

Township of Vernon

TOWNSHIP COUNCIL MEETING

June 27, 2016

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, June 27, 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. Council Member Wetzel was absent.

SALUTE TO THE FLAG

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

PROCLAMATIONS:

Council President Kadish asked Mayor Shortway to read the following proclamations:

**Proclamation
Township of Vernon**

WHEREAS, since its establishment in 1911, the Eagle Scout Award represents the highest ranking within the Boy Scouts of America; and

WHEREAS, qualifying for this prestigious badge requires considerable perseverance, hard work and dedication which few scouts attain; and

WHEREAS, Lucas Avagnano, a member of Boy Scout Troop 283 in Vernon, has proudly been involved in many community service projects and has earned 34 merit badges, the Conservation Award, the Mile Swim Award and the National Outdoor Award for Camping, Aquatics & Hiking; and

WHEREAS, Lucas, has fulfilled his major community project by designing and constructing a new table for the Vernon Township Animal Control. The table, to be used at the bi-annual Rabies Clinics, is a lightweight, portable table created with expandable ramps and is easily accessible for dogs getting their vaccinations.

WHEREAS, through hard work, loyalty, community service and helpfulness Lucas Avagnano has realized his goal of achieving the rank of *EAGLE SCOUT* in December 2015.

NOW, THEREFORE, BE IT PROCLAIMED by the Township of Vernon that sincerest congratulations are hereby extended to

Lucas Avagnano

for his commendable achievement in receiving the prestigious Eagle Scout Badge Award as a Member of Boy Scouts Troop 283

**Proclamation
Township of Vernon**

WHEREAS, since its establishment in 1911, the Eagle Scout Award represents the highest ranking within the Boy Scouts of America; and

WHEREAS, qualifying for this prestigious badge requires considerable perseverance, hard work and dedication which few scouts attain; and

WHEREAS, Dylan Scheidle, has been involved with the Cub Scouts and Boy Scouts for over 12 years. Dylan has volunteered many hours throughout the community collecting donations for food drives, road cleanups as well as other service projects.

WHEREAS, Dylan, a member of Boy Scout Troop 404 in Vernon, has fulfilled his major community project by designing and building a fire-pit and seating arrangement, over 100 hours of service, at the St. Francis de Sales Church with the assistance of his peers and family.

WHEREAS, through hard work, loyalty, community service and helpfulness, Dylan has realized his goal of achieving the rank of *EAGLE SCOUT* on September 29th, 2015.

NOW, THEREFORE, BE IT PROCLAIMED by the Township of Vernon that sincerest congratulations are hereby extended to

Dylan Scheidle

for his commendable achievement in receiving the prestigious Eagle Scout Badge Award as a Member of Boy Scouts Troop 404.

Council Member Rizzuto stated he wished to again voice his objection to a police officer being present at the Council Meeting as he felt this was intimidation.

PUBLIC COMMENT:

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

MOTION: Patrick Rizzuto

SECOND: Jean Murphy

All members present were in favor.

Laurie Studley stated that on May 22 the Township hosted the Vernon Couch to 5K and she thanked the Board of Recreation and PAL staff as well as the Vernon Police Department, Ambulance Squads and Girls for all their hardwork on the Run. Ms. Studley said that the reasons for participating were varied. Ms. Studley noted the Couch to 5K began five (5) years ago. Ms. Studley discussed how wonderful the event was and thanked the volunteers.

Tony Chilli, stated she was from the Sussex side of Vernon. Ms. Chilli thanked the Council for keeping calm at the last meeting. Ms. Chilli stated that bringing in businesses will help. Ms. Chilli said she felt the trail was a great idea, change is needed and sometimes change is scary. Ms. Chilli expressed support for purchasing the Masker property to connect Maple Grant to Canal Road noting it was the vision that people voted for. Ms. Chilli stated that there is a small group that would rather see the Mayor fail than benefit Vernon. Ms. Chilli stated she felt the Advertiser and the Aim had one sided versions of the story.

Andy Borsuk stated that in regards to the environmental commission that he was commending the Council for disbanding them because he felt they went to the extreme. Mr. Borsuk stated this had happened before in Vernon in 1976. Mr. Borsuk took exception to Ms. Budz statement that the Township was required to replace the trees that had been cut down as a result of the pipeline. Mr. Borsuk stated that in 1961, Vernon was mostly field and field and now they are 50 foot forests, the whole area was denuded because wood was cheap fuel; homes had six (6) fireplaces. Since 1900, the Northeast has gained 26 million acres of forest land. Mr. Borsuk pointed to the stone fences around forests in town noting that those were once farm fields. Mr. Borsuk opined that the tree grant was a total waste of money. Mr. Borsuk stated the Highlands Act also was a total waste as the water flow, follows gravity and they do not pay taxes for that land. Mr. Borsuk stated they should be paying a commercial rate for the restricted land. Mr. Borsuk indicated this act had affected him when he subdivided his farm as the stream on his property had changed direction and now requires a 300 foot buffer. Mr. Borsuk opined that a trout would not last in the stream even for a day.

Beverly Budz, stated that Vernon lost 53,000 trees that were torn out for the pipeline. Ms. Budz indicated that each tree absorbs 49 tons of carbon and it is important to have the trees. Ms. Budz stated she spent the morning walking the pipeline toady and there has been little to no regrowth in the last 4 years and that

22,000 feet of wetlands had vanished and dried up. Ms. Budz thanked Council President Kadish for going out four years ago to look. Ms. Budz suggested that the high pressured gas is raising the temperature. Ms. Budz stated the Environmental Commission could not be replaced. Ms. Budz claimed she had 1,143 signatures on a petition regarding it.

Jackie Espinoza of JCP&L stated that a helicopter would be flying around to inspect lines from July 1 through July 5.

Gary Martinsen congratulated the Eagle Scouts and stated he supported the fireworks as it was a great cause. Mr. Martinsen questioned the loan subordination proposed in resolution 16-163 indicating if there was a precedent and would there be a fair opportunity.

Christa Gerry stated it would be wonderful if everyone had a sprinkling of caring instead of being rude. Ms. Gerry stated she would like the allegations to cease and the farcical innuendos as it will damage the image of the town. Ms. Gerry stated she was inspired by Carol Gunn Kadish who is a dedicated environmentalist and asset to the township.

Victor Marotta, Glenwood stated there was never an abolishment of the Environmental Commission before. Mr. Marotta stated he want to thank the Environmental Commission for their efforts in the petition. Mr. Marotta said he has spoken with people when he was getting signatures and they are not happy. Ms. Gerry says one thing and then called me a tyrant. Mr. Marotta claimed that Ms. Chilli indicated Ms. Rinker didn't benefit from turning over the property. Mr. Marotta asked how in good conscious could the town pay money for a swamp. Mr. Marotta indicated that if you intend to purchase the property you are required to have the Environmental Commission review it. Mr. Marotta opined that people don't like the way this smells.

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: Sandra Ooms

SECOND: Jean Murphy

All Members present were in favor.

MAYOR'S REPORT

- Mayor Shortway stated that it has been six months since he took office. Mayor Shortway thanked the Council for their support. Mayor Shortway said he was addressing the issues of the Appalachian Trail. Council Member Murphy and Administrator Voelker were working on the issue of finding additional property for parking for the trail. Mayor Shortway stated there was a hope to expand on the 11 acres at the end of Black Creek.
- Mayor Shortway noted the environmental issue of Hamburg Mountain and the MUA sewer areas. Mayor Shortway stated that pump house 2 needs work, there is a 350 pound pump that needs to be removed from the building. Mayor Shortway stated that the MUA's engineer indicated the pump station was failing. Mayor Shortway noted that resolution 12-155 required the upgrades to the pump station to be made by July 2013, it was clear.
- Mayor Shortway indicated that Legends appeared to have persons living in it and this was in violation of the housing statute.
- Mayor Shortway stated he would like to see a Botanical Garden built at the Masker property rather than a parking lot.
- Mayor Shortway stated he was investigating purchasing security cameras for around the building and in this courtroom. Mayor Shortway indicated the Police had asked for this several times previously. Committee Member Rizzuto stated he did not agree. Mayor Shortway stated that he respected his opinion but this is a safety issue. Mayor Shortway shared that his grandfather had served in Okinawa but was killed in line of duty. Mayor Shortway stated Police Officers are not the enemy, they sacrifice their lives. Mayor Shortway stated Police Officers are sworn to uphold the constitution. Mayor Shortway stated the Supreme Court allows cameras, there is no valid reason to not have one. Mayor Shortway stated cameras can prove a person's innocence.
- Mayor Shortway indicated that the Township did not have the GAAC minutes on the Township's website because of the added costs but that he was going to include it on the Friends of Vernon website because there will be no charge.

- Mayor Shortway indicated that he had met with the Council President of Steamboat Springs, CO and discussed with him the development of a greenway as well as the economic benefits of having one in the Township.

APPROVAL OF MINUTES

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

Regular Meeting Minutes of April 25, 2016

MOVED: Sandra Ooms
 SECONDED: Jean Murphy

A roll call vote was taken:

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

Motion carried to approve minutes.

ITEMS FOR DISCUSSION

Bed and Breakfast(s)- Short term rentals.

Council President Kadish asked for Lou Tosto, Fire Marshal, to come forward. Mr. Tosto explained that the Township has Air B&B opening throughout the town. Mr. Tosto explained these are not registered facilities as required but they are a life hazard facility. Mr. Tosto noted that the Bed and Breakfasts in town are all licensed. Mr. Tosto indicated there are currently 8-12 of these facilities and they need to be investigated because they do not meet UCC of Fire Codes and that poses a concern. Council President Kadish expressed concern over discouraging Bed and Breakfasts from opening but noted the fire code issue. Mr. Tosto explained these places need to be registered and that an investigation would require weekend work. Mr. Tosto stated that at first they could probably go out twice a month; the properties need the required fire system if they rent it out it must meet the fire codes. Mr. Tosto also noted that if there is a rooming house in operations that it requires a sprinkler system. Attorney Ursin expressed that making a bed and breakfast out of a residential home is changing the character of the neighborhood. Mr. Ursin indicated that this is a wide-spread problem and that the Township must look at the intersection of fire codes and zoning. Mr. Ursin indicated that most of the properties are not zoned to be a bed and breakfast and it was not acceptable to take vacant homes and turn them into weekend party houses. Mr. Ursin expressed that the issue with zoning the Township must look to see if short term rentals will be permitted. Council President Kadish questioned if there were Americans with Disabilities Acts with this as well. Attorney Ursin indicated this issue is secondary to the fact that they are not zoned for this use. Attorney Ursin said if they were properly zoned for the use then hotel tax would also be due. Council Member Ooms questioned how the Township would find out if properties were being used for Bed and Breakfasts. Mr. Tosto indicated that residents print out the advertisements from various websites and sent it in. Attorney Ursin stated he would review the various sections of the Township Code in regards to the issues discussed and send them to the Council.

CONSENT AGENDA

Council President Kadish gave a brief explanation of Resolutions #16-161 - #16-170.

Council Member Kadish asked for a motion to adopt #16-161 through #16-170.

MOVED: Jean Murphy
 SECONDED: Sandra Ooms

A roll call vote was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dan Kadish
 NAYES: None

ABSTAIN: None
ABSENT: Dick Wetzel

The Council requested clarification of Resolution 16-163 which the Township Attorney explained was continuing the Township's loan priority as second after the homeowner refinanced the property.

Motion carried to adopt resolutions #16-161 through #16-170.

**RESOLUTION #16-161
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
ADDENDUM FOR RECREATION ADMINISTRATIVE SERVICES TO THE
VERNON TOWNSHIP POLICE ATHLETIC LEAGUE (PAL)**

WHEREAS, the Vernon Township Police Athletic League (PAL) is an established administrator and provider of recreation programs for the Township;

WHEREAS, there is a need to clarify the wording of the contract for additional Township recreational program activities to the PAL relating to insurance requirements;

NOW, THEREFORE BE IT RESOLVED that the Mayor or Business Administrator and Township Clerk are authorized to execute a contract addendum with the Vernon Township.

RESOLUTION #16-162

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON JULY 2, 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 and Vernon Fire Departments have submitted an application to Vernon Township to conduct a fireworks display on July 2, 2016 with a rain date of July 3, 2016; and

WHEREAS, the proposed fireworks display will take place at the Lounsberry Hollow Middle School grounds at dusk; and

WHEREAS, the Highland Lakes and Vernon Fire Departments have engaged in a contract with Garden State Fireworks, Inc., to perform the public 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 and Vernon Fire Departments on July 2, 2016, with a rain date of July 3, 2016 upon satisfaction of all statutory and departmental requirements.

RESOLUTION #16-163

**AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN
A LOAN SUBORDINATION AGREEMENT ON BEHALF OF
NATIONSTAR MORTGAGE, LLC AND LAURIE MOORE
FOR BLOCK 154.08 LOT 57**

WHEREAS, The Township of Vernon is a mortgagee for Laurie Moore for home improvements for property located at [REDACTED] Block 154.08 Lot 57, as shown on the current tax map of Township of Vernon, in the amount of \$14,960.00 from the Vernon Township Housing Rehabilitation Program; and

WHEREAS, Laurie Moore desires to refinance her first mortgage with Nationstar Mortgage, LLC, 4000 Horizon Way, Irving, TX 75063, which requires a loan subordination agreement from the Township of Vernon; and

WHEREAS, the Township Attorney has reviewed the agreement and recommends it is in the best interest of Vernon to permit the refinance of the existing first loan on the subject property and to execute the agreement.

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

1. The Mayor and Township Clerk of the Township of Vernon, be and hereby are authorized and directed to execute said Loan Subordination Agreement.
2. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #16-164

AUTHORIZING THE MAYOR AND CLERK TO SIGN A CONTRACT BETWEEN HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY FOR OPTION OF OMNIA 3 PLAN FOR TOWNSHIP OF VERNON EMPLOYEES

WHEREAS, the Township of Vernon ("Township") has a desire to offer an optional OMNIA 3 plan of health insurance from Horizon Blue Cross Blue Shield for its employees; and

WHEREAS, the Township desires to execute the contract between the Township and Horizon Blue Cross Blue Shield of New Jersey; and

WHEREAS, Horizon had submitted a contract, detailing all of the benefits, conditions and costs for the OMNIA 3 plan for the period effective July 1, 2016 through December 31, 2016; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 the New Jersey Local Pay-to-Play Law and pursuant to N.J.S.A. 40A:11-5(1)(a)(1) of the New Jersey Local Public Contracts Law, the Township may amend said Agreement without public bidding provided all reporting requirements have been met; and

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

1. The Mayor and Clerk of the Township of Vernon is hereby authorized to sign contract for the OMNIA 3 option plan with Horizon Blue Cross Blue Shield of New Jersey effective July 1, 2016 through December 31, 2016.
2. This Resolution shall take effect immediately upon passage in accordance with law.

RESOLUTION 16-165

AUTHORIZING PLACEMENT OF A BANNER ACROSS BREAKNECK RD.

WHEREAS, **The Christ Community Church** has requested permission from the Township Council to place 1 banner across Breakneck Rd to promote the Vacation Bible School and

WHEREAS The Christ Community Church has requested to place a banner across Breakneck Rd from July 1, 2016 through August 1, 2016 and the banner will be 18' long by 3' wide thereafter they will promptly remove them; and

WHEREAS, the Township Code Enforcement Officer has advised that pursuant to the Vernon Township Code 330-180 that the placing of banner of this size and character requires permission of the Council for their placement.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that the Christ Community Church is granted permission to place 1 banner across Breakneck Rd to promote the Vacation Bible School, from July 1, 2016 to August 1, 2016, in association with the Christ Community Church provided all other requirements of Township Code 330-180 are followed.

RESOLUTION #16-166

**REFUNDS FOR OVERPAYMENTS OF RE – OCCUPANCY & SMOKE DETECTOR
CERTIFICATION APPLICATION FEE**

BE IT RESOLVED, that the Council of the Township of Vernon authorizes the Chief Financial Officer to refund the amount of \$180.00 to A. Larsen, as this inspection was not completed.

BE IT FURTHER RESOLVED, that the Council of the Township of Vernon authorizes the Chief Financial Officer to refund the amount of \$130.00 to K. Andersen, as this represents a duplicate payment.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Chief Financial Officer and Fire Marshal.

RESOLUTION #16-167

REFUND FOR OVERPAYMENT OF TAXES (2016)

BE IT RESOLVED, the Council of the Township of Vernon authorizes the Tax Collector to refund the following overpayments of 2nd quarter 2016 property taxes:

<u>Block/Lot</u>	<u>Property Location</u>	<u>Amount</u>	<u>Payee/Mailing Address</u>
31 7	[REDACTED]	\$3,408.00	FT Farm, LLC [REDACTED]
85.16 26	[REDACTED]	\$1,057.52	Carmella Giello [REDACTED]
205.23 1	[REDACTED]	\$830.84	Equity Settlement Svcs. [REDACTED]
200.20 15	[REDACTED]	\$1,578.49	Max Title Agency (MAX-1115-16) [REDACTED]
205.22 11	[REDACTED]	\$2,007.51	FNMA, In Trust for Stiles & Stiles [REDACTED]
170.11 5	[REDACTED]	\$2,119.00	Safeland Title Agency [REDACTED]
204.03 63	[REDACTED]	\$1,448.74	Cardinal Title Agency [REDACTED]
199.08 36 Balasarre C0261	[REDACTED]	\$843.69	Eric Wood Esq., In Trust for Anthony [REDACTED]
199.02 11 C0004 91706	1 [REDACTED]	\$513.04	Seterus c/o Lereta LLC, [REDACTED]

And, the following overpayments of 1st quarter 2016 property taxes:

<u>Block/Lot</u>	<u>Property Location</u>	<u>Amount</u>	<u>Payee/Mailing Address</u>
103.11 10	[REDACTED]	\$1,908.41	Elite Title Group, LLC [REDACTED]

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

RESOLUTION #16-168

REFUND FOR OVERPAYMENT OF TAXES (2015)

BE IT RESOLVED, the Council of the Township of Vernon authorizes the Tax Collector to refund the following overpayments of 4th quarter 2015 property taxes:

<u>Block/Lot</u>	<u>Property Location</u>	<u>Amount</u>	<u>Payee/Mailing Address</u>
150.09 4	[REDACTED]	\$2,264.87	Signature Closing Services, LLC [REDACTED]
NJ 07950 260.18 13	[REDACTED]	\$1,938.00	Edward Woods, c/o Richard Ralph Esq. [REDACTED]
199.08 34 C0233 76161-0250	[REDACTED]	\$899.87	Corelogic – Refund Dept. [REDACTED]
199.07 47 C0006 CA 91706	[REDACTED]	\$1,001.30	Advisors Mortgage Group [REDACTED]

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

RESOLUTION #16-169

**RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF VERNON
FOR THE 2016-2017 LICENSING TERM**

WHEREAS, all licenses to dispense alcoholic beverages must be renewed and reissued annually no later than June 30, 2016; and

WHEREAS, pursuant to N.J.S.A. 33:1-1 et. seq., the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

WHEREAS, all of the licenses have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2016-2017 licensing period effective as of July 1, 2016.

CLUB LICENSE

Wallkill Valley VFW Memorial Post #8441 1922-31-010-002

PLENARY RETAIL CONSUMPTION

Drew’s Tavern, Inc. (Lamp Post Inn) 1922-33-001-004
 FLME, Inc. (The George Inn) 1922-33-008-003
 JD Vernon Lodge & Inn, LLC 1922-33-009-004
 Smokeys Glenwood Grill, LLC (Smokeys Brick Oven Tavern) 1922-33-013-003

LIMITED RETAIL DISTRIBUTION

LWS2 Inc. (Lake Wanda Store) 1922-43-005-003

PLENARY RETAIL DISTRIBUTION

Highland General Store Inc. 1922-44-002-002
 Mac & Lindy’s LLC (Mac & Lindy’s Fine Wine & Spirits) 1922-44-012-001

BE IT FURTHER RESOLVED, that the following inactive licenses shall be renewed:

PLENARY RETAIL CONSUMPTION

Great Gorge Country Club Inc. (Golf course) 1922-33-003-007

RESOLUTION #16-170

**RENEWAL OF INACTIVE LIQUOR LICENSE (MOUNTAIN CREEK) REQUIRING
SPECIAL RULING IN THE TOWNSHIP OF VERNON FOR THE 2016-2017 LICENSING
TERM**

WHEREAS, all licenses to dispense alcoholic beverages must be renewed and reissued annually; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.39 the following license required a Special Ruling by the State Division of Alcoholic Beverages, as the license is currently inactive, prior to its renewal; and

WHEREAS, the State Division of Alcoholic Beverages, on July 8, 2014, had issued said special ruling for the 2014-15, 2015-16 and 2016-17 license terms; and

WHEREAS, pursuant to N.J.S.A. 33:1-1 et. seq., the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

WHEREAS, the licensee have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following inactive license shall be reissued for the 2016-2017 licensing period effective as of July 1, 2016.

PLENARY RETAIL CONSUMPTION

Mountain Creek Beverages Corp..

1922-33-007-014

MOTION

Council Member Ooms stated she would like to make a motion regarding the petition that had been submitted to the Township Clerk’s Office regarding ordinance 16-16. Council Member Ooms stated she would like to make a motion to hire Douglas Steinhardt to review the petition due to a possible conflict of interest with Mr. Ursin. Council Member Murphy noted that Mr. Steinhardt was the conflict MUA attorney. Council Member Murphy questioned if this could be done because it is not on the agenda.

Attorney Ursin stated that this could be done even though it was not agenda because Mr. Steinhardt already had been hired so just saying he is the conflict attorney on this is fine. Attorney Ursin noted the legal review of the Clerk’s issues would go to the attorney. Attorney Ursin stated it was fine because the Council should not be constrained by categories.

A motion to appoint Douglas Steinhardt as conflict attorney for the petition was made and seconded as follows:

MOVED: Sandra Ooms
SECONDED: Jean Murphy

A roll call vote was taken:
AYES: Jean Murphy, Sandra Ooms, Dan Kadish
NAYES: Patrick Rizzuto
ABSTAIN: None
ABSENT: Dick Wetzel

Motion carried to direct Douglas Steinhardt as conflict attorney for the petition.

INTRODUCTION/1st READING OF ORDINANCES

Ordinance #16-18

Council President Kadish read Ordinance #16-18 by title only:

BOND ORDINANCE MAKING A SUPPLEMENTAL APPROPRIATION OF \$90,000 FOR THE ACQUISITION OF VEHICULAR EQUIPMENT HERETOFORE AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW

JERSEY, AND AUTHORIZING THE ISSUANCE OF \$85,700 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH SUPPLEMENTAL APPROPRIATION

Council President Kadish asked for a motion to Introduce Ordinance #16-18 with a public hearing to be held on July 25, 2016.

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call vote was taken:

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

Motion carried to introduce ordinance 16-18 with a public hearing to be held on July 18, 2016.

PUBLIC HEARING/2ND READING OF ORDINANCES

Council President Kadish read Ordinance #16-14 by title only:

Ordinance #16-14: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey Authorizing Correcting The Zoning Map For Block 141 Lot 12.02 To Be Included In The C-3 Zone

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-14.

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

There were no comments from the public.

Council President Kadish asked for a motion to close the public hearing for Ordinance #16-14.

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

Council President Kadish asked for a motion for adopt Ordinance #16-14.

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion carried to adopt ordinance.

Council President Kadish read Ordinance #16-17 by title only:

Ordinance #16-17: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey Authorizing Purchase Of Real Property Commonly Known As 9 Wisteria Court And Identified As Lot 2, Block 92 On The Tax Map Of The Township Of Vernon

Council President Kadish asked for a motion to open the public hearing for Ordinance #16-17.

MOVED: Patrick Rizzuto
SECONDED: Jean Murphy
All members present were in favor.

Gary Martinsen stated that he did not understand why the Township had to purchase the property indicating that the township had an easement. Mr. Martinsen stated that easements could be purchased for this and other properties. Mr. Martinsen expressed concern over the price of the property as well; indicating he believed the bank was making money. Council Member Murphy advised that there is an easement already on this property and that it currently goes to someone's house. Council Member Murphy indicated a request to move the easement had been made and was denied.

Marika of Glenwood questioned when the first easement was granted. Council Member Murphy indicated it was about 2005.

Tammy Whitters stated that she lives in town and she supports the trail and the purchase of the property.

Diane Wexler handed out copies of Ordinance 00-16. Ms. Wexler claimed to have spoken with a lawyer and the money for the open space was placed in the farmland and open space trust. Ms. Wexler opined that the requirement to still have an open space committee existed indicating that the membership should be comprised of the township manager, which she noted the Township no longer had that position, so maybe it should be the township administrator, one conservationist, one member of the environmental commission, one at large member and one farmer. Ms. Wexler opined that the committee makes recommendations and as long as there is a trust there should be a committee. Ms. Wexler stated that ordinance cannot be voted on and a bike path is not permitted. Ms. Wexler stated that a new ordinance would need to be created and put on the ballot. Council President Kadish questioned if any such committee was in existence during the previous purchases for farmland preservation. Mr. Borsuk replied there was not. Council Member Murphy indicated the Township has an open space committee presently. Ms. Wexler stated that she was told there had been one in the past but that Mayor Carew had abolished it. Council Member Murphy noted that money had been expended even last year.

Beverly Budz stated that the last property that was purchased was in 2009. Ms. Budz claimed that the Township had spent over \$1 million on open space but it did not benefit the public. Ms. Budz stated she has had to push her way through to get onto these properties, maybe it could be a bird preservation. Ms. Budz claimed no one could even tell where they are like one in someone's backyard for \$325,000. Ms. Budz questioned Council Member Murphy as to how long it was that she was attempting to sell the Masker Marsh property. Council Member Murphy requested Ms. Budz bring forward the documentation she claimed she had. Ms. Budz claimed that Council Member Murphy was the Realtor for that property and she was very knowledgeable about the property and knows all about it. Ms. Budz claimed she could attest to that and that Ms. Murphy had told her all about the property. Ms. Budz claimed that her appointment to the Environmental Commission had terms and conditions which she considered about the Masker Marsh property. Ms. Budz stated that Ms. Murphy was very informative; she had the values for the property. Council Member Murphy indicated that she had the information because the assessments had changed. Council Member Murphy indicated that the property was assessed at \$292,000 but was down to \$183,000. Ms. Budz stated "you wanted me to sell it for \$325,000 but you were willing to take \$275,000." Ms. Budz stated that when we had lunch at the diner Council Member Murphy wanted \$275,000 and that was what she was supposed to go back to the Commission with that figure. Council President Kadish interrupted. Council Member Murphy asked to allow this to be put on the record. Council Member Murphy questioned when this supposedly occurred. Ms. Budz replied, I don't know, when was this... Ms. Budz claimed she would like to sit down and take a lie detector test. Council Member Murphy questioned where the documents were that Ms. Budz claimed she had. Council Member Murphy indicated the only lunch she had was regarding "Save our Skies" and about airplanes routing over Vernon. Ms. Budz stated Ms. Rinker gave her a letter. Council Member Murphy thanked Ms. Budz for putting that on the record. Ms. Budz stated the Township buys a lot of land that is not used so it should be cautious in buying property.

██████████ questioned the drive way and private access. Mayor Shortway indicated there would be a botanical garden but there would be a gate. Council Member Kadish questioned if this should be tabled before there is a vote to see if there should be an open space committee.

Council Member Murphy made a motion to adopt, noting the administrative code pointed to the Council as the open space committee. Council President Kadish questioned if the township could spend these funds.

Council Member Rizzuto stated the ballot was clear it was for farmland preservation not recreation. Council Member Kadish stated with preservation includes recreation. Council Member Rizzuto a surface was not included. Council Member Rizzuto stated recreation was not included. Council Member Rizzuto stated that the land use trust who guides people said those words are included. Council Member Rizzuto

stated he would support a motion to table this ordinance and have a workshop on the matter. Council Member Ooms noted that last year, when the previous Administration wanted to purchase Camp Sussex, none of this was an issue, now this year the same people are objecting to the purchase and claiming these rules apply. Council Member Ooms noted, buildings were being torn down and the use for the property was being changed for Camp Sussex and yet no one whispered a thing. Council Member Rizzuto stated Camp Sussex is not being discussed. Council Member Ooms indicated it was suspicious that last year this was no issue and now suddenly it is.

Council Member Rizzuto motion made a motion to table:

MOVED: Patrick Rizzuto

SECONDED: None

Council President Kadish stated he thought it may be an issue and he made a motion to table.

MOVED: Dan Kadish

SECONDED: Patrick Rizzuto

Attorney Ursin stated that if you were going to table this you should assign a date when you are going to table it to as this is a public hearing for the ordinance. Council President Kadish stated he was withdrawing his motion.

Council Member Rizzuto motion made a motion to table pending discussion with the conflict attorney to be acted on by the next meeting.

MOVED: Patrick Rizzuto

SECONDED: None

Council President Kadish stated he could not second the motion. Council Member Murphy made a motion to adopt and the township was making applications for grants, noting the property was only \$75,000. Council Member Ooms seconded it.

The Township Clerk noted there had not been a motion to close the public hearing.

Council President Kadish asked for a motion to close the public hearing for Ordinance #16-17.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

All members present were in favor.

Council President Kadish asked for a motion for adopt Ordinance #16-17.

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Dan Kadish

NAYES: Patrick Rizzuto

ABSTAIN: None

ABSENT: Dick Wetzel

Motion carried to adopt ordinance.

Council Member Rizzuto stated he felt this was a contravention.

COUNCIL COMMENTS

Council Member Rizzuto stated he had no comments.

Council Member Wetzel was absent.

Council President Kadish stated he thought this was serious issue and he would support a work session on the issue. Council President Kadish stated the bike path was important to the future. Council Member Rizzuto stated that Council Member Murphy was not allowing discussion. Council Member Rizzuto

suggested that Council President Kadish should go to the land use board and then recommendation to the Council. Council President Kadish ordinances can be resurrected word for word and expressed concern over the ordinance being challenged.

Council Member Murphy stated that a few properties were actually sold in Vernon noting 1.33 acres sold for \$65,000; 2.1 acres for \$80,000; 1.25 acres for \$100,000. Council Member Murphy the Realtor who spoke previously on this issue, indicated that he did not know what the situation one. Council Member Murphy indicated that in 2013 the property was assessed for \$296,000 which is more than most homes in Vernon. In 2015 it was assessed for \$234,100 and in 2016 it was assessed for \$183,900. Council Member Murphy discussed purchasing the property for \$70,000 and the possibility of getting grants from the Land Conservancy. Council Member Murphy requested a tally for all monies spent on open space including the Land Conservancy.

Council Member Ooms stated she was glad to see the bills list was going to be added to the website. Council Member Ooms indicated that the MUA meeting noting that the increased sewer rates would begin in 2017 and that they claimed it was because the Council did not approve the expansion. Council Member Ooms noted that the rates would have increased in 2017 regardless.

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 President Kadish with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:40 p.m..

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Dan Kadish,
Council President

Minutes approved: August 8, 2016