 CM/L8)**

**WHEREAS**, a **Tax Court Judgment** has been favorably awarded for the year 2014; and;

**WHEREAS**, such judgment has resulted in an overpayment of the 2014 taxes.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex State of New Jersey, hereby authorize the Township Treasurer to issue check

for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

<b>BLOCK</b>	<b>LOT</b>	<b>QUAL</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>LOCATION</b>
270 █	6.03	M/L8	Milelli/Vernon Plaza Family LLC c/o Stavitsky & Associates LLC Attorney Trust Account	\$7,108.54	█

**RESOLUTION #14-162**

**APPROVING SUBMITTAL OF GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LAKE WALLKILL ROAD PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Vernon Township Council of the Township of Vernon, County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Lake Wallkill Road-00133 to the New Jersey Department of Transportation on behalf of Vernon Township.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Vernon Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

My signature and Municipal Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

**RESOLUTION #14-163**

**APPROVING SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAMMIS ROAD PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Vernon Township Council of the Township of Vernon, County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Proposed Improvements to Sammis Road-00135 to the New Jersey Department of Transportation on behalf of Vernon Township.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Vernon Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

My signature and Municipal Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

**RESOLUTION #14-164**

**AUTHORIZING CANCELLATION OF TAXES FOR TOWNSHIP OWNED PROPERTIES**

**WHEREAS N.J.S.A.54:5-104.29 ET. Seq. IN-REM- FORECLOSURE** allowed the Township of Vernon to foreclose Tax Certificates which pertain to properties within Vernon Township and the Township of Vernon has acquired Final Judgment In Rem Docket #F004993 on September 9, 2014 to become tax exempt; and

**WHEREAS**, the Township of Vernon has acquired the annexed Tax Foreclosure List on September 9, 2014; and

**WHEREAS**, the Township of Vernon is claiming effective for the 2014 taxes, tax exempt.

**NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Township of Vernon, County of Sussex State of New Jersey, hereby authorizes the Tax Collector to cancel the 2014 taxes in the amount set forth in the annexed Tax Foreclosure List as deem necessary.

**BE IT FURTHER RESOLVED**, that a certified copy of the Resolution be forwarded to the Tax Collector and Township Auditor.

#### **RESOLUTION #14-166**

##### **AUTHORIZING AWARD OF CONTRACT FOR COLLECTION OF COURT FEES**

**WHEREAS**, the Vernon Township Municipal Court has a need for help in collection of past due fees; and

**WHEREAS**, the Administrative Director of the Courts has authorized use of a private collection company when the municipal court has exhausted all judicial enforcement remedies; and

**WHEREAS**, the Township Business Administrator and the Municipal Court Administrator met with the listed vendor (Williams, Alexander & Associates ), and along with the Municipal Court Judge, are recommending to the Governing Body that past due fees be turned over to them for collection; and

**WHEREAS**, the contingency rate is not to exceed 22% of the debt to be paid by the debtor, in accordance with N.J. State Law L. 2009, c233, therefore there is no cost to the Township for this service if no recovery of the fees is made.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and the State of New Jersey, that the Mayor, CFO, Court Administrator and/or Municipal Clerk are authorized to sign a one year contract with Williams, Alexander & Associates for the terms listed above. Prior to implementation of the contract, the Township shall send to the Administrative Director of the Courts a copy of the contract for approval to the following address; Municipal Court Services Division; P.O. Box 986; Trenton, New Jersey 08625-0037.

#### **RESOLUTION #14-169**

##### **APPROVING ACTIVE VOLUNTEER FIREMAN FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMEN'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**, James M. Henderson, an active firefighter and member of the Vernon 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 James M. Henderson for membership in the New Jersey State Firemen's Association.

#### **RESOLUTION #14-170**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND  
APPROPRIATION AMENDING THE 2014 BUDGET AS A REVENUE AND  
APPROPRIATION OF \$3,199.24**

**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 \$3,199.24 State Body Armor Replacement Fund Grant from the New Jersey Division of Criminal Justice; and wishes to amend its 2014 budget for this amount as 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 \$3,199.24 which is now available as a revenue from the New Jersey Division of Criminal Justice and;

**BE IT FURTHER RESOLVED** that a like sum of \$3,199.24 is hereby appropriated under the caption State Body Armor Replacement Fund Grant.

**RESOLUTION #14-171**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND  
APPROPRIATION AMENDING THE 2014 BUDGET AS A REVENUE AND  
APPROPRIATION OF \$10,982.91**

**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 \$10,982.91 Drunk Driving Enforcement Fund Grant from the New Jersey Department of Law and Public Safety Division of Highway Traffic Safety; 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 \$10,982.91 which is now available as a revenue from the New Jersey Department of Law and Public Safety Division of Highway Traffic Safety and;

**BE IT FURTHER RESOLVED** that a like sum of \$10,982.91 is hereby appropriated under the caption Drunk Driving Enforcement Fund Grant.

**RESOLUTION 14-172**

**ESTABLISHING A CURRENT FUND BALANCE POLICY FOR THE TOWNSHIP AS  
PART OF THE STATE OF NEW JERSEY'S BEST PRACTICES CHECKLIST**

**WHEREAS**, in 2011 the State of New Jersey instituted a best practices checklist in an effort to "make government operate more efficiently, strengthen its accountability, and better manage scarce taxpayers' resources", and;

**WHEREAS**, since the inception of the best practices checklist, the Township of Vernon has made every effort to comply with the standards established by the State; and



**WHEREAS**, the best practices checklist recommends the adoption of a fund balance policy to serve as a basis for decisions regarding future solvency; and

**WHEREAS**, Fund Balance is created by realizing more revenue than budgeted and by spending less than budgeted. It is also created by miscellaneous revenue not anticipated, return of interfunds and establishment of reserves such as reserve for uncollected taxes, snow removal and property tax appeals; and

**WHEREAS**, the Township Auditor and Chief Financial Officer have considered the factors affecting fund balance and evaluated the historic budget and financial records and recommended to the Governing Body a goal of maintaining sufficient fund balance; and

**WHEREAS**, the Township Chief Financial Officer has analyzed the Township's fund balance trends over the last 5 years and explained the importance of maintaining a reasonable fund balance to promote better budgeting practice, foster reasonable tax rate management and ensure a strong credit rating; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body does hereby concur with the goal of consistently maintaining sufficient fund balance in the annual budgeting process as recommended by the Township Auditor and Chief Financial Officer,

**BE IT FURTHER RESOLVED**, the fund balance policy goal shall be as described in the attached Appendix,

**BE IT FURTHER RESOLVED** that the Governing Body shall strive to achieve this fund balance policy goal annually during the budget process.

#### **RESOLUTION #14-173**

#### **AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH BAKER ROAD HOMEOWNER'S ASSOCIATION., A QUALIFIED PRIVATE COMMUNITY, FOR SERVICES, DEFINED BY N.J.S.A.40:67-23.2**

**WHEREAS**, the Community is a qualified community pursuant to N.J.S.A. 40:67-23.2 (e); and

**WHEREAS**, the Community has made application to the Township to be recognized under the Municipal Services Act; and

**WHEREAS**, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute an Agreement with Baker Road Homeowners Association, Inc. recognizing them as a qualified community under the Municipal Services Act; and

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

#### **RESOLUTION #14-174**

#### **AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A LOAN SUBORDINATION AGREEMENT ON BEHALF OF PNC BANK AND RICHARD SABAT AND TERRI SABAT**

**WHEREAS**, The Township of Vernon is a mortgagee for Richard Sabat and Terri Sabat for home improvements in the amount of \$15,000.00 for property located at [REDACTED] lock 83 Lot 3.10 as shown on the current tax map of Township of Vernon; and

**WHEREAS**, Richard Sabat and Terri Sabat desire to refinance their first mortgage with PNC Mortgage, a Division of PNC Bank, NA which requires a loan subordination agreement from the Township of Vernon; and

**WHEREAS**, it is in the best interest of Vernon to permit the refinance of the existing first loan on the subject property.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows.

1. The Mayor and Township Clerk of the Township of Vernon, be and hereby are authorized and directed to execute said Loan Subordination Agreement.
2. This Resolution shall take effect immediately upon adoption according to law.

#### **RESOLUTION #14-176**

#### **AUTHORIZING THE AWARD OF CONTRACT FOR GUIDERAILS – BREAKNECK ROAD PHASE 1**

**WHEREAS**, there is a need for Guiderail Improvements along Breakneck Road within Vernon Township;

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

**WHEREAS**, the Township of Vernon opened three bids for the proposed drainage improvements on October 9, 2014 at 10:00 a.m.; and

**WHEREAS**, three bids were received and reviewed by the Township Engineer Cory Stoner for the specified bid requirements; and

**WHEREAS**, after review, the lowest bidder did fully meet the bid requirements and is recommended to be awarded the contract to M.L. Ruberton Construction Co., Inc., P.O. Box 564, Hammonton, New Jersey, 08037 in the amount of \$57,175.00

**WHEREAS**, the Chief Finance Officer has certified funds available for this purpose in Account #3095718.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, to award the bid to M.L. Ruberton Construction Co., Inc. for the completion of Guiderail Improvements along Breakneck Road within Vernon Township.

This Resolution shall take effect immediately according to law.

#### **RESOLUTION #14-177**

#### **AUTHORIZING THE AWARD OF CONTRACT FOR RAISED PAVEMENT MARKERS– BREAKNECK ROAD PHASE 1**

**WHEREAS**, there is a need for installation of Raised Pavement Markers along Breakneck Road within Vernon Township;

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

**WHEREAS**, the Township of Vernon opened three bids for the proposed drainage improvements on October 9, 2014 at 10:30 a.m.; and

**WHEREAS**, two bids were received and reviewed by the Township Engineer Cory Stoner for the specified bid requirements; and

**WHEREAS**, after review, the lowest bidder did fully meet the bid requirements and is recommended to be awarded the contract to Zone Striping, Inc., P.O. Box 568, Glassboro, New Jersey, 08028 in the amount of \$14,960.00

**WHEREAS**, the Chief Finance Officer has certified funds available for this purpose in Account #3095718.

**NOW, THEREFORE BE IT RESOLVED** by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award the bid to Zone Striping, Inc.. for the installation of Raised Pavement Markers along Breakneck Road within Vernon Township.

This Resolution shall take effect immediately according to law.

## **RESOLUTIONS REQUIRING SEPARATE ACTION**

### **Resolution #14-161**

Acting Council President Rizzuto asked for a motion to adopt Resolution #14-161.

MOVED: Dan Kadish  
SECONDED: Jean Murphy

Council Member Kadish asked if there were outstanding taxes on this property and if the license was currently inactive. Clerk Kirkman explained this was the renewal for the Inactive License for Legends which had been approved through the State ABC via Special Ruling.

A roll call vote was taken:

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

Motion carried to pass resolution 14-161.

## **RESOLUTION #14-161**

### **RENEWAL OF LIQUOR LICENSE IN VERNON TOWNSHIP FOR THE 2014-2015 LICENSING TERM**

**WHEREAS**, all licenses to dispose alcoholic beverages must be renewed and reissued annually; and

**WHEREAS**, the following license required a Special Ruling by the State Division of Alcoholic Beverages as the license is currently inactive pursuant to N.J.S.A. 33:1-12.39 prior to its renewal; and

**WHEREAS**, the State Division of Alcoholic Beverages has now issued said special ruling for the 2014-15 and 2015-16 license terms; and

**WHEREAS**, pursuant to N.J.S.A. 33:1-1 et. seq., the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2014-2015 licensing period effective as of July 1, 2014.

### **PLENARY RETAIL CONSUMPTION**

Legends Liquor Inc. (d.b.a. Legends Resort and Country Club) 1922-33-006-011

**Resolution #14-165**

Acting Council President Rizzuto asked for a motion to adopt Resolution #14-165- Authorizing The Mayor To Execute A Contract With Three (3) Certified Property Appraisers

MOVED: Jean Murphy  
SECONDED: Dick Wetzel

Council Member Murphy questioned why the Township was considering three (3) appraisals for the purchase of Camp Sussex rather than two (2). Council Member Kadish stated generally there would only be two (2) and a third would be hired only if the two (2) were out of spread. Mayor Marotta stated this was the first step in due diligence as the NJ Land Conservancy would be giving a \$150,000 donation if we purchased the property known as Camp Sussex. Mayor Marotta noted that if there was a divergence in the appraisals the Township would seek a third. Mayor Marotta advised that the Land Conservancy would be requiring the Township to follow the same rules as for a green acre grant in its due diligence. Council Member Murphy asked if accepting the funds would open the land up to the public for their use. Mayor Marotta stated he would check. Council Member Murphy stated that previously Mayor Marotta had been given authority to negotiate Camp Sussex and that it was done in a motion but was not on the agenda. Township Attorney Kelly explained it was not expressed that way, it was simply providing the Mayor direction to contact the person who owned the property. Mayor Marotta questioned if something was brought up at a meeting that was not on an agenda is the Council allowed to act upon it. Township Attorney Kelly explained if the issue was known ahead of time it should be on the agenda, however if it was a new idea that occurred during the meeting it could probably be acted upon. Township Attorney Kelly further explained that giving direction to the Mayor is something that the Council did in due course.

A roll call vote was taken:  
AYES: Patrick Rizzuto, Dick Wetzel  
NAYES: Dan Kadish, Jean Murphy  
ABSENT: Brian Lynch

Motion to adopt Resolution #14-165 failed as a tie.

**Resolution #14-167**

Acting Council President Rizzuto asked for a motion to adopt Resolution #14-167

MOVED: Jean Murphy  
SECONDED: Dick Wetzel

Council Member Kadish stated he was opposed to fireworks at Christmas. Council Member Rizzuto stated that the fireworks display has been well attended. Council Member Rizzuto stated the star was bright probably as bright as firework.

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

Motion carried to pass resolution 14-167.

**RESOLUTION # 14-167**

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON  
DECEMBER 10, 2014 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**, Vernon Township Department of Recreation wishes to conduct a fireworks display on December 10, 2014 during the Annual Tree Lighting Ceremony; and

**WHEREAS**, the proposed fireworks display will take place within the vicinity of the Vernon Fire House on Rt 515 with prior permission from the property owner; and

**WHEREAS**, Garden State Fireworks, Inc., will be contracted to perform the public 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 Vernon Township Department of Recreation on December 10, 2014 upon satisfaction of all statutory and departmental requirements.

**Resolution #14-168**

Acting Council President Rizzuto asked for a motion to adopt Resolution #14-168.

MOVED: Dan Kadish

SECONDED: Dick Wetzel

Council Member Murphy stated that she had reviewed the minutes for the meetings over the years and found that in 2008 Ms. Vichiconti was requesting for meetings to be posted on the website. Council Member Murphy further stated that she found records that Ms. Paladini had requested that four years prior.

A roll call vote was taken:

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

NAYES: None

ABSENT: Brian Lynch

Motion carried to pass Resolution 14-168.

**RESOLUTION # 14-168**

**REQUESTING THAT COUNCIL MEETINGS BE POSTED ON THE TOWNSHIP WEBSITE**

**WHEREAS**, the Township of Vernon has a contract with SEC-TV for the recording of Regular Township Council meetings; and

**WHEREA**, the Municipal Governing Body desires to make those recordings of the Township's Council meetings accessible to the public; and

**WHEREAS**, the Administration of the Township's website falls to the of the Office of the Mayor.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Township of Vernon, in the County of Sussex, State of New Jersey, formally requests that the Mayor take the steps necessary to facilitate the posting of the Township Council Meetings are the Township's website, to the extent possible within in the limits of technology.

**Resolution #14-173**

Acting Council President Rizzuto asked for a motion to adopt Resolution #14-173.

MOVED: Dan Kadish

SECONDED: Dick Wetzel

Council Member Kadish questioned if the roads needed to be reviewed by the engineer for conformance with State and Township regulations to ensure they were not substandard. Township Attorney Kevin Kelly indicated that the Association has met the legal standard for a qualified community under the statute; the amount however of any reimbursement or if and when they would be reimbursed for anything would be subject to negotiations. Council Member Kadish stated that this bill was initially designed to avoid double taxation.

A roll call vote was taken:

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

Motion carried to pass Resolution 14-173.

### **RESOLUTION #14-173**

#### **AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH BAKER ROAD HOMEOWNER'S ASSOCIATION., A QUALIFIED PRIVATE COMMUNITY, FOR SERVICES, DEFINED BY N.J.S.A.40:67-23.2**

**WHEREAS**, the Community is a qualified community pursuant to N.J.S.A. 40:67-23.2 (e); and

**WHEREAS**, the Community has made application to the Township to be recognized under the Municipal Services Act; and

**WHEREAS**, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute an Agreement with Baker Road Homeowners Association, Inc. recognizing them as a qualified community under the Municipal Services Act; and

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

#### **Resolution #14-175**

Acting Council President Rizzuto asked for a motion to adopt Resolution #14-175.

MOVED: Dan Kadish  
SECONDED: Dick Wetzel

Council Member Murphy questioned if this resolution had to do with an email received from the MUA. Mayor Marotta indicated that in 2012 the Council authorized \$2.8 million in BANS to meet the obligations with the Sussex County MUA; in the first three years it has taken an aggregate of \$1.3 million to cover these responsibilities to this point. Mayor Marotta indicated this was a rolling of the BAN and they would also add an additional \$400,000.

A roll call vote was taken:

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

Motion carried to pass Resolution 14-175.

### **RESOLUTION 14-175**

#### **RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,300,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (herein called "local unit") entitled: "Bond ordinance providing for the restructuring of a portion of the cost of acquisition of capacity at the sanitary sewage treatment plant of the Sussex County Municipal Utilities Authority by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$2,800,000 therefor and authorizing the issuance of \$2,666,000 bonds or

notes of the Township for financing such appropriation”, finally adopted on November 14, 2011 (#11-23), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,300,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. The following matters in connection with said Bond Anticipation Notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the interim chief financial officer (the “chief financial officer”) of the local unit, provided that no note issued pursuant to Section 1 shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 3. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer’s signature upon said notes shall be conclusive as to such determinations.

Section 4. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 5. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 7. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 8. This resolution shall take effect immediately.

**INTRODUCTION/1st READING OF ORDINANCES**

None

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

**Ordinance #14-18**

Acting Council President Rizzuto 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 Rizzuto asked for a motion to open the public hearing.

MOVED: Dan Kadish  
SECONDED: Dick Wetzel

All members present voted aye.

There were no public comments.

Seeing no members of the public come forward regarding Ordinance #14-18, Acting Council President Rizzuto asked for a motion to close the public hearing.

MOVED: Dan Kadish  
SECONDED: Dick Wetzel

All members present voted aye.

Acting Council President Rizzuto asked for a motion to adopt Ordinance #14-18.

MOVED: Dan Kadish  
SECONDED: Dick Wetzel

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

Motion carried to adopt Ordinance 14-18.

**COUNCIL COMMENTS:**

Council Member Wetzel stated he had no comments.

Council Member Kadish stated there was proposed legislation that would require public officials to submit to mandatory drug testing prior to election to office.

Council Member Murphy questioned the status of the taxes for the property known as Camp Sussex. Mayor Marotta indicated they were currently delinquent and would be included in the Township’s tax sale if there were not paid. Council Member Murphy provided a copy of the recorded deed. Council Member Murphy asked if the taxes had been paid for previous years. Mayor Marotta stated he would request the Tax Collector send the bill to the Council. Council Member Murphy questioned if the property owner’s have to clean up the property because there had been a fire. Mayor Marotta indicated the fire was still under investigation and the property



owners had insurance. Council Member Murphy asked if there was an opening for the clerk's office because an employee was sent to Rutgers for Clerk's class. Mayor Marotta indicated that person was being trained for further responsibility similarly to other employees in the municipality like the land use board secretary and purchasing agent. Mayor Marotta noted the Township's long time commitment to training employees. Council Member Murphy stated she took issue with \$935 being spent without knowing if that person would be working in that office. Mayor Marotta stated that you cannot know the future, however in the past the Township had trained another employee as CFO and upon her receiving her certificate she resigned to work for another town so he understood Council Member Murphy's concern. Council Member Murphy stated she would like a disclaimer on the show Vernon Vibes that this is the Mayor's opinion of the council's meetings. Council Member Murphy asked the Township Attorney to provide information about work sessions. Township Attorney Kelly pointed Council Member Murphy to NJSA 10:4-12 but further indicated he would provide a memo on this information if the Council would like.

Council Member Rizzuto had no comments.

Council President Lynch was not present.

### **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 Murphy, seconded by Council Member Wetzell with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:40 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Patrick Rizzuto,  
Acting Council President

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Brian Lynch,  
Council President

Minutes approved: November 10, 2014