

## **Township of Vernon**

### **TOWNSHIP COUNCIL MEETING**

**February 8, 2016**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, February 8, 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, MUA Attorney Richard Wenner, MUA Engineer CerenAralp, MUA Chairman Vincent Zinno, MUA Director John Scerbo and Township Attorney John Ursin.

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

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

#### **PROCLAMATION**

Council President Kadish noted that the recipient of the proclamation, Mr. Thomas Dunnigan, was unable to attend the meeting so they will move this item to the February 22, 2016 meeting.

#### **COUNCIL PRESIDENT COMMENTS**

Council President Dan Kadish stated he would like to set some parameters because at recent meetings there has been poor behavior from the public and some appointed members of committees. Council President Kadish asked that meetings be free from slanderous and insulting comments and that there be no references to personalities, no interruptions, and no private conversations. Council President Kadish asked that comments be addressed to the chair and limited to five minutes or less if possible. Council President Kadish noted that this was not a question and answer period, and asked that if someone had a question for a Council Member please call him or her or email him or her at their township email address. Council President Kadish pointed out that this is a business meeting and there is a lot of business that needed attending. Council President Kadish expressed his thanks for their understanding.

#### **PUBLIC COMMENT:**

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

MOTION: Dan Kadish

SECOND: Sandra Ooms

All members were in favor.

Richard Bagney – Great Gorge Village. Mr. Bagney spoke about a raise that the MUA is proposing to sewer fees. Mr. Bagney indicated that the MUA situation is a burden on the town as we know and particularly at Great Gorge Village and he felt that the rest of the town is starting to realize that probably about 70% of the burden that the town faces with the debt with this purchase of the sewage for Vernon is being born by the people of Great Gorge Village. Mr. Bagney asked that the Council consider other options to share the burden of the taxes. Mr. Bagney suggested a possible metering situation that United Water had offered quite a ways back as a more equitable way to spread the debt. Mr. Bagney noted that this would leave a big hole that the Council would have to face as a debt but hoped alternative means to get achieving the goal would be considered.

Gary Martinsen – Vernon - apologized for his behavior at the last meeting and indicated he took the Council President's comments to heart. Mr. Martinsen indicated that he wanted to speak about the presentation of the MUA and discussion about Council Resolution 15-190. Mr. Martinsen urged that this resolution be rescinded in its current form; the resolution suggests that Route 94 corridor McAfee areas of Vernon have found to have had in the past 53% of the septic systems replaced or requiring major repairs. Mr. Martinsen stated failure of septic system create a danger to the environment quality of ground water thereby eliminating any current or future environmental issues going forward. Mr. Martinsen stated that it is incorrect and misleading on several levels. Mr. Martinsen discussed that the MUA and others are presenting the glass half empty scenario, the half full would be that 53% of the septic are now properly maintained. Mr. Martinsen continued that a septic failure isn't a tank replacement, or a pipe or baffle repair those are unsatisfactory conditions that should be remedied; a failure is a hydraulic failure where affluent is present ponding or can be seen on the surface. Mr. Martinsen noted that if 53% are failing or failed then one would expect health issues with contaminated water, sickness or just the aforementioned smell and visible signs. Mr. Martinsen stated that not only does he frequently walk the Route 94 corridor and have not seen or smelled the evidence of failure and noted that small business are required by health department to have quarterly testing of our wells done. Mr. Martinsen questioned what evidence if any have there been of gathered to show contamination and has this been presented to the Council? Mr. Martinsen indicated that no experts from the septic system field have been brought forward to counter the evidence yet. Mr. Martinsen expressed concern that there are many other issues that have shown to impact negatively impact water sheds, the raising and grazing of live stock, the spraying of fertilizers over areas including golf courses. Mr. Martinsen pointed to scientific studies done in Florida and other states that have shown that agricultural pollution far out ways the septic tank damage to water ways; septic tanks don't threaten underground springs. Mr. Martinsen noted that in Hillsborough, they recognize that pet waste is a potential source of bacteria that can result in contamination in water ways and the storm water system as well as becoming a public nuisance. Mr. Martinsen stated that according to the Federal EPA nearly 1 out of every 4 homes in the USA relies on septic system; when properly designed, installed, operated and maintained, septic systems can be the most cost effective method of waste water treatment. Mr. Martinsen continued that when septic systems begin to fail in a municipality, public sewer collection systems are often installed in denser development follows in nearby areas. Mr. Martinsen discussed that the end result maybe increased non point source pollution (this is coming from the NJ EPA) and reduction in base in other words and local streams and in other words pollution from storm water generated by the newly induced development become problem in sanitary sewers in replace septic systems. Mr. Martinsen questioned the sewer pumps stations and treatment plants are the MUA and the county suggesting that they don't need repair or fail? Mr. Martinsen discussed that the EPA estimated that 23 thousand - 75 thousand sanitary sewer overflows occur annually discharging a total 3 billion to 10 billion gallons a year; at least 65 rupture spewed 47 million gallons of untreated human waste in one county in FL. Mr. Martinsen urged the Council to please rescind this tonight in this current form, and then allow us as a Township to do the right thing. Mr. Martinsen stated that the Township had just formed a committee to investigate the greenway, a beautification committee and a gypsy moth taskforce is on for tonight. Mr. Martinsen stated that those are important but the real gorilla in the room is the MUA in this resolution. Mr. Martinsen indicated that he would like to be part of the committee to gather information on all sides and come back to the council with the full presentation. Mr. Martinsen suggested three meetings from now because 4 weeks from now is not enough to go over all the agencies data all the data, organize it and present it Mr. Martinsen further suggested that at least one Council Member be part of it, a member of the MUA, a representative or individual that has gone to the MUA about questions sewer connections, a member of the environmental committee, a member of the community that is already on the sewer system perhaps someone from the condos, and an expert in the latest septic system technologies. Mr. Martinsen asked that a representative from Earth Care Septic also be included.

Sally Rinker Vernon – stated that regarding resolution 15-190 here is what we know; Vernon Township MUA purposely presented false information to this Council to coerce them into voting for resolution 15-190 to expand the sewer area. Ms. Rinker indicated that the erroneous information in the resolution is slanderous and damaging to businesses and residential neighborhoods. Ms. Rinker noted that Resolution 15-190 currently stands as an approval by this Council for the Vernon Township MUA to apply to the state for sewer expansion and it's on its way to the Environmental Protection to meet a March deadline. Ms. Rinker stated that Resolution 15-190 must be rescinded by this Council because they have a moral obligation to

halt the false information of the environmental concerns for being memorialized at state level. Ms. Rinker continued that we now know we cannot rely on the information presented to you from the current chair and the VTMUA; there are two new VTMUA members who are starting their terms this month Tom McClachrie who worked for the DEP for many years and Ed Seger who is an engineer. Ms. Rinker urged that they be given the chance to do the work they have stepped up to do; the work that should have been done before you voted on resolution 15-190. Ms. Rinker indicated they are the first members since the inception of the VTMUA that have come with a background that is applicable for doing the research and collecting the data and doing cost benefit analysis and will give you the global look at this sewer issue necessary for making quality decisions. Ms. Rinker stated she knew they will follow the statutes and help you understand the statutes several of you have said we are going too fast, we need public notifications and workshops that was true then and it's still true tonight. Ms. Rinker continued that we now know that there are statutes that require public meetings before you vote to amend this sewer plan and that didn't happen. Ms. Rinker stated that in fact at the last town council meeting it was so expected that you should and would rescind resolution 15-190 that all of our free local newspapers mistakenly reported that you did. Ms. Rinker stated if you really don't want this to be the solar project of Vernon you must put the brakes on the March application to the DEP that you authorize by your votes; there is no time to properly amend 15-190 prior to March. Ms. Rinker urged that the Council please take the lessons from the past such as the town center and this sewer issue which began long before all of us. Ms. Rinker asked the Council to rescind 15-190 tonight and allow qualified trustworthy individuals to advise the Council and only after all the analysis is done then move to make your decisions whatever they may be. Ms. Rinker opined that any method short of that will be irresponsible and set our town up for negative impacts that will be impossible to rectify.

Tom Kelly Great Gorge Village – stated that it has been a while since I have been in front of the council for the MUA because I am tired of getting the run around. Mr. Kelly opined that he had come to these meetings sat here for two hours and nothing changed. Mr. Kelly indicated that since the MUA and the whole sewer thing has come about it's just been a headache, nothing has been resolved and everyone's rates are going up. Mr. Kelly stated that between the MUA and the way past, present or future whatever have run this town, seems that every time Vernon gets into a financial crisis they need money they get the MUA fees. Mr. Kelly stated that most of the fees come from the Great Gorge Village and he pays \$1000 for a 3 bedroom townhouse. Mr. Kelly asked for an end to this situation indicating the high numbers of units for sale in Great Gorge Village which he attributed to the MUA fees. Mr. Kelly expressed hope that the new Mayor gets involved not like the old mayor and come sit down with us and talks with us, come to one of our meetings so that then he might be able to understand what Great Gorge Village has been fighting for too many years and have gotten nowhere. Mr. Kelly noted that there are school taxes, but his children are both grown and out and he is still paying them. Mr. Kelly asked for a way to work this out without putting the burden on Great Gorge Village. Mr. Kelly discussed that big businesses were supposed to come here to offset all the other costs. Mr. Kelly opined that Mt. Creek and CVS are not paying their share. Mr. Kelly stated he was counting his time but taxes were driving him out and that he felt Vernon had let him down. Mr. Kelly stated that this town he used to love and wants the Council to think of the families of Vernon for once.

John McGowan [REDACTED] –apologized for wearing his hat indoors, however he did it because he is a combat Veteran from the Vietnam War and he wanted to address this council with regard to resolution 16-69 (Resolution to Create a Band Shell). Mr. McGowan stated that it is his understanding that the band shell will be named after the Vietnam Veterans of America and not long ago while reading some email he found that in 1968, a month after he arrived in Vietnam there were 2,415 young men killed in Vietnam that month; this was the highest number of casualties' during the Vietnam War. Mr. McGowan stated that by comparison there were 6,500 during the most recent Gulf incident Mr. McGowan stated this was to demonstrate how impossibly grotesque that war was. Mr. McGowan stated that he saw this as an opportunity to recognize those Veterans who have not been recognized except with John Harrigan and most of the gentleman in the audience who have come together and created a cemetery. Mr. McGowan indicated that the band shell would simply be a tremendous benefit to the arts that are put together during our school day in Vernon for use by the Board of Education. Mr. McGowan noted that Vernon had some of the most incredibly recognized band and theater arts programs that could be displayed in this venue. Mr. McGowan hoped that tonight this council will pass a resolution 16-69 to develop a plan to accomplish this.

Mark Bower Great Gorge Village – stated he would like to return the focus to the MUA as with many of my neighbors in the village, and that he felt that they are being sorely abused by the MUA. Mr. Bower stated he would like to give you a quick analogy: I own a gas guzzling vehicle which gets 7 miles to the gallon on super premium fuel and my neighbor owns a hybrid and he gets about 40 miles on economy fuel; both vehicles have 4 wheels, 1 steering wheel, two headlights, two taillights, both superficially the same but I pay 5 times as much for gasoline by my election because I chose to buy a gas guzzling vehicle compared to his gas sipper. However, Mr. Bower continued, the MUA treats us all alike if we have two headlights, one steering wheel well then you are the same. Mr. Bower indicated that his home had three bedrooms but the two residents next door neighbor same number of bedrooms same number of toilets, however they have seven residents and we pay the same in MUA charges. Mr. Bower noted that it's safe to assume that they use three times as much water and sewage as he did. Mr. Bower stated that the cost of porting away my sewer which is gravity fed down the hill and down to Route 94 is almost triple the cost that United Water charges me to pump water up to me, clean and safe to my home. Mr. Bower stated that the MUA charges make no sense, they are not linked to usage they are linked to the number of bedrooms regardless of the amount of occupancy or amount of water usage. Mr. Bower continued that it makes no sense; it is purely abusive that the MUA appears to be wedded mentally with this disproportionate scheme for perhaps the simple reason just that it was simple. Mr. Bower continued that it was his understanding that United Water freely offered to share their meter readings with the village so that the sewage charges can be linked directly to water usage. Mr. Bower indicated he felt this was fair. Mr. Bower continued that the MUA had treated them very badly and hoped for Council intervention.

Madeline Cummings McAfee – indicated that she purchased a house in 1986 in McAfee section just a housewife, a mom and a concerned citizen and she just put in a new septic. Ms. Cummings indicated that she had done a lot of research and I wanted each homeowner a chance to say yeah or nay as for signing up for sewer.

Jessie Paladini, Barry Lakes – stated that she was here tonight for a number of things. Ms. Paladini stated that the scenic byways management plan committee has been meeting since August 2015 we are tasked with creating a management plan for the 8<sup>th</sup> scenic byway in the state of NJ designated by the NJ Department of Transportation and we are called the Western Highlands Scenic Byway. Ms. Paladini explained this scenic byway goes from Route 23 in Hardyston down Route 515 across Route 94 to the NY State line and it also loops across Vernon Crossing Road over Sandhill Road, across McPeck Road and back up Route 94. Ms. Paladini noted that this is a very big honor and a wonderful designation for our town because it literally puts our town on the map and on all the state scenic byway maps. Ms. Paladini indicated she had sent invitations to Mayor Shortway to join our Byway committee and we hope that he will be favorable and come to our committee. Ms. Paladini indicated that she had also sent invitations to Councilwoman Murphy but having not heard from her after two emails; gave that council post to Councilman Rizzuto. Ms. Paladini indicated that they had applied for \$450,000 grant. Ms. Paladini requested that Council President Kadish allow for a presentation of the Western Highlands Scenic Byway. Council President Kadish stated that he will look into it. Ms. Paladini stated she supported Mayor Shortway's request for a forensic audit of the recreation department and noted that in the past there have been some anomalies and situations where people have been treated differently and I support his request to do an audit of the townships recreational department. Ms. Paladini stated she was asking that the Council not adopt the resolution on the Historic Preservation Commission tonight as you have it written; because based on township ordinance 5-94D the terms on that commission are supposed to be staggered and you now have them all expiring December 2018. Ms. Paladini indicated that this is not correct; first of all they are supposed to be four year terms. Ms. Paladini indicated that she knew that Charles Bates and Christopher Hanke's terms expire December 31, 2016; Nancy Adams, Dee Franklin, Lisaann Permunian and Laura Petinato were just appointed in 2015 and their terms are supposed to expire 2019. Ms. Paladini commented that about the appointment of Ron DuPont to the Historic Preservation Commission, a great appointment, however his term fills the unexpired term of Michael Furrey who resigned and that term of Ron Dupont is supposed to expire when Michael Furrey's term would have expired; but you have him on this resolution expiring December 31, 2019 which is inaccurate and last but not least but we know that township code 5-94E (4) says that the secretary is supposed to be appointed by the commission and this council hired a secretary and that was in violation of this code, but this has been resolved since the Historic Preservation Commission did hire their own secretary last week. Furthermore, Ms. Paladini stated at least one member should be each from class A and class B; however, three members

may reside outside the town. Ms. Paladini stated that she didn't see how you can replace Michael Furrey's term who was class C with a class B. Ms. Paladini stated that as you can see you have a lot of problems with this resolution and I ask that before you adopt it you check your codes and get those terms corrected. The Environmental Commission you have terms incorrectly put on the website by a former clerk not our current one and they are also supposed to be staggered and yet you have them all expiring December 31, 2016.

Council President Kadish stated that Jessie should bring some of these issues up to Mayor Shortway as the Council didn't set these terms and secondly I didn't believe this resolution was about terms but about changes in the classes which we are trying to correct.

Ms. Paladini requested it be postponed and checked out and as stated the Environmental Commission terms are incorrect; four new members were appointed last year and they are supposed to be three year terms yet you have them expiring the end of this year. Ms. Paladini stated that she thought the band shell is a lovely idea.

Scott Dysell – President Barry Lakes – stated he had a question about the gypsy mother/caterpillar treatments indicating that the department of agricultural had done an aerial survey and the Township is eligible for spraying this year but there is going to be a decision about it. Mr. Dysell stated he had spoken about this issue previously and wanted to make sure the Council was looking into treating Barry Lakes.

Bev Budz - Highland Lakes stated she was speaking on behalf of Diana Wexler – Ms. Budz stated she needed to address the issue of the study that was approved by the Environmental Commission. Ms. Budz stated that all the commission approved was the effort of the MUA to do a study nothing further, but when you talk about the MUA we almost remember who ladened this town with the MUA, Mrs. Rinker, all the negative press over these subsequent years was started by Mrs. Rinker, she was the one who backed the EDU system instead of the meters. Ms. Budz indicated that meters would make it so people would pay for their actual use. Ms. Budz stated that in talking about misinformation that Diana Wexler, went to those town meetings where the adoption of the MUA and the sewer system was discussed. Ms. Budz stated the biggest concern was this was being forced down people's throats and would ultimately cost the tax payers money. Ms. Budz discussed possible effects of failing septics on the environment. Ms. Budz commented that Council President Kadish's earlier comments should also be directed to the Council.

Bob Gerry stated that back in 2000, the senior center was run by the senior board and that they controlled the senior center, as to what is going on when, where and how much. In the later years the active administration has turned out to be a political plan. Mr. Gerry commented that they can't move down there without having things approved by Missy or Missy has to get it approved by someone else. Mr. Gerry questioned when can we get the senior center under the control of the senior board back where it should be and not a political innuendo or anything else where anyone can come in there and speak to the seniors without it having it approved by someone else?

Bonnie Rubin Highland Lakes – offered her opinion about resolution 16-69 regarding the development to create a band shell in Maple Grange Park. Ms. Rubin stated that she respected Vietnam Vets and they deserve the honorable recognition that they get. Ms. Rubin stated that creativity and imagination there are a number of cultural activities that don't need to take place in a band shell: jazz, blues, country music, art festivals or the first night of December 31 can be held in the streets of Vernon. Ms. Rubin noted that Vernon school auditoriums and gymnasiums can host free concerts or theatrical events. Ms. Rubin suggested that the funds that were to be used for his purpose be re-directed towards bettering downtown and Route 515.

Brian Lynch Barry Lakes – stated that he felt that the band shell resolution is a testament to the dedication of all valor of the Vietnam veterans. Mr. Lynch noted that so much effort has been put into for building hospitals and cemeteries and he felt that some livelier points of endeavors could be brought forth in their testimony and honor. Mr. Lynch supported having this band shell as a creative addition to Vernon.

Michael Rehill Vernon – stated that he owned part of Viking Village. Mr. Rehill expressed concern that resolution 15-190's intention is to bring the sewer line down to Viking Village

which was not wanted or needed as they had 6 septic systems on the property. Mr. Rehill expressed concern for not only his own business but for the entire business district. Mr. Rehill stated he came from Bergen County and when we went from septic to sewers and everyone thought it was great. Mr. Rehill explained that in Bergen County everyone had to get sewer at the same time not piecemeal Mr. Rehill suggested that the other commercial property in town is as important as Mt. Creek. Mr. Rehill expressed concern that people would lose their businesses due to the financial burden of the sewer. Mr. Rehill asked that the Council please rescind this resolution and do some real studies, and find out whether or not there is any need and talk to the people whose properties are going to be affected by it.

Tom McClachrie – stated he was a member of the MUA and apologized to the MUA members present because he didn't know they would there tonight. Mr. McClachrie noted that Great Gorge Village has come here and they have made a point for rescinding the resolution 15-190. Mr. McClachrie opined that the MUA did not follow the rules and that they needed to start with telling the truth. Mr. McClachrie stated that the Township needed to know how many connections were needed to make the system stable. Mr. McClachrie suggested following the regulations and telling people how much they were being charged by the MUA.

### **CLOSED TO PUBLIC COMMENTS**

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

MOTION: Jean Murphy

SECOND: Sandra Ooms

All Members were in favor.

### **MAYORS REPORT**

- Mayor Shortway stated that the Council would be receiving copies of the proposed budget and can schedule public workshops as needed and which he would like to start as early as next week.
- Mayor Shortway continued that there are issues with the building and the ceiling above his doorway was leaking and noted that there is no fire suppression system in the building that works. The roof leaks ordinance 14-12 was introduced on June 9, 2014 and it passed it authorized the issuance of bonds but some of those funds were also used on the salt shed and police impound and improvements to Maple Grange and there is only \$28,000 left in the bond to address the issues of the roof. Mayor Shortway noted it has to be fixed and would cost approximately \$120,000. Mayor Shortway noted that when you walk around the building and the snow melts you see the employees covering their desks with plastic to protect their files and equipment.
- Mayor Shortway also discovered the town hall building is not hooked up to the sewer system. Mayor Shortway noted that resolution 12-155 for a funding agreement to replace the 2005 agreement article 8 says we have a connection fee and we don't have to pay because there is money put aside for that. Mayor Shortway asked the engineer to start putting together a plan in the near future; we will put a resolution together to get hooked to the system. Mayor Shortway stated that if we are going to force other people to hook up we should be hooked up also.
- Mayor Shortway said with the sewers he has a problem forcing people to hook up with the sewer system if they have a perfectly viable septic system. If there system fails or they voluntarily want to hook up he has no problem. Mayor Shortway stated he felt that new businesses or businesses that were expanding should be required to hook up.
- Mayor Shortway spoke about the gypsy moths problem indicating that Barry Lakes is included there was over 10,000 acres affected by gypsy moths. Mayor Shortway indicated that some neighboring towns were spraying as well but the problem with the spray is its only suppression and that the caterpillars can travel 30 miles. New York State has no program in effect and he has contacted our states legislator's offices last week the state is unsure if they will spray Waywayanda. Mayor Shortway indicated that he is in favor even though it is at great expense (90 thousand dollars). Mayor Shortway noted that those trees can't be replaced they are 150 years old; none of us will ever see the comeback.
- Mayor Shortway stated that Resolution 16-64 is asking to authorize the first grant that would be seeking sustainable New Jersey grant application.
- Mayor Shortway stated resolution 16-166 is for the beautification committee, to bring

that back so this committee can address beautification concerns of our town, mainly our town center.

- Mayor Shortway noted that the fire suppression system in this building is inoperable due to a water supply problem. The last document is dated May 3, 2012 – which states unable to perform annual pump test due to water supply problem. Pump running for unknown amount of time. Fire protection building is out of service. On November 28, 2013 some welding repairs to the tank in front of the building were attempted by a vendor repairs failed and this may have caused flooding to the senior citizen center which caused floor damage totaling \$5600.00 to replace the floor. Regarding the tank to be replaced the estimated replacement is \$100,000. Mayor Shortway will begin immediate negotiations with Suez to obtain water; the franchise will have to be expanded. Mayor Shortway discussed the need to put the suppression system in the building.
- Mayor Shortway met with Congressman Garrett and discussed the Highlands Act and other issues which make development difficult in our township. Mayor Shortway indicated that they also discussed the gypsy moth problem and how it affects the Appalachian Trail as they start eating the leaves on the trees along that. Mayor Shortway also advised Mr. Garrett with the difficulties we are facing with the FEMA bureaucracy. Mayor Shortway advised that tomorrow my staff will meet along with the state emergency management to continue to work on obtaining reimbursement for the applicable qualified communities that sustained during hurricane Irene during 2011 to get the monies back.
- Mayor Shortway met with Mt. Creek twice last week to discuss their future plans and I would like to have them invited to actually show what their vision is to the public at a council meeting with your permission.
- Mayor Shortway met with Mr. Mulvihill last week and both Mt. Creek and Mr. Mulvihill have pledged support for our Greenway/Trail system including easements through their properties.

Council President Kadish questioned the grant application as it indicated it was for schools and not the municipality. Michael Furrey was invited to come forward to discuss same.

Mr. Furrey said that the resolution was looking to apply for a grant to come from the municipality; they have grants for schools but this is a different grant. Mr. Furrey indicated he provided the wrong paperwork and would resubmit same to the Council. Mayor Shortway apologized for not catching the error himself.

### **APPROVAL OF MINUTES**

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

Reorganization Meeting January 1, 2016

MOVED: Patrick Rizzuto

SECONDED: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve minutes.

### **PRESENTATIONS**

#### **MUA Sewer Service Area**

MUA Sewer Service Area – Rich Wenner – MUA attorney thanked the Council for the opportunity to come here tonight and talk about some of the confusion of the process and the need behind that process and the driving forces. Mr. Wenner explained the process which was approved by the council in 2015 was the application for a proposed expansion of the sewer service area to be

submitted to the DEP. Mr. Wenner stated it is a long process with many layers to review from SCMUA to the 108 PAC and the DEP as well. Mr. Wenner discussed the driving force behind the proposed expansion sewer service area is twofold, and knows that a lot of attention has been placed on failing septic but noted that not all those numbers that were reported to the county were failing septic; some were issues with baffles or other pipes, which is not the driving influence behind the need for the expansion. Mr. Wenner discussed that the driving influence is the financials, we have debt service that has to be met, and that is a financial contractual obligation that has to be paid for. Mr. Wenner noted that unless users are added to the system, Great Gorge is not going to see a reduction in its EDU and its going to see an increase. Mr. Wenner explained that the expansion is to defray, limit and reduce the financial burden that those current users of the sewer system are experiencing. Mr. Wenner explained that the DEP will have oversight and might carve out McAfee; it might carve out Mt. Creek and other parts of Vernon and we don't know and until we actually submit it to the DEP. Mr. Wenner stated that once the sewer service area is approved in terms of the expansion it doesn't mean pipes are going in anytime soon or ever, the MUA doesn't own the pipes, the Township owns the pipes. The MUA doesn't bond and cannot finance the cost of the construction. The Council can bond and the council alone can finance the expansion of the sewer service area if the Council thinks it's in the best interest of the citizens of the people of Vernon, Mr. Wenner explained. Mr. Wenner noted that the MUA cannot even know that if we don't submit the application to the DEP and what if any of the expansion to the sewer service area the DEP will approve.

Chuck Ferraioli explained that the numbers have really not changed since the last time; the only change since we were here we have adopted our 2016 budget. Mr. Ferraioli explained that in the budget the debt service to SCMUA is \$450,000. Mr. Ferraioli stated that number will increase to \$1,525,000 if we have no increase in our user base and we have no other revenue sources, Mr. Ferraioli explained there are other numbers driving that range like the SCMUA increases Mr. Ferraioli explained there is 645,000 gallons available, we are currently using 225,000 gallons. Mr. Ferraioli indicated that next year our Mt. Creek agreement kicks in so that would mitigate some of that increase, but it's not going to mitigate all of it.

Council Member Murphy asked if the SCMUA payments could be decreased. Mr. Ferraioli indicated that they had requested same and were denied. Council Member Rizzuto questioned if hook up was mandatory. Attorney Wenner indicated it was but they have a system for financial hardship. Council Member Ooms asked if the mandatory connection is statutory. Attorney Wenner indicated it was the MUA's rule which they can enforce. Discussion ensued that MUA fees could be reduced or waived for financial hardship to the MUA and SCMUA. Mr. Ferraioli indicated that mandatory hook up was needed because financially the cost to run a line without any users was prohibitive. Council Member Kadish questioned refinancing. Council Member Rizzuto questioned if this could be done after the bond was struck. Council Member Rizzuto discussed the environmental impact. Council Member Kadish indicated that this was said the tax payers would never have to pay for the sewer but they have to pay for the bond. Mr. Ferraioli indicated the MUA cannot borrow, only the Mayor and Council. Mr. Ferraioli indicated payment of the bonded debt was in the MUA's budget. Council Member Rizzuto indicated the need for more users to reduce the costs. Council Member Kadish questioned what would be done if there was no cost effective way to increase users. Council Member Kadish asked for detailed information. Mr. Ferraioli indicated that was not possible without the study. Mr. Ferraioli indicated that if the MUA was using all the gallonage allotted to it, the cost to the users would be less. Council Member Wetzel confirmed that the MUA was only asking for permission to get the information not to build at this time. Attorney Wenner indicated that was correct, even if the DEP granted the expansion only the Township could approve the expenditure of the funds for this. Attorney Wenner indicated the MUA is not doing anything without the Council's blessing. Council Member Rizzuto indicated his understanding the need to submit was because unless you submit the most area you lose the bargaining with the DEP. Attorney Wenner explained the numbers for the future are significant and noting the DEP is also changing their rules. The MUA distributed a new larger map to the Council. Engineer CerenAralp stated the MUA is not putting an application in at this time; they are still in an exploratory stage. Ms. Aralp discussed the map. Discussion ensued about the various areas included. Ms. Aralp explained that all areas were not to be developed at once or possibly at all. Council Member Murphy questioned the area around Legends. Ms. Aralp indicated once you have your approval you may pick where you choose to develop. Council Member Kadish questioned the gallonage. Attorney Ursin stated the numbers out there are not correct; the maximum allocation is 645,000 and a minimum billing amount of 425,000 (guaranteed minimum). Attorney Ursin stated the minimum bill is 425,000 and they are



using 225,000 so the rate doesn't change until you reach the 425,000. Council Member Ooms questioned why if Phase I was not completed why is there an expansion being considered. Director Scerbo stated there would not be enough EDU's to make this worthwhile. Council Member Ooms questioned why does the resolution say environmental reasons if this really is a financial issue. Council Member Rizzuto stated the NJDEP does not want to expand the area in Vernon. Council Member Rizzuto indicated that they want to maintain Vernon as a non-developed area. Council Member Ooms stated the truth is the financial issue. Council Member Rizzuto stated it does protect the environment. Council Member Ooms noted that there is sewer in the town center and it has not be developed. Council Member Ooms expressed concern that this was a repeat of the same mistakes. Council Member Ooms stated she believed a work session was needed. Council Member Rizzuto stated we need to be able to develop both the town center and the rest of town. Attorney Ursin stated the original predication for the town center was 99,000 gallons. Council Member Murphy questioned why the Township would expand sewer into an area that is already developed because the DEP may approve that at the expense of an undeveloped area where growth is needed. Chairman Vinnie Zinno noted Mountain Creek already has their gallonage set aside that they can use wherever they build. Chairman Zinno stated that without United Water there is no sewer in town center because without water there will not be development. Chairman Zinno agreed a presentation from Mountain Creek was in order. Chairman Zinno discussed the need to expand the sewer system and noted there was no guarantee that DEP would approve the map. Chairman Zinno stated that the original the sewer area was more expansive but the DEP cut the size down. Chairman Zinno stated phase one should have covered Route 94. Council Member Murphy questioned the map. Chairman Zinno indicated it was the top of Hamburg Mountain and Mountain Creek's cabins and Mountain Creek North. Council Member Murphy indicated she would like to see Mountain Creek's plan. Council Member Ooms asked how many residents are included. Engineer Aralp indicated that it would be approximately 400 properties. Council Member Ooms questioned the number of commercial properties. Chairman Zinno indicated he could provide a block and lot list. Council Member Ooms questioned the costs to hook up. Engineer Aralp stated that cost to excavate would be \$10,000 to \$15,000. Discussion ensued about getting to the public the exact costs of the project and the environmental, financial and ratable, commercial viability aspect. Council Member Murphy questioned if there was any negative in delaying this a few months while the Township waited to hear from Mountain Creek. Chairman Zinno indicated that Mountain Creek has an obligation to the Township. Chairman Zinno stated the agreement with Mountain Creek is between the Township and Mountain Creek not the MUA. Chairman Zinno stated that Mountain Creek had expressed some of their plans to ensure the lots they wanted to develop be included in the plan. Chairman Zinno stated that Attorney Ursin can guide the Council through the Mountain Creek agreement. Chairman Zinno stated that Mountain Creek has an allocation of 166,000 in gallonage. Chairman Zinno stated they are trying to fulfill their portion. Chairman Zinno stated their payments are going to come due in January 2017 on the debt. Council Member Murphy stated she would like to see the plans. Council Member Rizzuto questioned why to hold off on getting information. Council Member Ooms questioned why since the Township knew about these financial issues and EDU problems for the MUA for years why there was this big push right now. The MUA auditor stated he has been bringing up this issue for quite some time. Council Member Rizzuto stated there is nothing wrong in putting in the letter. Council Member Ooms stated the resolution was written incorrectly. Director Scerbo indicated that Mountain Creek has its own allocation, nothing on the map is going to change for Mountain Creek development. Attorney Ursin stated that the focus on Mountain Creek is misplaced. Attorney Ursin stated adding gallonage helps period, whether from Mountain Creek or elsewhere. Attorney Ursin noted that no one pays sewer fees unless they are connected. Discussion ensued about potential gallonage uses. Attorney Ursin noted that the projections for development and the speed of development has turned out not to be true or even close to what has occurred. Attorney Ursin stated 99,000 for town center was based on a perfect build out.

Chairman Zinno stated they needed to outline an area to determine the costs associated. Chairman Zinno indicated that Mountain Creek has their own allocation and his only concern is if they don't use their allocation. Chairman Zinno stated everything was covered in the map. Council Member Murphy indicated she would like to wait to hear from Mountain Creek. Chairman Zinno stated the timeline that the township was given was for the 2020 deadline and as each day passes the timeline is pushed back further. Council Member Ooms cautioned Chairman Zinno in trying to scare the Council into going forward without all the facts. Council Member Ooms questioned the information provided to the Council in relation to the resolution. Chairman Zinno asked if what the MUA should be doing is putting together a presentation. Council Member Kadish asked for the information to discuss.

Attorney Ursin stated at this point the Council can take no action on 15-190; rescind 15-190; or based upon the concerns, replace 15-190 with a resolution that is more accurate and more factual.

Council Member Murphy indicated she would like to fix the resolution. Council Member Ooms indicated she would like to rescind the resolution. Council Member Ooms indicated that the MUA can do a cost analysis without the Council's approval. Attorney Wenner indicated they need to know where to expand. Council Member Rizzuto discussed the need to get additional information.

Council President Kadish indicated that it appeared they were moving onto the discussion portion of the meeting.

### **RECESS**

It was moved and seconded to take a recess at 9:51 PM:

MOVED: Jean Murphy  
SECONDED: Dan Kadish  
All members voted in favor.

It was moved and seconded to return from recess at 10:03 PM.

MOVED: Jean Murphy  
SECONDED: Dan Kadish  
All members voted in favor.

### **ITEMS FOR DISCUSSION**

Resolution 15-190 MUA Sewer Service Area

#### **MOTION**

Council Member Ooms has made a motion to rescind resolution 15-190.

MOVED: Sandra Ooms  
SECONDED: None

Council President Kadish noted that the motion died for a lack of second.

Council Member Murphy stated that resolution 15-190 needs to be revised which she agreed. Council Member Murphy indicated that the users cannot afford the system and new users will not be able to afford the connection. Discussion ensued about obtaining information from the Mayor. Council Member Ooms questioned if the Council was comfortable with submitting the resolution as written.

#### **MOTION**

Council President Kadish asked for a motion on resolution 15-190.

Council Member Murphy stated she would like to motion to suspend the process and revise the resolution with the factual information and proceed at a later date. Council Member Murphy stated she would like the misinformation removed and a review of the map to see if this map should be submitted to the DEP.

MOVED: Jean Murphy

Council President Kadish stated he would like to discuss the motion without seconding it at this time. Council President Kadish stated the MUA was here because Chairman Zinno offered to come back and provide more specific information; which he felt showed a willingness to work with the Council. Council President Kadish stated he wanted even more specific information and details about the numbers. Council President Kadish stated he would like more specificity and would like to crunch more of the numbers, the EDU's, the revenues, and some estimated costs and plan. Council President Kadish stated he would like to see periodic interchanges between the Council and MUA included in the motion.

Attorney Ursin stated in order for Council Member Murphy's motion be accomplished he would like direction for an amended resolution to replace 15-190 with multiple parts so that 15-190 be re-worded regarding the environmental data, to more directly capture tonight's presentation about financials, Mountain Creek be invited to an upcoming Council meeting and that the approval of 15-190 is conditioned upon periodic reporting and updated cost estimates.

Council Member Murphy stated she agreed to updating the financials and correcting the septic information, as well as scheduling an appointment with Mountain Creek (but that is not part of the resolution). Attorney Ursin indicated that could be part of the motion. Council Member Murphy stated she agreed to periodic reporting. Attorney Wenner stated the MUA could come forward on a quarterly basis. Council President Kadish stated he would like bi-monthly.

Council Member Rizzuto stated he would like to hear from the Mayor.

Mayor Shortway stated the Township is in need of flow to stabilize the rates. Mountain Creek with their development will require expansion of the sewer area which will stabilize the rates for the MUA. Mayor Shortway stated he did not like the idea to force people to sign up for the sewer system. Mayor Shortway stated Mountain Creek will need the expanded sewer area.

Council Member Ooms questioned that if the Council moved forward would the people be forced to hook up to the sewer lines. Attorney Ursin stated that if the Council moved forward with this areas on the map it could be approved by the DEP for potential hook ups. Council Member Ooms stated that if they approve to build it then the people would have to hook up. Attorney Ursin said that was correct; if it comes to the Council and the Council establishes this it would have to be established at a later point. Attorney Ursin stated that there are probably some projects that are small scale that the MUA could do without bonding but not large scale projects; that would need to come to the Council. Council Member Ooms questioned would it be optional to hook up if the pipe was laid. Attorney Ursin stated that under the MUA rules if a pipe was laid in front of your property you would have to hook up. Council Member Ooms questioned Mayor Shortway not wanting to force people to hook up.

Mayor Shortway stated that as he understood it, it is not a State law that people must hook up; but an MUA rule. Mayor Shortway stated the MUA could change its rule about forcing people to hook up. Attorney Ursin said that was correct. Council Member Murphy pointed out if the Township built the line and only two people chose to hook up there would not be enough money to pay for the line. Council Member Murphy indicated that the state law may say one thing but the MUA needs to determine whether it is mandatory or not in order to pay for it. Attorney Ursin said the Council will still vote if they are going to support the finances of putting pipe in the ground. Council Member Ooms stated the Council cannot change MUA rules. Attorney Ursin said that was correct, they have the power of the purse strings. Council Member Murphy noted the new map has a lot of changes from the old map, with new areas. Council Member Ooms questioned going forward if Mayor Shortway will not support if it is mandatory. Council Member Murphy noted to not move forward is not in the best interest of the current users. Council Member Murphy stated nothing says it has to move fast.

Attorney Wenner stated the aggressive timeline put the Township at 2020 which would not happen. Attorney Wenner said at minimum it is a 4-5 year process. Attorney Wenner cautioned about the high fees in the future if the sewer was not expanded. Attorney Wenner stated that the MUA was the spear carriers for the town, their own body political but they could not bond and they do not own the pipes in the ground. Attorney Wenner stated they are an administrative agency that gives the information for the Council to make a decision.

Council President Kadish stated his suggestion to amending the motion was to have various phases built in for reporting. Council Member Rizzuto asked that with this resolution going forward the MUA provide bi-monthly updates either oral or written.

Council Member Murphy indicated she had made her motion. Attorney Ursin stated that it was a motion to draft a proposed resolution that would replace 15-190 to include the four areas that Council Member Murphy highlighted. Attorney Ursin stated it would not rescind it tonight but rather place a proposed resolution on the agenda for the next meeting.

SECONDED: Dan Kadish

Council Member Murphy noted the areas of environmental, financial with bi-monthly reports. Council Member Murphy stated she would want a possibility of change. Attorney Ursin stated he would submit it to her for review.

A roll call vote was taken:

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

Motion did not carry.

Council Member Ooms stated she misunderstood the question. Attorney Ursin stated that someone who voted in the negative could make a motion to reconsider. Attorney Ursin asked if this was a motion to reconsider the motion that Council Member Murphy just made and was just voted on. Council Member Ooms indicated it was.

Motion to reconsider.

MOVED: Sandra Ooms  
SECONDED: Jean Murphy

Council Member Rizzuto stated they were gambling with the future of the Township.

A roll call vote was taken:

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

It was noted that Council Member Murphy's motion to redraft had passed.

### **CONSENT AGENDA**

Council President Kadish gave a brief explanation of Resolutions #16-57 - #16-69.

Council Member Kadish asked for a motion to table #16-64 to the next meeting.

MOVED: Patrick Rizzuto  
SECONDED: Dick Wetzel  
All members were in favor.

Motion carried to table until the next meeting.

Council President Kadish asked for a motion to separate 16-69 from the consent agenda.

MOVED: Sandra Ooms  
SECONDED: Dan Kadish

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 separate out Resolution 16-69.

Council President Kadish asked for a motion to adopt Resolutions #16-57 - #16-68, (excluding 16-64) and with the exception of #16-69 which were removed for separate vote.

MOVED: Dick Wetzel  
SECONDED: Patrick Rizzuto

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 #16-57 - #16-68, (excluding 16-64) and with the exception of #16-69 which were removed for separate vote.

#### **RESOLUTION # 16-57**

##### **RESOLUTION AUTHORIZING AMENDMENT AND RESTATEMENT OF RETIREMENT PLAN VIA ADOPTION OF VALIC RETIREMENT SERVICES COMPANY RETIREMENT PLAN FOR GOVERNMENTAL EMPLOYERS**

**WHEREAS**, the Township of Vernon (hereinafter, the “Employer”), previously established the Vernon Township 401 (a) Plan (hereinafter, the “Plan”) for the exclusive benefit of its employees and their beneficiaries, which Plan was originally effective as of January 1, 2008; and

**WHEREAS**, the Employer retained the power to amend and/or terminate the Plan; and

**WHEREAS**, the Employer now desires to amend and restate the Plan by adopting the VALIC Retirement Services Company Retirement Plan for Governmental Employers document; and

**NOW, THEREFORE, BE IT RESOLVED** that the Employer hereby amends and restates that Plan, effective January 1, 2016, by adopting the document titled “VALIC Retirement Services Company Retirement Plan for Governmental Employers,” in the form and substance the document heretofore presented to the governing body of the Employer; and

**RESOLVED FURTHER**, that the appropriate representatives of the Employer be, and the same hereby are, authorized and directed to: i) execute the adoption agreement to the VALIC Retirement Services Company Retirement Plan for Governmental Employers document as approved; (ii) execute all other documents and to do all other things as may be necessary or appropriate to make the VALIC Retirement Services Company Retirement Plan for Governmental Employers document effective January 1, 2016, including the execution of any amendments required by the Internal Revenue Service in order to continue and maintain the qualified and exempt status of the Plan; and (iii) execute any other documents required to obtain reliance on advisory letters issued to the VALIC Retirement Services Company Retirement Plan for Governmental Employers by the Internal Revenue Service.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and original signature document shall be forwarded to: VALIC, Institutional Services, 2929 Allen Parkway, L8-10, Houston, Texas 77019.

#### **RESOLUTION #16-58**

##### **RESOLUTION ACCEPTING THE COMPLETION OF THE SALT DOME FOR VERNON TOWNSHIP DEPARTMENT OF PUBLIC WORKS PROJECT**

**WHEREAS**, the Township awarded Dome Corporation of North America a contract for the construction of the Salt Dome for Vernon Township Department of Public Works via Resolution #15-128, Ordinance #15-16; and

**WHEREAS**, the Township Engineer has issued the attached letter dated January 29, 2016 which states that the said contract has been completed in full and that it is recommended that the Salt Dome for Vernon Township Department of Public Works Project be accepted by the Township Council.

**NOW, THEREFORE BE IT RESOLVED**, that the Vernon Township Council accept this project identified as the Salt Dome for Vernon Township Department of Public Works Project as final and complete; and

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

**RESOLUTION #16-59**

**CORRECTING CLASS DESIGNATION FOR MEMBERS ON THE HISTORIC PRESERVATION COMMISSION**

**WHEREAS**, pursuant to NJSA 40:55D-107(c) there was an error made in the initial Class designation of some appointments to the Historic Preservation Commission; and

**WHEREAS**, the Council would like to remedy this error.

**NOW THEREFORE 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 designations as to their appointments to the Vernon Township Historic Preservation Commission are as specified below as follows:

<b>Christopher Hanke</b> Expiring 12/31/2018	<b>Class A</b>
<b>Charles Bates</b> Expiring 12/31/2018	<b>Class B</b>
<b>Ronald DuPont</b> Expiring 12/31/2019	<b>Class B</b>
<b>Ilene Franklin</b> Expiring 12/31/2018	<b>Class C</b>
<b>Valerie Seufert</b> Expiring 12/31/2018	<b>Class C</b>
<b>Nancy Adam</b> Expiring 12/31/2018	<b>Class C</b>
<b>Theodore Laabs</b> Expiring 12/31/2018	<b>Class C</b>
<b>Laura Pettinato Alt. 1</b> Expiring 12/31/2018	<b>Class C</b>
<b>Lisaann Permunian Alt. 2</b> Expiring 12/31/2018	<b>Class C</b>

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

- a. Chairperson of the Historic Preservation Commission

**RESOLUTION 16-60**

**RESOLUTION OF THE GOVERNING BODY OF  
THE TOWNSHIP OF VERNON  
AUTHORIZING THE CONNECTION OF  
BLOCK 232 LOTS 17 AND 17.01 TO CONNECT  
TO THE MUNICIPAL STORM WATER DRAINAGE SYSTEM**

**WHEREAS**, the municipality maintains a storm water drainage system;

**WHEREAS**, in connection with a land use application (LUB #6-15-8) there is an application for Block 232 Lots 17 and 17.01 to connect to the municipal storm water drainage system as depicted on the plans filed with the Land Use Board;

**WHEREAS**, the municipal engineer has reviewed the application to connect to the municipal storm water drainage system and has set forth his opinion in a letter dated January 15, 2016 indicating that he recommends the connection;

**NOW THEREFORE IT BE RESOLVED** that the Township Council grants permission to allow Block 232 Lots 17 and 17.01 to connect to the municipal storm water drainage system as depicted in the site plan filed with the Land Use Board provided that the municipal engineer approve and supervise the construction of the connection and that the applicant and/or its contractor provide adequate Certificates of Insurance to the Township of Vernon.

**RESOLUTION #16-61**

**CANCELLATION OF 2014 MUNICIPAL ALLIANCE ON  
ALCOHOLISM AND DRUG ABUSE GRANT  
RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, there is a receivable with an offsetting appropriation from the State of New Jersey Municipal Alliance on Alcoholism and Drug Abuse Grant in the amount of \$900.00, and

**WHEREAS**, this receivable is no longer collectible as revenue

**NOW, THEREFORE, BE IT RESOLVED** that the receivable and budget appropriations be cancelled.

**RESOLUTION #16-62**

**DECLARING GYPSY MOTHS A PUBLIC NUISANCE AND AUTHORIZING  
PARTICIPATION IN THE STATE OF NEW JERSEY GYPSY MOTH SUPPRESSION  
PROTOCOL**

**WHEREAS**, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Vernon; and

**WHEREAS**, continued destruction of foliage may result in loss of valuable forest land and trees; and

**WHEREAS**, the Township Council of the Township of Vernon has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized.

**NOW THEREFORE BE IT HEREBY RESOLVED** by the Township Council of the Township of Vernon that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare; and

**BE IT FURTHER RESOLVED THAT** measures deemed necessary, including entering into an agreement with the State of New Jersey for the elimination of this nuisance, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest; and

**BE IT FURTHER RESOLVED THAT** the CFO has certified that funds are available for this purpose, subject to the 2016 budget; and

**BE IT FINALLY RESOLVED** that the Township will comply with the notice provisions required by N.J.S.A. 4:7-39.

**RESOLUTION #16-63**  
**RESOLUTION AUTHORIZING THE APPOINTMENT OF VARIOUS PERSONNEL**  
**FOR THE PURPOSE OF ADMINISTERING THE 2016 GYPSY MOTH SPRAYING**  
**PROGRAM WITHIN THE TOWNSHIP OF VERNON**

**WHEREAS**, the Township of Vernon has determined that it will participate in the State of New Jersey Gypsy Moth Suppression Program; and

**WHEREAS**, the State requires the Township to appoint various personnel for the implementation of the program within the Township; and

**WHEREAS**, the following personnel are appointed to the following positions:

Harry Shortway, Mayor – Program Supervisor  
Irene Mills – Document Coordinator  
David Pullis, DPW Director – Workforce Contact

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Township Council of the Township of Vernon, County of Sussex, State of New Jersey authorize the appointment of the above personnel until the completion of the program.

**RESOLUTION #16-65**

**RESOLUTION FOR CALCULATION FOR RESERVE FOR UNCOLLECTED TAXES**

**WHEREAS**, the prior year tax collection rate is used to calculate the Reserve for Uncollected Taxes; and

**WHEREAS**, pursuant to N.J.S.A 40A:4-41c (2) states:

“If tax appeal judgments of the county tax board pursuant to R.S.54:3-21 et seq., or the State tax court pursuant to R.S.54:48-1 et seq., result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustment resulting from those judgments.”; and

**WHEREAS**, 2015 taxes were reduced by court tax judgments in the amount of \$243,339.39.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon, in the County of Sussex, State of New Jersey, that the 2015 tax levy be reduced by \$243,339.39 in calculating the tax collection rate used for the Reserve for Uncollected Taxes.

**RESOLUTION #16-66**

**RESOLUTION TO CREATE THE VERNON TOWNSHIP**  
**BEAUTIFICATION COMMITTEE**

**WHEREAS**, the Mayor and Council of Vernon Township wish to improve the esthetic value of Vernon, especially its gateways; and

**WHEREAS**, the physical appearance of Vernon Township corridors and entrances are critical to Vernon’s economy and the regional economy and vitality; and

**WHEREAS**, tourism is identified in Vernon’ Master Plan as its main industry.

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of Vernon Township hereby approves and adopts the following:

Vernon Township establishes a Beautification Citizens Advisory Committee consisting of 7 to 9 members, to be appointed by the Mayor, as follows:



1. Mayor or member of governing body
2. Land Use Board member
3. Township Administrator (or designee)
4. Member of Public
5. Member of Public
6. Member of Public
7. Member of Public
8. Member of Public
9. Member of Public

**BE IT FURTHER RESOLVED THAT**, each member shall serve for a term of one (1) year, which will expire on December 31 of the year of their appointment. Initial members shall serve for the remainder of the year appointed. Any vacancy occurring on the committee otherwise than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

**RESOLUTION #16-67**

**RESOLUTION AUTHORIZING THE NEGOTIATIONS AND OFFERING OF CERTAIN REAL PROPERTY IN THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY (KNOWN AS WAWAYANDA ADDITIONS), TO THE STATE GREEN ACRES PROGRAM**

**WHEREAS**, the Township has obtained two parcels of land through foreclosure of tax municipal liens, known as Block 72/Lot 20 & Block 121 / Lot 1; and

**WHEREAS**, both of the parcels immediately adjoin the state property known as Wawayanda State Park and are excellent additions to the park, and Block 121 / Lot 1 would connect Wawayanda State Park with the Wallkill National Wildlife Refuge across the street; and

**WHEREAS**, the Township wishes to dispose of these parcels and finds them best suited to become part of Wawayanda State Park; and

**WHEREAS**, the Township's Open Space Advisor, the Land Conservancy of New Jersey (TLC-NJ), has prepared as offering form, and maps of these parcels; and

**WHEREAS**, the Township Council of the Township of Vernon, by Resolution 15-146, on August 24, 2015 authorized the Mayor to sign the Green Acres offering form but the Township and representatives of the Green Acres Program for the State of New Jersey were unable to come to terms; and

**WHEREAS**, the Township wishes to continuing negotiation this Green Acres offering.

**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:

- The Mayor is authorized to negotiate and sign the Green Acres offering form.
- The Township authorizes TLC-NJ to forward the offering to the Green Acres Program, and work with representatives of the Green Acres Program to effectuate a sale of these parcels.

Further, if the State accepts the Township's offer, the Mayor, Township Attorney, Business Administrator and TLC-NJ are authorized to take all action necessary to effectuate the transfer of these parcels to the State Green Acres Program.

**RESOLUTION #16-68**

**AUTHORIZING AN AGREEMENT WITH THE COUNTY OF SUSSEX, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, FOR TRANSPORTATION SERVICES FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES WHO RESIDE IN VERNON TOWNSHIP FOR THE YEARS 2016, 2017, AND 2018 IN THE AMOUNT OF \$50,000.00 PER YEAR**

**WHEREAS**, the County of Sussex (hereinafter the County) operates a coordinated, countrywide transportation system and desires to improve paratransit service coverage to the outlying areas of its geographic boundaries; and

**WHEREAS**, the Township of Vernon (hereinafter the Township) desires transportation for its senior citizens and people with disabilities as per the service agreement; and

**WHEREAS**, the term of the agreement will be in effect beginning January 1, 2016 and terminating on December 31, 2018; and

**WHEREAS**, the cost of these services will not exceed \$50,000.00 per year; and

**WHEREAS**, the Chief Financial Officer has certified the funds for 2016 subject to the adoption of the 2016 Municipal Budget and will certify funds for 2017 and 2018 upon adoption of the respective budgets.

**NOW THEREFORE BE IT RESOLVED**, the 8th day of February, 2016 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage the County of Sussex for the purpose of Transportation for Senior Citizens and People with Disabilities in accordance with the attached agreement; and
2. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with the County of Sussex, State of New Jersey.

**RESOLUTIONS REQUIRING SEPARATE ACTION**

Council Member Kadish asked for a motion to adopt Resolution #16-69: Resolution Of The Governing Body Of The Township Of Vernon Authorizing The Township To Develop A Plan To Create A Band Shell In Maple Grange Park.

MOVED: Patrick Rizzuto  
SECONDED: Dick Wetzel

Council Member Ooms questioned funding this. Council Member Rizzuto stated that honestly that if required adding it to the taxes it was well worth it. Council Member Rizzuto stated it added value to the park and there was a lot of sports in town but nothing passive in nature for seniors to enrich the arts and to honor those people who came home and were never truly recognized. Council Member Rizzuto stated he grew up in Midland Park and the town was spared when they lost approximately 25% of the young men. Council Member Rizzuto indicated the bandshell was designed to project sound. Council Member Wetzel stated many other towns have this and it adds culture and class to the Township. Council Member Murphy noted the \$100,000 needed for the roof, \$100,000 for moths, \$100,000 for fire system, \$500,000 deficit; if the Township had a surplus that would be ok but we have a deficit. Council Member Ooms questioned if grant money could be found for this. Council Member Rizzuto stated he has been asking for this for two years and wanted to know why residents were being denied this opportunity. Council Member Rizzuto stated that the work could be done by our own DPW; it comes in a kit form. Council Member Murphy asked for Mayor Shortway to investigate grants for this project. Council Member Rizzuto stated this was just to develop engineering specs for this project. Council Member Ooms asked Council Member Rizzuto to line up events for the summer to see if people will come. Council Member Rizzuto indicated that was not his responsibility. Council Member Rizzuto stated this structure could house more people than "Jazz at the Flats." Council Member Rizzuto stated this would be less than one half a tax point. Council Member Ooms stated she would like it to be tabled. Council Member Murphy stated she would like it tabled to a date certain. Council President Kadish called the question. Mayor Shortway stated this was only to develop a plan not to spend any money. Council Member Murphy asked Council Member Ooms to remove her tabling and go to a vote. Council Member Ooms agreed.

Attorney Ursin confirmed that Council Member Ooms withdrew her motion to table and Council Member Murphy likewise withdrew her second which left a vote on the floor to adopt the resolution as written.

A roll call vote was taken:

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

Motion carried to adopt resolution 16-69.

**RESOLUTION NO. 16-69**

**RESOLUTION OF THE GOVERNING BODY  
OF THE TOWNSHIP OF VERNON  
AUTHORIZING THE TOWNSHIP TO DEVELOP  
A PLAN TO CREATE A BAND SHELL IN MAPLE GRANGE PARK**

**WHEREAS**, the Township Council has discussed as a priority for 2016 enhancing the recreational and cultural amenities offered by the Township of Vernon;

**WHEREAS**, Maple Grange Park is a great asset of the Township of Vernon and serves many of the Township's recreational needs;

**WHEREAS**, there is a need to develop equal amenities for passive recreation and cultural offerings;

**WHEREAS**, there is an opportunity to create a band shell on the great lawn in Maple Grange Park at the intersection of the two rock walls beneath the concession area;

**WHEREAS**, the band shell will be a great benefit to all residents for use for musical programs such as Jazz in the Park, seasonal presentations of plays, literary readings, presentations by musical groups from the Vernon Township schools and other artistic performances;

**WHEREAS**, the band shell could also be used for presentations and awards ceremonies;

**WHEREAS**, the structure would be created to require low future maintenance and would be consistent with the architectural themes set forth in the Master Plan and as required by the Vernon Township Land Use Board;

**WHEREAS**, the structure would be dedicated to the Vietnam veterans and named the *Vietnam Veterans Memorial Band Shell* in recognition of their service to our nation and in recognition to the fact that those veterans never received the honorable recognition upon their return to the United States;

**WHEREAS**, the Municipal Engineer has estimated that the cost of this structure would not exceed \$135,000;

**WHEREAS**, the Township Council is in agreement that the band shell would be an amenity that would bring recognition to the community and enhance the programs available at the park, which would appeal to residents of all ages from youth-focused programs, to concerts for teenage residents, to presentations that would appeal to senior citizens.

**NOW THEREFORE IT BE RESOLVED** by the Township Council of the Township of Vernon that the Mayor and Administration is directed to explore a concept plan and obtain cost estimates for a band shell as described in this Resolution.

**INTRODUCTION/1<sup>st</sup> READING OF PROPOSED ORDINANCES**

**Ordinance #16-02**

Council President Kadish read Ordinance #16-02 by title only:

**CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Council President Kadish asked for a motion to Introduce Ordinance #16-02 with a public hearing to be held on February 22, 2016.

MOVED: Patrick Rizzuto

SECONDED: Dick Wetzel

A roll call vote was taken:

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

NAYES: None

Motion carried to introduce ordinance 16-02 with a public hearing to be held on February 22, 2016.

### **Ordinance #16-03**

Council President Kadish read Ordinance #16-03 by title only:

### **ORDINANCE AMENDING THE SALARY ORDINANCE FOR “NON-UNION” EMPLOYEES**

Council President Kadish asked for a motion to Introduce Ordinance #16-03 with a public hearing to be held on February 22, 2016.

MOVED: Patrick Rizzuto

SECONDED: Dan Kadish

A roll call vote was taken:

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

NAYES: None

Motion carried to introduce ordinance 16-03 with a public hearing to be held on February 22, 2016.

### **Ordinance #16-04**

Council President Kadish read Ordinance #16-04 by title only:

### **AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 518 ENTITLED “TOWING”**

Council President Kadish asked for a motion to Introduce Ordinance #16-04 with a public hearing to be held on February 22, 2016.

MOVED: Jean Murphy

SECONDED: Dick Wetzel

A roll call vote was taken:

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

NAYES: None

Motion carried to introduce ordinance 16-04 with a public hearing to be held on February 22, 2016.

### **PUBLIC HEARING/2<sup>nd</sup> READING OF ORDINANCES**

None

### **MAYORAL APPOINTMENTS**

Council President Kadish asked for a motion adopt resolutions #16-70 and #16-71.

MOVED: Jean Murphy

SECONDED: Dick Wetzel

A roll call vote was taken:

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

NAYES: None  
ABSTAIN: Patrick Rizzuto

Motion carried to adopt resolutions #16-70 and #16-71.

**RESOLUTION #16-70**

**APPOINTMENTS TO BEAUTIFICATION COMMITTEE**

**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 individuals are hereby appointed as members of the Vernon Township Beautification Committee for a term of one year to expire on December 31, 2016:

Seat	1.	Dick Wetzel
Seat	2.	Jean Murphy
Seat	4.	Craig Benda
Seat	5.	Mary Ellen Vichiconti
Seat	6.	Ellen Meixner
Seat	7.	Joyce Brensinger
Seat	8.	Kelly Mitchell
Seat	9.	Jay Meerendonk

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

- a. Chairperson of the Beautification Committee

**RESOLUTION #16-71**

**APPOINTMENTS TO THE BOARD OF RECREATION**

**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 individuals are hereby appointed or reappointed as members of the Vernon Township Board of Recreation for a term specified as follows:

Mary Ellen Vichiconti Expiring 12/31/2018-3 Year Term	<b>Seat II</b>
Denise Urbaniak Expiring 12/31/2018-3 Year Term	<b>Seat III</b>
Kyla Rocha Expiring 12/31/2017-2 Year Term	<b>Seat IV</b>
Joyce Brensinger Expiring 12/31/2017-2 Year Term	<b>Seat V</b>
Kelly Weller Expiring 12/31/2016-1 Year Term	<b>Seat VI</b>
Heather Labance Expiring 12/31/2016-1 Year Term	<b>Seat VII</b>

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

- a. Vernon Township Department of Recreation & Community Development

**COUNCIL COMMENTS**

Council Member Wetzel stated he had no comments.

Council Member Rizzuto stated that Mountain Creek pays more than ten times the taxes in Vernon than the nearest tax payer in taxes. Council Member Rizzuto stated that is why you would want to listen to what they are saying to grow that tax base; they are current on their taxes.

Council Member Ooms states she would like that vacancies on the Boards and Committees be advertised on the website so members from across the community could be captured. Council Member Rizzuto stated he supported that.

Council Member Murphy questioned that Mayor Shortway gets to make some appointments. Attorney Ursin stated that if they are appointments by the Mayor they can simply be put forth as an acknowledgement, not necessarily advice and consent. Council Member Murphy stated Hidden in Plain Sight event from the Coalition would be tomorrow at the high school.

Council President Kadish stated he had no comments.

**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 President Kadish with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:49 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Dan Kadish,  
Council President

Minutes approved: April 25, 2016