

TOWNSHIP OF VERNON
REGULAR MEETING MINUTES

AUGUST 8, 2016

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday, August 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 has 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, Dick Wetzel and Council President Dan Kadish. Council Member Rizzuto was present via phone. Also in attendance were Mayor Shortway, Administrator Charles Voelker and Township Attorney John Ursin.

SALUTE TO THE FLAG

Council President Kadish led the assemblage of the flag.

PUBLIC COMMENTS

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

MOTION: Jean Murphy

SECOND: Sandra Ooms

All members present were in favor.

Peggy King, [REDACTED] lived in Vernon for 22 years wished to speak to Council regarding the drastic expansion of the trophy bear hunt and asks for the Council to do what other towns like Pequannock, Butler, Oakland, Riverdale, Budd Lake and the Passaic County Freeholders have done and make their borders off limits to the bear hunt. Ms. King stated last year the Division of Fish & Wildlife drastically expanded the bear hunt by allowing hunters to kill more than one bear and increased the number of days to 10 in December. Ms. King said 92.4% of the public comments received regarding these increases were opposed to the changes but the Division went ahead with the changes. Ms. King explained back in 2000, 31 towns and Environmental Commissions passed resolutions opposing the Bear Hunt making Governor Whitman cancel the hunt and over time 3 governors have stopped 8 bear hunts and have found that the hunt does nothing to reduce conflicts. Ms. King opined there are effective solutions to keep bears away and to reduce the population by limiting their food sources and urged the Township Council to pass a resolution or ordinance which opposes bear hunting on public lands in Vernon Township.

Angie Metler, [REDACTED] Vernon Township requested the Council to pass a resolution opposing the upcoming bear hunt for bow & muzzle loader in October & December similar to the other towns that Ms. King just spoke about and added that in 2000 the Vernon Township Environmental Commission passed a resolution against the bear hunt. Ms. Metler explained she is a member of a Bear Education and Resource group which assists the public in dealing with bears and feels the overwhelming majority of the public is against the hunt. Ms. Metler urged the Council to pass a resolution to close all public lands in Vernon Township to the bear hunt.

Christa Geary thanked the Council and Mayor for the recent work done to clean up the gardens on the Route 515 median. Ms. Geary also praised the Council for the reinstatement of the Environmental Commission and opined the former Chairperson Beverly Budz is very dedicated and sincere to work done by the Commission. Ms. Geary feels the new Chairperson of the Environmental Commission Sally Rinker will be an asset and will be willing to learn so new opportunities can be opened to Vernon Township.

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 present were in favor.

MAYOR'S REPORT

Mayor Shortway praised Mike Furrey, the Greenway Action Advisory Committee Chairperson for his presentation at the NJ State Fair. Mayor Shortway also praised Recreation Department employee Mishelle

Downtown for all of her hard work preparing the Vernon Township display, depicting the pinwheel vista and a trail system.

APPROVAL OF MINUTES

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

Regular Meeting Minutes June 13, 2016
Regular Meeting Minutes June 27, 2016

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve minutes.

CONSENT AGENDA

Council President Kadish gave a brief explanation of Resolutions #16-177-#16-181:

Council President Kadish asked for a motion to adopt Resolutions #16-177-#16-181

Council Member Rizzuto requested Resolution #16-178 be adopted separately.

MOVED: Jean Murphy remove 16-178
SECONDED: Sandra Ooms

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion to adopt Resolutions #16-177-#16-181 with Resolution #16-178 removed

RESOLUTION #16-177

APPOINTMENT OF CLASS TWO SPECIAL POLICE OFFICER

WHEREAS, pursuant to Chapter 94, Section 16 of the Code of the Township of Vernon, the Mayor shall appoint Class Two Special Police Officers; and

WHEREAS, the Mayor has nominated the individuals named below for said position.

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 there shall be up to 6 positions for Special Police Class 2;
2. That the following individuals are hereby appointed or reappointed as Class Two Special Police Officers effective August 8, 2016 for a term to expire on January 2, 2017 pursuant to N.J.S.A. 40A:14-146.14:

Special Police Officers (Class 2)
Scott Waleck

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

RESOLUTION #16-179

RENEWAL OF INACTIVE LIQUOR LICENSE (HV HOLDINGS LLC) 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 20, 2016, had issued said special ruling for the 2016-17 and 2017-18 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

HV Holdings LLC.

1922-33-004-006

RESOLUTION #16-180

AUTHORIZING PLACEMENT OF SIGNS FOR VERNON CHAMBER OF COMMERCE

WHEREAS, **The Vernon Chamber of Commerce** has requested permission from the Township Council to place 26 signs on public and private property located around Vernon Township to promote the 2nd annual Vernon Farmers Expo and

WHEREAS the Vernon Chamber of Commerce has requested to place 26 signs around Vernon and the signs will be 18' long by 24' wide from September 1, 2016 through September 10, 2016 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 signs 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 Vernon Chamber of Commerce is granted permission to place 26 signs around Vernon Township to promote the 2nd annual Farmers Market and Expo, from September 1, 2016 to September 10, 2016, in association with the Vernon Chamber of Commerce provided all other requirements of Township Code 330-180 are followed.

RESOLUTION #16-181

AUTHORIZING EXECUTION OF LETTER OF INDEMNIFICATION WITH JERSEY CENTRAL POWER & LIGHT AND WARWICK VALLEY TELEPHONE TO ADD BANNERS TO POLES

WHEREAS, the Vernon Township has a desire to hang Banners along the telephone and light poles on Route 94 and Route 515; and

WHEREAS, Jersey Central Power & Light (JCP&L), our current service provider, will allow said banners upon signing of letter of indemnification; and

WHEREAS, Warwick Valley Telephone will likewise allow said banners; and

WHEREAS, there is no cost associated with this use.

NOW THEREFORE IT BE RESOLVED by the Council of the Township of Vernon that the Mayor and Clerk are authorized to sign a Letter of Indemnification with JCP&L and/or Warwick Valley Telephone to add banners to the light and/or telephone poles.

Resolution #16-178: Authorizing Of Maintenance Service Contract with Gramco Business Communications in The Amount Not To Exceed \$975.00

Council Member Rizzuto objected to police officers being present at Council Meetings. As Council Member Rizzuto was attending the meeting by phone, it was noted no police officers were present. Council Member Rizzuto opined this contract is an invasion of public privacy and questioned the contract. Municipal Clerk Kirkman explained this was a maintenance contract for the current existing proprietary software used to record Council Meetings, Court Proceedings and the Land Use Meetings as well as other Boards & Commission meetings.

Council President Kadish asked for a motion to adopt Resolutions #16-178.

MOVED: Jean Murphy
SECONDED: Sandra Ooms

A roll call was taken:

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

Motion to adopt Resolutions #16-178

RESOLUTION #16-178

AUTHORIZING OF MAINTENANCE SERVICE CONTRACT WITH GRAMCO BUSINESS COMMUNICATIONS IN THE AMOUNT NOT TO EXCEED \$975.00

WHEREAS, there exists a need for a maintenance service contract for the Digital Recording System in the Municipal Council Chambers/ Court Room; and

WHEREAS, the Township has determined that Gramco, 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 the 2016 Municipal Budget; and

WHEREAS, Vernon Township desires to award a maintenance contract to Gramco Business Communications, 1149 Bloomfield Avenue, Clifton, NJ 07012 and the Chief Financial Officer has certified that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the term of the contract will be from August 31, 2016 through August 30, 2017, with a total contract price not to exceed \$975.00.

NOW THEREFORE BE IT 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 maintenance contract with Gramco Business Communications, for an amount not to exceed \$975.00.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

None

PUBLIC HEARING/2ND READING OF ORDINANCES

Council President Kadish read Ordinance #16-19 by title only.

Ordinance #16-19: Ordinance Amending The Salary Ordinance For "Non-Union" Employee
Council President Kadish explains purpose of this Ordinance.

Council President Kadish asked for a motion to open Public Hearing for Ordinance #16-19.

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

There were not public comments.

Seeing no one from the public to coming forward Council President Kadish asked for a motion to close Public hearing for Ordinance #16-19.

Council President Kadish asked for a motion to close Public Hearing for Ordinance #16-19.

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

Council President Kadish asked for a motion to adopt Ordinance #16-19.

MOTION: Jean Murphy
SECOND: Sandra Ooms

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Ordinance #16-19.

Council President Kadish read Ordinance #16-20 by title only.

Ordinance #16-20: An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Prohibiting Commercial Vehicles From Using Vernon View Drive Bridge

Council President Kadish explains purpose of this Ordinance.

Council President Kadish asked for a motion to open Public Hearing for Ordinance #16-20.

MOTION: Jean Murphy
SECONDED: Sandra Ooms
All in Favor

Chris Hordyck, [REDACTED] Association President asks what is the basis for the restrictive limits in this ordinance since it is a private road and bridge and what are the plans for the repairs and is there a timeline in place. Mr. Hordyck states the association is working to complete a secondary bridge and has spoken to the Mayor and Business Administrator of this issue as the bridge in disrepair is the only way in or out for the residents. He added that from a safety standpoint the residents are not willing to park on Route 565 or in the school lot and shuttle every day and asks Council what is the plan?

Sean Scully, states the ordinance being voted on does not have a plan in place for the homeowners to receive necessary deliveries by trucks such as propane or oil. Mr. Scully asks if there was an engineering report that recommended the weight limits being proposed or if it can be reinforced until plans in place for the replacement. Mr. Scully added that FEMA was going to reimburse the association but that is not the case anymore and the residents are not willing to leave our homes vacant.

Council Member Wetzel asked if Township Engineer Cory Stoner has inspected and given recommendations.

Mr. Ursin stated the Town understands the concerns of the residents, it is a private bridge, and the Township does not normally make regulations on private property unless there is a significant safety threat or a violation of safety codes. Mr. Ursin added if the bridge was attended to, the Township would not be involved. Mr. Ursin added that the bridge has been neglected and the safety concerns were deferred to the Township and its Engineer and the Township needed to take the first step to address the situation. Mr. Ursin said it is a good idea and completely appropriate more analysis to be obtained and for the association to retain engineer's report on the structure and argue to Council what is needed. Mr. Ursin noted that it is not the Township that needs to have a plan in place but the homeowners as it is their bridge.

Mr. Hordyck would like the Ordinance tabled at this time because it is not the Township's liability. Mr. Ursin explained the Township is concerned of public safety or environmental catastrophe and added the Council can decide to delay the vote until engineering reports or plans for repairs are done. Mr. Ursin stated the municipality has no interest in making the repairs but will bill the association for any work done so the timetable is on the association and he recommended the association move forward with diligence.

Mr. Scully added the preparation work is done for the secondary access and is ready to be completed. Council Member Murphy asked what is the timeline for the secondary bridge and added that due to emergent conditions NJDEP permits may be allowed to be obtained after construction. Mayor Shortway stated he does not know how the DEP will handle request and this Ordinance is not about liability but about safety and to bring the discussion forward. Mayor Shortway explained he has walked the area near Colonial Circle for other economical options to be used temporarily.

Mr. Westra stated he recently had many home improvements which involving many trucks crossing bridge which seemed fine. Mr. Westra claimed he had multiple cement trucks travel the bridge to pour his foundation and he didn't see any problem.

Mr. Hordyck asked for the Council to table the Ordinance as it is too broad in language with no specific weight limits for commercial vehicles. Mr. Scully added that the association has not been just sitting back doing nothing, the association has been run around in circles of funding by FEMA and Mr. Bruce Zaretsky has gone to Trenton to find answers.

Mr. Ursin stated having an engineer provide a weight limit is a good idea but the association owns the bridge and should have their engineer prepare a report and then the Ordinance can be fine-tuned.

Council Member Rizzuto suggested making a motion to table until more information can be obtained.

Bruce Zaretsky asked why County repaired a private Pond Eddy Road Bridge and not the Vernon View Bridge and was of the understanding that the county was responsible for all bridges.

Mr. Ursin explained the county will take responsibility only after it is dedicated and accepted to them and urges the association to build it to standard so the County will approve it in the future.

Mr. Zaretsky says the ordinance may help but asks for the Town's help as taxpayers of this town, the association can't do it by ourselves.

Council President Kadish asked for a motion to close Public hearing for Ordinance #16-20.

MOTION: Jean Murphy

SECOND: Sandra Ooms

All member present were in favor.

Discussion ensued among the homeowner's association members of how long it would take for them to provide an engineer's report for weight limits.

Council President Kadish asked for a motion to table Ordinance #16-20 to the September 12, 2016 meeting so that the Homeowner's Association can provide an engineering report of Bridge Weight Capacity Limits.

MOTION: Patrick Rizzuto

SECOND: Jean Murphy

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Council Member Murphy noted that this would provide the Association with time to provide the Township with the record.

Motion carried to table Ordinance #16-20 to the September 12, 2016 meeting pending receipt Engineering report provide by the Association.

Council President Kadish read Ordinance #16-21 by title only.

Ordinance #16-21: An Ordinance To Repeal Township Ordinance 16-16

Council President Kadish asked for a motion to open Public Hearing for Ordinance #16-21.

MOTION: Sandra Ooms

SECONDED: Jean Murphy

All members present in favor.

There were no public comments.

Seeing no one from the public to come forward Council President Kadish asked for a motion to close Public hearing for Ordinance #16-21.

MOTION: Sandra Ooms

SECONDED: Jean Murphy

All members present in favor.

Council President Kadish asked for a motion to adopt Ordinance #16-21.

MOTION: Jean Murphy

SECOND: Sandra Ooms

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Ordinance #16-21.

COUNCIL COMMENTS

Council Member Murphy stated she attended a meeting on July 27, 2016 that Senator Oroho addressed the proposed transportation – gas tax issue and said if public has any questions they may write to him at One Wilson Drive, Sparta, NJ 07871 or by email senoroho@njleg.org. She added she came across a copy of a 2/17/2002 NJ Herald article quoting then Mayor John Logan of Vernon's goals of hoping to build 3rd emergency tower, complete phase I of controversial Maple Grange Park, finalize easements for the Town Center and determine if treatment options and township sewers, secure Farmland Open Space, construct Town Center Post Office and Vernon Bike Path, and secure Town Center Senior Citizen Housing. Council Member Murphy feels the 2002 Council had high hopes and hopes this Council over the next two years can try to move forward with these accomplishments.

Council Member Ooms feels there needs to be a certain Code of Conduct for all of Vernon's Boards and Commissions. Mayor Shortway explained a letter was distributed to all Boards & Commissions expecting a standard of professionalism and the Township is working on a personnel manual.

Council Member Wetzel stated he regrettably missed Senator Oroho's meeting but added that the gas tax would not do any good for Sussex County residents due to the limited services available locally and the large amount of commuting time. Council Member Wetzel expressed he is opposed to the tax directly to Senator Oroho at a recent walkathon for drug addiction.

Council Member Rizzuto echoed Council Member Wetzel's comments and had nothing additional.

COUNCIL PRESIDENT COMMENTS

Council President Kadish stated information from Senator Oroho's meeting. The state has a \$1.4 billion debt payment per year and \$900 million in revenue. There are 7000 bridges in New Jersey of which 10% are structurally deficient, 26% are obsolete meaning they don't meet standards; sixty-six (66%) of New Jersey's roadways are in poor condition and 35% of drivers are from out of state and don't pay tax to the general fund. New Jersey has a total debt of \$16 billion which will cost \$30 billion to pay off over time. Currently we pay \$0.14¢ gas tax and the proposed increase is \$.24¢ on top of the \$0.184¢ federal tax. From the new tax increase, 21% will be returned to the County, approximately \$400 million. The State calculated one mile of road to cost

\$183,757.00 but the Rutgers study calculated it to be \$2,000,000.00/mile which has caused confusion. Of the \$1.5 billion spent on NJ highways, 60% was spent on construction. Council President Kadish stated the press was not allowed in the meeting and felt the information was very interesting to give to Vernon residents.

Council Member Murphy stated that Council Member Wetzel has stepped down from the Beautification Committee and has asked for the Mayor to Appoint Council Member Ooms in his place. Mayor Shortway approved appointment of Council Member Ooms to the Beautification Committee.

Council Member Ooms added the tremendous effects of the gas tax causing increases needed for the municipal gas budget and the school buses gas budget.

ADJOURNMENT

There being no further items of business to be conducted on the agenda, a motion of 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 8:24 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Dan Kadish,
Council President

Minutes approved: August 22, 2016