

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

**FEBRUARY 22, 2016**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, February 22, 2016 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Dan Kadish presiding

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on January 5, 2016, 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 Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel and Council President Dan Kadish. Also present were Mayor Harry Shortway, Business Administrator Patrick Bailey, CFO Elke Yetter, and Township Attorney John Ursin.

**SALUTE TO THE FLAG**

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

**PROCLAMATIONS:**

Honoring Tim Dunnigan-Grand Marshal -13<sup>th</sup> Annual Sussex County St. Patrick's Day Parade on Saturday March 13, 2016

Council President Kadish asked that Council Member Ooms read the following proclamation:

**Proclamation**

*Whereas*, the County of Sussex is hosting its 13<sup>th</sup> Annual Saint Patrick's Day Parade and Celebration on Saturday, March 19, 2016 in Newton; and

*Whereas*, the Saint Patrick's Day Parade and Celebration in Sussex County is a highly anticipated event enjoyed by many Township and County residents alike; and

*Whereas*, Vernon is pleased to note that one of its favorite sons, Timothy Thomas Dunnigan, Principal of Vernon Township High School, has been chosen as Grand Marshal for the 13<sup>th</sup> Annual Parade; and

*Whereas*, Timothy's dedication to the Township of Vernon, where he and his wife, Bernadette, raised their three children, is apparent in his service to the students of the Township and this community; and

*Whereas*, Timothy's story of success from humbling beginnings to Principal are hallmarks of a great leader.

*Now therefore be it Proclaimed*, by the Mayor and Council of the Township of Vernon, that they do hereby congratulate and honor:

**TIMOTHY THOMAS DUNNIGAN**

**“GRAND MARSHAL  
SAINT PATRICK'S DAY PARADE 2016”**

Presented this 22<sup>nd</sup> day of February 2016

**PUBLIC COMMENTS**

Council President Kadish asked for motion to open the Public Comments

MOTION: Jean Murphy

SECOND: Sandra Ooms

All members were in favor.

Tim Kempson – [REDACTED] stated that he had been a resident since 1978 and currently is President of the Hidden Village Condo Association. Mr. Kempson said he was

here to address pending sewer issue. Mr. Kempson said they don't want or need and can't afford the system. Mr. Kempson indicated that the 53% failure rate is not from our condos and their systems are in good order. Mr. Kempson stated they have recently done two system repairs by permits. Mr. Kempson urged the council to take this into consideration. Mr. Kempson stated that no one from the MUA or Township has contacted their association. Mr. Kempson noted that the condos have many land use issues, values decreased, arrears and abandoned properties. Council President Kadish suggested that his opinion be brought directly to VTMUA since it is their purview. Mr. Kempson stated he would also tell VTMUA. Council President Kadish suggested he comment to the MUA directly. Mr. Kempson stated he just wanted to make Council aware of issue because residents want to stay.

George Nikanorov – [REDACTED] VP of Hidden Valley Condo Association stated that he would like to express opposition to bringing sewers up to Curtis Drive. Mr. Nikanorov stated he had financial concerns from having to hook up to sewer. Mr. Nikanorov stated he firmly believed that our community cannot afford the sewer connection fees.

Brad Sparta-Vice President, Vernon Board of Education, Chair of Liaison committee between Council and BOE. Mr. Sparta indicated that President Dave Zweier could not attend so he was attending in his place. Mr. Sparta stated he would like to address Resolution #16-77 – which directs the Mayor to start negotiations with BOE to return property at 293 RT 94 (formerly known as the CST Building) back to the Board of Education. Mr. Sparta stated that while he cannot and will not speak for the board, he had spoken to 7 members and the Board had enjoyed having the Historical Society as tenants. Mr. Sparta stated that he would like to have the Vernon Historical Society still occupy building when the deed transfers if the BOE wishes to accept the agreement. Mr. Sparta would like the council to consider striking this part of the resolution “give the Historical Society notice to vacate the building located at 293 RT 94 and to simultaneously” in order to ensure the Historical Society will still be occupying that building at the time the transfer back to the Board of Education. Thank you for your time and consideration in dealing with this matter.

Gary Martinsen- Vernon. Mr. Martinsen stated that a year ago, the Council agreed to the 30-year PILOT program – the carrot then was, without it there would be no waterpark and no flow for MUA. Mr. Martinsen stated now, there will be no waterpark. However, Mr. Martinsen noted that now Mountain Creek is requesting new areas on top of the mountain be included in the sewer service area. Mr. Martinsen opined that they seem to be positing that if the Township does this they will build a facility. However, Mr. Martinsen noted they have not built any of the things they have promised. Mr. Martinsen expressed concern over the MUA's current situation. Mr. Martinsen stated that at the recent MUA meeting, he gave the MUA five rhetorical questions; the first four dealt with getting and presenting accurate status, analysis, planning and projection of any results with the outcome of doing something. Mr. Martinsen stated that the fifth question was, do any tasks in the first four questions require council approval to accomplish– bottom line although no one said it was no, the MUA can do everything they need without Resolution 15-190, and in my opinion it should be rescinded. Mr. Martinsen stated that a diversified task force needs to be formed of members from all over the community from different aspects, pro & con to seek out the truth, the whole truth and nothing but the truth before the town is destroyed. Mr. Martinsen cautioned the Council that they have the option not to make the mistake councils over last 30 years, the option to stop, truly evaluate the potential impact on all our residents and proceed prophetically, cautiously instead of foolishly.

Noreen Moran Great Gorge Village Vernon stated there are two Issues- first is the MUA, the Township purchased the sewer and the debt fell on Great Gorge Village. Ms. Moran noted that very few businesses came in, large ones that are there, including the Municipal Building did not hook up. Mr. Moran stated that if you extend the sewer system through McAfee they system is not going to get any new businesses, and Great Gorge Village cannot take on the additional burden. Ms. Moran stated that she felt that moving the Historical Society is a disgrace – the one portion of our Town I have pride in, is the Historical Society. Ms. Moran stated that she has not researched if the Town gives them any money but they also get grants fundraisers for things the Historical Society does for our kids and adults. Ms. Moran stated that the building is well kept and she can walk in there anytime; it's a museum; it's the history of Vernon, it's in an ideal location.

Vincent Zinno, Commissioner of Vernon Municipal Utility Authority, stated there is a lot of confusion people and making assumptions of what was discussed on the night of the December 14, 2015 meeting with the previous Council, which Council Member Ooms had also attended, so he wanted to clear the record through the audio tape and quote the different portions of the meeting. Mr. Zinno stated that in their presentation, their engineer discussed in 2012 the sewer purchase from United Water. Mr. Zinno stated that the MUA engineer explained to Council that the MUA reached out to Sussex County Health Department who in their letter stated there was a “54 % rate of failure or repair.” Mr. Zinno stated he did not know who made the assumption that the 54% failures were strictly septic. Mr. Zinno stated that the MUA made it clear, it is 54% failure or repair in the McAfee, Vernon Corridor, Hidden Valley and Vernon Inn Area. Mr. Zinno stated that the amendment to the sewer service area would only allow the MUA to amend the Sussex County Wastewater Management Plan but by no means would sewer infrastructure go

to any streets, neighborhoods or anything at that point. Mr. Zinno stated that the MUA would not be able to move ahead with the pipes without reviewing it with the Council. Mr. Zinno stated that is very clear. Mr. Zinno stated that Attorney Ursin at the last meeting commented, if the MUA needed to make repairs they would have the capacity to do that but to go ahead with an expansion of infrastructure would be completely impossible and was never stated. Mr. Zinno stated the MUA is not looking to take responsibility for bonding for that. Mr. Zinno stated previously there was a discussion about that we are looking for the approval of exploring the avenue to do an expansion within Town to utilize the 260,000 gallons the Township has to maximize the flow.

Mr. Zinno explained that Vernon Township has the capacity of 645,000 gallons of sewer to SCMUA and currently flows 200,000; Mt. Creek has 166,000; Town Center has 99,000 which leaves 160,000 left for the town to use. Mr. Zinno stated the Township has contracts with SCMUA where we guarantee them 464,000 daily. Mr. Zinno noted that the MUA auditor gave the council the handout with SCMUA debt noting users from all towns have to pay which will be 2% increase annually.

Mr. Zinno requested additional time to speak and same was granted.

Mr. Zinno discussed the debt schedule previously provided to the Council. Mr. Zinno stated the MUA needs to increase its user base or by year 2022-2023, if we did not do anything the rate would be approximately \$2,000.00/edu which basically is doubling the cost. Mr. Zinno stated the MUA was looking at failures and repairs as part of the feasibility study. Mr. Zinno said that at that previous meeting he provided the map of the service areas noting the Council's concern about residents who do not wish to be in the service area. Mr. Zinno said there was a two-year time line for notification to any homeowners. The MUA has the ability to structure payment plans if they face a financial hardship. Mr. Zinno discussed the discussion from the previous meeting. Council President Kadish questioned the rehashing of the last meeting. Mr. Zinno opined he didn't think the resolution should have been rescinded based on what was presented. Mr. Zinno noted the MUA presented all the information and the MUA was not promising residents anything. Mr. Zinno questioned why the Council would not approve the feasibility study. Mr. Zinno stated the MUA is considering having a Public Meeting for any questions. Mr. Zinno thanked the Council for the extended time and requested that the MUA be contacted if there were any questions.

Jim Nunemaker, [REDACTED] stated that he appreciated the road improvements already done to Lake Wallkill Road and questioned the plan for resurfacing Lake Wallkill Road from Glenwood Road to the State line. Mayor Shortway states he will meet with the Town Engineer to review the overall ten-year plan which includes Lake Wallkill Road.

Tom Kelly, Great Gorge Village, stated that after listening to everyone tonight, and looking at all the empty businesses, empty houses, the town is in trouble. Mr. Kelly stated the MUA keeps giving it to Great Gorge Village, if they don't expand, Great Gorge Village is looking at rates of \$2,500-\$3,000 a year. Mr. Kelly questioned why the rates were so high and how the bonds were being paid. Attorney Ursin noted that ratepayers pay for the bonds used to guarantee the funds of the MUA. Council President Kadish indicated it is a state law that the users must pay for the sewer system. Mr. Kelly asked Mayor Shortway to make something of this time in office commenting that the last Mayor only served one term and he didn't look into things. Council Member Rizzuto took exception to that remark. Council President Kadish noted that some of us are working day and night on this. Mr. Kelly indicated that the Council should listen to Council Member Murphy and Council Member Oooms who are very smart and intelligent and phenomenal.

Beverly Budz, Environmental Commission Chairperson, commented that she believed the terms of the Environmental Commission members on the township website is incorrect, as done by the previous Municipal Clerk. Ms. Budz indicated that she had pictures before and after of work done at the National Winter Activity Center indicating that the trees are gone. Ms. Budz indicated she had a letter from the Environmental Commission to Tennessee Pipeline to explain what is going on in Vernon. Ms. Budz opined that Breakneck Road is an accident waiting to happen, there is water flow going down road due to flaw in design or change of landscape. Ms. Budz states the Council needs to know for the safety of the citizens of this Township.

Jessi Paladini, President of the Vernon Township Historical Society in 2016, stated that she is much honored that the Board of Education, the Trustees and Members of the Historical Society are here to support the Society. Ms. Paladini indicated that it is very disheartening that in a municipality with many problems that your first order of business in 2016, as a former Historical Society trustee, was to get the Historical Society out of the current building. Ms. Paladini indicated that the building was for the Historical Society and expressed support for it going back to the Board of Education.

Dan Borstad stated he came to Vernon when there were more cows than people. Mr. Borstad said Vernon Township has been very wonderful to his family. Mr. Borstad said he had the opportunity to build Viking

Village office complex with four buildings, increasing tax dollars, using vacant land and most importantly to create jobs for Vernon residents. Mr. Borstad said Vernon needs to slow down with sewers so the town doesn't get more in debt. Mr. Borstad explained how 16 years ago, Vernon was very interested in having Intrawest, a resort company, build a large hotel on the mountain but the State said no because they didn't own the land. Mr. Borstad cautioned that as business people, you need to look how to bring more ratables before building more sewers; the Township has too much to pay already to the MUA and to Sussex County.

John Whiting, Hidden Valley, stated he was part of the Vernon Tomorrow Committee, twenty years ago. Mr. Whiting said there was a vision of cooperation, honesty and communication. Mr. Whiting thanked Mr. Zinno for clarifying information that there is no plan at this point for sewers in Hidden Valley beyond the existing infrastructure and that he wants a feasibility study based on good research; it should provide the rationale for going forward or not. Council President Kadish agreed. Mr. Whiting indicated that areas identified for expansion should be based on risk, per study and be cost justified. Mr. Whiting said Vernon has too much sewer capability and not enough users keeping cost high because of poor planning; any decision by the Township Council should be overly diligent, be rational based on facts. Thank you for your service.

Council President Kadish stated in 1995, he called for referendum for the sewers but that was not done; had that been done, things may be different. Council President Kadish stated Vernon Township is still responsible for the huge debt incurred from previous councils; resolution 15-190 to approve the feasibility study has been suspended at this time as of February 8, 2016. Council President Kadish stated Vernon must decide what development we will have and it involves the Land Use Board, the Master Plan and Mountain Creek. Council President Kadish stated that for March 28, 2016, Mountain Creek was invited to present plans to the Township Council and their involvement is an integral part of the plans.

Angela Erichson, Great Gorge Village, Ms. Erichson is very concerned the Great Gorge Village residents have the major burden of paying for the sewers and costs will be raised to \$3,000. Ms. Erichson questioned the VTMUA's accountability. Ms. Erichson stated that Great Gorge Village has the burden of paying for it. Ms. Erichson further stated that since the MUA is a separate entity apart from the Township these issues may never be resolved. Ms. Erichson indicated that the residents in Great Gorge Village are forced with this burden and it may never be enough, and others don't want to hook up. Ms. Erichson questioned how does the MUA work with the council and never come up with a plan that is very equitable to everyone in Vernon. Ms. Erichson commented that it's never going to change, if the Township doesn't take a part of it. Ms. Erichson seeks accountability for the MUA and for Township to work with the MUA for solutions. Ms. Erichson questioned a floating the bond and how much in millions is owed, based on the five year projected plan but it's never going to be enough because they are so much under water. Ms. Erichson stated the MUA has to be accountable to come up with the plan and try to make it equitable, because the Great Gorge Village residents keep on paying too much; it affects every aspect of Vernon. Ms. Erichson implored the Council to try to reign in the MUA and let them have some real based solutions noting that the study may take too long and Great Gorge Village residents will still be paying. Ms. Erichson suggested moving the MUA under the municipality so we have more accountability and have the whole town pay for it and not just a small group.

Theodore Laabs, [REDACTED] thanked the Mayor, the Vernon Historical Society and the Historic Preservation Commission, of which he is a member. Mr. Laabs said he is speaking tonight as an individual and is reluctant to speak but I saw an article in the NJ Herald and needed to comment. Mr. Laabs feels there is a strong lack of transparency at the Vernon MUA. Mr. Laabs commented that it written that an MUA officer has a conflict of interest because he has a construction business which may benefit from the sewer expansion. Mr. Laabs stated that the Mayor cleaned up an issue of who selects the Historic Preservation Commission secretary. Mr. Laabs felt the Historic building is a public service property, a museum for benefit of people of Vernon Township; with the status of building changing, Mr. Laabs asked how do we conduct business, do we pack up or stay. Mr. Laabs questioned the \$10,000 sewer hookup fee. Mr. Laabs stated the Mayor is very helpful, who do I talk to, with the MUA or Council? Mr. Laabs questioned how that person got into that position on the MUA if he has a conflict of interest.

Richard Carson, Highland Lakes, spoke regarding the resolution regarding the historic society – stating he was a trustee of the Vernon Historical Society. Mr. Carson questioned why; the building is not an eyesore. Mr. Carson stated that he is a resident, but the town needs to know why because it is a valuable society, group.

Ilene Franklin stated that she had enjoyed the benefits of what the Historic Society does and loves what they do. Ms. Franklin stated people are driving through town not to see just another empty building. Ms. Franklin commented that seeing a Historical Society makes it a happening Township; to lose that building would be a very sad day and it makes no sense to get rid of it. Ms. Franklin stated she also understands it is self-supporting but it makes no sense to get rid of it.

Christa Gerry stated she would like to comment on the sewer debate and hopes the Township Council makes the right decision; it should be examined more clearly. Ms. Gerry stated that she felt it is wrong that the Great Gorge Village residents are paying more and forcing people to hook up even if their septic systems aren't failing. Ms. Gerry praised the newly appointed MUA member, Tom McClachrie because he has the knowledge and background to help the MUA deal with these problems noting that he had introduced the idea of installing meters for Great Gorge Village residents, and she questioned why didn't the MUA come up with this idea? Ms. Gerry stated that Mr. McClachrie is working to find solutions. Ms. Gerry adds instead of playing the blame game, the people's voices need to be heard and not ignored. Ms. Geary agrees with the article written by Mary Ellen Vichiconti in the NJ Herald that it is time to renegotiate the original sewer deal.

Dave McDermott, Vernon, asked if it was ever considered if the sewer service area was increased, could residents hook up only when their septic systems fail because there is tremendous debt service that has to be fixed. Mr. McDermott asked if it is possible for the Township Council to take over the MUA and make it a utility. Mr. McDermott questioned that it then would need to go to the Board of Public Utilities when wanting to increase rates.

Mike Furrey, ██████████ Vernon, thanked the Greenway Action Advisory Committee and thanked the Council for their support. Mr. Furrey stated that there are many anxious, angry, concerned citizens and Vernon needs to come together with Council along with Mayor in order to work out issues. Mr. Furrey stated that specifically starting with the appointing of the business administrator we need good qualified people to work with Mayor and Council to deal with these issues, to work for the people and to solve issues for the residents of Vernon.

Ed Snook, McAfee, Chairman of the Vernon Municipal Utility Authority stated that if the Resolution 15-190 is suspended, does that prevent the MUA to help a business to work with the DEP to avoid them from being shut down? Mr. Snook advised that it is not in the service area. Mr. Ursin said that if an individual business needed a TWA application, it would need Council endorsement; but an individual application would be unrelated to the suspension of Resolution 15-190.

Council Member Rizzuto questioned the suspension of Resolution 15-190. Council President Kadish noted it was a little before 10:08 p.m. on the tape on February 8, 2016 council meeting.

Sally Rinker, Vernon, stated this is the first clarity that the Resolution 15-190 is suspended. Ms. Rinker advised that Mr. Ursin needed to create a new resolution to replace it, but it has not appeared on the agenda to replace Resolution 15-190. Ms. Rinker stated that if in fact it is suspended, then the MUA is frozen with going forward with the sewer expansion plan, is that true? Council President Kadish replied, at the moment. Ms. Rinker asked for attorney to reply. Mr. Ursin replied, at the moment. Ms. Rinker said it would have been nice for everyone who commented here time after time to please rescind, knew it was suspended. Council President Kadish replied, I said it. Ms. Rinker said it was actually not made clear at the meeting that night, I don't think the vote counted; you need to replace the resolution. Council President Kadish added the council is in the process of doing it. Ms. Rinker said, if motion was made to suspend and replace and create a resolution to do that and the new resolution has not been created yet, there is cloudiness of the actual completeness of the suspension, in her view. Ms. Rinker questioned if there is no further action to go forward with the MUA on the expansion of the Sewer Service Area. Council Member Murphy added we will be discussing that. Council Member Murphy asked Council President Kadish to please explain that we will be addressing it tonight. Ms. Rinker asked how completely suspended is 15-190? Council President Kadish answered well suspended. Ms. Rinker asked Mr. Ursin, is that a fact? Mr. Ursin replied the reason that I am hesitant because you are stating it so broadly, Resolution 15-190 was endorsement of application to amend the Wastewater Management Plan, yes, correct. Mr. Ursin added the resolution is suspended at least temporarily based on the motion by Council Member Murphy. Ms. Rinker added, or applying to the DEP or the county or move forward in any manner. Ursin added, the MUA at least temporarily based on the motion by Council Member Murphy, could not proceed in any manner where the MUA needs the endorsement of the Council.

Ed DeYoung, Vernon Heights, stated he was a 40 year resident, he commended the DPW on how good Maple Grange Park is kept with cleaning of brush; thank you to Mayor, DPW & Council; it looks very good. Mr. DeYoung commented that the park looks better than it has in years. Mr. DeYoung questioned the removal of the Historical Society. Council President Kadish explained there is a concern of the costs of the building in the future; the repairs and sewer hook ups, etc. Mr. DeYoung said he can understand the financial aspects as a taxpayer and he said he heard that is an area that is proposed for the sewer expansion area. Mr. DeYoung said he was concerned with connection costs too. Mr. DeYoung said a sewer hookup costs \$4,662 connection fee, and over \$6,000 to the county, \$6,000 for an excavator would be a burden you are placing on the taxpayers. Mr. DeYoung stated Vernon put the cart in front of the horse; by spending millions instead of getting rates first. Mr. DeYoung expressed dissatisfaction over the situation and

potential future costs. Council President Kadish explained that is why we made an effort to put a halt to the expansion. Mr. DeYoung added that council needs to try to figure something out; we have too much sewer capacity and need to renegotiate with the county.

Thomas McClachrie, Commissioner of VTMUA, provided maps of the sewer service which he obtained on the Sussex County website under Water Quality Management Plan. Mr. McClachrie discussed that the first map shows the existing sewerage of 2011; the second map shows the sewer expansion of 2013 but is labeled 2015, noting the plan currently before DEP is not yet approved. Mr. McClachrie stated the third map is the new sewer expansion area for 2016 which was proposed this year. Mr. McClachrie notes that it takes three years for a proposed plan to get approved by DEP. Mr. McClachrie stated the map of the proposed expansion which the MUA gave to the Council is incorrect; some areas are labeled incorrectly, specifically where Vernon Crossing and RT 94, that is shaded green but is not in the sewer service area according to Sussex County. Mr. McClachrie explained that the process of expanding the MUA Sewer Service Area was never approved by the commissioners of the MUA by Resolution. Typically, there is a formal support resolution for that direction but none are on file with the MUA. Mr. McClachrie also stated that the proposed expansion also takes function of Township's Planning & Zoning and the Township Master Plan which can only be approved and changed by Township Council noting there are areas with new sewer, changing zoning, and changing density for new construction. Mr. McClachrie cautioned that before you execute any expansion, right of first refusal to Mountain Creek should be asked. Mr. McClachrie also added that the rate schedule has been questioned three times. Mr. McClachrie stated he asked for the information for which the MUA rates are based three times from the MUA. Mr. McClachrie indicated that if the information is not received he may file a complaint with the Local Finance Board.

Jamie Rickey stated that he thinks the Township is very close to the atmosphere that it had prior to the change in the form of government. After hearing all peoples comments tonight, Mr. Rickey feels like the country is divided and Vernon is divided. Mr. Rickey says to get to the solutions, common ground is needed. Mr. Rickey stated he understands the issues, since he ran for office twice, and it impressed him that during those elections everyone was decent to each other and we all made a pact to work together whatever happened; Council President Kadish, you were a part of that. Mr. Rickey stated he realized that, at the last meeting of the old council, cooperation was not going to happen and sees it as unhealthy. Mr. Rickey asked Council to consider building bridges instead of fences especially with those who work for this town. Council President Kadish said thanked Mr. Rickey for his comments. Mr. Rickey indicated he was not finished indicating the Council need to answer questions and listen to statements. Council President Kadish thanked Mr. Rickey.

Robert Oliver, [REDACTED] stated he is not affected by the sewer system but read up on it and was a part of financial committee from 2008-2011. Mr. Oliver remembers Tom McClachrie saying that when the council was considering it that doing an MUA would result in the residents of Great Gorge Village paying more than their share and it happened. Mr. Oliver stated that he believes the potential expansion is for financial reasons rather than environmental and he was opposed to it. Mr. Oliver suggested disbanding the MUA; put burden on taxpayers and leave it at that, as the fairer thing to do. Mr. Oliver stated that the sewers were never put in for ordinary residents but to develop Town Center, Mt. Creek and condos that needed sewers. Mr. Oliver indicated he still doesn't feel the township can justify expanding the store for purely financial reasons.

#### **CLOSED TO PUBLIC COMMENTS**

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

MOTION: Jean Murphy

SECOND: Sandra Ooms

All Members were in favor.

#### **RECESS**

Council President Kadish requested a recess at 9:16 p.m.

MOTION: Jean Murphy

SECOND: Sandra Ooms

All Members were in favor.

Council President Kadish requested motion to re-open the meeting at 9:31 PM

MOTION Patrick Rizzuto

SECOND Sandra Ooms

All Members were in favor.

## **MAYOR'S REPORT**

- Mayor Shortway requested to reserve his comments until the time to discuss Resolution 16-74 – Appointment of the Business Administrator was before the Council.

## **APPROVAL OF MINUTES**

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

Regular Meeting Minutes January 11, 2016

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve minutes.

## **ITEMS FOR DISCUSSION**

### **MUA Sewer Service Area (Resolution 15-190)**

Council President Kadish - requested the Council proceed based upon what was discussed on November 8, 2015. Council President Kadish asked Attorney Ursin to put together questions for the MUA that would supply data for the Council. Council President Kadish read the following:

1. Please give a factual basis for septic failure rates as referred by MUA presentation to Council. Please provide any documents supporting the rates including letters from Health Department itemization of failures by blocks and lots, please advise whether failure was indicated by major repair or replacement or simply indicated permit was required.
2. What is current flow of the Vernon Township system in terms of e.d.u.s.? What is minimum flow the MUA is required to pay to SCMUA? What is the maximum number e.d.u.s.? allocated to the system?
3. What is the current projection for maximum Town Center buildout in terms of e.d.u.s.?
4. What is the current projection for maximum buildout of Mt. Creek in terms of e.d.u.s.?
5. What is the cost benefit analysis for each portion of the system expansion and the buildout of the system?
  - a) Rt. 94 corridor from H& H Auto to the White Medical Building including eastern slope residents
  - b) Herold Square to Hardyston line
  - c) Inclusion of Legends Facility
6. Assuming all costs to be stable, how many connections or e.d.u.s. do you have to make to stabilize the rate base in each of the 10 years?
7. What is the cost of environmental impact for the study for the Black Creek and Walkkill sites?
8. How many public sessions will take place to ensure public are participants in the process?

Council President Kadish stated these are questions generated by Mr. Ursin for the MUA to respond to the Council in terms of these reports and also there should be cost/benefit analysis done, which Mr. Zinno has also mentioned.

Council President Kadish asked is there a Motion to underscore the suspension of resolution 15-190 until such time the MUA supplies the requested data.

MOVED: Jean Murphy

Council President Kadish explains it is a motion as ‘to set forth the fact it is suspended.’”

Attorney Ursin adds the motion I understand, would be when you say “suspend 15-190” you mean to temporarily put on hold your endorsement of the MUA’s application to Sussex County to expand its waste water management plan and the motion is part/parcel to the questions that Council President Dan Kadish read so that you’re asking that those questions be answered and Council Member Murphy said then there could be no further action; even if they answered all the questions.

Attorney Ursin adds once it comes back to the Council they can take range of actions, I will restate the motion “to emphasize the motion that was on the last meeting to temporarily suspend or place on hold the

endorsement of fact of 15-190 and present these questions to the MUA with the request that they answer them and the matter can come back to the Council for further consideration.”

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

Council Member Ooms commented that there should be no further action to apply for the permit.

Council Member Rizzuto said the answers to these questions is exactly what the MUA was seeking to get but they were suspended. Council Member Ooms indicated the MUA wanted to expand but there are too many unanswered questions.

Council President Kadish added when 15-190 was passed it created limitations to RT 94 & McAfee but when we got second map that Resolution is no longer valid in my opinion. Council President Kadish commented that the work to be done afterwards far exceeded the authority of what was in the Resolution. Council President Kadish noted the resolution has to read what the council really has in mind of expansion nothing that when the questions are answered, we can move forward.

Council Member Rizzuto added at the last meeting he felt the issue was resolved because the MUA said they will report back to the council every two months with an update of what would take place.

Council President Kadish asked for a motion - “to emphasize the motion that was on the last meeting to temporarily suspend or place on hold the endorsement of fact of 15-190 and present these questions to the MUA with the request that they answer them so the matter can come back to the Council”

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call vote was taken:

AYES: Jean Murphy, Sandra Ooms, Dan Kadish  
NAYES: Patrick Rizzuto, Dick Wetzell  
ABSTAIN: None  
ABSENT: None

Motion carried.

#### Resolution of The Governing Body Of The Township Of Vernon Requiring Posting Of All Positions On Boards, Commissions And Committees

Council President Kadish stated that there is a section on the Township website already for volunteer applications but any such specific vacancies could be posted in the Municipal Building for the public rather than be a blanket volunteer application. Council President Kadish asked Mr. Ursin the definitions of advice of consent issue of negotiations and to clearly outline the council’s role in requesting the Mayor to post things on the website. Attorney Ursin stated it is hard to explain the answer to the abstract question. Attorney Ursin explained generally per statute the Mayor is responsible to negotiate all contracts and present them to Council who is responsible for advice and consent. Attorney Ursin said that doesn’t mean renegotiating contracts or second guessing them. Attorney Ursin explained in practice voting down of the contract would be done with reasons and could yield further negotiation but it is important to draw the lines of the Mayor’s role to negotiate and not for the Council to substitute judgment for the Mayor’s judgment. Attorney Ursin explained Advice & Consent for Appointments, noting there are two options: Vote in positive or vote against indicating that if the Council voted an item down and made comments, the Mayor can take that in consideration. Council President Kadish asks how to give advice if you are not given all information up front. Attorney Ursin cautioned the Council not to substitute the councils’ negotiating strategy or decisions making for the Mayor’s negotiation doesn’t mean you can’t ask questions. Attorney Ursin noted that you may ask questions working in good faith and communication but the nomination comes to you and you vote to approve or reject. Council Member Ooms asked if you have a concern you would have to vote no. Attorney Ursin discussed the clear division of power between the Mayor and Council, noting however, there is there can’t be communication and working together in accomplishing these roles. Council Member Murphy asks if we as a Council are presented a contract and we are asking the Attorney to review because I am not sure if an Attorney did review it. Attorney Ursin answered that Council judgement is what is reasonable. Mr. Ursin indicated that if you ask if the attorney reviewed the contract and asking does that violate line between mayor and council the answer is no. Council President Kadish questioned if a resolution was needed. Mayor Shortway indicated you can simply ask. Council Member Rizzuto stated that answer is not consistent with this form of government – we are not a Council/Manager form of government; the Mayor is the CEO – it’s an operational matter, he wants to put something on website, he can.



## CONSENT AGENDA

Council President Kadish gave a brief explanation of the Resolutions.

### **Resolution #16-64:** Resolution of Support from Local Governing Body Authorizing the Sustainable Jersey Grant Application

Council President Kadish noted that Resolution #16-64 had been laid on the table and asked for a motion to remove it from the table and place it on the consent agenda.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to remove resolution 16-64 from the table.

Council President Kadish asked for a motion to adopt resolutions 16-64, 16-72, 16-73 and 16-75.

MOVED: Patrick Rizzuto

SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt 16-64, 16-72, 16-73 and 16-75.

### **RESOLUTION # 16-64**

#### **RESOLUTION OF SUPPORT FROM LOCAL GOVERNING BODY AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Vernon Township, strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, Vernon Township is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

**WHEREAS**, the Mayor and the Greenway Action Advisory Committee wishes to apply for the 2016 Sustainable Jersey Grant for these purposes for the residents of Vernon Township.

**NOW THEREFORE BE IT RESOLVED**, the Council of the Township of Vernon has determined that Vernon should apply for and authorizes submission of the aforementioned 2016 Sustainable Jersey Grant.

**RESOLUTION #16-72**

**ENDORING THE SUBMISSION OF THE  
2015 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987 c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Vernon Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the Township of Vernon hereby endorses the submission of the 2015 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates David Pullis, Director of Public Works, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION #16-73**

**RESOLUTION OF PARTICIPATION  
A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY  
FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL  
JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.**

**WHEREAS**, the Township of Vernon Police Department wishes to apply for funding of approximately \$60,000 with a match of \$250,172.86 for an approximate project total cost of \$310,172.86 for a project under the State of New Jersey Safe and Secure Grant Program; and

**WHEREAS**, the Council of the Township of Vernon has reviewed the accompanying application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Vernon Township Police Department for the purpose described in the application.

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

1. As a matter of public policy the Vernon Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**TOWNSHIP OF VERNON**

**RESOLUTION 16-75**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$8,049,698 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (herein called "local unit") entitled: "Bond ordinance appropriating \$1,650,000, and authorizing the issuance of \$1,571,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on March 28, 2011 (#11-07), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,222,637 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$1,484,000, and authorizing the issuance of \$1,412,000 bonds or notes of the Township, for various improvements or purposes for emergency services authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on April 28, 2011 (#11-08), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,048,493 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of sanitary sewerage collection and transmission facilities in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$4,000,000 therefor and authorizing the issuance of \$3,809,000 bonds or notes of the Township for financing such appropriation", finally adopted on November 14, 2011 (#11-22), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,712,568 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$2,350,000, and authorizing the issuance of \$2,066,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 23, 2014 (#14-12), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,066,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 5 Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 4, inclusive, described, shall be combined into a single and combined issue of bonds in the principal amount of \$8,049,698.

Section 6. The following matters in connection with said Bond Anticipation Notes are hereby determined:

- (a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the interim chief financial officer (the “chief financial officer”) of the local unit, provided that no note issued pursuant to Section 1 to 4, inclusive, hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;
- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
- (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 7. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer’s signature upon said notes shall be conclusive as to such determinations.

Section 8. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 9. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 10. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 11. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that

interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

### **RESOLUTIONS REQUIRING SEPARATE ACTION**

**Resolution #16-76:** Resolution of the Governing Body of the Township Of Vernon Requiring a Monthly Bills List to Be Posted On the Website

Council Member Rizzuto requested this resolution be separated from the Consent Agenda.

Council Member Rizzuto would like the word require in the resolution to be replaced by word request.

Council President Kadish asked for a motion to adopt Resolution 16-76 as amended.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call vote was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzell, Dan Kadish

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt resolution 16-76 with amendment noted.

#### **Resolution No. 16-76**

### **RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON REQUESTING A MONTHLY BILLS LIST TO BE POSTED ON THE WEBSITE**

**WHEREAS**, the transparency of a government body is a major factor in the public's confidence in the integrity of that body;

**WHEREAS**, expenditures from the public treasury is a subject of interest to both elected council people and the public at large;

**NOW THEREFORE IT BE RESOLVED** by the Township Council of the Township of Vernon that the administration is requested to post a copy of a monthly bills list to the Township website.

**Resolution #16-77:** Resolution Of The Governing Body Of The Township Of Vernon Directing The Mayor To Negotiate With The Board Of Education To Return The Property At 293 Route 94 To The Ownership Of The Board Of Education

Council Member Rizzuto requested this resolution be separated from the Consent Agenda.

Council President Kadish asked for a motion to adopt Resolution 16-77 but requested that the word direct be changed to request.

MOVED: Jean Murphy with correction noted

SECONDED: Sandra Ooms

Council Member Rizzuto questioned the basis of this transfer noting that the building must be for public use or should revert to its previous owner. Council Member Rizzuto indicated that the Historical Society is the keeper of township archives and artifacts and by virtue of that fact is performing a municipal service. Council Member Rizzuto took note of Council President Kadish's earlier concern for the costs of the building. Council Member Rizzuto took exception that the Historic Society was being asked to pack up their belongings and move out. Council Member Rizzuto indicated that should be the purvey of the Board of Education.

Council President Kadish asked Attorney Ursin to comment on the clause in the Resolution causing them to vacate.

Attorney Ursin stated the Board of Education can give such indication as to what they are thinking, if the lease was terminated the building would go unoccupied. Attorney Ursin stated that the deed does contain that clause and there is no legal problem with deleting notice to vacate in resolution.

Council Member Murphy stated that with the budget concerns, other Township issues, fire suppression system and leaky roof. Council Member Murphy indicated she had no issue with the Historical Society having the building but expressed concern over the town's limited funds.

Council Member Rizzuto added that the Historical Society relied very little on the Township. Council President Kadish – questioned changing the motion to delete the words “to vacate the building.” Mayor Shortway indicated he would like to speak to Superintendent first.

Council President Kadish asks for a motion to table the resolution.

Council Member Rizzuto made a motion to table this resolution until March 14, 2016 to give the Mayor the opportunity to speak to the Board of Education.

MOVED: Patrick Rizzuto  
SECONDED: Dan Kadish

A roll call vote was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dan Kadish  
NAYES: Dick Wetzel  
ABSTAIN: None  
ABSENT: None

Motion carried to table resolution 16-77 until March 14, 2016.

**Resolution #16-74:** Appointment of Business Administrator at salary of \$85,000

Mayor Shortway states that Interim Business Administrator Bailey was delegated the task to determine for the best candidate for Business Administrator for Vernon Township. Mr. Bailey has spent 40 years in municipal and county government which is more than any elected official here and he recommends Mr. Charles Voelker as Business Administrator, who I also have interviewed twice and concur with the recommendation. Mayor Shortway adds that Mr. Voelker has a Bachelor' of Sciences from Adelphi University in 1972; a Master of Arts from Adelphi University in 1975; a Master's in Public Administration from Seton Hall University in 1997. Mayor Shortway note that with Mr. Voelker's work history as Chief Executive of a 30-man Police department with an annual budget of \$4.5 million.

Mayor Shortway noted that after taking office Jan 1, 2016, he had to confront: a \$500,000+ budget shortfall, file an appeal to FEMA for damages from Hurricane Irene, a roof on town hall that needs replacement and a fire suppression system which is absent of order; a smoke alarm which is inoperable at DPW; taxpayers paying fees to the MUA for sewer service not even hooked up to the town hall; several Civil Service issues; two expired union contracts; gypsy moths and public records stored in trailers that needs a hazmat team due to black mold. Mayor Shortway asked the Council to honor and approve my Business Administrator appointment, that I may be able to tackle these issues with the utmost confidence for success to bring water to town center; stabilize MUA rates, identify municipal assets; update personnel policies; and complete trail system with private and public amenities.

Attorney Ursin recommend that the resolution be amended for clarity in regards to the salary noting it should say “at an annual salary.” Attorney Ursin noted that the CFO already makes it clear in her certification of funds that \$70,000 would be paid for the remainder of the year.

Mayor Shortway was invited to introduce Mr. Voelker, who was in the audience. Council Member Murphy asked Attorney Ursin if he had reviewed the contract. Attorney Ursin answered only briefly because he was informed that the Labor Counsel was reviewing it for the administration. Administrator Bailey explained the changes made. Administrator Bailey noted that Mr. Voelker's contract states that there not a residency requirement for his position. Attorney Ursin noted the waiver of that requirement was in the resolution.

Council President Kadish asked for a motion to amend the resolution to include the word “annual” before salary and adopt Resolution 16-74 with any corrections to the contract as needed.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call vote was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion carried to amend and adopt resolution 16-74 with changes noted.

#### **RESOLUTION #16-74**

##### **APPOINTMENT OF BUSINESS ADMINISTRATOR**

**WHEREAS**, the Township is in need of a Business Administrator; and

**WHEREAS**, Charles G. Voelker has been nominated to fill such position as Business Administrator through December 31, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that Charles G. Voelker is hereby appointed Business Administrator for the Township of Vernon effective March 3, 2016 through December 31, 2019 at an annual salary of \$85,000.00 for 2016; and

**BE IT FURTHER RESOLVED** that Mr. Voelker shall be eligible for a salary increase on January 1, 2017, and each January 1<sup>st</sup> thereafter based upon a review of his performance by the Mayor; and  
**BE IT FURTHER RESOLVED** that Mr. Voelker may reside outside the Township of Vernon during his tenure of office, and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute an employment agreement with Mr. Voelker.

Council President Kadish offered his thanks to Interim Business Administrator Bailey and said how pleased he was for his service to the Township.

Mr. Bailey replied it has been a privilege and pleasure most of the time.

#### **INTRODUCTION/1<sup>ST</sup> READING OF PROPOSED ORDINANCES**

None

#### **PUBLIC HEARING/2<sup>ND</sup> READING OF ORDINANCES**

Council President Kadish read Ordinance #16-02 by title:

**Ordinance #16-02: CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-02.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

All members present voted in favor.

There was not comment from the Public.

Council President Kadish asked for a motion to close the public hearing for Ordinance #16-02.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

All members present voted in favor.

Council President Kadish asked for a motion to adopt Ordinance #16-02.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call vote was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish  
NAYES: None

Council President Kadish read Ordinance #16-03 by title:

**Ordinance #16-03: ORDINANCE AMENDING THE SALARY ORDINANCE FOR “NON-UNION” EMPLOYEES**

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-03.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

All members present voted in favor.

There was not comment from the Public.

Council President Kadish asked for a motion to close the public hearing for Ordinance #16-03.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

All members present voted in favor.

Council President Kadish asked for a motion to adopt Ordinance #16-03.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

Council President Kadish read Ordinance #16-04 by title:

**Ordinance #16-04: AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 518 ENTITLED “TOWING”**

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-04.

MOVED: Sandra Ooms

SECONDED: Jean Murphy

All members present voted in favor.

Rick Boydston questioned the purpose of this ordinance. Attorney Ursin advised that towing companies used by Police Department for calls are needed for safety reasons and accidents, so fees are set to be uniform.

Seeing no more members of the public wishing to come forward, Council President Kadish asked for a motion to close the public hearing for Ordinance #16-04.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

All members present voted in favor.

Council President Kadish asked for a motion to adopt Ordinance #16-04.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

**COUNCIL COMMENTS**

Council Member Wetzel has no comments.

Council Member Rizzuto read a letter from the Superintendent of Schools letter supporting the Band Shell as an educational event. Council Member Rizzuto indicated his support of the Band Shell for the Township.



Dear Mr. Kadish:

It is my sincere hope that you do not mind a letter from the school superintendent writing to the Town Council with observations that are extremely positive for Vernon Township. Assuming that your reaction is in the affirmative, please note the following.

As I deeply immerse myself into school operations, there is more of a significant interaction with business, service and governance officials. In recent time, my assistant, Mr. McKay and I have met with the owners of Mountain Creek and have learned of their ambitious plans to potentially provide an increased opportunity for employment in town. We have entered into agreement on a number of cooperative ventures and are working hard toward the creation of a strong partnership between the school district and the town's central business. Additionally, a strong bond between the Police Department and the school district continues to expand as officers participate in Vernon Coalition activities and provide vital information on school security and emergency weather conditions. More so, in an unpredictable winter, the department of Public Works has been superlative in keeping the roads safe for school busses and school children.

Recently, I noticed a council vote that supported the concept of a band shell at Maple Grange in honor of Vietnam veterans. Whereas at first glance this might be construed as a non-school subject, I see it as yet another piece of an adventuresome puzzle in partnership that is developing. Please be assured that should construction of a band shell come to fruition, I pledge that the school district will be an active participant in providing entertainment and the sharing of the excellent efforts of our Fine Arts Department. The school district is pleased to have developed a Fine Arts program that is strongly supported by the Board of Education and one that has excellence as a common expectation. As a demonstration of this excellence, if the council might like to see an example of this Fine Arts expertise, a short presentation at a council meeting would gladly be enabled.

It is an honor to serve as the Superintendent of School in a township that I love and respect. Please understand that my office is at your service at any time.

Sincerely,

Arthur DiBenedetto  
Superintendent of Schools

Council Member Ooms questions the Mayor about the Community Affairs Department since the changes of services and programs going to PAL and trust to Finance. Mayor Shortway noted negotiations are ongoing with the PAL now by Administrator Bailey.

Council Member Murphy stated she is not sure of concerns with Breakneck Road due to it being paved just a couple years ago. Council Member Murphy stated that she had met with Chairman Zinno of the MUA and inquired if the Council would like to meet with them. Council Member Murphy noted that Mt. Creek had been invited to come to the Council meeting on March 28 for a presentation on their future plans and how it would affect the MUA sewer service area. Council President Kadish noted that Mt. Creek is requesting to participate in larger committee, a think tank, for solutions. Council Member Murphy will check with the MUA to see if that is something they would be interested in.

Council Member Wetzel opined that the Council has enough committees. Attorney Ursin said it is normal to have a liaison even to autonomous groups, so Council can have one with MUA without any legal issue.

Council Member Murphy is requesting to be liaison to the MUA, along with Council Member Ooms, unless MUA has issue with that. Attorney Ursin explained that any appointment should be made by vote because they are an ambassador of the council. Council Member Rizzuto questioned putting up an issue to vote on that is not on agenda, 48 hours in advance. Council President Kadish directed the Clerk to add the MUA Sub-Committee discussion to the next regular meeting agenda. Council Member Murphy also questioned the Fire suppression system that is not operating for past several years, noting it is a big deal and big expense

Council Member Ooms also asked why this wasn't addressed. Mayor Shortway said he does not know when it was last tested but in approximately January 2012-2013, a contractor tested it and it doesn't hold water, the Township Engineer indicated it would be approximately \$100,000 to repair. Mayor Shortway hoped negotiations with SUEZ would bring water to the building as soon possible.

Council Member Murphy noted she had taken pictures near Boardwalk of cars parked and she added that the Trail conservancy was not aware of the parking issue on RT 517 and Meadowlark. Mayor Shortway added he has discussed it with the Land Conservancy. Mayor Shortway stated that the Greenway Action Advisory Committee members are looking for solutions for trail heads, or buying some property, Green Acres; noting that visitors aren't here not to receive summons but to enjoy the trails.

Council President Kadish has no comments

**ADJOURNMENT:**

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Rizzuto, seconded by Council Member Ooms with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:39 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Dan Kadish,  
Council President

Minutes approved: May 9, 2016