

Township of Vernon

TOWNSHIP COUNCIL MEETING MINUTES

January 27, 2020

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on January 27, 2020 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 7, 2020 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 John Auberger, Jean Murphy and Council President Shortway. Council Members Kelly Weller called into the meeting by phone. Also present were Attorney Joshua Zielinski, Business Administrator Charles Voelker and Mayor Howard Burrell. Council Member Van Tassel called into the meeting by phone at 7:58 p.m.

SALUTE TO THE FLAG

Council President Shortway led the assemblage for the salute to the flag.

PROCLAMATIONS:

Eagle Scout Award – Paul G. Mele, Jr.
Special Olympics Month

PUBLIC COMMENTS (On Current Agenda Items Only)

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

MOVED: John Auberger

SECOND: Jean Murphy

All members present voted in favor.

Steven Dunlop - [REDACTED] he thanked the Township Council for paving Higgins Drive and Walsh Way.

Sandy Omms – Vernon, commented on the salary ordinance saying she would like to see the names of the employees and their current salaries. She feels that the ordinance has some very high increases in the salary ranges.

Tom Kane, lives in a condo adjacent to an Air B&B. He is very concerned about Air B&B's in the area where he lives deteriorating the quality of life in Vernon Township. Mr. Kane said that he cannot complain to the owners about the many problems he has had with the Air B&B he lives adjacent to because they do not live in the area. Mr. Kane feels that there needs to be strict rules and regulations in place for Air B&B's.

Lisa Conklin - Highland Lakes, feels the quality of life will go down with transients in and out of their neighborhoods because of Air B&B's. Ms. Conklin feels that having these transients in and out will lower the integrity and safety of the community and it creates a very bad atmosphere. Ms. Conklin feels we need to be proactive before a bigger problem is created.

Mike and Judy Maniscalco – Highland Lakes, live on a corner lot and they have two Air B&B's right next to them. They feel like they live next door to a hotel because there are constantly new people in and out. They feel the Air B&B's should be regulated the same as hotels and have health and safety inspections as well as pay the same fees and taxes as hotels. They also feel that there are safety concerns with the constant changing of people who are in a partying mindset.

Anita Pagrano, feels that the situation is not fair to people who live close to short term rentals. She said that people rent a unit that only holds three people and bring ten people with them.

Peg Distasi – ██████████ recommended that the Council hire someone to police the short term rentals as well as receive phone calls if there is a problem at a short term rental. Ms. DiStasi feels that the owners should have to pay a fee for having a local policing program.

John McNally – Highland Lakes, owns an Air B&B in Highland Lakes. He said he has found that by using Air B&B that it gives transparency so people can see what kind of rental he owns. Mr. McNally insists on five star reviews and does not allow first timers. He advertises for families and children. Mr. McNally feels that Air B&B should be regulated. He feels that allowing Air B&B's promotes the beautiful Township of Vernon and that is a good thing.

Joan Bono – Highland Lakes, commented that Air B&B is noisy. She has heard people down at the docks listening to loud music till 2:00am. She feels neighbors are afraid to call the police because of retribution. Ms. Bono thinks Air B&B's are cheap and will bring in riff-raff.

Lou Lane – ██████████ says he was thinking of renting out a bedroom as an Air B&B in his home. He will be living in the same house as his Air B&B. Mr. Lane says that there need to be a mechanism to come down hard and fast on the party situation. Mr. Lane explained that Air B&B insists that they have increased their own internal security, have a much stronger vetting process and are aware of the issued. He said this remains to be seen. Mr. Lane feels that there should be some kind of differentiation between someone who is renting out their entire home an Air B&B that is only renting a room in their primary residence.

Eric Samick – Highland Lakes, commented that he lives across the street from a short term rental property. He says if it wasn't for a large window in his house, he would not know anyone occupied the house. Mr. Samick says he likes all of the activity in the area because it is a recreational town and we could benefit from this especially in the lake area.

Russ Ferber - Vernon, commented that he has been an Air B&B host and renter. He feels there is more noise from permanent residents in the area from their dirt bikes and all-terrain vehicles. He also says you can look at the reviews on Air B&B and weed people out. Mr. Ferber said he does everything he can to make sure his Air B&B is not a party house.

Will Ruffing – Highland Lakes, has spoken to the Council in the past about not advocating short term rentals in residential neighborhoods. Mr. Ruffing says it appears to be a feasible request since the town does not view short term rentals as a way of generating income. Mr. Ruffing feels that short term rentals disrupt the tranquility of residential neighborhoods because short term renters are just here for a good time. Mr. Ruffing feels that no one wants to live next door to a short tern rental or buy a house that is next to one because short term renters have no investment in the community. Mr. Ruffing asked the Council to reinstate the Short Term Rental ordinance to read that short term rentals in residential zones must be the owner's primary residences. He feels this will increase safeguards and the vetting process and increase safety. Mr. Ruffing also asked that the Council limit the number of renters bases on the size of the property.

Patrick Curreri – ██████████ originally he supported the short term rental ordinance until he noticed that there were some shortcomings to the ordinance. Mr. Curreri said that we are a majority lake community town and the lakes communities have their own rules and regulations. He feels that because where he lives it is not a lake community, the short term rentals where he lives should be owner occupied only because he does not have the governance of lake communities. He feels that the lake communities should govern themselves. Mr. Curreri said that the town spent the better part of two years removing transients from Legions and now we are legislating to bring transients back into Vernon.

Robin Jenkins - Glenwood Section, lives next door to an Air B&B where the owners contacted her and gave her their contact information and Air B&B's contact information. The few times she had to contact the owners or Air B&B the problems were solved immediately. Ms. Jenkins asked the Council how will it be governed if people rent their houses out with a company other than Air B&B? She also asked about the fire inspections that will be a requirement. Ms. Jenkins is concerned about the number of tenants allowed in the short term rentals and who will police that.

Sally Rinker – asked the Council why they would be opposed to a workshop meeting to discuss the short term rental ordinance. Ms. Rinker says the more input we can get the better and this is a conflict issue.

Christa Gerry – Vernon, feels that there should be a workshop session because the Air B&B’s should be regulated.

Thomas McClachrie, commented on some of the resolutions on the agenda that concern defined payments. He would like to see the entire amount of the payments in the resolutions. He said that change order resolutions do not show the whole original amount of the purchase. He doesn’t know how much more we can regulate the Air B&B because it is very hard to get insurance on Air B&B’s.

Deb Miller, said she owns an Air B&B in the condos and she has never had an issue. She said that license plate numbers are taken for them to get in and out of the security booth. Ms. Miller has five star reviews and only rents to people with five star reviews. She said she makes money and pays taxes on that money.

Seeing no one further wishing to come forward, Council President Shortway asked for a motion to close the meeting to Public Comments.

MOVED: John Auberger

SECOND: Jean Murphy

All members present voted in favor.

MINUTES

Regular Meeting Minutes January 1, 2020

Executive Session Minutes January 13, 2020

Regular Meeting Minutes January 13, 2020

Council President Shortway asked for a motion to approve the Regular Meeting Minutes of January 1, 2020, Executive Session Minutes January 13, 2020 and Regular Meeting Minutes January 13, 2020.

MOVED: John Auberger

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Shortway

NAYES:

ABSTAIN:

ABSENT: Van Tassel, Weller

Motion carried.

COUNCILMEMBER VAN TASSEL JOINED THE MEETING BY PHONE AT 7:58 P.M.

CONSENT AGENDA

Resolution #20-62: Refund Overpayment (Block 529 Lot 117 – Corelogic)

Resolution #20-63: Resolution Accepting the Completion of Road Improvement Project to Warwick Turnpike

Resolution #20-64: Authorizing Change Order #1 of Contract for Proposed Improvements of Milling & Paving to Lake Pochung Road with Tilcon New York, Inc.

Resolution #20-65: Authorizing Change Order #1 of Contract for Proposed Improvements of Milling & Paving to Higgins Drive and Walsh Way with Tilcon New York, Inc.

Resolution #20-66: Authorizing the Mayor and Township Clerk to Execute a Contract with White Oak Drive Association, Inc., a Qualified Private Community, For Services, Defined by N.J.S.A. 40:67-23.2

Resolution #20-67: Authorizing the Mayor and Municipal Clerk to Sign an Agreement with the County of Sussex for Nutrition Site Premises for Senior Citizens

- Resolution #20-68:** Authorizing the Collective Bargaining Agreement with American Federation of State, County, and Municipal Employees and Vernon Township
- Resolution #20-69:** Resolution Authorizing Leasing of Certain Vehicles Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 44520378-2020 Ford F-550)
- Resolution #20-70:** Resolution Authorizing Leasing of Certain Vehicles Through Sourcewell Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 445285-2020 Ford F-350)
- Resolution #20-71:** Resolution Authorizing Leasing of Certain Vehicles Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 4452175-2020 Ford F-450)
- Resolution #20-72:** Resolution Authorizing Leasing of Certain Vehicles Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 4452199-2020 Ford F-450)
- Resolution #20-73:** Authorizing Alternate Public Defenders
- Resolution #20-74:** Resolution of the Township of Vernon, in the County of Sussex, New Jersey Directing the Township Land Use Board to Prepare the Town Center Redevelopment Plan Pursuant to the Local Redevelopment and Housing Law
- Resolution #20-75:** Resolution Authorizing and Ratifying a Memorandum of Understanding with the National Winter Activity Center for Use of the Municipal Parking Lot

Council President Shortway read the titles of the resolutions.

Council President Shortway asked for a motion to approve Resolutions #20-62, #20-64, #20-65, #20-67, #20-73 and #20-75.

MOVED: John Auberger
SECOND: Jean Murphy

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Weller, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to approve Resolutions #20-62, #20-64, #20-65, #20-67, #20-73 and #20-75.

RESOLUTION # 20-62

**REFUND OVERPAYMENT
(Block 529 Lot 117 – CORELOGIC)**

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 \$655.87 representing refund for overpayment of 4th qtr. 2019 property taxes for Block 529 Lot 117 also known as [REDACTED]

RESOLUTION # 20-64

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR PROPOSED IMPROVEMENTS
OF MILLING & PAVING
TO LAKE POCHUNG ROAD WITH TILCON NEW YORK, INC.**

WHEREAS, on October 17, 2019, by way of adoption of Resolution #19-200, the Council of the Township of Vernon awarded a contract to Tilcon New York, Inc. for Milling & Paving Lake Pochung Road which contract provided for an expenditure of \$224,171.50; and

WHEREAS, in a memo dated January 13, 2020, the Township Engineer states that the contract requires a Change Order #1 by the addition of one extra item in amount of \$2,316.87, addition of one supplemental item in amount of \$7,427.99 and the reduction of two items in total amount of \$16,826.03 resulting in an adjusted total contract amount of \$217,090.33; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$7,081.17 for an adjusted total contract amount of \$217,090.33.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount with Tilcon New York, Inc. to \$217,090.33; and

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

RESOLUTION # 20-65

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR
PROPOSED IMPROVEMENTS OF MILLING & PAVING
TO HIGGINS DRIVE AND WALSH WAY WITH TILCON NEW YORK, INC.**

WHEREAS, on October 17, 2019, by way of adoption of Resolution #19-202, the Council of the Township of Vernon awarded a contract to Tilcon New York, Inc. for Milling & Paving Higgins Drive & Walsh Way which contract provided for an expenditure of \$84,527.50; and

WHEREAS, in a memo dated January 13, 2020, the Township Engineer states that the contract requires a Change Order #1 by the addition of one supplemental item in amount of \$1,322.26 and the reduction of one item in amount of \$3,743.68 resulting in an adjusted total contract amount of \$82,106.08; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$2,421.42 or 2.86% to an adjusted total contract amount of \$82,106.08.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount with Tilcon New York, Inc. to \$82,106.08 and

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

RESOLUTION# 20-67

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO SIGN AN AGREEMENT WITH THE COUNTY OF SUSSEX
FOR NUTRITION SITE PREMISES FOR SENIOR CITIZENS**

WHEREAS, Vernon Township has available space in the Senior Citizen Center; and

WHEREAS, there is a continuing need for space to offer meals to accommodate approximately 75 senior citizens per day; and

WHEREAS, the Township of Vernon has offered, for appropriate compensation, to allow the County of Sussex to utilize a portion of the Senior Citizen facility for the Vernon Nutrition Site Operation project as per attached agreement for the year 2020; and

WHEREAS, the agreement is attached hereto and made a part hereof; and

WHEREAS, the compensatory amount for the use of this facility is \$27,700.00 for the agreement year.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, New Jersey as follows:

1. That the Township Council of the Township of Vernon hereby authorizes and directs the Mayor and Township Clerk to execute the agreement between Vernon Township and the County of Sussex for use of the Vernon Township Senior Citizen Center for the Vernon Nutrition Site Project.
2. A certified copy of this Resolution shall be submitted to the Clerk of Sussex County and Melanie Walter, the Acting Director of the NJ Division of Local Government Services.

RESOLUTION #20-73

AUTHORIZING ALTERNATIVE PUBLIC DEFENDERS

WHEREAS, there is a need for Professional Services to the Township of Vernon for Public Defender; and

WHEREAS, the Township has appointed a Public Defender for the year 2020 however the Court has recognized they may have a need for an alternate under some circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize the following Alternate Public Defender:

1. Alternate Public Defender – David L. Dumbroff, Esq. Newton, NJ

Resolution #20-75

RESOLUTION AUTHORIZING AND RATIFYING A MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL WINTER ACTIVITY CENTER FOR USE OF THE MUNICIPAL PARKING LOT

WHEREAS, the National Winter Activity Center (“NWAC”) is dedicated to improving the lives, health and fitness of youth by providing access to winter sports activities; and

WHEREAS, the NWAC has a need for additional parking in connection with events occurring in the Township; and

WHEREAS, the Township has determined that it is in the best interests of the public to provide the NWAC access to the municipal parking lot located across the street from the Municipal Building in connection with upcoming events; and

WHEREAS, the Township and the NWAC have entered a memorandum of understanding concerning the NWAC’s use of the Township lot; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that the memorandum of understanding between the Township and the NWAC attached hereto is authorized and ratified.

Council President asked for a motion to table Resolution #20-63 and vote on it at the next meeting.

MOVED: John Auberger

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Van Tassel, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to table Resolution #20-63 till the next meeting.

Council President Shortway asked for a motion to approve Resolution #20-66.

MOVED: Jean Murphy
SECOND: John Auberger

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Shortway
NAYES:
ABSTAIN:
ABSENT: Weller
Motion carried to approve Resolution #20-66.

RESOLUTION #20-66

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH WHITE OAK DRIVE ASSOCIATION, INC., A QUALIFIED PRIVATE COMMUNITY, FOR SERVICES, DEFINED BY N.J.S.A.40:67-23.2

WHEREAS, the White Oak Drive Association is a qualified community pursuant to N.J.S.A. 40:67-23.2 (e); and

WHEREAS, the Community has made application to the Township to be recognized under the Municipal Services Act; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute an Agreement with White Oak Drive Association, Inc. recognizing them as a qualified community under the Municipal Services Act; and

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

Council President asked for a motion to table Resolution #20-68 and vote on it at the next meeting.

MOVED: John Auberger
SECOND: Jean Murphy

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Weller, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to table Resolution #20-68 till the next meeting.

Council President Shortway asked for a motion to approve Resolutions #20-69, #20-70, #20-71 and #20-72.

MOVED: Jean Murphy
SECOND: John Auberger

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Weller, Shortway
NAYES:
ABSTAIN:
ABSENT:
Motion carried to approve Resolutions #20-69, #20-70, #20-71 and #20-72.

RESOLUTION #20-69

**RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH
SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH
ENTERPRISE FLEET MANAGEMENT SERVICES INC.
(Quote No. 44520378- 2020 Ford F-550)**

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

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 vehicles through lease program for Township services 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 Sourcewell National Cooperative, and;

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

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract \$82,624.20 (Quote No. 4452037); and

WHEREAS, 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

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

RESOLUTION #20-70

**RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH
SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH
ENTERPRISE FLEET MANAGEMENT SERVICES INC.
(Quote No. 4452285- 2020 Ford F-350)**

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

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 vehicles through lease program for Township services 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 Sourcewell National Cooperative, and;

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

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract \$37,582.20 (Quote No. 4452285); and

WHEREAS, 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

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

RESOLUTION #20-71

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 4452175- 2020 Ford F-450)

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

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 vehicles through lease program for Township services 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 Sourcewell National Cooperative, and;

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

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract \$47,354.00 (Quote No. 4452175); and

WHEREAS, 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

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

RESOLUTION #20-72

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 4452199- 2020 Ford F-450)

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

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 vehicles through lease program for Township services 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 Sourcewell National Cooperative, and;

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

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract \$47,354.00 (Quote No. 4452199); and

WHEREAS, 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

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

Council President Shortway asked for a motion to approve Resolution #20-74.

MOVED: Jean Murphy
SECOND: John Auberger

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Weller, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to approve Resolutions #20-74.

RESOLUTION # 20-74

RESOLUTION OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY DIRECTING THE TOWNSHIP LAND USE BOARD TO PREPARE THE TOWN CENTER REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Township Council of the Township of Vernon adopted a resolution (#R17-169) on August 28, 2017 authorizing and directing the Vernon Township Land Use Board (hereinafter "Land Use Board") to undertake a preliminary investigation to determine whether properties in a proposed redevelopment area, a portion of the area which is commonly referred to as the Town Center Zone (hereinafter "TC Zone") and adjacent parcels was a non-condemnation area in need of redevelopment in accordance with the criteria set forth in the Act; and

WHEREAS, the Township Council of the Township of Vernon adopted a resolution (#R18-135) on April 13, 2018 designating various lots in the TC Zone and adjacent parcels as non-condemnation area in need of redevelopment pursuant to the Act; and

WHEREAS, a redevelopment plan must be prepared for the area and adopted by the Township Council in order for a redevelopment of the area under the Act; and

WHEREAS, the Township Council wishes to utilize the experience and expertise of the Land Use Board in order to prepare the redevelopment plan for the area;

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. LAND USE BOARD DIRECTED TO PREPARE THE DRAFT REDEVELOPMENT PLAN

The Township Council hereby authorizes and directs the Land Use Board to prepare a draft Redevelopment Plan and to transmit the Plan to the Township Council.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Town.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

PUBLIC HEARING/2ND READING OF ORDINANCES

Ordinance #20-01: Calendar Year 2020 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A-45.14)

Council President Shortway read by title Ordinance #20-01.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-01.

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-01

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #20-01.

MOVED: John Auberger
SECOND: Jean Murphy

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Weller, Shortway
NAYES: None
ABSTAIN: None
ABSENT:

Motion passed to adopt Ordinance #20-01

ORDINANCE #20-01

**CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Township of Vernon in the County of Sussex finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a 1.0% increase in the budget for said year, amounting to \$169,295.01 in excess of the increase in final appropriations otherwise permitted by, by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized herein above, that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Vernon, County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Vernon shall, in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 3.5% amounting to \$592,532.54, and that the CY 2020 municipal budget for the Township of Vernon be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and;

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote thereon, be filed with said Director within 5 days after such adoption.

Ordinance #20-02: Ordinance Extending Lease Agreement Between the Vernon Township Board of Education and the Township of Vernon, and Sub-Lease Agreement Between the Township of Vernon and the Dog Owners Gathering Society of Vernon Township, for Certain Unimproved Real Property Identified on the Official Tax Maps of the Township of Vernon as Block 308 Lot 2 (Old Block 133, 2.05)

Council President Shortway read by title Ordinance #20-02.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-02.

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-02

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #20-02.

MOVED: John Auberger
SECOND: Jean Murphy

A roll call vote was taken:
AYES: Auberger, Murphy, Van Tassel, Weller, Shortway
NAYES: None
ABSTAIN: None
ABSENT:

Motion passed to adopt Ordinance #20-02

ORDINANCE #20-02

ORDINANCE EXTENDING LEASE AGREEMENT BETWEEN THE VERNON TOWNSHIP BOARD OF EDUCATION AND THE TOWNSHIP OF VERNON, AND SUB-LEASE AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE DOG OWNERS GATHERING SOCIETY OF VERNON TOWNSHIP, INC., FOR CERTAIN UNIMPROVED REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF VERNON AS BLOCK 308 Lot 2 (old Block 133, Lot 2.05)

WHEREAS, the Vernon Township Board of Education (“BOE”) is the owner of certain unimproved real property located at 669 Route 517, identified further on the official tax maps of the Township of Vernon (“Township”) as Block 308 Lot 2 (old Block 133, Lot 2.05) (the “Premises”); and

WHEREAS, pursuant to N.J.S.A. 18A:20-8.2(a), the BOE previously determined that the Premises is not necessary for school purposes but may, at some future time, be required for said purposes; and

WHEREAS, on November 1, 2009 the BOE and Township entered into a five (5) year lease agreement (“Lease”) for the Premises for the sole purpose of allowing the Township to sublet said Premises to the Dog Owners Gathering Society of Vernon Township, Inc. (“DOGS”); and

WHEREAS, DOGS is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, having a postal address of P.O. Box 221, Vernon, New Jersey; and

WHEREAS, on November 1, 2009 the Township and DOGS entered into a five (5) year sublease agreement (“Sublease”) for the Premises for use as a free, open-to-the-public, off-leash dog park operated and maintained by DOGS; and

WHEREAS, consideration for the Lease and Sublease was limited to the mutual promises and obligations contained in said Lease and Sublease, without additional monetary compensation; and

WHEREAS, on or about July 9, 2012 the Lease and Sublease were amended to allow the Township to use a portion of the Premises as a community garden available to Township residents on a first come, first served basis; and

WHEREAS, the Lease and Sublease, as amended, expired on October 31, 2014; and

WHEREAS, the parties extended the terms of the Lease and Sublease, as amended, for an additional five (5) year period through October 31, 2019; and

WHEREAS the parties desire to extend the terms of the Lease and Sublease, as amended, for an additional one (1) year period ending on October 31, 2020; and

WHEREAS, there is an ongoing and continuous need for a dog park within the Township due to the increased number of dogs and dog owners residing within the Township; and

WHEREAS, the Township Council has determined that having a free, open-to-the-public, off-leash dog park will continue to benefit the residents of Vernon in that dog parks, in general, promote responsible pet ownership, give dogs a place to exercise safely thereby reducing barking and other problem behaviors, provide seniors and disabled owners with an accessible place to exercise their companions, and provide an area for community-building and socializing; and

WHEREAS, there is also an ongoing and continuous need for a public facility where gardeners may share and exchange ideas while producing healthy food for friends and family; and

WHEREAS, the Township Council has determined that having a community garden will continue to benefit the residents of Vernon in that it will provide a suitable gardening area to residents who do not have any at home, provide an area capable of growing healthy produce which can combat adult obesity and chronic illnesses, allow residents to connect with nature, create intergenerational connections between seniors and youths, foster community spirit and civic mindedness, and reduce costs otherwise spent on groceries; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14(c) allows a municipality to lease property to a nonprofit corporation for a public purpose.

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

1. The Township is hereby authorized to extend the term of its November 1, 2009 Lease, as extended and amended, with the Vernon Township Board of Education for an additional one (1) year term ending on October 31, 2020 subject to the remaining terms and conditions set forth in the Lease, as amended, which shall remain in full force and effect.

2. The Mayor is hereby authorized to execute the Amendment to Lease with the Vernon Township Board of Education, a copy of which is attached hereto as **Attachment A**.

3. The Township is hereby authorized to extend the term of its November 1, 2009 Sublease, as extended and amended, with the Dog Owners Gathering Society of Vernon Township, Inc. for an additional one (1) year term ending on October 31, 2020 subject to the remaining terms and conditions set forth in the Sublease, as amended, which shall remain in full force and effect.

4. The Mayor is hereby authorized to execute the Amendment to Sublease with the Dog Owners Gathering Society of Vernon Township, Inc., a copy of which is attached hereto as **Attachment B**.

5. Consideration for the extended terms shall be limited to the continuation of the mutual promises and obligations contained in the Lease and Sublease, as amended, without monetary compensation; and

6. The Township shall not be responsible for the operation and/or maintenance of the dog park or any costs associated therewith during the extended terms of the Lease and Sublease.

7. The Mayor and Business Administrator are hereby designated as the Township Officials responsible for the supervision of the Lease and Sublease, as amended.

8. Pursuant to N.J.S.A. 40A:12-14(c), The Dog Owners Gathering Society of Vernon Township, Inc. shall submit an annual report to the Mayor or Business Administrator which describes or contains the following:

- (i) the use to which the Premises was put during each year;
- (ii) the activities performed in furtherance of the public purpose for which the Sublease was granted;
- (iii) the approximate value or cost, if any, of such activities in furtherance of the such purpose; and
- (iv) an affirmation of the continued tax-exempt status of the nonprofit corporation or association pursuant to both State and federal law.

NOW, THEREFORE, BE IT FURHER ORDAINED that this Ordinance shall take effect upon final adoption and publication pursuant to law.

Ordinance #20-03: Ordinance Amending the Salary Ordinance for “Non-Union” Employee

Council President Shortway read by title Ordinance #20-03.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-03.

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-03

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor

Council Member Murphy commented that the Township does not have a Land Use Department Head, the ordinance should read Land Use Administrator. Council Member Murphy also commented that the Township just recently adopted a Salary Ordinance.

Council Member Murphy made a motion to table Ordinance 20-03.

MOVED: Jean Murphy

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Murphy

NAYES: Van Tassel, Weller, Shortway

ABSTAIN: None

ABSENT:

Motion does not pass to table Ordinance #20-03

Council Member Murphy commented that in 2018 is the Township's former CFO advised the Township Council that there were several different salary ordinances. The former CFO recommended that all of the Salary Ordinances be combined into one ordinance. Council Member Murphy said at that time the Council came up with a five-year plan for the salary increases. She said to take these salary ranges and just arbitrarily raise them make no sense. Council Member Murphy spoke about different salary range increases in the past year.

Council Member Auberger commented that the Township has a responsibility to the employees but he also feels that the Township has a responsibility to its tax payers. He said there is no reason anybody needs to be bumped up at this time and everyone's salaries are well within the salary ranges. Council Member Auberger feels that if this ordinance gets adopted it just shows that government only spend where they want to and not where it is needed.

Council Member Murphy feels that there is plenty of room in the salary range and everyone is going to be getting a raise. She said that the only reason anyone would want to push the salary ordinance through is to hand out large raises that she does not think are necessary at this time.

Council President Shortway said he will support the ordinance because the Mayor sets the salaries and he need the tools to do so.

Council President Shortway asked for a motion to adopt Ordinance #20-03.

Council Member Van Tassel made a motion to adopt Ordinance #20-03

There was not a second. No Vote – Ordinance Fails

Ordinance #20-04: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Creating Chapter 476 of the Municipal Code of the Township of Vernon Entitled "Short-Term Rentals"

Council President Shortway read by title Ordinance #20-04.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-04.

MOVED: Jean Murphy

SECOND: John Auberger

All Members were in Favor.

Bonnie Rubin – Highland Lakes, asked the Township Council to enhance the speaker system in the Meeting Room so that everyone can hear the meetings.

Sandy Omms – Vernon, does not know why everyone is so resistant to a work session for the short term rental ordinance. Ms. Omms asked the Council to consider work sessions for big issues.

Sally Rinker – Vernon, feels that there is a need for a work session, to discuss the short term rental ordinance.

Rich Sterl, asked if the rental need to be a primary residence or not. He also asked if any other rental requires a twenty-four-hour contact phone number and proof of general liability insurance also if someone checks in to the rental on a Saturday who will be there to monitor this?

Jack McLaughlin - Highland Lakes, commented that there are fundamental issues with the ordinance. He said the ordinance should be characterized as an ordinance to restrict and limit short term rentals. He had a lot of input regarding the ordinance. Mr. McLaughlin said he feels that there needs to be public comment session before first reading.

Sean Clarkin – Vernon, commented that Jack McLaughlin just gave the Council a workshop. He feels that there should be more workshop meetings.

Mike Maniscalco – Highland Lakes, suggested that rentals should be rated on the size of their septic system.

Doreen Edwards – Highland Lakes, is concerned about the legality of the ordinance.

Seeing no one else wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-04

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor

Council President Shortway made a motion to table Ordinance #20-04 and have a workshop meeting.

MOVED: Harry Shortway
SECOND: Jean Murphy

A roll call vote was taken:
AYES: Auberger, Murphy, Shortway
NAYES: None
ABSTAIN: None
ABSENT: Van Tassel, Weller

Motion passed to table Ordinance #20-04 and have a workshop meeting.

Council Member Murphy commented that on page 8 of the Short Term Rental ordinance should read that an appeal should made in writing to the Mayor and his or her designee and not to the Business Administrator. Council Member Murphy is concerned about the cost of hiring security to monitor the short term rentals. Council Member Murphy also commented about her concerns with having a Bed and Breakfast and the owners living in the home. She reminded the Council about residents being opposed to that in the past.

Ordinance #20-05: An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey. Amending Chapter 509 of the Municipal Code of the Township of Vernon Entitled “Taxation” to Include Transient Accommodations

Council President Shortway read by title Ordinance #20-05.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-05.

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor.

Peg Distasi, commented that this ordinance should be tabled since the Short Term Rental ordinance was tabled.

Seeing no else wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-05

MOVED: John Auberger
SECOND: Jean Murphy
All Members were in Favor

Council Member Murphy made a motion to table Ordinance #20-05.

Township Attorney Zielinski explained that this ordinance allows the municipality to collect a hotel occupancy tax for Short Term Rentals whether or not the municipality adopts an ordinance regulating how Short Term Rentals are conducted. Mr. Zielinski explained this ordinance allows the Township to collect revenue from Short Term Rentals.

Council President Shortway asked for a motion to adopt Ordinance #20-05.

MOVED: John Auberger
SECOND: Harry Shortway

A roll call vote was taken:
AYES: Auberger, Shortway
NAYES: Murphy
ABSTAIN: None
ABSENT: Van Tassel, Weller

Motion passed to adopt Ordinance #20-05

ORDINANCE NO. 20-05

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 509 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF VERNON ENTITLED "TAXATION" TO INCLUDE TRANSIENT ACCOMMODATIONS

WHEREAS, the governing body of the Township of Vernon (hereinafter "Township") has found that it is in the public interest to amend Chapter 509 of the Township Code to include transient accommodations; and

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

SECTION 1. Chapter 509 of the Municipal Code of the Township of Vernon is hereby amended as follows:

ARTICLE I Hotel and Motel Room and Transient Accommodation Occupancy Tax

§ 509-1. Purpose.

It is the purpose of this article to implement the provisions of ~~P.L. 2003, c. 114~~ P.L. 2018, c. 49, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed 1% on charges of rent for every occupancy on or after July 1, 2003, but before July 1, 2004, and not to exceed 3% on charges for rent for every occupancy on or after July 1, 2004, of a room or rooms in a hotel or motel or transient accommodation subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 30 (N.J.S.A. 54:32B-3) which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any government entity upon the occupancy of a hotel or motel room or transient accommodation.

§ 509-2. Imposition of tax.

There is hereby established a hotel and motel room and transient accommodation occupancy tax in the Township of Vernon, New Jersey, which shall be fixed at a uniform percentage rate of 1% for charges of rent for every occupancy of a hotel or motel room or transient accommodation in the Township of Vernon, New Jersey, on or after July 1, 2003, but before July 1, 2004, and 3% on charges for rent for every occupancy on or after July 1, 2004, of a room or rooms in a hotel or motel or transient accommodation subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 30 (N.J.S.A. 54:32B-3), sales tax.

§ 509-3. Applicability of other taxes.

The hotel and motel room occupancy tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room, motel room or transient accommodation.

§ 509-4. Responsibility to pay tax; violations and penalties.

In accordance with the requirements of ~~P.L. 2003, c. 114~~ P.L. 2018, c. 49:

- A. All taxes imposed by this article shall be paid by the purchaser.
- B. A vendor shall not assume or absorb any tax imposed by this article.
- C. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.
- D. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.
- E. The penalty for violation of the foregoing provisions shall be \$100 for each offense.

§ 509-5. Collection of tax.

The tax imposed by this article shall be collected on behalf of the Township by the person collecting the rent from the hotel or motel or transient accommodation customer. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected from the customer. Any such person shall have the same right in respect to collecting the tax from the customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the Township shall be joined as a party in any action or proceeding brought to collect the tax.

§ 509-6. Required Distribution of Copies of Chapter.

A copy of this chapter shall be transmitted to the State Treasurer and to each hotel and/or motel and/or provider of transient accommodations and other affected business entities within the Township.

§ 509-7. Definition of Transient Accommodation.

“Transient accommodation” means the accessory use of a dwelling unit for occupancy by someone other than the unit’s owner or permanent resident for a period of thirty (30) or less consecutive days, up to a cumulative total period of not to exceed one hundred eighty (180) days in a calendar year, which dwelling unit is advertised or held out to the public as a place regularly rented to transient occupants.

SECTION 2. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 3. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication by law.

PUBLIC COMMENT *(Limited to 3 minutes on any topic)*

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

MOVED: John Auberger
SECOND: Jean Murphy
All members voted in favor.

Jessica Benedetto – Barry Lakes, submitted to the Council a resolution for 2nd Amendment rights. Ms. Benedetto explained that the resolutions intent is to send a message to Trenton that law abiding firearm owners in New Jersey are under constitutional attack.

Bob Kirchmer – Vernon, recommended that the Council never consider a 2nd Amendment Sanctuary City resolution. Mr. Kirchmer feels that the resolution puts gun owners above the safety of fellow residents and it sends a bad message.

Sally Rinker, is speaking tonight as the President of the Vernon Taxpayer's Association. On January 24, 2020 the Vernon Taxpayer's Association discussed matters of concern to be addressed by Vernon's current Administration. Ms. Rinker supplied the Council with a list of requests which the Vernon Taxpayer's Association feel will both establish and restore transparency and accountability for the residents and taxpayers of Vernon. The list of requests includes, abiding by state statutes, utilizing best practices and fostering a more respectful and improved working relationship between elected officials, residents and taxpayers.

RJ Bermudez – Vernon, has been helping the 2nd Amendment Sanctuary resolution get passed. Mr. Bermudez feels that the resolution says enough is enough and we recognize our constitutional god given rights.

Anthony Rossi – Vernon, asked the Council to add the 2-way sanctuary to the next meeting agenda and that the Council pass the 2-way 2nd Amendment Resolution.

Louis Blain – Vernon, says he is a registered law abiding gun owner and he has not heard any one saying they are taking away peoples guns. He says that the red flag laws are not well written.

Mike Maniscalco – Highland Lakes, commented that what may be reasonable to some may not be reasonable to him. He feels that law abiding gun owners are not more concerned with protecting their guns but are concerned with protecting our constitutional rights as Americans.

Kristen Gary, agrees with Sally Rinker and she hopes the Council considers all of her suggestions.

Zackary Thomas, is concerned about the three cemeteries in the Township and requests that the Town put signage to recognize the cemeteries.

Rich Henrick, told the Council that he is a 2nd Amendment advocate and vice-president of the Skyland's Tea Party. Mr. Henrick feels that there are already laws for those who have committed crimes. They resolution does say that law abiding firearms owners are supported. Mr. Henrick says a lot of laws do not effect criminals but law abiding people.

Steve Dunlop, commented that it is frustrating that the speakers are not working. He is impressed about the way the meeting has been conducted tonight. Mr. Dunlop feels that Ms. Rinker put a lot of effort into her presentation tonight and he hopes the Council will read it and think about it. Mr. Dunlop cautioned people that when they talk about reasonable gun laws, what is reasonable to one may not be constitutional to other, He said we do have a right to keep and bear arms.

Zoe Heath – Highland Lakes, asked what the legalities are for Council Members conference calling into a meeting. Ms. Heath commented on the 2nd Amendment resolution saying it is almost a trend throughout the County. She said that red flag laws are part of what keeps people safe and some people's lives would have been saved if they didn't have a weapon. Ms. Heath hopes that the Council and the Mayor will do the right thing.

Seeing no one else wishing to come forward, Council President Shortway asked for a motion to close the meeting to Public Comments.

MOVED: John Auberger
SECOND: Jean Murphy
All members present voted in favor.

MAYORS REPORT

Mayor Burrell commented that he will look into the sound system. Mayor Burrell appreciated the comments about the meeting and he also feels the conduct of the meeting is better. The Mayor said that there has to be order and control and there needs to be a happy medium and he is working on that.

Mayor Burrell said a significant portion of his time as Mayor has been spent to do his own inquiry into the long standing issue of Vernon's sewer system which is currently managed by an outside agency called the Vernon MUA. The primary objectives into the inquiry are to determine how we as a Municipality got ourselves into the situation where we spent millions of dollars purchasing a sewerage management system that was aimed at helping us develop a town center and attract new business to our town. Now almost seven years later, we find that this sewer system, to the Mayor's knowledge, has not attracted any significant amount of business to the town, is the town's most expensive asset and has become a town asset where the largest portion of the expenses are being paid for by about 1,700 Vernon citizens, most of who live in the Stone Hill Condominiums. Mayor Burrell said this is neither sustainable, fair or reasonable that this burden should be placed on just 1,700 citizens. Mayor Burrell would also like to explore options that may be available to our town to help us reduce the cost of operating our sewage management system.

Lastly, Mayor Burrell would like to determine if we as a town, could somehow turn this perceived bitter lemon of sewer into what our MUA, Council and Mayor would like to see as a success as a business venture.

Mayor Burrell said his personal inquiry is ongoing. He has learned a lot through some detailed personal discussions with two of the MUA Commissioners and he will have detailed discussions with the others. He has also learned a lot through detailed personal discussions with the MUA Executive Director, as well as a tour by the Executive Director of the MUA's physical facility. The Mayor has also learned from reading Ordinance #11-23 which formalized the town's purchase of the Sewer Management System from United Water in 2011, as well as reading and researching from the press and other correspondence. Mayor Burrell is in the process of scheduling meetings with the MUA's Engineer, Attorney and Auditor.

The Mayor started this personal inquiry before Council President Shortway announced his formation of a waste water feasibility study. He strongly believes that a feasibility study by this committee is needed and that it will only contribute to the learning that he has gained from his personal efforts. In addition, the Mayor feels that his personal inquiry will enable himself to be more of a contributor to this committee. Residents are simply non-contributing bystanders. Mayor Burrell thanked Council President Shortway for allowing him to be part of this Council committee. He believes this committee is one more step forward in our collective steps to moving Vernon forward.

COUNCIL COMMENTS

Council Member Murphy asked if the Council could get a report of the amount owed for the vacant properties. Council Member Murphy also asked if the decision by a judge regarding the review of the bills list could be reversed. Council Member Murphy is waiting to receive Stillwater's version of their 2nd Amendment resolution. Council Member Murphy commented on Council Member calling in to the meetings by phone. She explained that the ordinance was amended last year to allow Council Members to call in up to two meetings per year, and only two Council Members can be on the phone at once and if they are voting they need to be on the phone the whole meeting. Council Member Murphy mentioned that in 2010 and 2011 everything was not rosy and it was quite contentious. Council Member Murphy said since we are addressing an issue with the MUA, she is troubled that the MUA did not get to choose who is on the committee. She feels that the people on the committee do not know the situation and that the committee is not being formulated in the proper manner. She also feels that given the magnitude of how this could affect our town, these meetings need to be held in public because of the magnitude that this could affect the town. You cannot make the decisions based just on finances, or that residents in Great Gorge pay their share because Council Member Murphy has a septic. Council Member Murphy asked if we start to expand what does this do to our agreement with Mountain Creek? Also have any of the attorneys given an opinion.

Council Member Auberger commented that he was approached by emergency services several times and they have requested plowing and sanding for calls that are on private roads. Council Member Auberger said we owe it to the volunteers whether it is a private road or not to make sure the roads are safe. Council Member Auberger said whether it is dispatch or the DPW, if the request is made from Emergency Services please take care of it.

COUNCIL PRESIDENT COMMENTS

Council president Shortway commented saying as far as the 2nd Amendment, he is going to take due diligence before he proposes anything. He appreciates the 2nd Amendment just like the whole Bill of Rights. Council President Shortway said he would put it on the agenda as a discussion item in the future and take his time to do it the right way.

Council President Shortway explained that the Town Center did not develop as planned. The 2008 financial crisis presented challenges but our municipal government failed to cultivate the tourism industry with marketing strategies following the crisis. Elected officials relied on Mountain Creek and did not incorporate our Open Space or Master Plan in an effort to develop new revenues for property tax and sewer rate stabilization.

All property taxpayers within the boundaries of Vernon Township are responsible for the debt associated with the sewers, not just the MUA or sewer users. See ordinances 11-22 and 11-23.

The revenues to pay for the system were to be derived from charges made to the users of the system. These charges typically consist of usage fees and connection fees. The scheme failed due to the following;

- 1) Elected officials did not complete water service into the town center.
- 2) Connection to the system was not made available to all entities in the town center therefore rendering the build out projections incorrect.
- 3) Elected officials did not aggressively market our community as a destination.
- 4) Mountain Creek did not develop as promised.
- 5) The 2012 Financial Agreement waived all connection fees associated with Mountain Creek.
- 6) SCMUA's treatment plant was over built by an estimated 80,000 gpd to satisfy claims by private entities.

My grievances are as follows:

VTMUA lacks policies setting a efficient and effective organizational structure related to employee tasks, and has no asset management plan. This has resulted in the following:

1. The MUA failed to inform the public and governing body of the Marotta administration's failure to execute the 2012 sewer agreement pertaining to pump house 2. My administration discovered a secret agreement between Former Mayor Marotta, and developer and former Mountain Creek owner, Andrew Mulvihill, regarding replacement of Sandhill Pump House to be delayed without council approval.
2. Union issues with collective bargaining agreement.
3. Grievances due to civil service work titles.
4. Lack of a formal organizational structure concerning employee tasks.
5. Hazardous work environment.
 - i. Lack of security by failing to identify those parties who have access to our facilities. Resulting in sabotage and theft of MUA generator.
6. Financial irresponsibility by failure to properly invoice and receive funds in a timely manner from Comet Management for services performed and to inform our CFO regarding these matters.
7. The VTMUA is making only minimum debt service payments to ensure operational revenue to keep the authority afloat. The VTMUA has failed to aggressively pay down Bond Anticipatory Notes associated with Ordinances 11-22 and 11-23, making only annual minimum payments of several thousand dollars. A \$9,000,000 bond (includes \$6,800,000 for related sewer debt) will be required in 2023 if we do not aggressively pay down outstanding Bond Anticipatory Notes.
8. Expenditures without appropriations
9. Fraudulent price quotes
10. Failure to safeguard employee safety resulting in injury at the Sandhill Pump House. MUA was noticed of hazards in 2012 by its operator and engineer but failed to rectify situation or demand replacement of the pump house.
11. Failure to know lift stations are owned by Township resulting in \$12,695.00 for attorneys' fees.
12. Failure to maintain easements
13. Failure to safeguard MUA property-concrete pipes still on easement since 2008.
14. Unreasonable law suit against VFW for an EDU. VTMUA legal costs exceed \$30,000.
15. Level of bureaucracy not needed. Duplication of professional services.
16. Perceived "Conflict of Interests".
- 17.

What we have done to generate economic sustainability.

1. Expanded the town center designation.
2. Changed the town center use to include breweries and wineries
3. Sold municipal properties not needed for public use. Generated almost \$300,000 revenue and put properties back on the tax rolls.
4. The BOE followed suit and sold two of their properties located in the town center.
5. Adopted a vacant building ordinance not only for properties in the town center but throughout our community. The ordinance has generated over \$300,000 in revenue, the sale of blighted properties and qualified private communities receiving tens of thousands of dollars in back dues.
6. Area in Need of Re-development study
7. Water feasibility study
8. Economic Development Study.
9. Water service to Church St. area and municipal complex.
10. Municipal building connected to the sewers.
11. Proposed and obtained public support and funds for a trail system in the town center to attract pedestrian traffic.
12. Volunteers blazed the future town center trail with a \$2000.00 Highlands Grant.
13. Nine new businesses in the town center.
14. Town center property maintenance ordinance to remove blight.
15. Agreement with Mountain Creek based on a 7% township service fee resulting in MC paying \$1.8 M towards their sewer obligation.
16. MUA operation's cost have been decreased. Director's hours were reduced by half.

Council President Shortway commented that Shawn MaZur, a resident of Neptune, NJ who through an LLC owns property in Vernon received appointment to the Historical Preservation Commission this year.

Within 26 hours following the Mayor's statement for harmony, Mazur messaged Councilwoman Weller alleging that I was a crook and taking kickbacks.

In addition, his messages to Councilwoman Weller read as follows;

"Like I said way back, distance yourself from Harry he's no fucking good."

MaZur then describes the council as useless and ignorant.

MaZur's actions and personal attacks are contrary to the Mayor's objectives stated on January 1.

I am calling for MaZur's resignation to the Historical Preservation Commission

I emphatically deny receiving any kickbacks from any party whatsoever. Should MaZur believe that I did so then he should report this to the Vernon Police Department, the Sussex County Prosecutor's Office or the NJ AG's Office for investigation.

Mayor Burrell commented that the major challenges in moving our town forward was the various political, social and personality based factions that actively and aggressively operate in our town both in person and unfortunately on socially media. Some of the comments Council President Shortway mentioned are Facebook posts and some are awful. Mayor Burrell said he will use his personal experience as Mayor to make up his own mind about the contents of the character and the quality of work with each individual and organization that he enacts with.

Mayor Burrell said he is surprised about the language used in emails that was sent to a Council Women by an individual that the Mayor appointed to the Historical Preservation Committee because he was a trained architect. Mayor Burrell said he does not believe in pre-judging people. Mayor Burrell said his personal experience working with Council President Shortway, is that he is a dedicated professional public servant. No matter what the chatter on Facebook says, the Mayor and the Council will move forward.

Council President Shortway said I emphatically deny receiving any kickbacks from any party whatsoever. Should MaZur believe that I did so then he should report this to the Vernon Police Department, the Sussex County Prosecutor's Office or the NJ AG's Office for investigation.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:33 p.m.

Respectfully submitted,

Marcy Gianattasio
Municipal Clerk

Harry Shortway,
Council President

Minutes approved: March 9, 2020