

Township of Vernon

TOWNSHIP COUNCIL MEETING MINTUES

August 26, 2019

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on August 26, 2019 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 3, 2019 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 Patrick Curreri, Mark Van Tassel, John Auberger and Council President Murphy, Attorney Marlin Townes, Mayor Harry Shortway, and Business Administrator Charles Voelker. Council Member Ooms was absent.

SALUTE TO THE FLAG

Chief Dan Young and Corporal Ron Koumaras with the 2019 Jr. Police Academy graduating class led the assemblage in the salute of the Flag.

PRESENTATION

JR. Police Academy

The 2019 Jr. Police Academy graduating class recited the Core Values: Honor; Integrity; Loyalty; Respect. Chief Young explained this is the fourth year of holding the Police Academy as a way to connect with the Vernon community, this year being the largest with 40 participants. Corporal Koumaras detailed the program which was open to boys and girls from grades six through eighth. The week long program included instruction by NJ Park Police K-9 unit, Atlantic Air Medivac, Morris County Sheriff's Crime Scene Unit and Bomb Squad, as well Vernon Fire Department and Glenwood Pochuck Ambulance Squad. Daily instruction was done by Vernon Police Officers and also prior Jr. Police Academy graduates Hannah Lawley and Joey Germanio, and team building exercises with physical activities were capped off with visit to the Mountain Creek Treescape Adventure Park and a pizza party held tonight before the Council Meeting

Corporal Koumaras thanked Decker Bus company for donating a bus for trip to Treescape and Jim Schmick for driving. Special thanks to the Vernon PAL for use of their building, Vernon Township Mayor and Council for approval of budget line to hold the Academy and parents of graduates for sharing children and attending the ceremony.

Council President Murphy stated she was happy to be able to accommodate this program into the budget. Council Member Van Tassel noted the program was truly amazing with a great job done by the Police Department and participants.

Corporal Koumaras dismissed the 2019 Jr. Police Academy from the Council Chambers.

Council President Murphy asked for a motion to take a brief recess at 7:23 pm.

MOVED: John Auberger

SECOND: Mark Van Tassel

All members of the Council were in favor.

Council President Murphy asked for a motion to return to Meeting at 7:29 pm.

MOVED: John Auberger

SECOND: Mark Van Tassel

All members of the Council were in favor.

Council President Murphy asked for a motion to take a brief recess at 7:30 pm to allow set up of second presentation.

MOVED: John Auberger
SECOND: Mark Van Tassel
All members of the Council were in favor.

Council President Murphy asked for a motion to return to Meeting at 7:31 pm.

MOVED: Mark Van Tassel
SECOND: John Auberger
All members of the Council were in favor.

PRESENTATION

Dan Kraus- Pump Track Presentation

Dan Kraus came forward to discuss proposed Pump Track in Vernon Township similar to ones already built in West Milford and Port Jervis. He explains a Pump Track is an area with multiple elevated positions where riders move throughout the course over berms, rollers and paths. He added there are two types of tracks, one being made of dirt, as in West Milford, which has an initial lower cost but requires routine maintenance, specialized equipment and staff. The dirt track has limited usage after rain falls as surface turns to mud and must be regroomed from wear and erosion issues and can only be used from late Spring to late fall. Mr. Kraus stated the lifetime expectancy is dependent on maintenance provided and is limited to bicycle use only.

The second type of track, as in Port Jervis, is paved with asphalt and has a higher initial cost to build. The layout is similar but has minimal routine maintenance such as cleaning debris or filling cracks in surface which can possibly be handled through volunteer efforts. Mr. Kraus added resurfacing would need to be done after ten years due to wear and tear or elements. He explained a paved track can be used by bicycles, skateboards, rollerblades and usage is not limited due to rainfall and is open as soon as snow melts. Mr. Kraus commented that a Pump Track can be enjoyed by all ages from three to seventy and provides a community gathering spot where teens and young children can play together. Benefits include increased low-impact physical activity, social inclusion, and increased time spent with family and friends.

Mr. Kraus explained a Pump Track is not a large revenue maker but more of a great use of existing Open Space which boosts property values for the community. Through the power point presentation, he encouraged the Council to research the proposed idea and possible locations, one being off Black Creek Road close to the proposed Town Center Trail. Mr. Kraus stated that Port Jervis raised funds through a 501c3 but suggested combining Open Space funds with donations to move forward idea in Vernon. He asked Council to consider if the proposal is feasible for Vernon, then select a township owned location and get the community involved to fundraise.

Council President Murphy stated the proposed site may be ideal, but guidance will be needed to determine if access from Black Creek Drive to RT 94 and parking is permissible. Council Member Curreri thanked Mr. Kraus for his hard work in preparing the proposal and noted with Vernon having 70% open space, work will be needed to find a location while keeping an eye on cost.

Council Member Auberger requested a resolution be added to the agenda to allow Vernon Little League use one Township owned small bucket loader and one volunteer DPW worker to provide maintenance on Veteran's Memorial Park fields to save money. Mayor Shortway stated he has no problem with request since DPW volunteer worker will be trained to operate machinery in order to repair the fields in time for fall season. Attorney Townes recommended requesting a Hold Harmless Agreement from Vernon Little League in case of potential Workers Compensation Claim.

Council President Murphy stated title would be Resolution #19-182 Allowing Vernon Little League with a volunteer Vernon DPW employee to borrow excavating equipment to work on fields at Veteran's Memorial Park pending requirement of Hold Harmless Agreement.

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion carried to approve Resolution #19-182.

RESOLUTION #19-182

RESOLUTION ALLOWING LITTLE LEAGUE WITH USE OF A VOLUNTEER FROM DPW TO USE AN EXCAVATOR TO WORK ON THE FIELDS PROVIDING A HOLD HARMLESS AGREEMENT IS IN PLACE.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, that the Vernon Township Little League, with a volunteer from DPW, may use an excavator to work on the ball fields providing a hold harmless agreement is in place.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute a hold harmless agreement with the Vernon Township Little League. The Township Attorney may make applicable language changes deemed in the best interest of the Township.

PUBLIC COMMENTS (On Current Agenda Items Only)

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

MOVED: Patrick Curreri
SECOND: John Auberger

All members present voted in favor.

John Stevens representing the Vernon Economic Development Advisory Committee (EDAC) commented that Mr. Kraus met with the EDAC about the Pump Track building off the Sustainable Economic Development Plan presented by Caldwell & Associates with emphasis on recreational activities. He added further research is needed for pump track designs, locations and if setting up a non-profit corporation to raise funds is feasible. Mr. Stevens asked if Council Members could attend the next EDAC meeting to further discuss proposed ideas which will be the second Tuesday in September.

Vicki Cornell, resident for 14 years with family very involved in biking, expressed full support for the Pump Track proposal and noted its physical benefits for children in the community.

Steve Dunlop opined that Resolution #19-172 is supposed to address hate speech but stated he does not believe hate speech exists which the Supreme Court has ruled on numerous times. Referring to NJ Herald article, Mr. Dunlop commented the county has history of treating marginalized groups and requires that we condemn in the strongest possible language any hate speech from any source regardless of how well connected the source is or what part of the establishment they thrive in. Mr. Dunlop stated we are all people, all Americans who must abide by the same rules and questioned purpose of Resolution. He stated it is his right to hate someone which may be rude but nothing illegal about it as it his decision how he feels. Mr. Dunlop noted a hateful action is illegal and urged Council to table the Resolution until the First amendment of free speech is fully understood. He restated that the Supreme Court has ruled that hate speech is free speech and opined this Resolution is divisive, will not accomplish anything and has no place before this Town Council.

Jessi Paladini, Sunset Ridge, commented the Pump Track proposal is a wonderful idea but stated that she felt it is unfortunate the Township did not accept the offer from another resident for Pump Track in 2016. She suggested to utilize the Open Space Funds that voters approved for this purpose and rescind the prior resolution that allocated funds to the trail system that is not yet built. Ms. Paladini agreed with Mr. Dunlop that there is no such thing as hate speech as the Supreme Court has ruled and that hate crime is different than hate speech. She opined the hate speech Resolution is very hypocritical as this is perhaps the most hateful Town Council that Vernon has had in thirty five years. Ms. Paladini questioned if Resolution #19-172 was sponsored by Council Member Curreri. Council President Murphy stated Council Member Curreri asked the Township Attorney to draft Resolution #19-172.

Attorney Townes executed Point of Order and recess was taken.

Council President Murphy asked for a motion to take a brief recess at 8:03 pm to allow set up of second presentation.

MOVED: Mark Van Tassel
SECOND: John Auberger
All members of the Council were in favor.

Council President Murphy asked for a motion to return to Meeting at 8:07 pm.

MOVED: John Auberger
SECOND: Mark Van Tassel
All members of the Council were in favor.

Jessi Paladini stated as a woman, senior citizen and Middle Easterner, she only asked who sponsored the Resolution and claimed that Council Member Curreri's husband has ridiculed and harassed her on social media which she can provide if needed. She opined the Council is hypocritical with this Resolution and that Council Members need to model the behavior at Meetings and in their families.

Matthew Conway, Highland Lakes, expressed concern that hate speech Resolution is a direct response to the Scanlan tweets in question by the GOP which were said to be disparaging and offensive to the US Congresswomen and women of color. He opined the resolution is bringing politics into Vernon from the Sussex County Democratic Party and expressed concern that diversity is being pushed into the Vernon community.

Zoe Heath, Hidden Valley, thanked the Council bringing forward the Hate Speech resolution. In High School, Ms. Heath stated she formed, with the help of the School Administration, the Gay/Straight Alliance because it was needed due to student atmosphere. Ms. Heath stated that hate speech leads to hate crime and emphasized how important this resolution is to the community of Vernon, the largest municipality in Sussex County.

Rob Slockbower, as longtime resident and prior business owner, told of his own experiences in high school of bullying, and hateful acts because he was different. He added the Supreme Court has determined there is no such thing as hate speech but urged Council to approve this resolution as there is no room for hate in Vernon. Mr. Slockbower noted that incitement of violence is a crime, none of the rights in the bill of rights are unlimited as per Justice Scalia. Mr. Slockbower thanked Council Member Curreri for bringing this resolution forward.

Lisa Anderson thanked Council Member Curreri for bringing forward this Resolution. She addressed Ms. Paladini for her to re-read her initial posts which may have caused reactions of others. Ms. Anderson stated that there is nothing in the Resolution legally restricting anyone's right of free speech. She expressed concern about public safety from hateful speech and urged the community to be civil to each other. Ms. Anderson stated if one wants to go around saying hateful things, go ahead, but that says a lot more about you that it does about them.

Emily Dupont expressed her support of Resolution #19-172 and of Council Member Curreri.

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

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

MINUTES

Council President Murphy asked for a motion to approve the Special Meeting Minutes of August 5, 2019, and the Executive Session and Regular Meeting Minutes of August 12, 2019

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion carried.

Council President Murphy asked for a motion to approve the Special Joint Executive Session and Special Joint Meeting Minutes of August 15, 2019.

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion carried.

ITEMS FOR DISCUSSION and POSSIBLE INTRODCUTION

Ordinance 19-20: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Creating Chapter 408 Of The Municipal Code Of The Township Of Vernon Entitled “Parking, Veterans”

Council President Murphy stated the Proposed Ordinance #19-20 is to amend the Township Code earmarking two spots for Veterans at the Municipal Building, Veteran’s Memorial Park and Maple Grange Park. She stated that in 2016, student Hannah VanBlarcom, had requested Council to create signs for this purpose as a courtesy recognizing veterans and thanking them for their service. Two ordinances were drafted, one requiring a parking permit from the Police Department at no fee and the second version included fines to those parking without permits. Council President Murphy contacted the VanBlarcom family who stated original intent was to thank veterans and provide spot as a courtesy with no fees or violations imposed. Council Members discussed that no fee or permit should be required. Mayor Shortway stated DPW personnel can create and install the signs with funds from the DPW budget.

Council President Murphy read the title of Ordinance #19-20 and asked for a motion to Introduce with a public hearing to be held on September 9, 2019.

Ordinance 19-20: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Creating Chapter 408 Of The Municipal Code Of The Township Of Vernon Entitled “Parking, Veterans”

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion passed to Introduce Ordinance #19-20 with a public hearing to be held on September 9, 2019.

ITEM FOR DISCUSSION

An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending Chapter 509 Of The Municipal Code Of The Township Of Vernon Entitled “Taxation” To Include Transient Accommodations

Council President Murphy stated the discussion item is an Ordinance that applies a tax on transient accommodations sold from online sites only and questioned if any other municipalities in the area have the ordinance. Mayor Shortway explained the original purpose was to accept the tax that is collected by the State per law of 2018 since Vernon is a very large resort community. He stated online listings found online in Vernon include 89 units from Air BNB, 59 units from Home Away and 62 units from other sites at prices from \$75.00 to \$248.00 per night, with potential revenue up to \$85,000 received by Vernon. Mayor Shortway noted safety concerns exist for guests as well as hosts since sites are not inspected routinely by Township officials. Mayor Shortway added the Short Term Rental Tax is a new revenue stream that would level playing field with existing hotels and B & B’s required to pay hotel tax to the state. Council President Murphy questioned the estimated amount of units that exist in Vernon. Council President Murphy expressed concern that the Township will need to hire another employee in order to handle the registration and perform the inspections. She added that Highland Lakes has own monitoring system in place but has not shared information with the Township.

Mayor Shortway stated that the estimated projected income for the Township is far more than part-time help cost which may not be needed if numbers are not there. Mayor Shortway stated his hope was to put the system on line so there was not need to hire part time help. Council President Murphy stated the Ordinance invites people to enter neighborhoods for short time periods which may impact our residents negatively. She added in 2006, a homeowner in the Summit area of Vernon requested to convert house to a Bed and Breakfast in a residential zone which he withdrew due to numerous resident’s concerns. Council President re-iterated her concern for hiring a new employee and suggested doing a registration and fire inspections to get an idea on the amount of people in town operating this business as well as to get a better handle on the problem and how to solve it.

Mayor Shortway commented that Vernon should be the leader by moving forward with this Ordinance as a new revenue stream. Council President Murphy suggested introducing it, getting them inspected to address the safety aspect and get an idea of what is happening in the Township. Council Member Curreri added that at a minimum, the sites need to be inspected for safety concerns. Mayor Shortway suggested implementing the ordinance with a revenue stream and dedicating some portion of the money to the recreation. Council President Murphy questioned how is the Township going to enforce this, is an employee going to be paid to sit and look on the internet for units. Mayor Shortway stated the abandoned properties are getting less, so there is room to move forward. Council Member Curreri stated in a town of our size the cost to enforce the ordinance may very well outweigh the income generated which is why he suggested the Short Term Rental be approved for a

probationary period which required an inspection so the numbers could be evaluated then. Council Member Curreri noted there had been a study which demonstrated that in a town of our size this could occur.

CONSENT AGENDA

Council President Murphy reviewed the various resolutions.

Council President Murphy noted there was a request to separate out Resolution #19-177 from the Consent Agenda.

Council President Murphy asked for a motion to adopt Resolutions #19-172 through #19-176 and #19-178 through #19-181.

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion Passed to adopt Resolutions #19-172 through #19-176 and #19-178 through #19-181.

Resolution #19-172

RESOLUTION CONDEMNING HATE AND SUPPORTING DIVERSITY IN THE TOWNSHIP OF VERNON

WHEREAS, the Declaration of Independence defined America as a covenant based on equality, the unalienable rights of life, liberty and the pursuit of happiness, and government by the consent of the people; and

WHEREAS, the First Amendment to the Constitution established the United States as a country committed to the principles of tolerance and religious freedom, and the 14th Amendment to the Constitution established equal protection of the laws as the heart of justice in the United States; and

WHEREAS, adherence to these principles is vital to the progress of the American people and the diverse communities and religious groups of the United States; and

WHEREAS, whether from the political right, center, or left, bigotry, discrimination, oppression, racism, and imputations of dual loyalty threaten American democracy and have no place in American political discourse; and

WHEREAS, in the past several years, violent crimes, threats of violence, and other incidents of hate-motivated targeting of religious, racial, and ethnic minorities have increased across the United States; and

WHEREAS, the Township of Vernon is committed to fostering an inclusive and hate free environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that hate has no place in the Township of Vernon and all people are welcome in the Township of Vernon regardless of race, religion, or orientation.

RESOLUTION #19-173

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON SEPTEMBER 22, 2019 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 in the Resort Employee Parking Lot, 193 RT 94, on September 22, 2019, for Oktoberfest; and

WHEREAS, Mountain Creek Resort has engaged in a contract with Garden State Fireworks, Millington, NJ, to perform the public fireworks and special effects displays and has provided the required certificate of liability insurance to the Township.

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 Garden State Fireworks Inc. on September 22, 2019, at Mountain Creek Resort for Oktoberfest upon satisfaction of all statutory and departmental requirements.

RESOLUTION# 19-174

**AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO AGREE
TO HOST THE 2020 SUSSEX COUNTY SENIOR OLYMPICS**

WHEREAS, the National Senior Olympics Organization was formed in 1987 to develop and foster healthy lifestyles for seniors and to improve quality of life for though fitness, camaraderie and education;

WHEREAS, senior sports leagues are a great way to combine exercise and fun with a number of notable benefits, including increased physical, emotional and mental health, the Sussex County Division of Senior Services began organizing an annual Senior Citizen Olympics in 2018;

WHEREAS, The Sussex County Division of Senior Services funds the event through grants and donations with the cooperation of each participating municipality and with the host municipality providing the venue and setup/cleanup support staff;

WHEREAS, Vernon Township has participated in each annual event and it is a highly anticipated event with 250 – 300 people attending the Senior Olympics and participating municipalities rotate as host to the event and have an opportunity to showcase their hometown;

WHEREAS, the Township of Vernon has a large Senior Citizen population and a very active Senior Center as such has offered to host the 2020 Sussex County Senior Olympics at Maple Grange Park on June 10, 2020 with a rain date of June 11, 2020;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, New Jersey as follows:

1. That the Township Council of the Township of Vernon hereby approves that Vernon Township host the 2020 Sussex County Senior Citizen Olympics.
2. A certified copy of this Resolution shall be submitted to the Clerk of Sussex County.

RESOLUTION #19-175

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF
REVENUE AND APPROPRIATION AMENDING THE 2019 BUDGET
AS A REVENUE AND APPROPRIATION OF \$58,176.17**

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 \$58,176.17 2019 Clean Communities Grant from the New Jersey Department of the Treasury Solid Waste Administration; and wishes to amend its 2019 budget for the difference of the awarded 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 2019 in the sum of \$58,176.17 which is now available as a revenue from the New Jersey Department of the Treasury Solid Waste Administration,

BE IT FURTHER RESOLVED that a like sum of \$58,176.17 is hereby appropriated under the caption 2019 Clean Communities Grant.

**RESOLUTION # 19-176
REFUND OVERPAYMENT
(Block 526 Lot 67 – Butler)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Gerald and Barbara Butler, in the amount of \$807.90 representing refund for overpayment of 1st qtr. 2019 property taxes for Block 526 Lot 67 also known as [REDACTED]

RESOLUTION #19-178

**AUTHORIZING THE AWARD OF CONTRACT
FOR PROFESSIONAL SERVICE**

WHEREAS, there is a need for Professional Services to the Township of Vernon for Public Defender, 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 this professional 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 in the 2019 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 the following:

Public Defender – James D. Opfer, Esq.

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.

**RESOLUTION #19-179
RESOLUTION AUTHORIZING THE HIRING OF A
HEARING OFFICER FOR DISCIPLINARY MATTERS**

WHEREAS, the Township of Vernon requires the services of a hearing officer to conduct a disciplinary hearing for an employee of the Township; and

WHEREAS, Edward Florio, Esq. is an experienced and well qualified hearing officer for matters regarding public employees; and

WHEREAS, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b) (the certification of available funds), states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

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

1. Edward Florio, Esq. shall serve as the hearing officer for disciplinary matters regarding employee of Vernon Township
2. Edward Florio, Esq. shall be compensated \$150.00 an hour for his services.

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.

RESOLUTION #19-180

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON SEPTEMBER 6, 2019 AT 2 CHAMONIX DRIVE 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, Fireworks Extravaganza has submitted an application to Vernon Township to conduct a fireworks display on September 6, 2019 at 2 Chamonix Drive, Vernon, NJ at approximately 9:00 pm for a private wedding event; and

WHEREAS, The McCollum Wedding party, has engaged in a contract with Fireworks Extravaganza, Rochelle Park, NJ, to perform the fireworks and special effects displays and has provided the required certificate of liability insurance to the Township.

WHEREAS, Stonehill Recreation Corp, property owner, has given permission for this fireworks display per contract with sponsor of event.

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 Fireworks Extravaganza on September 6, 2019 at the 2 Chamonix Drive, Vernon, NJ location upon satisfaction of all statutory and departmental requirements.

RESOLUTION 19-181

REVISED RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX COUNTY, STATE OF NEW JERSEY, AUTHORIZING THE COLLECTION OF A TAX OF ONE HALF (½) CENT PER ONE HUNDRED (100) DOLLARS OF ASSESSED VALUE, TO BE DEDICATED TO RECREATION, SAID TAX TO BE COLLECTED FOR A PERIOD OF TEN (10) YEARS BEGINNING IN THE YEAR 2020

WHEREAS, the Township Council has the obligation to act in the best interests of the health, safety and welfare of the residents of the Township; and

WHEREAS, the Township Council requires to have sufficient funds to continue the Township's recreation programs; and

WHEREAS, the Township Council has determined it to be in the public interest to create a tax to raise funds solely for the Township's recreation programs; and

WHEREAS, the Township Council wishes to ask the voters if they would like to authorize same; and

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

1. Pursuant to N.J.S.A. 40:12-15.7 (d), the Township Council of Vernon Township hereby requests the Sussex County Clerk to print on the official ballot to be used in the General Election to be held on November 5, 2019 the following **BINDING** public question:

Shall the Township of Vernon be permitted to collect a tax of one half (1/2) cent per one hundred (100) dollars of assessed property value for a period of ten (10) years beginning in the year 2020, with said tax dollars to be dedicated to recreation. Funds collected from this tax shall be placed in a dedicated account exclusively and only be used for the purpose of recreation, for example to purchase recreation equipment or to build and maintain township recreation fields.

YES [] NO []

2. The Sussex County Clerk is further requested to print on said ballot the following interpretive statement of the public question presented above:

The Township of Vernon is a four season community with active participation in outdoor recreation activities. This referendum shall authorize the collection of a tax of one half (1/2) of one cent per hundred dollars of assessed property value, which shall be placed in a dedicated fund for the sole purpose of recreational activities. Purposes for these funds shall include but shall not be limited to the purchase of recreational equipment by the Township and/or the building and maintaining of Township recreational fields. This tax shall be collected commencing in 2020 and shall continue for a period of ten (10) years.

3. A certified copy of this Resolution shall be immediately forwarded to the Sussex County Clerk.

Council President Murphy asked for a motion to adopt Resolution #19-177.

Resolution #19-177: Resolution Authorizing Appointment Of A Chief Financial Officer For Vernon Township

MOVED: Mark Van Tassel
SECOND: Jean Murphy

A roll call vote was taken:

AYES: Mark Van Tassel
NAYES: John Auberger, Jean Murphy
ABSTAIN: Patrick Curreri
ABSENT: Sandra Ooms

Motion Failed to adopt Resolution #19-177.

Attorney Townes stated Council Members must make a statement on record for reason of 'No' votes.

Council President Murphy stated she voted no due to several items in the Vernon Township Budget and more recently an item in the Municipal Utility Authority's Budget. Council President Murphy stated there were several items that were not up to par. Council Member Auberger stated he thinks there are issues in the Finance Department that need to be addressed.

Public members spoke out of order.

Attorney Townes stated a Rice Notice is only required if there is an Executive Session scheduled which was not the case at this meeting. Attorney Townes noted a Point of Order as public comment had ended.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Council President Murphy read the title of Ordinance #19-01 and asked for a motion to Introduce with a public hearing to be held on September 9, 2019.

Ordinance 19-01: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey Creating A Resort Service Fee

MOVED: John Auberger
SECOND: Patrick Curreri

A roll call vote was taken:

AYES: Patrick Curreri, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: None

ABSTAIN: None
ABSENT: Sandra Ooms

Motion passed to Introduce Ordinance #19-01 with a public hearing to be held on September 9, 2019.

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: Patrick Curreri
All members voted in favor.

Sean Clarkin, resident of Barry Lakes, stated that as a Realtor and Vernon being a four-season community, customers continually ask if residential properties can be rented out on a short term basis. He added the revenue generated would be positive but noted there may be safety concerns when strangers are entering neighborhoods sporadically. Mr. Clarkin suggested to approve the Ordinance and review the need for an added employee after workload is determined.

Jessi Paladini opined that this governing body acts in lawless manner on many occasions. She objected to discussion on CFO's performance in public setting without providing a RICE Notice prior. Ms. Paladini stated she is in favor of Resolution that Council Member Curreri introduced but stated she finds it hypocritical that the Council approved it as such. She stated the general public is disgruntled with the Vernon government and challenged anyone to find one hateful thing that she had ever posted on social media.

Sally Rinker expressed support for Mayor Shortway's idea with Air BNB's to generate revenue for our resort township and suggested that Council should spend more time with economic development.

Peg Distasi, [REDACTED] commended Council Member Curreri for his courage to bring forth the anti-hate resolution. She added her support for the Mayor's Air BNB tax to increase revenue, his ideas to increase economic development and also for the Pump Track.

Seeing no 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.

MAYORAL APPOINTMENTS

Mayor Shortway announced the appointment of Janet Morrison to the Economic Development Advisory Committee effective immediately.

Mayor Shortway announced the appointment of Susan Pustay to the Senior Citizens Advisory Committee effective immediately.

MAYORS REPORT

Mayor Shortway asked for the Council's support by Resolution to abolish the new school funding formula and replace with a funding solution that values every student across New Jersey equally. He explained with the Governor's Funding Act that funds are needed to address poor urban districts but noted the unfairness to poor rural school districts that experience challenges created in part by lack of public transportation and the Highlands Act. Mayor Shortway explained that New Jersey relies on Sussex County for the majority of drinking water, limiting growth and development causing municipalities to be creative to find additional sources of revenue. He added that State Officials must consider the restrictions from the Highlands Act on the affected districts when creating the funding formula.

Mayor Shortway commented that construction to replace the Maple Grange Turf Fields began today. He added that Mishelle Downtain, Recreation Supervisor has been working closely with all of the Recreation Youth programs to revise the field schedules while the fields are being repaired so that youth can play their respective activities.

Mayor Shortway stated he has requested the Township Engineer to prepare Request for Proposals for the Town Center Trail. He added the current pump house easement needs to be amended to include hiking and biking which has been reaffirmed with current owners. He noted severe erosion has occurred at this site exposing a sewer pipe which will need to be repaired as it is his fiduciary duty to maintain township assets.

Mayor Shortway commented that the current Sewer System easement, originally purchased by the Township for \$4 million has not been properly maintained by the VTMUA. Due to neglect of former director of the VTMUA, Mayor Shortway stated he has ordered all easements must be maintained to protect the sewer pipes and prevent any risk of damage.

Mayor Shortway commented that the Township Farmers Market has been very successful with residents and vendors requesting increase of dates in 2020.

Mayor Shortway strongly objected to the Council's decision to vote down the Appointment of the Chief Financial Officer.

COUNCIL COMMENTS

Council Member Auberger had no comments.

Council Member Van Tassel had no comments.

Council Member Curreri praised Hannah Van Blarcom and her family for her idea that signs be installed at Township Facilities reserving parking spots for Veterans as a way to thank them for their valuable service to our country.

COUNCIL PRESIDENT COMMENTS

Council President Murphy requested a status update of the proposed Fire Department Ordinance and an updated employee census which Mr. Voelker stated he will provide.

Council President Murphy commented that the proposed Ordinance regarding Cedar Ridge/ RT 517 intersection will not be ready to be added to the September 9, 2019 agenda. Mr. Voelker noted the Engineer is currently working on preparing the report to submit to Sussex County for approval.

ADJOURNMENT

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Auberger and was 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 9:08 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: September 23, 2019