

Township of Vernon

TOWNSHIP COUNCIL MEETING MINTUES

August 13, 2018

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on August 13, 2018 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 5, 2018 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

Present were Council Members Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger and Council President Murphy, Business Administrator Charles Voelker and Township Attorney Josh Zielinski.

EXECUTIVE SESSION

Township Clerk Kirkman read the Resolution for the Council to enter Executive Session.

RESOLUTION TO GO INTO 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:
 - a. Personnel

Council President Murphy asked for a motion to go into Executive Session at 6:01 p.m.

MOVED: Mark Van Tassel

SECOND: John Auberger

All members were in favor.

Motion carried to enter Executive Session.

At 6:22 pm, Council President Murphy asked for a motion to adjourn Executive Session and return and reconvene at the Regular meeting at 7:00 p. m.

MOVED: Jean Murphy

SECOND: John Auberger

All members of the Council were in favor.

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on Monday August 13, 2018 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 5, 2018 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.

SALUTE TO THE FLAG

Council Member Murphy led the assemblage in the salute of the flag.

ROLL CALL OF MEMBERS

Present were Council Members Sandra Ooms, Dan Kadish, John Auberger, Mark Van Tassel, and Council President Jean Murphy, Business Administrator Charles Voelker, and Township Attorney Josh Zielinski.

PUBLIC COMMENTS (On Current Agenda Items Only)

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

MOVED: John Auberger

SECOND: Mark Van Tassel

All members voted in favor.

Craig Williams, Glenwood, stated he was involved in the Open Space Trust Fund at the beginning and although Resolution #18-197 is not the initial intention of the funds, he would thoroughly endorse the idea should it be approved. As a volunteer, Mr. Williams, explained he has helped create and clear trails but noted funds that are already in Township accounts should be used to enable and maintain viable recreation to the Township.

Kelly Weller and Carolyn Cacace, on behalf of the Board of Recreation, urged the Township Council to vote yes on the Open Space Ordinance and give the choice to the public to decide to ensure that recreation needs are met and will continue in the future. Ms. Weller explained through voluntarily hosting many recreational events that she has heard what residents want and the Open Space funds will help continue the goals to develop more activities. She added the greatest strength of Vernon is the location in a beautiful four-season area but noted that we must develop interests independent of the ski resort. Ms. Weller and Ms. Cacace recommended a portion of the Open Space Funds be made available to ensure recreational activities as a main priority by allowing the Question to be approved to be on the November Ballot.

Doreen Edwards, Highland Lakes, questioned the Township Attorney what the outcome of litigation with Mountain Creek over payment of sewer fees was. Ms. Zielinski stated there is an upcoming hearing but is unable to comment on pending litigation. Ms. Edwards questioned what the ruling on the dumping situation was from Silver Spruce. Mr. Zielinski stated Vernon was in court to enforce the Soil Conservation District's Stop Work Order from 2014. Mr. Zielinski indicated that Judge Brennan denied the Township's request for restraints. Ms. Edwards commented that the NJ Herald article alluded to the outcome but wanted to confirm results. Mr. Zielinski added he could not comment further on pending litigation.

Dave O'Brien, Highland Lakes, commented in favor of the Property Maintenance Ordinance but the snow removal aspect unfairly puts responsibility on the homeowners. He noted that Vernon Township installed the sidewalk, currently maintains the roads so maintenance should be responsibility of the Town. Mr. O'Brien added that the sidewalk is not easily accessible and urges Council to not pass the Ordinance.

Mr. Zielinski stated he has been communicating with the Highland Lakes Attorney and asked for surveys of the properties in question and recommended the Council adopt the Ordinance at this time, but still work together with the Association. He added it is difficult to answer questions in abstract without seeing actual surveys showing metes and bounds. Mr. O'Brien suggested Council table the Ordinance until the issues are solved.

Eileen Born, Attorney for Highland Lakes, stated she has been in communication with the Township Attorney and explained the Association does not have the survey requested as the survey was done by the Township when the Road was dedicated with the sidewalks. Ms. Borne added that the Ordinance should not be passed at this time as more investigation makes more sense.

Mr. Zielinski commented it is difficult to give an ad-hoc interpretation of what is Township owned and what is not and then come to a resolution that is equitable to all property owners, the Association

and the Township but it is ultimately the Council's decision. Ms. Born urged Council to listen to the affected residents and table until more information is reviewed.

Bruce Zaretsky, Vernon, offered support for the Open Space Ordinance using existing funds from the Trust Fund for resident's benefit to maintain the greenway and trails. Regarding the Maintenance Ordinance, Mr. Zaretsky stated he owns property in the Town Center Zone containing sidewalks and explains how the sidewalks in this zone are not continuous, they 'Sidewalks to Nowhere' that do not serve the public good. He understands reason for Ordinance, but he and other owners of Town Center properties have contributed much for the town but have not gotten a lot in return and urged Council to modify the Ordinance.

Dave Dziekan, [REDACTED] explained when the road and sidewalk project was installed, the Township built an 8' stone wall and 4' fence on back side of his property. He added if Ordinance #18-20 if approved, maintenance would require one to walk past five houses, turn left onto Breakneck, walk past the five houses again, then shovel snow by hand over the 4' fence and 8' stone wall as snow cannot be put onto Breakneck Road, all while cars and plows are going by.

Mr. Zielinski stated there was no agreement executed for sidewalk maintenance at the time construction was completed. Mr. Dziekan added that Vernon Township has maintained the sidewalks which implies responsibility. Council President Murphy explained that the Ordinance for sidewalk maintenance initially was for Church Street properties, but then would be open to any sidewalks in Vernon.

Ed Long, commented that for handicapped individual's sake, Vernon should think about the connectivity of the "Sidewalks to Nowhere" in the Town Center.

Tom Pavano, Highland Lakes, commented that as a summer resident, who pays taxes with no school children, the Maintenance Ordinance is not practical and would place a great burden on non-residents.

Mary Rose Martorell, [REDACTED] opined that when the Township needed extra land for the Breakneck Road project with Sidewalks, the previous owners would never have agreed to give Vernon portions of their property and agree to maintain the township owned sidewalks. She added that Highland Lakes was primarily summer residents living in houses with no heat or wells not using the sidewalks in the winter. Ms. Martorell urged Council not to pass the Ordinance as it does not make sense to make responsibility fall on the homeowners.

Ruth Promell & William Muller, [REDACTED] commented property has 159' of sloped sidewalk causing difficulty in shoveling snow due to road traffic and location of guardrails. Ms. Promell commented that the \$2,000 penalty is excessive, with no exception for personal emergencies.

Council President Murphy explained that the Mayor asked Council to consider an Ordinance for sidewalk maintenance primarily in the Town Center Area not considering other areas in town. She added that lack of executed agreements in place has negatively affected the Township and suggested amending proposed Ordinance to remove Highland Lakes. Mr. Zielinski stated the transfer of property documents did not contain any agreement for sidewalk maintenance.

James Opfer, on behalf of Lady of Fatima Church explained the Church owns the sidewalk located on opposite side of street from the Church and asked Council to consider possibility of provision of alternative pathway on plowed parking lot instead of sidewalk if Ordinance is approved. Mr. Opfer expressed compassion to residents on Pocantec regarding this Ordinance.

Ken Marsh, Lake Wanda Store Owner, explained when constructing his property, the Planning & Zoning Board required him to construct sidewalks in his site plan and has maintained the 200' linear feet of walk. He understands the difficulty to remove the snow and ice and opined that to require homeowners to remove the material is a physically impossible burden, unnecessary and expensive. Mr. Marsh explained that the increase of salt and grits required to maintain the walks would increase contaminates in our water sources, cause increased grits in our catch basins as well as financial liability on homeowners due to slip and falls accidents. Mr. Marsh strongly recommended that this Ordinance be tabled and omit the properties in the 07422 Zip Code.

Bonnie Rubin, Highland Lakes, asked Council for clarification that the Ordinance for the Open Space Trust Fund was modified at last meeting to only allow a one-time amount of 30% of current balance

for Recreation and Maintenance of Open Space. Council President Murphy explained that the Resolution was reworded to reflect the changes as stated.

Judy Norton, Highland Lakes resident since 1985, commented that when snow is plowed on Breakneck Road, the only place it can go is on the sidewalks making it very dangerous if homeowners are now asked to shovel them and urged Council to table the Ordinance.

Sue Ross, President of Highland Lakes Country Club (HLCC), explained the community has 2,000 homes of which three quarters are year-round. Regarding Section 447-10 in Ordinance #18-20, Ms. Ross opined that if Council adopts, it is a betrayal of a commitment made by Vernon Township to HLCC over 30 years ago. Ms. Ross stated in 1985, Vernon Township received a large state grant for improvements to Breakneck Road with a plan to include sidewalks. Ms. Ross indicated she believed that when the Township Engineer realized plans would not be possible within existing right of way, acquisitions of needed portion of private properties was recommended including 30,000 ft. from Vernon Ambulance Squad, all without compensation. Ms. Ross opined that to suggest these transfers without an understanding by owners that the Township would maintain the sidewalks is ludicrous and incomprehensible. She questioned why the Club Members in 1985 agreed by a 2/3 majority vote to convey these needed lands to Vernon Township with a sidewalk maintenance added is impossible. Ms. Ross explained snow plowed on Breakneck Road accumulates quickly after numerous snow storms and would be difficult to clear by homeowners. Ms. Ross opined the Ordinance is impractical and going back on an understanding that has been held between local government and Highland Lakes for 33 years. Ms. Ross urged the Council to reject the Ordinance, or to restrict the Ordinance to the Town Center Area only as there is no way Highland Lakes members can comply with the requirements.

Rich Wefer, [REDACTED] 27-year resident expressed support for the Open Space Ordinance to be put on ballot to let residents decide to further develop the Pathways. He added that creating trails similar to the Appalachian Trail is an excellent idea to increase recreation for Township adults and children as well as visitors who support our businesses.

Toni Cilli, [REDACTED] asked the Council to vote yes for Ordinance #18-26 to provide residents the opportunity to vote on how to spend the funds in the Open Space Trust Fund that has been sitting for over a decade. Ms. Cilli commented that Vernon needs to start attracting families to Vernon like other communities have done through creation of trail systems. She understands differences among Council Members but urged the Council to vote yes to allow the residents decide the outcome.

Jennie Higgins, [REDACTED] questioned the status of the revised Soil Fill Ordinance as a neighboring property owner in hindsight would not have moved to Vernon had he been aware of the issue. Mr. Zielinski explained the Ordinance #18-23 being considered is an amendment to the approved Soil Fill Ordinance. Mr. Zielinski indicated he is unable to make further comments on pending litigation. Ms. Higgins opined there has definitely been a breach of the Stop Work Order as she sees dump trucks delivering material every day.

Mike Furrey, [REDACTED] Vernon Environmental Commission (EC) Chairperson, stated in 2009 the Township was aware of the issues and were told the Department of Environmental Protection (DEP) was the regulatory authority to address concerns. He added in 2017, after research with the DEP and Sussex County Health Department (SCHD), the DEP transferred enforcement to the SCHD to carry out solid waste regulations. He added also in 2014 the Sussex County Soil Conservation District (SCSCD) issued a Stop Work Order but nothing further was done. Mr. Furrey explained the Township has made considerable efforts including coordinating free water testing to impacted residents, meetings with experts for advice. The EC received letter from NJDEP stating they made 14 site visits and found no evidence of solid waste. Mr. Furrey stated when Congressman Gottheimer and Township Officials visited the site, there was a large amount of visible solid waste. Mr. Furrey stressed that Vernon Officials and the VTEC will make every effort to the issue facing our residents.

Mr. Furrey, also Chairperson of the Greenway Action Advisory Committee (GAAC) emphasized the importance of the Open Space Ordinance to continue the efforts of our Township volunteers to build the recreational paths and Greenway in Vernon Township and urged Council to give the people the opportunity to vote in November.

James Opfer stated his concern about the Silver Spruce property. Mr. Opfer stated research found the owner was guilty on six counts between January 2015 and May of 2016 in Warwick, NY, received three years probation for 1000 truckloads of fill, 20,000 tons of material including wood, plastic,

carpet, wiring, and other debris. Mr. Opfer questioned why the soil has not been sampled for hazardous materials and asserted that we need to stop the trucks Mr. Zielinski explained the Township cannot go onto the subject property without a warrant.

Sally Rinker questioned if Resolution#18-197 has been adjusted to match the related Ordinance which was confirmed by Council. Ms. Rinker commented she believes that when the Township does not include the public when creating legislation, or have workshops to open discussion, issues arise causing wasted time of the public, Council and Attorneys which could have been prevented. Ms. Rinker stated her support for recreation but noted the overwhelming number of public at last meeting disagreeing against the 30% amount of Open Space Funds used every calendar year ultimately depleting the entire fund. Ms. Rinker opined that the Ordinance does not reflect the amount of 30% cap or one time only which was stated by the Clerk and Township Attorney. Ms. Rinker added that the Ordinance is too ambiguous and does not clearly state the items the funds will be used for and suggested more discussion is needed with the public.

Craig Williams commented on Ms. Rinker's concerns about the ambiguity of the Ordinance but explained it would be difficult to have specific plans without knowing the amount of fund available and opined the Ordinance is good as written.

Jessi Paladini, [REDACTED] as a former Land Use Board member involved in creation of the Open Space Plan, questioned if the Resolution and Ordinance on agenda reflects the amount of funds which Council voted on and added she feels that the amount approved is not what the Clerk advertised. Ms. Paladini stated that there are many public present questioning why an amendment to the Soil Fill Ordinance is before Council for approval and emphasized the public wants to hear the truth and transparency.

Ms. Paladini stated she called the NJDEP and was told that they did inspections, found no violations and have no jurisdiction over the soil issue on the Wallace property and urged the Township to stop telling the public to contact the NJDEP. Ms. Paladini opined that it is the Township's responsibility. Ms. Paladini was asked whom she spoke. Ms. Paladini initially declined to reply but then stated she had spoken with Mr. Armond Perez, Head of the Department. Mr. Zielinski reiterated that he is unable to comment on pending litigation.

Ed Long commented he followed up with the Assistant Director of Code Enforcement at the NJDEP who stated there are so many rules and regulations and litigation that the DEP must be careful how it is handled for legality. Mr. Long indicated that he had gotten so many different and conflicting answers over time from the DEP that he had thrown their number away. He suggested to take soil samples of the runoff dirt or water to get answers.

Pat Distasi commented that residents came looking for answers about dumping on his road, [REDACTED] [REDACTED] He added he has been dealing with NJDEP since 2009 and understands that DEP is empowered to do a lot but must follow their rules and regulations regarding inspections. Mr. Distasi opined that the answers lie with the Highlands Council whose purpose is to protect NJ properties that lie in the designated Preservation and Planning Areas of the State. The Highlands Council's objectives, which is 395 pages located online, deals with water, trees, dirt removal, dirt hauling and impact of slope and the required permits to these designated areas. Mr. Distasi stated he will attend the next Highlands council meeting because he feels they are negligent in responding to our issues which is why the problem has escalated. He added the Highlands Council is compelled to respond, act and correct the issue, as far as Court is needed. Mr. Distasi explained he will also travel to Trenton office the NJDEP on September 9th if enforcement is not done based on the evidence submitted numerous times, so this issue is finally taken care of and to prevent future issues.

Amanda Hayes, Lake Pochung, stated that Wantage had the same problem with illegal dumping and the NJDEP did inspect, issued a Stop Work Order, went to Court and was fined. Ms. Hayes stated she has seen construction debris in the truckloads and Congressman Gottheimer and Township Officials saw debris and rebar in the soil. Ms. Hayes commented how frightened she was when her vehicle was almost hit twice by a truck crossing over the center line on RT 565 and urged Council to contact Wantage to help with the situation.

Seeing no more members of the public wishing to come forward, Council President Murphy asked for a motion to close Public Comments.

MOVED: John Auberger
SECOND: Sandra Ooms
All Members were in Favor.

MINUTES

Council President Murphy asked for a motion to approve the Regular and Executive Session Minutes of July 23, 2018.

MOVED: John Auberger
SECOND: Mark Van Tassel
A roll call vote was taken:
AYES: Sandra Ooms, Dan Kadish, John Auberger, Mark Van Tassel, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

CONSENT AGENDA

Council Members agreed to remove #18-188 from the Consent Agenda for separate vote.

Council President Murphy gave a brief explanation of Resolutions #18-187 and #18-189 through #18-196.

Council President Murphy asked for a motion to approve Resolutions#18-187 and #18-189 through #18-196.

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:
AYES: Sandra Ooms, Dan Kadish, John Auberger*, Mark Van Tassel, Jean Murphy
NAYES: None
ABSTAIN: *John Auberger Abstain from #18-191 only
ABSENT: None

Motion carried to approve Resolutions#18-187, and #18-189 through #18-196.

RESOLUTION #18-187A

AUTHORIZING PLACEMENT OF PERMANENT SIGN AT VERNON TOWNSHIP VETERANS MEMORIAL PARK BY THE VERNON HORSESHOE LEAGUE

WHEREAS, Vernon Horseshoe League has submitted a request for permission to install a permanent sign memorializing the Horseshoe Pits at Veterans Memorial Park, 50 Vernon Crossing Road; and

WHEREAS, the League currently has two structures: one schedule holder and one temporary sign at the back of the location naming the Horseshoe Pits which will be removed to install the new proposed sign; and

WHEREAS, the proposed sign will be 3' x 5' (three feet by five feet), aluminum sign secured by green painted wooden posts installed on the front grass area of the existing Horseshoe Pits at the Veteran's Memorial Park; and

WHEREAS, maintenance to the proposed sign will be the sole responsibility of the Vernon Horseshoe League; and

WHEREAS, the installation of the sign on Township Property requires permission of the Township Council for the permanent placement.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, hereby authorizes permission for the Vernon Horseshoe League to place a permanent 3' x 5' (three by five foot sign) at the Veteran's Memorial Park to memorialize the Vernon Horseshoe Pits.

TOWNSHIP OF VERNON

RESOLUTION #18-189

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,649,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of The Township of Vernon, in the County of Sussex (the "Township") entitled: "Bond ordinance appropriating \$1,534,557, and authorizing the issuance of \$1,266,625 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on May 28, 2015 (#15-16), bond anticipation notes of the Township in a principal amount not exceeding \$1,208,625 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$1,614,500, and authorizing the issuance of \$1,307,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 13, 2016 (#16-15), bond anticipation notes of the Township in a principal amount not exceeding \$1,306,675 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township entitled: "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", finally adopted on July 11, 2016 (#16-18), bond anticipation notes of the Township in

a principal amount not exceeding \$85,700 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$3,636,500, and authorizing the issuance of \$2,948,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 26, 2017 (#17-09), bond anticipation notes of the Township in a principal amount not exceeding \$2,048,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount

sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

RESOLUTION #18-190

RESOLUTION ACCEPTING THE COMPLETION OF ROAD IMPROVEMENT PROJECT TO SAMMIS ROAD

WHEREAS, the Township awarded contracts for the Sammis Road Improvement Project to Tilcon New York, Inc., Denville Line Painting, Inc., and Ficor, LLC via Resolutions #16-225, #16-226, & #16-244 respectively on October 24th and November 14th, 2016; and

WHEREAS, The Township authorized Change Orders for Ficor, LLC via Resolution #17-119; Tilcon New York via Resolution #17-4 and Denville Line Painting, Inc., via Resolution #17-42; and

WHEREAS, the Sammis Road Improvement Project has been completed, and inspected as per the plans and specifications; and

WHEREAS, the Township Engineer has issued a letter to the Township dated January 27, 2018 stating that the said contracts have been completed in full and that it is recommended that the Sammis Road Improvement Project be accepted by the Township Council.

NOW, THEREFORE BE IT RESOLVED, that the Vernon Township Council accepts this project identified as Sammis Road Improvement Project as final and complete; and

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

RESOLUTION #18-191

**AUTHORIZE THE AWARD OF RFP 10R-2018 THIRD PARTY ADMINISTRATOR
FOR PRESCRIPTION REIMBURSEMENT SERVICES FOR RETIREES AND
THEIR DEPENDENTS**

WHEREAS, there is a need for Third Party Administrator for Prescription Reimbursement Services for Retirees and their Dependents for the Township of Vernon; and

WHEREAS, this the Township of Vernon received RFP's Third Party Administrator for Prescription Reimbursement Services for Retirees and their Dependents duly advertised and received in a public manner on July 24, 2018 at 10:30am ; and

WHEREAS, TASC Total Administrative Services Corp) 2302 International Blvd Madison, WI 53704, has provided for the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the RFP document; and

WHEREAS, the purchasing agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. Seq); and

WHEREAS, the Chief Financial Officer hereby certifies that funds not to exceed \$22,000.00 are available in Account# 10573357.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with TASC Total Administrative Services Corp) 2302 International Blvd, Madison, WI 53704 for the 2018 budget year for Third Party Administrator for Prescription Reimbursement Services for Retirees and their Dependents in accord with the tenets of contract found within RFP 10R-2018 for a three (3) year contract in accord with the below listed price schedule:

| | |
|----------------------------|--------------|
| IMPLEMENTATION FEE | Waived |
| MONTHLY FIXED ADMIN FEE | \$1,250.00 |
| ANNUAL FEE | Waived |
| PER TRANSACTION FEE | \$1.75 |
| RENEWAL FEE WAIVED | Waived |
| OUT OF SCOPE CUSTOMIZATION | \$125.00/ hr |

RESOLUTION #18-192

**REFUND FOR TOTALLY DISABLED VETERAN
(Block 200.18 Lot 2 – Bradshaw)**

WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS on March 1, 2018 awarded Gabriel Bradshaw a 100% permanent and totally disabled veteran: and,

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund 2018 partial 1st quarter and full amounts of 2nd and 3rd quarters in the amount of \$6,988.83 to Lereta, LLC.

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

RESOLUTION #18-193

**AUTHORIZING THE USE OF MORRIS COUNTY COOPERATIVE PRICING
COUNCIL FOR PROPOSED IMPROVEMENTS TO VERNON MUNICIPAL
BUILDING PARKING LOT AND RECYCLING CENTER**

WHEREAS, the Township of Vernon has a need for contracting services for Proposed Improvements to Vernon Municipal Building Parking Lot and Recycling Center; and

WHEREAS, the Morris County Cooperative Pricing Council advertised and received bids for roadway milling, paving, line stripping; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities who are a member of the Morris County Cooperative Pricing Council, a State regulated County Contract Purchasing System;

WHEREAS, the Vernon Township Engineer recommends the Township Council award contracts for milling and paving, and traffic striping through the use of the Morris County Cooperative Pricing Council to the following contractors:

- 1) Milling & Paving: Tilcon New York, Inc. (Contract #6) in an amount of **\$110,016.75**; and
- 2) Traffic Striping: Denville Line Painting, Inc. (Contract #36) in an amount of **\$3,940.10**

WHEREAS, the Chief Financial Officer of the Township of Vernon has certified that the funds for these contracts are available in Account #3096216.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendors, Tilcon New York, Inc, and Denville Line Painting, Inc.be utilized for the Proposed Improvements to Vernon Municipal Building Parking Lot and Recycling Center; through the respective Morris County Cooperative Pricing Council contracts at the amounts not to exceed listed.

This Resolution shall take effect immediately according to law.

RESOLUTION #18-194

AUTHORIZING THE USE OF MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR PROPOSED IMPROVEMENTS TO WAWAYANDA ROAD

WHEREAS, the Township of Vernon has a need for contracting services for Proposed Improvements to Wawayanda Road; and

WHEREAS, the Morris County Cooperative Pricing Council advertised and received bids for roadway milling, paving, and complete line stripping and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities who are a member of the Morris County Cooperative Pricing Council, a State regulated County Contract Purchasing System; and

WHEREAS, the Vernon Township Engineer recommends the Township Council award contracts for milling and paving, complete line striping (subject to final approvals from the New Jersey Department of Transportation) through the use of the Morris County Cooperative Pricing Council to the following contractors:

- 1) Milling & Paving: Tilcon New York, Inc. (Contract #6) in an amount of **\$299,079.70**; and
- 2) Traffic Striping: Denville Line Painting, Inc. (Contract #36) in an amount of **\$10,059.30**; and

WHEREAS, the Chief Financial Officer of the Township of Vernon has certified that the funds for these contracts are available in Account #3096203.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendors, Tilcon New York, Inc and Denville Line Painting, Inc. be utilized for the Improvements to Wawayanda Road through the respective Morris County Cooperative Pricing Council contracts at the amounts not to exceed listed herewith, subject to the final approval from the New Jersey Department of Transportation.

This Resolution shall take effect immediately according to law.

RESOLUTION #18-195

AUTHORIZING THE USE OF MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR PROPOSED IMPROVEMENTS TO

BARRY DRIVE NORTH PHASE II

WHEREAS, the Township of Vernon has a need for contracting services for Proposed Improvements to Barry Drive North Phase II; and

WHEREAS, the Morris County Cooperative Pricing Council advertised and received bids for roadway milling, paving, traffic striping, and guide rail; and

WHEREAS, the bids received allowed for vendors to extend their pricing to municipalities who are a member of the Morris County Cooperative Pricing Council, a State regulated County Contract Purchasing System;

WHEREAS, the Vernon Township Engineer recommends the Township Council award contracts for milling and paving, traffic striping and guide rail installation through the use of the Morris County Cooperative Pricing Council to the following contractors:

- 1) Milling & Paving: Tilcon New York, Inc. (Contract #6) in an amount of **\$144,072.00**; and
- 2) Traffic Striping: Denville Line Painting, Inc. (Contract #36) in an amount of **\$4,850.70**; and
- 3) Guide Rail: Road Safety Systems, LLC. (Contract #26) in an amount of **\$26,340.00**

WHEREAS, the Chief Financial Officer of the Township of Vernon has certified that the funds for these contracts are available in Account #3096204.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendors, Tilcon New York, Inc, Denville Line Painting, Inc. and Road Safety Systems, LLC be utilized for the Improvements to Barry Drive North Phase II through the respective Morris County Cooperative Pricing Council contracts at the amounts not to exceed listed herewith.

This Resolution shall take effect immediately according to law.

RESOLUTION #18-196

RESOLUTION AUTHORIZING APPOINTMENT OF AN INTERIM CHIEF FINANCIAL OFFICER FOR VERNON TOWNSHIP

WHEREAS, the Township Council shall appoint a Chief Financial Officer, who shall serve as the director of the Department of Finance, in accordance with Article IX, Section 5-46 of the Township Code (Ordinance #11-21);

WHEREAS, the position of Chief Financial Officer is vacant as of July 5, 2018;

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. Donelle Bright DeCouto is hereby appointed as Interim Chief Financial Officer of the Township effective September 3, 2018.
2. In accordance with the requirements of N.J.S.A. 40A: 9-140.11 Ms. Bright DeCouto's term is to commence effective September 3, 2018, and shall continue for a period of one year, until September 3, 2019.
3. Ms. Bright DeCouto shall receive annual compensation in accordance with the Township's municipal salary ordinance, as listed below, and shall give bond for the faithful performance of her duties, the bond to be paid for by the Township.
4. Ms. Bright DeCouto shall perform and discharge all of the functions, powers and duties prescribed for the Chief Financial Officer in the Township Code and other applicable laws.

| <u>Position</u> | <u>2018 Base Salary</u> |
|---|-------------------------|
| Ordinance 18-19 Chief Financial Officer- | \$ 78,000.00 |

RESOLUTION ADOPTED SEPARATELY

Resolution #18-188: Resolution Authorizing The Issuance Of Not Exceeding \$40,000 Special Emergency Notes Of The Township Of Vernon, In The County Of Sussex, New Jersey

Council President Murphy asked for a motion to approve Resolution #18-188.

MOVED: Mark Van Tassel
SECOND: John Auberger

Council Member Ooms asked for confirmation that this \$40,000 is already included in the total amount of \$200,000 for the Tax maps and asked for total amount spent from Administration for this purpose. Mr. Voelker explained research and provide information to the Council.

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, John Auberger, Mark Van Tassel, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to approve Resolution #18-188

RESOLUTION #18-188

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$40,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Pursuant to a resolution of The Township of Vernon, in the County of Sussex (the “Township”) authorizing a special emergency appropriation in the amount of \$200,000, finally adopted on June 23, 2014 and entitled: “An ordinance authorizing a special emergency appropriation of \$200,000 for the preparation of tax maps by the Township of Vernon, in the County of Sussex, New Jersey”, special emergency notes of the Township are hereby authorized to be issued pursuant to the Local Budget Law in a principal amount not exceeding \$40,000 for the purpose of financing the improvement or purpose described in said resolution, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

Section 2. All special emergency notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer

shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:4-55. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 5. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitration and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 6. All action heretofore taken by Township officials with respect to the sale, issuance and delivery of the notes is hereby ratified, confirmed, adopted and approved.

Section 7. This resolution shall take effect immediately.

Police Chief Comments

Council President asked Police Chief Randy Mills to come forward to address the recent truck accident on Route 515.

Chief Mills explained that the current Township Ordinance prohibiting trucks more than four tons on Route 515 is complicated due to fact that many local vehicles such as school buses, mason dumps and landscape trailers exceed that limit. He explained that it has been 26 years since Vernon Township has been faced with multiple accidents due to overweight trucks primarily caused by drivers who are unfamiliar with the knowledge of our roadways. Chief Mills stated that the Ordinance allows vehicles making local deliveries to Barrett, Breakneck and RT 515 but poses a difficulty in enforcing as stopping a vehicle for their destination is not reasonable. He suggested to Council and Administration to discuss with Sussex County to amend the Ordinance to one that makes sense and doesn't put an undue burden on local contractors who use roadways regularly and are aware of the terrain. In this recent accident, the driver made a choice to avoid the intersection and go into the grassy area which leads to an idea that installation of a runaway ramp may avoid these accidents.

Council President Murphy stated that Mr. Voelker spoke to the Hardyston Administration about adopting a similar Ordinance for the section of RT 515 in their Township. Chief Mills added that existing signage has not been effective as it becomes familiar and once trucks realize a problem, there is no turn around area that would not adversely affect our neighborhood residents like Lake Conway. Chief Mills explained the goal is a balancing act of Safety vs. Reasonable Enforcement through Ordinance #99-30. Council Member Ooms added that contractors may charge more to residents in Highland Lakes if they are forced to travel long distances to make deliveries.

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #18-22: An Ordinance Of The Township Council Of The Township Of Vernon, County Of Sussex And State Of New Jersey Amending Certain Portions Of Chapter 250 Entitled "Fees And Escrows," Of The Township Code

Council President Murphy read Ordinance #18-22 by title only.

Council President Murphy asked for a motion to open the Public Hearing of Ordinance #18-22.

MOTION: Sandra Ooms
SECOND: John Auberger
All members voted in favor.

Seeing no one coming forward, Council President Murphy asked for motion to close the Public Hearing for Ordinance#18-22

MOTION: Mark Van Tassel
SECOND: John Auberger
All members voted in favor.

Council President Murphy asked for a motion to adopt Ordinance #18-22.

MOTION: Sandra Ooms
SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Ordinance#18-22.

Ordinance #18-23: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending Chapter 484 Of The Municipal Code Of The Township Of Vernon Entitled "Soil Fill Placement" & Amending Chapter 250 Of The Code Of The Municipal Code Of The Township Of Vernon To Include Soil Fill Permit Fees And Escrows

Council President Murphy read Ordinance #18-23 by title only.

Council President Murphy asked for a motion to open the public hearing of Ordinance #18-23.

MOTION: John Auberger
SECOND: Mark Van Tassel
All members voted in favor.

Jessi Paladini stated that at the June 25, 2018 meeting, Council Member Ooms made a motion to hold a worksession and Council Member Kadish seconded it and Council President Murphy asked "All in Favor." Ms. Paladini opined that all council members sitting there voted aye, yet there was no mention of the action in the minutes. Ms. Paladini claimed the minutes are inaccurate or are falsified and the Council approved those minutes. Ms. Paladini then claimed at the July 9, 2018 meeting when the Ordinance was up for adoption, Council Member Ooms requested the worksession to be scheduled that was approved, but Council President Murphy said it was not voted on. Ms. Paladini commented that the Ordinance was ill conceived, ill worded and further public discussion is needed. She stated she understands that minutes are not verbatim but notes that official action must be included and emphasized the responsibility of accuracy in the minutes.

Seeing no more members of public coming forward, Council President Murphy asked for motion to close the public hearing for Ordinance#18-23.

MOTION: Mark Van Tassel
SECOND: Sandra Ooms
All members voted in favor.

Council President Murphy asked for a motion to adopt Ordinance #18-23.

MOTION: John Auberger
SECOND: Mark Van Tassel

Council Member Ooms questioned if the exact verbiage in the Ordinance matches what is in the Code. Mr. Zielinski explained that the new language will not be in the code yet. Ms. Kirkman explained that adopted Ordinances are on the Township website when approved and are codified to the Council's hard copy Code Book a few times during the year.

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Motion carried to adopt Ordinance#18-23.

Council Member Ooms questioned the action for a workshop meeting. Council Member Ooms claimed that she had listened to the June 25 meeting tape and heard that Council did approve to hold a worksession. Ms. Ooms made a motion to amend the minutes to correct the omission of the official action. The motion was not seconded. Clerk Kirkman indicated there were several motions made over the last several meetings, noting at one the motion died for a lack of second, at another there was no vote. Clerk Kirkman indicated she would appreciate the opportunity to review the tape for the action in question. Council Member Kadish added that he did not recall seconding the motion to have a work-session.

Council President Murphy discussed that the original Ordinance was adopted in April and language was amended today based on the comments from the local contractors and public received at past meetings.

Ordinance #18-24: Ordinance Amending and Supplementing The Salary Ordinance For "Non-Union" Employees

Council President Murphy read Ordinance #18-24 by title only.

Council President Murphy asked for a motion to open the Public Hearing of Ordinance #18-24.

MOTION: Dan Kadish

SECOND: Sandra Ooms
All members voted in favor.

Seeing no one coming forward, Council President Murphy asked for motion to close the Public Hearing for Ordinance#18-24.

MOTION: John Auberger
SECOND: Dan Kadish
All members voted in favor.

Council President Murphy asked for a motion to Adopt Ordinance #18-24.

MOTION: Dan Kadish
SECOND: Sandra Ooms

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to adopt Ordinance#18-24.

Ordinance #18-26: An Ordinance Of The Township Of Vernon, County Of Sussex County, State Of New Jersey, Authorizing A Referendum To Allow Additional Expenditures From The Open Space Trust Fund For Public Pathway Development And Maintenance

Council President Murphy read Ordinance #18-26 by title only:

Council President Murphy asked for a motion to open the Public Hearing of Ordinance #18-26.

MOTION: John Auberger
SECOND: Mark Van Tassel
All members voted in favor.

Jessi Paladini commented that the published Ordinance did not contain the Council approved amount of 30% of the total Open Space Fund balance of \$900,000+ and wanted clarification of exactly what is being approved. Council Member Kadish explained that the balance as of July 17, 2018 is \$972,012.92 and the Ordinance states to allow no more than 30% of the Township Open Space Trust Fund to be used for recreation and maintenance of Township owned Open Space.

Sally Rinker commented she agrees with Ms. Paladini that the assessment Ordinance needs to be clear for the people to make a good decision while voting. She added that the NJ Herald article by Eric Obinauer stated the Township Council discussion amended the provision to cap the amount to a one-time amount set aside based on 30% of the Open Space Fund at the time the proposal becomes law and requested Council to clarify all verbiage for the ballot as the public deserves to know.

Seeing no one else coming forward, Council President Murphy asked for motion to close the Public Hearing for Ordinance#18-26.

MOTION: Sandra Ooms
SECOND: Mark Van Tassel
All members voted in favor.

Council Member Ooms stated the amount is ambiguous and the examples of what the funds can be used on is not specific enough. She added that since the Township Council is the Open Space Committee, it is they who will determine where the funds are spent. Council Member Ooms further commented that more council discussion is needed to review the Ordinance because the revision was received on August 10th. Clerk Kirkman explained that all Council Members received the revised Ordinance on July 24th via email from the Township Attorney. Council Member Ooms opined that the amount in the Ordinance is not clear and can be interpreted differently.

Council President Murphy asked for a motion to adopt Ordinance #18-26.

MOTION: Mark Van Tassel
SECOND: John Auberger

A roll call vote was taken:

AYES: Dan Kadish, Mark Van Tassel, John Auberger, Jean Murphy
NAYES: Sandra Ooms
ABSTAIN: None
ABSENT: None

Motion carried to adopt Ordinance#18-26.

Ordinance #18-20: An Ordinance Replacing Chapter 447 Of The Code Of The Township Of Vernon Entitled "Property Maintenance"

Council President Murphy read Ordinance #18-20 by title only:

Council President Murphy asked for a motion to open the Public Hearing of Ordinance #18-20.

MOTION: John Auberger
SECOND: Mark Van Tassel
All members voted in favor.

Craig Williams stated he does not have a property with a sidewalk but does not understand how the owners that gave the Township property for the sidewalks and now are required to maintain the Township property. Attorney Zielinski commented that per State Law N.J.S.A. 40:65-12 regulatory language allows municipalities to ask through Ordinance that homeowners be responsible to sweep and clear sidewalks of snow. Attorney Zielinski noted that he had relayed onto the Attorney for Highland Lakes that further clarity of the conveyance of the lands will need to be discussed between the Association, Owners and the Township.

Jack McLaughlin questioned if the Ordinance is substantively amended can it then be adopted. Mr. Zielinski explained if the Ordinance is substantively amended the amendment must be introduced and added to next agenda for a public hearing. Council President Murphy suggested making a substantial amendment by deleting 447-10 (A) in its entirety – titled "Sidewalks."

Keith McCotter, Highland Lakes, commented that as a School Board Member and Member of other organizations, it is not good governance to pass an Ordinance that has issues and revisit a portion later and recommended that the Ordinance should not be passed as the public may be impacted greatly.

Robert Hughes stated in 1985, 1996 and 2017 the Township Council brought forward Ordinances like Ordinance#18-20 which all were tabled. Mr. Hughes suggested to Council after hearing the Township and Public discussion to table this Ordinance as well as it is a terrible burden for Highland Lakes owners.

Seeing no more public coming forward, Council President Murphy asked for motion to close the Public Hearing for Ordinance#18-20.

MOTION: Sandra Ooms
SECOND: Mark Van Tassel
All members voted in favor.

Council President Murphy asked that if the Council was in agreement that the ordinance could be amended to exempt Highland Lakes from the ordinance so this issue does not come up again in the future. Council President Murphy noted further discussion with Administration and Highland Lakes would be needed so this issue of who owns the sidewalks did not arise again.

Council President Murphy made a motion to amend the ordinance to remove Highland Lakes.

MOTION: Jean Murphy
SECOND: John Auberger

Council Member Ooms interjected that she would like to make a motion to table Ordinance#18-20. There was no second.

Council Member Ooms stated she felt the entire ordinance needed to be visited. Attorney Zielinski clarified that Highland Lakes would be exempted from section 447:10 (A).

Council Member Ooms requested the Attorney advise her how it was to be amended. Council Member Ooms stated she would like the ordinance tabled and come back with a whole new one. There was no second.

Scott Geysels, of Barry Lakes, suggested exempting all properties in Zip Code 07422 but Council President Murphy stated that using a Zip Code includes areas other than Highland Lakes and would not be correct.

Council Member Auberger requested that the Ordinance be amended to simply state that it only applies to the sidewalks that are in the Town Center rather than try to exempt this section or that section of Town.

Attorney Zielinski stated the amendment could state sidewalks in the Town Center Zone per the Zoning Map of Vernon Township.

Council Member Ooms reiterated she wanted it to be tabled and a whole new one brought forth. There was no second. Council Member Ooms stated she did not like things on the fly, she wanted the ordinance tabled. There was no second.

Council President Murphy stated the motion would be to amend it so it would only include the Town Center Zone. Attorney Zielinski stated that since it is a substantive change, there will be a public hearing at the next council meeting on the amendment.

Council Member Ooms stated that she would like to make some comments as well. Council Member Ooms commented that there is a claim that the public wants a property maintenance ordinance but she feels there has to be an ordinance with enforcement. Council Member Ooms took exception to the verbiage so that it can be enforced and is not discretionary where every property owner is treating the same. Ms. Ooms recommended changing the word ‘may’ to ‘shall’ to remove the discretionary part of the verbiage. Council Member Ooms claimed that she had reviewed Ordinances across the Country and she did not find any “may” it should be “shall”. Council President Murphy questioned Ms. Ooms what she would like the Ordinance changed to state. Council President Murphy asked what should happen if an owner became unable to tend to their home due to a personal emergency, the Zoning Officer ‘shall’ enforce by issuing a violation with no discretion. Council Member Ooms restated she wants every homeowner treated equally. Council Member Van Tassel added that every case is different, they are not all the same.

Council Member Kadish explained that Ms. Ooms has the option to vote the Ordinance down she chooses. He opined that the Ordinance is an intrusion on every property owner’s right to decide how to mow their lawn or care for their trees as public safety is covered in other statutes. Mr. Kadish added his objection to fact the Ordinance has no procedure for an appeal, is arbitrary and is an intrusion.

Council President Murphy stated the 2010 Council tabled a similar ordinance but noted there comes times when the public complains about other properties lack of maintenance hurting property values.

Council Member Ooms further stated in Section 447:14, the first sentence the word ‘may’ be changed to ‘shall’.

MOTION: Sandra Ooms
SECOND: John Auberger

Council Member Ooms continued then indicating that she wanted section 447:13 amended as well.

Attorney Zielinski questioned if she was indicating to strike the second sentence. Council Member Ooms indicated that was corrected.

Attorney Zielinski reviewed the changes to amend Ordinance#18-20 Section 447:10 (A) to refer to sidewalks in Town Center Zone only. Attorney Zielinski further stated in Section 447:14, the first sentence the word ‘may’ be changed to ‘shall’ and eliminate in Section 447:13 (A) the entirety of the second sentence be removed.

Council President Murphy asked if anyone would like to make a motion to amend reflecting those changes.

MOTION: Sandra Ooms
SECOND: John Auberger

A roll call vote was taken:

AYES: Sandra Ooms, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: Dan Kadish

ABSTAIN: None

ABSENT: None

Motion carried to Amend Ordinance#18-20 with a public hearing on the amendment to be held on August 27, 2018. Clerk Kirkman confirmed with Attorney Zielinski that the public hearing on the amendment only would be held and then adoption of the ordinance as amended would be on August 27, 2018.

Council President Murphy commented that Administration should meet with Highland Lakes Association to establish a procedure for maintenance of the Sidewalks.

RESOLUTIONS REQUIRING SEPARATE ACTION:

Council President Murphy asked for a motion to approve Resolution #18-197.

Council Member Ooms questioned why there is a Resolution and Ordinance for this purpose. Mr. Zielinski explained the County requires an authorizing Resolution to allow it to be put on the ballot.

MOVED: Mark Van Tassel
SECOND: John Auberger

A roll call vote was taken:

AYES: John Auberger, Mark Van Tassel, Jean Murphy

NAYES: Sandra Ooms, Dan Kadish

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #18-197.

RESOLUTION 18-197

A RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX COUNTY, STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM TO ALLOW ADDITIONAL EXPENDITURES FROM THE OPEN SPACE TRUST FUND FOR PUBLIC PATHWAY DEVELOPMENT AND MAINTENANCE

WHEREAS, Vernon Township created an Open Space Trust Fund by Ordinance #00-16, which authorized a municipal tax to fund an Open Space Trust Fund for a period of five (5) years; and

WHEREAS, Ordinance #00-16 limited expenditures from the Open Space Trust Fund to be dedicated to farmland preservation and to preserving open space; and

WHEREAS, the current Open Space Trust Fund has a balance of \$972,012.92; and

WHEREAS, there is no current municipal tax to fund the Open Space Trust Fund; and

WHEREAS, there have been no recent purchases of land or easements using funds from the Open Space Trust Fund; and

WHEREAS, the renewal of the Open Space municipal tax was presented to the voters by Ordinance #06-29 and by Ordinance #07-18 and was defeated both times; and

WHEREAS, the governing body of the Township of Vernon has proposed modifying the limitations on expenditures from the Open Space Trust Fund; and

WHEREAS, since the Open Space Trust Fund was created by voter referendum and the limitation on the Open Space Trust Fund were linked to that referendum, it is appropriate to seek voter approval to change the restrictions on expenditures from the Open Space Trust Fund; and

WHEREAS, the Vernon Township Council desires to ascertain the sentiment of the voters of Vernon Township concerning the modification of eligible projects under the Open Space Trust Funds; and

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

1. Pursuant to N.J.S.A. 40:12-15.7 (d), the Township Council of Vernon Township hereby requests the Sussex County Clerk to print on the official ballot to be used in the General Election to be held on November 6, 2018 the following **BINDING** public question:

Shall Vernon Township modify Township ordinance #00-16, which currently limits the spending of funds collected for the Township Open Space Trust Fund which had a balance of approximately \$972,012.92 as of July 17, 2018, to allow no more than thirty percent (30%) of the Township Open Space Trust Fund to be used for the maintenance of Township owned open space; creation and maintenance of public pathways for hiking, biking and horseback riding trails; creation of amenities such as public gardens, disc golf and bike pump track(s); and the preservation and maintenance of cultural sites
YES [] NO []

2. The Sussex County Clerk is further requested to print on said ballot the following interpretive statement of the public question presented above:

If passed by the voters, this referendum would authorize the Vernon Township Council to modify the current purposes of the Township Open Space Trust Fund (“Fund”) to allow for no more than thirty percent (30%) of the Fund to be used for the creation and maintenance of trails and bikeways, such as trailheads, trails, boardwalks, bridges, park kiosks, road crossings, signage, and other improvements needed to develop a trail system. This proposal would also allow the Fund to be used to maintain Township owned open space, create amenities such as public gardens, disc golf and bike pump track and the preservation and maintenance of cultural sites. The current authorized uses of the Fund shall continue to be for the acquisition of open space and farmland, but up to thirty percent (30%) of the Fund balance would be authorized for outdoor recreation, property maintenance, and the preservation and maintenance cultural sites. A "Yes" vote will not impose an Open Space tax levy, but will authorize the use of existing funds for the purposes stated above. Eligible projects will be determined by the Township Council on a case-by-case basis.

3. A certified copy of this Resolution shall be immediately forwarded to the Sussex County Clerk.

RESOLUTION 18-198

Council President Murphy asked for a motion to approve Resolution #18-198.

MOVED: Sandra Ooms
SECOND: Jean Murphy

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, John Auberger, Mark Van Tassel, Jean Murphy
NAYES: None
ABSTAIN: None
ABSENT: None

Council Member Ooms claimed she was voting no because she felt the resolution was unclear.

Motion carried to approve Resolution #18-198.

RESOLUTION 18-198

A RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX COUNTY, STATE OF NEW JERSEY, AUTHORIZING REMOVAL OF NON-BINDING PUBLIC QUESTIONS AND INTERPRETIVE STATEMENTS FROM THE NOVEMBER BALLOT

WHEREAS, Vernon Township (“Township”) created an Open Space Trust Fund by Ordinance #00-16, which authorized a municipal tax to fund an Open Space Trust Fund for a period of five (5) years; and

WHEREAS, Ordinance #00-16 limited expenditures from the Open Space Trust Fund to be dedicated to farmland preservation and to preserving open space; and

WHEREAS, on January 8, 2018, the Vernon Township Council passed Resolution #18-71 authorizing the inclusion of two non-binding public questions and interpretive statements concerning additional expenditures from and uses for the Township’s Open Space Trust Fund; and

WHEREAS, the Township requested that the Sussex County Clerk print the non-binding questions and interpretive statements on the official ballot to be used in the General Election to be held on November 6, 2018; and

WHEREAS, the Township no longer wishes to include the non-binding questions and interpretive statements in Resolution #18-71 on the official ballot for the November 6, 2018 General Election.

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

1. The Township Council of Vernon Township hereby requests the Sussex County Clerk to remove/omit the non-binding questions and interpretive statements in Resolution #18-71 from the official ballot to be used in the General Election to be held on November 6, 2018.
2. A certified copy of this Resolution shall be immediately forwarded to the Sussex County Clerk.

PUBLIC COMMENTS (Limited to 3 minutes on any topic)

Council President Murphy asked for a motion to open the meeting to public comments.

MOVED: Mark Van Tassel

SECOND: John Auberger

All Members were in Favor

Doreen Edwards, Highland Lakes, regarding the Property Maintenance Ordinance, commented that property owners will get a written warning first, then get a fine. Ms. Edwards stated that enforcement should depend on the circumstance. Council Member Ooms stated the Ordinance should not be at discretionary so everybody will get a verbal warning, or everybody will get a fine. Ms. Edwards suggested that residents should get a verbal warning first and as Council President Murphy suggested and get time to correct the violation before receiving a fine.

Bonnie Rubin asked for confirmation that Resolution#18-197 was changed to reflect a total of only 30% of the Open Space balance to be utilized and not 30% every calendar year. Council confirmed only 30% of total amount.

Seeing no more members of the public wishing to come forward, Council President Murphy asked for a motion to Close the meeting to Public Comments.

MOVED: Mark Van Tassel

SECOND: John Auberger

All Members were in Favor.

Council President Murphy announced the Mayor is not present to submit a Report.

COUNCIL COMMENTS

Council Member Auberger commented the Township needs to seek Sussex County assistance in revisiting what can be done to prevent the truck accidents on Route 515. He suggested increased signage, lower speed limit, installation of emergency truck lane or turn around lane to increase public safety.

Council Member Van Tassel had no comments.

Council Member Kadish commented there are only 56 dairy farms left in New Jersey and opined that NJ residents should be doing everything they can to save family farms. Nationwide only 96 dairy farms had milk serviced for Walmart, but now Walmart has decided to buy their own farms in Indiana to process milk putting the 96 farmers out of business. Mr. Kadish explained the state regulations are antiquated and vary amongst New York, New Jersey and Connecticut and urged legislature to update laws, so the regional areas can interact together.

Council Member Kadish expressed his support for Open Space, Farmland Preservation and Mayor's Plan to add trails but added that continued maintenance is important. He added that former farms have been overcome with weeds or thistle and funds are not available from the state and county so using the Vernon Open Space Trust Fund is a good compromise. He noted thought that Council must be careful with how the funds are spent for the most good and suggested formation of an Agricultural Committee for the preservation of Vernon Farmland.

Council Member Ooms had no comments.

COUNCIL PRESIDENT COMMENTS

Council President Murphy stated there was an Open Space meeting in 2015 where consideration of Bike Trails and Horse Trails was discussed being done even back them.

Council President Murphy explained that Vernon Township, through the Municipal Services Act provides reimbursement to qualified private communities for their snowplowing services. She added she asked that Mayor Shortway could provide information to the public, so the public can understand the procedure and see the amounts that are reimbursed annually.

ADJOURNMENT

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Auberger, seconded by Council Member Auberger with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:55 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: September 10, 2018