

Township of Vernon

REGULAR TOWNSHIP COUNCIL MEETING

November 26, 2012

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30pm on November 26, 2012, in the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 9, 2012, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

SALUTE TO THE FLAG

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

ROLL CALL OF MEMBERS

Present were Council Members Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, and Brian Lynch. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly.

Council Member Daniel Kadish asked for a point of order. He read a prepared statement relative to a memo received from the Mayor advising that there would no longer be a resolution for the bills list on Township Council agendas, though Council could review the bills list in the Clerk's office. Mr. Kadish very strongly opposed this change, noting what he believed was a lack of oversight. He asked the Township attorney for his legal opinion of this matter. Mr. Kelly advised that he would advise Council accordingly at the next meeting (December 10).

PUBLIC COMMENTS

Council President Lynch asked for a motion to open the meeting to public comments at this time.

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

All were in favor.

Roy Tanfield – spoke about the MUA billing issue. He read a prepared statement, noting a disparity of charges between Great Gorge Village and Mountain Creek, as well as the Sussex County MUA charges over the years.

Mr. Kelly reminded the public that MUA matters are not Council issues.

Howard Greenblatt - also spoke about an MUA issue, noting that he has a 1 bedroom unit with a loft and is being charged for a 2 bedroom unit, having been advised that a loft is considered another bedroom.

Len Colosia – spoke about the sewer ordinance itself, noting the wording of the purpose for the purchase which he disagreed with.

Council Member Rizzuto advised the Council's purpose for completing the sewer system and the users paying for it.

Linda Gerval – also spoke about the MUA matter.

Mike Hainsal – noted that he appreciated Council's consideration on his request relative to Building Department fees for a retaining wall.

Mary Bradley – advised everyone to come out for the tree lighting on Wednesday, December 5 from 7pm to 9pm at the Vernon Township Firehouse on Rt. 515.

Sally Rinker – spoke again about the Main Street agreement, and verbally attacked each member of Council - noting the one exception was Council Member Kadish. Council Member Rizzuto took exception to the personal attack. Ms. Rinker played a recording from a previous meeting on this matter, and then continued with more negative comments.

Robert Oliver – asked about Resolution #12-219 on the agenda for budget transfers. Mr. Oliver referred to some of the comments made earlier about the MUA issues, where someone complained about being taxed for services/facilities that they do not use (parks and schools, for example). He noted that while he doesn't use Maple Grange Park or have children in the schools, he recognizes that he can use them.

Bonnie Rubin – spoke about the condition of the Rt. 515 area by the strip mall and the stores area needing to be spruced up. She also noted that the holiday flags were not hung up, but were paid for. Ms. Rubin suggested that the Chamber of Commerce could speak to the stores about making the area more attractive.

Gary Martinsen – spoke about the bills list issue, noting that having the resolution for approval was more transparent to the public, and was glad that Mr. Kadish brought it up. He asked for more information on the transfers. Mr. Martinsen talked about the referendum question about salary increases, noting that he felt had the employee positions been separated out from the governing body it would have been better.

CLOSED TO PUBLIC COMMENTS

Council President asked for a motion to close the public portion of the meeting.

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

All Members present were in favor.

MAYOR'S REPORT

- He attended a Mayors' meeting with Council Member Rizzuto where they discussed the watershed land and state changes affecting property taxes. He advised that he had noted interest in joining with West Milford (and their hired professionals, the Princeton Public Affairs Group) to look into the issue. He promised to keep the Council apprised.
- He addressed the packets given to each member for review on a request by Mr. Mike Hainsal. Mr. Hainsal had build a retaining wall with guidance of an engineer, but without a permit as none appeared to be required. The Mayor asked the Building Official, Tom Pinand, to speak on the matter. Mr. Pinand noted that the retaining wall should have required a permit, but that the law is not clear cut on the fees. This retaining wall issue has been appealed. Mr. Pinand continued, noting that the wall requires a permit but with Council's decision on whether fees could be waived, and that he has a meeting scheduled with the Department of Community Affairs to review this matter.

MOTION

A motion was made to waive the Township permit fees for the retaining wall on Mr. Hainsal's property.

MOVED: Daniel Kadish

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

Motion carried.

The Mayor's report continued:

- He noted that he would like to discuss a draft ordinance at the December 10 meeting relative to the Red Tail Lodge and a possible 5-year tax reduction/abatement. Council Member Kadish asked about tax vs. abatement due to zoning.
- He read a letter received that day from JCP&L relative to Hurricane Sandy thanking him for his cooperation during the storm and subsequent clean-up and restoration of power that he felt was very self-serving and quite outrageous. He advised the residents about the petition that is available on-line and in the

Municipal building for any residents to sign that will be used in our fight to remove JCP&L from Vernon with the BPU. We have received about 200+ so far. He noted that there is no deadline to receive signatures and urged everyone to express their support and submit them to the Clerk's office. He noted that Sussex Rural Electric is willing to take on the rest of the residents. The Mayor made it clear that he did not have a problem with any of the linemen on staff, nor those brought in from around the country (not even the Township's company liaison). He felt that from all his daily dealings with the company and in speaking to the residents that JCP&L totally mismanaged the repairs operation.

Council President Lynch advised that he had ample opportunities to see how things were going on his daily travels each day - as he drives 800 miles a day on his delivery route.

Mayor Marotta added that everyone received an estimated bill from JCP&L, with the explanation that all available personnel were on restoration and repair duty!

APPROVAL OF MINUTES

Regular Meeting Minutes of October 22, 2012

MOVED: Daniel Kadish

SECOND: Patrick Rizzuto

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

The regular meeting minutes of 10/22/12 were approved.

Regular Meeting Minutes of November 8, 2012

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

ABSTAIN: None

The regular meeting minutes of 11/08/12 were approved.

CONSENT AGENDA - RESOLUTIONS #12-215 through #12-219

Council President Lynch gave a brief explanation of each resolution.

Mr. Lynch asked for a motion adopting Resolutions #12-215 through #12-219.

MOVED: Patrick Rizzuto

SECOND: Brian Lynch

Council President Lynch asked the Mayor for an explanation of the budget transfers listed in Resolution #12-219.

Mayor Marotta noted that due to successful negotiations on the Township's health benefits, he was able to get a lowering of fees by \$214,000.00. The transfer of \$6,000.00 is to the Defined Contribution Retirement Program (a program required by the State of New Jersey); the Municipal Services Act represents the Kelly Bill payments to the lake communities for 50% of the 2011 amounts which are due at this time per the agreement; and the Legal Services of \$125,000.00 is for settlement of a harassment lawsuit (\$75,000.00) brought against the Township by an employee, and the Main Street Agreement (\$50,000.00) for purchase of land seized without proper authority. The last 2 items were from previous administrations that have now been finalized, and neither had anything to do with an increase in budgeted attorney fees.

A roll call vote was taken:

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

NAYS: None

Resolutions #12-215 through #12-219 were adopted.

RESOLUTION #12-215

**CHAPTER 159 RESOLUTION
CLEAN COMMUNITIES GRANT
AMENDING THE 2012 BUDGET AS A REVENUE OF \$41,968.43**

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 received \$41,968.43 from the State of New Jersey Clean Communities Grant and wishes to amend its 2012 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 2012 in the sum of \$41,968.43 which is now available as a revenue from the Solid Waste Administration; and

BE IT FURTHER RESOLVED that a like sum of \$41,968.43 is hereby appropriated under the caption Clean Communities Grant.

RESOLUTION #12-216

**AUTHORIZING THE USE OF THE SUSSEX COUNTY COOPERATIVE CONTRACT
(#CK03-SXC) TO PURCHASE ROCK SALT DURING 2012 UNTIL MAY 31, 2013**

WHEREAS, the Township of Vernon has a need to purchase rock salt for the safety of its streets and roads; and

WHEREAS, the Township intends to use the Sussex County Cooperative Contract (#CK03-SXC) which has publicly received bids for rock salt and awarded a contract during September, 2012 to Cargill De-Icing Technology, via the Sussex County Board of Chosen Freeholders; and

WHEREAS, the total price to purchase this rock salt is \$51.16 per ton; and

WHEREAS, the Purchasing Agent recommends that the Township Council award a contract for rock salt, under the terms and conditions of the Sussex County Cooperative Contract, using the vendor, Cargill De-Icing Technology, 24950 Country Club Boulevard, Suite 450, North Olmsted Ohio 44070.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Cargill De-Icing Technology, be utilized to purchase rock salt, in accordance with the attached document, at a price of \$51.16 per ton; and

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

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

RESOLUTION #12-217

TAX OVERPAYMENTS

WHEREAS, DUPLICATE PAYMENTS were made on the Fourth quarter **2012** taxes;
and

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorizes the Township Treasurer to issue checks for said overpayments and the Tax Collector refund said overpayments of taxes on the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QUARTER</u>	<u>LOCATION</u>
188.01	11 C0003	Core Logic (Re: Holmes, Gordon #19948888/15142)	\$ 740.75	4 th	██████████
82	8.03	Core Logic (Re: LePore, Joseph A #51609589/88880)	\$2,981.51	4 th	██████████

RESOLUTION #12-218

**AMEND RESOLUTION #12-182
TAX OVERPAYMENT**

WHEREAS, duplicate payments were made on the Third quarter **2012** taxes; and

WHEREAS, such payments created **OVERPAYMENTS**; and

WHEREAS, an error was made in the payee information in Resolution #12-182 for Block 192.03 Lot 1 C06.1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue checks for said overpayments, and the Tax Collector refund said overpayments of taxes on the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QTR</u>	<u>LOCATION</u>
199.08	34 C0233	BAC Tax Services Corp (Re: Jacob, John & Ellen E #064324044)	\$ 780.20	3 rd	██████████
192.03	1 C06.1	Wells Fargo Real Estate Tax Service, LLC (Re: Villano, MN #7019381902)	\$1,022.19	3 rd	██████████

RESOLUTION # 12-219

TRANSFER RESOLUTION- FUND BALANCE TRANSFER

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2012 Municipal Budget) in accordance with N.J.S.A 40A-58/59 is hereby approved.

FROM:

Current Budget:	
Group Insurance-Major Medical/Hospital	\$125,000.00
Group Insurance-Prescriptions	89,000.00
Total Current Budget Transfers	\$214,000.00

TO:

Current Budget:	
Defined Contribution Retirement Program	\$ 6,000.00
Municipal Services Act	83,000.00
Legal Services-OE	125,000.00
Total Current Budget Transfers	\$214,000.00

RESOLUTION #12-220 – Discussion Item

RESOLUTION #12-220

AUTHORIZING VERNON YOUTH SOCCER TO HOLD THE VERNON TURF CLASSIC SOCCER TOURNAMENT ON MARCH 23 AND 24, 2013

WHEREAS, Vernon Youth Soccer is a non-profit organization that provides an opportunity for youth in Vernon Township to learn and play the sport of soccer; and

WHEREAS, Vernon Youth Soccer has submitted a request to the Township Council to hold the Vernon Turf Classic Soccer Tournament on Saturday, March 23 and Sunday, March 24, 2013, at Maple Grange Community Park; and

WHEREAS, Vernon Youth Soccer may place temporary signage for the Vernon Turf Classic Soccer Tournament around town pursuant to the requirements of Ordinance #12-05; and

WHEREAS, Vernon Youth Soccer has advised that all teams participating in the Tournament will provide proof of liability insurance; and

WHEREAS, Vernon Youth Soccer has requested a reduction in fees as listed in Ordinance #07-12.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon that Vernon Youth Soccer is granted permission to hold its Vernon Turf Classic Soccer Tournament at Maple Grange Community Park on March 23 and March 24, 2013; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Recreation Department for their records.

This Resolution will take effect immediately according to law.

Council President Lynch noted the recurrence of requests for reductions of fees from Youth Soccer, but thankfully not from other groups.

Mr. Nitch of Youth Soccer noted that the tournament would consist of about 50 out-of-town teams and 10 Vernon teams, with about 800 children.

Council Member Rizzuto suggested a work session to discuss tournament fees for all groups.

Mayor Marotta advised that the fees intentionally set high for out-of-town usage, noting that other towns have a separate tournament rate as well as an individual field usage rate.

The Mayor and Council discussed the various issues such as the fees, the economic impact, other teams' equitable usage/fees, and maintenance of the fields to maintain their high quality. The resolution was not acted on at this time.

MOTION

A motion was made to reserve the dates of March 23, 2013 and March 24, 2013 for Vernon Youth Soccer's Vernon Turf Classic Soccer Tournament at Maple Grange Community Park.

MOVED: Brian Lynch

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: None

Motion carried.

Fees for this tournament are yet to be determined.

COUNCIL PRESIDENT

MOTION

Council President Lynch asked for a motion to schedule the Township Council's 2013 Reorganization Meeting for Monday, January 7, 2013, at 7:30pm in the Municipal Center.

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

Council Member Kadish moved to hold the Reorganization meeting on January 1, 2013, at noon. There was no second.

A roll call vote was taken on Council Member Rizzuto's motion:

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

NAYS: Daniel Kadish

Motion carried. The 2013 Reorganization meeting will be on January 7, 2013.

Mr. Lynch addressed the issue of the Bills List:

- ❖ The Council does set the agenda.
- ❖ Council's job is to be sure that all business is done properly.
- ❖ Questions on the bills list are answered by other Council Members prior to the meeting.
- ❖ The bills lists are and will be readily available.
- ❖ The current budget has been run efficiently, with the proof being the fund balance.
- ❖ He asked Mr. Kelly to speak to the legality of eliminating the resolution to approve the bills list.

COUNCIL COMMENTS

Council Members Dunn, Rizzuto, and Wetzel had nothing at this time.

Council Member Kadish had nothing more to add other than that he wanted the bills list issue addressed.

Mr. Kelly advised that he would address this issue at the next Council meeting with a memo in their packets and then in public.

ADJOURNMENT

There being no further items of business to be conducted by the Council at the Regular Meeting, a motion for Adjournment was made by Council Member Kadish. Motion seconded by Council Member Rizzuto, with all members present voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:02pm.

Respectfully submitted,

Susan S. Nelson, RMC
Municipal Clerk

Brian Lynch, Council President

Minutes approved: December 10, 2012