

TOWNSHIP OF VERNON

**TOWNSHIP COUNCIL MEETING
MARCH 14, 2016**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday March 14, 2016 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Dan Kadish presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 5, 2016, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

ROLL CALL OF MEMBERS

Present were Council Members Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel and Council President Dan Kadish. Also in attendance were Mayor Shortway, Administrator Charles Voelker, CFO Elke Yetter and Township Attorney John Ursin.

SALUTE TO THE FLAG

Council President Kadish led the assemblage of the flag.

PRESENTATIONS

Barry Lakes Dam Assessment Presentation

Council President Kadish noted that per the Township Attorney, the Barry Lakes Dam Assessment Presentation is recommended to be moved to the April 11, 2016 Council Meeting and the corresponding Resolution #16-87.

Council President Kadish requested a motion to table this presentation and its corresponding resolution until April 11, 2016.

Motion – Jean Murphy

Second – Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to move Presentation and corresponding Resolution #16-87 to April 11, 2016 Council Meeting.

PUBLIC COMMENTS

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

MOTION: Sandra Ooms

SECOND: Jean Murphy

All members were in favor.

Brad Sparta BOE Vice president of the Board of Education(BOE), Chair of Liaison Committee between Council and BOE. Mr. Sparta noted he cannot and will not speak for the entire BOE but would like to voice his concern regarding Resolution #16-77 and also update the Council on the BOE budget. Mr. Sparta added he was present at last month's Council meeting and requested some verbiage to be removed from Resolution #16-77 and noted the Council had discussed this request. Mr. Sparta again makes the same request and adds that if Council decides not to remove the verbiage to vacate the building, then he would like to request to add a condition that the Historical Society has 90 days to vacate. Mr. Sparta said this extra time will allow all parties concerned to come to an amicable conclusion. Mr. Sparta states that he has requested a closed session at the BOE meeting on March 15, 2016 to discuss this matter. Mr. Sparta commented that Mr. Dibenedetto, Business Administrator Steve Kepnes and Dr. Charles McKay have been working hard on the 2016 budget which was faced with a 35% increase in health care costs. Mr. Sparta added it has since been reduced to 25% and the BOE is continually looking for savings before it needs to be submitted to the county on March 22, 2016 and will show a decrease in tax levy to the taxpayers of Vernon in upcoming year. Mr. Sparta thanks the Town Council in advance for their consideration regarding Res 16-77.

Council President Kadish asked if Mayor would like to respond. Mayor Shortway stated he had spoken with superintendent and also agrees with Mr. Sparta to take out word 'vacate' and change to 90 days till deed transfers.

Vic Marotta – Mr. Marotta stated he agreed with what Mr. Sparta and Mayor Shortway said and that no one objects to what has been proposed about Res 16-77 but eviction seems very harsh. Mr. Marotta added that Vernon is faced with a severe situation at the previous Hidden Valley location now the National Winter Activity Center of significant violations from DEP and Sussex County Soil Conservation District(SCSCD). Mr. Marotta stated he wants on record that responsible parties notified DEP and SCSCD with pictures of violations from this property. Mr. Marotta adds that the owner made a commitment to replace trees in the approved final resolution of their application and agreed to the requirements and stresses that the trees that were clear cut need to be replaced. Mr. Marotta said it was important to note from when the temporary CO was given to the new owner, there had been incidents with buses entering areas noted for employees only, frozen patches of runoff across Breakneck Road, and severe runoff from that facility which is draining into the highly sensitive FW 2 town brook. Mr. Marotta stated he had confirmed there were no DEP permits or stream encroaching permits for this property and their own application to DEP did not include any stormwater requirements. Mr. Marotta continued by stating that the new owners received their temporary CO and then simply did anything they wanted and now does not warrant the town's help. Mr. Marotta described that Vernon had received the current TDR (Transfer of Development Rights) grant which gives landowners with preserved lands or restricted use the right to sell those rights for use in a development area. Mr. Marotta ask the Mayor and Council what the status of the TDR Grant is because he is aware that the town planner is currently not communicated on it and the possibility of losing that grant exists. If that happens the concept of our land holders ever being able to receive or retrieve that value of their land lost by Highlands will disappear. Mr. Marotta stresses to the Council to please look into this so our farmers are not penalized.

Bev Budz Chair of Environment Commission

Ms. Budz stated that due to the recent bills of House and Senate introduced in January 2016 and due to the current Sparta Mountain logging plan the Environmental Commission has adopted the following resolution.

Vernon Township Environmental Commission Resolution 16-03

WHEREAS, the Legislature of the State of New Jersey introduced Senate Bill S768 on January 12, 2016 and the Assembly introduced Bill A1505 on January 23, 2016; and

WHEREAS, these bills are titled “Establishes forest stewardship program for State-owned lands”, will allow logging on public owned and environmentally sensitive lands; and

WHEREAS, logging is currently being conducted on environmentally sensitive lands at the Sparta Mountain Wildlife Management Area; and

WHEREAS, such proposed legislature could permit logging on public owned, environmentally sensitive, and preserved lands; and

WHEREAS, the proposed legislature could require “forest stewardship” plans that would also affect each state park; and

WHEREAS, these bills and subsequent logging plans would hurt our open spaces, biodiversity in our forests, public access, and pristine resources that people have worked for decades to protect; and

WHEREAS, New Jersey's State Forests and Parks belong to all of us and are held in public trust; and

WHEREAS, this legislature breaks that public trust by allowing loggers to take over these environmentally sensitive lands; and

WHEREAS, this logging plan would result in limiting public access and environmental damage to wetlands, waterways, and forest habitats; and

WHEREAS, these bills do not include adequate protections for natural resources and have no enforcement; and

WHEREAS, the Natural Heritage Report lists 41 wildlife species listed as state endangered, threatened, or of special concern and will be impacted at the Sparta Mountain Wildlife Management Area and on other publicly owned and preserved lands; and

WHEREAS, we need to protect forests and the vulnerable ecological assets they hold, such as forested wetlands and vernal pools, through effective stewardship and not with logging and commercially driven management; and

WHEREAS, the logging would lead to more erosion and stormwater runoff, impacting pristine streams, reservoirs and aquatic ecosystems; and

WHEREAS, opening up the canopy would lead to a loss of biodiversity in our forests as more deer and invasive species take over, and invasive species infestations would require herbicide use that could impact sensitive streams and areas above reservoirs and water supply intakes; and

WHEREAS, the January 3, 2013 National Heritage Database Report identifies at least 48 species of rare plants that would be impacted during the implantation of this plan; and

WHEREAS, the U.S. Department of Interior has nationally and internationally recognized New Jersey's forests, pinelands, and highlands as important and the federal Highlands Conservation Act has recognized and designated our Highlands and Skylands regions as nationally significant, wild, and scenic and these forests are not just state but also national and international treasures; and

WHEREAS, our state forests are not to be exploited by commercial loggers for private profit at the public's expense.

NOW, THEREFORE, BE IT RESOLVED the Vernon Township Environmental Commission opposes Bills S768 and A1085, opposes logging on state and public lands, and opposes the logging being conducted at the Sparta Mountain Wildlife Management Area.

Jessi Paladini, Historical Society President, stated that she will refrain from speaking about the Historical Society Building due to fact the Mayor Shortway stated he supports removing the term 'vacate' from Resolution. Ms. Paladini explained she is a member of the Land Use Board and had approved the application for the National Winter Activity Center previously known as Hidden Valley. Ms. Paladini added that when the applicant returned to the Board in January 2016 she questioned them about the severe runoff encroaching the road and stream and also the many trees removed. Ms. Paladini has videos of the damages and stressed that she takes her position on the Board very seriously. Ms. Paladini commented on the Resolution on the agenda to hire someone to do minutes for the Council Meeting is in violation of Township Code and may be a NJ statute responsibility that the Municipal Clerk must do.

Gary Martinsen, suggested in the spirit of diversity, perceptually there are sectors on the Council and it would be beneficial to split people up - they might work better together.

Ed DeYoung – Resident and Board of Education Member, stated he is speaking only for himself and supports the resolution to Vernon Historical Society but to vacate is not needed. Me. DeYoung felt it will work out but finds it disappointing that it is necessary to pass it at all and make the Historical Society vacate the building which represents our Township. Mr. DeYoung added he has never heard of another town doing this and worries what is next, move the dog park, or the community garden. Mr. DeYoung stated since there is no cost to the Township, he would rather see resolution taken off the agenda because it is an embarrassment to the Council.

Ted Laabs, [REDACTED] Mr. Laabs commented there are workshops throughout the State which educate residents about the importance of historical structures, increased value and benefits, delicacy, time & conditions, information to pass on to students to remember what was and how to handle artifacts safely and how they are kept so it does not deteriorate and is very critical. Mr. Laabs added the Historical Building draws attention to the community as a tourist site, a community center. Mr. Laabs questions why does the property have to be vacated or what prompted this action. Mr. Laabs suggest the Council discuss and thoroughly review all items prior to putting on the agenda

Doreen Edwards – Historical Society Trustee, explained that all the pictures in the Council Chambers were donated by the Vernon Historical Society who do a lot for this town and have great importance and to see this on the agenda is shameful. Ms. Edwards thaned all of the supporters at the meeting.

Laura Pettinato – Historical Preservation Commission, opined the Historical Society has many wonderful programs, and has volunteers who care about Vernon and asks the town to not have them vacate the building.

Diane Banks, Glenwood supported the work of the Historical Society hard working and was proud of what they do for the Town and asks the Council to show them support.

CLOSED TO PUBLIC COMMENTS

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

MOTION: Dick Wetzel
SECOND: Jean Murphy

All Members were in favor.

MAYOR'S REPORT

- Mr. Shortway reported the 2016 Budget will be introduced and presented this evening. Mayor Shortway explained that in winning the election, the public voted for a new vision for Vernon and a new Administration. Mayor Shortway added he would ask the council to have his choice of counsel and professionals to meet these goals and vision that the voters wanted. Mayor Shortway explained there is no money in this budget for the Greenway, passive recreation or the Band Shell as Council Member Rizzuto requested, to lessen the tax load on the taxpayers. Mayor Shortway added looking forward the projects may be in the 2017 budget; these items have come up in years past 1998 when Maple Grange was designed. Mr. Shortway asks the Council to consider these two things to approve my choice of counsel and approval of the Introduction of the Budget.

APPROVAL OF MINUTES

It was moved and seconded as noted below to approve the following minutes:
Special Work Session Minutes of January 14, 2016

MOVED: Sandra Ooms
SECONDED: Dick Wetzel

A roll call was taken:

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

Motion carried to approve minutes.

ITEMS FOR DISCUSSION

Gypsy moth as a public nuisance

Council President Kadish stated that it is a requirement of the Program to publically discuss that Vernon is participating in the 2016 Gypsy Moth Aerial Suppression Program and declare that the Gypsy Moth is a public nuisance. Council President Kadish noted that dates will be determined per the program.

Council Member Rizzuto stated that since he has been on the Council, he had received more calls from individual taxpayers about the terrible droppings and problems created by the Gypsy Moth and he will attest and affirm that we have a public nuisance. Attorney John Ursin said although a motion is not formally required Council may want to make the discussion formal by Motion.

Motion to declare the Gypsy Moth a public nuisance

MOTION: Patrick Rizzuto
SECOND: Dick Wetzel

All Members were in favor.

Motion carried to declare the Gypsy Moth a public nuisance.

Council Member Rizzuto added that the spray is bacteria which prevents them from multiplying which will help in the future. Council President Kadish added that we don't have corresponding support from New York communities or Wawayanda State park which he thinks is an important aspect but if anyone was present in these areas last year they saw the damage and the air in Highland Lakes or Barry Lakes was filled with moths. Council President Kadish commented Vernon will not be getting the amount of reimbursement originally expected so it will be a heavier burden on taxpayers. Mayor Shortway stated that yes it will cost taxpayers tens of thousands of dollars but every dollar we spend to save these trees is well worth it.

MUA Sub-committee

Mayor Shortway stated he attended a meeting with the Vernon Township Municipal Utility Authority (VTMUA) and will be meeting again to go over the existing sewer contracts. Mayor Shortway added that there is misunderstanding and the Township needs to explore and he believes in the expansion.

Mayor Shortway stated the Council has the power to raise the funds to put the pipe in the ground and he doesn't see any harm to apply for the expansion which may ultimately help condo owners and the whole sewer service area. Mayor Shortway continued by saying the 2023 rates could be over \$2,000.00/edu so we need to do something because any delay will hurt us, so the committee, even if they all have separate concerns and opinions, will keep on meeting and work this out.

Mayor Shortway noted the committee consists of Council Member Ooms, Council Member Murphy, Vinny Zinno, Ed Snook and Attorney John Ursin. Council Member Rizzuto states he finds the committee totally unnecessary – the MUA is a totally autonomous body it was designed that way and the legislatures permitted this to take place. He adds that the Council needs to allow these people to make the decisions unfettered and getting involved politically and in his view, the more the council involves itself it is a detriment to the way the MUA should function. Council Member Rizzuto continued by stating the issues at hand are whether or not we should have an expansion but where it is and what will be created which the study will answer. Council Member Rizzuto added the members of the MUA must be able to perform their jobs but it is difficult with uncertainty of direction.

Council Member Murphy disagreed and commented that Council does have responsibility because they are voting on the expansion and are weary because there was misinformation provided previously and although the meeting was informative, there are now more questions than answers. Council Member Murphy added that with all of these Agreements, contracts, minutes, from 2008 to now, a full analysis should be done to see what transpired and if the project proceeded the way it should have. Council Member Murphy comments the analysis could determine the need of new sewers to reduce burdens of users.

Township Revaluation

Council President Kadish explained that the Sussex County Court has ordered Vernon Township to perform a Revaluation and we have 45 days to challenge from the Feb 23, 2016 date and per the Assessor, the Tax maps must be completed prior to the Revaluation. Mayor Shortway added the Township will need to bond for the Revaluation and we will need confirm there will be sufficient time for the maps to be completed. Council President Kadish added that Vernon will need to be out a RFP to complete the Revaluation. Mayor Shortway added the estimated cost could be \$1.5 million which we must bond for ten years but it has to be done. Council Member Rizzuto asked if Vernon could get a one-year extension. Mayor Shortway answered that Assessor Schweighardt did ask but the County who wants it done as soon as possible but he will confirm with her. Council Member Murphy stated she attended the county meeting and they did say an extension may be a possibility but still restated the order for Revaluation for 2018.

CONSENT AGENDA

Council President Kadish gave a brief explanation of the Resolutions.

Council President Kadish stated all of the Resolutions were to be adopted individually.

RESOLUTIONS REQUIRING SEPARATE ACTION

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

Council President Kadish asked for a motion to remove from Resolution #16-77 from the table.

MOVED: Dick Wetzel

SECONDED: Jean Murphy

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to remove Resolution #16-77 from the table.

Council President Rizzuto questioned why we can't just remove the word vacate from Resolution.

Council Member Murphy questioned how much was spent on the Historic Society building since the Township owned it? Mayor Shortway answered \$5,000.00 in 2013; \$3,000.00 in 2014; \$3,000.00 in 2015. Council Member Rizzuto stated the amount of money given to the Historical Society was from the Hotel / Motel Tax received by the Township from tourists which is an allowable expense. Mayor Shortway said it could also be redirected in other areas we see fit like passive Recreation. Council President Kadish added that there are specific items the money can be spent on of which Historic is one.

Attorney John Ursin advised Council Member Wetzel to recuse himself from discussion as he is a member of the historic society.

Council Member Ooms questioned the terms of the contract regarding when the Township returns the building to Board to Education.

Attorney John Ursin explained the deed has a reverter clause saying if the building is not needed for public purposes, ownership will revert back to the Board of Education but it is not Historical Society specific and Council direction for Mayor to negotiate with the Superintendent and representatives from BOE is needed.

Council Member Kadish requested a motion to withdrawal Resolution #16-77.

MOVED: Dan Kadish
SECONDED: Patrick Rizzuto

Council Member Murphy questioned with this motion will the transfer still proceed? Council President Kadish answers that is his assumption. Attorney John Ursin explains there are two actions in this resolution one is to express the Council's desire to not keep this building and Mayor take actions to further that policy and second as part of that transaction they must provide notice to HS to vacate building.

Attorney John Ursin explains that if the Council does not pass resolution, then you give no direction to the Mayor to take action and the Mayor may negotiate on his own and come to the Council for approval, then you have authority to make a policy and direct the Mayor to takes action to effectuate that policy.

Council President Kadish stated that he then withdraws his motion and Council Member Rizzuto withdrew his second.

Council Member Ooms questioned that in the contract, the Town must give notice does that affect anything. Attorney John Ursin explains that if the Board of Education will take building back and keep Historic Society as a tenant, this lease provision not relevant unless BOE states they want it empty. Council Member Rizzuto adds with the assurance from the Board of Education Members that the Council feels secure the Board of Education will provide a home for the Historical Society without removing the contents with 90-day clause just revise motion.

REVISED MOTION

Council Member Rizzuto states that he withdraws his original motion and replaces with a motion to pass Resolution#16-77 and in the operative paragraph change to 90-day notice to vacate.

MOVED: Patrick Rizzuto

SECONDED: Jean Murphy

A roll call was taken:

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

NAYES: None

ABSTAIN: Dick Wetzel

ABSENT: None

Motion carried to adopt Resolution # 16-77 and in the operative paragraph change to 90-day notice to vacate.

Resolution No. 16-77

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON DIRECTING THE MAYOR TO NEGOTIATE WITH THE BOARD OF EDUCATION TO RETURN THE PROPERTY AT 293 ROUTE 94 TO THE OWNERSHIP OF THE BOARD OF EDUCATION

WHEREAS, the Township took title to the property located at 293 Route 94 by Deed dated August 13, 2015;

WHEREAS, the Deed requires that the property be used for a municipal purpose or it is to be returned to the Board of Education;

WHEREAS, Township Council has determined that the property is not needed for a municipal purpose and that the potential costs in maintaining the building outweigh any benefit;

WHEREAS, it is appropriate to attempt to negotiate an amicable return with the Board of Education;

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Mayor is hereby directed to give the Historical Society ninety (90) days notice to vacate the building located at 293 Route 94 and to simultaneously engage in discussions and negotiations with the Vernon Township Board of Education to return the property to Board of Education ownership.

Resolution #16-78: Resolution Authorizing the Execution Of A Contract Addendum For Recreation Administrative Services To The Vernon Township Police Athletic League (PAL)

Council Member Rizzuto questioned why we are paying the PAL for services that the Township employee currently is doing in the Community Affairs Department and would like to keep them in house. Council President Kadish asked if field costs go to PAL. CFO Yetter answered any field amounts in budget stay in budget until needed for the field. Council President Kadish asked if the snack bar and bathroom facilities are being used. Mayor Shortway commented that there is no contract for concessionaire to run snack bar to gain revenue and the snack bar is centrally located but far away from fields not accessible to patrons. Mayor Shortway added that the Township is saving money on health benefits and salary. Council President Kadish questioned what the chain of command for communicating with the Police Athletic League would be. Mayor Shortway stated that the PAL is run by Ms. Buffalino, Sergeant Haw and will have help from the Township Recreation Aide and himself.

Council President Kadish asked for a motion to adopt Resolution #16-78

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion carried to adopt Resolution # 16-78

RESOLUTION #16-78
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
ADDENDUM FOR RECREATION ADMINISTRATIVE SERVICES TO THE
VERNON TOWNSHIP POLICE ATHLETIC LEAGUE (PAL)

WHEREAS, the Vernon Township Police Athletic League (PAL) is an established administrator and provider of recreation programs for the Township;

WHEREAS, there is a recommendation to transfer the administration of additional Township recreational program activities to the PAL;

WHEREAS, providing these additional recreational services through the PAL will result in greater cost effectiveness, efficiency and economy for the Township;

WHEREAS, paying the Vernon Township PAL the additional sum of \$20,000.00 has significantly reduced the budgeted amounts for Recreation, Salaries and Wages and Other Expenses in the proposed 2016 Municipal Budget;

WHEREAS, the Vernon Township PAL has agreed to administer additional recreation programs as an addendum to the existing PAL Agreement for the sum of twenty thousand dollars per year.

NOW, THEREFORE BE IT RESOLVED that the Mayor or Business Administrator and Township Clerk are authorized to execute a contract addendum with the Vernon Township PAL to provide additional recreation administrative services for the sum of \$20,000.00

Resolution #16-79: Authorizing The Contract For 2016 Recording Secretary In The Amount Not To Exceed \$3,000.00

Council President Kadish questioned if resolution was correct or if it should be changed to transcription services as services will not be a recording secretary. Council Member Rizzuto suggested new software programs to transcribe minutes electronically and a one-time expenditure and not have a repetitive cost. Council Member Murphy stated how the Clerk's office is understaffed and this service is needed. Council President Kadish added that meetings that last over 2 hours of public comments long take a long time to prepare the minutes.

Council Member Rizzuto moved to table Resolution #16-79

MOVED: Patrick Rizzuto

SECONDED: None

Council Member Rizzuto stated a motion to table requires no second.

A roll call was taken:

AYES: Patrick Rizzuto

NAYES: Jean Murphy, Sandra Ooms, Dick Wetzel, Dan Kadish

ABSTAIN: None

ABSENT: NOone

Motion to table Resolution #16-79 failed.

Council President Kadish asked for a motion to adopt Resolution #16-79 and Change to Recording Secretary to Transcription Services in all places

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call was taken:

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

NAYES: Patrick Rizzuto

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolution # 16-79 and change to Recording Secretary from Transcription services in all places in Resolution

RESOLUTION #16-79

AUTHORIZING THE CONTRACT FOR 2016 TRANSCRIPTION SERVICES IN THE AMOUNT NOT TO EXCEED \$3,000.00

WHEREAS, there exists a need for transcription services to assist in the transcription of the Council Meetings for the year 2016; and

WHEREAS, Vernon Township desires to enter into a contract with Gail Russel for the term January 1, 2016 – December 31, 2016 with a contract price not to exceed \$3,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2016 Municipal Budget.

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

1. The Township of Vernon is authorized to enter into a contract with Gail Russel for 2016 transcription services for transcription of Council Meetings.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached contract with Gail Russel.

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

Resolution #16-80: Authorizing The Execution Of A Shared Service Agreement between The Township Of Vernon And The Borough Of Sussex For Animal Control Services

Council President Kadish asked for a motion to adopt Resolution #16-80.

MOVED: Sandra Ooms

SECONDED: Patrick Rizzuto

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolution # 16-80.

RESOLUTION #16-80

**AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT
BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF SUSSEX
FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Township of Vernon and the Borough of Sussex wish to enter into a Shared Service Agreement for Animal Control Services; and

WHEREAS, the Township of Vernon agrees to provide its Animal Control Officer pursuant to N.J.S.A. 40A:65-4 and those Animal Control services as per the attached Shared Service Agreement; and

WHEREAS, the term of the agreement will be from June 1, 2016 through December 31, 2019; and

WHEREAS, the Borough of Sussex, per approved Resolution #2016-66R, agrees to compensate the Township of Vernon the following annual sum of: \$5,833.33 in 2016; \$10,200.00 in 2017; \$10,400.00 for 2018; \$10,600.00 for 2019 per the payment schedule in the contract.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor is authorized to execute the attached Shared Service Agreement between the Township of Vernon and the Borough of Sussex for Animal Control Services; 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 #16-81: Resolution Authorizing The County Of Sussex To Enter Into A Shared Services Agreement With The Township Of Vernon For The Provision Of An Employee Assistance Program Through Alliance Work Partners In Accordance With The Provisions Of N.J.S.A. 40a:65-1 Et Seq And N.J.S.A. 40a:11-10 Et Seq.

Council Member Ooms with no disrespect to employees but this program the Township had, but dropped so not sure if the Township needs it. We are trying to reduce expenditures and services are more for coaching but there are additional costs for further services in future.

Council President Kadish asked for a motion to adopt Resolution #16-81

MOVED: None

SECONDED: None

No motion made for adoption of Resolution #16-81.

Resolution #16-82: Resolution Authorizing Refund Of Overpayment Block 232.01, Lot 26

Resolution #16-83: Resolution Authorizing Refund Of Overpayment Block 102.05, Lot 1

Council President Kadish asked for a motion to adopt Resolutions #16-82 and #16-83

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolution # 16-82 and #16-83

RESOLUTION #16-82

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT BLOCK 232.01, LOT 26

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Steven & Linda Tribuzio in the amount of \$787.62 representing refund for overpayment of 1st qtr. 2016 property taxes for Block 232.01 Lot 26, also known as [REDACTED]

RESOLUTION #16-83

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT BLOCK 102.05, LOT 1

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Robert Bernet in the amount of \$1,465.77 representing refund for overpayment of 4th qtr. 2015 property taxes for Block 102.05 Lot 1, also known as [REDACTED]

Resolution #16-84: Authorizing Execution of a Contract With Minerals Hotel For The Vernon Township Senior Luncheon To Be Held May 4, 2016

Council President Kadish asked for a motion to adopt Resolution #16-84

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion carried to adopt Resolution # 16-84.

RESOLUTION # 16-84

AUTHORIZING EXECUTION OF A CONTRACT WITH MINERALS HOTEL FOR THE VERNON TOWNSHIP SENIOR LUNCHEON TO BE HELD MAY 4, 2016

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 Minerals Hotel, Vernon, NJ, to host and cater this event; and

WHEREAS, the event is currently scheduled for May 4, 2016 at a cost not to exceed \$5,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2016 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 Minerals Hotel for the purpose of hosting and catering the Annual Senior Luncheon on May 4, 2016 at a cost not to exceed \$5,000.00.

Resolution #16-85: Transfer Resolution- Fund Balance Transfer

Council President Kadish asked for a motion to adopt Resolution #16-85

MOVED: Sandra Ooms
SECONDED: Jean Murphy

Council Member Ooms questioned if transfer of \$18,000.00 should be salary & wages why this transfer was being made. CFO Yetter answered that Business Administrator Zuckerman retired and Vernon needed to payout his accumulated time.

Council President Kadish asked for a motion to adopt and to reflect correction from S & W to O & E

A roll call was taken:

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

Motion carried to adopt Resolution # 16-85 with correction from S& W to O&E.

RESOLUTION # 16-85

TRANSFER RESOLUTION- FUND BALANCE TRANSFER

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2015 Municipal Budget) in accordance with N.J.S.A 40A-58/59 and hereby approved.

FROM:

Current Budget:	
Mayor & Council- OE	\$18,000.00
Utilities	27,000.00
Group Insurance- OE	<u>75,000.00</u>

Total Current Fund Budget Transfers \$120,000.00

TO:

Current Budget:	
General Administration-SW	\$ 7,000.00
Engineering Services- OE	5,000.00
Police- OE	2,000.00
Building & Grounds- OE	5,000.00
Road Repairs & Maintenance- SW	50,000.00
Road Repairs & Maintenance- OE	<u>51,000.00</u>

Total Current Fund Budget Transfers \$120,000.00

Resolution #16-86: 2016 Salaries For Non-Union Full Time And Part Time Employees
Council President Kadish asked for a motion to adopt Resolution #16-86.

MOVED: Sandra Ooms

SECONDED: Dan Kadish

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolution # 16-86.

RESOLUTION # 16-86

**2016 SALARIES FOR NON-UNION FULL TIME
AND PART TIME EMPLOYEES**

WHEREAS, Ordinance #16-03, Ordinance #15-20 and Ordinance #14-04 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, State of New Jersey that the following persons be compensated at the annual salary or wage, the same being consistent with Ordinance #16-03 or Ordinance #15-20 or Ordinance #14-04 retroactive to January 1, 2016.

<u>Position</u>	<u>2016 Base Salary</u>
<u>Ordinance 16-03</u>	
Fire Official	\$ 61,100.00
Purchasing Agent- Part-time	\$ 5,000.00
Administrative (Confidential) Assistant- Administration	\$ 52,020.00
Special I Police Officer	\$ 20.00 per hour
Special II Police Officer	\$ 25.00 per hour
Nutrition Site Manager	\$ 14.00 per hour
Food Service Worker	\$ 10.00 per hour
Public Safety Tele-Communicator	\$ 56,241.94

Laborer (Part-time) Recycle	\$ 13.00 per hour
Laborer (Part-time) Recycle weekend	\$ 12.00 per hour
Animal Attendant	\$ 8.50 per hour
Part-time On call Animal Control Officer	\$ 160.87 per week

Ordinance 15-20
Zoning Code Enforcmt \$ 53,350.00

Resolution #16-87: Confirming the Special Assessment Of The Barry Lakes Dam Restoration
Council President Kadish stated Resolution #16-87 has been tabled at the beginning of the meeting.

Resolution #16-88: Employment Contract For The Position Of Chief Of Police And Authorizing The
Execution Of Said Contract By The Mayor Of The Township Of Vernon
Council President Kadish asked for a motion to adopt Resolution #16-88

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion carried to adopt Resolution # 16-88.

RESOLUTION #16-88

**AUTHORIZING THE TOWNSHIP OF VERNON, NEW JERSEY, TO RENEW AN
EMPLOYMENT CONTRACT FOR THE POSITION OF CHIEF OF POLICE AND
AUTHORIZING THE EXECUTION OF SAID CONTRACT BY THE MAYOR OF THE
TOWNSHIP OF VERNON**

WHEREAS, the Township Council approved the appointment of Arthur R. Mills as Chief of
Police in Resolution #13-179 on September 9, 2013; and

WHEREAS, the Township of Vernon hereby agrees to renew an Employment Agreement with
Arthur R. Mills, which shall govern the terms and conditions of employment and compensation
for the position of Chief of Police subject to the laws of the State of New Jersey; and

WHEREAS, Arthur R. Mills has agreed to renew an Employment Agreement with the Township
of Vernon for the position of Chief of Police.

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

1. The Township Council hereby authorizes the Employment Agreement between the
Township and Arthur R. Mills, Chief of Police, effective on January 1, 2016, a copy of which is
attached hereto and made a part hereof.
2. The Mayor of the Township of Vernon is hereby authorized and instructed to execute the
attached Employment Agreement on behalf of the Township.
3. This resolution shall take effect immediately.

A copy of this resolution as well as the contract shall be placed on file with the Township Clerk at
the Municipal Building for inspection by the public.

Resolution #16-89: Authorizing The Award Of Contract For Professional Services,
One for Township Attorney and one for Conflict Attorney

Council President Kadish asked for a motion to adopt Resolution #16-88

MOVED: None
SECONDED: None

Resolution #16-90: A Resolution To Read The 2016 Municipal Budget By Title Only
Council President Kadish asked for a motion to adopt Resolution #16-90 and states that all Council
members have received a copy of the proposed 2016 Municipal Budget

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolution # 16-90

RESOLUTION #16-90

A RESOLUTION TO READ THE 2016 MUNICIPAL BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, as well as posting of same; and

WHEREAS, the conditions required by N.J.S.A. 40A:4-8 have been satisfied for the 2016 Municipal Budget by Township Officials.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of Vernon, New Jersey that the 2016 Municipal Budget shall be read by title only at the Public Hearing on April 11, 2016.

This Resolution shall take effect immediately upon adoption according to law.

INTRODUCTION OF THE 2016 MUNICIPAL BUDGET

Resolution #16-91: 2016 Municipal Budget

CFO Elke Yetter introduced the 2016 Municipal Budget and displays power point slide show.

Ms. Yetter states in 2016 the tax base was \$2,623,050,268 which is a decrease of \$21,000,000 or just under 1% from last year. The 2016 Budget Total being presented is \$25,115,486.00 and last years was \$23,739,728 which is a difference of \$1,300,000 or 5.8% increase.

Ms. Yetter explained that one tax point = Total net valuation taxable divided by 10000 is 262,305. CFO Yetter states that from year to year revenue has shown an increase in receipts from delinquent taxes, construction code receipts, grants, special items which include hotel tax, rate payment from debt service and amount to be raised by taxation, a decrease from fund balance, shared service and local revenues.

Ms. Yetter refers to pie chart slide which shows revenues come from 70% taxes and prior year taxes and delinquents.

Ms. Yetter details the analysis of appropriations which show an increase of \$890,000 in municipal purposes which includes Municipal Services Act increase \$225,000, Gypsy Moth \$125,000 and an increase in insurance \$138,000. Ms. Yetter specified the large increase in Reserve for uncollected taxes is based on last year's collection rate and this year will be affected because tax appeals are up \$471,000. Council Member Rizzuto asked what was collection rate.

Ms. Yetter noted the collection rate was 96.4% in 2015 and it was 97.2 % in 2014 which includes the county, school and municipal amounts. Ms. Yetter adds that if the Township collects more than 96.4%, then the additional receipts would go directly into the fund balance because it is a non-funding appropriation.

Ms. Yetter states that 70.2% of the budget is for Municipal Services of which that is broken down to 25% for insurance; 3% utilities; 13% general government; 26% Public Safety; 17% Public Works; 3% Community Programs and 13% Pensions and Social Security.

Ms. Yetter continues by stating that 10% of budget is for debt service and 10% reserve for uncollected taxes which is calculated by taking the general appropriation amount minus the anticipated revenue =cash required then divide by collection rate to collect \$2.4 million, in case some don't pay and added tax appeals bring down what we are collecting.

Ms. Yetter explained the Five-year collection rate 96.46% in 2015 and 97.2% in 2014.

Ms. Yetter stated the Tax Impact is calculated by taking the average for a residential home which is \$217,431, multiplied by the average tax rate of \$0.606 which equals \$1,317.63 for municipal purposes only which is an increase from last year of \$57.81 to the average homeowner, just under \$5.00 per month.

Council President Kadish asked for a motion to adopt Resolution #16-91 public hearing to be held on April 11, 2016.

MOVED: Dick Wetzel
SECONDED: Patrick Rizzuto

Council Member Murphy questioned about the necessity of employees in Administration budget known as floaters who work in various departments as needed should be part-time with no benefits and the Clerk's office needs an employee. Council Member Murphy added she would like added in the budget an analysis of Sewer agreements.

Council Member Ooms questioned if our licensed clerk is not available at any length of time we would need a fill-in and opined that the floaters be switched to get a licensed clerk.

Mayor Shortway explained the floaters have been cross trained in many departments due to various needs throughout the year. Council Member Rizzuto opined it is good management to prepare a deep bench, cross train so that when absences occur employees are trained to serve the public with no loss of productivity. Council Member Rizzuto expresses concern that the Clerk's office can be overburdened but to hire a second clerk would be a waste of money; the individual should plan, train and he has every confidence that the Clerk is capable of providing direction in her absence.

Council Member Ooms asked in the absence of the licensed clerk, who would do OPRA's, petitions or elections. Attorney John Ursin states that if you have a Clerk with a license and they are not available and there is a function that requires a clerk you can appoint an acting clerk for an extended leave for some reason per state statute for a time of one year. Council Member Murphy explained the clerk has requested it because of heavy workload and a lot of responsibility. Council Member Ooms opined it is okay to have employee that is cross trained, not several and we need an analysis of what we had in the past and what we have now.

Council President Kadish questioned why Council tabled a \$3,000 expense to help Clerk and now we want to hire one for \$50,000. Council President Kadish said the Clerk was hired with deputy clerk in place but that was not true and that position did not exist. Council President Kadish commented that we will discuss further when Public hearing at April 11, 2016.

A roll call was taken:

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

Motion is not carried to introduce Resolution # 16-91.

MAYORAL APPOINTMENTS

Emergency Management Coordinator

It was noted that Emergency Management Coordinator Roy Wherry has resigned and the Mayor now appoints Ken Clark to fill this position.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Ordinance #16-05: An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Amending Chapter 250 Of The Township Code Entitled "Fees And Escrows"

Council President Kadish asked for a motion to introduce Ordinance 16-05 with a public hearing on March 28, 2016.

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

Motion is carried to introduce Ordinance #16-05 with a public hearing to be held on March 28, 2016.

PUBLIC HEARING/2ND READING OF ORDINANCES

None

COUNCIL COMMENTS

Council Member Murphy had no comments.

Council Member Ooms praised all of the Fire Departments and Ambulance Squads in fighting the recent fire at Jerzees Diner and also thanks Mayor Shortway for updating Vernon website with Volunteer application.

Council Member Wetzel wished the public – Happy St. Patrick’s Day and is proud of High School Band, noting that in talking with Mr. Dunnigan, the VTHS will be number one in St. Patrick’s Day Parade in NYC.

Council Member Rizzuto added they will also be in front of parade of Newton and then to Disney World which made him very proud and which is why the construction of the band shell would be a tremendous venue and for our community to enjoy. Council Member Rizzuto commented that with daylight savings had begun time children on the street, bicycles please be careful and aware. He added the area around the Appalachian Trail boardwalk was an absolute mad house, very crowded and I feel for residents on Meadowlark and Carol and residents are putting cones in road so no tourists park in front of their houses and is accident waiting to happen and Police are aware of these problems. Seton Hall won the Big East tournament and in NCAA tournament.

COUNCIL PRESIDENT COMMENTS

Council President Kadish had no comments.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:15 p.m..

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Dan Kadish,
Council President

Minutes approved: May 23, 2016