
February 8, 2021 Vernon Township Council Meeting Resolutions

- Resolution #21-63: Resolution Authorizing an Agreement with J. Caldwell & Associates, LLC's Proposal for an Open Space and Recreation Plan Update
- Resolution #21-64: Resolution Authorizing an Agreement with the Land Conservancy of New Jersey's Proposal for an Open Space and Recreation Plan Update
- Resolution #21-68: Resolution to Enter into Executive Session
- Resolution #21-69: Resolution Authorizing Settlement of Tax Appeal Litigation
- Resolution #21-70: Resolution of the Township of Vernon, County of Sussex, State of New Jersey, Amending Resolution #21-44 Specifically Contract with Paviaweb
- Resolution #21-71: Resolution Authorizing the Execution of a Shared Services Agreement between the Township of Vernon and the Borough of Franklin for Animal Control Services
- Resolution #21-72: Refund for Totally Disabled Veteran (Block 234 Lot 163–Reardon)
- Resolution #21-73: Resolution Condemning Violent Protests, Insurrection, Hate Crimes and Discrimination
- Resolution #21-74: Resolution Authorizing Leasing of Certain Vehicles for the Department of Public Works through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services Inc. (Quote No. 4890545- 4 x Color Bright White)
- Resolution #21-75: Emergency Temporary Appropriations
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RESOLUTION #21-63

RESOLUTION AUTHORIZING AN AGREEMENT WITH J. CALDWELL & ASSOCIATES, LLC'S PROPOSAL FOR AN OPEN SPACE AND RECREATION PLAN UPDATE

WHEREAS, the Highlands Act created the Highlands Protection Fund and authorized the Highlands Council to develop a grant program to provide municipalities with funding for the reasonable expenses incurred in revising local master plans, development regulations, or other regulations as needed to conform to the Highlands Regional Master Plan; and

WHEREAS, the Highlands Council has established a Plan Conformance Grant Program for Highlands Municipalities to fund municipal Plan Conformance activities for lands within the Preservation Area where conformance is mandatory, as well as in the Planning Area where conformance is voluntary; and

WHEREAS, the Township of Vernon ("Township") has a need to update its Open Space and Recreation Plan in order to apply for the Plan Conformance Grant Program; and

WHEREAS, J. Caldwell & Associates, LLC has submitted a proposal to conduct the Open Space and Recreation Plan update; and

WHEREAS, J. Caldwell & Associates, LLC has been deemed qualified to provide these services; and

WHEREAS, a determination has been made that it is in the best interest of the Township of Vernon to accept the proposal and enter into a contract J. Caldwell & Associates, LLC.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon hereby accepts the attached proposal from J. Caldwell & Associates, LLC and authorizes the Mayor to execute an agreement with J. Caldwell & Associates, LLC in accordance with the proposal. The Township Attorney may make modifications deemed in the best interest of the Township.

RESOLUTION #21-64

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY'S PROPOSAL FOR AN OPEN SPACE AND RECREATION PLAN UPDATE

WHEREAS, the Highlands Act created the Highlands Protection Fund and authorized the Highlands Council to develop a grant program to provide municipalities with funding for the reasonable expenses incurred in revising local master plans, development regulations, or other regulations as needed to conform to the Highlands Regional Master Plan; and

WHEREAS, the Highlands Council has established a Plan Conformance Grant Program for Highlands Municipalities to fund municipal Plan Conformance activities for lands within the Preservation Area where conformance is mandatory, as well as in the Planning Area where conformance is voluntary; and

WHEREAS, the Township of Vernon ("Township") has a need to update its Open Space and Recreation Plan in order to apply for the Plan Conformance Grant Program; and

WHEREAS, The Land Conservancy of New Jersey has submitted a proposal to conduct the Open Space and Recreation Plan update; and

WHEREAS, The Land Conservancy of New Jersey has been deemed qualified to provide these services; and

WHEREAS, a determination has been made that it is in the best interest of the Township of Vernon to accept the proposal and enter into a contract The Land Conservancy of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon hereby accepts the attached proposal from The Land Conservancy of New Jersey and authorizes the Mayor to execute an agreement with The Land Conservancy of New Jersey in accordance with the proposal. The Township Attorney may make modifications deemed in the best interest of the Township.

RESOLUTION #21-68

RESOLUTION TO ENTER INTO AN EXECUTIVE SESSION

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

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

WHEREAS, the Governing Body wishes to discuss:

- Matters made confidential by state, federal law or rule by court
- Matters in which the release of information would impair the right to receive funds from the Government
- Matters involving individual privacy
- Collective bargaining
- Purchase, lease or acquisition of real property with public funds, setting of bank rates, investment of public funds if disclosure would harm the public interest
- Public safety
- Attorney-Client privilege
- Pending, ongoing or anticipated litigation or negotiation contracts – Settlement Agreement, Tax Appeals
- Personnel matters
- Civil penalty or loss of license

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

RESOLUTION #21-69

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL LITIGATION

WHEREAS, tax appeals were filed in the Tax Court of New Jersey by various plaintiffs contesting the tax assessments on properties located within the Township of Vernon (“Township”) for certain tax years as summarized in the following schedules which are attached hereto and incorporated herein by reference:

<u>SCHEDULE</u>	<u>OWNER(S)</u>	<u>TAX YEAR(S)</u>
Schedule A	RT 94 Development Corp./Minerals Resort & Spa SPE, LLC	2013-2020
Schedule B	Various (38 separate blocks and lots together with corresponding units)	2015-2017
Schedule C	Minerals Resort & Spa SPE, LLC	2020
Schedule D	Shinnihon/HM GG, LLC	2015-2020

Schedule E Saltony, LLC

2020

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of said negotiations, global settlements have been reached wherein the parties have agreed that the plaintiffs shall withdraw certain prior year tax appeals in exchange for adjustments to the assessments in other tax years; and

WHEREAS, final settlement is subject to governing body approval, and subject to the parties entering into mutually agreeable stipulations of settlement memorializing the terms of agreement which shall be filed with the Tax Court of New Jersey; and

WHEREAS, any reductions of tax amounts previously paid as a result of this settlement shall be returned to the plaintiffs in the form of a 50% refund and 50% credit to be applied against the taxpayers' future tax liabilities; and

WHEREAS, the Tax Assessor, Tax Counsel and the Township's appraisal expert have recommended the terms of this settlement to the Mayor and Township Council; and

WHEREAS, the Township Council, having conferred, is of the opinion that this settlement is being made in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the global settlements of these matters as set forth hereinabove be and is approved and Special Tax Counsel is hereby authorized and directed to effect said settlement.

RESOLUTION #21-70

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING RESOLUTION #21-44 SPECIFICALLY CONTRACT WITH PAVIAWEB

WHEREAS, Resolution #21-22 was duly adopted by the Township Council on January 1 2021; and

WHEREAS, said Resolution authorized contract for Township Website Services with Pavia Web, in amount of \$4,080.00 for year 2021, and

WHEREAS, the Township wishes to amend the contract price for 2021 to \$5,100.00 for year 2021 due to increased services; and

WHEREAS, the Certified Municipal Finance Officer of the Township of Vernon has certified that the funds for this contract are available in Account: 1-01-20-140-39 subject to the adoption of the 2021 municipal budget.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the 2021 contract with Pavia Web, Inc. is hereby amended to reflect the annual amount of \$5,100.00.

RESOLUTION #21-71

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF FRANKLIN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Borough of Franklin has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Borough of Franklin; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Borough of Franklin and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

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

1. The Mayor and City Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Borough of Franklin for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the City Clerk.
3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Borough of Franklin.

RESOLUTION #21-72

REFUND FOR TOTALLY DISABLED VETERAN (Block 234 Lot 163 - Reardon)

WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS awarded John M. Reardon a 100% permanent and totally disabled veteran: and,

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon hereby authorizes the Tax Collector to cancel 1st half 2021 property tax in the amount of \$1,615.98.

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

RESOLUTION #21-73

RESOLUTION CONDEMNING VIOLENT PROTEST, INSURRECTION, HATE CRIMES AND DISCRIMINATION

Whereas, the Township of Vernon Council and Mayor supports and seeks to protect all its residents no matter their ethnicity, race, faith, sexual orientation, or gender; and

Whereas, as public servants, we have an even greater responsibility to speak out against discrimination and hatred; and

Whereas, the increase in violence and hate crimes has resulted in a rise in fear and instability within communities throughout the United States; and

Whereas, the Township of Vernon Council and Mayor supports and commits to calling out hate and discrimination and to helping promote our core American value that no one should be targeted or discriminated against; and

Whereas the United States has a troubled history of racism that includes slavery, the terror of lynch mobs, and segregation, which leaves our country with important work to accomplish;

Whereas peaceful protests are protected by the Constitution of the United States through an individual's First Amendment rights of freedom of speech, of peaceful assembly, and to petition the Government concerning grievances; and

Whereas a free society depends on the rule of law, which is the foundation for the preservation of public order, peace, and individual rights; and

Whereas several peaceful demonstrations throughout the United States have been exploited by violent extremists who have carried out acts of violence, insurrection on January 6, 2021, looting, destruction of business, and personal property, and loss of life, including the deliberate targeting of law enforcement officers; and

Whereas due to the actions of violent extremists, certain government functions have been temporarily closed, businesses have been forced to be shuttered, and livelihoods have been impacted; and

Whereas these acts of lawlessness take our Nation's focus away from a safe and civil dialogue on issues of importance including the peaceful exchange of power in our Nation;

NOW THEREFORE, BE IT RESOLVED, that the Township of Vernon Council and Mayor wholeheartedly condemn these acts of violence and all discrimination; and

BE IT FURTHER RESOLVED, the Township of Vernon Council and Mayor supports the just and unbiased enforcement of the rule of law and the protection of innocent individuals against lawbreakers is an essential function of government at the local, State, and Federal levels; and

BE IT FURTHER RESOLVED, that the Township of Vernon Council and Mayor recommits to protecting all of the Township's citizens and families no matter their ethnicity, race, faith, sexual orientation, or gender; and

BE IT FURTHER RESOLVED, the Township of Vernon Council and Mayor is proud to stand with all Americans, regardless of their ethnicity or religion, and to stand against those who preach hate and incite violence.

RESOLUTION #21-74

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES FOR THE DEPARTMENT OF PUBLIC WORKS THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 4890545- 4 x Color Bright White)

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 \$209,366.40 (Quote No. 4890545); 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# 21-75

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2021 budget and no adequate provision has been made in the 2021 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total:

Current Fund	
FIRE PREVENTION O/E	\$ 1,500.00
BUILDINGS AND GROUNDS O/E	\$ 10,000.00
PERS O/E	\$ 510,000.00
PFRS O/E	\$1,085,000.00

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Vernon, in the County of Sussex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of:

Current Fund	
FIRE PREVENTION O/E	\$ 1,500.00
BUILDINGS AND GROUNDS O/E	\$ 10,000.00

PERS O/E	\$ 510,000.00
PFRS O/E	\$1,085,000.00

2. Said emergency temporary appropriations will be provided for in the 2021 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.