

TOWNSHIP OF VERNON
REGULAR MEETING MINUTES

JULY 25, 2016

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday July 25, 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 has 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, Dick Wetzel and Council President Dan Kadish. Also in attendance were Mayor Shortway, Administrator Charles Voelker, CFO Elke Yetter and Township Attorney John Ursin.

Council Member Rizzuto Absent

SALUTE TO THE FLAG

Council President Kadish led the assemblage of the flag.

PETITION

Certification of Examination Results: Referendum Petition to Oppose or Repeal Township of Vernon Ordinance #16-16

I, Lauren Kirkman, Municipal Clerk of the Township of Vernon, County of Sussex, State of New Jersey do hereby certify the following: Pursuant to N.J.S.A. 40:69A-184 et seq. the referendum petition to oppose or repeal Township of Vernon Ordinance #16-16 has been signed by sufficient signatories and further the previous noted deficiencies have been cured in accordance N.J.S.A. 40:69A-188 et seq.

The petition now is deemed sufficient dated July 22, 2016.

Council President Kadish asked if there is a motion.

MOTION Jean Murphy to rescind Ordinance #16-16
SECOND Dick Wetzel

Mr. Ursin stated that Special Counsel Mr. Steinhardt and he conferred and gave advice to the council if they wish to repeal Ordinance #16-16, it should be done by Ordinance which can be introduced tonight by Title only.

A roll call was taken:

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

Motion carried to rescind Ordinance #16-16.

Council Member Murphy made a motion to Introduce Ordinance #16-21 -An Ordinance to Repeal Ordinance #16-16 In Its Entirety with Public Hearing to be held on August 8, 2016.

MOTION Jean Murphy
SECOND Dick Wetzel

A roll call was taken:

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

Motion carried to Introduce Ordinance #16-21 to Repeal Ordinance#16-16 with a Public Hearing to be held on August 8, 2016.

Mr. Ursin explained to Council that by certifying the petition, Ordinance #16-16 is hereby currently suspended and has no effect. He adds your action is as if the Environmental Commission is in existence per the Township Code and as if this procedural chain of events had not happened.

PUBLIC COMMENTS

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

MOTION: Jean Murphy

SECOND: Sandra Ooms

All in favor

Natalie Mahoney invited the Council and public to attend a charity Run raising awareness for Sexual Abuse on October 30, 2016 @ 11:00 a.m. at the Wawayanda State Park Boathouse of which the proceeds go to CASA Court Appointed Special Advocates. Ms. Mahoney also praises Police Department Officers Under Sherriff Kuzicki, Sgt. Reid, Det. Sgt. Haw and Det. Gentle for their helping her personally to stand up for herself.

Christa Geary states she does not understand why former Mayor Marotta's accusation her of being a Tyrant. Ms. Geary comments she refrains from saying anything derogatory toward others and does not engage in retribution. Ms. Geary adds that no one can afford to be judgmental and we should be able to debate the facts in a mature manner and justice will prevail. Ms. Geary states she tries to do the right thing and speak up for ourselves if the need arises and adds a familiar quote "A wise old owl sat in an oak, the more he heard the less he spoke, the less he spoke the more he heard; why aren't we like that wise old owl."

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: Jean Murphy

SECOND: Sandra Ooms

All in Favor

MAYOR'S REPORT

Mayor Shortway reviewed sewer documents on file. Resolution #05-170 from 2005 and Resolution #12-155 was the Sewer Financial Agreement with Mountain Creek which was passed on July 18, 2002 which stated Mountain Creek owed \$636,000 as of 12-31-2011 and the Mountain Creek was responsible for 63% of yearly deficit of VTMUA beginning 1-1-2012 showing payments from 2012-2017. Mayor Shortway shows council slide show of conditions of Pump Station and has met with the MUA and they said nothing about the safety conditions and I questioned why the upgrades have not been made. Mayor adds the Township License Water Operator said the ventilation in the system is in need of oxygen sensors and the MUA's engineer's report of 12-20-2012 said the ventilation is failing and upgrades are needed ASAP. An additional engineer's report of 2016 said the ventilation is in need of upgrades. Mayor adds the guard rail in the pump house is in disrepair, rusty and will be hazardous when accessing pump for repairs or replacement. In July of 2016, the MUA engineer said the guard rails do not meet building codes and corrosion of the handrails need to be replaced per code and OSHA requirements. Mayor adds the electrical equipment is not rated and must be replaced and any employee entering must not enter alone for safety concerns. Mayor Shortway said the Risk manager has inspected the pump house and the MUA and Mountain Creek have been advised of the hazardous conditions.

Mayor Shortway repeated in 2012, the Township knew of these hazardous conditions and did nothing and adds that Mountain Creek will take necessary steps for Vernon's employees safety to service this pump station.

Council President Kadish stated that Mountain Creek has wanted to replace this pump station and ask what does the engineer recommend. Mayor Shortway agreed but with time to design the plans, get the necessary application and DEP approvals it may take a year to complete. He adds that both the Township & MUA engineers and Mountain Creek said it is working properly and adds the replacement estimates were near \$80,000. Council President Kadish asks since this is a priority can we install fans to clear air for now and with the engineer reports Council would like to have an action plan with dates and deadlines. Attorney Mr. Ursin adds that Vernon does own the pump station. Mayor Shortway stated per the contracts Mountain Creek was responsible to replace. Mayor Shortway adds that Mountain Creek, the MUA have been put on notice of the hazards and safety concerns as well as Mr. Ursin, Township Labor Attorney Mr. Wenner and Special Counsel Mr. Steinhardt. Council Member Murphy asks if Council could have copies of all research on this subject and why it hasn't been completed. Mayor Shortway will create a memo about the details including a plan per the engineer's recommendations.

This administration encourages business and entrepreneurship, however, the days of Vernon's municipal government looking the other way are over, I will enforce legal standards whether it pertains to ABC license, building codes, contracts, zoning, etc.

The 2012 interlocal agreement is one example how our municipal government failed to enforce a contract that put our employees and citizens at risk. Other examples of our municipal government not fulfilling its legal obligations are as follows. There are permanent residents living on the eight floor in Legends who cook off of hot plates that could result in a tragedy and is a fire hazard. A fire in March 2015, led to the deaths of seven children that is believed to have been caused by a malfunctioning hot plate left on for the Sabbath. The blaze, in Brooklyn, NY, killed three girls, four boys aged between 5 and 16 and left their mother and another child in critical condition.

Our codes have never been changed to allow permanent renters but this zoning violation has been tolerated. Owners in violation will now receive summoned for allowing permanent residents in Legends and the owners have been put on notice.

Northwoods consists of several deserted condo units. In 2012 they were declared an unsafe condition and were assessed fines amounting to \$400,000. This fine is compounded weekly at a rate of up to \$2,000.00 per week. The outstanding fines are over \$700,000.00. This matter is being pursued because the structure was declared an imminent hazard in 2015 and is subject to demolition.

ABC Licensing A Hotel / Motel License (36) this type of license may be issued to a person or business entity who operates a hotel or motel containing at least 100 guest sleeping rooms. Two such license are issued to Vernon businesses. It is alleged that neither licensee has 100 sleeping hotel rooms. One of the businesses forfeited the license and the other has four months to show that there are 100 such rooms.

Members of the Greenway Action Advisory Committee, Beautification and Recreation Committees as well as other volunteers have begun and will continue to weed and maintain the RT 515 median because the County has failed to do so.

I have abandoned the idea of building a parking lot at the Appalachian Trail Boardwalk. State, Federal and various trail organizations have failed to provide funds to purchase property and build a parking lot. The County has pledged assistance but I will not burden the Vernon taxpayer with an estimated \$200,000 bill. I am exploring creating an ordinance that will prohibit parking on municipal streets in the area of the boardwalk.

Last year the DPW constructed the impounded garage in the rear of the back parking lot and cost overruns are estimated at \$30,000. The building was still without electricity and during the last several weeks, our DPW has trenched an electrical cable to the garage. The garage now has electricity and an alarm system and video cameras can now be installed to surveil the garage and parking lot.

I am exploring the economic feasibility of selling our sewer system to a private business. Two entities have expressed interest. A resolution from the council will be needed and this transaction will be considered for referendum and an economic feasibility report is due in mid-August.

I advised the VTMUA that I am considering no longer providing Township employees for shared services and part of the consideration was initiated by the deplorable work conditions at the Sandhill Pump Station and my intention to decrease the municipalities work force to stabilize taxes.

Environmental Commission Over the last several weeks I have engaged our citizens and proponents of environmental commissions. As one official pointed out to me it's not the concept of the Environmental Commission that is our problem, but the current agenda of the Environmental Commission. Law distracts that, "The governing body of any municipality may by ordinance establish an Environmental Commission for the protection, development or use of natural resources, including water resources, located within its territorial limits. The commission has the power to conduct research into the use and possible use of the open lands areas of the township and may coordinate the activities of unofficial bodies organized for similar purposes. From time to time, the commission may recommend to the land use board plans and programs for inclusion in a township master plan and the development and use of the open areas of the township. Although I do not agree with all of Jeff Tittle's, who is the Director of the NJ Sierra Club, opinion regarding future expansion of Hamburg Mountain, I do agree that "These mountains are important because their forested canopies protect wildlife species and our clean drinking water. Vernon is part of the Highlands region, which is one of the most environmentally sensitive areas in our state. These mountains are environmentally sensitive."

But our current EC supports expanding the sewer system amp to include Hamburg Mountain. The Vernon Environmental Commission represented the Township on matters outside our borders. From here on in, no committee or commission will represent Vernon Township outside Vernon's borders without the express written permission of this office.

No Net Loss Tree Grant - Both Ms. Budz and former Mayor Marotta indicated there is a contract that increase Ms. Budz's financial compensation regarding this grant. There is no Council resolution to support this and although Ms. Budz claimed she has a contract, she has yet to produce the document even though I repeatedly

requested a copy. Ms. Budz is either mistaken that there is a contract or insubordinate for her failure to produce the contract as requested. I have forwarded this matter to the DCA for an unbiased opinion. This Environmental Commission has failed to update our Natural Resource Inventory which is a necessary tool for sustainability points and grants. The previous administration did not see fit to correct the terms of the Environmental Commission even though they had four years to do so. I will correct the terms as prescribed by law at the 2017 reorganization meeting when I appoint new members to the Environmental Commission, (if Vernon has such a commission). Tonight I appoint Mike Furrey as an alternate 2 to the Environmental Commission and Sally Rinker to Alissa Portaro's seat. To date I have not appointed a chairperson for the Environmental Commission, I now appoint Ms. Rinker as the chairperson to the Environmental Commission.

APPROVAL OF MINUTES

It was moved and seconded as noted below to approve the following minutes all together:

- Special Meeting Minutes of April 29, 2016
- Executive Session Minutes of May 9, 2016
- Regular Meeting Minutes of May 9, 2016
- Regular Meeting Minutes of May 23, 2016

MOVED: Sandra Ooms
SECONDED: Jean Murphy

A roll call was taken:

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

- Motion carried to approve minutes of:
- Special Meeting Minutes of April 29, 2016
 - Executive Session Minutes of May 9, 2016
 - Regular Meeting Minutes of May 9, 2016
 - Regular Meeting Minutes of May 23, 2016

CONSENT AGENDA

Council President Kadish gave a brief explanation of Resolutions #16-171-#16-176
Council President Kadish asked for a motion to adopt Resolutions #16-171-#16-176

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion to adopt Resolutions #16-171-#16-176

RESOLUTION #16-171

**RESOLUTION OF THE GOVERNING BODY
OF THE TOWNSHIP OF VERNON
AWARDING SERVICE WEAPON TO RETIRING POLICE OFFICER**

WHEREAS, the Township has one retiring police officer, Sergeant Scott Waleck;

WHEREAS, Sgt. Waleck has served the Township with distinction;

WHEREAS, the tradition and past practice has been to award retiring police officers their service weapon;

WHEREAS, the service weapons have very little trade-in value and have a fair market value of approximately \$350.00; and

WHEREAS, the Township Council believes it is appropriate to continue the tradition and give the service weapons to the retiring officers.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Township hereby awards the service weapons used in the line of duty to Sergeant Scott Waleck effective on the date of his retirement. The Police Department shall complete all necessary paperwork as soon as possible. The award shall be with the gratitude of the Township and shall be considered an employment benefit. The retired officer will assume all obligations relating to the firearm ownership and all liability from the date of the transfer forward.

RESOLUTION #16-172

RESOLUTION AUTHORIZING EXTENSION OF 2016 THIRD QUARTER GRACE PERIOD DUE DATE ONLY

WHEREAS, the **2016 TAX RATE** has been certified to the Collector of Taxes late; and,

WHEREAS, the Collector of Taxes recommends that the 2016 third quarter grace period due date be extended to August 18, 2016; after that date, interest will revert back to August 1, 2016 and will be charged at the rate of 8% on the first \$1,500.00 and 18% on any remaining balance above the \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize and direct the Township Collector of Taxes to extend the grace period for the 2016 third quarter ONLY to August 18, 2016.

BE IT FURTHER RESOLVED, that interest will be calculated as noted above.

RESOLUTION #16-173

AUTHORIZING APPLICATION AND EXECUTION OF THE “2016 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN” GRANT ADMINISTERED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

WHEREAS, the Vernon Township Police Department wishes to apply for funding from the National Highway Safety Administration “2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown”, Grant; and

WHEREAS, the grant project consists of an enforcement overtime campaign from August 19, 2016 through September 5, 2016 to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations; and

WHEREAS, Vernon Township will initially incur the cost of the program not to exceed \$5,000.00 and then will submit the necessary documentation to the Division of Highway Traffic Safety for total reimbursement.

NOW THEREFORE BE IT RESOLVED, Vernon township declares its support for the “2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown” Grant from August 19, 2016 through September 5, 2016 to increase awareness about the dangers of drinking and driving; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor, CFO and Township Clerk are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of the Grant monies between the Township of Vernon and the Division of Highway Traffic Safety for the “2016 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown” Grant.

RESOLUTION #16-174

AWARDING A CONTRACT TO OTIS ELEVATOR COMPANY FOR REPLACEMENT OF THE POWER UNIT IN THE ELEVATOR LOCATED IN THE VERNON TOWNSHIP MUNICIPAL BUILDING

WHEREAS, the elevator located in the Vernon Township Municipal Building needs a full replacement of the existing power unit which is currently inoperable; and

WHEREAS, Otis Elevator Company regularly maintains said elevator and provided a comprehensive quote to the Department of Public Works; and

WHEREAS, the cost of the replacement of the power unit and related parts and labor are part of the 2016 Capital Budget, Ordinance 16-15; and

WHEREAS, the Chief Financial Officer has certified that funds are available in 3095975; and

NOW THEREFORE BE IT FURTHER 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 contract Otis Elevator Company , 105 Fairfield Road, Fairfield, New Jersey 07004 to replace the power unit and related parts in the elevator in the Vernon Township Municipal Building.

Resolution No. 16-175

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF VERNON, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY APPOINTING
DEPUTY CUSTODIANS OF RECORDS**

WHEREAS, the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (“OPRA”), names the municipal clerk as the custodian of government records; and

WHEREAS, certain officials and/or departments receive numerous public records requests based upon the nature of their official duties and/or office; and

WHEREAS, the governing body may designate one or more deputy custodians to facilitate compliance with OPRA; and

WHEREAS, the Township Council of the Township of Vernon has determined that it is in the best interest of the Township and the public to designate deputy custodians for specific officials and/or departments.

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

1. The Police Chief is hereby appointed as the deputy custodian of records for Police Department records.
2. The Tax Collector is hereby appointed deputy custodian of records for tax collection records.
3. The Tax Assessor is hereby appointed deputy custodian of records for tax assessment records.
4. The Construction Official is hereby appointed deputy custodian of records for building, construction and land use records.
5. The Chief Financial Officer is hereby appointed deputy custodian of records for financial records.

The designated deputy records custodians shall report to the Township Clerk all requests for records and shall follow any instructions given by the Clerk regarding the handling of such records.

RESOLUTION #16-176

**AUTHORIZING (1) PAYMENT FOR EMERGENCY DEMOLITION TO EARTH-TEC ASSOCIATES
AND (2) CERTIFYING A MUNICIPAL LIEN ON
BLOCK 20.04 LOT 31, [REDACTED] IN VERNON TOWNSHIP**

WHEREAS, emergent circumstances arose which required Vernon Township to award an emergency contract pursuant to N.J.S.A. 40A:11-6 without publicly advertising for bids or soliciting quotes as the emergency affected the public health, safety and welfare, requiring the immediate performance of services; and

WHEREAS, on April 21, 2016, a home located at [REDACTED] in Vernon was deemed unsafe by the Building Official and Fire Marshall due to a structure fire at that location; and

WHEREAS, the Township determined that this structure presented an imminent hazard of collapsing into the roadway; and

WHEREAS, the Township Council, be Resolution 16-127, approved \$8400 for the demolition on an emergency, retroactive basis.

WHEREAS, the costs of the project were higher than anticipated.

WHEREAS, the Administration recommends paying the adjusted negotiated amount of \$11,000 in total for the work performed.

WHEREAS, the Township Council wishes to establish a lien for the unpaid charges in the amount of \$11,000 for the work performed by the Township in connection with demolishing the dangerous and unsafe structure; and

WHEREAS, the Chief Financial Officer has certified the total cost for municipal services as set forth in the attached certification.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that the CFO is authorized pay \$11,000 to Earth-Tec Associates, Inc., P.O. Box 941, Vernon, NJ 07462 for the demolition of the unsafe dwelling located on Route 565, Vernon NJ provided that the payment is marked and accepted as "payment in full".

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that the sum of \$11,000 shall forthwith be charged as a lien upon Block 20.04, Lot 31 and shall be added to and become part of the taxes next to be assessed and levied upon such dwellings and lands and shall bear interest at the same rates as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that a copy of this resolution be provided to the Tax Collector and to the property owner.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Council President Kadish read the Ordinance by title only:

Ordinance #16-19: Ordinance Amending The Salary Ordinance For "Non-Union" Employee

Council President Kadish asked for a motion to introduce Ordinance #16-19 with a public hearing to be held on August 8, 2016

MOTION: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion carried to approve introduction of Ordinance #16-19 with a public hearing to be held on August 8, 2016

Council President Kadish read the ordinance by title only:

Ordinance #16-20: An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Prohibiting Commercial Vehicles From Using Vernon View Drive Bridge

Council President Kadish asked for a motion to introduce Ordinance #16-20 with a public hearing to be held on August 8, 2016

MOTION: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion carried to approve introduction of Ordinance #16-20 with a public hearing to be held on August 8, 2016.

PUBLIC HEARING/2ND READING OF ORDINANCES

Council President Kadish read the Ordinance by title only:

Ordinance #16-18: Bond Ordinance Making A Supplemental Appropriation Of \$90,000 For The Acquisition Of Vehicular Equipment Heretofore Authorized To Be Undertaken By The Township Of Vernon, In The County Of Sussex, New Jersey, And Authorizing The Issuance Of \$85,700 Bonds Or Notes Of The Township For Financing Such Supplemental Appropriation.

Council President Kadish asked for a motion to open Public Hearing for Ordinance #16-18.

MOTION: Jean Murphy
SECONDED: Sandra Ooms
All members voted in favor.

Seeing no one from the public to come forward Council President Kadish asked for a motion to close Public hearing for Ordinance #16-18.

MOTION: Jean Murphy
SECOND: Sandra Ooms
All members voted in favor.

Council President Kadish asked for a motion to adopt Ordinance #16-18.

MOTION: Jean Murphy
SECOND: Sandra Ooms

A roll call was taken:

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

Motion carried to adopt Ordinance #16-18.

COUNCIL COMMENTS

Council Member Patrick Rizzuto was absent.

Council Member Dick Wetzel had no comments

Council Member Jean Murphy noted that the Military Families Night information on the Town Website

Council Member Sandra Ooms thanked the Mayor for adding the Bills List on the town website

Council President Dan Kadish asked if there a different format for the bills list. Mayor Shortway will ask the CFO for the explanation and respond.

ADJOURNMENT

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

The regular meeting of the Township Council of the Township of Vernon was adjourned at 8:07 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Dan Kadish,
Council President

Minutes approved: August 22, 2016