

## **Township of Vernon**

### **TOWNSHIP COUNCIL MEETING**

**January 11, 2016**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, January 11, 2016 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Dan Kadish presiding.

#### **STATEMENT OF COMPLIANCE**

Adequate notice of this meeting had been provided to the public and the press on January 5, 2016, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

#### **ROLL CALL OF MEMBERS**

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

#### **SALUTE TO THE FLAG**

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

#### **PRESENTATIONS**

##### JCP&L

Jackie Espinoza of JCP&L stated that the Township residents would be seeing quite a few JCP&L trucks in the area as the utility would be performing reliability work and testing. Ms. Espinoza explained that new polymer fuses were being utilized to update the system and provide better reliability.

##### Greenway Action Advisory Committee

Michael Furrey and Craig Williams came forward. Council Member Rizzuto objected to the naming of the presentation as the committee had not been formally created. Mayor Shortway explained this was a presentation to explain this committee's function. Mayor Shortway noted that since 2003 a passive recreation system had been envisioned for Vernon, which included a trail system. Mr. Furrey provided a video presentation which included Steamboat Spring's trail system and private enterprises promoting the use of public lands. The presentation included information about a Farmers Market, park, great lawn, and a disk golf course. Mr. Furrey introduced the proposed members of the Committee and discussed going green to save money. Mr. Furrey noted that in 2011, the Township passed a sustainable New Jersey resolution but little had been done since then. Mr. Furrey expressed hopes of utilizing that designation to obtain grants and discussed the qualifications to be certified. Mr. Furrey noted that nearby Sparta had a sustainable program. Council Member Rizzuto questioned the cost and path length. Mr. Williams discussed that the current path is 2.5 miles long and they can add a section of Maple Grange to Black Creek. Mr. Williams discussed that the total path should be over 15 miles. Council Member Rizzuto questioned the need for additional personnel. Mr. Williams discussed the use of permeable macadam and limited amount of personnel. Mr. Williams discussed the cost to obtain all the rights of way for this project, which were anticipated to be substantial. Council Member Rizzuto expressed concern over the use of a substantial amount of funds and a need to examine the costs. Council Member Wetzel noted what appears to be an overlap between the Greenway Action Committee and other committees. Council Member Rizzuto expressed that perhaps a bike lane could be added to public roads. Council Member Rizzuto also discussed the need for theater group in the community. Council President Kadish noted this was to be an advisory committee. Mayor Shortway indicated that trail systems like this have been utilized throughout the State with volunteers doing maintenance. Mayor Shortway noted that there is interest for those utilizing the Appalachian Trail to have a place to stay in a hotel nearby. Mayor Shortway discussed the long term plan for a trail system dating back to 1995, as well as the successful local farm market in Warwick. Council President Kadish discussed the need to coordinate efforts, particularly those dealing with the Appalachian Trail and Waywanda State Park. Council Member Rizzuto expressed concern over parking at the Appalachian Trail. Council Member Murphy discussed that she had contacted the Land Conservancy about that issue. Mayor Shortway discussed that in 2008 the Appalachian Trail had money for a path to bring people to our hotels, however that offer was not accepted at that time. Council Member Wetzel discussed his appreciation for the idea and expressed hope that a railroad element may be tied in.

## **PUBLIC COMMENT:**

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

MOTION: Jean Murphy

SECOND: Dick Wetzel

All members were in favor.

Bonnie Rubin expressed her dissatisfaction about a proposed resolution to expand public comments to twice per meeting. Ms. Rubin stated more people may wish to speak and that a total time of only thirty minutes for the first public session comments was not sufficient if more than 6 people had comments. Ms. Rubin stated that a second period at the end of the meeting limited comments to three minutes which she did not feel was adequate.

Kyla Rocha, [REDACTED] stated she had moved to Vernon with her children. Ms. Rocha stated the roads were not adequate for biking and a trail was needed.

Bob Gerry, Vernon, stated that the roads are too dangerous and expressed enthusiasm for the bike path.

Mark Cilli, expressed support for the Committee to further examine the creation of a bike path.

Ed Seger, stated he was impressed with the focus on moving forward with the project and hoped it continued.

Amanda Warner stated she would like a safe place to run and walk in town.

Sally Rinker, stated that residents live here for the environment. Ms. Rinker noted her husband had been hit on the road twice. Ms. Rinker expressed support for the bike bath. Ms. Rinker expressed dissatisfaction with the proposed resolution to expand public comments because it reduced the time to speak on any topic from 5 minutes to 3 and limited the first session of public comment to topics on the agenda. Ms. Rinker noted that the public spoke on average about 16 minutes at the last 10 meetings but no one knows when the end of a meeting would be. Ms. Rinker expressed concern that the second public comment period was at the end of the meeting.

Caitlyn Winters stated she thought the trail was a wonderful idea for walking and running.

Tammy Peak, stated she was a huge supporter of the bike path. Ms. Peak stated she currently travels to Chester or Warwick for recreation.

Kelly Winters stated she would like running and biking on the trail.

Joe Ast, thanked Mike Furrey and the Mayor for the presentation.

Joyce Bresinger, stated she was a 29 year resident and member of the running club. Ms. Bresinger stated her daughter was badly injured while riding her bike on the road and she never fully recovered from her injury. Ms. Bresinger expressed support for the bike path.

## **CLOSED TO PUBLIC COMMENTS**

Seeing no more members of the public wishing to speak, Council President Kadish asked for a motion to close the public portion of the meeting.

MOTION: Patrick Rizzuto

SECOND: Jean Murphy

All Members were in favor.

## **MAYOR'S REPORT**

- Mayor Shortway discussed that he has been working with the Clerk, CFO, Administrator and attorney on an appeal for FEMA regarding reimbursement for Hurricane Irene. Mayor Shortway acknowledged that Clerk Kirkman had worked diligently on a previous appeal and had obtained some of the funds reimbursed. Mayor Shortway expressed a desire to obtain the remaining

funds, noting that just in 6 days more than 29 man hours had been put in on this project.

- Mayor Shortway discussed that Administrator Bailey would be working with Dave Pullis regarding the roof of the municipal building which was leaking severely.
- Mayor Shortway explained that he had begun budget meetings with the department heads.
- Mayor Shortway noted the Special Olympics would be coming to Vernon in February and hoped there would be a proclamation for the next council meeting.

### **APPROVAL OF MINUTES**

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

Regular Meeting Minutes of November 23, 2015

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Sandra Ooms

ABSENT: None

Motion carried to approve minutes.

### **CONSENT AGENDA**

Council President Kadish gave a brief explanation of Resolutions #16-40 - #16-50.

Council Member Kadish asked for a motion to separate #16-42.

MOVED: Dan Kadish

SECONDED: Sandra Ooms

All members were in favor.

Council Member Kadish asked for a motion to separate #16-43 and 16-44.

MOVED: Patrick Rizzuto

SECONDED: Jean Murphy

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to separate these items.

Council President Kadish asked for a motion to adopt Resolutions #16-40 - #16-50, (excluding 16-47) with the exception of #16-42, #16-43, and #16-44 which were removed for separate vote.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Resolutions #16-40 - #16-50, (excluding 16-47) with the exception of #16-42, #16-43 and #16-44 which were removed for separate vote.

**RESOLUTION #16-40**

**AUTHORIZING A CONTRACT WITH MUNIDEX TO MAINTAIN THE TOWNSHIP'S  
VITAL STATISTIC SOFTWARE FOR 2016**

**WHEREAS**, the Township of Vernon has a need to maintain its vital statistic software; and

**WHEREAS**, MUNIDEX, Inc. supplied the original vital statistic software to the Township and has the expertise to maintain said program; and

**WHEREAS**, the Chief Financial Officer recommends that the Township Council award a contract to maintain the Township's vital statistic software to Munidex, Inc., 174 Route 17 North, Rochelle Park, NJ 07662; and

**WHEREAS**, the cost for this annual maintenance contract is \$596.00 and there may be additional charges if on-site maintenance service is required and the Chief Financial Officer of the Township of Vernon, has certified these funds are available in account #10570438.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the Mayor and Municipal Clerk are authorized to sign and accept the Software Maintenance Agreement for the year 2016 to maintain the Township's vital statistic software in an amount of \$596.00; and

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

**RESOLUTION # 16-41**

**RESOLUTION ACCEPTING THE COMPLETION OF THE CONSTRUCTION OF ASPHALT  
PAD FOR THE VERNON TOWNSHIP DPW SALT DOME**

**WHEREAS**, on September 14, 2015, by way of adoption of Resolution #15-156, the Council of the Township of Vernon awarded a contract to C & V Paving Contractors, Inc. for construction of an Asphalt Pad for the Proposed Salt Dome for use by the Vernon Township Department of Public Works for storage of road salt material; and

**WHEREAS**, in a memo dated December 7, 2015, the Township Engineer states that the Asphalt Pad construction has been completed by the contractor and recommends the contract be accepted by the Council as complete.

**NOW THEREFORE BE IT RESOLVED**, by the Council of Vernon Township, County of Sussex, State of New Jersey, that the contract for the construction of the Asphalt Pad for the DPW Salt Dome by C & V Paving Contractors, Inc. is accepted as complete; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution be forwarded to C & V Paving Contractors, Inc. and the Township Engineer.

**RESOLUTION NO. 16-45**

**RESOLUTION OF THE GOVERNING BODY  
FOR THE TOWNSHIP OF VERNON  
AWARDING A SALARY INCREASE TO THE TOWNSHIP CLERK**

**WHEREAS**, Lauren Kirkman has served as the Township's Clerk since March of 2014; and

**WHEREAS**, other department heads received raises as of July 1, 2014; and

**WHEREAS**, the Township Council is pleased with the performance of the Township Clerk; and

**WHEREAS**, the Township Council believes that it is in the best interests of the Township appropriate to grant the Township Clerk a raise from \$70,000 per year to \$75,000 per year; and



**RESOLUTIONS REQUIRING SEPARATE ACTION**

A motion was made to adopt resolution #16-42.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

Council Member Rizzuto expressed concern about the duplicity of this committee with the EDAC. Council Member Rizzuto also expressed concern with the creating another unnecessary ad-hoc committee. Council President Kadish stated he felt they were distinguishable. Council Member Murphy indicated that the EDAC was for business while this committee was for recreation. Council Member Wetzel stated he felt it was duplicitous but he would not stand in the way if they can accomplish this goal without using taxpayer money.

A roll call vote was taken:

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

Motion carried to adopt Resolutions #16-42.

Council President Kadish suggested putting aside more funds to compensate for the future.

**RESOLUTION #16-42**

**ESTABLISHING AND APPOINTMENTING MEMBERS TO THE GREENWAY ACTION ADVISORY COMMITTEE**

**WHEREAS**, there is a need for a special ad hoc committee to advise the Mayor in matters of sustainability, passive recreation and economics within the Township of Vernon and;

**WHEREAS**, it is the desire of the Mayor and Council to establish said committee which shall consist of eight (8) voting members, with one member being designated as chair and with each member to serve for a one year term commencing on January 1 of each year; and

**WHEREAS**, the Mayor or Mayor’s designee shall also be a member of the committee as a non-voting member except in the time of a tie at which time the Mayor or his designee shall cast the deciding vote.

**BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, and STATE OF NEW JERSEY**, that there shall be an ad hoc committee established, as noted above, which shall be called the Greenway Action Advisory Committee that shall report to the Office of the Mayor and provide advice to the Mayor and Council; and

**BE IT FURTHER RESOLVED** that the following individuals are hereby appointed as members of the Vernon Township Greenway Action Advisory Committee effective January 1, 2016 for a one (1) year term as follows:

- |   |             |        |
|---|-------------|--------|
| Michael Furrey                            | Chairperson | Seat 1 |
| Joe Ast                                   |             | Seat 2 |
| Paul Kearney                              |             | Seat 3 |
| Pat Seger                                 |             | Seat 4 |
| Sally Rinker                              |             | Seat 5 |
| Toni Cilli                                |             | Seat 6 |
| Craig Williams                            |             | Seat 7 |
| Mike Cheski                               |             | Seat 8 |
| Mayor or Mayor’s Designee: Harry Shortway |             |        |

**BE IT FURTHER RESOLVED THAT**, the Township Clerk shall send a copy of this resolution to the following:

- a. Chairperson of the Greenway Action Advisory Committee.

**Resolution #16-43** Setting Time For Public Comment at Township Council Meetings

Council Member Rizzuto indicated that he did not see any reason to change the current public comment session, noting 5 minutes at the beginning of the meeting had been successful. Council President Kadish stated he thought it was a great idea to have two public comment periods, one at the beginning and one at the end similar to the Board of Education. Council Member Ooms stated she would like the resolution revised so that people could speak at any time about any topic and perhaps give 5 minutes at the beginning and an additional 2 minutes at the end. Council Member Ooms expressed concern that people having to wait until the end, of the meeting to make general comments was burdensome. Council Member Murphy indicated that the initial reason for this resolution was to give people more time and this allowed 8 minutes per person of public comment. Council Member Murphy stated this is to give more opportunity to speak, not less, and discussed other town's public comment periods. Council Member Murphy stated if people were not satisfied, it can be left the way it is. Council Member Rizzuto stated many of the comments are about operational matters that should be going directly to the Mayor and not to the Council.

A motion was made to table **Resolution #16-43** Setting Time for Public Comment at Township Council Meetings

MOVED: Sandra Ooms  
SECONDED: Jean Murphy

A roll call vote was taken:

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

Motion carried to table Resolutions #16-43.

**Resolution #16-44** Restricting Elected Officials from Employment with the Township for One Year Following the End of Their Term

A motion was made to adopt resolution #16-44.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

Council Member Rizzuto expressed his dissatisfaction with this resolution that he felt was aimed at the previous Mayor. Council Member Rizzuto questioned the legality and stated he discussed same with the attorney. Council Member Rizzuto stated this resolution robs the community of potential talent of an individual. Council President Kadish stated he had no knowledge that this was directed at any individual and felt it was a good idea noting it restricts his own employment for one year. Council Member Ooms stated she agreed noting it forces persons to be ethical.

A roll call vote was taken:

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

Motion carried to adopt Resolutions #16-44

Council Member Wetzel stated he saw no need for this resolution.

**RESOLUTION #16-44**

**RESOLUTION OF THE TOWNSHIP OF VERNON  
RESTRICTING ELECTED OFFICIALS FROM EMPLOYMENT WITH  
THE TOWNSHIP FOR ONE YEAR FOLLOWING THE END OF THEIR TERM**

**WHEREAS**, the vitality and stability of the local government depends upon the public's confidence in the integrity of its elected and appointed officials and this confidence is diminished when the public perceives a conflict between the private interests and the public duties of a government officer or employee; and

**WHEREAS**, the New Jersey Legislature enacted the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., for the purpose of providing a method of assuring that standards of ethical conduct for local government officers; and

**WHEREAS**, the Local Government Ethics Law prohibits an independent local authority from employing, for compensation, any former member of that authority for a period of one year next subsequent to the termination of office of the member;

**WHEREAS**, the Council of the Township of Vernon believes it is in the best interests of the Township to expand the restriction already in place by state statute;

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

The Township of Vernon and agencies created by it or under its control shall not employ, for compensation, any former elected or appointed mayor or member of the Township's governing body, for a period of one year following the end of the office whether by expiration of the term, resignation, removal or otherwise.

**NOW THEREFORE IT BE FURTHER RESOLVED** that this resolution is memorializing the decision of the Council on January 1, 2016 and is retroactive to that date.

**INTRODUCTION/1st READING OF ORDINANCES**

**Ordinance #16-01**

Council President Kadish read Ordinance #16-01 by title only:

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING EMPLOYMENT RESTRICTIONS FOR FORMER ELECTED OFFICIALS**

Council President Kadish asked for a motion to Introduce Ordinance #16-01 with a public hearing to be held on January 25, 2016.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call vote was taken:  
AYES: Jean Murphy, Sandra Ooms, Dan Kadish  
NAYES: Patrick Rizzuto, Dick Wetzell

Motion carried to introduce ordinance 16-01 with a public hearing to be held on January 25, 2016.



**APPOINTMENTS TO THE MUNICIPAL UTILITY AUTHORITY:**

Council President Kadish asked for a motion adopt resolution #16-47.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES:

Motion carried to adopt resolution 16-47.

**RESOLUTION #16-47**

**APPOINTMENT TO MUNICIPAL UTILITY AUTHORITY**

**BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, and STATE OF NEW JERSEY, as follows:**

- 1. That the following individual is hereby appointed or reappointed as a member of the Vernon Township Municipal Utility Authority effective 2/2/2016 for a term specified as follows:

**THOMAS MC CLACHRIE**                      **Seat V**  
Expiring 2/01/2021

**EDWARD SEGER**                              **Alternate #1**  
Expiring 2/01/2021

**BE IT FURTHER RESOLVED THAT,** the Township Clerk shall send a certified copy of this resolution to the following:

Vernon Township Municipal Utility Authority

**COUNCIL COMMENTS**

Council Member Wetzel stated he had no comments.

Council Member Rizzuto stated the following comments which he provided for the record: At our recent reorganization meeting, Council Member Murphy was appointed to the class three seat on the township’s Land Use Board which is the single most important board in the township. I chose to withhold my comments about this appointment out of respect to the mayor on a day I thought should be relatively free of conflict and dedicated to honoring his inauguration. Having served on the board for four years, I am quite aware of the importance and nature of the issues that come before this board and feel justified in making my comments.

I borrow a quote from resolution #16-44 “local government depends upon the public’s confidence in the integrity of its elected and appointed officials and this confidence is diminished when the public perceives a conflict between private interests and the public duty of the government officer.”

In this case, I think that Mrs. Murphy’s employment as a realtor sitting on the Land Use Board does indeed raise the issue of a conflict of interest, which if not, in fact certainly in terms of public perception. While the obvious response would be the recusal on a particular issue by stepping down on hearings where a conflict may occur, in doing so the council is deprived of its lawful representation on the Board and the Township is deprived of the input by that particular individual. By virtue of the nature of the applications coming before the Land Use Board, those occasions calling for recusal would occur on a more frequent basis than with a member not being employed in the real estate business.

Having sat on the board, what may come up before that group is not only actual proposals that may be voted upon, but conceptual plans which are basically what if's which once known that knowledge would be most difficult to be eliminated from dealings involving real estate.

I would therefore ask that Mrs. Murphy step down and that the council appoint another member to that seat other than myself.

Council Member Murphy stated she would not step down and there had already been an action to ask her to step aside because she is a real estate professional. Council Member Murphy stated she also would like Mr. Ursin to draft another ordinance that members that are on boards and committees not be able to be employed by anyone they vote on for a period of one year, for example you cannot vote on an application for an architect and then take employment with them for a period of one year. Council Member Murphy stated that applications to the Land Use Board are not likely clients for her, noting someone putting on an addition is not likely selling it. Council Member Murphy stated of course she would recuse herself if needed and thanked Council Member Rizzuto for his consideration.

Council Member Rizzuto stated that Council Member Murphy was tasked from the DCA for having contact with employees during inspections. Council Member Murphy stated perhaps he should review the letter from her attorney as that was an inaccurate statement. Discussion ensued about this matter. Council President Kadish stated there were subsequent letters about this issue. Council Member Rizzuto stated in these situations an inspection should be done by another inspector out of town. Council Member Murphy noted that this issue was with the construction official, not herself.

Council Member Sandra Ooms thanked Mike Furrey and the group for their presentation. Council Member Ooms thanked the parents and children for being civic minded. Council Member Ooms stated she would like to revisit the comment section.

Council President Kadish stated he would like the Council to think seriously about the agenda items for the next meeting and hoped for a lot of discussion.

## **ADJOURNMENT**

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

Respectfully submitted,

---

Lauren Kirkman, RMC, CMR  
Municipal Clerk

---

Dan Kadish,  
Council President

Minutes approved: February 22, 2016