

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**December 9, 2013**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, December 9, 2013 in the Vernon Municipal Center, 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 11, 2013, 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 Eddie Dunn, Daniel Kadish, Brian Lynch, Dick Wetzel, and Council President Patrick Rizzuto. Also present were Mayor Vic Marotta, Township Attorney Kevin Kelly. Council Member-Elect Jean Murphy was also present.

**SALUTE TO THE FLAG**

Council President Rizzuto led the assemblage in the Pledge of Allegiance.

**PRESENTATION**

**Government Energy Aggregation Program**

Concord Energy Services representatives were present to explain the Passaic County Energy Cooperative Pricing System for energy aggregation. Concord is a contractor and also provides consulting services. Members present were Vicki Malloy and Justin Catando. They also explained about energy deregulation and its effect. They further explained the process once their services are selected (by ordinance). The process utilizes online reverse energy auction for the best rate, and includes a one-month outreach program to educate the residents.

Council Member Wetzel asked about the use of poles and wires. It was explained that existing poles and wires would be utilized at no charge to the residents.

Council President Rizzuto advised that you can change suppliers at any time, and confirmed with the Concord representatives that this is an opt-out program. This means that the residents must opt-out if they do not want their services, otherwise they will be automatically switched over.

Council Member Lynch expressed his concerns and also noted the existing problems with delivery of services, specifically he referred to outages.

It was noted that the energy supplier is revenue-neutral.

A brief discussion continued on this matter.

Ms. Malloy advised that this would only be for current JCP&L customers, as Sussex Rural Electric customers are not eligible for this program. She noted that for any JCP&L customers already utilizing a separate supplier would have to opt-in to take advantage of this program. Additionally, any Rockland Electric customers are also eligible.

Council President Rizzuto asked if any Council members were interested in proceeding with this program per Resolution #13-219. No one wished to move this issue forward.

**PROCLAMATION**

Council Member Kadish read the following Proclamation:

# Proclamation



## ADOPTION

**WHEREAS**, every child has a right to a family as a matter of basic human rights; and

**WHEREAS**, adoption has been an accepted way for children of unwed mothers to ensure the best interests of the child that they are unable to provide; and

**WHEREAS**, for some adults who cannot have their own biological children, adoption offers them the chance to provide a loving family for a waiting child; and

**WHEREAS**, some adults may have other reasons to choose adoption of a parent-less child in order to provide a loving home and family; and

**WHEREAS**, adoption rules have evolved so that it is now an accepted practice for single parents, same-sex couples, international placements, and even adoption of embryos.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Vernon that it does hereby recognize the wonderful opportunities that adoption provides for children to find the family of their dreams.



MOTION: Brian Lynch

SECOND: Dick Wetzel

A roll call vote was taken:

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

NAYS: None

The Proclamation was approved.

### **PUBLIC COMMENTS**

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

MOTION: Brian Lynch

SECOND: Eddie Dunn

All members present were in favor.

*Gary Martinsen* – spoke about the Shop Vernon program, cautioning businesses to keep an eye on the costs.

### **CLOSED TO PUBLIC COMMENTS**

Seeing no one else from the public wishing to speak, Council President Rizzuto asked for a motion to close the public comment portion of the meeting.

MOTION: Brian Lynch

SECOND: Eddie Dunn

All members present were in favor.

### **MAYOR'S COMMENTS**

Mayor Marotta reported on the following items:

- He advised about the Shop Vernon contract – the Township has bought 10,000 cards for about \$6,000.00. Of that number, the EDAC contributed \$3,000.00, with the balance coming from Highlands State Bank. He noted he had attended a seminar on this type of program at the League of Municipalities Conference (the room was packed). The cost to the merchants will be \$10.00/month. He advised that we currently have 14 merchants who have signed on.
- The No Net Loss Grant for \$32,000.00 for planting of trees was very successful. He read a letter from the Director of Forestry offering another grant to re-forest a section of Hamburg Mountain with 1,183 trees for \$354,960.00. He advised that he had responded to thank him for the offer. The Mayor advised the Council that he would be bringing a resolution forward at a subsequent meeting. He thanked Beverly Budz for her efforts in securing and implementing the first grant.
- Police Promotions – he advised that he and Chief Mills have suggested the following officers be promoted effective January 1, 2014:  
Stephen Moran from Lieutenant to Captain  
Daniel B. Young from Sergeant to Lieutenant

**MOTION**

Council President asked for a motion to approve the police promotions of Stephen Moran to Captain and Daniel B. Young to Lieutenant effective January 1, 2014.

MOTION: Brian Lynch

SECOND: Dick Wetzel

All were in favor.

Mayor Marotta advised that he had bios if anyone would like to see them.

All Council Members offered congratulations to both officers.

Council Member Kadish asked to change the order of the meeting to move on Ordinance #13-19 at this time. As Special Township Attorney John Ursin was present at the time, all members were in agreement.

**ORDINANCES – PUBLIC HEARING – 2<sup>ND</sup> READING**

**2<sup>nd</sup> Reading of Ordinance #13-19**

Council President Rizzuto read the ordinance.

MOTION: Brian Lynch

SECOND: Daniel Kadish

**OPEN TO PUBLIC COMMENTS ON ORD. #13-19 ONLY:**

MOTION: Brian Lynch

SECOND: Dick Wetzel

All members were in agreement.

Special Attorney Ursin advised that his office brought this matter to the Council about a year ago. He noted that the principals of SEC-TV were present. He noted attorneys Michael Molitta and Robert Williams, specifically.

*Gary Martinsen* – noted that the ordinance was not online for review. He had hoped that the new agreement will benefit our local schools instead of the County schools.

**CLOSED TO PUBLIC COMMENTS ON ORD. #13-19 ONLY:**

MOTION: Brian Lynch

SECOND: Daniel Kadish

All members were in agreement.

Council Member Lynch noted that he was happy with the current delivery of services.

Council President Rizzuto asked about scheduling, such as knowing when the program will be available. He advised that the current listings don't note which programs are showing.

Mr. Williams advised that such scheduling is not currently offered for Channel 10, the public access channel.

Mayor Marotta suggested a set schedule be made for Vernon Council meetings.

A roll call vote was taken for adoption of Ord. #13-19:

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

NAYS: Eddie Dunn

Ordinance #13-19 was adopted on 2<sup>nd</sup> reading.

## **ORDINANCE #13-19**

### **AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.**

**BE IT ORDAINED** by the Township Committee of the Township of Vernon, County of Sussex and State of New Jersey as follows:

**SECTION 1. Introductory Provisions/ Purpose of the Ordinance.**

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

**SECTION 2. Definitions.**

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

(a) "Municipality" or "Township" is the Township of Vernon, County of Sussex, State of New Jersey.

(b) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.

(c) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

**SECTION 3. Statement of Findings.**

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on December 17, 2012 pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

**SECTION 4. Grant of Municipal Consent.**

The Township hereby grants to the Company a non-exclusive consent to the issuance of a franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Township of Vernon, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Township of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes

herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

**SECTION 5. Duration of Franchise and Extension of Service.**

The consent herein granted shall expire ten (10) years from the date of expiration of the new Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company shall be required to proffer service to any persons, residents or businesses in conformance with its Tariff on file with the Office of Cable Television including any policies for line extension and/or non-standard installations.

**SECTION 6. Franchise Fee.**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

**SECTION 7. Rates.**

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider.

**SECTION 8. Territory.**

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

**SECTION 9. Construction Requirements.**

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

**SECTION 10. Local Office.**

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday.

**SECTION 11. Municipal Complaint Officer.**

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

**SECTION 12. Performance Bond.**

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

**SECTION 13. Local Programming and Public Educational and Governmental Access.**

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

**SECTION 14. Free Services.**

The Company shall provide services in accordance with its Tariff for cable television service approved by the Board of Public Utilities on January 1, 2012. In addition, the Company shall provide the following services to the Township of Vernon free of charge:

1. One (1) cable connection for the Cedar Mountain Primary School located at 17 Sammis Road, Vernon, New Jersey.

2. Thirty-nine (39) cable connections for the Walnut Ridge Elementary School located at 625 Route 517, Vernon, New Jersey.
3. Seven (7) cable connections for the Glen Meadows Middle School located at 7 Sammis Road, Vernon, New Jersey.
4. Three (3) cable connections for the Lounsberry Hollow School located at 30 Sammis Road, Vernon, New Jersey.
5. Two (2) cable connections for the Rolling Hills Primary School located at 60 Sammis Road, Vernon, New Jersey.
6. Three (3) cable connections for the Vernon Township High School located at 1834 County Road 565, Vernon New Jersey.
7. One (1) cable connection for the Pochuck Valley Fire Department located at 13 Lake Wallkill Road, Sussex, New Jersey.
8. One (1) cable connection for the Vernon Township Police Department located at 21 Church Street, Vernon, New Jersey.
9. One (1) cable connection for the Vernon Township Senior Citizen's Center located at 21 Church Street, Vernon, New Jersey.
10. One (1) cable connection for the Vernon PAL located at 21 Church Street, Vernon, New Jersey.
11. Two (2) cable connections for the Vernon Township Road Department located at 21 Church Street, Vernon, New Jersey.
12. One (1) cable connection for the Vernon Municipal Building located at 21 Church Street, Vernon, New Jersey.
13. One (1) cable connection for the Vernon Township Fire Department located at 535 Route 515, Vernon, New Jersey.
14. One (1) cable connection for the Highland Lakes Fire Department located at 813 Canistear Road, Highland Lakes, New Jersey.
15. One (1) cable connection for the McAfee Fire Department located at 88 Route 94, McAfee, New Jersey.

In addition, although nothing herein shall require the Company to offer or extend a discount on services to the senior citizens of any given municipality, the Company agrees that should such a discount be provided within any section of the Company's service area, same will be provided to the Township.

**SECTION 15. Programming.**

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Township with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

In addition, the Company shall broadcast the meetings of various governmental bodies for the Township, including but not limited to Council meetings, upon reasonable written request of the Township, and shall provide one (1) copy of each videotaped Council meeting to the Township Clerk within one (1) week of the recording of such meeting for the Township's records.

**SECTION 16. Liability Insurance.**

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00).

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Township Clerk prior to commencing any work.

**SECTION 17. Filing with Township Engineer.**

The Company shall cause all construction plans relating to work on any extensions of its plant, or work which could have significant impact on public works within the Township, to be filed with the Township Engineer's Office.

**SECTION 18. Activities Prohibited.**

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Township.

**SECTION 19. Incorporation of the Application.**

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are

binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

**SECTION 20. Separability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 21. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.**

Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, **SECTION 20**, shall apply.

**SECTION 22. Effective Date of Consent.**

This Ordinance shall take effect upon its final passage and publication according to law.

**CONSENT AGENDA**

Council President Rizzuto noted that #13-219 would be removed from the agenda.

He explained Resolutions #13-214 through #13-218, #13-220, and #13-221.

Council President Rizzuto asked for a motion to approve Resolutions #13-214 through #13-218, #13-220, and #13-221:

MOTION: Eddie Dunn

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Resolutions #13-214 through #13-218, #13-220, and #13-221 were adopted.

**RESOLUTION #13-214**

**AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE  
TOWNSHIP OF VERNON AND ACTION DATA SERVICES TO PROVIDE  
PAYROLL AND ACCOUNTING SERVICES  
FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014**

**WHEREAS**, the Township of Vernon ("Township") has a need to acquire professional payroll and accounting services to process employee payroll; and

**WHEREAS**, Action Data Services has submitted a proposal (annexed) for the provision of said professional services for the year 2014; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 the New Jersey Local Pay-to-Play Law and pursuant to N.J.S.A. 40A:11-5(1)(a)(1) of the New Jersey Local Public Contracts Law, the Township may enter into said Professional Services Agreement without public bidding provided all reporting requirements have been met; and

**WHEREAS**, the Township Chief Financial Officer has certified that there is no charge to the Township Budget as the current Township bank, Lakeland Bank, pays in full for this service.

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

1. Upon satisfactory presentation of all materials required under the New Jersey Local Pay-to-Play Law and the Local Public Contracts Law, the Mayor of the Township of Vernon is hereby authorized to enter into the Professional Services Agreement with Action Data Services substantially in the form annexed hereto, and subject to the review and approval as to form by the Township Attorney.

2. Notice of the award of the within Contract shall be published in accordance with law.
3. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Municipal Clerk.
4. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

**RESOLUTION #13-215**

**CHAPTER 159 RESOLUTION  
2013 DRUNK DRIVING ENFORCEMENT FUND GRANT  
AMENDING THE 2013 BUDGET AS A REVENUE AND  
APPROPRIATION OF \$7,739.62**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township has been awarded a \$7,739.62 2013 Drunk Driving Enforcement Grant from the State of New Jersey Department of Law & Public Safety, and wishes to amend its 2013 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 2013 in the sum of \$7,739.62 which is now available as a revenue from the State of New Jersey Department of Law & Public Safety; and

**BE IT FURTHER RESOLVED** that a like sum of \$7,739.62 is hereby appropriated under the caption 2013 Drunk Driving Enforcement Grant.

**RESOLUTION #13-216**

**TAX OVERPAYMENT**

**WHEREAS, A DUPLICATE PAYMENT** was made on the Fourth quarter **2013** taxes; and

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

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QTR</u>	<u>LOCATION</u>
199.13	15 C0004	Opilka, Barbara M	\$ 817.61	4 <sup>th</sup>	██████████
204.02	9	Opilka, Barbara	\$1,024.96	4 <sup>th</sup>	██████████



**RESOLUTION #13-217**

**AWARD OF BID OFF-SITE MOTOR FUEL**

**WHEREAS**, the Municipal Clerk accepted bids for Off-Site Motor Fuel on November 26, 2013 at 10:00 a.m.; and

**WHEREAS**, one bid was received; and

**WHEREAS**, the bid was submitted with an Exception to Bid relative to the Hold Harmless Agreement; and

**WHEREAS**, the Township Attorney has reviewed this section of the bid packet and has advised that the bid may be awarded with this exception; and

**WHEREAS**, the Business Administrator has reviewed the bid submitted and has 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 2014 Municipal Budget; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer will certify the availability of funds subject to the adoption of the 2014 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 #13-218**

**AUTHORIZING EXECUTION OF THE  
SHOP VERNON PROPERTY TAX REWARD PROGRAM**

**WHEREAS**, the Township Council recognizes that there is a need to enhance the economic development of our town; and

**WHEREAS**, our Economic Development Advisory Committee has identified and reviewed the Property Tax Reward Program; and

**WHEREAS**, the Township Council approved the implementation of the Property Tax Reward Program in Resolution #13-189 at their meeting of September 23, 2013.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon that the Mayor and Municipal Clerk are hereby authorized and directed to execute and seal the Agreement for the Shop Vernon Property Tax Reward Program.

**MOTION**

Council President Rizzuto advised that a request had been received to waive structural permit fees for Meadowburn Farm's heifer barn.

The Council President asked for a motion to waive the Township structural permit fees for the heifer barn at Meadowburn Farm. All of State and other Township fees are not to be waived.

MOTION: Daniel Kadish

SECOND: Brian Lynch

Mayor Marotta noted that this relates to the barn destroyed by fire not too long ago, and is being built by Amish workers to enhance their current farm operations. He advised they would have an official "barn raising."

A roll call vote was taken:

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

NAYS: None

Motion was carried.

**ORDINANCES – PUBLIC HEARING – 2<sup>ND</sup> READING**

**2<sup>nd</sup> Reading of Ordinance #13-18 by Title Only**

Council President Rizzuto asked for a motion to adopt Ordinance #13-18 on 2<sup>nd</sup> reading by title only.

MOTION: Brian Lynch

SECOND: Dick Wetzel

**OPEN TO PUBLIC COMMENTS ON ORD. #13-18 ONLY:**

MOTION: Brian Lynch

SECOND: Dick Wetzel

All members were in agreement.

*Gary Martinsen* – asked about the cost benefit versus using the County.

Mayor Marotta noted that the original purpose for purchasing the shredder was for municipal purposes in managing our documents for approved destruction.

**CLOSED TO PUBLIC COMMENTS ON ORD. #13-18:**

MOTION: Daniel Kadish

SECOND: Eddie Dunn

Council Member Kadish asked if the fee is too high for residents.

The Mayor noted that the County charges \$6.00 for the same service.

A roll call vote was taken:

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

NAYS: None

Ordinance #13-18 was adopted on 2<sup>nd</sup> reading.

**ORDINANCE #13-18**

**ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO MODIFY CHAPTER 250 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING DEPARTMENT OF PUBLIC WORKS FEES**

**WHEREAS**, the Township of Vernon wishes to offer paper shredding services to its residents; and

**WHEREAS**, the Township plans to purchase a heavy duty shredder for this purpose and to charge a minimal fee for this service.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the Code of the Township of Vernon is hereby modified as follows:

**SECTION I**

Section 250-13. of the Code of the Township of Vernon is hereby amended as follows:

**§250-13. E. Shredding of Residential Documents**

- (1) Vernon Township residential documents: \$5.00 per grocery paper bag full or grocery plastic bag full.

**SECTION II**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged

unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION III**

**Repealer.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**SECTION IV**

This Ordinance shall take effect upon notice, publication and adoption as required by law.

**COUNCIL COMMENTS**

Council President Rizzuto thanked Missi Wiedbrauk and others for the wonderful tree lighting ceremony and fireworks. He congratulated Captain Moran and Lieutenant Young.

Council Member Wetzel noted that the tree lighting ceremony was excellent. He thanked Digger for all his efforts. He asked people to please drive safe during the holidays, and to watch their alcohol content, noting that the Police were out in force.

Council Member Lynch noted that the Road Dept. had done an excellent job that morning up in Highland Lakes. He thanked the residents and Council members for their condolences on the passing of his father-in-law. He advised that he had failed to mention that people should change their batteries in their smoke detectors when they changed their clocks. He asked residents to watch their fireplace cinders when disposing of them outside of the house, noting the high risk of fire if done improperly. He congratulated Captain Moran and Lieutenant Young.

Council Members Kadish and Dunn had nothing at this time.

**EXECUTIVE SESSION**

Council President Rizzuto noted that the Executive Session was part of an Addendum to the original agenda. He asked Mr. Kelly to read the Resolution, which he did.

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-6 permits the exclusion of the public in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is:  
**A. Personnel Matter – requirements of Municipal Clerk position**
3. This resolution shall take effect immediately.

MOTION: Brian Lynch

SECOND: Daniel Kadish

A roll call vote was taken:

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

NAYS: None

Time: 9:10pm

Mr. Kelly noted that Council would return to open session to adjourn the meeting.

**RETURN TO OPEN SESSION**

A motion was made to return to open session:

MOTION: Daniel Kadish

SECOND: Brian Lynch

A roll call vote was taken:

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

NAYS: None

ABSENT: Eddie Dunn

Time: 9:44pm

**MOTION**

Council President Rizzuto asked for a motion to authorize the placement of an advertisement for the position of Municipal Clerk to run for the period of one week.

MOTION: Daniel Kadish

SECOND: Brian Lynch

A roll call vote was taken:

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

NAYS: None

ABSENT: Eddie Dunn

**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 Brian Lynch. Motion seconded by Council Member Daniel Kadish, with all members voting in favor.

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

Respectfully submitted,

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Susan S. Nelson, RMC  
Municipal Clerk

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Patrick Rizzuto, Council President

Minutes approved: January 27, 2014