

TOWNSHIP OF VERNON
REGULAR TOWNSHIP COUNCIL MEETING

December 27, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:31pm on Monday, December 27, 2011 in the Vernon Township Municipal Building, 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 July 8, 2011, 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.

ROLL CALL OF MEMBERS

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

SALUTE TO THE FLAG

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

PRESENTATIONS

Police Promotion – Thomas Zabriskie from Detective to Sergeant

Chief Wherry gave a brief biography of the Sergeant and his career so far, noting that Mayor Marotta had sworn him in when he was initially hired as a patrolman. Sgt. Zabriskie was sworn in by the Mayor with his family surrounding him.

MAYOR'S REPORT

Mayor Marotta reported on the following items:

- PBA #285 accepted the contract as negotiated including 12-hour shifts, which also necessitated another senior officer – the promotion of Sgt. Zabriskie. There will now be 1 Sgt. and 4 patrolmen on duty at all times.
- The State completed their inspection and annual review of the Courts/violations bureau. The State sent a letter to the judge commending the way the staff and the department is run.
- Main St. Associates was looking for settlement instead of litigation. The Mayor asked for permission to hire an appraiser for the property in order to move forward.

Motion to authorize the hiring of an appraiser for the Main Street Associates property.

MOVED: Patrick Rizzuto

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: none

The motion carried.

- The specs have been completed for 2 fire trucks. He noted that the CFO suggested putting money (from the bond) in the banks for interest while the trucks are being built.
- The bond anticipation note has @\$200,000 overage and should also be put into a CD to gain interest.
- We are awaiting Moody's new rating for the Township.

- Noted the addendum with 3 resolutions for consideration. He advised that 2 had been received this morning from the risk manager, and did not want our coverage to lapse from January 1 to January 3. This also allows us to name a fund commissioner (the Business Administrator, with the CFO as an alternate). The 3rd resolution was for shared services with the Borough of Sussex for municipal finance services – Sussex approved this shared service at their meeting last Thursday. Sussex will pay Vernon Township \$19,600/year for 380 hours/year.
- He hoped that all would have a wonderful holiday and a happy new year.

PUBLIC COMMENTS

Council President Lynch opened the meeting to public comments at this time.

Tom McClachrie – advised that contracts should say “not to exceed” a certain amount.

Jessi Paladini – commended the town on the Christmas tree and its location. Ms. Paladini spoke about a matter that concerned her: she agreed to an interview at the Municipal Center with a reporter on the new form of government, as she had been an original petitioner for the change. When she arrived, she was shocked that the building was unlocked with a reporter who does not even live in town in the locked building. She wondered if this was a new policy. Council President Lynch advised that they would look into the matter.

Gary Martinsen – commended the Township on getting the money into CD’s to gain interest. He asked for the status on the sign ordinance. The Council President advised that Council recognized its importance and would be working on it in 2012.

Lynn VanGorder – asked if Vernon was still a civil service town. She noted that there had been a new hire of a part-time fire inspector, and felt that a Township resident and/or firefighter should be considered.

Robert Oliver – asked about the recent union contracts and if increases were in line with the Governor’s limits. He also asked about Fire Prevention funds. He also noted some issues about the broadcast of the Glenn Beck show relative to the new form of government.

Joe Tadrick – set the record straight on what actually happened on the Glenn Beck show and advised that anyone could watch the show online at any time.

Robert Oliver – rebutted his involvement on the Glenn Beck show.

CLOSED TO PUBLIC COMMENTS

No one else wished to speak at this time, and Council President Lynch asked to close the public portion of the meeting.

All were in favor.

APPROVAL OF MINUTES

November 14, 2011 Executive Session Meeting Minutes

MOVED: Patrick Rizzuto

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Minutes were approved.

November 14, 2011 Regular Meeting Minutes

MOVED: Eddie Dunn

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Minutes were approved.

December 15, 2011 Regular Meeting Minutes

MOVED: Patrick Rizzuto
SECOND: Brian Lynch
A roll call vote was taken:
AYES: Patrick Rizzuto, Brian Lynch
NAYS: None
ABSTAIN: Eddie Dunn, Daniel Kadish
Minutes were approved.

RESOLUTIONS #11-231 through #11-250

Council President Lynch gave a brief description of each Resolution for the Council members.

Council President Lynch asked to vote on resolutions 11-234 and 11-239 separately. Council Member Kadish asked about the hold harmless portion in resolution 11-245. He asked if it conflicted with the insurance requirements for environmental issues, as he noted the insurance does not include pollution liability (11-248).

Council President Lynch asked to vote separately on resolutions #11-234, 11-239, 11-245, and 11-248.

Motion to approve Resolutions #11-231, 11-232, 11-233, 11-235, 11-236, 11-237, 11-238, 11-240, 11-241, 11-242, 11-243, 11-244, 11-246, 11-247, 11-249, and 11-250:

MOVED: Patrick Rizzuto
SECOND: Daniel Kadish
A roll call vote was taken:
AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Brian Lynch
NAYS:
Resolutions (as noted above) were adopted.

RESOLUTION # 11-231

AUTHORIZING THE APPROVAL OF BILLS LIST

BE IT RESOLVED that the following bills listed are hereby approved:

Disbursement Journal	Fund	Amount	Major Vendor
#1	Current	\$ 621,841.12	BOE
#2	Current	\$1,189,004.39	BOE
#3	Current	\$ 174,263.00	Sussex MUA
#4	Current	\$ 812,472.30	BOE
#5	Current	\$ 26.97	
#6	Current	\$ 7,122.60	
#7	Grant	\$ 1,070.23	
#8	Capital	\$1,000,000.00	V/T- CD
#9	Capital	\$ 195,534.32	Deluxe Trucks
#10	Capital	\$ 82,674.00	Cliffside Body
#11	Other Trust	\$ 8,474.71	
#12	Other Trust	\$ 1,069.27	
#13	Planning& Zoning	\$ 9,229.00	
#14	Outside Services	\$ 933.92	
#15	Outside Services	\$ 5,772.41	
#16	Outside Services	\$ 466.96	
#17	PVL Dam Rehab	\$ 267.39	
#18	Recreation	\$ 225.00	
#19	Sewer Operating	\$ 94,658.97	Sussex MUA
	Payroll- 2nd pay Dec	\$ 287,323.34	
	Total	<u><u>\$4,492,429.90</u></u>	

RESOLUTION # 11-232

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON
DECEMBER 31, 2011 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, Mountain Creek Resort, Inc. wishes to conduct a fireworks display on December 31, 2011; and

WHEREAS, the proposed fireworks display will take place on Mountain Creek Resort, Inc. property; 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 Mountain Creek Resort, Inc on December 31, 2011 upon satisfaction of all statutory and departmental requirements.

RESOLUTION # 11-233

**RESOLUTION FOR ADOPTING CHANGES TO AN EXISTING DEFERRED
COMPENSATION PLAN PURSUANT TO THE FINAL INTERNAL REVENUE CODE
SECTION 415 REGULATIONS, PENSION PROTECTION ACT OF 2006, THE
HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 AND
THE WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008**

WHEREAS, the Township of Vernon (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective November 3, 1994 for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code ("Code") Section 415 regulations, Pension Protection Act of 2006 ("PPA"), the Heroes Earnings Recovery Act of 2008 ("WRERA") amended Section 457 of the Code; and

WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year;

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and related Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan.

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Government Services;

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

RESOLUTION # 11-235

AUTHORIZING CHANGE ORDER #1 FOR COLD IN PLACE RECYCLING FOR REPAIRS TO CANISTEAR ROAD

WHEREAS, on August 22, 2011, by way of adoption of Resolution #11-168, the Council of the Township of Vernon awarded a contract to Reclamation, LLC. for work specified in the bid proposal for Canistear Road Improvements – Cold in Place Recycling for the total awarded amount of \$206,150.00; and

WHEREAS, in a memo dated December 9, 2011, the Township Engineer states that the specified length of area of Canistear Road to be recycled was reduced during construction causing Change Order #1; and

WHEREAS, the Township Engineer recommends approving Change Order No. 1 which will decrease the total contract amount by \$9,424.00 to a total of \$196,726.00.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves with the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount to \$196,726.00;

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Reclamation, LLC. and the Township Engineer.

RESOLUTION # 11-236

AUTHORIZING CHANGE ORDER #1 TO M.L. RUBERTON CONSTRUCTION CO., INC. FOR ROAD IMPROVEMENTS TO CANISTEAR ROAD

WHEREAS, on September 22, 2011, by way of adoption of Resolution #11-176, the Council of the Township of Vernon awarded a contract to M.L. Ruberton Construction Co., Inc for Beam Guide Rails and Tangent Guide Rail Terminals for Canistear Road in the amount of \$61,490.00; and

WHEREAS, in a memo dated December 9, 2011, the Township Engineer states that there was an addition of one Supplemental item, a Flared Guide Rail Terminal, in the amount of \$3,090.00 and one Reduction, a Tangent Guide Rail Terminal, for \$4,797.00 to the original contract; and

WHEREAS, the Township Engineer recommends approving Change Order No. 1 which will decrease the total contract amount to a total of \$59,633.00.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves with the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount to \$59,633.00;

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Reclamation, LLC. and the Township Engineer.

RESOLUTION # 11-237

**AUTHORIZING CHANGE ORDER #1 TO TILCON NEW YORK, INC
FOR ROAD IMPROVEMENTS TO CANISTEAR ROAD**

WHEREAS, on August 8, 2011, by Resolution #11-164, the Council of the Township of Vernon awarded a contract to Tilcon, New York, Inc., Inc for Superpave HMA Surface Course, Milling and Traffic Control in the amount of \$508,050.00; and

WHEREAS, on September 22, 2011, by Resolution #11-176, the Council amended the original contract by removing the Traffic Control item in the amount of \$10,000.00 and reducing the contract price to \$498,050.00; and

WHEREAS, in a memo dated December 9, 2011, the Township Engineer stated that Change Order #1 reflects there was additional Milling in the amount of \$6,028.75 and three additional reductions (including the Traffic Control Item listed above) in the amount of \$31,505.60 for a total decrease to the original contract in the amount of \$25,476.85; and

WHEREAS, the Township Engineer recommends approving Change Order # 1 which will decrease the total contract amount to a total of \$482,573.15.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves with the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount to \$482,573.16; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Tilcon New York, Inc. and the Township Engineer.

RESOLUTION # 11-238

**AUTHORIZING CHANGE ORDER #1 TO DENVILLE LINE PAINTING, INC
FOR TRAFFIC STRIPING ON CANISTEAR ROAD**

WHEREAS, on September 22, 2011, by Resolution #11-176, the Council of the Township of Vernon awarded a contract to Denville Line Painting, Inc. for Traffic Striping on Canistear Road in the amount of \$22,599.00; and

WHEREAS, in a memo dated December 9, 2011, the Township Engineer stated that Change Order #1 reflects one extra line item, in the amount of \$78.03 and one additional supplemental item for \$1,145.94 as detailed in the change order, for a total increase amount of \$1,223.97 to the original contract; and

WHEREAS, the Township Engineer recommends approving Change Order #1 which will increase the total contract amount to Denville Line Painting, Inc to \$23,822.97.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves with the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project increasing the total contract amount to Denville Line Painting, Inc to \$23,822.97; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Denville Line Painting, Inc. and the Township Engineer.

RESOLUTION #11-240

AUTHORIZING PAYMENT TO ML RUBERTON FOR REIMBURSED WORK DONE FOR TENNESSEE GAS PIPELINE UTILIZING THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #26

WHEREAS, the Township had awarded a contract with ML Ruberton to install/repair beam guide rails on Canistear Road (Resolution 11-164 and amended, thereafter) through the Morris County Cooperative Pricing Council; and

WHEREAS, prices to install/repair beam guide rails under the MCCPC are very competitive; and

WHEREAS, during the installation of these guide rails, Tennessee Gas Pipeline had requested ML Ruberton to repair beam guide rails in the area of pipeline work at prices secured via the MCCPC and/or the Township's contractual agreement with Ruberton; and

WHEREAS, to utilize MCCPC prices, Tennessee Gas Pipeline would go through the Township; and

WHEREAS, Tennessee Gas Pipeline would reimburse the Township for work performed by ML Ruberton in the pipeline area; and

WHEREAS, this agreement was approved by the Township Engineer; and

WHEREAS, the cost for this work is \$4,500 and Tennessee Gas Pipeline has reimbursed the Township the amount of \$4,500.00 with check #07910 (see attached).

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the payment of \$4,500 to ML Ruberton, 1512 Mays Landing Road, Folsom, NJ 080307; and

BE IT FURTHER RESOLVED, that the governing body of Vernon Township pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

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

RESOLUTION #11-241

AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS.

WHEREAS, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the Morris County Cooperative Pricing Council; and

WHEREAS, the Township has the need on a timely basis to purchase goods and services utilizing MCCPC contracts;

WHEREAS, the Township intends to enter into contracts with the attached referenced MCCPC vendors through this resolution which shall be applicable to all the conditions applicable to current MCCPC contracts;

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the Purchasing Agent to purchase certain goods and services from those approved MCCPC vendors on the attached list, pursuant to all conditions of the individual MCCPC contracts:

BE IT FURTHER RESOVLED, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOVLED, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2011 to December 31, 2011; and

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

RESOLUTION #11-242

AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS.

WHEREAS, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the State Contract; and

WHEREAS, the Township has the need on a timely basis to purchase goods and services utilizing state contracts;

WHEREAS, the Township intends to enter into contracts with the attached referenced state vendors through this resolution and properly executed contracts, which shall be applicable to all the conditions applicable to current state contracts;

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the Purchasing Agent to purchase certain goods and services from those approved state vendors on the attached list, pursuant to all conditions of the individual state contracts:

BE IT FURTHER RESOVLED, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOVLED, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2011 to December 31, 2011; and

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

RESOLUTION # 11-243

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 (2011 Municipal Budget) in accordance with N.J.S.A 40A-58/59 and hereby approved.

From:		To:	
Current Budget		Sewer Operating:	
General Admin S & W	\$10,000.00	Salary & Wages	\$500.00
Clerk S & W	\$10,000.00	Other Expenses	\$7,000.00
Land Use S& W	\$30,000.00	Sewer Debt Service:	
Road Repairs S& W	\$38,000.00	Bond Principal	\$25,000.00
Animal Control S & W	\$10,000.00	Interest on Bonds	\$121,968.75
Clerk O/E	\$15,000.00	Statutory Expenses	\$350.00
Finance O/E	\$5,000.00	Total Sewer Budget Transfer	\$154,818.75
Collector of Taxes O/E	\$5,000.00	Current Operating:	
Assessment of Taxes O/E	\$25,000.00	Social Security O/E	\$30,000.00
Land Use O/E	\$32,000.00	Finance S & W	\$5,000.00
Volunteer Emergency Services O/E	\$40,000.00	Assessment of Taxes S & W	\$25,000.00
Road Repairs & Maint O/E	\$14,818.75	Radio Comm S & W	\$7,000.00
		Municipal Court S & W	\$6,000.00
		Fleet Maint S & W	\$5,000.00
		Defined Contrib. Retirement O/E	\$1,000.00
		Municipal Court O/E	\$1,000.00
		Total Current Budget Transfers	\$80,000.00
TOTAL CURRENT BUDGET TRANSFERS	\$234,818.75	TOTAL TRANSFERS	\$234,818.75

RESOLUTION # 11-244

CANCELLATION OF GRANT BALANCE RECEIVABLE AND APPROPRIATION

WHEREAS, there is a receivable balance with an offsetting appropriation from the State of New Jersey Over the Limit Under Arrest for \$175.00 and

WHEREAS, this receivable balance is no longer collectible as revenue.

NOW THEREFORE BE IT RESOLVED that the receivable and appropriation balance be cancelled.

RESOLUTION #11-246

AUTHORIZING THE VERNON TOWNSHIP COUNCIL TO APPROVE A PERSON- TO-PERSON TRANSFER OF LIQUOR LICENSE #1922-33-007-012

WHEREAS, an application has been filed for a person-to-person transfer of a Plenary Retail Consumption License #1922-33-007-012, for the purpose of changing the name of licensee wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon does hereby approve, effective as of December 27, 2011, person-to person transfer of the Plenary Retail Consumption License #1922-33-007-012, located at 200 Route 94, Vernon, New Jersey to transfer from Mountain Creek Resort Inc., to Mountain Creek Beverages Corporation as delineated in the application form.

RESOLUTION #11-247

**PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER
OF LIQUOR LICENSE #1922-36-014-001**

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License (Hotel/Motel Exception) Number 1922-36-014-001 heretofore issued to Mountain Creek Resort, Inc., located at 200 Route 94, Vernon, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the business license.

NOW THEREFORE BE IT RESOLVED, that the Vernon Township Council does hereby approve, effective December 27, 2011, the transfer of the aforesaid Plenary Retail Consumption License (Hotel/Motel Exception) to Appalachian Liquors Corp. and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Appalachian Liquors Corp., effective December 27, 2011."

RESOLUTION #11-249

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, the Township of Vernon (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the that Gerald J. Giaimis is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that William Zuckerman is hereby appointed as the Alternate Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

RESOLUTION # 11-250

**AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT
BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF SUSSEX
FOR MUNICIPAL FINANCE SERVICES FOR 2012**

WHEREAS, the Township of Vernon and the Borough of Sussex wish to enter into an Interlocal agreement for Municipal Finance Services for the year 2012; and

WHEREAS, the Township of Vernon agrees to provide a certified Chief Financial Officer pursuant to N.J.S.A. 40A:9-140-1 et seq. and those Finance services as per the attached Interlocal Service Agreement; and

WHEREAS, the term of the agreement will be from December 28, 2011 through December 31, 2012; and

WHEREAS, the Township of Vernon will provide 384 annual hours over the 12 month period and the Borough of Sussex agrees to compensate the Township of Vernon at a monthly rate of \$1,600 payable on the last day of each month.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon of the County of Sussex, State of New Jersey, that the Mayor is authorized to execute the Interlocal agreement between the Township of Vernon and the Borough of Sussex for Municipal Finance Services for the year 2012 as per the attached Interlocal Agreement; and

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to the Mayor and Clerk of the Borough of Sussex and to the Vernon Township Finance Department.

Motion to approve Resolutions #11-239:

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto

NAYS:

ABSTAIN: Brian Lynch

Resolution #11-239 was adopted.

RESOLUTION #11-239

AUTHORIZING THE USE OF THE STATE CONTRACT #76364 TO PURCHASE ONE (1) BRAND NEW MSA BREATHING APPARATUS FOR THE POCHUCK VALLEY FIRE DEPARTMENT

WHEREAS, the Township of Vernon has a need to purchase one (1) brand new MSA breathing apparatus for the Pochuck Valley Fire Department; and

WHEREAS, the Township desires to use the State Contract which has publicly received bids for said equipment through Contract #76364; and

WHEREAS, the Purchasing Agent recommends the Township Council award the contract for one (1) brand new breathing apparatus per the attached price quote using the vendor Firefighter One, 26 Gail Court, Sparta, NJ 07871; and

WHEREAS, the total cost for the purchase of one (1) brand new breathing apparatus will be \$4,641.90 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in account #10575281.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Firefighter One, be utilized to purchase one (1) brand new MSA breathing apparatus.

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

Motion to approve Resolution #11-234:

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

A roll call vote was taken:
AYES: Eddie Dunn, Patrick Rizzuto,
NAYS: Daniel Kadish
ABSTAIN: Brian Lynch
Resolutions #11-234 was adopted.

RESOLUTION #11-234

AUTHORIZING THE USE OF THE State Contract of New Jersey #A78760T2753 TO PURCHASE FOUR (4) 2012 FORD Escapes 4X4 AND RESCINDING RESOLUTION#11-218

WHEREAS, the Township of Vernon has a need to purchase four (4) 2012 Ford Escapes;
and this resolution shall replace Resolution #11-218 which is hereby rescinded due to the unavailability of the vehicles that were to be purchased.

WHEREAS, each of the township's volunteer fire chiefs will be provided with one of these vehicles on the condition that the vehicles will be readily available for the township's fire marshal to use on an as-needed basis; and

WHEREAS, this arrangement with the fire marshal will begin once the vehicles are delivered to the Township and have a duration of one (1) year; and

WHEREAS, in return, three vehicles (tentatively, two Chevy Suburban and one Ford Expedition) will be returned to the Township and sold at auction after they are declared surplus at a future Township Council meeting; and

WHEREAS, the Township desires to use the State of New Jersey Contract which has publicly received bids for said equipment through Contract #A78760 T2753; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract for the four (4) 2012 Ford Escapes 4X4 as per the attached price quote using the vendor DFFLM, LLC, 215 Routes 202 and 31 Flemington, NJ 08822; and

WHEREAS, the total cost for the four (4) 2012 Ford Escapes will be \$85,452.00 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in the Fire Prevention Trust Fund.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, DFFLM, LLC Ditschman/Flemington Ford, be utilized to purchase four (4) 2012 Ford Escapes 4X4 through the State Cooperative, in accordance with the attached quote in the amount not to exceed \$85, 452.00; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law; and shall also **RESCIND** Resolution #11-218.

Council Member Kadish asked again about the environmental liability issue with Resolution #11-245 for off-site fuel. Mayor Marotta and Mr. Kelly noted that pollution liability insurance is not available. Additionally, it was noted that Baldwin Oil and the Township have separate insurance to cover \$1million worth of liability insurance. In the case an accident happens, the insurance companies would decide the liability issue.

Motion to approve Resolution #11-245 and 11-248:

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

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

NAYS: none

Resolutions #11-245 and 11-248 were adopted.

Mayor Marotta noted that the Township can always stop buying from Baldwin at any time.

RESOLUTION #11-245

AWARD OF BID OFF-SITE MOTOR FUEL

WHEREAS, the Municipal Clerk and the Purchasing Agent accepted bids for Off-Site Motor Fuel on November 23, 2011 at 10:00 a.m.; and

WHEREAS, one bid was received; and

WHEREAS, the Township Attorney and the Purchasing Agent have reviewed the bid submitted and have recommended the bid be awarded to Bob Baldwin Transportation, Inc. t/a Baldwin Fuel Oil, 5 Omega Drive, Vernon, NJ 07462.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon hereby awards the bid for "Off-Site Motor Fuel" to Bob Baldwin Transportation, Inc. for a total amount to be determined after adoption of the 2012 Municipal Budget; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer will certify the availability of funds subject to the adoption of the 2012 Municipal Budget; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the bidder along with the bid bond.

This Resolution shall take effect immediately.

RESOLUTION #11-248

RESOLUTION TO JOIN (RENEW) THE STATEWIDE INSURANCE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Township of Vernon ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT; and

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2012** terminating on **January 1, 2015** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability		X
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability		X
Pollution Liability		X

BE IT FURTHER RESOLVED that Gerald J. Giaimis is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

ORDINANCE – SECOND READING & PUBLIC HEARING

Ordinance #11-25: AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ZONING MODIFYING PERMITTED USES IN THE MOUNTAIN RESORT ZONE

MOTION: Eddie Dunn
SECOND: Patrick Rizzuto

OPEN TO PUBLIC COMMENTS ON ORDINANCE #11-25

Dorothy McMurrer – resident at the [REDACTED], as well as Roscoe, NY – explained her view of what is and is not appropriate for a resort hotel. She was against it.

Roger Asmar – acknowledged that he lives in New York City, but comes out every weekend to his [REDACTED] home. He isn't opposed to having a medical facility, but does not feel it should be at a resort hotel. He feels it will deter people from coming to Mt. Creek if they see ambulances coming in and out.

Hope Meyer – resident at the [REDACTED] as well as Forest Hills, NY – she was concerned with parking, as well as the access issue. As the proposed facility does not have its own direct entry on the outside of the building, people will have to use the lobby entrance. In general, she is not against a medical facility, just not by her apartment.

Bill Wigder – owner of 2 units at the [REDACTED], as well as Glen Rock, NJ – noted that the residents (homeowners) represent @ 58% and 85% of the square footage, and Mr. Mulvihill represents @15%. He spoke as a representative of a large percentage of homeowners, and asked if a written plan had been presented to the Council. He noted the differences of existing resorts around the country as opposed to what has been proposed here. He passed out overhead pictures of those other resorts and where their medical facilities are located. He feels the property values will decline, and he was also concerned about the parking situation.

James Garchitorena – resident at [REDACTED], as well as New York City – gave his views, which were against the facility in its proposed location.

Linda Koplinae – resident at the Hotel and Tappan, NY, and a registered nurse – was concerned with State certification for a medical facility in this proposed location, as well as parking.

Council Member Rizzuto asked if their primary concerns were segregation of patient population, parking issues, and requirement of a separate entrance.

Linda Koplinae – added that they had purchased their units as a resort residence.

Motion to table Ordinance 11-25 for further review.

MOTION: Brian Lynch

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS:

Ordinance #11-25 was tabled for further review.

Council Member Kadish suggested a separate meeting to discuss this issue further.

ORDINANCE #11-25

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ZONING MODIFYING PERMITTED USES IN THE MOUNTAIN RESORT ZONE

WHEREAS, the Township of Vernon has a Zoning Ordinance creating the Mountain Resort Zone;

WHEREAS, Ordinance #03-30 established a Mountain Creek Area Redevelopment Plan in the Mountain Resort Zone;

WHEREAS, both the Zoning Ordinance and Redevelopment Plan set forth the permitted uses in the Mountain Resort Zone;

WHEREAS, the Township Council desires to add Urgent Care Medical Offices as a permitted use in the Mountain Resort Zone under the Zoning Ordinance and the Redevelopment Plan;

WHEREAS, the Township Council believes that this use is consistent with the purposes of the Mountain Resort Zoning Ordinance and the Redevelopment Plan.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Vernon that Ordinance 06-35 is hereby supplemented and amended as follows:

1. Section 4(B) of the Ordinance, "Principle Uses" shall be amended to include in the definition of a Mountain Resort, the term "Urgent Care Centers".

2. Section 4(C) (14) of the Ordinance, "Development Requirements" shall be amended to include a specific use and component of a Mountain Resort to be, "Urgent Care Centers, defined as urgent care medical facilities with ambulance services, medical offices, or other medical uses including doctor's offices, and/or professional offices and all activities necessarily or customarily incident thereto".

NOW THEREFORE IT BE FURTHER ORDAINED upon passage of first reading, this Ordinance shall be forwarded to the Land Use Board for advice and comment as required by the Municipal Land Use Law.

Dave Sorensen – resident at the [REDACTED] as well as Glen Rock, NJ – advised what their concerns were: the mountain resort community would drastically change; the need for segregation of population in the hotel lobby between patients and hotel occupants; and the parking issues (i.e. where will the parking be and where will patients be dropped off).

Council Member Dunn asked if there had been communication from the builder during this process. There was a resounding “no” heard in the room.

Mr. Kelly explained the process for changing a redevelopment plan (vs. zoning changes through the Land Use Board), which leaves these decisions to the Council to come up with a fair decision by ordinance.

Tom McClachrie – asked to clarify what will happen now.

Council Member Rizzuto noted that the unit owners’ concerns will be discussed and considered, but this doesn’t mean the owners are right.

Robert Oliver – noted that he moved to Vernon because of the medical care at St. Clare’s, and by approving this plan it could damage their viability.

Paul Jorgensen - Mountain Creek CEO – also a resident of the hotel – spoke about how the medical facility plan came into being and what issues were looked at. He noted that lobby usage will be during the hours of 9am-9pm in winter, and possibly less, based on need.

Council Member Rizzuto noted the plan was proposed to the Land Use Board.

Council Member Dunn asked about presentations made to residents of the hotel, noting the apparent disconnect with the number of hotel residents in attendance at the meeting.

Michael Fields – hotel resident and Warwick, NY – he advised that he had attended one presentation by the builder where parking spaces were discussed/detailed. He noted that he was still not sure their concerns were being adequately addressed.

Council President Lynch advised that this was the reason for tabling the ordinance.

Melinda Jose – hotel resident and Hillside, NJ – advised that she also is the manager for an urgent care facility. She noted her concern with the range of patients that would be coming in for care.

Joe Caggiano – hotel resident and Newfoundland, NJ – advised that the plans had been displayed, but was very concerned with access doors conflicting with the hotel entrance and the portico/garage area, as well as parking in general.

Mayor Marotta asked Mr. Kelly to clarify something for him: if the ordinance had been adopted, the urgent care center would not have been automatically started as the Land Use Board would still need to review it. Mr. Kelly advised that the Mayor was correct, and that the plans would still need to meet all criteria in the redevelopment zone.

CLOSED TO PUBLIC COMMENTS

Council President Lynch asked for a motion to close to public comments.

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

All were in favor.

COUNCIL PRESIDENT

Council President Lynch acknowledged all the people who came out this evening on the Urgent Care Facility issue. He asked people to be more careful when handling burning embers from their fireplaces, noting the deadly fire caused by putting the embers in an unsafe container. He wished everyone a Happy New Year.

COUNCIL BUSINESS

Council Member Dunn wished everyone a Happy New Year. He noted his appreciation for the opinions expressed this evening, and advised that Council wants to do the right thing for all concerned – the residents and the town in general.

Council Member Kadish had nothing to say at this time.

Council Member Rizzuto advised about Senate Bill 2794 – he read a letter written about concerns on this bill which supports shared services between municipalities, but punishes them with reduced state aid if they don't do shared services as the State wants. He agrees that the bill should not go forward, and suggested Council pass a resolution to oppose the bill. He wished all a Happy New Year.

ADJOURNMENT

There being no further items of business to be conducted at the Regular Meeting, a motion for adjournment was made.

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

All members were in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:46pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: January 23, 2012

Brian Lynch, Council President