

**VERNON TOWNSHIP COUNCIL  
REGULAR MEETING**

**MARCH 12, 2018**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on March 12, 2018 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on January 5, 2018 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**

Present were Council Members Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger and Council President Murphy and Township Attorney Marlin Townes.

**EXECUTIVE SESSION**

Clerk Kirkman read the Resolution for the Council to enter Executive Session

**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 matters to be discussed are:
  - a. Pending Litigation –Mountain Creek Bankruptcy  
(N.J.S.A.10:4-12 (b) 7)  
(Anticipated Time of Disclosure January 2019)
3. This resolution shall take effect immediately.

Council President Murphy asked for a motion to go into Executive Session @ 6:03.

MOVED: Dan Kadish  
SECOND: Mark VanTassel  
All members were in favor.  
Motion carried to enter Executive Session.

Council President Murphy asked for a motion to close Executive Session and commence Regular meeting at 7:00 p. m.

MOVED: Jean Murphy  
SECOND: John Auberger  
All members of the Council were in favor.

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on March 12, 2018 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on January 5, 2018 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.

Present were Council Members Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger and Council President Murphy. Also present were Mayor Harry Shortway, Business Administrator Charles Voelker and CFO Elke Yetter, Township Auditor William Schroeder and Township Attorney Marlin Townes.

**SALUTE TO THE FLAG**

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

Council President Murphy announced there will be no Public Hearing for Ordinance #18-10 at meeting tonight.

**PROCLAMATIONS:**

Mayor Shortway read the Proclamation for Eagle Scout Mark J. Reilly and expressed congratulations on behalf of the Township.

Proclamation



**Township of Vernon**

**WHEREAS**, since its establishment in 1911, the Eagle Scout Award represents the highest ranking within the Boy Scouts of America; and

**WHEREAS**, qualifying for this prestigious badge requires considerable perseverance, hard work and dedication which few scouts attain; and

**WHEREAS**, Mark J. Reilly, a member of Boy Scout Troop 404 in Vernon, is currently a Junior at Vernon Township High School and member of the “Order of Arrow” honor society of scouting; and

**WHEREAS**, Mark has fulfilled his major community Eagle Project by planning and constructing a storage shed in the rear parking lot for Lady of Fatima Church in the Highland Lakes section of Vernon Township.

**WHEREAS**, through hard work, loyalty, community service and helpfulness, Mark has realized his goal of achieving the rank of *Eagle Scout*.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Township of Vernon that sincerest congratulations are hereby extended to

***Mark J. Reilly***

for his commendable achievement in receiving the prestigious Eagle Scout Badge Award as a Member of Boy Scouts Troop 404.

Mayor Shortway read the Proclamation for Eagle Scout: Robert E. Reilly and expressed congratulations on behalf of the Township.

Proclamation



**Township of Vernon**

**WHEREAS**, since its establishment in 1911, the Eagle Scout Award represents the highest ranking within the Boy Scouts of America; and

**WHEREAS**, qualifying for this prestigious badge requires considerable perseverance, hard work and dedication which few scouts attain; and

**WHEREAS**, Robert E. Reilly, a member of Boy Scout Troop 404 in Vernon, graduated from Vernon Township High School in 2017 and is currently attending Sussex County Community College.

**WHEREAS**, Robert has fulfilled his major community Eagle Project by planning and constructing a raised stone planter base around the sign to Lady of Fatima Church in Highland Lakes section of Vernon Township.

**WHEREAS**, through hard work, loyalty, community service and helpfulness, Robert has realized his goal of achieving the rank of *EAGLE SCOUT*.

**NOW, THEREFORE, BE IT PROCLAIMED** by the Township of Vernon that sincerest congratulations are hereby extended to

***Robert E. Reilly***

for his commendable achievement in receiving the prestigious Eagle Scout Badge Award as a Member of Boy Scouts Troop 404.

**PUBLIC COMMENTS (On Current Agenda Items Only)**

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

MOTION: John Auberger

SECOND: Mark Van Tassel

All members were in favor.

Sally Rinker, Vernon commented that Ordinance #18-09 in her opinion is poorly written and purpose will shut down opportunity for volunteer organizations to raise funds needed for operations and suggested to table Ordinance for time to gain more public input. Ms. Rinker questioned what the financial benefit of Ordinance #18-12 is to the Township. Council President Murphy reminded Ms. Rinker that Ordinance#18-12 was removed from the agenda tonight.

Jessi Paladini, commented to table all Ordinances on the agenda. Ms. Paladini stated per the OPMA, Council must set aside every meeting for Public Comments on any government issue of concern and commented having comment section at end of meeting is difficult for public to stay until end of meeting. She pointed out that the solicitation Ordinance states that all Boy /Girl Scouts or Sports groups who are under age of 18 are not allowed to raise finds and thinks it should be further discussed before action is taken.

Seeing no more members of the Public wishing to come forward, Council President Murphy asked for a motion to close the meeting for Public Comments.

MOTION: John Auberger

SECOND: Dan Kadish

All members were in favor.

**MINUTES**

Council President Murphy asked for a motion to approve the Executive Session Minutes of February 15, 2018, the Special Meeting Minutes of February 15, 2018, the Regular Meeting Minutes of February 15, 2018 and the

Special Meeting Minutes February 21, 2018.

MOTION: Dan Kadish

SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to approve all Minutes.

**INTRODUCTION OF THE 2018 MUNICIPAL BUDGET**

Council President Murphy stated that pursuant to the Local Finance Notice 2017-27, the Council must adopt Resolution#18-104 before the municipal budget is introduced.

Council President Murphy asked for a motion to approve Resolution #18-104.

MOVED: John Auberger

SECOND: Dan Kadish

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to approve Resolution #18-104.

## RESOLUTION 18- 104

### GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, That the *Township Council* of the *Township of Vernon*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *March 12, 2018*.

Council President Murphy asked Mayor Harry Shortway and CFO Elke Yetter to come forward and introduce the 2018 Municipal Budget.

Ms. Yetter highlighted the 2018 Municipal Budget through a PowerPoint presentation. Ms. Yetter emphasized the benefits of the beautiful scenic views and farmland resources that Vernon residents enjoy daily compared to the noisy, crowded, hectic city way of life. Vernon Township with a population of 23,943 over 68 sq. miles and was listed in an NJ.Gov article of 2017 as the best bargain in Sussex County having the lowest rate of a town with a Police department and the 5<sup>th</sup> lowest tax rate overall. She added that Vernon Township has been working diligently controlling costs keeping the future in mind.

Ms. Yetter stated the 2018 Budget is \$25,338,858.00 with 1/3 coming from revenues and 2/3 being raised by taxes with the average annual tax bill \$1,392.00 or \$3.81/daily for municipal services. Ms. Yetter likened the cost of an annual cell phone bill for a family of four, approximately \$200.00/month to the amount of tax for Vernon residents.

Ms. Yetter detailed the many services Vernon residents receive for the \$3.81 daily spent in taxes.

Public Safety - \$0.80/daily which includes 24/7 Police and Dispatch Services, four Volunteer Fire Fighter organizations, two Volunteer Ambulance organizations, Equipment Repair for Fire Vehicles, Fire Safety, and State mandated testing expenses.

Department of Public Works - \$0.43/ daily which includes paving, sweeping and road repairs; maintenance for Fleet of 135; Township Building & Grounds maintenance; maintain Recycling Center; snow / ice removal on 103.7 miles of roadways; and the reimbursement to Qualified Communities for snow removal.

General Government - \$0.51/daily includes all costs of departments issuing permits or licenses for construction, zoning, land use, food establishments, marriage & death certificates, OPRA requests, collection of taxes, assessments, bank deposits and processing Township payroll.

Parks, Recreation and Senior Center - \$0.06/daily includes all Recreation programs run by the PAL and Township; Playground equipment at Public parks; along with Sussex County provides daily Senior Center Nutrition Site lunches, activities and holiday parties; daily senior busing.

Insurance - \$0.73/daily includes all mandatory insurance including workers compensation and property and liability

Capital Debt & Deferred Charges - \$0.64/daily includes all capital improvement purchases and improvements including vehicles, radio communication equipment, infrastructure, major township building repairs. Deferred Charges include the digitalized Tax Maps and Tax Revaluation.

Statutory Expenses - \$0.31/daily includes Social Security employer and pension contribution.

Reserve for Uncollected Taxes - \$0.43/daily includes funds to cover school and county payments for delinquent properties or properties with liens.

Ms. Yetter summarized that all these services are provided to the public daily for just \$3.81 day to the average taxpayer. She explained Vernon Township continues to move forward while planning for Redevelopment, Mountain Creek Bankruptcy, increased foreclosures, and still working hard to increase the Fund Balance, improve roadways and pay down the debt.

Council Member Ooms questioned why the budget still includes the paid Ambulance Services for \$80,000 since Vernon is not moving forward at this time. Mayor Shortway explained that although the paid services are not going forward now, there are still issues with response time and it may be needed in future. He added that the volunteers are doing a great job but currently coverage on weekends is limited to one squad covering on Saturdays and the other on Sundays. Council Member Auberger commented that if volunteer firefighters had same number of calls that ambulance squads have, Vernon would need to move toward paid fireman as well. Council President Murphy explained Vernon is required to provide service to the community and added squads are rebuilding but there have been issues with adequate coverage.

Council Member Ooms questioned if water will be brought to the Town Center in 2018. Mayor Shortway stated

Vernon does want to move forward but will take at least 18 months for installation of pumps. He added no development will come to Town Center without water and notes that the CEO of Suez is looking at Vernon's potential growth. Ms. Yetter explained that if Council does not approve Water in the Town Center, the funds allocated will stay in the Capital Improvement Fund until needed.

Council Member Kadish questioned why there is no amount in the Clean Communities Grant budget line. Ms. Yetter explained grant funds are not given to the Township until the end of the year and are then used the following year.

Council President Murphy asked for a motion to approve Resolution#18-108.

MOVED: John Auberger

SECOND: Dan Kadish

A roll call vote was taken:

AYES: Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: Sandra Ooms (would like to see budget decreased by one tax point)

ABSTAIN: None

ABSENT: None

Motion Carried to approve Resolution #18-108.

Council President Murphy asked for a motion to approve Resolution#18-109.

MOVED: John Auberger

SECOND: Dan Kadish

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to approve Resolution #18-109.

## **RESOLUTION #18-109**

### **SELF-EXAMINATION OF 2018 BUDGET RESOLUTION**

*[as required by DCA]*

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Vernon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Vernon that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
    - b. Items of appropriation are properly set forth
    - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
  5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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

## **CONSENT AGENDA**

Regarding Resolution #18-107, Township Attorney Marlin Townes explained the Greenway Action Advisory Committee (GAAC) is an ad-hoc committee not a public body and not required by law to maintain

minutes per Open Public Meeting Act but has appealed to Administration for funds for recording secretary. Council Member Ooms requested Resolution #18-103 to be pulled from Consent Agenda.

Council President read a brief explanation of and asked for a motion to approve Resolutions #18-90 to #18-102 and #18-105 to #18-107.

MOVED: Mark Van Tassel

SECOND: Dan Kadish

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger\*, Jean Murphy

\* Council Member Auberger abstained on #18-99 and #18-105

NAYES: None

ABSTAIN: John Auberger abstained from #18-99 and #18-105

ABSENT: None

Motion Carried to approve Resolutions #18-90 to #18-102 and #18-105 to #18-107.

### **RESOLUTION #18-90**

#### **RENEWAL OF INACTIVE LIQUOR LICENSE (HV HOLDINGS LLC) REQUIRING SPECIAL RULING IN THE TOWNSHIP OF VERNON FOR THE 2017-2018 LICENSING TERM**

**WHEREAS**, all licenses to dispense alcoholic beverages must be renewed and reissued annually; and

**WHEREAS**, pursuant to N.J.S.A. 33:1-12.39 the following license required a Special Ruling by the State Division of Alcoholic Beverages, as the license is currently inactive, prior to its renewal; and

**WHEREAS**, the State Division of Alcoholic Beverages, on July 20, 2016, had issued said special ruling for the 2016-17 and 2017-18 license terms; and

**WHEREAS**, pursuant to N.J.S.A. 33:1-1 et. seq., the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

**WHEREAS**, the licensee have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the following inactive license shall be reissued for the 2017-2018 licensing period retroactive to July 1, 2017.

PLENARY RETAIL CONSUMPTION

*HV Holdings LLC.*

*1922-33-004-006*

### **RESOLUTION #18-91**

#### **REFUND DUE TO DUPLICATE PAYMENT (Lingle) Block 269.06 Lot 20**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$1,309.16 representing refund for overpayment of 1<sup>st</sup> qtr. 2017 property taxes for Block 269.06 Lot 20, also known as [REDACTED].

### **RESOLUTION #18-92**

#### **TOTAL DISABLED VETERAN (Bl 73.16 Lot 97 Cancel 2018 Taxes)**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS** on July 31, 2017 awarded Luis Roman a 100% permanent and totally disabled veteran: and,

**WHEREAS**, as of said date the law exempts said property from taxation,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Vernon hereby authorizes the Tax Collector to cancel the taxes for 2018 in the amount of \$2,391.67 for Block 73.16 Lot 97 also known as [REDACTED].

**FINALLY, BE IT RESOLVED**, that a certified copy of this Resolution be forwarded to the Township Tax Collector.

**RESOLUTION #18-93**

**TOTAL DISABLED VETERAN (Bl 73.16 Lot 97 Cancel 2017 Taxes)**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS** on July 31, 2017 awarded Luis Roman a 100% permanent and totally disabled veteran: and,

**WHEREAS**, as of said date the law exempts said property from taxation,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Vernon hereby authorizes the Tax Collector to cancel the taxes for 2017 in the amount of \$3,065.34 for Block 73.16 Lot 97 also known as [REDACTED]

**FINALLY, BE IT RESOLVED**, that a certified copy of this Resolution be forwarded to the Township Tax Collector.

**RESOLUTION #18-94**

**AMENDING RESOLUTION 18-77 REFUND OVERPAYMENT FOR 1<sup>st</sup> QUARTER PROPERTY TAX (Bl. 190.06, Lot 17)**

**WHEREAS**, the Township Council adopted Resolution 18-77 Authorizing a refund for taxes for Block 190.06 Lot 17 on February 15, 2018:

**WHEREAS**, the name of the Title Company requires an amendment.

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Lereta, LLC in the amount of \$1,676.13 representing refund for overpayment of 1<sup>st</sup> qtr. 2018 property taxes for Block 190.06 Lot 17, also known as [REDACTED]

**RESOLUTION #18-95**

**TOTAL DISABLED VETERAN Block 151.09 Lot 9**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS** on February 6, 2018 awarded Roy Elsasser a 100% permanent and totally disabled veteran: and,

**WHEREAS**, as of said date the law exempts said property from taxation,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Vernon hereby authorizes the Tax Collector to cancel the taxes for 2018 in the amount of \$2,285.91 for Block 151.09 Lot 9 also known as [REDACTED]

**FINALLY, BE IT RESOLVED**, that a certified copy of this Resolution be forwarded to the Township Tax Collector.

**RESOLUTION #18-96**

**AUTHORIZING THE AWARD OF CONTRACT FOR PROPOSED WATER SERVICE LINES TO THE VERNON MUNICIPAL BUILDING AND DEPARTMENT OF PUBLIC WORKS GARAGE**

**WHEREAS**, there is a need for the Proposed Water Service Lines to the Vernon Municipal Building and Department of Public Works Garage;

**WHEREAS**, the Township has issued specifications and contract documents soliciting formal bids for the necessary work;

**WHEREAS**, the Township of Vernon received 3 bid(s) for the proposed bid for Water Service Lines on February 22, 2018 at 1:00 p.m.; and



**WHEREAS**, Three (3) bid were received and reviewed by the Township Engineer Cory Stoner for the specified bid requirements; and

**WHEREAS**, after review, the lowest bidder did fully meet the bid requirements and the Township Engineer recommends the contract to be awarded to Your Way Construction, Inc., 404 Coit Street, Irvington, NJ 07111, in an amount not to exceed \$70,280.50; and

**WHEREAS**, the Chief Finance Officer has certified funds available for this purpose in Account #3095858 in Ord#15-16 and #3095995 in Ord. #17-09.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, to award the bid to Your Way Construction, Inc., for the Proposed Water Service Lines to the Vernon Municipal Building and Department of Public Works Garage at a cost not to exceed \$70,280.50.

This Resolution shall take effect immediately according to law.

#### **RESOLUTION #18-97**

#### **RESOLUTION ACCEPTING THE COMPLETION OF THE BARRY DRIVE NORTH – PHASE I**

**WHEREAS**, the Township awarded contracts for the Barry Drive North – Phase I via resolution to Tilcon New York, Inc. and Denville Line Painting awarded by Resolution #17-180; on September 25, 2017; and

**WHEREAS**, the Lake Wallkill Road Improvement Project Section III has been completed, and inspected as per the plans and specifications; and

**WHEREAS**, the Township Engineer has issued the attached letter dated February 28, 2018 which states that the said contracts have been completed in full and that it is recommended that the Barry Drive North – Phase I project be accepted by the Township Council.

**NOW, THEREFORE BE IT RESOLVED**, that the Vernon Township Council accept this project identified as Barry Drive North – Phase I as final and complete; and

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

#### **RESOLUTION #18-98**

#### **AUTHORIZE THE AWARD OF AN AUTO SUPPLY CONTRACT TO H&H AUTO PARTS**

**WHEREAS**, there is a need for auto parts supply in accord with the New Jersey Local Publics Contract Law for the Township of Vernon; and

**WHEREAS**, the Township of Vernon received bids for auto parts supply under bid 4-2018 duly advertised and received in a public manner on February 22, 2018 at 11:00am; and

**WHEREAS**, H&H auto Parts 287 Route 94, Vernon, N.J. has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, the purchasing agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. Seq); and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with H&H Auto Parts for Auto Parts Supply in accord with the tenets of contract found within Bid 4-2018 for a two (2) year contract; and,

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

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

## RESOLUTION #18-99

Authorize the Award of a Required Disclosure Contract with “Campbell Supply Co. LLC” for Repair of Firefighting Apparatus

**WHEREAS**, the Township of Vernon has a need for repair of its firefighting apparatus and other specialized equipment through Campbell Supply Co. LLC, 1015 Cranberry South River Rd. Monroe, N.J. 08831 as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

**WHEREAS**, the Sean Canning, Q.P.A., of the Canning Group, LLC has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for the year of 2018; and

**WHEREAS**, *Campbell Supply Co. LL*, in the aggregate is expected to provide more than the pay to play threshold of \$17,500.00; and

**WHEREAS**, Campbell Supply Co. LLC, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Campbell Supply Co. LLC, has not made any reportable contributions to a political or candidate committee in the *Township of Vernon* in the previous one year, and that the contract will prohibit Campbell Supply Co. LLC from making any reportable contributions through the term of the contract, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with Campbell Supply Co. LLC for firefighting apparatus and specialized equipment repair; and,

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

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

## RESOLUTION #18-100

### AUTHORIZE THE AWARD OF AN ELECTRICAL SERVICES BID TATBIT ELECTRIC, POMPTON PLAINS

**WHEREAS**, there is a need for electrical services contractor in the Township of Vernon; and

**WHEREAS**, this the Township of Vernon received bids for electrical services under bid 3-2018 duly advertised and received in a public manner on February 22, 2018 at 10:30am; and

**WHEREAS**, Tatbit Electrical Services, 237 West Parkway, Pompton Plains, N.J. 07444, has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

**WHEREAS**, the purchasing agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. Seq); and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with Tatbit Electrical Services, for Electrical Services in accord with the tenets of contract found within Bid 3-2018 for a two (2) year contract; and

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution; and

**BE IT FURTHER RESOLVED**, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b) (the certification of available funds), states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount

shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

#### **RESOLUTION #18-101**

##### **REFUND FOR TOTALLY DISABLED VETERAN (Roy Elsasser, 2018 1<sup>st</sup> Quarter)**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS** on February 6, 2018 awarded Roy Elsasser a 100% permanent and totally disabled veteran: and,

**WHEREAS,** the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund a portion of 2018 1<sup>st</sup> quarter in the amount of \$1,523.94 to Roy Elsasser.

**FINALLY, BE IT RESOLVED,** that a certified copy of this Resolution be forwarded to the Township Tax Collector.

#### **RESOLUTION #18-102**

##### **AUTHORIZING ONE-YEAR EXTENSION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND ACTION DATA SERVICES TO PROVIDE PAYROLL AND ACCOUNTING SERVICES FROM APRIL 1, 2018 THROUGH MARCH 31, 2019**

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

**WHEREAS,** the Township entered into a new contract with Action Data Services by resolutions 13-214 and 16-141; and

**WHEREAS,** the Action Data Services had submitted a proposal and contract, for the period of April 1, 2016 through March 30, 2018 with the option to renew for an additional one year period April 1, 2018 to March 31, 2019; 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, providing the overall cost does not exceed \$9,000.00 per annum.

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

1. The Mayor of the Township of Vernon is hereby authorized to renew for an additional year the Agreement with Action Data Services pursuant to the contract dated May 6, 2016.
2. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Municipal Clerk.
3. This Resolution shall take effect immediately upon passage in accordance with law.

#### **RESOLUTION 18-105**

##### **RESOLUTION AUTHORIZING AWARD OF CONTRACT TO VENDOR WITH NATIONAL COOPERATIVE CONTRACTS FOR FIRE APPARATUS**

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

**WHEREAS,** in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the "Law" or "Chapter 139" and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

**WHEREAS,** the Township of Vernon has the need to procure certain specialized refuse equipment in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

**WHEREAS**, the Township of Vernon has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Houston Galveston Area Cooperative, and;

**WHEREAS**, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

**WHEREAS**, the Business Administrator has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation, and;

**WHEREAS**, the equipment and corresponding Houston Galveston Area Cooperative contract numbers are: Spartan ERV Contract FS12-17; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon has certified that adequate funds for such contract are available, and are designated to line item appropriation of the official budget.

The Township Attorney is satisfied that the availability of funds has been provided and a copy of the within resolution shall be made a part of the file concerning said resolution and appointment.

**NOW THEREFORE BE IT RESOLVED THAT**, the Business Administrator is hereby directed to effectuate the purchase of herein approved equipment for the approved cost.

#### **Resolution #18-106**

#### **RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT FOR THE SERVICES OF THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Vernon Township Municipal Utilities Authority (“VTMUA”) is a municipal utilities authority established pursuant to N.J.S.A. 40:14B-1 et seq.; and

**WHEREAS**, the VTMUA has a need for public works services in connection with it maintaining the sewer assets in the Township of Vernon (“Township”); and

**WHEREAS**, it has been determined that the Township can provide public works services to the VTMUA without negatively impacting its operations and ability to serve the public; and

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. provides the mechanism for local governments to enter into contracts for the joint provision of required services; and

**WHEREAS**, the Township Council by Resolution 18-60 authorized the Mayor and Township Clerk to execute an agreement with the Vernon Township MUA however, the agreement incorrectly listed the stipend for the water operator as \$600, when the agreement should have listed the stipend in the amount of \$700. All other terms of agreement were and remain acceptable; and

**WHEREAS**, both the Township and VTMUA wish to correct the agreement to list the correct stipend and execute same.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that the Mayor and Township Clerk are authorized to execute the corrected Interlocal Services Agreement between the Township and VTMUA for the services of the Department of Public Works in accordance with the mutual terms and conditions of the attached Interlocal Service Agreement.

#### **RESOLUTION #18-107**

#### **AUTHORIZING A CONTRACT FOR 2018 RECORDING SECRETARY FOR THE GREENWAY ACTION ADVISORY COMMITTEE IN THE AMOUNT NOT TO EXCEED \$500.00**

**WHEREAS**, there is an interest of promoting the Trail System and the valuable work that is being done by the Greenway Action Advisory Committee; and

**WHEREAS**, the Greenway Action Advisory Committee is an ad-hoc committee not required to take minutes; but the Township would like to memorialize the action of the Greenway Action Advisory Committee through the use of a Recording Secretary for the year 2018 for the promotion of their activities; and

WHEREAS, Vernon Township desires to contract with Laura Lai-Minteer for the term January 1 – December 31, 2018 with a contract price not to exceed \$500.00 for this service; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2018 Municipal Budget.

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

1. The Township of Vernon is authorized to contract with Laura Lai-Minteer for 2018 Recording Secretary for the Greenway Action Advisory Committee.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached contract.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Township Clerk.

**RESOLUTIONS ADOPTED SEPARATELY:**

Council President Murphy asked for a motion to approve Resolution #18-103.

MOVED: Dan Kadish

SECOND: John Auberger

A roll call vote was taken:

AYES: Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: Sandra Ooms

ABSENT: None

Motion Carried to approve Resolution #18-103.

**Resolution #18-103**

**RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH PROJECT SELF-SUFFICIENCY OF SUSSEX COUNTY, INC. TO PROVIDE SELF-SUFFICIENCY, COUNSELING, AND STABILIZATION SERVICES**

**WHEREAS**, Project Self-Sufficiency of Sussex County, Inc. (“PSS”) provides individual and family self-sufficiency, family counseling and stabilization services in Sussex, Morris and Warren Counties; and

**WHEREAS**, PSS seeks to collaborate with the Township of Vernon (“Township”) to provide the aforementioned services to Township residents; and

**WHEREAS**, the Township has determined that it is in the best interests of the public to work with PSS to bring vital services to the Townships residents; and

**WHEREAS**, the Township and PSS desire to enter a memorandum of understanding concerning the collaborative effort to bring said services to the Township’s residents; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that the Mayor and Township Clerk are hereby authorized to execute a memorandum of understanding between the Township and PSS in a form similar to the document attached hereto. The Township Attorney may make applicable language changes deemed in the best interest of the Township.

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

Council Member Murphy read Ordinance #18-09 by title only and brief explanation of purpose.

**Ordinance #18-09:** Ordinance To Amend And Supplement Chapter 428, Article III Of The Code Of The Township Of Vernon Entitled “Charitable Solicitations”

Council President Murphy asked for a motion to introduce Ordinance #18-09 with public hearing to be held on March 26, 2018.

MOVED: Jean Murphy

SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Dan Kadish, Mark Van Tassel, Jean Murphy

NAYES: Sandra Ooms with comment

ABSTAIN: John Auberger

ABSENT: None

Council Member Ooms stated she has many questions about the reasons for the Ordinance. Council President Murphy requested that if Council Member Ooms had questions she could have advised the Council and arrangements would have been made to have the Chief of Police available to answer her questions. Council President Murphy explained the groups need this Ordinance per state law and also must obtain state or county approval or they cannot participate in any roadside fund drives. Council President Murphy explained the Police Department found that Vernon was not in compliance with state law and expressed safety concerns for volunteers, residents and visitors. Mayor Shortway explained Title 39:4-60 is the state statute that says every municipality is required to adopt an Ordinance to allow roadside solicitations. Council Member Ooms opined that word 'person' should be removed in Ordinance and the section requiring written receipt to be given to donor. Mr. Voelker commented besides being illegal to hold the collections without the Township Ordinance in place, Vernon Township workers compensation insurance would not cover our volunteer Vernon EMS and Firefighters.

Motion carried to Introduce Ordinance #18-09 with public hearing to be held on March 26, 2018.

Council Member Murphy read Ordinance #18-12 by title:

**Ordinance #18-12:** Ordinance To Amend And Supplement Chapter 89 Of The Code Of The Township Of Vernon Entitled "Personnel Policies"

Council President Murphy explained this Ordinance was placed on the agenda to bring attention to Council a payment given to certain employees who waived receiving health insurance but that is not authorized by Resolution or Ordinance. She added that eleven employees were receiving the benefit until March 1, 2018 but now only six are eligible due to state health plan rules. The Township has nothing in place to allow for this expenditure as the 2003 and 2006 Resolutions covered only those years. Council President Murphy stated that the benefit is not included in any Bargaining Agreement nor Personnel Manual and opined that a cost/benefit analysis should be performed annually by the CFO in October for the following year. Council President Murphy suggested making changes to the ordinance prior to introduction. Council Member Van Tassel questioned what is better for the town - the cost of the waiver or paying for medical coverage for the employees. The consensus of the Council was to have the Attorney prepare an Ordinance allowing for the waivers and includes a cost benefit analysis for introduction at the next meeting.

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

Council President Murphy asked for a motion to postpone the public hearing of Ordinance#18-10 to allow the Township Attorney to make various amendments to be re-introduced on March 26, 2018.

**Ordinance #18-10:** An Ordinance To Repeal And Replace The Code Of The Township Of Vernon, Chapter 130, "Abandoned Properties; Unfit Buildings"

Council Member Kadish commented the Ordinance is too complex and needs to be simplified while maintaining the importance so Township is legally protected. Council President Murphy asked for a motion to table the Ordinance.

Motion to Table.

MOVED: John Auberger

SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to Table Ordinance#18-10.

#### **ITEMS OF DISCUSSION**

##### Illegal dumping ordinance

Mr. Voelker explained the discussion item should be referred to as the Soil Placement Ordinance and noted that the Township Counsel has provided sample ordinances for the Township Engineer's review as he is critical for inspection of the property. Currently the draft is under review by the Engineer but when acceptable he will forward to Council for action. Council President Murphy noted that Vernon currently lacks an ordinance for determining rules and regulations of soil placement.

#### **PUBLIC COMMENTS (*On any topic, limited to 3 minutes per person*)**

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

MOTION: John Auberger

SECOND: Dan Kadish

All members were in favor.

Sally Rinker, opined that the Council is not moving in right direction and should assess issues, plan accordingly and then execute. Ms. Rinker objected how Ordinance#18-10 was written, claiming it is not beneficial to taxpayers and targets individuals where government should not be involved. Ms. Rinker commented that the Council and Attorney are not paying attention to the Open Public Meetings Act NJSA 10:4-7 in that Vernon is in violation of the fair and open process and suggested Ordinance as written should be removed from all future agendas. She commended Ms. Ooms for initiating discussion on matters that affect all taxpayers.

Beverly Budz, commented Vernon Council secured a \$354,000 tree grant in 2013 after losing over 53,000 trees from work done by Tennessee Gas Pipeline in 2011 and she and DPW employees worked hard to plant 240 new trees. Ms. Budz stated no trees have been planted since and that the current Administration canceled the grant in 2018. Vernon received \$72,000 for the 240 trees and continued maintenance which Ms. Budz opined were neglected by the Township. Ms. Budz stated per the grant rules, Vernon must replant any dead trees at \$300/tree using taxpayer funds and offered assistance to care for trees. Ms. Budz begged Council to request reinstatement of grant for benefit of the community.

Jessi Paladini, commented, she submitted an OPRA requesting invoices from the tree grant. Ms. Paladini claimed that invoices for the contracted forester were not provided and she feels it was a violation of the Open Public Records Act. In a different OPRA request, Ms. Paladini stated the Township said the cost for requested documents would be \$1,600, but after she clarified the request the documents were provided electronically for free. Ms. Paladini noted after the last council meeting, she approached the Clerk making her aware of her claims that there was an OPRA violation and that Government Records Council should be notified. Ms. Paladini stated that per the NJDEP, Mr. Farr, the contracted forester for the Township is not allowed to be paid with grant funds and commented that taxpayers will need to pay for services.

Seeing no more members of the public wishing to come forward, Council President Murphy asked for a motion to close the meeting for Public Comments.

MOTION: Mark Van Tassel

SECOND: Dan Kadish

All members were in favor.

### **MAYORS REPORT**

Mayor Shortway expressed appreciation to the many restaurants and volunteers from the Board of Education, Emergency Services, residents, as well as the DPW and Police who donated their time to help the community during our recent nor'easter when many were left without power for days.

Mayor Shortway announced the Township has been awarded a NJDOT grant in amount of \$235,000 for Road Improvements on Wawayanda Road which will also free up funds to finish Barry Drive.

Mayor Shortway announced the Greenway Action Advisory Committee is hosting a Trail Tour to be held on Sunday March 18, 2018 @ 10:00am at Black Creek Drive.

Traci Carter was appointed by Mayor Shortway to volunteer on the Beautification Committee for 2018.

Mayor Shortway commented there is an auction of 95 Township properties scheduled for April 18, 2018 and interested parties may obtain information at website [maxspann.com](http://maxspann.com).

The Vernon Township Couch to 5K program began on March 11, 2018 and interested participants can call Recreation Office to join 973-764-4055 ext.2261.

### **COUNCIL COMMENTS**

Council Member Ooms commented the DPW did a nice job during the recent snow storms and appreciated all residents who came out to help their neighbors through the power outages. Ms. Ooms expressed disappointment in losing the tree grant and questioned why the decision did not need Council approval and would like further clarification.

Council Member Kadish announced he is organizing a Senior Fair held on April 26, 2018 from 6:00pm – 9:00pm at Crystal Springs presenting services for seniors including crisis management; pet care services; additional care, hospice and other services.

Council Member Van Tassel commented it was nice to see community coming together to serve dinner to over 300 residents suffering from power outages and thanked the many Restaurants for their donations. Mr. Van Tassel explained the reason he may not speak out at meetings is because he frequents the Municipal Building doing his research prior to meeting and noted he makes his voice heard by his votes. He added that he does not want to be part of the problem but be part of the solution.

Council Member Auberger expressed thanks to all the Restaurants and the Board of Education in the community dinner provided during the last storm.

#### **COUNCIL PRESIDENT COMMENTS**

Council President Murphy expressed thanks for the organizer of the community dinner Lori Lepara and it was a great effort by all. Council President Murphy stated she ran for office, was elected by the people and will continue to do the job she was elected to do and will not be intimidated, bullied or antagonized by anyone. Ms. Murphy commented that it is a shame that we all cannot work together for the town.

Council President Murphy explained that all Council Members receive the agenda information in a timely manner and are given the opportunity to ask questions of the Mayor, Attorney, Business Administrator or Clerk prior to the meeting so there is no reason to show up unprepared.

Mr. Townes asked public to refrain from yelling out of order.

#### **ADJOURNMENT**

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

The Meeting of the Township Council of the Township of Vernon was adjourned at 8:41 p.m.

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Jean Murphy,  
Council President

Minutes approved: April 9, 2018