

Township of Vernon

TOWNSHIP COUNCIL MEETING MINTUES

July 23, 2018

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on July 23, 2018 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 5, 2018 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

ROLL CALL

Present were Council Members Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger and Council President Jean Murphy, Mayor Harry Shortway, Business Administrator Charles Voelker and Township Attorney Josh Zielinski.

EXECUTIVE SESSION

Attorney Zielinski read the Resolution for the Council to enter Executive Session.

RESOLUTION TO GO INTO EXECUTIVE SESSION

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. Litigation
 - b. Personnel

Council President Murphy asked for a motion to go into Executive Session at 6:02 p.m.

MOVED: John Auberger
SECOND: Mark Van Tassel
All members were in favor.
Motion carried to enter Executive Session.

Council President Murphy asked for a motion to adjourn Executive Session at 6:52 pm and reconvene the Regular meeting at 7:00 p. m.

MOVED: Jean Murphy
SECOND: Dan Kadish
All members of the Council were in favor.

The Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on Monday July 23, 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.

SALUTE TO THE FLAG

Council Member Murphy led the assemblage in the salute of the flag.

ROLL CALL OF MEMBERS

Present were Council Members Sandra Ooms, Dan Kadish, John Auberger, Mark Van Tassel, and Council President Jean Murphy. Also present were Mayor Harry Shortway, Business Administrator Charles Voelker, and Township Attorney Josh Zielinski.

PUBLIC COMMENTS (On Current Agenda Items Only)

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

MOVED: John Auberger

SECOND: Mark Van Tassel

All members voted in favor.

Bonnie Rubin, Highland Lakes, addressed Council with prepared speech about Ordinance #18-26 Open Space Trust Fund. Ms. Rubin explained that Sussex County has many natural resources, streams geological habitats and rare animals. In 2000, to ensure Open Space values, New Jersey approved an Open Space Recreation Plan then Sussex County followed with an Open Space Plan on November 7, 2000, followed also by Vernon Township in 2001 for land acquisitions only. Ms. Rubin stated that she and her husband were intrigued by the Greenway Trail proposal from Mayor Shortway which was to be funded by grants and Economic Development proceeds, not taxpayer funds. She objected to proposed Ordinance #18-26 which modifies previously approved Ordinance #00-16 to use funds collected for recreational purposes not Open Space acquisitions. Further, the proposed Ordinance allows for 30% of funds to be disbursed annually depleting the balance within three years. Ms. Rubin opined the proposed Ordinance#18-26 is not acceptable as written as it would allow the Council to be the sole determinant of how the Open Space funds are spent.

Sally Rinker, Vernon, regarding Ordinance #18-26, opined that it is disrespectful to use the Open Space Trust Fund as a recreational slush fund for pet projects when original purpose was for Open Space and Farmland Preservation. She opined that to change the use of the funds requires careful vetting and discussion. Ms. Rinker stated that the proposed Ordinance is a contradiction to the campaign platform of Mayor Shortway which promised that Trails would not use taxpayer funds. Ms. Rinker explained that with the many allowable improvements listed in the Ordinance, the fund will be depleted within a five-year period if 30 % is used annually. Ms. Rinker commented since the Open Space Plan is bad, the Economic Development Advisory Committee has not brought in any new amenities, the Greenway Action Advisory Committee has not brought in any new grants, the Recreation Director has not researched any new grants, and the Bikeway Plan failed, the administration wants to use the Trust Fund for these improvements. Ms. Rinker suggested that Vernon hire a grant writer or have further Council discussion on use of the Open Space Trust Fund.

Jessi Paladini, [REDACTED] commented that proposed Ordinance #18-26 is an exact repeat of a proposed 2010 Ordinance when Mayor Harry Shortway was the Deputy Mayor of Vernon and public expressed strong opposition. Ms. Paladini expressed dissatisfaction about social media posts about the creation and maintenance of the Trails. Ms. Paladini commented she would rather initiate a Petition to give the Open Space Trust Funds back to the taxpayers in the general budget rather than use funds for the Trails of Mayor Shortway. Ms. Paladini opined that Council Members don't care or consider the ramifications of their actions and rubber stamp the job before them.

Brianna Wagner, Barry Lakes, commented that the proposed Chicken Ordinance will be very beneficial to residents as chickens are good pets, can be used for therapy and for a supply of eggs.

Elizabeth Rockwell, Highland Lakes, expressed support for the Chicken Ordinance for health reasons to limit the amount of ticks which may prevent Lyme disease.

Erica Wine, [REDACTED] expressed support for the Chicken Ordinance.

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: Mark Van Tassel
SECOND: John Auberger
All members voted in favor.

MINUTES

Council President Murphy asked for a motion to approve
Regular Meeting Minutes June 25, 2018
Executive Session Minutes of July 9, 2018
Regular Meeting Minutes July 9, 2018

Council Member Ooms objected to the public comments as drafted. Council President Murphy stated that minutes are not transcribed verbatim.

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

CONSENT AGENDA

Council President Murphy gave a brief explanation of Resolutions #18-183 to #18-187.

Council President Murphy asked for a motion to approve Resolutions#18-183 to #18-187.

MOVED: Dan Kadish
SECOND: John Auberger

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

Motion carried to approve Resolutions #18-183 to #18-187.

RESOLUTION #18-183

AUTHORIZING OF MAINTENANCE SERVICE CONTRACT WITH GRAMCO BUSINESS COMMUNICATIONS IN THE AMOUNT NOT TO EXCEED \$1,045.00

WHEREAS, there exists a need for a maintenance service contract for the Digital Recording System in the Municipal Council Chambers/ Court Room; and

WHEREAS, the Township has determined that Gramco, the Township's current contractor providing these services, is qualified to continue providing the Township with such services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the 2018 Municipal Budget; and

WHEREAS, Vernon Township desires to award a maintenance contract to Gramco Business Communications, 1149 Bloomfield Avenue, Clifton, NJ 07012 and the Chief Financial Officer has certified that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the term of the contract will be from August 31, 2018 through August 30, 2019, with a total contract price not to exceed \$1,045.00.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor is authorized to execute a maintenance contract with Gramco Business Communications, for an amount not to exceed \$1,045.00.

Resolution 18-184

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, IN SUPPORT OF THE HIGHLAND REGION ENTERPRISE ZONE

WHEREAS, Highlands Act has placed an undue burden on municipalities that are in the region due to severe building restrictions imposed by the Act; and

WHEREAS, the loss of the ability to build within the municipality has cost the affected communities millions in ratables; and

WHEREAS, due to this loss local businesses and farms are struggling; and

WHEREAS, a Highland Enterprise Zone would bring much needed revenue into municipalities where more than 20,000 acres that have been impacted by the Highlands Act; and

WHEREAS, the Council of the Township of Vernon is in support of a Highlands Enterprise Zone similar to the Urban Enterprise Zones.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that it supports the creation of a Highlands Enterprise Zone specifically for municipalities with more than 20,000 acres that have been designated to be restricted under the Highlands Act; and

BE IT FURTHER RESOLVED, that the Township of Vernon urges other communities to adopt this Resolution to urge legislators to recognize the disparate impact the Highlands Act has had on the local municipalities.

BE IT FURTHER RESOLVED, that the Clerk forward a certified true copy of this resolution to the Governor of the State of New Jersey, the Sussex County Clerk's Association, the New Jersey League of Municipalities, New Jersey's United States Senators and the Sussex County Legislative Delegation.

RESOLUTION #18-185

RESOLUTION AUTHORIZING THE APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE

“Body Armor Replacement Program”

WHEREAS, the Vernon Township Police Department wishes to apply for funding to the Office of the Attorney General, Department of Law and Public Safety, Division of Criminal Justice for the Body Armor Replacement Fund Program, and

WHEREAS, the grant project consists of reimbursement for up to 50% of the expenses incurred to purchase new issue or replacement bullet proof vests for police officers, and

WHEREAS, Vernon Township will incur the cost of the program, and then submit the necessary documentation to the Office of the Attorney General, Department of Law and Public Safety, Division of Criminal Justice, for a fifty percent (50%) reimbursement.

NOW THEREFORE, BE IT RESOLVED, that Vernon Township declares its support for the “2018 Body Armor Replacement Program” Grant to outfit bullet proof vests for our newly hired police officers or replacement vests for our current police officers; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor, Chief Finance Officer 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 Office of the Attorney General, Department of Law and Public Safety, Division of Criminal Justice, for the “2018 Body Armor Replacement Program” Grant.

RESOLUTION #18-186

CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2018 BUDGET AS A REVENUE AND APPROPRIATION OF \$6,435.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has been awarded a \$6,435.00 Safety Grant from the Statewide Insurance Fund; and wishes to amend its 2018 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$6,435.00 which is now available as a revenue from the Statewide Insurance Fund.

BE IT FURTHER RESOLVED that a like sum of \$6,435.00 is hereby appropriated under the caption General Capital Improvement Fund.

RESOLUTION # 18-187

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON AUGUST 5, 2018 WITH RAINDATE OF AUGUST 12, 2018 WITHIN THE TOWNSHIP OF VERNON

WHEREAS, N.J.S.A.21:3-1et seq. Explosive and Fireworks, provides that a Municipal Governing Body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the New Jersey Fire Prevention Code; and

WHEREAS, Highland Lakes Country Club and Community Association has submitted an application to Vernon Township to conduct a fireworks display on Sunday August 5, 2018 with a rain date of Sunday August 12, 2018; and

WHEREAS, the proposed fireworks display will take place on Lakeside Drive East on the dam of Highland Lake; and

WHEREAS, the Association has engaged in a contract with Garden State Fireworks, Inc., to perform the public fireworks and special effects display and has provided the required certificate of liability insurance.

NOW THEREFORE BE IT RESOLVED, that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display with special effects, performed by Garden State Fireworks, Inc. and sponsored by the Highland Lakes Country Club and Community Association on August 5, 2018 with a rain date of August 12, 2018 upon satisfaction of all statutory and departmental requirements.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Council President Murphy read Ordinance #18-23 by title only:

Ordinance #18-23: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending Chapter 484 Of The Municipal Code Of The Township Of Vernon Entitled “Soil Fill Placement” & Amending Chapter 250 Of The Code Of The Municipal Code Of The Township Of Vernon To Include Soil Fill Permit Fees And Escrows

Council President Murphy asked for a motion to Introduce Ordinance #18-23 with a public hearing to be held on August 13, 2018.

MOTION: Dan Kadish
SECOND: Mark Van Tassel

Council Member Ooms acknowledged that some changes were made to the Soil Fill ordinance but questioned why the requested work session has not been scheduled as there are more amendments needed. Council President Murphy asked what changes Ms. Ooms wanted. Ms. Ooms restated a work session is needed.

A roll call vote was taken:

AYES: Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: Sandra Ooms
ABSTAIN: None
ABSENT: None

Motion carried to approve Introduction of Ordinance#18-23 with a public hearing to be held August 13, 2018.

Council President Murphy read Ordinance #18-24 by title only:

Ordinance #18-24: Ordinance Amending and Supplementing The Salary Ordinance For “Non-Union” Employees

Council President Murphy asked for a motion to Introduce Ordinance #18-24 with a public hearing to be held on August 13, 2018.

MOTION: Dan Kadish
SECOND: Sandra Ooms

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to approve Introduction of Ordinance#18-24 with a public hearing to be held August 13, 2018.

Council President Murphy read Ordinance #18-25 by title only.

Ordinance #18-25: An Ordinance Amending Chapter 330 Of The Code Of The Township Of Vernon Entitled “Land Development” To Permit Fowl On Certain Properties

Council President Murphy asked for a motion to Introduce Ordinance #18-25 with a public hearing to be held on September 10, 2018.

MOTION: John Auberger
SECOND: Dan Kadish

Council Member Ooms questioned how the Township can issue a permit to a property located in a Lake Community when the Township does not know the rules regarding chickens are in each community. Council President Murphy stated that the owner is responsible to contact the Homeowners Association (HOA) for permission prior to coming for the Town for a permit. The

Township does obtain association permission by way of an approval letter from Tall Timbers which our departments will also honor to other associations if they would like.

Council Member Kadish recommended the removal of geese from the Ordinance as they are loud, noisy watchdogs. He added that in section (d) there is nothing in the Ordinance for the applicant to go to their HOA for approval, in section (15) the numbers of chickens allowed is too large and suggested 6-8 is appropriate for a large coop and commented the fee of \$50 is too high. Council President Murphy explained the fee of \$50 is current fee in the Township Code for a Zoning permit and agreed that no geese should be allowed. Ms. Kirkman explained the proposed Ordinance was created years ago and went before the Land Use Board for a public hearing, but no action was taken.

Council President Murphy asked for a motion to amend Ordinance #18-25 to remove geese in the definition of fowl and make geese prohibited.

MOTION: Dan Kadish
SECOND: Sandra Ooms
All Members voted in Favor.

Council President Murphy asked if previous motion to approve Ordinance#18-25 is still on table as amended.

Council Member Auberger and Council Member Kadish approved previous Motion to Approve with a public hearing to be held on September 10, 2018.

MOTION: John Auberger
SECOND: Dan Kadish

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to approve Introduction of Ordinance#18-25 with a public hearing to be held September 10, 2018.

Council President Murphy read Ordinance #18-26 by title only:

Ordinance #18-26: An Ordinance Of The Township Of Vernon, County Of Sussex County, State Of New Jersey, Authorizing A Referendum To Allow Additional Expenditures From The Open Space Trust Fund For Public Pathway Development And Maintenance

Council Member Ooms commented that the Township Council is the Open Space Committee of Vernon and some were not involved, circumventing the Committee, in creating the Ordinance, and recommended further discussion is needed how the funds should be used. Council President Murphy explained it has been several years that the funds have not been used to purchase Open Space and the Ordinance will allow the voters to decide what to do with the funds.

Council Member Kadish acknowledged the Open Space Trust Fund was set up to acquire Open Space but recommended to use a maximum 30% of the funds for maintenance of the existing parcels to rid them of thistle, weeds and rubbish. He added that funds should not be used for recreational trails but more for support of cultural aspects. Council Member Ooms stated it was reasonable to allow a maximum of 30% of total for Recreation and Maintenance reasons and leave 70% for Open Space and Farmland Preservation. Council Member Kadish explained the objective is to make Vernon a destination town and create activities for passive recreation.

Mr. Zielinski summarized Council suggestions to amend Ordinance #18-26 to cap Recreation, Cultural, Bikeways and Maintenance to existing Open Space lands to 30% of fund total and leave 70% in trust fund for acquisition of Open Space.

Council President Murphy asked for a motion to amend Ordinance#18-26 as stated by Township Attorney.

MOTION: Dan Kadish
SECOND: John Auberger

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to amend Ordinance #18-26.

Council President Murphy asked for a motion to Introduce Ordinance #18-26 as amended with a public hearing to be held on August 13, 2018.

MOTION: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to approve Introduction of Ordinance#18-26 as amended with a public hearing to be held August 13, 2018

Council President Murphy read Ordinance #18-20 by title only:

Ordinance #18-20: An Ordinance Replacing Chapter 447 Of The Code Of The Township Of Vernon Entitled "Property Maintenance"

Council Member Ooms stated that the amended Ordinance was not posted on the website until earlier today and although legally it can be done it would not be right to vote on it as the Township had made a policy of posting ordinance before introduction. Council Member Ooms stated that Article 4 #447-13 titled Enforcement Procedures give the Zoning Officer discretion on when and who to enforce the laws in the Ordinance, which she opined is not right and could open Vernon Township to liability.

Council Member Ooms made a motion to table Ordinance #18-20.
The motion died for lack of a second.

Council President Murphy asked for a motion to Introduce Ordinance #18-20 with a public hearing to be held on August 13, 2018.

MOTION: John Auberger
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 approve Introduction of Ordinance#18-20 with a public hearing to be held August 13, 2018

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

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

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

Sally Rinker stated the property owners in neighborhood near 1 Indian Trail are concerned for their safety due to fact that no violation and therefore no requirements were issued to homeowner where

there was a soil fill situation. Ms. Rinker read statute #330-162 in the Vernon Township Code and noted that the Zoning Officer took no action there but did so on other parcels on Fieldstone and Silver Spruce. Ms. Rinker explained that there was nothing done on the site of Indian Trail to satisfy the requirements of the Township Engineer per letter of June 20, 2018. She added that no soil erosion or sediment controls were put in place and no stabilization or removal of the 12 ft. of soil in question. Ms. Rinker opined that without the Township notice of violation, the homeowner does not need to do anything and bears no responsibility. Ms. Rinker objected to the lack of enforcement.

Berg White, High Ridge questioned if the results from the testing of the material from the truck accident has been received. Mr. White expressed concern that the material that was tested by lab is not the same material that was reported to be delivered.

Jessi Paladini, [REDACTED] agreed with Mr. Whites comment and with Council Member Ooms comment that the Council Members were circumvented as Open Space members by not discussing the proposed Ordinance. Ms. Paladini added the Municipal Land Use Laws (MLUL) make very clear distinctions for what the Open Space Committee is to do. Ms. Paladini objected to the referendum and questioned the process. Ms. Paladini commented the Zoning Officer is hired and is responsible to enforce laws that are created by the Township Council. Ms. Paladini commented to Clerk Kirkman regarding the Council Meeting Minutes and urged Council to read them before approving.

Dennis Miranda, former resident, commented that Vernon has been a destination area for ecotourism for over 30 years. He explained the importance of the Open Space Funds to be used solely for acquisition and not for maintenance. Mr. Miranda added since 1998, per the study prepared by the Glenwood Center, Vernon has had many opportunities for public investment but needs the different factions to work together. He added he was a proponent for the Vernon Valley Greenway when it was proposed in 1990's by former Mayor John Logan and Developer Gene Mulvihill. Mr. Miranda referenced a study done in 2012 in Florida, which reported that 92% of users of Trails are not hikers but nature lovers and urged Council to work together to solve overflow traffic issue at the Appalachian Trail for Vernon's benefit.

Craig Rolando, Vernon Contractor said he understands need for the Soil Fill Ordinance because of illegal dumpers but commented the Ordinance as written is hindering normal excavating business because of the additional costs of fees and testing. He explained that for 40 years their normal business involves soil to be moved from one site to another within Vernon based on the project and there has never been any problems. Mr. Rolando, from Earth -Tec Associates understands the need for constraints but urges Council to take into consideration the local contractors bottom line.

Council Member Ooms questioned how it affects Mr. Rolando's company. He stated that after a job is complete, the excess soil is stockpiled to his yard, and then the next receiver of the soil requests a certification of clean fill, so soil now needs to be tested at cost of \$3,000. Council Member Van Tassel questioned if customers are requiring the testing of soil, which Mr. Rolando explained that the Township Ordinance requires it to be done. Council Member Ooms suggested having a work session to discuss these issues. Council Member Kadish suggested developing a license for local contractors but still have the ordinance in place for Soil Fill abuse. Council President Murphy added that there is a Dirt Broker Ordinance being created at this time.

Brian Decker, Vernon Contractor, stated he has worked in Vernon for over 40 years and explained his business requires dirt to be moved from a site in Vernon and stockpiled or moved to another job site in Vernon. He added after every septic excavation, dirt may need to be stockpiled and moved to other site which per the Ordinance now needs to be tested to obtain documentation which is ultimately added on to cost of septic repairs. Council Member Ooms suggested having a work session to discuss these issues. Council President Murphy stated Mr. Decker's comments were just presented to the Council.

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: John Auberger
SECOND: Mark Van Tassel
All members voted in favor.

MAYORS REPORT

Mayor Shortway questioned Council if enforcement officers have discretion in the performance of their duties and opined they do and provided examples such as police officers enforcement of motor vehicle violations, juvenile matters and various zoning court cases in NJ. He added that Public bodies, such as municipal zoning boards of adjustment, are allowed wide latitude in exercising their delegated discretion because of their knowledge of local conditions and noted that a trial court's role is generally to determine whether the zoning board's decision was "arbitrary, capricious, or in manifest abuse of its discretionary authority."

Mayor Shortway read portion of Vernon Township Code#330-214 Enforcement, "The Zoning Officer, Code Enforcement Officer or such other administrative officer... shall be responsible for the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized under this chapter and upon the express approval of the appropriate state, county or Township agencies. Article II. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, any proper Township authority or any interested party, in addition to any other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.*

Mayor Shortway stated he had instructed the Twp. Department Heads following taking of office that Vernon Township is in the service industry and that they are to work with the residents and to be problem solvers. He added that Officials will exercise discretionary powers and the Township's goal is voluntary compliance to our laws, and written notices and complaints are to be administered within the enforcement officers' discretionary powers or when verbal notice is not sufficient.

Mayor Shortway explained regarding the matter of 1 Indian Trail that the homeowners were advised verbally of the alleged violation based on the new soil fill ordinance and were requested to stop work and they complied. Since that time, they are abiding by the instructions of the Township Engineer and Zoning Officer to gain compliance so that a permit can be issued. He added that the Homeowners will be performing environmental testing by obtaining 8-foot core samples under the guidance of the Township Engineer. Mayor Shortway commented that absent a showing that there was a lack of good faith or other offensive reason for the action or inaction by the Zoning Officer in her exercise of her discretionary powers, there is no grounds for the frivolous complaint alleged by Sally Rinker and addressed by Councilwoman Ooms.

Mayor Shortway stated that Vernon Township welcomes developers who desire to join our community, fulfill their promises and meet their financial obligations, but as the public is aware, Mountain Creek has filed bankruptcy. He explained that Vernon had granted and allocated to Mountain Creek 166,000 gpd of wastewater so that Mountain Creek could develop properties at the resort. Vernon also agreed to waive the requirement that Mountain Creek pay connection fees to further incentivize their development. Mountain Creek, and in turn, promised construction of 1500 new condos and an indoor water park. Vernon and SCMUA issued bonds to finance the construction of a sewer system so that Mountain Creek could complete its promised development.

Mayor Shortway further explained that initially, Mountain Creek agreed to pay 100% of the debt service for the bonds Vernon and SCUMA issued, but in 2012, Mountain Creek asked Vernon to share the debt service costs for the bonds and the former administration agreed. Pursuant to the Vernon Township – Mountain Creek Resort, Inc. Sewer Funding Agreement" dated July 10, 2012, Mountain Creek's financial obligation for the bond debt service was reduced from 100% to 63% and Vernon agreed to pay the remaining 37%.

Mayor Shortway stated that Mountain Creek was also responsible for the design, permitting and construction costs required to upgrade the Sand Hill Road Sewerage Pump Station estimated at approximately \$2.1 million, to be completed by July 1, 2013. Mountain Creek has refused fulfill the obligation to upgrade the Pump Station. He added that Mountain Creek has now filed a motion to be relieved of all its financial obligations which include more than \$918,000 in bond payments due in 2018 and the total amount owed more than \$28,000,000. Mountain Creek wants Vernon's taxpayers to foot this bill. Mayor Shortway emphasized that Mountain Creek never had any intention of building any of the promised development and now wants a taxpayer bailout for its failed business. This administration and the Township's professionals are committed to not letting that happen.

Mayor Shortway reported that Vernon Township received grant monies totaling \$6,435 from Statewide Insurance Fund to enhance our municipal complex's security.

Mayor Shortway reported that the Phase 2 Water Improvements on Church Street is now complete.

Mayor Shortway commented that the ADA Walkway leading to the new playground at Veteran's Memorial Park is now complete and expressed appreciation to Vernon Businesses APT and Earth-Tec for their donations of time and material.

Mayor Shortway reported that maintenance of the Sand Hill and Town Center trails, and Veteran's Memorial Park was undertaken by Sheriff Strada's SLAP team along with Township residents. Vernon Township gave thanks to the SLAP workers, Sheriff's Officer Pampanin along with the Vernon volunteers including GAAC, EC and MUA Commissioners and to McAfee Hardware for donating the use of machinery.

Mayor Shortway commented that "Family Day Out" was held recently at the Police Athletic League Building, sponsored by The Center for Prevention where Children and parents enjoyed the activities together.

Mayor Shortway announced that Sussex County has noticed that the 2018 Long Line Striping Maintenance Program will begin on or about Monday, July 23rd, weather permitting. Further details can be found on the Sussex County website as traffic delays can be expected.

Mayor Shortway announced that there will be Aerial Mosquito Spraying from July 24 through July 27 between 5:00 am and 8:00 pm in uninhabited wetland areas. Vernon Township will be holding our first Sidewalk Arts Festival on July 28th from 9:00 am to 12:00 noon at Maple Grange Park residents are asked to BYOC- Bring Your Own Chalk. There will also be an Art Show at the Pavilion and sponsors are the Township Recreation and Community Development Department, Recreation Committee, Arts Committee and the Board of Education.

COUNCIL COMMENTS

Council Member Kadish made a motion to terminate the CFO employment advertisement on August 11, 2018.

MOTION: Dan Kadish

SECOND: Jean Murphy

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve above motion.

Council Member Kadish noted the Sidewalk Art event on July 28th will be a new interesting experience. Council Member Kadish noted that the Sidewalk Art event is only from 9:00 am – 12:00 pm on July 28th.

Council Member Ooms questioned possible work session dates and noted that some amendments were made to the Ordinance, but more discussion will be helpful. Council Member Ooms motioned for a work session. Council President Murphy stated the creation of a Dirt Broker Ordinance is in the process to regulate the out-of-town soil brokers. Council Member Ooms questioned why a work session cannot be scheduled. Clerk Kirkman noted there was no second to the Motion and therefore motion died.

Council Member Auberger explained the Council has already had discussion with all parties involved, the Township Engineer, Zoning Officer as well as contractors which led to the approval of the Ordinance at a previous Council meeting. Ms. Ooms added that the Council's actions should be reviewed and evaluated for needed changes.

Council Member Auberger announced a Chicken Barbecue Fundraiser by the Pochuck Valley Fire Department on July 29th starting at 1:00 pm, \$15.00/pp.

COUNCIL PRESIDENT COMMENTS

Council President Murphy stated the new county tax rate is \$2.693: County=\$0.504; Library= \$0.034; Open Space = \$0.003; Schools: \$1.503 and Municipalities =\$0.649.

Council President Murphy commented the Dirt Broker Ordinance will provide regulation to the out of town trucking companies who deliver to Vernon. She added as our public has been vigilant in notifying Township Officials regarding the out of town trucks, the public should please be considerate of local contractors who are legitimately handling business in town. On August 10, Vernon will be in Court on the Soil Dumping Issue on Silver Spruce. Council President Murphy stated to her knowledge the stop work order implemented by the Sussex County Soil Conservation District for Silver Spruce is being enforced by the Police Department. After the Soil Fill Ordinance was adopted, the Vernon Township Judge authorized the Police to stop trucks from entering the property.

Council President Murphy explained that the administration is currently addressing many items with Council and the importance that all residents are aware of the magnitude of the Mountain Creek Bankruptcy as detailed in the Mayor’s Report.

ADJOURNMENT

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

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

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: August 13, 2018