

VERNON TOWNSHIP COUNCIL

REGULAR MEETING MINUTES

September 28, 2020

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on September 28, 2020 via Zoom Webinar in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 7, 2020 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 John Auberger, Jean Murphy, Andrew Pitsker, Kelly Weller and Council President Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker and Township Attorney Josh Zielinski.

SALUTE TO THE FLAG

Council President Shortway led the assemblage in the salute to the flag.

PUBLIC COMMENTS *(For Current Agenda Items Only, Limited to 3 minutes per person)*

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

MOVED: John Auberger

SECOND: Andrew Pitsker

All members present voted in favor.

Vincent Speziale – President Council 63 Local 3181, asked that resolution #20-190 be tabled again by the Council. He said an email has been sent to the Mayor and Business Administrator stating that the Union has some issues with the Local agreement. Mr. Speziale apologized because the Union got back to the Mayor and Council very late due to the Union Attorney being busy at hearings. Mr. Speziale said the Union supports the direction the Township and the MUA are going and he will personally do whatever it takes to keep himself available if need be to resolve any issues. He feels positive that these issues can be resolved in a timely manner to keep the Township and the MUA moving in a positive direction.

Thomas McClachrie – Vernon Township, commented on the 911 System saying that we are paying more than the projected cost of \$441,000 because health benefits and retirement benefits are not going to be included in this number. Mr. McClachrie said that anyone who has a phone is already paying \$.90 a month for the 911 System to the State. Mr. McClachrie feels that the State should give us more money for our 911 System.

Mr. McClachrie commented on the Animal Control ordinance saying we should not be raising fees to have animals adopted.

Jessica Paladini – Vernon Township, feels that it is a lot of money to charge people to adopt animals. The point is to find the animals homes and this is not the way to make money. Ms. Paladini feels that the fees are astronomical.

Seeing no other members of the public wishing to speak, Council President Shortway asked for a motion to close the meeting for Public Comments.

MOTION: John Auberger

SECOND: Kelly Weller

All members were in favor.

MINUTES

September 14, 2020 – Regular Meeting

Council President Shortway asked for a motion to approve the above meeting minutes.

MOVED: Kelly Weller

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve the above meeting minutes.

RESOLUTIONS

Resolution #20-190: Resolution Authorizing Interlocal Services Agreement for the Services of the Department of Public Works

Council Member Auberger made a motion to table Resolution #20-190 until the next Township Council meeting October 15, 2020, seconded by Jean Murphy.

Council Member Murphy feels it is not fair to keep stalling this resolution. She feels that we need to have an approval date on this because it is not fair to keep holding it up. Council Member Murphy asked if holding this resolution up will affect any operations at the MUA and what is the detriment if this is tabled again till the next Township Council meeting

Council Member Pitsker said that the agreement has been expired for over a year already and we have been operating on the existing agreement. The MUA has been running with the current agreement and we are trying to get the agreement up to date. Council Member Pitsker said if this is going to be tabled to have more dialogue with the Township Administrator it is fine. He said this agreement is between the MUA and the town and how the town handles the negotiations with the Union.

Township Administrator Voelker said that the agreement has been expired for quite some time and he did not receive it till late Friday night. The town's Labor Attorney felt that there was no reason to hold the agreement up but if we would prefer that there be some further discussion with the Union and/or the Attorneys discussing it, Mr. Voelker does not feel this will impact operations at all for the MUA. The Labor Attorney did not give Mr. Voelker a written response that can be shared but the Labor Attorney saw nothing that would prevent the Council from voting on the resolution tonight. Mr. Voelker said if the Council prefers to wait, he does not see an issue.

Council Member Murphy said it seems to be an issue between the Union, Administration and the MUA. The Council is given the task to vote on this and accept it and there are obviously still some issues. She feels that there has to be a decision made at least a week before the next meeting because it is not fair to keep stalling this.

Mr. Voelker explained that when this was tabled at the last meeting, he forwarded it to the Union the next morning so that they would have it for at least 10 days. As soon as he gets a response from the Labor Attorney he will share everything to the Council well before the next meeting.

MOVED: John Auberger

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to table Resolution #20-190 until the next Township Council meeting October 15, 2020.

Resolution #20-206: Resolution of the Township Council of the Township of Vernon Rejecting All Bids for #2R-2020 Fire Alarm Installation

RESOLUTION #20-206

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON REJECTING ALL BIDS FOR #2R-2020 FIRE ALARM INSTALLTION

WHEREAS the Township advertised to receive bids for Fire Alarm installation in a Fair and Open manner on September 16, 2020 at 9:00 A.M. under re-bid # 2R-2020; and

WHEREAS the Township received bids to wit:

Vendor	Amount
Fire and Security Technologies	\$77,300.00

Haig's Service Corp	\$95,400.00
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and

WHEREAS the bidders proposed cost exceeded budgetary allotments in violation N.J.S.A. 40A11-13.2(a); and

WHEREAS, the Township is allowed under N.J.S.A 40A:11-13.2(a) to reject bids in such occurrences.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, that the bids supplied by all vendors are rejected according to the determination of exceeding cost estimates as provided for in N.J.S.A 40A:11-13.2 (a)

Council President Shortway asked for a motion to approve Resolution #20-206.

MOVED: Andrew Pitsker

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-206.

Resolution #20-207: Resolution of the Township of Vernon in the County of Sussex, State of New Jersey, Authorizing an Extension of Bid Award for HVAC Service

RESOLUTION #20-207

RESOLUTION OF THE TOWNSHIP OF VERNON IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING AN EXTENSION OF BID AWARD FOR HVAC SERVICE

WHEREAS the Township approved AirGroup LLC, through resolution #19-51 on January 14, 2019 for a two (2) year contract; and

WHEREAS the Township has been satisfied with the service and supply of the contract; and

WHEREAS the New Jersey Local Publics Contract Law at N.J.S.A.40A:11-15 allows for up to a two (2) year extension of contracts before re bid is mandatory; and

WHEREAS it is the desire of the Township of Vernon to extend the contract to Airgroup LLC for an additional two (2) years at the same rate as year 2 of the contract in the amount of \$13,690.00 in 2021 and \$13,690.00 in 2022, expiring on January 13, 2023.

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

1. The contract bid awarded to AirGroup LLC through resolution #19-51 is extended for an additional two (2) years expiring on January 13, 2023 reflecting the tenets and proposals of original bid and any change orders
2. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract aforesaid.
3. Subject to approval of future budgets by the governing body, the Chief Finance Officer certifies the availability of funds in the CY2020 Current
4. Fund and future Current Fund line items.
5. That the Township Clerk shall forward a certified copy of this Resolution to the following:
 - A. Business Administrator;
 - B. Chief Financial Officer;
 - C. Purchasing Agent; and

Council President Shortway asked for a motion to approve Resolution #20-207.

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-207.

Resolution #20-208: Resolution of the Township of Vernon Requesting that County of Sussex to Provide a Separate Taxation to Municipalities that Utilize Sussex County Dispatch Services

RESOLUTION #20-208

RESOLUTION OF THE TOWNSHIP OF VERNON REQUESTING THAT COUNTY OF SUSSEX TO PROVIDE A SEPARATE TAXATION TO MUNICIPALITIES

THAT UTILIZE SUSSEX COUNTY DISPATCH SERVICES

WHEREAS, the Township of Vernon ("Township") has maintained its own emergency dispatch center for police, fire, and ems through the Vernon Township Police Department since January 1st, 1975; and

WHEREAS, the Township receives exceptional service and values from the local Township dispatch, which contributes to the safety of residents; and

WHEREAS, it costs the Township of Vernon approximately \$448,787.00 to provide the Township dispatch services, which the cost is paid for solely by the taxpayers of the Township of Vernon and through shared service agreements; and

WHEREAS, , the Vernon Township Police Dispatch Center provides animal control dispatching services for Vernon Township Animal Control, along with a shared service agreement for Animal Control with the Borough of Franklin; and

WHEREAS, Sussex County ("County") has established an emergency dispatch system, which has been providing dispatch services to additional municipalities; and

WHEREAS, the County appropriations for the 911 Emergency Communications was approximately \$1,393,295.00 in 2019 and \$1,314,388.00 in 2018, per the County budget information; and

WHEREAS, all County taxpayers contribute to the County dispatch costs; and

WHEREAS, Sussex County provides dispatching services to the County Prosecutor, Sheriff, and County OEM, as well as individual municipalities with whom it has entered into shared services agreements; and

WHEREAS, Sussex County now provides dispatching services to the following thirteen (13) municipalities: Branchville, Byram, Frankford, Fredon, Green, Hampton, Lafayette, Montague, Sandyston, Stillwater, Sussex, Walpack, and Wantage; and

WHEREAS, there remains six (6) municipalities that provide local police dispatching services: Andover, Hardyston, Hopatcong, Sparta, Newton, and Vernon; and

WHEREAS, a total of eleven (11) municipalities utilize local dispatch services, and not Sussex County, due in large part to the recognized great service and safety provisions provided by municipal dispatch services; and

WHEREAS, taxpayers in the eleven (11) municipalities utilize local dispatch services and do not receive any benefit from the Sussex County dispatch; and

WHEREAS, residents of the eleven (11) municipalities utilizing local dispatch services pay the same County tax as the thirteen (13) municipalities that use the County dispatch; and

WHEREAS, taxpayers of the Township of Vernon and the other ten (10) municipalities that utilize local municipal dispatch services are being double-tax for dispatch services, yet being provided dispatch services only through the local municipal level, and not the County level; and

WHEREAS, the Township of Vernon seeks to have the County of Sussex discontinue the taxation of all County residents for dispatch services, wherein some County residents do not receive any benefits from the County dispatch.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon hereby requests that the County of Sussex provide a separate tax to municipalities which utilize the Sussex County dispatch services, and cease billing other certain municipal taxpayers for County dispatch services for which they do not receive benefits from.

BE IT FURTHER RESOLVED, that the Township Clerk is directed to send a copy of this Resolution to the Sussex County Freeholders, County Administrator, and the Governing Bodies and Clerks of the other (10) municipalities utilizing municipal dispatch services.

Council President Shortway asked for a motion to approve Resolution #20-208.

MOVED: Jean Murphy

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-208.

Resolution #20-209: Authorizing the Award of Contract for Container Services at the Township's Public Works and Animal Control; Facilities

RESOLUTION #20-209

AUTHORIZING THE AWARD OF CONTRACT FOR CONTAINER SERVICE AT THE TOWNSHIP'S PUBLIC WORKS AND ANIMAL CONTROL FACILITIES

WHEREAS, there exists a need to haul and dispose of solid waste (type 10) containers at the Township's Public Works and Animal Control facilities and;

WHEREAS, Gaeta Recycling Company has provided for quotes for these services proposed for the time frame of November 1, 2020 through October 31, 2021; and

WHEREAS, the Qualified Purchasing Agent has solicited formal quotes for these services, of which Gaeta Recycling Company was the lowest cost of the quotes sought; and

WHEREAS, the Qualified Purchasing Agent recommends awarding a contract to Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson, New Jersey 07053 who submitted the pricing of \$1,520.00 per month for a total of \$18,240.00 for the contract period of November 1, 2020 through October 31, 2021; and

WHEREAS, the Chief Financial Officer subject to the approval of the 2021 Municipal Budget certifies \$18,240.00 is available in:

2020 Municipal Budget (\$2,896.00): 0-01-26-310-20 Buildings and Grounds O/E

2021 Municipal Budget (subject to approval): 1-01-26-310-20 Buildings and Grounds O/E

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, Clerk and CFO are authorized to execute a contract with Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson NJ 07053 not to exceed \$18,240.00.

Council President Shortway asked for a motion to approve Resolution #20-209.

MOVED: John Auburger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auburger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-209.

Resolution #20-210: Resolution Authorizing Execution of a Modification to a Shared Service Agreement with the County of Sussex Department of Health and Human Services for the Congregate Nutrition Program

Resolution #20-210

RESOLUTION AUTHORIZING EXECUTION OF A MODIFICATION TO A SHARED SERVICE AGREEMENT WITH THE COUNTY OF SUSSEX DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE CONGREGATE NUTRITION PROGRAM

WHEREAS, the Sussex County Department of Health and Human Services, Division of Senior Services (“County”) has formulated a Shared Service Agreement with the Township of Vernon (“Township”) for the provision of management and serving of meals for the Congregate Nutrition Program in accordance with the 2020 Area Plan; and

WHEREAS, the initial agreement providing \$18,080.00 in Title IIIC-1 funds and \$9,620.00 County funds, for the management and serving of meals for the Congregate Nutrition Program for the period of January 1, 2020 through December 31, 2020 was adopted on December 18, 2019; and

WHEREAS, the mid-year distribution of funds from the State of New Jersey Department of Human Services, Division of Aging Services has been made; and

WHEREAS, the County seeks to enter a modification agreement with the Township which will provide for an additional \$2,473.00 in Families First Coronavirus Response Act (“FFCRA”) C-1 funds for the management and serving of meals for the Congregate Nutrition Program for the period of January 1, 2020 through December 31, 2020; and

WHEREAS, a determination has been made that it is in the best interest of the Township to enter into the modification agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon hereby authorizes the Mayor and Township Clerk to execute the attached modification agreement with the Sussex County Department of Health and Human Services, Division of Senior Services for additional funds for the management and serving of meals for the Congregate Nutrition Program for the period of January 1, 2020 through December 31, 2020.

Council President Shortway asked for a motion to approve Resolution #20-210.

MOVED: Jean Murphy

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-210.

Resolution #20-211: Resolution Authorizing Leasing of Certain Vehicles Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 4729814- Color Carbonized Gray Metallic)

RESOLUTION #20-211

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 4729814- Color Carbonized Gray Metallic)

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Township of Vernon has the need to procure certain vehicles through lease program for Township services in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Township of Vernon has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract \$34,816.80 (Quote No. 4729814); 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; and

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

Council President Shortway asked for a motion to approve Resolution #20-211.

Vice President Auberger asked what department the vehicles are for.

Administrator Voelker said that these are 2021 Explorers for the Police Department.

Council Member Pitsker asked if these vehicles are replacing other vehicles and what is the disposition of the vehicles that are being replaced.

Administrator Voelker explained that when the decision was made to go with Enterprise and this program, we missed the opportunity to utilize the last contract for the 2020 vehicles and that is why the

new vehicles are 2021. We extended the use of current vehicles past when we would normally go. During the last snow storm a tree fell on a police vehicle and we had to pull a different vehicle from the construction department to use by the police.

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-211.

Resolution #20-212: Resolution Authorizing Leasing of Certain Vehicles Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 4729812- Color Stone Gray Metallic)

RESOLUTION #20-212

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 4729812- Color Stone Gray Metallic)

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the "Law" or "Chapter 139" and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Township of Vernon has the need to procure certain vehicles through lease program for Township services in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Township of Vernon has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for

Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract \$34,323.36 (Quote No. 4729812); 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; and

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

Council President Shortway asked for a motion to approve Resolution #20-212.

MOVED: Andrew Pitsker

SECOND: John Auburger

A roll call vote was taken:

AYES: Auburger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-212.

Resolution #20-213: Refund Overpayment (Block 378 lot 1 – Sammis)

RESOLUTION # 20-213

**REFUND OVERPAYMENT
(Block 378 Lot 1 – Sammis)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Leo C. Sammis Jr. in the amount of \$320.19 representing refund for overpayment of 4th qtr. 2020 property taxes for Block 378 Lot 1 also known as [REDACTED]
[REDACTED]

Council President Shortway asked for a motion to approve Resolution #20-213.

MOVED: John Auberger
SECOND: Kelly Weller

A roll call vote was taken:
AYES: Auberger, Murphy, Pitsker, Weller, Shortway
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to approve Resolution #20-213.

Resolution #20-214: Refund Overpayment (Block 528 Lot 5 – Wygant)

RESOLUTION # 20-214

**REFUND OVERPAYMENT
(Block 528 Lot 5 – Wygant)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to William and Elizabeth Wygant in the amount of \$1,262.68 representing refund for overpayment of 3rd qtr. 2020 property taxes for Block 528 Lot 5 also known as 1|
[REDACTED]

Council President Shortway asked for a motion to approve Resolution #20-214.

MOVED: Kelly Weller
SECOND: Andrew Pitsker

A roll call vote was taken:
AYES: Auberger, Murphy, Pitsker, Weller, Shortway
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to approve Resolution #20-214.

Resolution #20-215: Resolution Accepting the Completion of Road Improvement Project to Lake Pochung Road-Phase I

RESOLUTION #20-215

**RESOLUTION ACCEPTING THE COMPLETION OF
ROAD IMPROVEMENT PROJECT TO LAKE POCHUNG ROAD-PHASE I**

WHEREAS, the Township awarded contracts for the Lake Pochung Road Phase I Improvement Project to Tilcon New York, Inc., General Foundries, Inc. and Denville Line Painting, Inc. awarded by Resolution #19-200 on October 17, 2019, and

WHEREAS, the Lake Pochung Road Phase I Improvement Project has been completed, and inspected as per the plans and specifications; and

WHEREAS, the Township Engineer has submitted a letter dated September 23, 2020 which states that the said contracts have been completed in full and that it is recommended that the Lake Pochung Road Phase I Road Project be accepted by the Township Council.

NOW, THEREFORE BE IT RESOLVED, that the Vernon Township Council accept this project identified as Lake Pochung Road Phase I Road Improvement Project as final and complete; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption according to law.

Council President Shortway asked for a motion to approve Resolution #20-215.

MOVED: Jean Murphy

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-215.

PUBLIC HEARING/2ND READING OF ORDINANCES

Ordinance #20-16: An Ordinance Amending the Vernon Township Administrative Code Chapter 250, Article II Fees and Escrows Enumerated in Section 250-15 Related to Animal Control

Council President Shortway read by title Ordinance #20-16.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-16.

MOVED: Andrew Pitsker

SECOND: Jean Murphy

All Members were in Favor.

Jessica Paladini – Vernon Township, feels that the fees are too high.

Thomas McClachrie – Vernon Township, feels that the cheaper the price the animals will move.

Peg Distasi – Vernon Township, feels that the fees are too high and people are going to go where the fees are cheaper so we will not be able to adopt the animals. She hopes the Council will consider reducing the fees.

Township Administrator Voelker told the Council that the prices for what we do for the animals as far as giving shots and having them spayed or neutered is costing us and we are taking a loss. He said that a lot of other agencies do not do this. We are trying to be as progressive as possible in terms of providing the animals with the shots they need and spaying or neutering them to prevent them from reproducing unnecessarily. Mr. Voelker was provided a comparison of shelters in Sussex and Morris Counties and we are below the prices that they are charging and we are providing better services by giving the animals their shots.

Police Chief Dan Young explained that over the last few years we have exhausted the donation funds to continue with this program of being able to spay and neuter the animals. The actual price for adoption fees is significantly lower than all of the places that have been contacted in a comparison poll. Since the Police have taken the shelter over, they have moved to a “no kill shelter” and every pet has been adopted except a few pets that have issues. Chief Young explained that the issue is the funds are almost exhausted so we may need to stop spaying and neutering the animals or we can continue with the path we are on and increase the fees. Chief Young said they have taken care of some cat colonies in town. He also said they went to a Shared Services with Franklin Borough and they are very proud of that. We try to keep the fees reasonable but unfortunately without the fee increase, we will have to stop what we are doing at some point next year.

Council Member Murphy said that there were issues with cat colonies and Animal Control captured the cats, had them spayed and returned them to some of the areas that were privately owned. This has stopped reproduction in the area and this has helped.

Council Member Murphy said she adopted a dog years ago and it cost a lot more than \$50.00. The dog also needed medical attention after she adopted it. Council Member Murphy said in the future if animals are not getting adopted because of the fees, she is sure Chief Young would ask the Council to rethink this ordinance.

Mayor Burrell explained that before the Animal Shelter was taken over by the Police Department it did not have the best reputation and they have turned this around. Mayor Burrell said the Shared Service Agreement came through him after the Administrator from Franklin contacted the Mayor. The Franklin Administrator heard how our shelter turned around and now has a very good reputation. They are saving a lot of animals but they cannot continue to do this because the fees are too low.

Seeing no one else wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-16.

MOVED: John Auberger

SECOND: Andrew Pitsker
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #20-16.

MOVED: Kelly Weller

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion passed to adopt Ordinance #20-16

ORDINANCE #20-16

AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE CHAPTER 250, ARTICLE II FEES AND ESCROWS ENUMERATED IN SECTION 250-15 RELATING TO ANIMAL CONTROL

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

1. Section 250-15 of the Township Code, Township of Vernon, County of Sussex shall be amended to read as follows:

E. Dog and Cat Adoption

1) Dog adoption:

Puppies under 1 year	\$130
Dogs over 1 year – 6 years	\$110
Dogs over 6 years	\$50

2) Cat adoption:

Kittens under 1 year	\$60
Cats 6 months – 6 years	\$50
Cats over 6 years	\$30

F. Small Feathered and Furry Adoption \$20

2. This Ordinance shall take effect after adoption by the Township Council and in accordance with law.

Ordinance #20-17: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Authorizing Acceptance of an Amended Easement for the Property Known as Block 395, Lot 4 on the Official Tax Map of the Township of Vernon

Council President Shortway read by title Ordinance #20-17.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #20-17.

MOVED: Andrew Pitsker
SECOND: Kelly Weller
All Members were in Favor.

Seeing no one else wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #20-17.

MOVED: Kelly Weller
SECOND: John Auberger
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #20-17.

MOVED: Andrew Pitsker
SECOND: John Auberger

A roll call vote was taken:
AYES: Auberger, Murphy, Pitsker, Weller, Shortway
NAYES: None
ABSTAIN: None
ABSENT: None

Motion passed to adopt Ordinance #20-17

ORDINANCE #20-17

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF AN AMENDED EASEMENT FOR THE PROPERTY KNOWN AS BLOCK 395, LOT 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF VERNON

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the Vernon Township Police Athletic League (“PAL”) is the owner of certain property formally known as Block 394, Lot 4 (“Property”) on the Official Tax Map of the Township of Vernon (“Township”); and

WHEREAS, the PAL previously granted the Township a utility easement at the Property; and

WHEREAS, the Township now seeks an amendment to the existing easement to allow access for recreational purposes including, but not limited to trails for hiking, biking, and other recreational purposes for the Township’s benefit; and

WHEREAS, the PAL has agreed to grant an amended easement to the Township; and

WHEREAS, a determination has been made that it is in the best interests of the Township to accept the amended easement and the Township desires to accept the conveyance of the amended easement.

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

SECTION 1

The amended easement for use of the Property, as set forth in the attached Amendment to Easement by and between the PAL and the Township, is hereby accepted.

SECTION 2

The Mayor and Township Clerk are hereby authorized to execute the Amendment to Easement after execution of same by the PAL and together with all other appropriate officers and employees of the Township are hereby authorized to take any and all steps necessary to effectuate the purposes of this Ordinance. The Township hereby authorizes and approves any non-substantive modifications to the Amendment to Easement recommended and approved by the Township Attorney prior to execution.

SECTION 3

The Township Tax Collector and Tax Assessor are hereby authorized to take any action necessary to further the purpose of this Ordinance.

SECTION 4

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 5

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 6

This Ordinance shall take effect immediately as provided by law

PUBLIC COMMENTS (*Limited to 3 Minutes On Any Topic*)

Council President Shortway asked for a motion to opened the meeting for Public Comments.

MOTION: John Auberger

SECOND: Kelly Weller

All members were in favor.

Paul Weber – Vernon Township, typed a comment saying the new sign in Historical Glenwood looks absolutely fabulous. I love Vernon History. The Mayor is doing a terrific job trying to move Vernon forward. Can you please pave Glenwood Estates?

Jessica Paladini – Vernon Township, thanked Mayor Burrell who is a real friend to Historic Preservation. Prior Historic Preservation could not get that Glenwood marker done and after two months of our appointment to the HPC we would get it done and this was because of Mayor Burrell. She thanked Mayor Burrell for coming to the dedication yesterday and it is beautiful. Ms. Paladini hopes more people come to the next dedication. There is a new marker for King's Highway which is the Route 94 section that General George Washington and his troops traveled.

Ms. Paladini changed after listening to Chief Young. She said if in comparison to other shelters our costs are lower and we provide better services that it is necessary to raise costs.

Ms. Paladini said she did an open public records request for the ledgers of the Open Space Fund and it appears that there is a misappropriation of funds for what those moneys could be used for.

Thomas McClachrie – Vernon Township, is upset that the Council did not mention in September that September 2, 1945 was the end of World War II.

Seeing no other members of the public wishing to speak, Council President Shortway asked for a motion to close the meeting for Public Comments.

MOTION: Andrew Pitsker

SECOND: John Auberger

All members were in favor.

MAYOR COMMENTS

Saturday, September 19, was national “THANK A POLICE OFFICER DAY”.

When we reflect on the strain and the lack of trust that exist between the citizens and their police departments in many communities across our nation, and compare those relationship situations to the relationships that the residents of Vernon Township have with their outstanding police department, we can’t help but to realize that we do indeed have very good police officers that are worthy of our thanks.

And it is for this reason that I want the public to know, that my THANK YOU comments tonight are not simply comments that are made in order to be politically correct; they are not comments that are made as a reflection of me taking a stand, on one side or the other, of some “hot button” political issue - - they are made for one reason, and one reason only; and that’s because I truly mean them.

I am indeed fortunate to be one of our nation’s mayors who can say with creditability and comfort, that my town has a police department with a core of officers that have earned all of the thanks that we can give them.

I take this opportunity to also thank our police department for their quick, effective and efficient response to the recent illegal and shameful environmental dumping assault that was inflicted on our beautiful Maple Grange Park.

During the morning hours of September 14, the Vernon Police responded to a report of illegal dumping at Maple Grange Park; the illegal and shameful environmental dumping assault had occurred in the evening hours of September 13.

A large pile of miscellaneous junk, including an old couch, window shutters, wooden trunks of clothing, masonry items, cans of wood stain, as well as several other items, had been dumped in a visible portion of the park.

The investigation that followed resulted in the successful identification of a 23-year old suspect, a Mike Lopez of Englewood, NJ, who was issued summons for violating our local dumping ordinances.

Thanks to the quick, effective and efficient work of the Vernon Police Department, Mr. Lopez now has a pending municipal court appearance, and the pile of illegally dumped material was immediately removed by the Vernon Township DPW, the organization that does such a great job of maintaining and caring for our parks. The investigating officer was Ofc. Nick Gonzalez. THANK YOU Officer Gonzalez, and THANK YOU to our Vernon Police Department!

My life experiences have taught me to never assume that I am always right about every issue; my life experiences have also taught me to, at least, listen to and objectively evaluate the point of view of those who disagree with me.

I never forget these life lessons, and have applied them to all of my decision making concerning the issue of where to locate the Municipal Bicycle Pump Track.

All indications are that my enthusiasm for a Municipal Bicycle Pump Track is shared not only by the Council, but also the overwhelming majority of Vernon residents.

However, there has been some disagreement that has come in the form of a few individuals who have been quite upfront with their intent to ensure that the Pump Track is located in a place other than the location that I have chosen.

As part of what most Vernon residents view as an effort to pressure the Mayor and Council into changing our minds and agreeing to build the Pump Track at a location, or locations, that one resident has chosen, this resident has gone so far as to claiming in internet posts, and in an official complaint to the New Jersey DEP, / that:

1. The proposed Pump Track site is a toxic waste dump;
2. Our town is using the proposed Pump Track site as “a solid waste dump”;
3. Our town is “burying asphalt, street sweepings, and construction lumber” on the proposed Pump Track site; and...
4. This resident “has photos and drone footage” supporting these claims.

As my life experiences have taught me to do, I have listened closely to these claims; and, as part of my effort to objectively evaluate these claims, I have:

1. Walked the proposed Pump Track site three separate times searching for evidence of the conditions that have been made in these claims; and...
2. I have joined with the Council in obtaining the services of one of New Jersey’s preeminent environmental consulting and engineering firms, Excel Environmental Resources, to investigate the proposed Pump Track site for any signs of the claims made by this resident.

Excel Environmental Resources tested 16 different samples taken from the small portion of the 11.3 acre site that we plan to use to build our town’s Bicycle Pump Track. Not one of these samples, nor any of Excel Environmental Resources physical examination of the site, reveal any indication that this site was in any way toxic.

In addition, as part of the Mayor’s and Council’s effort to be totally transparent about this matter, the results of the Excel Environmental Resources report were reviewed in detail by the Municipal Engineer at the August 24 Council meeting.

And finally, on September 9, the DEP advised the Mayor’s Office that in response to the complaint filed by a town’s resident, the DEP had recently visited the site on which we plan to build our town’s Bicycle Pump Track. The DEP’s communication did not mention finding any indication of a toxic waste site, but did state that the DEP inspector noticed that there seemed to be significantly less material on the site than there was when the DEP visited this site in 2018.

There is in fact significantly less material on this site, because it is not a “dump site”; it is a site where a portion of the 11.3 acres of land / is used as a temporary storage site for materials that our DPW generates in the process of doing their job. By necessity, all municipal DPW organizations have such a site.

We have receipts that document that the town has routinely moved unusable, temporally stored DPW materials from this site.

I invite those who have seemly made it their mission to delay or stifle our community's efforts to build our town's Bicycle Pump Track in the area that's parallel to State Route 94, where the Town Center Bike and Walking Trail is planned, and where the town already has sewer service lines and capability - - I invite them to join with us, in our efforts to build our town's Bicycle Pump Track in this safe, appropriate area, which will be a positive factor that will contribute to the achievement of our objective of attracting more paying MUA customers to that area because it is essential if we are to reduce our municipality's significant MUA related deficit. Ms. Paladini said not if you chane
It's time that we put our personal grudges aside, and all came together, to work towards *Moving Vernon Forward!*

COUNCIL COMMENTS

Council Member Murphy asked about the sign that went up in Glenwood with an app. She wanted to know if anything ever came about it.

Mayor Burrell explained that the sign was a Boy Scout project and he is not sure whether it was ever completed. He said that the plans are to get it completed so that anyone can use their cell phone on the app and read about all of the history of Glenwood that has been prepared by the Historic Preservation Commission.

Council Member Murphy asked if there was any idea when the pump track project would be ready to begin. She said if the DEP is giving it the okay and there is just some work to do is there any indication of when it will be ready to go?

Mayor Burrell said that they have been contacted by a couple of individuals who are knowledgeable and Township Administrator Voelker will be setting up meetings with our Town Engineer. We will be speaking to individuals who can get information about pump tracks and hopefully going out to bid as quick as we possibly can.

Township Administrator Voelker explained that the two main things we got from the report from the Engineer and from the company that did the testing is that we do need three piles retested. We are planning on doing the retesting but there is an additional cost to this. Also, we are planning on removing one pile that is quite high along with 100 tons of soil. The plan is to take care of this in the next month or so, so that the ground will be ready. Mr. Voelker explained that we are meeting with some people who have some ideas as to a design for the pump track. As far as a design, we will look at what has already been submitted to us or we may put out a request for proposals on a design that others may have for us. Mr. Voelker said that this would be something we will work on over the winter and hopefully we will be ready to start when the nice weather comes in the spring.

Council Member Murphy said there have been so many negative comments on the site that when Harry Shortway did take office, the town was working diligently to start removing the debris that was left there for years because it didn't cost anything to remove it.

Council Member Murphy commented on a proposed ordinance amending Chapter 99 of the General Code that was distributed to the Council for review. She said that this was on an agenda on October 17, 2019 if any Council Members who would like to review the minutes from that meeting.

Council Member Murphy said she is a member of the County Open Space Committee and they had a meeting where Vernon's application was discussed for the Black Creek project. The meeting was very informative and it will be on the agenda again in October and after that the committee will probably plan a site visit.

Vice President Auberger commented that fall is arriving and chimney fires are starting to happen, he urges people to have licensed contractors clean their chimneys. Also replace batteries in their smoke detectors. Fire Prevention Month is October.

Vice President Auberger apologized for forgetting VEJ Day and that generation and something should have been said about that.

Vice President Auberger said that as a Council Member he is asking Mayor Burrell to seek the resignation of the HPC Chairperson. He explained that at the last Township Council meeting the Council received more or less of a threat of consequences for Public Officials or anybody on the Board. Vice President Auberger does not feel threats should be made and therefore he feels that this person should be asked to resign.

Council Member Weller thanked Administrator Voelker for reading the information from the DEP report. She said it was good news and she was glad to hear it. Council Member Weller said that our community consists of many volunteers and volunteering is a thankless job. Council Member Weller wanted to thank all of our committees especially the Beautification Committee. She said it looks absolutely wonderful by the Acme Main Street area and the Municipal Building. The Beautification Committee is doing an amazing job and she thanks them for that.

Council Member Weller supported Vice President Auberger's recommendation to request that the HPC Chairperson's resign. Council Member Weller said she does not appreciate the threats and the innuendoes.

Council Member Pitsker explained that the materials that were removed from the DPW site was about 26,090 tons which is about 110 truckloads. The Wallace site is over 5000 truckloads which is about 150,000 tons. Council Member Pitsker is concerned because we as a town are taking care of our problem but what are we doing with the State in taking care of the illegal dumping at the Wallace site.

Council Member Pitsker said he and Dan Krause walked the DPW storage site. They looked for various materials that were put on social media through pictures. They found some stone, concrete blocks, small construction materials and wood. They found nothing to the impact of the pictures that were on social media. Council Member Pitsker has been researching trails and what he has been reading in New York, Pennsylvania and studies by New Jersey Trails says the return on investments is phenomenal, typically three to one.

Council Member Pitsker concurs with Council Member Weller and Vice President Auberger. He called the Mayor because he felt threatened after the last meeting. Council Member Pitsker explained that as leaders we set an example that is higher and this goes for all of us. We are mentors for the volunteers and we want to bring more people into Government and show them the way to be better leaders. In a

cordial way we coach and mentor each other and to be threatened is not acceptable. Council Member Pitsker would also like to see the resignation of the HPC Chairperson.

Council Member Murphy said she agrees with the rest of the Council as far as the resignation goes. It is one thing that she has had to endure but she does not appreciate seeing it happening to people that are coming in to volunteer. Council Member Murphy said as a Council Member she knew what to expect but the volunteers that come forward are not expecting to be thrown into the fray. This is what keeps good volunteers from coming forward and unfortunately over the years we have watched them be scared away. Council Member Murphy said there are a lot of people who know better not to even stick their neck out.

COUNCIL PRESIDENT COMMENTS

Council President Shortway explained that he spent almost 30 minutes on the phone with a volunteer who feels threatened by the HPC Chairperson and does not appreciate the bullying. Council President Shortway supports the other Council Person's call for her resignation.

If Mountain Creek can meet their obligation without snowfalls and during a pandemic so can other LLCs such as Black Creek Condos Inc. This LLC owes approximately \$70,000 in back property taxes and \$20,000 in sewer fees.

It is our fiduciary duty to stay strong and pursue entities that owe our community property taxes and sewer fees. When entities fail to pay their property taxes, it affects all of us that do pay. One reason our property taxes increase is because we pick up the shortfall to ensure payment to the BOE and County tax bills.

We must pursue all legal avenues to collect revenues due to our community including litigation and enforcement of our codes such as;

§ 341-1 Payment of delinquent taxes and assessments required prior to issuance or reissuance of license or permit.

§ 341-2 Revocation of license or permit for nonpayment;

ADJOURNMENT

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

The Meeting of the Township Council of the Township of Vernon was adjourned at 8:13 p.m.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Harry Shortway,
Council President

Minutes approved: October 15, 2020