

Township of Vernon

TOWNSHIP COUNCIL MEETING

April 10, 2017

The Meeting of the Township Council of the Township of Vernon was convened at 6:30 p.m. on Monday April 10, 2017 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 5, 2017 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

ROLL CALL OF MEMBERS

Present were Council Members Dan Kadish, Sandra Ooms, Patrick Rizzuto, Dick Wetzel and Council President Jean Murphy. Also present were Mayor Harry Shortway, Administrator Charles Voelker and Township Attorney Joshua Zielinski.

EXECUTIVE SESSION

Township Attorney Zielinski read the following resolution for Executive Session:

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. Pending Litigation –Paladini v. Township of Vernon
(N.J.S.A.10:4-12 (b) 7)
(Anticipated Time of Disclosure August 2017)
 - b. Contract Negotiations- MUA N.J.S.A.10:4-12 (b) 7
(Anticipated Time of Disclosure December 2017)
 - c. Property Acquisition (N.J.S.A.10:4-12 (b) 5)
(Anticipated Time of Disclosure August 2017)
3. This resolution shall take effect immediately.

Council President Murphy asked for a motion to go into Executive Session.

MOTION: Dan Kadish

SECOND: Sandra Ooms

All members were in favor.

The Council adjourned into executive session at 6:33 p.m..

Council President Murphy asked for a motion to close Executive Session at 6:52 p.m. and return to open session at 7:30 p.m.

MOTION: Patrick Rizzuto

SECOND: Sandra Ooms

All members were in favor.

The Council returned to open session at 7:30 p.m..

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday April 10, 2017 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 5, 2017 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7

ROLL CALL OF MEMBERS

Present were Council Members Dan Kadish, Sandra Ooms, Patrick Rizzuto, Dick Wetzel and Council President Jean Murphy. Also present were Mayor Harry Shortway, CFO Elke Yetter, Administrator Charles Voelker, Township Attorney Joshua Zielinski.

SALUTE TO THE FLAG

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

PRESENTATIONS

Robotics Team- Vernon Township High School

Council President Murphy asked Anthony Ciaburri and his team to come forward for the presentation.

Mr. Ciaburri and students explained details of this year's project which included designing and building a robot which collects wiffle balls, and climbs a rope. The students explained the great amount of time spent in the design, building and testing phases. It was noted that students learn important life skills being part of a team, experience in design engineering, as well as the business and budgeting aspect of the project. The students together named this year's robot "Neptune."

Council Member Wetzel explains he supports the initiative Senator Oroho is proposing that high school students participating in extracurricular activities other than sports, such as robotics, earn varsity letters due to the tremendous amount of time and dedication to group.

PROCLAMATIONS:

Council President Murphy read the Proclamation for Fair Housing Month

Proclamations

WHEREAS, April 11, 2017, marks the 49th anniversary of the passage of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 as amended, which enunciates a national policy of Fair Housing with regard to race, color, religion, sex, familial status, handicap and national origin, and encourages fair housing opportunities for all; and

WHEREAS, the Sussex County Association of Realtors is committed to highlighting the Fair Housing Act by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with organizations to help assure everyone of their right to fair housing; and

WHEREAS, the National Association of Realtors Code of Ethics commits all Realtors to providing equal professional services without discrimination based on race, color, religion, sex, familial status, handicap, sexual orientation, gender identity, and national origin.

NOW, THEREFORE, the Mayor and Council of the Township of Vernon, do hereby proclaim that **April 2017** being Fair Housing Month, which begins a year-long commemoration of the Fair Housing Act in the Township of Vernon and urge all citizens to wholeheartedly recognize this celebration throughout the year.

Given under my hand in these free United States in the Township of Vernon, on this 10th day of April, two thousand seventeen, and to which I have caused the Seal of the Township of Vernon to be affixed and have made this proclamation public.

Mayor Shortway read the Proclamation for Earth Day.

Proclamation
Earth Day

WHEREAS, the first Earth Day was celebrated on April 22, 1970, with the goal of inspiring environmental awareness and encouraging the conservation, and appreciation of our nation's natural resources; and

WHEREAS, it is the responsibility of each of use to safeguard the environment, by recognizing that all human life depends upon the Earth and upon one another for our mutual existence, well-being, and development; and

WHEREAS, the steps we can take to protect and preserve our natural environment through education, partnerships, and positive actions should be encouraged in Vernon; and

WHEREAS, the residents of the Township of Vernon are committed not only to the protection and preservation of our environment, but also to the restoration of ecosystems and habitat; and

WHEREAS, the residents of the Township of Vernon, staff, and elected officials have worked closely with federal, state, and local governments, and with non-governmental organizations to develop and implement regulations and ordinances specifically designed to preserve and improve Vernon's fragile ecosystems and the quality of life therein; and

WHEREAS, Vernon proudly recognizes all who participate in Earth Day, for their dedication to taking a proactive role in shaping the future of our environment and in protecting Vernon's precious natural resource.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Vernon, County of Sussex , State of New Jersey, have hereby proclaim April 22, 2017 to be

EARTH DAY

FURTHER, the Council urges all citizens to be mindful of local, state and national laws which protect our environment, and to join in efforts to preserve the beauty and wonder of the lands, skies, and water of the Earth in all its diversity.

PUBLIC COMMENTS

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

MOVED: Dan Kadish

SECOND: Patrick Rizzuto

All members voted in favor.

Lisa Anderson, suggested that the Legends property be created into a corporate office complex which would create jobs, help the economy, and be good for businesses. She added the Township will gain tax revenue from businesses as well as workers moving to Vernon. Ms. Anderson opined that Vernon has enough tourism and an office complex will not have any environmental runoff issues like manufacturing plants would and suggests to developers, "if you build it they will come."

Rosanne Brennan, owner of Cider Mill on RT 515, explains she has two new businesses coming to Vernon and notes that while obtaining the necessary permits, the building department was very helpful, courteous and great to work with while the MUA was lacking and Mr. Scerbo was rude. Per a letter from Mr. Scerbo to the Health Department, the property was said to be not hooked up to the sewer system when in fact it was. Ms. Brennan indicated that the mishandled paperwork caused many delays in obtaining the permits and being put on the MUA agenda for approval pushing back the original opening date. Ms. Brennan explained she spoke to the MUA Chair Tom and the MUA is now working to obtain a temporary CO to open on time. Ms. Brennan restates that the employees in the Building department were good but the MUA was holding her businesses up.

Sally Rinker, opined that the Township is not practicing transparency as the bills list was removed from the agenda causing expenditures to be unseen. Ms. Rinker asked to return it to the agenda. Ms. Rinker invites the Council to review 2016 bills where attorney and engineering expenses for potential purchase of open space land, Wisteria Court, were paid out of the general

budget and not from Open Space account and totaled \$30,000.00 circumventing the Council's approval.

Jessi Paladini, [REDACTED] questioned item on agenda and hoped the Council will consider allowing the MUA to move forward with a study to explore expansion of the Sewer Service Area. She added the system is not being used to the fullest and it cost taxpayers \$40 million in debt. Ms. Paladini at first opined she did not favor sewers going up on top of the mountain or in the lake communities but understands the need go to the DEP with all potentials not limited amounts. Ms. Paladini claimed that the DEP will make the delineation of allowable areas; she urged the council to go ahead with study. Ms. Paladini stated the Scenic Bi-way Committee has hired a consultant to get started with the Management plan and has received \$150,000-\$200,000 grant for that purpose. She added the governing body approval is not needed for the bi-way and its work but she wanted to officially invite the Mayor and Council Member's Ooms and Rizzuto to attend next meeting and stated it is their desire to involve the Board of Education, Resorts, the County and Hardyston.

Doreen Edwards, stated she agreed with Ms. Paladini to approve the study for the Sewer Service Area expansion and understands as a taxpayer more users are needed to keep costs down. She added homeowners have cost of septic and well systems so users should also pay for the services and realizes Council, County and Schools are doing best to keep the budget down.

Allan Zuerwich, stated the original Sewer Service area map was for RT 94 and the condos and now they want to expand all over Vernon and noted the treatment plant was set up to handle all of Vernon. He added that his driveway is 300 feet long and area is filled with bedrock and the cost to hook up would be very expensive and feels the expansion is a serious mistake.

Linda Reinaker, stated she is a new resident in the Great Gorge condos, living alone and paying \$216 /qtr. for sewer service and is very concerned of worst case scenario of \$250/mth and urges Council to address the MUA rates and would like assurance that Council will not let the rates continue to increase like this.

Bonnie Reuben, stated the sound system in court room needs upgrading because it is very hard to hear commentary from the public.

Seeing no more members of the public wishing to come forward, Council President Murphy asked for a motion to close Public Comments.

MOVED: Dan Kadish
SECOND: Sandra Ooms
All members were in favor.

MAYOR'S REPORT

Mayor Shortway noted the past administration's goals of keeping taxes flat was admirable but not realistic and the township is now realizing the consequences of using the fund balance and not maintaining assets. He added the administration will meet these challenges no matter what the political opposition or criticism. Mayor Shortway stated the fund balance is the township's surplus funds in case of emergency. Mayor Shortway reported and explains the fund balance was decreased by \$1.2 million in 2014 and \$1.4 million in 2015 in effort not to raise taxes but it failed to be regenerated. He added the 2017 budget will use \$600,000 but those funds will be regenerated by the end of the year keeping the Township financially sound.

Mayor Shortway explained that the sewer system needs more users to stabilize rates and discussion to increase the sewer service map has moved forward but notes the former administration failed to connect the Municipal Building to the sewers but supported the MUA in forcing other entities such as the VFW to connect. He added to fulfill our obligation, Vernon just processed the sewer connection fee of \$65,000 to SCMUA for the connection of the Municipal Building to the sewer system.

Mayor Shortway explained that benefit costs for full time employees are between \$25-35,000 annually per employee and are approximately 38 % of the budget. Vernon Township in 2011 had 95 full-time employees but grew to 101 by 2015. Mayor Shortway stated one DPW worker is needed to be added but in lieu of layoffs he will maintain the count of 95 full-timers through attrition and hire part-timers to prevent decreases in services as well as to save the Township the cost of having to pay health benefits.

Mayor Shortway stated the average homeowner will see a tax increase of \$4.06/month which provides for municipal building fire suppression system, budget for Arts Committee, senior citizen busing, gypsy moth suppression, down payment for public water bond for Town Center. Also budgeted is replacement of Ladder Firetruck, replacement of firemen's air packs and fleet upgrades as of the 99 Township vehicles 49 are rated good, 21 are rated fair, 29 are rated poor of which 15 are in the DPW department. Mayor Shortway continues explaining three DPW trucks sit idle with blown engines and much needed repairs are needed to be able to perform acceptable services for our residents. Mayor stresses the importance of council approving the proposed budget to begin upgrades and improve services for our residents and visitors and notes that the Roof replacement for the municipal building has begun.

Council Member Rizzuto questioned a reimbursement on the bills list for cell phone service for \$660.00 and Mayor explained it was for a year and it is because employee is on call nights and weekends. Mr. Voelker added that Vernon renegotiated with Verizon and lowered rate for Township issued cell phones at approximately \$48.99/month. Council Member Ooms asked if appraisal was done for Faline Building and Mayor stated he is in negotiations with the appraiser and is meeting with him next week to discuss.

Council Member Ooms asked what fees did MUA receive from Mountain Creek and Mayor Shortway said they made the two required payments which included \$158,000 and \$400,000 for deficit shortfall.

2017 MUNICIPAL BUDGET

Council President Murphy read brief description of Resolution #17-89.

Council President Murphy asked for a Motion to approve Resolution #17-89.

MOTION: Dan Kadish

SECOND: Jean Murphy

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #17-89.

Resolution #17-89: A Resolution to Read The 2017 Municipal Budget By Title Only

RESOLUTION #17-89

A RESOLUTION TO READ THE 2017 MUNICIPAL BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, as well as posting of same; and

WHEREAS, the conditions required by N.J.S.A. 40A:4-8 have been satisfied for the 2017 Municipal Budget by Township Officials.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of Vernon, New Jersey that the 2017 Municipal Budget shall be read by title only at the Public Hearing (scheduled on April 10, 2017).

This Resolution shall take effect immediately upon adoption according to law.

PUBLIC HEARING ON MUNICIPAL BUDGET

Ms. Yetter states that the introduced user friendly budget is available on the Township website and notes there have been no changes.

Council President Murphy asked for a motion for Open the Public Hearing for Resolution #17-70, 2017 Municipal Budget.

MOTION: Dan Kadish

SECOND: Dick Wetzel

All Members were in favor.

Sally Rinker, Vernon Taxpayers Association President, notes that the proposed 2017 municipal budget has a sizeable increase in taxes while depleting the surplus by \$500,000. In last two years, the administration has raised the budget 10% while depleting surplus by total of \$1 million and asks how much surplus will be left if approved as introduced? Ms. Yetter explains at end of 2016, the fund balance was \$1.5 million and Vernon is using \$500,000 in 2017 budget however that amount will be regenerated so the Township will have \$1.5 million in fund balance at the end of the year. Ms. Rinker opined that the fund balance is at a dangerous low level as rule of thumb it should be 10 % of budget and feels after listening to the workshops, the budget is treated as matter of fact and is concerned for taxpayers absorbing the increases. Ms. Rinker compared the budget for legal expenses in 2010 totaling \$126,000 for one attorney and in 2016 was increased to \$229,553 and now proposing an increase in 2017 to \$311,000 seems ridiculous. Ms. Rinker questioned various sections of the budget. Ms. Rinker feels the increases result in higher taxes with no new revenue to offset them and urged the Council to send the budget back to Mayor to represent the taxpayers.

Linda Reinaker, Great Gorge, questions why and how much the Township is taking out another bond for the water system to which Mayor Shortway answers it would be for \$3 million. Ms. Reinaker stated since Vernon already has \$6.8 million in bonds already she did not feel this was necessary, as businesses are not attracted to Vernon; the population is decreasing and opined that more bonds cannot be put on people of Vernon. Ms. Reinaker asked if she personally would be eligible for a PILOT(payment in lieu of taxes). Ms. Reinaker further asked who the \$2.1 million in premiums for insurance are for, and Council President Murphy explains those costs are contractual to current and retired employees and cannot be lowered.

Jessi Paladini, [REDACTED], questions if budget from first reading is same as what is being voted on at this meeting and feels the mantra that salaries and high cost of pensions and contracts are always rising, but mentions other municipalities can absorb this with 0 % tax increases. She feels the Mayor & Council can make excuses for the 2011, 2012, 2013 and 2014 budget but perhaps good creative budgeting caused taxes not to increase. Ms. Paladini urges Council to send the budget back to the Mayor to do a better job similar to how schools are decreasing their budget.

Doreen Edwards, urges Council to repair or upgrade the sound system as public is unable to hear other members of public or Council.

Seeing no members of public wishing to come forward, Council President Murphy asked for a motion for Close the Public Hearing for Resolution #17-70, 2017 Municipal Budget.

MOTION: Dan Kadish

SECOND: Sandra Ooms

All members were in favor.

ADOPTION OF 2017 MUNICIPAL BUDGET

Council President Murphy asked for a motion to adopt the 2017 Municipal Budget.

MOTION: Dan Kadish

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy

NAYES: Sandra Ooms, Patrick Rizzuto, Dick Wetzel

ABSTAIN: None

ABSENT: None

Motion failed to approve Resolution #17-70.

Council Member Ooms stated she voted no and urged the Mayor in good faith to try everything to reduce by at least ½%. Mayor Shortway invited Ms. Ooms to suggest ideas of where to cut. Ms. Ooms offers idea to omit the Economic Development line item since we don't have a Committee.

Council Member Rizzuto stated he voted no because he feels it is the Mayor's budget and it should be decreased.

Council Member Wetzel stated he voted no because he agrees with two other Council Members and feels that the DPW fleet budget could be reviewed.

Council President Murphy stated she voted yes and questioned why Ms. Ooms at last meeting wanted increase in Ambulance budget but now wants a decreased total budget. Council Member Murphy noted the public is now asking for a repairs sound system but noted the cost of that must be added to the budget.

Council Member Wetzel explained the suggested cuts at DPW fleet include better supervision of the maintenance of existing vehicles.

CFO Yetter explains due to the 2017 Municipal Budget Resolution not being approved, a resolution to increase temporary budget is needed on an emergent basis to fund ongoing municipal expenses. Ms. Yetter explained this is 1/12th of last year's budget.

CFO Yetter presented a resolution (17-102) for an emergency temporary appropriation.

Council President Murphy asked for a Motion to approve Resolution #17-102.

MOTION: Dan Kadish

SECOND: Jean Murphy

All Members were in favor.

Motion carried to approve Resolution #17-102.

Council Member Ooms thanked Ms. Yetter and Department Heads for working very hard on the proposed budget but feels with all other resident costs such as sewer bills, Lake Association dam repairs, condo fees, in good faith the Council must show taxpayers Vernon is scrutinizing everything.

RESOLUTION# 17-102

Emergency Temporary Appropriations

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2017 budget and no adequate provision has been made in the 2017 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,272,890.00, and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Vernon, in the County of Sussex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$1,272,890.00 being allocated on the basis of one-twelfth of the 2016 budget for operating expenses.

2. Said emergency temporary appropriations will be provided for in the 2017 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

MINUTES

Council President Murphy asked for a motion to approve the Special Meeting Minutes of March 6, 2017 and the Regular Meeting Minutes of March 13, 2017.

MOTION: Sandra Ooms

SECOND: Dan Kadish

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Special Meeting Minutes of March 6, 2017 and the Regular Meeting Minutes of March 13, 2017.

CONSENT AGENDA

Council President Murphy gave a brief explanation of Resolutions #17-90 through #17-100.

Council President Murphy asked for a motion to approve Resolutions #17-90 through #17-99.

MOVED: Dan Kadish

SECOND: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolutions #17-90 through #17-99.

RESOLUTION # 17-90

RESOLUTION AUTHORIZING TOWNSHIP COUNCIL TO REJECT ALL BIDS FOR PROPOSED SEWER CONNECTION FOR VERNON TOWNSHIP MUNICIPAL BUILDING

WHEREAS, the Township of Vernon publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. for the Proposed Sewer Connection for the Vernon Township Municipal Building; and

WHEREAS, on the publicly advertised bid date of March 23, 2017 @ 10:00 am, the Township accepted bids from the two (2) following vendors: Earth-Tec Associates. and Frank Semeraro Construction Co; and

WHEREAS, in a memo dated March 24, 2017, the Township Engineer states upon review of the bids received, the bids from Earth-Tec Associates. and Frank Semeraro Construction Co. were deemed acceptable but both were over the project budget and therefore recommends the bids be rejected; and

WHEREAS, the Local Public Contracts Law, specifically N.S.J.A.40A:11-13.2 et.seq. authorizes the Township to reject the bids received for this reason.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that it hereby accepts and approves the Township Engineer's recommendations to reject all bids for the Proposed Sewer Connection for the Vernon Township Municipal Building in accordance with the Local Public Contracts Law and the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby authorized and directed on behalf of the Township to return any bid bonds submitted by the vendors in accordance with the latest bid proposal submission.

This Resolution shall take effect immediately.

RESOLUTION #17-91

**RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING
THE TAX COLLECTOR TO CANCEL CERTAIN BALANCES OF \$10.00
OVER/UNDER**

WHEREAS, N.J.S.A. 40A: 5-17 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than \$10.00; and

WHEREAS, the Governing Body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax refunds or delinquencies of less than \$10.00

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary for Tax Year 2016.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and the Township Auditor.

RESOLUTION #17-92

**RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING
THE TAX COLLECTOR TO CANCEL CERTAIN BALANCES OF \$10.00
OVER/UNDER (2015)**

WHEREAS, N.J.S.A. 40A: 5-17 allows for the cancellation of property tax refunds or delinquent amounts in the amounts of less than \$10.00; and

WHEREAS, the Governing Body may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax refunds or delinquencies of less than \$10.00

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary for Tax Year 2015.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and the Township Auditor.

Resolution #17-93

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT WITH SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
(SCMUA) FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL
SERVICES TO CERTIFY AND SUBMIT THE 2016 RECYCLING TONNAGE
REPORT
TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA"), among other things, employs a District Recycling Coordinator as the designated operating agency within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, *et seq.*) (hereinafter "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

WHEREAS, the Township of Vernon will prepare the 2016 Vernon Township Recycling Tonnage Report; and

WHEREAS, the Township of Vernon is requesting the services of SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2016 Vernon Township Recycling Tonnage Report to the New Jersey Department of Environmental Protection by April 30, 2017; and

WHEREAS, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by Vernon Township and electronically submit it to the New Jersey Department of Environmental Protection on behalf of Vernon Township under the terms and conditions set forth in the Shared Services Agreement;

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute a shared Services Agreement, a copy of which is attached hereto, with the Sussex County Municipal Utilities Authority for the provision of Certified Recycling Professional Services to certify and submit the 2016 Recycling Tonnage Report to the New Jersey Department of Environmental Protection.
2. The Township of Vernon hereby endorses the submission of the 2016 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Sussex County Municipal Utilities Authority, to ensure that the application is properly filed;
3. The Township of Vernon directs that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
4. All Sussex County Municipal Utilities Authority Staff and Professionals are authorized to take any and all necessary actions to see to the implementation of this Resolution
5. This Resolution shall take effect immediately.

RESOLUTION #17-94

CANCELING TAXES FOR TOTAL DISABLED VETERAN (Dedominicis)

WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS on January 9, 2017 awarded Alfred Dedominicis a 100% permanent and total disabled veteran; and

WHEREAS, as of said date the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon hereby authorize the Tax Collector to cancel the taxes for 2017 in the amount of \$893.70 for Block 199.07 Lot 1 C0005 also known as [REDACTED]

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #17-95

REFUND FOR TOTAL DISABLED VETERAN (Dedominicis)

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on January 9, 2017 awarded Alfred Dedominicis a 100% permanent and totally disabled Veteran; and

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon authorizes the Tax Collector to refund the 2017, 1st quarter payment in the amount of \$893.71 to Alfred Dedominicis.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #17-96

AUTHORIZING TOWNSHIP OF VERNON TO ENTER INTO AGREEMENT WITH TOWNSHIP OF WANTAGE FOR USE OF TOWER LOCATED AT LAKE PANORAMA

WHEREAS, the Wantage Township Fire Department has expressed a desire to upgrade its radio equipment to high band; and

WHEREAS, there is no appropriate location in Wantage Township for the location of high band radio equipment; and

WHEREAS, the Township of Vernon has a tower located at Lake Panorama, which has space for the high band equipment contemplated by the Wantage Township; and

WHEREAS, the Township of Vernon presently allows the Wantage First Aid Squad to place its antennae and repeater on the Lake Panorama tower at no cost; and

WHEREAS, the Township of Vernon currently provides dispatch services to the Wantage First Aid Squad and to the Wantage Township Fire Department pursuant to a Shared Services Agreement; and

WHEREAS, the Township of Vernon is desirous to enter into an agreement with the Wantage Township Fire Department that will allow it to place a high band antennae and repeater on the tower located at Lake Panorama at no cost to the Wantage Township Fire Department, however, the Wantage Township Fire Department will be responsible for the costs of installing and maintaining the equipment placed on the tower; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that the Mayor is authorized to execute a contract with the Township of Wantage that allows the Wantage Township Fire Department to place a high band antennae and repeater on the tower located at Lake Panorama at no cost to the Wantage Township Fire Department, which equipment will be installed and maintained at the sole expense of the Wantage Township Fire Department:

BE IT FURTHER RESOLVED, that the agreement with the Wantage Township Fire Department includes a provision whereby the Vernon Township Police Department shall provide dispatch services to the Wantage Township Fire Department; however, in the event the Wantage Township Fire Department no longer uses the Vernon Township Police Department for dispatch services, the Township of Vernon will require Wantage Township to enter into lease agreement with the Township of Vernon for the continued use of the Lake Panorama Tower.

RESOLUTION #17-97

AUTHORIZING ACCEPTANCE OF GRANT IN THE AMOUNT OF \$80,000.00 FROM THE NEW JERSEY HIGHLANDS COUNCIL FOR PARTICIPATION IN A WATER USE AND CONSERVATION MANAGEMENT PLAN

WHEREAS, the Township of Vernon is entirely within the Highlands Preservation or Planning areas; and

WHEREAS, the Township of Vernon submitted a proposed Scope of Work to the Highlands Council for development of a municipal-wide Water Use and Conservation Management Plan; and

WHEREAS, the Highlands Council has approved the proposed Scope of Work and has approved a grant with a total budget of \$80,000 in specific tasks:

| | |
|-------------------------------------------------------------|-----------------|
| Component 1 – Kickoff/Revaluation of New Water Availability | \$33,000 |
| Component II – Development of WUCMP | \$47,000 |
| Township of Vernon Total Scope Amount | \$80,000 |

WHEREAS, the Vernon Township Engineer has advised the Mayor that acceptance of this grant is of benefit to the Township for the purpose of conformance with the Highlands Regional Master Plan and the Sussex County Water Quality Management Plan (WQMP) planning process, and

WHEREAS, as detailed in the proposed Scope of Work, the Township of Vernon has chosen to proceed with agreement with CDM Smith, Inc., Edison, NJ for professional planning and engineering services to perform work under Component I and utilize the Township Engineer, Cory Stoner and Township Planner, Jessica Caldwell, for work under Components I and II.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that the \$80,000.00 grant offered by the Highlands Council for a Water Use Conservation Management Plan is hereby accepted and that the Mayor, Clerk, and Chief Finance Officer are hereby authorized to execute grant application identified as Task 13: Water Use and Conservation Management Plan – Plan Conformance Amended Grant Agreement #09-033-011-1922 and execute agreement with CDM Smith, Inc. for Planning & Engineering Services.

RESOLUTION #17-98

**AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR
NATIONAL WINTER ACTIVITY CENTER LUB#6-15-6
FOR PROPERTY LOCATED AT 44 BREAKNECK ROAD**

WHEREAS, Developer National Winter Activity Center (NWAC) was approved for a Preliminary and Final Major Site Plan on Block 192.02 Lots 19 & 25, in the Township of Vernon, pursuant to the Land Use Board File LU#06-15-6; and

WHEREAS, NWAC was required to post a total performance guarantee in the amount of \$464,814.00 to ensure that all site improvements were properly and fully constructed; and

WHEREAS, NWAC has made a request for the bond to be released in full; and

WHEREAS, the Vernon Township Engineer has reviewed said request and recommends to approve the \$464,814.00 bond release with requirement of new performance bond be posted in amount of \$25,800.00 as contained in a memorandum to the Land Use Board, dated March 24, 2017.

NOW THEREFORE BE IT RESOLVED, this 10th day of April by the Township Council of the Township of Vernon, County of Sussex, hereby approves and authorizes that the performance guarantee of \$464,814.00 is to be released in its entirety, with requirement of new performance bond in amount of \$25,800, either cash or surety bond be posted.

RESOLUTION #17-99

**APPROVING ACTIVE VOLUNTEER FIREMAN FOR MEMBERSHIP IN THE
NEW JERSEY STATE FIREMEN'S ASSOCIATION (Taylor)**

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Michael W. Taylor, an active firefighter and member of the Vernon Township Volunteer Fire Department #1, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Michael W. Taylor for membership in the New Jersey State Firemen's Association.

RESOLUTIONS REQUIRING SEPARATE ACTION

Council President Murphy asked for a motion to approve Resolutions #17-100.

RESOLUTION 17-100 AUTHORIZING THE COLLECTIVE BARGAINING AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES AND VERNON TOWNSHIP

A motion was made to approve with correction of typo on page 6 of agreement with AFSCME, word should be policy not police.

MOVED: Dan Kadish

SECOND: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolutions #17-100.

RESOLUTION #17-100

AUTHORIZING THE COLLECTIVE BARGAINING AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES AND VERNON TOWNSHIP

WHEREAS, the Township of Vernon has agreed to enter into a Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (“AFSCME”), which shall govern the terms of employment and compensation for the Department of Public Works for the calendar years 2016 through 2018; and

WHEREAS, AFSCME, has agreed to enter into a Collective Bargaining Agreement with the Township of Vernon and shall be adopting a resolution voted upon by its members adopting said Agreement.

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

1. The Township Council authorizes a Collective Bargaining Agreement between the Township and the AFSCME.
2. The Mayor and Township Business Administrator are authorized to sign the Collective Bargaining Agreement on behalf of the Township.
3. This resolution shall take effect immediately.

A copy of this resolution as well as the referenced Collective Bargaining Agreement shall be placed on file with the Clerk of the Township.

Council Member Kadish stated administration worked very hard with the negotiation of this contract but asks about allowance for tools, do they remain property of the Township? Mr. Voelker answers the tools are assigned to a specific mechanic and remains township property after they leave. Mr. Kadish expresses problem with contract as to why there is no accountability for the clothing allowance of \$1,000/year as no receipts are required to be submitted.

RESOLUTION 17-101 RESOLUTION ENDORSING A PLAN AMENDMENT TO THE VERNON TOWNSHIP WASTEWATER MANAGEMENT PLAN AND SUSSEX COUNTY WATER QUALITY PLAN FOR THE ROUTE 94 CORRIDOR AND THE MCAFFEE AREAS IN THE TOWNSHIP OF VERNON

Council President Murphy read a brief description of Resolution #17-101.

Council President Murphy explains there is an upcoming joint meeting of the Township Council and VTMUA on April 20, 2017 to discuss the expansion project as well as status of lift stations and pump stations and their impact on the system.

Council Member Rizzuto asked for a motion to place Resolution #17-101 on the table for consideration and discussion.

MOVED: Patrick Rizzuto

SECOND: Jean Murphy

Council President Murphy questioned why Council is rushing to vote on this Resolution since there is a meeting on this issue for April 20. Council Member Rizzuto opines this has been an issue for over a year and a half and feels the Township needs to move forward to provide infrastructure to increase commercial rates and this resolution does not commit Township to spend any expenditures or growth of system but merely allows the VTMUA to do their work.

Council President Murphy states the Resolution does not contain a map of expansion area, the plan or letter from Sussex County endorsing expansion and feels council should wait until after joint meeting. Council President Murphy asked which MUA approved this resolution as there are many new members and there had not been a discussion on this item with the new members Council President Murphy requested a copy of the plan and map as well the letter referenced in the resolution. Council President Murphy questioned how the council could vote on something blindly. Council Member Rizzuto stated the Township has been waiting over a year to get this done.

Council Member Rizzuto called the question.

A roll call vote was taken:

AYES: Sandra Ooms, Patrick Rizzuto, Dick Wetzel

NAYES: Dan Kadish

ABSTAIN: None

ABSTAIN: Jean Murphy

Council Member Kadish expresses nonbelief of resolution passing with no attachments and information. Council Member Ooms stated now a lot can be done at the Joint Meeting next week. Council Member Wetzel opined Vernon wasted \$10,000 for a financial study for information Vernon already had and waited a year to move forward and asks Mayor Shortway if he is for expansion. Mayor Shortway answers he is for the expansion in certain areas noting that the Remington and Vernick study stated it is not financially feasible to expand in residential areas.

Council Member Rizzuto asked for second vote to approve Resolution #17-101.

A second roll call vote was taken:

AYES: Sandra Ooms, Patrick Rizzuto, Dick Wetzel

NAYES: Dan Kadish

ABSTAIN: None

ABSTAIN: Jean Murphy

Council President Murphy stated she was abstaining because there was no map or letter or information which was the same as the previous resolution.

Council Member Ooms stated the approval of this Resolution will allow MUA to go forward and all the information will come back to Council at future date when current that Council will be gone. Council Member Kadish opined the map from February was being used. Council President Murphy stated that is irresponsible as no map was attached to which Council Member Ooms stated the MUA will make up the map. Council Member Kadish stated the Council endorsed a non-plan.

RESOLUTION 17-101

RESOLUTION ENDORSING A PLAN AMENDMENT TO THE VERNON TOWNSHIP WASTEWATER MANAGEMENT PLAN AND SUSSEX COUNTY WATER QUALITY PLAN FOR THE ROUTE 94 CORRIDOR AND THE MCAFEE AREAS IN THE TOWNSHIP OF VERNON

WHEREAS, the Vernon Township Council desires to provide for the orderly development of wastewater treatment and conveyance facilities within the municipality; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas and related subjects be in conformance with an approved Wastewater Quality Management Plan (WQMP); and

WHEREAS, the Vernon Township Wastewater Management Plan (WMP) prepared by the County of Sussex has been approved by the NJDEP as an amendment to the Sussex County Water Quality Plan in September 2000 and revised September 2001; and

WHEREAS, the Route 94 Corridor and the McAfee Areas of Vernon have been determined by the Vernon Township Municipal Utilities Authority to be included in Vernon's Sewer District; and

WHEREAS, the Sussex County Board of Health has written a letter endorsing the expansion of Vernon's Sewer District to service these areas, thereby eliminating any potential future environmental issues going forward; and

WHEREAS, the Vernon Township Council has determined that the addition of these areas to the Sewer District of Vernon is good for both public health and the environment.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon on this 10th day of April, 2017 as follows:

1. Vernon Township hereby endorses a plan amendment to the Vernon Township Wastewater Management Plan (WMP) to include the Route 94 corridor and McAfee Areas in the Township of Vernon in the sewer service area for the Sussex County Municipal Utility Authority sewer treatment plant.
2. This endorsement shall be submitted to the Sussex County Policy advisory Committee, the Sussex County Board of Chosen Freeholders, the NJDEP, and all interested parties.

ITEMS FOR DISCUSSION

A. Sewer Expansion – MUA

Council President Murphy stated due to Resolution#17-101 being approved, no discussion was needed at this time.

B. An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey Amending § 99-25 Of The Vernon Township Code And Allowing Permit Parking On Carol Drive, Old Glenwood Circle, Meadowlark Drive, Cove Court, Vlietstra Drive And Ivy Place

Mr. Zielinski explained he drafted an ordinance as a starting point to address the parking issues and proposed permit or meter system policy along the Appalachian Trail areas. Council Member Kadish supports a permit system to maintain control and states ideas for alternate sites were discussed last year and may still be viable. Council Member Wetzel stated the Township does not want to lose tourism and needs to make multiple sites feasible for visitors. Council Member Rizzuto expressed the dangerous conditions he has witnessed on the primary access to the boardwalk with children, adults and dogs entering & exiting their vehicles.

Chief Randy Mills came forward to discuss the safety hazards and residential concerns in regards of the Appalachian Trail parking issues. Chief Mills explained since February the Police Department has increased patrols, increased signage of designated areas to park, worked with Sussex County to allow parking on southbound side of RT 517 but feels problems and

dangers still exist. Parking issues include large number of visitors on weekends parking anywhere available, people, dogs, & children walking in roadways, damage to resident's properties, and litter. Chief Mills said it is a complicated problem and feels ordinance is a first step but may not solve problem. Discussion about permit system types including resident daily, non-resident daily, resident guest, to be purchased at Police Department with daily limits set. Chief Mills stated parking issues are getting worse and the primary goal is to keep everyone safe, then keep residents less inconvenienced and lastly encourage visitors to come back. He adds that issuance of permits is not about generating income but controlling permitted parking areas and says he is not in favor of meters as he feels residents would not approve.

Chief Mills noted a public meeting has been scheduled on April 17, 2017 at 7:00 pm in the Senior Center for him to discuss options, concerns and suggestions and from all those affected by the Appalachian Trail.

Mr. Zielinski asked if all the revisions of the Ordinance the Chief is proposing can be provided to him. Mayor Shortway stated he met with the Director of DEP Community Assistance who suggested a parcel of state land on RT 517 across from Glenwood Cemetery but since the DEP said trees could not be moved, the site was not feasible and there are no state or county funds for this purpose. Mr. Voelker added he and the Chief met with the County Engineer to discuss decreasing the speed limit and the Engineer said studies will put be added to their schedule regarding various areas of RT 517 in Vernon.

COUNCIL COMMENTS

Council Member Kadish asked if cross training of HVAC system can be done so at night meetings the system can be adjusted as building is very warm and due to recording system AC units cannot be used.

Council Member Ooms had no comment.

Council Member Wetzel complemented the Mayor and staff on the budget but hopes it can be squeezed a little more and appreciates them listening to the Council.

Council Member Rizzuto agrees with Mr. Wetzel as police and DPW budgets were down and the Administration and Legal areas should be looked at for better use of resources. He added children will be off from school and everyone should be aware of their safety while driving.

COUNCIL PRESIDENT COMMENTS

Council President Murphy reminds public of the April 20, 2017 joint meeting of the Vernon Township Council and the VTMUA held at the Municipal Building of which all council members except for Mr. Rizzuto will be attending. Mr. Rizzuto added he could not attend due to a prior commitment.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:36 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: May 8, 2017