

Township of Vernon

TOWNSHIP COUNCIL MEETING

NOVEMBER 23, 2015

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, November 23, 2015 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Patrick Rizzuto presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 4, 2015, 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, Brian Lynch, Jean Murphy, Dick Wetzel and Council President Patrick Rizzuto. Also present were Mayor Victor Marotta, Administrator Zuckerman, CFO Yetter, Council Member Elect Sandra Ooms and Township Attorney John Ursin.

SALUTE TO THE FLAG

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

PUBLIC COMMENT:

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

MOTION: Brian Lynch

SECOND: Dan Kadish

All members were in favor.

Ken Kiefer, Chief, Highland Lakes Fire Department stated that there was an impression in town that the Township Fire Department received an increase not a decrease in funding this year. Mr. Kiefer expressed that this was incorrect, the fire department did not receive extra money. Mr. Kiefer stated that they do fund drives and rely heavily on this and that is what makes ends meet. Mr. Kiefer stated that increases to the line item were for Township expenses of equipment and repair. Mr. Kiefer noted the clothing allowance was new for this year. Mr. Kiefer expressed dissatisfaction that this erroneous information was being disseminated and requested that the persons providing such information desist and apologize.

Jacquelyn Espinoza, JCP&L stated that the "MyTown" page on the Jersey Central Power and Light website was up and running. This portal provided information about when an outage occurred, the expected recovery time and ice distribution stations. Ms. Espinoza stated she worked with Chief Mills and was in the office for every storm.

Bob Baldwin Sr., expressed concern that the VFW's issues were not being addressed. Mr. Baldwin stated it was a terrible thing to have this going on. Mr. Baldwin stated this was the first time since 1975 he had been to a Council meeting. Mr. Baldwin stated he felt something should be done to help them; Veterans lay down their life for the Country. Mr. Baldwin indicated he was not a member of the VFW. Council President Rizzuto indicated that he felt the same way but that he was restrained by the law as the Council did not have jurisdiction over the matter. Council President Rizzuto stated he was glad people were willing to help. Council President Rizzuto suggested that this is a matter for the State Legislature to address.

Jessi Paladini, [REDACTED], stated she had questioned the Fire Department's finances with the idea of having a discussion. Ms. Paladini indicated that she had researched the budget and saw the increases and questioned it. Ms. Paladini expressed dissatisfaction that, rather than answer her inquiry, she was name called. Ms. Paladini characterized the comments as official misconduct. Ms. Paladini asked Mayor Marotta if her numbers were correct. Mayor Marotta indicated affirmatively.

Sally Rinker, noted there was a resolution endorsing a plan amendment for the MUA and questioned if a presentation on the matter would be forthcoming. Ms. Rinker characterized the appointment of members to the boards as official misconduct, questioning the experience level of the people. Ms.

Rinker expressed dissatisfaction with the appointments and comments that they had made in the past. Ms. Rinker voiced that in her opinion, issues with the MUA/VFW are not issues for the legislature. Council President Rizzuto stated that as a matter of information the VFW had their EDU's reduced by half as well as being given a hardship to extend their payments.

Joe Tadrick (who was scheduled to be appointed to the MUA) stated that Ms. Rinker had filed a complaint against him in the past for comments he made. Mr. Tadrick commented that her action was thrown out of court.

Krista Gerry, stated that at this time people should be thankful. Ms. Gerry indicated that there should be peace, not dissent. Ms. Gerry thanked Council Member Lynch and Mayor Marotta for their service.

CLOSED TO PUBLIC COMMENTS

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

MOTION: Brian Lynch

SECOND: Dan Kadish

All Members were in favor.

MAYOR'S REPORT

- Mayor Marotta indicated that the Township was able to do more work for Lake Wallkill Road up to Glenwood Mountain Road and would be under the bid. Mayor Marotta stated that pursuing additional funding from the Federal Government for 2016 may be more costly than expected due to the heightened requirements.
- Mayor Marotta stated that the Police Impound Building was being completed by the DPW and the cost was less than the lowest bid. Mayor Marotta stated the salt shed work also had been done quickly and in 10 days salt is to go in it.
- Mayor Marotta thanked Chief Kiefer and Ms. Paladini for bringing up the issue of the fire department funding. Mayor Marotta explained that at the beginning of his administration there was a fire association that the Township was paying. Mayor Marotta indicated that was removed and the township paid for the cost of the radios for the fire departments, \$5,000 per year, for three years. Mayor Marotta explained the Township also obtained a bond for turnout gear. Council Member Murphy questioned if a resolution would be forthcoming for extra funding. Discussion ensued that a resolution would not be forthcoming. Mayor Marotta discussed the current state of funding for each of the fire departments. Council Member Lynch noted the fire department will always put out the fire; they don't care who you are.

ITEMS FOR DISCUSSION:

Council President Rizzuto noted that the new Mayor and Council Member need to be sworn in on the first of the year. However, it was not required to have re-organization on that day.

It was moved and seconded to have the Township's re-organization on January 1, 2016 at 12:00 noon.

MOVED: Brian Lynch

SECONDED: Dick Wetzel

A vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried.

CONSENT AGENDA

Council President Rizzuto gave a brief explanation of Resolutions #15-184 - #15-191.

Council President Rizzuto asked for a motion to adopt Resolutions #15-184-#15-189, with the exception of #15-187.

MOVED: Brian Lynch
SECONDED: Dan Kadish

A roll call vote was taken:

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

Motion carried to adopt Resolutions 15-184-#15-189, with the exception of #15-187.

RESOLUTION # 15-184

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON
DECEMBER 15, 2015 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 15, 2015 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 15, 2015 upon satisfaction of all statutory and departmental requirements.

RESOLUTION #15-185

**CANCELLATION OF 2015 NJ HIGHWAY SAFETY
CLICK IT OR TICKET GRANT
RECEIVABLE AND APPROPRIATION BALANCES**

WHEREAS, there is a receivable with an offsetting appropriation from the State of New Jersey Division of Highway Safety Click It or Ticket Grant in the amount of \$50.00.

WHEREAS, this receivable is no longer collectible as revenue.

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriations be cancelled.

RESOLUTION #15-186

**CANCELLATION OF 2012
FEMA ASSISTANCE TO FIREFIGHTERS GRANT
RECEIVABLE AND APPROPRIATION BALANCES**

WHEREAS, there is a receivable with an offsetting appropriated reserve (federal share) from the FEMA Assistance to Firefighter Grant in the amount of \$65,699 and there is a local share appropriated reserve for this grant in the amount of \$7,300.43, and

WHEREAS, the remaining receivable was de-obligated as part of the amendment to the grant, and

WHEREAS, the receivable is no longer collectible.

NOW, THEREFORE, BE IT RESOLVED that the receivable and appropriated reserves be cancelled and the local share of the appropriated reserve be returned to the current fund balance.

RESOLUTION# 15-188

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO SIGN A MODIFICATION OF A SHARED SERVICE AGREEMENT, ATTACHMENT “A” WITH THE VERNON CONGREGATE NUTRITION PROGRAM FOR THE PROVISION OF THE CONGREGATE NUTRITION PROGRAM FOR THE PERIOD OF JANUARY 1, 2015 –DECEMBER 31, 2015 FOR A TOTAL AMOUNT OF \$25,700.00 FOR NUTRITION SITE PROGRAM

WHEREAS, the Sussex County Department of Human Services, Division of Senior Services has formulated a Shared Service Agreement with Vernon Township for the provision of management and serving meals for the Congregate Nutrition Program in accordance with the 2015 Area Plan ; and

WHEREAS, the Initial Agreement proving \$2,400.00 in Title III B funds and \$20,300 in Title IIIC-1 funds, for the management and serving of meals for the Congregate Nutrition Program for the period of January 1, 2015 through December 31, 2015 and was adopted on February 11, 2015 by Sussex County; and

WHEREAS, the final distribution of funds from the State of New Jersey, Department of Human Services, Division of Aging Services has been made; and

WHEREAS, the cost for administering the mandated responsibilities of the program exceeds the current \$22,700.00 allocated; and

WHEREAS, the County of Sussex has submitted a Modification that will provide for an additional \$3,000.00 Tittle IIIC-1 funds for the management and serving of meals for the Congregate Nutrition Program for the period of January 1, 2015 through December 31, 2015. .

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

1. That the Township Council of the Township of Vernon hereby authorizes and directs the Mayor and Township Clerk to execute the Modification, that will provide \$23,3000 in Title IIIC-1 funds and \$2,4000 in Title III B funds, for the management and serving of meals for the Congregate Nutrition Program for the period of January 1, 2015 through December 31, 2015; and
2. A certified copy of this Resolution and Modification shall be submitted to the Clerk of Sussex County and Timothy Cunningham, the Director of the NJ Division of Local Government Services.

RESOLUTION #15-189

AUTHORIZING THE AWARD OF CONTRACT WITH AUTOMATIC TEMPERATURE CONTROL SERVICES, INC. TO MAINTAIN AND SERVICE THE TOWNSHIP’S AUTOMATIC TEMPERATURE CONTROL SYSTEM AT THE MUNICIPAL BUILDING FOR 2016

WHEREAS, there exists a need to maintain the Automatic Temperature Control System at the Municipal Building for the year 2016; and

WHEREAS, Automatic Temperature Control Services, Inc. has services the Township system and has the expertise to maintain said system; and

WHEREAS, The Qualified Purchasing Agent recommends that the Township Council award a contract for the maintenance agreement to Automatic Temperature Control Services, Inc., 207 Blackford Avenue. P.O. Box 310, Middlesex, NJ 08846; and

WHEREAS, the term of the contract will be from January 1, 2016 through December 31, 2016 with a total contract price not to exceed \$3420.00; and

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 maintenance contract with Automatic Temperature Control Services, Inc., for maintenance of the automatic temperature control system in the Municipal Building for an amount not to exceed \$3420.00.

RESOLUTIONS REQUIRING SEPARATE ACTION

A motion was made to adopt resolution #15-187.

MOVED: Brian Lynch

SECONDED: Dan Kadish

Council Member Kadish noted that on page 4 there should be percentage sign after ten (10). Council Member Lynch questioned the longevity. Mayor Marotta explained this had been negotiated out of the contract but returned by an arbitrator in a subsequent arbitration. Council Member Murphy questioned the steps. Mayor Marotta explained there were five (5) steps in the current contract. Council Member Murphy questioned the insurance. Mayor Marotta explained the premiums would be available after the New Year but the different plans are in place. Administrator Zuckerman noted that if the State changed the percentage of employee contribution the PBA would follow the State law. Mayor Marotta explained that the longevity period has been stretched out, and that no one hired after 2016 will receive longevity for 10 years. Mayor Marotta stated this negotiating session was most professional. Mayor Marotta recognized Administrator Zuckerman and CFO Yetter.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolutions #15-187

RESOLUTION #15-187

**AUTHORIZING THE COLLECTIVE BARGAINING AGREEMENT WITH NEW JERSEY
STATE POLICEMAN'S BENEVOLENT ASSOCIATION
LOCAL #285, VERNON TOWNSHIP**

WHEREAS, the Township of Vernon has agreed to enter into a Collective Bargaining Agreement with the Policeman's Benevolent Association, Local #285 ("PBA 285"), which shall govern the terms of employment and compensation for police officers for the calendar years 2016 through 2019: and

WHEREAS, PBA #285, has agreed to enter into a Collective Bargaining Agreement with the Township of Vernon and shall be adopting a resolution voted upon by its members adopting said Agreement.

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

1. The Township Council authorizes a Collective Bargaining Agreement between the Township and PBA Local #285, draft received November 14, 2015
2. The Mayor and Township Business Administrator are authorized to sign the Collective Bargaining Agreement on behalf of the Township.
3. This Resolution shall take effect immediately according to law.
4. A copy of this resolution as well as the referenced Collective Bargaining Agreement shall be placed on file with the Clerk of the Township.

Resolution #15-190 Resolution Endorsing A Plan Amendment To The Vernon Township Wastewater Management Plan And Sussex County Water Quality Plan For The Route 94 Corridor And The MacAfee Area In The Township Of Vernon

Motion to put on the table for consideration.

MOVED: Brian Lynch
SECONDED: Dick Wetzel

Council Member Kadish indicated the Council had not seen a proposal on this issue and he felt there should be a work session to review this issue. Mayor Marotta indicated that after extensive study that there has been septic failure in the area along the sewer line. Mayor Marotta explained in order to change the wastewater management plan, the Township must be willing to have a conversation to change the plan. Mayor Marotta stated this resolution authorizes that conversation to begin. Mayor Marotta stated this is the beginning of the process not the end; it is not a fait accompli that if the Council votes on this resolution that sewers will be in that area of town. Council Member Kadish questioned if the people with failing septic had major repairs done. Mayor Marotta indicated some did and some did not. Mayor Marotta stated that the new septic regulations from the State are running tens of thousands of dollars in repairs if it can be done; this is a health issue. Mayor Marotta indicated there would be opportunity to discuss the issue with the engineer and there would be public hearings in the future on this. Mayor Marotta stated this could lower the overall cost to the customer. Council Member Murphy stated this sets the wheels in motion and questioned if the fire house would be subject to this sewer. Mayor Marotta indicated it would. Council Member Murphy asked when the businesses that would be affected would be notified about this issue. Council Member Murphy stated she felt there should be more public notice on this resolution. Mayor Marotta stated the Township must follow the statutes and notice and give all the public hearings on this issue. Council Member Murphy indicated that people should know this is happening and she felt this was pre-mature at this time.

Council Member Murphy stated this should be tabled until January 1, 2016 at Re-Organization.

MOVED: Jean Murphy
SECONDED: Dan Kadish

A roll call vote was taken:

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

Motion carried to table the Resolution until January 1, 2015-Re-organization.

A motion was made to adopt **Resolution #15-191** Appointments to Municipal Utility Authority.

MOVED: Brian Lynch
SECONDED: Dick Wetzel

Council Member Kadish felt that this was being rushed and should wait until the new Administration and that "midnight appointments" are not a good idea. Council Member Kadish stated his no vote is not a reflection on the candidates.

A roll call vote was taken:

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

Motion carried to adopt Resolutions #15-191

RESOLUTION #15-191

APPOINTMENTS TO MUNICIPAL UTILITY AUTHORITY

**BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON,
COUNTY OF SUSSEX, and STATE OF NEW JERSEY, as follows:**

1. That the following individuals are hereby appointed or reappointed as members of the Vernon Township Municipal Utility Authority effective 11/23/2015 for a term specified as follows:

EDWARD SNOOK Commission Seat III
Expiring 2/01/2019

JOSEPH W. TADRICK Alternate #2
Expiring 2/01/2020

BE IT FURTHER RESOLVED THAT, the Township Clerk shall send a certified copy of this resolution to the following:

- a. Vernon Township Municipal Utility Authority

INTRODUCTION/1st READING OF ORDINANCES

None

PUBLIC HEARING/2nd READING OF ORDINANCES

None

APPOINTMENTS TO THE ENVIRONMENTAL COMMISSION:

Mayor Marotta stated he was appointing the following individuals to the Environmental Commission.

Richard Carson Member
Angi Metler Alternate I

Mayor Marotta requested for a vote on his appointments for the Environmental Commission:

MOVED: Brian Lynch
SECONDED: Dick Wetzel

A roll call vote was taken:

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

Motion carried to appoint the members to the Environmental Commission.

Mayor Marotta swore in members Richard Carson and Angi Metler.

COUNCIL COMMENTS

Council Member Murphy stated that Craig Williams was advised by the Environmental Commission that he must return all the documents relating to the bike path and trail. Council Member Murphy questioned where these documents were as she would like to review them. Mayor Marotta indicated that he did not know. Council Member Murphy questioned where the documents were and indicated that when she met with Diane Wexler she was advised that all the documents were here. Beverly Budz of the Environmental Commission indicated that they were here at town hall and she would come and take a look for them and find them.

Council Member Kadish stated he had no comment.

Council Member Lynch wished everyone a Happy Thanksgiving.

Council Member Wetzel also wished everyone a Happy and Safe Thanksgiving.

Council President Rizzuto wished everyone a Happy Thanksgiving and indicated he had spoken with the State Commissioner of the NJDEP and they are looking closely at Tennessee Natural Gas and the pipeline issues.

ADJOURNMENT

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Lynch, 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 8:55 p.m..

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President 2015

Dan Kadish,
Council President 2016

Minutes approved: January 11, 2016