

**Township of Vernon**

**TOWNSHIP COUNCIL MEETING**

**May 9, 2016**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, May 9, 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 Charles Voelker and Township Attorney John Ursin.

**EXECUTIVE SESSION**

Council President Kadish read the following resolution for Executive Session.

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:  
{(N.J.S.A. 10:4-12b (7))}: Contract Negotiations: Property Acquisition (Anticipated Time of Disclosure October 2016).
3. This resolution shall take effect immediately.

Council President Kadish asked for a motion to enter into executive session:

MOTION: Jean Murphy  
SECOND: Sandra Ooms  
All members were in favor.

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

Council President Kadish asked for a motion to adjourn the executive session at 6:56 pm and return to open session at 7:30 p.m.:

MOTION: Jean Murphy  
SECOND: Patrick Rizzuto  
All members were in favor.

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

## **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 Charles Voelker and Township Attorney John Ursin.

## **SALUTE TO THE FLAG**

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

## **ITEMS FOR DISCUSSION:**

Parking Meadowlark and Carol Drive

Chief Randy Mills, stated that the issue with parking for the Appalachian Trail has increased dramatically particularly because the boardwalk in Vernon has been featured on several websites which has brought increased traffic to the area. Chief Mills indicated that in 2015 there were 156 calls and 169 tickets issued for parking infractions in the area of the trail. In 2016, year to date, there were 184 calls and 148 tickets issued. Chief Mills indicated the Township did not wish to issue summonses but would prefer to make it clear where parking was available. Chief Mills stated that the ordinance protects the south side of Carol Drive even though there are no homes in that area. Chief Mills indicated he was posting an officer at the location on the weekends. Chief Mills discussed adding parking to other locations and indicated that the Township is working with the County, State and Appalachian trail staff to work towards solutions.

Audrey Colby, [REDACTED] stated she wanted people to come to town and visit but it is difficult with the parking situation for her to have family and friends visit. Ms. Colby indicated that she has to plan ahead because otherwise her guests have nowhere to park. Ms. Colby indicated that people throw garbage on her lawn and park in front of her driveway blocking her exit.

Council President Kadish discussed that the Township would be meeting with the various government entities to try and come up with a viable solution to this problem. Council President Kadish indicated that everyone was enthusiastic about addressing the problem.

Teresa Vhiti, [REDACTED] indicated that she too is having issues with people throwing garbage in front of her home as well as urinating on the lawn. Ms. Vhiti asked if signs can be placed in front of her home. Ms. Vhiti indicated that her mailbox is regularly blocked so she is unable to get mail and she has come out to children playing in her driveway.

Chris Bruden, [REDACTED] indicated that he policed the area regularly and cleaned up the walk ways as well as put out a 5 gallon garbage pail. Mr. Bruden suggested asking some of the websites to take down the advertising.

Chief Mills indicated he was looking forward to the meeting and finding solutions for this problem. Chief Mills noted extra officers will be working the area.

Michele Brove stated she lived on [REDACTED]. Ms. Brove suggested posting something positive on Facebook. Ms. Brove suggested residents only parking. Chief Mills expressed concern over limiting access to public roads.

Bill Perkins, [REDACTED] stated he opposed the township purchasing the corner house on Carol which was in foreclosure to make it into a parking lot.

Jessi Paladini stated that many years ago parking lots were promised. Chief Mills indicated at that time property was available for a lot but local residents were opposed to it. Discussion ensued that the money for that project was no longer available from the federal government.

Heather Miller on [REDACTED] commended the police department for listening to every complaint. Ms. Miller stated that she is concerned about having her children play outside. Ms. Miller expressed concern about people making U-turns in her driveway. Chief Mills indicated it was acceptable for her to put cones across her driveway and to leave her car there.

Bill Perkins stated these are quality of life issues which did not seem fair for the residents to have to deal with.

Marie Capazone, stated the neighboring streets were also filled with cars. Ms. Capazone supported a parking lot being built. Council President Kadish suggested if a lot was built to indicate when the lot was full like other places did and encourage people to come back at a later date.

### **PUBLIC COMMENT:**

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

MOTION: Jean Murphy

SECOND: Sandra Ooms

All members were in favor.

Ed Snook, Chairman of the MUA, stated the MUA needs a resolution to go to the DEP to study the whole map. Council President Kadish indicated the Council was looking for a cost feasibility study for the project. Mr. Snook indicated that the MUA would like to get the map approved and then once that is done they will do a study. Council Member Rizzuto indicated that he did not believe the MUA needed approval from the Council to do a study. Mr. Snook stated to do a study of the entire map would be very costly. Council President Kadish expressed concerns of approving a map without know if it was cost effective.

Jim Nunemaker, [REDACTED] questioned when was Lake Wallkill Road going to be repaved. Mr. Nunemaker indicated that people were driving down the middle of the road to avoid the potholes. Mr. Nunemaker stated this was a safety issue particularly because of the large trucks on the road. Mr. Nunemaker indicated New York had paved their portions of the road and he wanted to see the last section completed.

Gary Martinsen expressed concern over the large amount of Sherriff's sales in the newspaper on Sunday.

### **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.

### **PRESENTATIONS**

#### Historic Scenic By-way

Historic Society President Jessica Paladini came forward.

Ms. Paladini explained that the Western Highlands Scenic By-way was originally approved by the Vernon Township Council in 2010 and originally planned for Route 23 and Route 94 to the state line making an extended loop. It was extending to Vernon Crossing Road and Sandhill and was declared the 8<sup>th</sup> official by-way on July 29, 2014. Ms. Paladini stated the by-way began as the brainchild of Dennis Miranda, Carol Gunn Kadish and herself. Ms. Paladini indicated that in 2013, the Historic Society had made maps of the by-way. Ms. Paladini stated the Historic Society was going to have a photo contest for the scenic byway. Ms. Paladini stated the New Jersey Department of Transportation will provide funding. Ms. Paladini stated the by-plan, like a master plan, will be made by the Vernon Historic Society and certified by the Board. Ms. Paladini stated the logo was designed by Eva Bonna. Ms. Paladini indicated signs would be marked all along the route and Ms. Cindi Bloom was the state representative.

### **MAYOR'S REPORT**

- Mayor Shortway stated that he would like to have Sammis Road and Lake Wallkill Road paved this summer.
- Mayor Shortway stated he needs to meet with various different prospective businesses that need water and sewers. Mayor Shortway stated there is potential restaurant also coming, indicating he would like to see ratables and jobs.

- Mayor Shortway indicated he had met with Chief Mills to discuss the overcrowded parking situation and they are working on both short and long term solutions. Mayor Shortway stated the new hikers on the trail want to hike the trail during the day and then arrive in a town to stay in a hotel along the way. Mayor Shortway indicated that he would like to make a new trail head and connect a boardwalk to the existing boardwalk and add parking in the that location.
- Mayor Shortway noted that Legends has a number of outstanding tax liens and that there is large amount owed. Mayor Shortway noted that the State Fire Marshal, township fire marshal and zoning have been looking at the property as people appear to be living their long term.
- Mayor Shortway indicated that Taste of Vernon is an outstanding success.

### **APPROVAL OF MINUTES**

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

Regular Meeting Minutes of February 22, 2016

MOVED: Patrick Rizzuto  
 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 approve minutes.

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

Regular Meeting Minutes of March 7, 2016

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 approve minutes.

### **RESOLUTIONS REQUIRING SEPARATE VOTE**

16-123 Recognizing Municipal Clerk's Week

Council Member Murphy read the below proclamation. Clerk Kirkman was presented with a bouquet of flowers and thanked for her service to the Township.

It was moved and seconded as noted below to adopt resolution 16-123.

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  
 ABSTAIN: None  
 ABSENT: None

Motion carried to approve resolution #16-123.

**TOWNSHIP OF VERNON**

**Resolution #16-123**

**RECOGNIZING MUNICIPAL CLERK'S WEEK**

**WHEREAS**, a Municipal Clerk is a professional who provides continuity in government from administration to administration, seeing to it that the business of local government continues uninterrupted while providing experienced and dedicated public service to the governing body, colleagues and residents; and

**WHEREAS**, one of the oldest positions of public servants in local government, the Municipal Clerk's Office was established when the early colonists came to America and began setting up forms of local government; and

**WHEREAS**, a Municipal Clerk has core duties prescribed by state statute, including but not limited to 1) acting as secretary to the municipal corporation; 2) acting as secretary to the governing body; 3) serving as chief administrative officers in all elections; 4) serving as chief registrar of voters in their municipality; 5) serving as the administrative officer responsible for accepting and issuing various licenses and permits; 6) serving as coordinator and records manager; and 7) performing other such duties as are imposed by statute, regulation of municipal ordinance or resolution; and

**WHEREAS**, in recognition of Municipal Clerk's Week (May 1-7, 2016), the Municipal Council of the Township of Vernon wishes to recognize its Municipal Clerk, Lauren Kirkman, and her staff for their outstanding services with which they provide to our community.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that while recognizing the importance of its role and functions of the Municipal Clerk's Office and the impact it has on the public, that it salutes its Municipal Clerk and the Clerk's Office for their dedication and commitment to Vernon Township's local government; and

**BE IT FURTHER RESOLVED**, that the Municipal Council of the Township of Vernon recognizes all New Jersey's Municipal Clerks and their staff members for their service to their respective local governments and calls upon other communities to join them in recognizing their Municipal Clerks and staff members the week of Municipal Clerk's Week, May 1-7, 2016.

**CONSENT AGENDA**

Council President Kadish gave a brief explanation of Resolutions #16-121 - #16-132 with the exception of 16-123.

Council Member Kadish asked for a motion to adopt #16-121 through #16-132 with the exception of 16-123.

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  
ABSTAIN: None  
ABSENT: None

Motion carried to adopt resolutions #16-121 - #16-132 with the exception of 16-123.

**RESOLUTION #16-121**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND  
APPROPRIATION AMENDING THE 2016 BUDGET AS A REVENUE AND  
APPROPRIATION OF \$2,000.00**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township has been awarded a \$2,000.00 2016 Sustainable Jersey Small Grant Fund from Public Service Enterprise Group (PSEG); and wishes to amend its 2016 budget for this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,000.00 which is now available as a revenue from PSEG and;

**BE IT FURTHER RESOLVED** that a like sum of \$2,000.00 is hereby appropriated under the caption Sustainable Jersey Small Grant.

#### **RESOLUTION #16-122**

#### **CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2016 BUDGET AS A REVENUE AND APPROPRIATION OF \$65,000.00**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township has been awarded a \$65,000.00 New Jersey Safe and Secure Communities Grant Program from New Jersey Department of Law and Public Safety; and wishes to amend its 2016 budget for this amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$65,000.00 which is now available as a revenue from New Jersey Department of Law and Public Safety and;

**BE IT FURTHER RESOLVED** that a like sum of \$65,000.00 is hereby appropriated under the caption Safe and Secure Grant.

#### **RESOLUTION #16-124**

#### **RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON AUGUST 7, 2016, WITHIN THE TOWNSHIP OF VERNON**

**WHEREAS**, N.J.S.A.21:3-1et seq. Explosive and Fireworks, provides that a Municipal Governing Body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the New Jersey Fire Prevention Code; and

**WHEREAS**, Highland Lakes Country Club and Community Association has submitted an application to Vernon Township to conduct a fireworks display on August 7, 2016 with a rain date of August 14; and

**WHEREAS**, the proposed fireworks display will take place at Lakeside Drive East at 8:45 pm (dusk); and

**WHEREAS**, the Highland Lakes Country Club and Community Association has engaged in a contract with Garden State Fireworks, Inc., to perform the private fireworks and special effects display and has provided the required certificate of liability insurance.

**NOW THEREFORE BE IT RESOLVED**, that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display, performed by Garden State Fireworks, Inc. and sponsored by the Highland Lakes Country Club and Community Association on August 7, 2016, with a rain date of August 14, upon satisfaction of all statutory and departmental requirements.

**RESOLUTION #16-125**

**REFUND FOR OVERPAYMENT OF PROPERTY TAXES Block 82, Lot 8**

**WHEREAS**, the Tax court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

**WHEREAS**, total 2015 property taxes have been paid on this property, and

**WHEREAS**, this reduction in assessment has resulted in an overpayment of 2015 property taxes.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon that the treasurer be authorized to issue a refund check to Richard P. DeAngelis, in trust for Empire TFI Jersey Holdings LLC in the amount of \$31,170.82 for overpayment of 2015 property taxes on Block 82 Lot 8, also known as [REDACTED]

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

**RESOLUTION 16-126**

**REFUND FOR OVERPAYMENT OF PROPERTY TAXES (Block 151.19 Lot 30)**

**WHEREAS**, the Tax court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

**WHEREAS**, total 2013 property taxes have been paid on this property, and

**WHEREAS**, this reduction in assessment has resulted in an overpayment of 2013 property taxes.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon that the Treasurer be authorized to issue a refund check to Andrew S. Kessler, in trust for HO Property, LLC in the amount of \$297.08 for overpayment of 2013 property taxes on Block 151.19 Lot 30, also known as [REDACTED]

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

**RESOLUTION #16-127**

**AUTHORIZING EMERGENCY DEMOLITION CONTRACT  
TO EARTH-TEC ASSOCIATES FOR THE DEMOLITION OF UNSAFE DWELLING  
DUE TO STRUCTURE FIRE ON ROUTE 565**

**WHEREAS**, emergent circumstances arose which required Vernon Township to award an emergency contract pursuant to N.J.S.A. 40A:11-6 without publicly advertising for bids or soliciting quotes as the emergency affected the public health, safety and welfare, requiring the immediate performance of services; and

**WHEREAS**, on April 21, 2016, a home located on Route 565 near the intersection of Armstrong Drive, Vernon, NJ 07462, was deemed unsafe due to a structure fire at that location; and

**WHEREAS**, The Fire Marshal had determined that this structure presented an imminent hazard of collapsing into the roadway; and

**WHEREAS**, The Mayor, Business Administrator, DPW Director and Qualified Purchasing Agent were present and/or made aware of this emergent need on April 21, 2016, thus the need for invoking N.J.S.A. 40A:11-6.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor is authorized to execute an emergency contract with Earth-Tec Associates, Inc., P.O. Box 941, Vernon, NJ 07462 for the demolition of the unsafe dwelling located on Route 565, Vernon NJ for an amount not to exceed \$8400.00.

#### **RESOLUTION #16- 128**

**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND 012023930 AS POSTED BY FIRST HARTFORD REALTY CORPORATION (“FHR CORP.”) RELATED TO IMPROVEMENTS FOR THE CVS PHARMACY DEVELOPMENT LOCATED AT ROUTE 94 AND MAIN STREET, BLOCK 144.01, LOTS 1, 2, 3, AND 4 IN THE TOWNSHIP OF VERNON, AND FURTHER ACCEPTING MAINTENANCE BOND SU30398 IN THE AMOUNT OF \$21,195.00 FROM FHR CORP.**

**WHEREAS**, First Hartford Realty Corporation, 149 Colonial Road, Manchester, Connecticut, posted Performance Bond 012023930 in the amount of \$1,207,829.20 to guarantee proper construction and installation of certain improvements associated with the construction of the CVS Pharmacy located at Route 94 and Main Street, Block 144.01, Lots 1, 2, 3, and 4 (“Property”) in the Township of Vernon (“Township”), Sussex County, New Jersey; and

**WHEREAS**, following final construction and installation of improvements, the Township Engineer conducted a site inspection of the Property and determined that said improvements were completed in accordance with the performance guarantee and are satisfactory; and

**WHEREAS**, in accordance to N.J.S.A. 40:55D-53, a resolution authorizing release of the Performance Bond is required by the Township Council; and

**WHEREAS**, based upon the foregoing, the Township Engineer recommends release of Performance Bond 012023930 in the full amount of \$1,207,829.20; and

**WHEREAS**, as a condition of release, the Township Engineer further recommends that the Township accept Maintenance Bond SU30398 in the amount of \$21,195.00 to assure proper post-construction maintenance as required by Chapter 330 of the Township Code entitled “Land Development.”

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

1. The Township hereby approves the improvements for the CVS pharmacy development located at Route 94 and Main Street, Block 144.01, Lots 1, 2, 3, and 4 which have been determined to be complete and satisfactory by the Township Engineer.

2. The Township hereby releases Performance Bond 012023930 in its entirety to First Hartford Realty Corporation, 149 Colonial Road, Manchester, Connecticut.

3. The Township hereby accepts Maintenance Bond SU30398 in the amount of \$21,195.00 from First Hartford Realty Corporation, 149 Colonial Road, Manchester, Connecticut which shall be for a period two (2) years from the date of adoption of this resolution.

4. Any and all outstanding engineering, escrow and/or legal fees, if any, shall be paid in full.

#### **RESOLUTION NO. 16-129**



**RESOLUTION ACCEPTING A NON-EXCLUSIVE, PERPETUAL ACCESS AND MAINTENANCE EASEMENT OVER A PORTION OF BLOCK 144.01, LOT 1 IN THE TOWNSHIP OF VERNON RELATED TO A CERTAIN LIGHT POLE CONSTRUCTED AS PART OF THE CVS PHARMACY DEVELOPMENT**

**WHEREAS**, First Hartford Realty Corporation (“Developer”) previously received Major Site Plan and Major Subdivision approval along with Ancillary Variance Relief and Exceptions from the Vernon Township Land Use Board (“Board”) to construct a CVS Pharmacy and associated parking on property designated as Block 144.01, Lots 1, 2, 3 and 4 on the Official Tax Maps for the Township of Vernon (“Township”) more commonly known as Route 94 and Main Street; and

**WHEREAS**, the approved development, among other things, provided for the construction of a light pole and associated appurtenances in the plaza area located in the northwest corner of Block 144.01, Lot 1 at the intersection of Route 94 (also known as McAfee Vernon Road) and Main Street (collectively, the “Plaza Area”); and

**WHEREAS**, the Developer desires to grant the Township a non-exclusive, perpetual access and maintenance easement over the portion of the Plaza Area on Lot 1 as depicted on the Major Subdivision Plat for CVS Health Corporation, #302, 304, 306 & 310 Route 94, Block 144.01, Lots 1, 2, 3 & 4, Vernon Township, Sussex County, New Jersey prepared by Blue Marsh Associates, Inc. Land Surveyors and Planners dated October 17, 2014, last revised April 1, 2015 and recorded in the Sussex County Clerk’s Office on June 22, 2015 as Map 1477, to permit the location, access and maintenance of the light pole described therein; and

**WHEREAS**, the Township desires to assume responsibility for the maintenance and repair of the light pole and the easement area as described more particularly in the Deed of Easement attached hereto as **Exhibit A**; and

**WHEREAS**, the Board attorney and Township Engineer determined that the Deed of Easement is acceptable and recommend that same be signed and returned to the Developer for filing; and

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

1. The Township hereby accepts the non-exclusive and perpetual easement for access and maintenance over the portion of the Plaza Area on Lot 1 specified within the metes and bounds descriptions described in the attached Deed of Easement between the Developer and the Township.
2. The Mayor is authorized and directed to execute the attached Deed of Easement, and the Municipal Clerk, is authorized and directed to attest to any and all documents, and to perform all actions, which may be necessary in order to effectuate the intentions of this Resolution.

**RESOLUTION #16-130**

**AUTHORIZING PROFESSIONAL SERVICE CONTRACT WITH LIFELOCK, INC. FOR RENEWAL OF IDENTITY THEFT PROTECTION FOR ELIGIBLE MUNICIPAL EMPLOYEES**

**WHEREAS**, there exists a need of a Professional Service Contract for the Township of Vernon for the renewal of Identity Theft Protection for previously registered Municipal Employees; and

**WHEREAS**, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

**WHEREAS**, the Township has determined that LifeLock, Inc. 60 E. Rio Salado Parkway, Suite 400, Tempe, Arizona 85281, the Township’s current contractor providing these services, is qualified to continue providing the Township with such services; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose in Account#10570196 subject to the adoption of the 2016 Municipal Budget; and that the value of the contract will exceed \$17,500.00; and

WHEREAS, the term of the contract is from June 1, 2016 to May 31, 2017, with a contract price not to exceed \$19,350.00; and

WHEREAS, LifeLock, Inc. has completed and submitted a Business Entity Disclosure Certification in compliance with applicable law.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of contract to Lifelock, Inc., pursuant to a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. to provide Identity Theft Protection in accordance with the attached contract for Professional Services.

**BE IT FURTHER RESOLVED**, that the award of contract shall be contingent upon the completion and receipt of the following:

- (a) A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
- (b) Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.; and
- (c) New Jersey Business Registration Certificate; and
- (d) Upon the aforementioned professional being a member in good standing in his respective profession.

**BE IT FURTHER RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Municipal Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

#### **RESOLUTION #16-131**

#### **AWARDING A CONTRACT TO EM ELECTRICAL CONTRACTORS LLC TO PERFORM ELECTRICAL WORK IN THE SECURE POLICE IMPOUND BUILDING**

**WHEREAS**, the Township of Vernon has a need to have electric service in the newly constructed Police Impound Building; and

**WHEREAS**, quotes were solicited and two were received by the Department of Public Works Director; and

**WHEREAS**, the two respondents were EM Electrical Services LLC, 80 Merriam Avenue, Newton NJ 07860 with a quote of \$13,500.00 and Jet Electrical Services, 5454 Berkshire Valley Road, Oak Ridge, NJ 07438 for \$13,730.00; and

**WHEREAS**, the DPW Director recommends awarding a contract to EM Electrical Contractors LLC, with the lowest quote of \$13,500.00.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor is authorized to execute a contract with EM Electrical Services LLC, 80 Merriam Avenue, Newton NJ 07860 to perform electrical work at the newly constructed Police Impound Building.

#### **RESOLUTION #16-132**

#### **AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SPECIAL PLANNING SERVICES FOR THE TOWNSHIP OF VERNON**

**WHEREAS**, there is a need for Special Planning Services for 2016 regarding Affordable Housing, Highlands Plan Conformance Grant and TDR Grant already awarded to Vernon ; and

**WHEREAS**, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

**WHEREAS**, said specified professional services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

**WHEREAS**, the Township of Vernon is desirous to award an agreement with Jessica Caldwell of the firm, J. Caldwell & Associates, LLC 122 Main Street, Suite 104, Newton, NJ 07860, as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

**WHEREAS**, the Chief Finance Officer has certified that funds are available for this purpose; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of a Professional Service Contract to J. Caldwell & Associates, LLC, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Special Planning Services.

**BE IT FURTHER RESOLVED**, that the award of contract shall be contingent upon the completion and receipt of the following:

1. A fully-executed Professional Services Contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate,
2. Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq. and
3. New Jersey Business Registration Certificate.

**BE IT FURTHER RESOLVED**, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contract for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution

## **INTRODUCTION/1st READING OF ORDINANCES**

### **Ordinance #16-09**

Council President Kadish read Ordinance #16-09 by title only:

An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Accepting Public Improvements Constructed For the CVS Pharmacy Development, And Further Accepting Deeds Of Right-Of-Way Dedication For Portions Of Properties Designated As Block 144.01, Former Lots 1 And 4, As Said Lots Existed Prior To Subdivision

Council President Kadish asked for a motion to Introduce Ordinance #16-09 with a public hearing to be held on May 23, 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  
ABSTAIN: None  
ABSENT: None

Motion carried to introduce ordinance 16-09 with a public hearing to be held on May 23, 2016.

### **Ordinance #16-10**

Council President Kadish read Ordinance #16-10 by title only:

An Ordinance Of The Township Of Vernon In The County Of Sussex, New Jersey Authorizing The Purchase Of Various Equipment And Repairs In, By And For The Township Pursuant To N.J.S.A. 40:56-1 And Appropriating Therefore The Sum Of \$30,000.00 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Account Of The Township

Council President Kadish asked for a motion to introduce Ordinance #16-10 with a public hearing to be held on May 23, 2016.

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 introduce ordinance 16-10 with a public hearing to be held on May 23, 2016.

### **Ordinance #16-11**

Council President Kadish read Ordinance #16-11 by title only:

An Ordinance Granting Municipal Historic Designation To Certain Property In The Township Of Vernon

Council President Kadish asked for a motion to introduce Ordinance #16-11 with a public hearing to be held on June 13, 2016.

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 introduce ordinance 16-11 with a public hearing to be held on June 13, 2016.

Historical Preservation Commission Chair Charles Bates commented that there are three steps to designate a property as historical. One was to be accepted by the Land Use Board which this has been, the second was for the Council, the third was to send it back to the Land User Board for the Master Plan. Chair Bates indicated that this application took nearly seven years to get the church to agree to same. Chair Bates encouraged everyone to read the list of burial names.

### **Ordinance #16-12**

Council President Kadish read Ordinance #16-12 by title only:

An Ordinance Amending Section 250-21 of the Code of the Township Of Vernon Regarding Re-occupancy Inspections

Council President Kadish asked for a motion to introduce Ordinance #16-12 with a public hearing to be held on May 23, 2016.

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 introduce ordinance 16-12 with a public hearing to be held on May 23, 2016.

### **Ordinance #16-13**

Council President Kadish read Ordinance #16-13 by title only:

An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Accepting Deed Of Right Of Way Dedication For A Portion Of Property Designated As Block 194.05, Lot 14 Located Along Mountain Trail And Meadow Lane

Council President Kadish asked for a motion to introduce Ordinance #16-13 with a public hearing to be held on May 23, 2016.

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 introduce ordinance 16-13 with a public hearing to be held on May 23, 2016.

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

Council President Kadish read Ordinance #16-07 by title only:

**Ordinance #16-07:** An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Establishing The Eligibility Of Commercial And Industrial Structures For Up To Twenty (20) Year Tax Exemptions And Abatements Pursuant To The Long Term Tax Exemption Law, N.J.S.A. 40a: 20-1, Et Seq.

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-07.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms  
All members were in favor.

Gary Martinsen stated he was happy to see the time frame for PILOT (payment in lieu of taxes) agreements was reduced to 20 years. Mr. Martinsen stated he also felt additional claw back could be added if the developer did not meet certain benchmarks. Mr. Martinsen said they could be done later but there was no guarantee they would be done later.

Council President Kadish asked for a motion to close the public hearing for Ordinance #16-07.

MOVED: Jean Murphy  
SECONDED: Dick Wetzel  
All members were in favor.

Council President Kadish asked for a motion for adopt Ordinance #16-07.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Dan Kadish

NAYES: Patrick Rizzuto, Dick Wetzel w/comments

ABSTAIN: None

ABSENT: None

Council Member Rizzuto indicated that existing ordinance was acceptable. Council Member Wetzel concurred with Council Member Rizzuto's statement.

Motion carried to adopt ordinance.

Council President Kadish read Ordinance #16-08 by title only:

**Ordinance #16-08:** An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey Authorizing The Sale Of Property Owned By The Township And Not Required For Public Purposes And More Commonly Known As Block 142.01, Lot 1

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-08.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms  
All members were in favor.

There was no comment from the public.

Council President Kadish asked for a motion to close the public hearing for Ordinance #16-08.

MOVED: Jean Murphy  
SECONDED: Sandra Ooms  
All members were in favor.

Council President Kadish asked for a motion for adopt Ordinance #16-08.

MOVED: Jean Murphy  
SECONDED: Dick Wetzel

A roll call was taken:

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

Council Member Rizzuto indicated that existing ordinance was acceptable. Council Member Wetzel concurred with Council Member Rizzuto's statement.

Motion carried to adopt ordinance.

### **COUNCIL COMMENTS**

Council Member Rizzuto stated he would like the sewer resolution on the agenda for the next meeting as the issue needs to be resolved.

Council Member Wetzel stated the Appalachian Trail issue is a double edged sword and they need to find a happy medium. Council Member Wetzel indicated the Township has a trail that attracts people and they have to make an alternative for parking.

Council Member Ooms stated she had no comments.

Council Member Murphy indicated in relation to the tree grant that when Resolution 13-223 was voted on by the Council, the original document included a payment of \$300 for the grant writer. At the April 11, 2016 Council meeting, the copy received by the Council now said \$6,000: \$3,000 for the grant writer and \$3,000 more over the four phases. Council Member Murphy stated it is a copy of the same resolution. Council Member Murphy noted the Council never voted to amend this resolution and change the amount. Council Member Murphy indicated to Council Member Rizzuto that he had every right to be on the Scenic Byway committee but the Council never voted for that appointment so if he was on the committee it would be as a private citizen.

Council Member Rizzuto responded that common sense would say there was an error with some kind of transcription error. Council Member Rizzuto stated he personally called the forester to find a list of trees. Council Member Rizzuto stated they can remove the word Council man from in front of his name for the scenic by-way.

Council Member Murphy stated you cannot arbitrarily change what is voted on.

### **ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Murphy, 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 9:23 p.m..

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Dan Kadish,  
Council President

Minutes approved: July 25, 2016