

**Township of Vernon**

**TOWNSHIP COUNCIL REGULAR MEETING**

**NOVEMBER 10, 2014**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, November 10, 2014 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Brian Lynch presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on 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, Dick Wetzel and Council President Brian Lynch. Also present were Township Administrator Bill Zuckerman, Mayor Victor Marotta and Township Attorney Kevin Kelly.

There was no Executive Session.

**SALUTE TO THE FLAG**

Council President Lynch asked for the Vietnam Veterans 1002 of America and VFW Post 8441 to present the Colors. Council President Lynch along with Cub Scout Pack 404 led the assemblage in the salute to the flag.

**MOMENT OF SILENCE**

Council President Lynch asked for a moment of silence for our soldiers defending our freedom and liberty.

**PROCLAMATIONS**

Council President Lynch asked Mayor Marotta and the VFW Post 8441 and Vietnam Veterans 1002 of America to come to the podium for the following proclamation:

**Proclamation**

*Whereas*, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

*Whereas*, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States constitution and the Bill of Rights; and

*Whereas*, we owe a great debt to those who have served in defense of this nation; and

*Whereas*, throughout generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

*Whereas*, for many, that sacrifice has ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

*Whereas*, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of a people dedicated to the principles of freedom and democracy.

**Now therefore be it Proclaimed that**, the Vernon Township Council do hereby urge all our citizens to honor our veterans and rededicate themselves to the preservation of our liberties under the Constitution.

### **Civilian Life Saving Award**

Council President Lynch asked Chief Mills, John Miller, Jim Lucas and Captain Moran to come to the Podium.

Chief Mills presented a Civilian Life Saving Award to John Miller, a retired NY firefighter. Mr. Miller had performed CPR, saving the life of Jim Lucas, a retired NY Police Officer, who began having distress after a work-out at the gym.

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

MOTION: Jean Murphy

SECOND: Dick Wetzel

All members were in favor.

Howard Greenblatt stated he was a veteran and living in Vernon for 20 years. Mr. Greenblatt stated he had paid \$4,000 in taxes to Vernon with \$2,000 to the school. Mr. Greenblatt expressed dissatisfaction that there were not any tennis courts available in Vernon during the weekday. Mr. Greenblatt noted that the school does not allow members of the public to use the courts during the school hours. Mr. Greenblatt requested that the Township provide additional tennis courts.

Jessi Paladini, [REDACTED] stated she left the last council meeting feeling disgusted as were many of the people she had spoken with. Ms. Paladini requested that members of the Council act with a little more civility; no smirking, interrupting, mocking and making faces. Ms. Paladini asked that we set a good example for the youth.

Gary Martinsen stated he had read about Mr. Wetzel's procedure in the newspaper and was glad to see he is in good health. Mr. Martinsen stated that other towns had various different public questions including the state that had an open space question. Mr. Martinsen expressed that he felt a lot of questions should be sent to the voters.

### **CLOSED TO PUBLIC COMMENTS**

Seeing no more 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: Dan Kadish

All Members were in favor.

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

- Mayor Marotta stated that Blue Cross and Blue Shield had given their cost estimate for next year which had about a 20% increase in the premium, in part due to Obamacare. Mayor Marotta stated the other reason for the increase was due to experience as the Township has 439 retirees and 119 employees so as the age increases for the group so does the expense. Mayor Marotta said he was preparing to present the 2015 budget, but due to these costs he would need to rethink the matter. Mayor Marotta indicated this increase represented 3 tax points.
- Mayor Marotta stated the Township had met with United Water. John Ursin, Special Counsel, Corey Stoner, Engineer and himself were trying to hammer out the details for bringing water to town center as part of the town center is in United Water's service area. Mayor Marotta stated the purchase of the water lines would be piecemeal so fire hydrants would not initially be charged. Mayor Marotta also indicated that town hall was not in the water service area so the Township was looking at what would be the best way to proceed to get water service to the building.
- Mayor Marotta indicated that later the Council would be voting on the ordinance regarding the fire equipment. Mayor Marotta explained that there was an issue with the FEMA grant and that Elke Yetter, CFO and Bill Zuckerman, Administrator had done a tremendous job with decertifying some of the FEMA funds to use for other purchases due to the radio compliance issues.
- Mayor Marotta advised 2 meetings ago he had reported that himself, CFO Yetter and Administrator Zuckerman had formed an administrative finance committee to review the budget and expenses and additionally they were reviewing the statute and court decision

about continuing a performance review and bonuses. Mayor Marotta indicated that there needs to be a five (5) member committee. Mayor Marotta advised that all non union employees have gone through a written review and filled out an evaluation form. Mayor Marotta asked that the Council nominate two (2) members to join the awards finance committee to review the work that has been done and make decisions about performance bonuses for this year. Mayor Marotta indicated that a formal resolution would be brought forward and at the first meeting in December they would bring forward a resolution regarding the bonuses, if any. Council President Lynch stated that since Council Member Kadish and Council Member Murphy are currently serving as the Board of Education Liaison Committee he would volunteer to serve on this Committee. Council President Lynch asked Council Member Wetzel to serve as well. Council Member Wetzel stated he would serve. Mayor Marotta stated this would be put in the form of a resolution. Mayor Marotta also stated that due to the large increase from Blue Cross/Blue Shield there may not be enough funds but at least the mechanism would be in place.

### **APPROVAL OF MINUTES**

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

October 16, 2014 Regular Meeting Minutes

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

Council Member Murphy requested that in the Mayor's report her comment be changed from raises to bonuses. Council Member Kadish requested a correction to the word comprises in the same paragraph.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Brian Lynch

ABSENT: None

Motion carried to approve minutes for October 16, 2014 with correction noted.

### **CONSENT AGENDA**

Council President Lynch gave a brief explanation of Resolutions #14-183 - #14-188.

Council President Lynch asked for a motion to adopt Resolutions #14-183 - #14-188.

MOVED: Patrick Rizzuto

SECONDED: Dan Kadish

A roll call vote was taken:

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

Brian Lynch (Resolutions 14-183, 14-184, 14-186 to 14-188).

NAYES: None

ABSTAIN: Brian Lynch (Resolution 14-185 only)

Resolutions #14-183 - #14-188 were adopted.

**RESOLUTION 14-183**

**AUTHORIZING REFUND OF 2011 TAX OVERPAYMENT- (BL. 188.01, L 14 C003**

**WHEREAS**, a Tax Court Judgment has been favorably awarded for the year 2011; and

**WHEREAS**, such judgment has resulted in an overpayment of the 2011 taxes.

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

BLOCK	LOT	QUAL	NAME	AMOUNT	LOCATION
188.01	14	C0003	Beckner, Dale	\$585.54	[REDACTED]

**RESOLUTION #14-184**

**AUTHORIZING APPLICATION AND EXECUTION OF THE  
“2014 DRIVE SOBER OR GET PULLED OVER” GRANT ADMINISTERED BY THE  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**WHEREAS**, the Vernon Township Police Department wishes to apply for funding from the National Highway Safety Administration “2014 Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant”; and

**WHEREAS**, the grant project consists of an enforcement overtime campaign from December 5, 2014 through January 2, 2015 to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations; and

**WHEREAS**, participating departments will incur all costs and then submit the necessary documentation to the Division of Highway Traffic Safety for reimbursement up to a maximum of \$7,500.00.

**NOW THEREFORE BE IT RESOLVED**, that the Council of Township of Vernon, hereby authorizes the submission of the application to the Division of Highway Traffic Safety for participation in the 2014 Drive Sober or Get Pulled Over Grant to raise awareness about the dangers of drinking and driving; and

**BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor, CFO and Township Clerk are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of the Grant monies between the Township of Vernon and the Division of Highway Traffic Safety for the 2014 Drive Sober or Get Pulled Over Grant.

**RESOLUTION #14-185**

**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**, Gregory B. Cacace, an active firefighter and member of the Pochuck Valley Volunteer Fire Department Company #4, is requesting approval to submit an application for membership to the New Jersey State Firemen’s Association.

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

**RESOLUTION #14-186**

**MEMORANDUM OF  
AGREEMENT BETWEEN  
TOWNSHIP OF VERNON AND  
THE VERNON TOWNSHIP MUNICIPAL UTILITY AUTHORITY**

(Revised November 28, 2011)

(Amended and Adopted October 9, 2014 by the VTMUA)

(Amended and Adopted November 10, 2014 by the Township)

**WHEREAS**, there are certain financial obligations and duties between Vernon Township and the Vernon Township Municipal Utility Authority (VTMUA);

**WHEREAS**, the parties would like to memorialize certain balances, payments, obligations, rights, and debts between the parties;

**WHEREAS**, this agreement was originally executed in 2011 and it appears to the parties that certain modifications or clarification to this agreement should be made at the recommendation of the Auditors and Risk Managers;

**NOW, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:**

1. Subject to all applicable laws and regulations, the VTMUA shall administer and operate on a franchise basis the municipal sanitary sewer system in Vernon by collecting the fees due and being responsible for the operation, repair, maintenance and capital costs of the system, including salaries and fees from SCMUA related to the sewer system.
2. The Vernon Township Municipal Utility Authority endorses Vernon Township's purchase of the sewer assets and customers belonging to United Water at a purchase price of \$3,675,000.00. *[completed]*.
3. The VTMUA endorses Vernon Township's Bond Ordinance 11-22 in the amount of \$4,000,000.00 and Bond Ordinance No. 11-23 in the amount of \$2,800,000.00.
4. Vernon Township will use the proceeds from Bond Ordinance 11-22 to close on the purchase of the United Water Sewer assets. *[completed]*.
5. In exchange for the condition set forth in paragraph 6 and elsewhere in this Agreement, VTMUA agrees to be responsible for the debt service related to Bond Ordinance 11-22.
6. VTMUA agrees that the proceeds from Bond Ordinance No. 11-23 can be used to reimburse the municipality for the sewer utility expenses as set forth in paragraph 6. *[completed]*.
7. The remaining balance of Bond Ordinance No. 11-22 and 11-23 will be held by Vernon Township for the benefit the VTMUA. These funds will be used to pay any deficiency in the VTMUA budget for, at least, the 2014, 2015, and 2016 budget years.
8. The VTMUA agrees that the following expenses paid by Vernon Township may be deducted from the proceeds of 11-23 and paid to VT\$120,866.75 for the 2010 SCMUA debt \$697,052.00 for the 2011 SCMUA debt. *[completed]*.
9. Vernon Township has a balance in Ordinance 00-33 for sewer related expenses in the amount of \$449,930. VTMUA agrees that these funds may be used to pay the required down payment for ordinance 11-22 and 11-23 totaling \$325,000. Vernon Township agrees to pay the balance of \$124,930 to the VTMUA. Vernon Township has balances in special legislative grants in the amount of \$142,772.19 (#11530000) and \$214,767.97 (#11553100). These amounts shall be paid to the VTMUA for use for sewer related capital expenditures. *[completed]*.
10. VTMUA agrees to provide for payment of sewer related expenses in its budget as billed from the Sussex County Municipal Utilities Authority beginning on January 1, 2012 subject to the contribution provision set forth in paragraph 6.
11. Vernon Township agrees to continue to be responsible for the payments required under the Vernon Bond as defined in the Vernon Township Mountain Creek Resort, Inc. Agreement dated October 24, 2005 and referenced in the Vernon Township MCRI 2011 Agreement. Both Agreements provide that MCRI shall make the

payments on the Vernon Bonds. A copy of the payment schedule is attached hereto as Schedule C as a definitional substitute.

12. Vernon Township agrees to enforce the Agreement between Vernon Township and MCRI dated October 24, 2005 and forward all sewer related payments from MCRI to the VTMOA, except as referenced in paragraph 12.
13. This agreement shall be in effect for 5 years from the date of execution and shall automatically renew for one year terms until terminated by written notice of one party or modified by agreement of both parties.

#### **RESOLUTION #14-187**

#### **CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2014 BUDGET AS A REVENUE AND APPROPRIATION OF \$10,233.50**

**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 Department of Human Services has changed the reporting year for the Municipal Alliance Grant Funding; and

**WHEREAS**, the Township has been awarded an additional \$10,233.50 Municipal Alliance Grant from the Governor's Council on Alcoholism and Drug Abuse through the Sussex County Department of Human Services to be used through June 30, 2105, 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 \$10,233.50 which is now available as a revenue from the Sussex County Department of Human Services and;

**BE IT FURTHER RESOLVED** that a like sum of \$10,233.50 is hereby appropriated under the caption Municipal Alliance Grant..

#### **RESOLUTION #14-188**

#### **AUTHORIZING CANCELLATION OF TAXES FOR TOTAL DISABLED VETERAN**

**WHEREAS**, THE DEPARTMENT OF VETERANS AFFAIRS on June 25, 2010 awarded Malkowitz, Robert a 100% permanent and total disabled veteran; and

**WHEREAS**, as of said date the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2014 in the amount of \$1,427.20 Re: Block 269.09 Lot 18 Location [REDACTED]

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

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

### **Ordinance #14-20**

Council President Lynch read Ordinance #14-20 by title only.

### **ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL EQUIPMENT BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$83,000 THEREFOR, CONSTITUTING PROCEEDS OF OBLIGATIONS OF THE TOWNSHIP HERETOFORE ISSUED.**

Council President Lynch asked for a motion to introduce Ordinance #14-20 with a public hearing to be held on November 24, 2014.

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Brian Lynch

Motion carried to introduce Ordinance 14-20 with a public hearing on November 24, 2014.

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

None

### **COUNCIL APPOINTMENTS: Municipal Utilities Authority-Edward Snook**

Council President Lynch asked for a motion to appoint Edward Snook to the vacant seat of Alternate I, which will expire on 02/10/16?

MOVED: Dan Kadish

SECONDED: Patrick Rizzuto

A roll call vote was taken:

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

NAYES: None

ABSENT: None

Motion carried to appoint Mr. Snook to the vacant seat of Alternate I.

### **COUNCIL COMMENTS:**

Council Member Murphy stated that the notice of sale for non-payment of taxes listed for Block 82 both Lot 8 and Lot 8.01 but the tax assessor had previously indicated these lots had merged. Council Member Murphy indicated she had attended the "Teacher for a Day Program" along with the Township Clerk. Council Member Murphy indicated that the Chamber of Commerce was sponsoring a seminar on fraud and noted that the Highlands Florist had moved to a new location and was hosting a grand opening on the 15<sup>th</sup> and 16<sup>th</sup>. Council Member Murphy pointed out an article in the paper that indicated that Millennials were moving out of Sussex County. Council Member Murphy expressed dissatisfaction with Mayor Marotta's comment on his last segment of Vernon Vibes about the Holiday Tree lighting and requested a disclaimer on the program.

Council Member Kadish had no comments.

Council Member Rizzuto stated he too had seen the newspaper article about Millennials and indicated that he and prior Council Member Ed Dunn had previously noted that the price of

transportation but also the cultural shift of the younger generation not wishing to have do lawn maintenance was driving this change. Council Member Rizzuto expressed hope that the Board of Education would take note of this and the school population was declining and continued to decline. Council Member Rizzuto expressed that he did not think the trend would reverse itself.

Council Member Wetzel thanked the Veterans for their service.

Council President Lynch commented that his brother had served in the First Persian Gulf War and his father in Korea and he was happy to have Veterans in his family. Council President Lynch asked the Council when they would like to hold the 2015 Re-Organization.

It was moved and seconded to hold the 2015 Annual Reorganization on January 1, 2015 at twelve noon.

MOVED: Dan Kadish  
SECONDED: Patrick Rizzuto

A roll call vote was taken:

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

NAYES: None

ABSENT: None

Motion carried for reorganization to be held on January 1, 2015 at twelve noon.

#### **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 Wetzel with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:23 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Brian Lynch,  
Council President

Minutes approved: December 8, 2014