

Township of Vernon

TOWNSHIP COUNCIL MEETING

AUGUST 22, 2016

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday August 22, 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, Patrick Rizzuto, Dick Wetzel and Council President Dan Kadish. Council Member Ooms was present via phone. Also in attendance were Mayor Shortway, CFO Elke Yetter and Township Attorney Robert McBriar.

SALUTE TO THE FLAG

Council President Kadish led the assemblage in the salute of the flag.

PROCLAMATIONS

Mayor Shortway read the following Proclamation for September, 2016 in Vernon Township as "Prostate Cancer Awareness Month":

Proclamation
Prostate Cancer Awareness Month

WHEREAS, Prostate Cancer is a serious threat to men's health across New Jersey and the nation, and

WHEREAS, while the causes of Prostate Cancer are still unknown, men with certain risk factors may be more likely to develop the disease and most men who suffer from Prostate Cancer are over the age of 65 and those whose fathers, brothers, or sons have had the disease are also at greater risk, and African American men experience both the highest incidence and the highest mortality rates; and

WHEREAS, increased public awareness of this disease, its risk factors, and its symptoms may save lives as men across New Jersey learn to recognize the warning signs of Prostate Cancer as listed at www.Cancer.gov; and

WHEREAS, Prostate Cancer is treatable when detected early, and prompt treatment can significantly reduce the suffering and deaths caused by this disease.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the *MONTH OF SEPTEMBER* shall be proclaimed *PROSTATE CANCER AWARENESS MONTH* in the Township of Vernon, and that we encourage citizens to stand together against this disease.

September 2016

PUBLIC COMMENTS

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

MOTION: Jean Murphy

SECOND: Dick Wetzel

All members were in favor.

Chris Hordyck, Vernon Township, stated as President of the Vernon View Association in relation to proposed Ordinance 16-20, the association has reached out to some engineers and bridge companies for information on what the most cost effective solution is for the repair or replacement of the Vernon View bridge. Mr. Hordyck stated that more information and the engineer's report will be presented at the September 12, 2016 meeting as previously discussed. As a private resident Mr. Hordyck questioned what Township Attorney Mr. Ursin has said at last meeting that the town doesn't like to get involved with private associations unless it affects public safety. Mr. Hordyck said he submitted an OPRA request to obtain information on the approvals of this development. Mr. Hordyck found in 1979 the original approval found the bridge needed improvements, then in the 1990's a new developer found that repairs needed to be done to develop, in 1995-1996 the inspecting agency was handled by Sussex County. Mr. Hordyck understands that the development in 2003 cannot use the 1979 report and must follow new guidelines for the soils, roadways and the bridge and questions why he is unable to obtain this information from the town and again asks for an explanation of the reason for this ordinance as public safety. Mr. Hordyck added that unless the town can provide information that the town and county has some responsibility in this issue, he understands it is a private community and the owners are responsible for the roads. Mr. Hordyck questioned why is there no information when they were built in 2003. Mr. Hordyck claimed that the railing was not even DOT approved and town and county need to look at our public safety but opined that there are many holes in the story.

Arthur Dawson, [REDACTED] Glen Ridge Council Member, Chair of the Public Works & Public Safety Committee states his neighbor recently had to install a new well by Paul Williams Well Drilling. Mr. Dawson explained he used an app on his phone to measure the decibels of the noise from the equipment which he felt were disturbingly loud, up to 91 decibels. He reported issue to Police but Vernon Noise Ordinance, created in 1994 and amended in 1995, did not have any sound pressure limits. Mr. Dawson states Glen Ridge has a Police Officer trained to use a sound meter and has adopted the Model Ordinance that the state encourages municipalities to adopt and will provide a copy to the Council. Mr. Dawson feels the well drilling equipment was beyond OSHA noise limits in a recreational area and encourages the Council to adopt the model ordinance and certify an officer to use a noise meter.

Council President Kadish asked if the model ordinance has specific limits. Mr. Dawson answered yes it does have limits and it also has distance needed to neighboring properties. He added it also states the Health Officer is responsible to inspect the equipment meets OSHA standards. Council President Kadish explained the original Ordinance's purpose was to monitor noise from large gatherings. Mr. Dawson added that the OSHA standards apply to machines on fixed structures like generators.

Council President Kadish stated that well monitoring is done by the Sussex County Health Department which we do not control anymore but he would like the Township to take back the control. Mr. Dawson advised that for his record he had a water test performed for a baseline and understands the well permit meets the requirements but feels the apparatus doesn't meet the OSHA standards for noise.

Joel Schlesinger, [REDACTED] stated he has spoken to the Township Engineer and had requested a copy of the report which the Ordinance #16-20 is based upon and requests Council help to obtain it. Council President Kadish explains that bridges are controlled by the County; applications for right-of ways, carve outs must be approved by them. Council Member Murphy asked if you are requesting what Cory Stoner saw when he visited the site. Mr. Schlesinger said with this Ordinance you are potentially keeping residents from their homes and would like to view the backup and asks how Council can vote based on opinion with no engineering report. Attorney Robert McBriar explained that Mr. Schlesinger filed an OPRA for the report with no results because it does not exist. Mr. McBriar noted that the Council has tabled the Ordinance until September 12, 2016 and is basing their decisions on safety concerns and the engineering report the Association submits. Mr. Schlesinger asks what are the Township's Engineer's concerns? Mr. McBriar said the ordinance was based off of the expert's observations of the site inspection and added the Association's engineering conclusions must be independent of the Township's.

Jackie Espinosa, JCP & L, wants the public and town to make JCP&L aware of any street lights that are out. Ms. Espinosa questioned a request from Township for copy of map to hang Township flags on poles for the exact locations, which are on RT 515 just south of ACME. Ms. Espinosa

added that JCP&L will be inspecting transmission lines with low flying helicopter and will give details to Chief Mills.

Eric Card, Vernon explains he is trying to build a garage per the Township Ordinance and is fine with the 35% for impervious coverage maximum, fine for the 25% for the structure, fine with the metes & bounds but stated that it is unfair in that structure can only be a maximum of 60% of footprint of house. Mr. Card feels the ordinance should be changed to base the 60% sq. footage to total sq. ft. as residents are taxed on that amount. Mr. Card is trying to build this garage for health reasons per his doctor Mr. Card said he spoke to Land Use department about a variance but does not feel he should pay from \$3,000-\$5,000 to try for this approval for a garage which is costing \$9,000.00. Township Attorney Mr. McBriar stated the Land Use Board has jurisdiction over this issue through the application process, a use or bulk variance. Mr. Card added the cost of \$3,000 - \$5,000 for a \$9,000 garage and survey all neighboring property owners and the wording makes it unachievable and unreasonable. Mr. McBriar explained the Council does not have jurisdiction and the inquiry must go to the Land Use Board and may retain some waivers. Mr. Card stated it was the Land Use Board that sent him to the Council to change the Ordinance and restated the issue is the way the Ordinance is written, the 60% is based on the footprint not the total square footage. Council Member Rizzuto added the Land Use Board will review your application and will try to work with you, not out to hurt you, they follow the law. Mr. Card stated he did bring this issue to the Land Use Board who told him that Council created the ordinance and the Land Use Board enforces it, and he would have to go to Council to change it and restated it is unfair he is taxed on his total sq. ft. but not able to use that figure for this purpose. Council President Kadish suggests Mr. Card meet with the Mayor to discuss issue and Mayor Shortway told him to call the office to schedule the meeting.

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: Patrick Rizzuto

All Members were in favor

MAYOR'S REPORT

Mayor Shortway stated PEOSHA inspected the MUA Pump Station #2 and it was found to be non-compliant because of the condition of the catwalk and the railing. Mayor Shortway said all repairs have been completed and in compliance and no fine will be issued. Mayor Shortway added that plywood had been installed for the catwalk and he is highly confident that it is compliant..

APPROVAL OF MINUTES

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

Regular Meeting Minutes July 25, 2016

Regular Meeting Minutes August 8, 2016.

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 approve minutes

CONSENT AGENDA

Council President Kadish gave a brief explanation of Resolutions #16-182-#16-189.

Council President Kadish asked for a motion to adopt Resolutions #16-182-#16-189.

Council Member Rizzuto requested that Resolution 16-185 be voted on separately.

MOVED: Patrick Rizzuto

SECONDED: Jean Murphy

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

TOWNSHIP OF VERNON

RESOLUTION #16-182

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,659,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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

Section 1. Pursuant to a bond ordinance of The Township of Vernon, in the County of Sussex (the "Township") entitled: "Bond ordinance appropriating \$1,534,557, and authorizing the issuance of \$1,266,625 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on May 28, 2015 (#15-16), bond anticipation notes of the Township in a principal amount not exceeding \$1,266,625 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$1,614,500, and authorizing the issuance of \$1,307,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 13, 2016 (#16-15), bond anticipation notes of the Township in a principal amount not exceeding \$1,306,675 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance 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”, finally adopted on July 11, 2016 (#16-18), bond anticipation notes of the Township in a principal amount not exceeding \$85,700 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 5. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The chief financial officer of the Township is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official

Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 7. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 8. This resolution shall take effect immediately.

TOWNSHIP OF VERNON

RESOLUTION #16-183

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$120,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to a resolution of The Township of Vernon, in the County of Sussex (the "Township") authorizing a special emergency appropriation in the amount of \$200,000, finally adopted on June 23, 2014 and entitled: "An ordinance authorizing a special emergency appropriation of \$200,000 for the preparation of tax maps by the Township of Vernon, in the County of Sussex, New Jersey", special emergency notes (the "Notes") of the Township are hereby authorized to be issued pursuant to the Local Budget Law in a principal amount not exceeding \$120,000 for the purpose of financing the improvement or purpose described in said resolution, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

Section 2. All special emergency notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall

mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:4-55. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 5. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the Notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the Notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the Notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the Notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the

Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 6. All action heretofore taken by Township officials with respect to the sale, issuance and delivery of the notes is hereby ratified, confirmed, adopted and approved.

Section 7. This resolution shall take effect immediately.

RESOLUTION #16-184

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**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED
ON SEPTEMBER 3, 2016, 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, Mountain Creek Resort has submitted an application to Vernon Township to conduct a fireworks display on September 3, 2016; and

WHEREAS, the proposed fireworks display will take place at 200 Route 94, behind the Red Tail Lodge beginning at dusk; and

WHEREAS, Mountain Creek Resort has engaged in a contract with Interstate Fireworks, Inc., Rowland, PA, 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, performed by Interstate Fireworks Inc. on September 3, 2016, at Mountain Creek Resort, located at 200 Route 94, Vernon upon satisfaction of all statutory and departmental requirements.

RESOLUTION #16-186

**AUTHORIZING THE AWARD OF CONTRACT FOR GUIDERAILS
PROPOSED IMPROVEMENTS TO LAKE WALLKILL – SECTION III**

WHEREAS, there is a need for Guiderail Improvements to Lake Wallkill Road Section III within Vernon Township;

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary work;

WHEREAS, the Township of Vernon opened 2 bid(s) for the proposed Guiderail Improvements on August 18, 2016 at 10:00 a.m.; and

WHEREAS, 2 bid(s) were received and reviewed by the Township Engineer Cory Stoner for the specified bid requirements; and

WHEREAS, after review, the lowest bidder did fully meet the bid requirements and is recommended to be awarded the contract to M.L. Ruberton Construction Company, P.O. 564, Hammonton, NJ 08037 the amount of \$19,583.85; and

WHEREAS, the Chief Finance Officer has certified funds available for this purpose in Account #3095853 .

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, to award the bid to M.L. Ruberton Construction Company for the completion of Guiderail Improvements to Lake Wallkill Road Sections III within Vernon Township.

This Resolution shall take effect immediately according to law.

RESOLUTION #16-187

**AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #36
FOR TRAFFIC STRIPING FOR PROPOSED IMPROVEMENTS
OF LAKE WALLKILL ROAD SECTION III**

WHEREAS, the Township of Vernon has a need for Traffic Striping for Proposed Improvements of Lake Wallkill Road Sections III; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #36; and

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for the Traffic Striping of Lake Wallkill Road Section III using the vendor Denville Line Painting, 2 Green Pond Road, Rockaway, NJ 07866, subject to the final approval from the New Jersey Department of Transportation; and

WHEREAS, the total cost of the contract will be \$6,329.60 and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account#3095965.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendor, Denville Line Painting, be utilized for the Traffic Striping improvements for Lake Wallkill Road Section III through the Morris County Co-Op contract #36 at a cost not to exceed \$6,329.60.

This Resolution shall take effect immediately according to law.

RESOLUTION #16-188

**AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #6
FOR PAVING FOR PROPOSED IMPROVEMENTS
OF LAKE WALLKILL ROAD SECTION III**

WHEREAS, the Township of Vernon has a need for Paving Services for Proposed Improvements of Lake Wallkill Road Section III; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #6; and

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for the Paving Services of Lake Wallkill Road Section III using the vendor Tilcon NY, Inc., 625 Mt. Hope Road, Wharton, NJ 07885, subject to the final approval from the New Jersey Department of Transportation; and

WHEREAS, the total cost of the contract will be \$169,908.40 and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account#3095965.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendor, Tilcon NY Inc., be utilized for the Paving Improvements for Lake Wallkill Road Section III, through the Morris County Co-Op contract #6 at a cost not to exceed \$169,908.40.

This Resolution shall take effect immediately according to law.

RESOLUTION #16-189

**AUTHORIZING THE AWARD OF CONTRACT FOR RECLAMATION-
PROPOSED IMPROVEMENTS TO LAKE WALLKILL – SECTION III**

WHEREAS, there is a need for Reclamation for Proposed Improvements to Lake Wallkill Road Section III within Vernon Township;

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary work;

WHEREAS, the Township of Vernon opened 1 bid for the proposed Reclamation on August 18, 2016 at 10:00 a.m.; and

WHEREAS, 1 bid was received and reviewed by the Township Engineer Cory Stoner for the specified bid requirements; and

WHEREAS, after review, the lowest bidder did fully meet the bid requirements and is recommended to be awarded the contract to Reclamation, LLC, P.O. Box 292, West Hurley, NY 12491 in the amount of \$44,016.55; and

WHEREAS, the Chief Finance Officer has certified funds available for this purpose in Account #3095853.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, to award the bid to Reclamation, LLC for the Reclamation for the Proposed Improvements to Lake Wallkill Road Section III within Vernon Township.

This Resolution shall take effect immediately according to law.

RESOLUTIONS REQUIRING SEPARATE ACTION

Council President Kadish asked for a motion to adopt Resolution #16-185.

MOVED: Jean Murphy

SECONDED: Dan Kadish

Council Member Rizzuto stated that he is concerned about the cost of the contract and questions if it comes from the grant. Mayor Shortway explained the cost of this contract does come from the grant. Council Member Murphy added that the cost is not to exceed \$32,000 and will only be paid for work completed. Council Member Wetzel asked what the Forester will be doing for the Township and Council Member Murphy answered he will be taking care of the planting and care of the trees and if they are not taken care of the Town would have to pay the money back. Mayor Shortway added that the Township is responsible for the planting, soil samples and watering of the trees and we are contracting for this service by a licensed Forester because there is much liability with this grant. Council Member Wetzel asked if there is any guarantee of his work or the trees. Mayor Shortway stated there is much liability with this grant so I delegated the Business Administrator to find a forester to oversee the project. Mayor Shortway stated the licensed Forester is currently contracted with West Milford so he knows the locale and what types of trees can be planted and how to care for them. Council Member Wetzel asked if we have a choice to the types of trees used. Mayor Shortway said the Forester will recommend the best types based on our soil conditions and the project will take place in three phases starting next spring.

A roll call vote was taken:

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

NAYES: Patrick Rizzuto

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolution #16-185.

RESOLUTION #16-185

AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR A LICENSED FORESTER FOR THE NO NET LOSS GRANT

WHEREAS, there is a need for Professional Services to the Township of Vernon for a Licensed Forester; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, the Township of Vernon is desirous to enter into an agreement with these professionals as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the Chief Finance Officer has certified in writing that the value of the contracts are available for these purposes subject to the adoption of the 2016 Municipal Budget; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of contracts of a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Services in accordance with the attached Contracts for Professional Services pursuant to a non-fair and open contract to Mr. Ronald Farr (Society of American Foresters, License 1554) to perform services associated with the No Net Loss Grant according to the schedule agreed upon in an amount not to exceed \$32,000.

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

- (a) A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
- (b) Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.; and
- (c) New Jersey Business Registration Certificate; and
- (d) Upon the aforementioned professional being a member in good standing in his respective profession.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Municipal Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

None

PUBLIC HEARING/2ND READING OF ORDINANCES

None

COUNCIL COMMENTS

Council Member Wetzel had no comment.

Council Member Rizzuto had no comment.

Council Member Ooms had no comment.

Council Member Murphy had no comment.

Council President Kadish had no comments.

ADJOURNMENT

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

The regular meeting of the Township Council of the Township of Vernon was adjourned at 8:14 p.m..

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Dan Kadish,
Council President

Minutes approved: September 12, 2016