

**VERNON TOWNSHIP COUNCIL  
REGULAR MEETING MINUTES**

**FEBRUARY 15, 2018**

The Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on Monday February 15, 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 has 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 OF MEMBERS**

Present were Council Members John Auberger, Sandra Ooms, Dan Kadish, Mark VanTassel, and Council President Jean Murphy. Also present were Mayor Harry Shortway, CFO Elke Yetter, Business Administrator Charles Voelker, and Township Attorney Joshua Zielinski.

**SALUTE TO THE FLAG**

Council President Murphy led the assemblage in the salute of the flag. The Council held a moment of silence for the victims of the tragedy that occurred in Parkland, Florida.

**PROCLAMATIONS:**

Council Member Kadish read the Proclamation for Black History Month

**WHEREAS**, Black History Month affords special opportunity to become more knowledgeable about black heritage, and to hone the many black leaders who have contributed to the progress of our nation;

**WHEREAS**, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continuing struggle against racial discrimination and poverty;

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that **FEBRUARY 2018** shall be proclaimed **BLACK HISTORY MONTH** in the Township of Vernon and urge our residents to join together in making this period of rededication to the principles of justice and equality for all people..

**FEBRUARY 2018**

*as*

**BLACK HISTORY MONTH**

Mayor Harry Shortway read the Proclamation for Special Olympics

**Special Olympics Month**

**WHEREAS**, the Special Olympics is founded on the belief that people with intellectual disabilities can, with proper instruction and encouragement, learn, enjoy and benefit from participation in individual and team sports, adapted as necessary to meet the needs of those with special intellectual and physical limitations; and

**WHEREAS**, Special Olympics Events provide youngsters with individual challenges and the inner satisfaction of success and accomplishments; and

**WHEREAS**, the Special Olympics have been competing in Vernon for four decades and

Genuine Jersey Pride defines Special Olympics New Jersey which celebrates the impact they have on all who participate as well as those privileged to witness the magic every time an athlete with an intellectual disability takes to the slopes, reaches a goal, achieves a personal best time, or simply experiences the joy of participation; and

**WHEREAS**, Special Olympics helps each youngster learn to play hard and compete to the fullest so as to achieve a success cycle and overcome the patten of failure and frustration that often plagues mentally challenged youngsters who have not had the opportunity to play, practice, compete and achieve; and

**WHEREAS**, the Special Olympics helps each youngster develop self respect, self discipline, self confidence, physical, social, emotional and mental fitness; positive values such as sportsmanship, responsibility to team and respect for others; the will to succeed; and the ability to achieve their maximum potential.

**NOW, THEREFORE**, the Council of the Township of Vernon, do hereby proclaim **February as Special Olympics Month in Vernon Township** and we thank the participants of the Special Olympics for choosing Vernon to hold their events.

Given under my hand in these free United States in the Township of Vernon, on this 15th day of February two thousand eighteen, and to which I have caused the Seal of the Township of Vernon to be affixed and have made this proclamation public.

**PUBLIC COMMENTS** (*For Current Agenda Items Only, Limited to 3 minutes per person*)  
Council President Murphy asked for a motion to open the meeting to Public Comments.

MOVED: Dan Kadish  
SECOND: Mark Van Tassel  
All members voted in favor.

Bonnie Rubin, Highland Lakes requested clarification what property Ordinance #18-11 is referring to and what was the original reason the property was designated to be historic. Council President Murphy stated the property is the Board of Ed building on RT 515. Council President Murphy referred Ms. Rubin to the original ordinance and historic preservation committee for the additional information she was seeking.

Doreen Edwards, Ms. Edwards commented the Board of Ed building is a landmark with historic significance and character and urges the Council not to remove the historic designation.

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

MOVED: Dan Kadish  
SECOND: John Auberger  
All members voted in favor.

#### **MINUTES**

Council President Murphy asked for a motion to approve the Regular Meeting Minutes of January 1, 2018, January 8, 2018 and January 22, 2018 and the Executive Session Minutes of January 8, 2018.

MOVED: John Auberger  
SECOND: Mark VanTassel  
A roll call vote was taken:  
AYES: Sandra Ooms, Dan Kadish, Mark VanTassel, John Auberger, Jean Murphy  
NAYES: None  
ABSTAIN: None  
ABSENT: None



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 duration of the contracts between the Township of Vernon and the referenced state vendors shall be from January 1, 2018 to December 31, 2018; and

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

**VERNON TOWNSHIP CO**

**RESOLUTION # 18-80**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF SUSSEX FOR DOG CENSUS SERVICES BY ANIMAL CONTROL OFFICER FOR 2018**

**WHEREAS**, the Township of Vernon and the Borough of Sussex wish to enter into an Shared Service Agreement for Dog Census Services by Animal Control Officer for 2018; and

**WHEREAS**, the Township of Vernon agrees to provide an Animal Control Officer to complete a Door-to-Door Census and provide Sussex Borough with list of unlicensed dogs as per the attached Shared Service Agreement; and

**WHEREAS**, the agreement states this service will be completed and provided to Sussex Borough by May 1, 2018; and

**WHEREAS**, the Borough of Sussex agrees to compensate the Township of Vernon a total of \$1,750.00 due upon completion of the 2018 dog census.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon of the County of Sussex, State of New Jersey, that the Mayor is authorized to execute the Shared Service Agreement between the Township of Vernon and the Borough of Sussex for Dog Census Services by Animal Control Officer per the attached Shared Service Agreement; and

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

**RESOLUTION #18-81**

**RESOLUTION AUTHORIZING**

**GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE**

**FISCAL GRANT CYCLE JULY 2014-JUNE 2019**

**FORM 1B**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Vernon, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Vernon, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Vernon Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$ 20,467.00
Cash Match	\$ 5,117.00
In-Kind	\$ 15,350.00
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION #18-82**

**AUTHORIZING EXECUTION OF A CONTRACT WITH CRYSTAL SPRINGS RESORT FOR THE VERNON TOWNSHIP SENIOR LUNCHEON TO BE HELD ON APRIL 30, 2018**

**WHEREAS**, the Vernon Township Department of Community Affairs sponsors an annual Senior Luncheon; and

**WHEREAS**, the Township of Vernon desires to enter into a contract with Crystal Springs Resort, Hamburg, NJ, to host and cater this event; and

**WHEREAS**, the event is currently scheduled for April 30, 2018 at a cost not to exceed \$5,000.00; and

**WHEREAS**, the Chief Finance 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 Council of the Township of Vernon that the Mayor is authorized to sign the attached Contract with Crystal Springs Resort for the purpose of hosting and catering the Senior Luncheon on April 30, 2018 at a cost not to exceed \$5,000.00.

**RESOLUTION #18-83**

**RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION TO BE INCLUDED IN THE 2018 BUDGET AS A REVENUE AND APPROPRIATION OF \$60,000.00**

**WHEREAS**, Vernon Township has been awarded a \$60,000.00 New Jersey Safe and Secure Communities Grant Program from the New Jersey Department of Law and Public Safety; Subaward Number: P-18-1922; Subaward Period: 2/7/18-2/6/19; and wishes to include in its 2018 budget for this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon authorizes the inclusion of an item of revenue in the budget of the year 2018 in the sum of \$60,000.00 with a match of \$177,544 for an approximate project total cost of \$237,544, which is now available as a revenue from New Jersey Department of Law and Public Safety and;

**BE IT FURTHER RESOLVED** that a like sum of \$60,000.00 is hereby appropriated under the caption Safe and Secure Grant, and it is authorized to be accepted and we do accept the Subaward.

**RESOLUTION #18-84**

**AUTHORIZING APPLICATION AND EXECUTION OF THE  
“2018 DISTRACTED DRIVING CRACKDOWN, U DRIVE, U TEXT, U PAY”  
GRANT ADMINISTERED BY THE  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

**WHEREAS**, the Vernon Township Police Department wishes to apply for funding from the National Highway Safety Administration “2018 Distracted Driving Crackdown, U Drive, U Text, U Pay” Grant; and

**WHEREAS**, the grant project consists of an enforcement overtime campaign from April 1 through April 21, 2018 to raise awareness about the dangers of distracted driving, to offer deterrence through visible enforcement, and to issue summonses for relevant motor vehicle violations; and

**WHEREAS**, April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state’s distracted driving laws, which includes a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use(hand held or hands free) by novice drivers; and

**WHEREAS**, participating departments will incur all costs and then submit the necessary documentation to the Division of Highway Traffic Safety for full reimbursement up to a maximum of \$6,600.00.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Township of Vernon, hereby authorizes the submission of the application to the Division of Highway Traffic Safety for participation in the “2018 Distracted Driving Crackdown, U Drive, U Text, U Pay” Grant to raise awareness about the dangers of distracted driving; and

**BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor, CFO and Township Clerk are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of the Grant monies between the Township of Vernon and the Division of Highway Traffic Safety.

**RESOLUTION #18-85**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF VERNON THROUGH THE  
VERNON TOWNSHIP POLICE DEPARTMENT TO PARTICIPATE IN THE  
DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033  
PROGRAM TO ENABLE THE VERNON TOWNSHIP POLICE DEPARTMENT TO  
REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program the Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

**WHEREAS**, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

**NOW THEREFORE BE IT RESOLVED** by the **TOWNSHIP OF VERNON** of the **COUNTY OF SUSSEX** that the **VERNON TOWNSHIP POLICE DEPARTMENT** is hereby authorized to enroll in the 1033 Program for a one-year period from January 22nd, 2018 to January 22nd, 2019.

**RESOLUTION # 18-86**

**2018 SALARY FOR NON-UNION PART TIME EMPLOYEES (Police Dispatchers)**

**WHEREAS**, Ordinance #16-03 amended salary ranges for non-union full time and part time employees.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey that the following salary range for compensation at the hourly salary or wage, retroactive to January 1, 2018, be set as follows:

<u>Position</u>	<u>2018 Base Salary</u>
Part-time Dispatch Tele-Communicator Training Period	\$15.00 per hour
Part-time Dispatch Tele-Communicator Trainee at the completion of the Training Period	\$17.00 per hour
Part-time Dispatch Tele-Communicator w/1 year of dispatching experience in Vernon Township.	\$19.00 per hour

**RESOLUTION #18-87**

**RESOLUTION FOR CALCULATION FOR RESERVE FOR UNCOLLECTED TAXES**

**WHEREAS**, the prior year tax collection rate is used to calculate the Reserve for Uncollected Taxes; and

**WHEREAS**, pursuant to N.J.S.A 40A:4-41c(2) states:

“If tax appeal judgments of the county tax board pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to R.S.54:48-1 et seq., result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustment resulting from those judgments.” ; and

**WHEREAS**, 2017 taxes were reduced by court tax judgments in the amount of \$147,226.16;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon, in the County of Sussex, State of New Jersey, that the 2017 tax levy be reduced by \$147,226.16 in calculating the tax collection rate used for the Reserve for Uncollected Taxes.

**Resolution #18-88**

**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 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.

**TOWNSHIP OF VERNON  
RESOLUTION 18-89  
RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING  
\$7,538,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN  
THE COUNTY OF SUSSEX, NEW JERSEY**

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

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (the "Township") entitled: "Bond ordinance appropriating \$1,650,000, and authorizing the issuance of \$1,571,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on March 28, 2011 (#11-07), bond anticipation notes of the Township in a principal amount not exceeding \$921,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$1,484,000, and authorizing the issuance of \$1,412,000 bonds or notes of the Township, for various improvements or purposes for emergency services authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on April 28, 2011 (#11-08), bond anticipation notes of the Township in a principal amount not exceeding \$772,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance providing for the acquisition of sanitary sewerage collection and transmission facilities in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$4,000,000 therefor and authorizing the issuance of \$3,809,000 bonds or notes of the Township for financing such appropriation", finally adopted on November 14, 2011 (#11-22), bond anticipation notes of the Township in a principal amount not exceeding \$3,615,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$2,350,000, and authorizing the issuance of \$2,066,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 23, 2014 (#14-12), bond anticipation notes of the Township in a principal amount not exceeding \$1,830,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$3,636,500, and authorizing the issuance of \$2,948,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 26, 2017 (#17-09), bond anticipation notes of the Township in a principal amount not exceeding \$400,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section



3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 6. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 8. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 9. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 10. This resolution shall take effect immediately.

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

Council Member Murphy read Ordinance #18-10 by title only and brief explanation of purpose.

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

Council President Murphy asked for a motion to introduce Ordinance #18-10 with public hearing to be held on March 12, 2018.

MOVED: Mark Van Tassel

SECOND: John Auberger

A roll call vote was taken:

AYES: Mark Van Tassel, John Auberger, Jean Murphy

NAYES: Sandra Ooms, Dan Kadish

ABSTAIN: None

ABSENT: None

Motion carried to Introduce Ordinance #18-10 with public hearing to be held on March 12, 2018.

Council Member Murphy read Ordinance #18-11 by title only and brief explanation of purpose.

**Ordinance #18-11:** An Ordinance to Refer the Revocation of the Historic Designation Granted to the Property Known as Block 144.01, Lot 7 (Formerly Block 144, Lot 3) and the Amendment of the Master Plan to the Vernon Township Land Use Board

Council President Murphy asked for a motion to introduce Ordinance #18-11 with public hearing to be held on March 26, 2018.

MOVED: Dan Kadish

SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Mark Van Tassel, John Auberger, Jean Murphy

NAYES: Sandra Ooms, Dan Kadish,

ABSTAIN: None

ABSENT: None

Motion carried to Introduce Ordinance #18-11 with public hearing to be held on March 26, 2018.

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

Council Member Murphy read Ordinance#18-07 by title only.

**Ordinance #18-07:** Bond Ordinance Making A Supplemental Appropriation Of \$210,000 For The Acquisition Of A New Fire Truck Heretofore Authorized To Be Undertaken By The Township Of Vernon, In The County Of Sussex, New Jersey, And Authorizing The Issuance Of \$200,000 Bonds Or Notes Of The Township For Financing Such Supplemental Appropriation

Council President Murphy asked for a motion to open the public hearing.

MOVED: Dan Kadish

SECOND: Sandra Ooms

All members voted in favor.

Seeing no members of the public wishing to come forward, Council President Murphy asked for a motion to close the public hearing for Ordinance #18-07.

MOVED: Dan Kadish

SECOND: Sandra Ooms

All members voted in favor.

Council President Murphy asked for a motion to adopt Ordinance#18-07.

MOVED: Dan Kadish

SECOND: Mark VanTassel

**A roll call vote was taken:**

Ayes: Sandra Ooms, Dan Kadish, Mark VanTassel, Jean Murphy

Nays: None

Abstain: John Auberger

Absent: None

Motion carried to adopt Ordinance #18-07.

Council Member Murphy read the Ordinance#18-08 by title only.

**Ordinance #18-08:** Calendar Year 2018 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)

Council Member Murphy asked for a motion to open the public hearing.

MOVED: Dan Kadish  
SECOND: Mark VanTassel  
All members voted in favor.

Seeing no members of the public wishing to come forward, Council President Murphy asked for a motion to close the public hearing for Ordinance #18-08.

MOVED: Sandra Ooms  
SECOND: Dan Kadish  
All members voted in favor.

Council President Murphy asked for a motion to adopt Ordinance#18-08.

MOVED: Dan Kadish  
SECOND: Sandra Ooms  
**A roll call vote was taken:**  
Ayes: Sandra Ooms, Dan Kadish, Mark VanTassel. Jean Murphy  
Nays: None  
Abstain: None  
Absent: None  
Motion carried to adopt Ordinance #18-08.

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

Jennifer Lubliner, new resident in Vernon, questioned the procedure for adding items to the agenda during the course of a meeting. Council President Murphy explained in past, if a topic was a Discussion Item, then a motion could be made for action but noted that Council has been accused of not being transparent when items not on the agenda are acted upon. Council Member Murphy explained Council or public may contact her to request an agenda item be added.

Ms. Lubliner suggested, that Council Members be more vocal on what they are working on to make the town better during their council comments.

Ken Clark, Chief of McAfee Fire Department, expressed thanks to the Council for their continued support in purchase of new fire truck and added the new air packs have been put in use making the volunteers OSHA compliant. Council President Murphy expressed thanks for the volunteer's dedication and commitment to the Vernon community.

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

MOVED: John Auberger  
SECOND: Mark VanTassel  
All members voted in favor.

**MAYORS REPORT**

Mayor Shortway commented that Congressman Gottheimer met with the public last Saturday in the Senior Center and discussed redevelopment and infrastructure issues.

Mayor Shortway detailed certain costs of Vernon's Sewer System noting current EDU cost is \$1,180.00/edu; VTMUA connection fee is \$4,665.00 and SCMUA connection fee is \$6,068.00. He noted that Mountain Creek did not make their January 31, 2018 payment of \$448,481.00. The SCMUA bond payment for 2018 is approximately \$700,000 which increases annually to \$1,000,000 by 2022 and jumps to \$1,525,000 in 2023. Mayor added that the shortfall for 2018 is forecasted at \$592,276.00 and if no EDU's are added will increase to \$1,423,970 by 2025. Mayor Shortway continued by stating Mountain Creek's deficit payment will increase to \$902,771.00. Mountain Creek was obligated to rebuild Pump Station #2 by 2007 which was extended to July 1, 2013 by the 2012 Interlocal Agreement entered into by the former administration and Mr. Andrew Mulvihill, but this \$1.5 million obligation has not been fulfilled.

Mayor Shortway stated that currently, approximately 205,000 GPD of waste water flows to the SCMUA treatment plant but per previous agreements, Vernon guaranteed approximately 465,000 GPD, so we are paying for 260,000 GPDs that we do not use.

Mayor Shortway explained the Sussex County Municipal Utilities Authority (“SCMUA”) issued Capital Appreciation and Current Interest Bonds as well as the Township to fund the construction of a waste water treatment plant, and purchase the United Water waste water system, which was intended to facilitate significant real estate development in the area. The improvements were made, and the system was purchased, but the real estate development did not occur. The bonds issued by SCMUA total approximately, \$29,000,000 (principal & interest). Vernon’s bonds to purchase and begin operating the system are over \$7,000,000.

Mayor Shortway indicated the expansion of the sewer system has led to unsustainable debt that will financially crush the current users. The “SCMUA” bonds are back loaded, meaning payments increase annually in anticipation of development. SCMUA relied on past administration’s predicted development forecasts and overbuilt the wastewater treatment plant. Mayor Shortway explained a large portion of these costs are related to the requirement that waste water be treated and then transported and recharged back into the source aquifer costing the Vernon taxpayer millions of dollars.

Prior to Resolution #12-155 Sewer Funding Agreement, Mayor Shortway added that Mountain Creek was wholly responsible for the SCMUA bonds’ debt service, but now the debt service payments are split 63%/37% between Mountain Creek (MCRI) and the Township’s deficit. A Letter of Credit, (approx. \$1.9 mil) was established to be used should MCRI not fulfill their financial obligation but the amount will only cover two years of the deficit payment.

Mayor Shortway added the Township continues to analyze the challenges to bring public water to the town center in the most economically feasible manner possible which has become a stumbling block for new development. Due to the importance to secure development to increase EDUs before the 2023 bond obligation increase, Mayor stated that his administration in concert with this governing body has authorized a Non-Condensation Area in Need of Redevelopment Study for lots located in the TC and surrounding area.

Approved Redevelopment will allow the Governing Body to offer financial incentives to attract developers and investment; offer long-term 20 -year tax abatements (PILOTs) and certain exceptions. Additional benefits include the power to: lease or sell without public bidding; negotiate terms and enter into agreements with developers; and receive grants and loans. Mayor Shortway added that bonds and financing incentives are available for developers but noted may add risk to taxpayers. Development is required to generate EDUs, tax revenue, and jobs. Mayor Shortway is excited to announce new small businesses continue to open their doors with another Grand Opening tomorrow February 16, 2018 at Rainbow Reflections in the McAfee section of town.

Mayor Shortway stated that Judge Brennen, Superior Court of NJ, has made judgement and ordered the tenants at Legends are to leave by April 9; Warrants of Removal will be issued should tenants not leave. Owners Adler and Steinhardt and other defendants will then conduct a census and offer Relocation assistance, paid in the amount of \$1500.00 to each unit. Defendants will initiate repairs and address all violations cited by the NJDCA and fire code violations within ten days of vacation of units.

Mayor Shortway announced that for several weeks, Congressman Gottheimer’s staff has initiated and led the discussion to bring bus transportation from Vernon to Manhattan, and back. Today, his staff member Mr. Briggs, and I discussed this with Coach USA and will present a survey on the Township’s web and Facebook pages to the public to ascertain their interests for such a service.

Mayor Shortway remarked that the tragedy that occurred yesterday at a Florida High School is becoming all too common and there are no words to describe the horror and grief. He noted that several of the Vernon Township Board of Education (BOE) door monitors are retired police officers who by state law legally may carry a firearm and are highly trained. The BOE’s policy is that they not carry firearms. Mayor Shortway respectfully requested that the Council pass a resolution at the next council meeting requesting the BOE to reconsider their policy forbidding retired police officers from carrying firearms in the performance of their BOE employment duties. Mayor Shortway stated that deadly force is necessary when a law enforcement officer

uses, with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm. It is a necessary option to employ to prevent by threat or use to stop or lessen the loss of life caused by these demented individuals who kill our children. Mayor Shortway urged Council to add to next agenda for further discussion.

**COUNCIL COMMENTS**

Council Member Auberger questioned the format of the Vernon Municipal Utility Authority (MUA) because of recent issue where the MUA refused to change their meeting schedule which fell on same night as Council, which led to added cost of renting recording equipment fell onto the system users. Council President Murphy added the MUA was notified early in the year to reschedule and refused.

Council Member Ooms expressed agreement with Ms. Lubliner about adding motions during the council meeting and expressed dismay that resolution titles were not even read in full for public. Ms. Ooms commented the Board of Education building designation removal would set a precedence for other Historic properties. Ms. Ooms expressed concern over Ordinance dealing with abandoned properties and opined it may be costly to administer with no guarantee on return.

Council Member Kadish stated Ordinance #18-11 is an insult to all members past and present on the Historic Preservation Commission and feels it is unnecessary. If there is intent to demolish structure, a process is in place during permit review for the HPC to review and grant permission. Mr. Kadish is disappointed about the precedence this action may set for other Historic properties and requested all signs designating Historic sites should remain.

**COUNCIL PRESIDENT COMMENTS**

Council President Murphy explained that reading the full title of the Resolutions is not necessary at the meeting because the agenda has been published and posted for public viewing.

Council President Murphy added that the Historic Designation of the BOE building is a local ordinance only not regulated by the State and commented that only one wall in building is from original structure. Regardless if Council, HPC, and Land Use Board rejects to it, the minutes of the approval of the original ordinance reflects that the owner may proceed with whatever decision they prefer.

**EXECUTIVE SESSION**

Township Attorney Mr. Zielinski read the resolution to go into Executive Session to Discuss Pending Litigation Stonehill v. Vernon.

Council President Murphy asked for a motion to go into executive session.

Motion: Sandra Ooms

Second: Dan Kadish

All members were in favor to go into Executive Session at 7:40 p.m.

**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 –Stone Hill v. Township of Vernon  
(N.J.S.A.10:4-12 (b) 7)  
(Anticipated Time of Disclosure April 2018)
3. This resolution shall take effect immediately.

Council President Murphy asked for a motion to Close the executive session at 7:58 p.m. and reconvene the regular meeting.

Motion: Dan Kadish

Second: John Auberger

All members were in favor.

**ADJOURNMENT**

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 7:59 p.m.

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Jean Murphy,  
Council President

Minutes approved: March 12, 2018