

**Township of Vernon**

**TOWNSHIP COUNCIL MEETING MINTUES**

**September 10, 2018**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on September 10, 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 Jean Murphy, Business Administrator Charles Voelker and Township Attorney Marlin Townes.

Council President Murphy announced that the Council Executive Session was cancelled for today.

**MOMENT OF SILENCE**

Council President Murphy led a Moment of Silence in Remembrance of all victims of the September 11, 2001 terror attacks.

**PROCLAMATIONS:**

Council President Murphy read the Proclamation for Childhood Cancer Awareness Month.

**PROCLAMATION RECOGNIZING AND DECLARING THE MONTH OF SEPTEMBER AS CHILDHOOD CANCER AWARENESS MONTH IN VERNON TOWNSHIP**

**WHEREAS**, Children across New Jersey bravely fight against Burkett’s Lymphoma – Non Hodgkin’s Lymphoma, a form of pediatric cancer; and

**WHEREAS**, in gratitude to all those who helped the children and their families on their journeys to recovery, the Township of Vernon would like to help raise awareness for childhood cancer; and

**WHEREAS**, each year, pediatric cancer interrupts children’s lives and limits the potential of thousands of young Americans, and it remains the leading cause of disease- related death for children; and

**WHEREAS**, September has been declared as National Childhood Cancer Awareness Month and in effort to raise awareness everyone is encouraged to go GOLD to show support and promote recognition of those young lives affected by cancer; and

**WHEREAS**, during Childhood Cancer Awareness Month, we come together to remember all those whose lives that were cut short by pediatric cancer, to recognize the loved ones who know too well the pain it causes, and to support every child and every family battling cancer each day. We join with their loved ones and the researchers, health care providers, and advocates who support them as we work toward a tomorrow where all children are able to pursue their full measure of happiness without the burden of cancer.;

**NOW THEREFORE, BE IT PROCLAIMED, by the Mayor and Council of the Township of Vernon that**

**SEPTEMBER 2018  
SHALL BE KNOWN AS  
CHILDHOOD CANCER AWARENESS MONTH  
IN THE TOWNSHIP OF VERNON**

Council Member Kadish read the Proclamation for Prostate Cancer Awareness Month.

### **Prostate Cancer Awareness Month**

**WHEREAS**, Prostate Cancer is a serious threat to men's health across New Jersey and the nation, and

**WHEREAS**, while the causes of Prostate Cancer are still unknown, men with certain risk factors may be more likely to develop the disease and most men who suffer from Prostate Cancer are over the age of 65 and those whose fathers, brothers, or sons have had the disease are also at greater risk, and African American men experience both the highest incidence and the highest mortality rates; and

**WHEREAS**, increased public awareness of this disease, its risk factors, and its symptoms may save lives as men across New Jersey learn to recognize the warning signs of Prostate Cancer as listed at [www.Cancer.gov](http://www.Cancer.gov); and

**WHEREAS**, Prostate Cancer is treatable when detected early, and prompt treatment can significantly reduce the suffering and deaths caused by this disease.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that the *MONTH OF SEPTEMBER* shall be proclaimed *PROSTATE CANCER AWARENESS MONTH* in the Township of Vernon, and that we encourage citizens to stand together against this disease.

### **September 2018**

#### **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.

Seeing no 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 voted in favor.

#### **MINUTES**

Council President Murphy asked for a motion to approve the Regular Meeting Minutes and Executive Session Minutes of August 13, 2018.

MOVED: Dan Kadish

SECOND: John Auberger

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 the Regular Meeting Minutes and Executive Session Minutes of August 13, 2018.

#### **CONSENT AGENDA**

Council President Murphy gave a brief explanation of Resolutions #18-202 through #18-207.

Council President Murphy asked for a motion to approve Resolutions#18-202 through #18-207.

MOVED: Dan Kadish  
SECOND: John Auberger

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 Resolutions #18-202 through #18-207.

### **RESOLUTION #18-202**

#### **RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON SEPTEMBER 23, 2018 WITHIN THE TOWNSHIP OF VERNON**

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

**WHEREAS**, Mountain Creek Resort has submitted an application to Vernon Township to conduct a fireworks display in the Resort Employee Parking Lot, 193 RT 94, on September 23,2018, for Oktoberfest; and

**WHEREAS**, Mountain Creek Resort has engaged in a contract with Garden State Fireworks, Millington, NJ, to perform the public fireworks and special effects displays and has provided the required certificate of liability insurance to the Township.

**NOW THEREFORE BE IT RESOLVED** that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display, performed by Garden State Fireworks Inc. on September 23, 2018, at Mountain Creek Resort for Oktoberfest upon satisfaction of all statutory and departmental requirements.

### **RESOLUTION #18-203**

#### **RESOLUTION AUTHORIZING THE AGREEMENT WITH THE VERNON TOWNSHIP BOARD OF EDUCATION FOR THE ADDITION OF A POLICE RADIO REPEATER ONTO THE VERNON TOWNSHIP HIGH SCHOOL**

**WHEREAS**, the Vernon Township Police Department wishes to enter into an agreement with the Vernon Township Board of Education for the placement of a police radio repeater on the Vernon Township High School located at 1834 County Route 565, Glenwood, NJ, and

**WHEREAS**, it has been determined the placement of this tower will greatly enhance police communications within the Vernon Township High School and surrounding area, and

**WHEREAS**, Vernon Township included the cost of the repeater in the 2017 Digital Radio Upgrade Capital Project, and

**WHEREAS**, the police radio repeater will provide a critical service to the students, faculty, staff, and guests of Vernon Township High School along with the residents in the surrounding area by greatly enhancing police radio communications.

**NOW THEREFORE, BE IT RESOLVED**, that Vernon Township declares its support for the “Police Department Antenna Location Agreement”; and

**BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor, Chief Finance Officer and Township Clerk are hereby authorized to execute and sign any and all documents in order to effectuate the agreement between the

Township of Vernon and Vernon Township Board of Education in relation to the “Police Department Antenna Location Agreement”

**RESOLUTION #18-204**  
**REFUND OVERPAYMENT- (Block 100.07 Lot 20)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Frank D. & Donna M. Linke in the amount of \$1,732.97 representing refund for overpayment of 3<sup>rd</sup> qtr. 2018 property taxes for Block 100.07 Lot 20, also known as [REDACTED]

**RESOLUTION #18-205**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$140,000 BONDS OR NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND AUTHORIZING VARIOUS MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, The Township of Vernon, in the County of Sussex (the “Local Unit”), New Jersey, has determined that there exists a need within the Local Unit to proceed with an asset management plan in order to determine the need for, and the scope of, future capital projects (the “Project”); and

**WHEREAS**, the Local Unit has determined to finance the Project with the proceeds of a loan from the New Jersey Infrastructure Bank (the “Bank”); and

**WHEREAS**, to evidence the loan, the Bank requires the Local Unit to authorize, execute, attest and deliver the Local Unit note to the Bank (the “Local Unit Obligation”) pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the “Local Bond Law”), other applicable law; and

**WHEREAS**, the Local Unit Obligation has been authorized pursuant to a bond ordinance of the Local Unit adopted on April 23, 2018, entitled: “Bond ordinance providing for improvement of the sanitary sewerage system in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$140,000 therefor and authorizing the issuance of \$140,000 bonds or notes of the Township for financing such appropriation”; and

**WHEREAS**, N.J.S.A. §40A:2-27(a)(2) and N.J.S.A. §40A:2-28 of the Local Bond Law allows for the sale of the Local Unit Obligation to the Bank, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the Local Unit Obligation to the Bank without any public offering, all under the terms and conditions set forth in the following resolution.

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

Award of the Local Unit Obligation. In accordance with N.J.S.A. §40A:2-27(a) (2) of the Local Bond Law and N.J.S.A. §58:11B-9(a), the Local Unit hereby sells and awards its Local Unit Obligation to the Bank in accordance with the provisions of this resolution.

Basic Terms of the Local Unit Obligation; Delegation of Power to Make Certain Determinations. The chief financial officer of the Local Unit, the acting chief financial officer of the Local Unit or the treasurer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Bank and the terms and conditions of this resolution, the following items with respect to the Local Unit Obligation: (a) the aggregate principal amount of the Local Unit Obligation to be issued, which amount shall not exceed \$140,000; (b) the maturity of the Local Unit Obligation, which maturity shall not exceed five (5) years after the date of issuance thereof or such longer time as may be permitted by the Bank; (c) the date of the Local Unit Obligation; (d) the interest rate of the Local Unit Obligation, which interest rate shall not exceed two per centum (2%); (e) the terms and conditions under which the Local Unit Obligation shall be subject to redemption prior to its stated maturity; (f) the title of the

Local Unit Obligation and (g) such other matters with respect to the Local Unit Obligation as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof.

Determinations Conclusive. Any determination made by the Chief Financial Officer pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Local Unit Obligation by the parties authorized under Section 4 of this resolution.

Further Terms of Local Unit Obligation. The Local Unit hereby determines that certain terms of the Local Unit Obligation shall be as follows: (a) the Local Unit Obligation shall be issued in a single denomination and shall be numbered R-1, or as may otherwise be determined by the Chief Financial Officer, (b) the Local Unit Obligation shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America and (c) the Local Unit Obligation shall be executed by the manual or facsimile signature of the Mayor or the Acting Mayor (the “Mayor”) and Chief Financial Officer under official seal or facsimile thereof, affixed imprinted, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk or Deputy Local Unit Clerk (the “Local Unit Clerk”).

Form of the Local Unit Obligation. The Local Unit Obligation shall be substantially in the form required and traditionally used by the Bank (which form is available from the Bank).

Authorized Parties. The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Local Unit Obligation, which law firm may authorize McCarter & English, LLP, bond counsel to the Bank, to arrange for same. The Local Unit auditor and financial advisor, if any, are hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Obligation. The Mayor, the Chief Financial Officer, the Township Administrator and the Local Unit Clerk (each, an “Authorized Official”) are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Report to the Local Unit. The Chief Financial Officer is hereby directed to report in writing to this Council at the next meeting of this Council next following the closing with respect to the Local Unit Obligation as to the terms of the Local Unit Obligation authorized to be determined by the Chief Financial Officer pursuant to and in accordance with the provisions of this resolution.

Delivery of the Local Unit Obligation. Each Authorized Official is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Local Unit Obligation and is hereby further authorized to deliver same to the Bank upon delivery of the Local Unit Obligation and the receipt of payment therefor.

Authorized Actions. The Authorized Officials are hereby further severally authorized to (i) execute and deliver and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with counsel, bond counsel, auditor and any other advisors to the Local Unit, to be executed in connection with the execution and delivery of the Local Unit Obligation and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

Prior Action. All action taken to date by the officers, employees and agents of the Local Unit with respect to the Local Unit Obligation hereby are approved, ratified, adopted and confirmed.

Effective Date. This resolution shall take effect immediately.

## **RESOLUTION #18-206**

### **AUTHORIZING THE AWARD OF CONTRACT FOR CONTAINER SERVICE AT THE TOWNSHIP’S PUBLIC WORKS AND ANIMAL CONTROL FACILITIES**

**WHEREAS**, there exists a need to haul and dispose of solid waste (type 10) containers at the Township’s Public Works and Animal Control facilities and;

**WHEREAS**, Gaeta Recycling Company has provided for quotes for these services proposed for the time frame of November 1, 2018 through October 31, 2019; and

**WHEREAS**, the Qualified Purchasing Agent has solicited formal quotes for these services, of which Gaeta Recycling Company was the lowest cost of the three (3) quotes; and

**WHEREAS**, the Qualified Purchasing Agent recommends awarding a contract to Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson, New Jersey 07053 who submitted the pricing of \$1,360.00 per month for a total of \$16,320.00 for the contract period of November 1, 2018 through October 31, 2019; and

**WHEREAS**, the Chief Financial Officer pursuant to NJAC 5:30-5.5(b), has certified these funds are available.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor, Clerk and CFO are authorized to execute a contract with Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson NJ 07053 not to exceed \$16,320.00

### **RESOLUTION #18-207**

#### **RESOLUTION APPOINTING ALTERNATE FUND COMMISSIONER**

**WHEREAS**, the Township of Vernon (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS**, the Fund’s Bylaws require participating members to appoint a Fund Commissioner; and

**WHEREAS**, the Township appointed its Fund Commissioner and Alternate Fund Commissioner via Resolution 18-16 on January 1, 2018; and

**WHEREAS**, due to the resignation of the Alternate Fund Commissioner, the Township appointed a Temporary Alternate Commissioner via resolution 18-177 on July 9, 2018; and

**WHEREAS**, the Township is desirous to change its Alternate Fund Commissioner effective September 10, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Township of Vernon that the Interim CFO (Donelle Bright DeCouto) is hereby appointed as the Alternate Fund Commissioner for the Local Unit effective September 10 2018; and

**BE IT FURTHER RESOLVED** that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

Council President read by title Ordinance #18-25.

**Ordinance #18-25:** An Ordinance Amending Chapter 330 Of The Code Of The Township Of Vernon Entitled “Land Development” To Permit Fowl On Certain Properties

Council President Murphy asked for a motion to open Public Hearing for Ordinance#18-25.

MOVED: Mark Van Tassel

SECOND: Sandra Ooms

All Members were in Favor.

Linda Osestad commented the fact that in the early 20<sup>th</sup> century, most families raised chickens as their patriotic duty during World War I and noted her support for the chicken ordinance. She added the advantages include Lyme disease preventers, waste can be used as natural fertilizer, supply of fresh healthy eggs, learning experience for children and therapeutic support. Ms. Osestad agreed that roosters should not be allowed, and chickens should not cause any nuisance to neighbors but noted fee is too high and suggested \$25.00. As a Highland Lakes resident and Vernon taxpayer, Ms. Osestad questioned who has jurisdiction to allow chickens, Township or Association. Council President

Murphy stated residents must check with their Associations who may have restrictions within existing bylaws.

Council President Murphy asked for a motion to close Public Hearing for Ordinance#18-25.

MOVED: Mark Van Tassel  
SECOND: John Auberger  
All Members were in Favor

Council President Murphy asked for a motion to adopt Ordinance#18-25.

MOVED: John Auberger  
SECOND: Mark Van Tassel

Council Member Ooms commented that proposed Ordinance states the Zoning Officer must approve all structures which is not in the scope of practice. She added in Section #5 that structures over 200 sq. ft also require Zoning, Health and Building approvals but questioned if Zoning Officer can approve structures. Council President Murphy explained that when an application is made, a survey is required noting the proposed location which the Zoning Officer must review per Township Code.

Council Member Ooms objected to the verbiage in Ordinance, 'Non-compliance may be issued summons' and recommended it be changed to 'Non-compliance shall be issued a summons' in effort to eliminate discretionary enforcement by Zoning Officer.

Council Member Kadish read into record an excerpt from Land Use Board Discussion on the proposed Ordinance #18-25 and listed recommendations by the Boards' members. He commented that he sent a revised Ordinance to all Council Members to review.

Comments included:

- No zoning permits needed for structures under 90 sq. ft.
- Structure must be 10 ft. from rear and side property lines
- Chickens are restricted to rear yards
- Fowl must be kept in manner not to be a public nuisance
- Fowl must be confined within property limits
- Failure to do so, owner is responsible for neighbor's damage and may forfeit privilege of keeping fowl
- No fowl may be kept unless authorized by owner of property
- All fowl be housed, water and fed in coops designed for such use and separated by any dwelling on property
- Waste management defined: manure may be applied to garden; shall not be used on any surface as mulch or topsoil; may be composted/bagged; may not be stored within 10 ft of property line; and no runoff to neighbor's property.
- Chicken Feed must be stored and kept in tightly closed containers in manner to protect access from bears, raccoons, rodents and other wildlife.

Council Member Kadish added that enforcement from Township agents shall have authority to enforce penalties including removal or summons for non-compliance. He added that penalties will be assessed by Municipal Judge up to maximum allowed by law. He commented the Right to Farm Act has no reference for need of 5 acres and noted the required fee is excessive. Council Member Kadish commented about the therapeutic qualities of chickens and sense of responsibility learned by children caring for animals and strongly objected to the bureaucracy and oversight in the proposed Ordinance as presented and that further discussion is needed.

Council President Murphy commented that she never received a revised Ordinance by Council Member Kadish to review and noted that this Ordinance has been reviewed by the Zoning & Building Departments and Land Use Board. She noted that the fee for the Zoning Permit is in the existing Township Fee Ordinance for accessory structures. Council President Murphy noted that should Ordinance #18-25 be approved, a Resolution must be voted on stating the reasons for adopting the Ordinance in response to the Land Use Board recommendation.

Council Member Kadish stated that the Building Department approves structures, the Agriculture Board supervises agriculture and opined that Ordinance#18-25 is Vernon Township taking over other agencies responsibilities.

A roll call vote was taken to approve the ordinance as presented:

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

NAYES: Dan Kadish

ABSTAIN: None

ABSENT: None

Motion carried to approve Ordinance#18-25 as presented.

### **RESOLUTION REQUIRING SEPARATE ACTION**

Council President Murphy gave a brief explanation of Resolution #18-208.

Council President Murphy asked for a motion to approve Resolution#18-208.

MOVED: John Auberger

SECOND: Mark Van Tassel

A roll call vote was taken:

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

NAYES: Dan Kadish

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #18-208

### **Resolution #18-208**

#### **RESOLUTION RECOMMENDING THE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 330 OF THE CODE OF THE TOWNSHIP OF VERNON ENTITLED “LAND DEVELOPMENT” TO PERMIT FOWL ON CERTAIN PROPERTIES.**

**WHEREAS**, the Council of the Township of Vernon (“Township Council”) has introduced Ordinance No. 18-25 which amends Chapter 330 of the Township of Vernon (“Township”) Code to allow fowl on certain properties. The Ordinance will allow greater access to fresh poultry and eggs among the Township’s residents and creates a potential income stream for residents; and

**WHEREAS**, at its meeting on July 23, 2018, the Township Council introduced the Ordinance and referred it to the Township of Vernon Land Use Board (“LUB”) for its review and recommendation; and

**WHEREAS**, under N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D26, the Ordinance had to be referred to the LUB for identification of any provisions in the proposed Ordinance that are inconsistent with the Township’s Master Plan and recommendations concerning these inconsistencies and any other matters as the LUB deems appropriate; and

**WHEREAS**, on August 22, 2018, the LUB reviewed the Ordinance and concluded that the proposal to permit fowl on certain residential properties within the Township is not inconsistent with the intent and purposes of the Township’s Master Plan but made recommendations including: clarification whether accessory structures or principal structure setbacks apply to fowl enclosures; allowing small coops to be permitted without zoning approval; and to change manure handling requirements to simply not be nuisance to surrounding properties; and

**WHEREAS**, after reviewing the LUB’s recommendations, the Township Council had determined that the current form of the proposed Ordinance should be adopted without the proposed changes by the LUB; and

**WHEREAS**, the Township’s Council’s appropriate reasons for the adoption of Ordinance No. 18-25 without changes recommended by the LUB are as follows:

1. The Current Ordinance is not inconsistent with the Master Plan;



2. The location and space requirements for tending fowl is sufficiently outlined in the Ordinance;
3. Imposing zoning approval requirements for coops will help ensure safety and proper oversight concerning such structures; and
4. Keeping specific uses and procedures for the handling of manure will help to prevent negative public health issues and preserve the character of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that for the appropriate reasons stated above it supports the passage of Ordinance No. 18-25 in its current form as it is not inconsistent with the Township's Master Plan.

**PUBLIC COMMENTS** *(Limited to 3 minutes on any topic)*

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.

Linda Osestad questioned if the \$50 fee for the building permit is required if a premade chicken coop is used instead and compared it to a doghouse which does not require a permit. Council President Murphy suggested Ms. Osestad discuss same with the Zoning Officer.

Peg Distasi, [REDACTED] commented that there is more attention to chickens and permitting of coops than the serious soil situation on 3 Silver Spruce where lead levels are five times the state limit seeping from the property. She added discussion from the Freeholder meeting suggested municipalities review Ordinances as the County stated, 'it is up to us to take care of situation in town'. Ms. Distasi recommended that Council review the Ordinance and include a public hearing.

Council President Murphy explained the Court date was postponed and the Township has to wait for new date of October 9, 2018 to address the many summons that have been issued to the property. She added pending litigation can not be discussed further in the public meeting. Ms. Distasi stated that Mayor Shortway commented Vernon may have enough evidence to obtain an Administrative Warrant to enter the property. Council President Murphy restated we are waiting to be heard by Judge for court action.

Pat Distasi, [REDACTED] provided information to Council that trucks entered property at 3 Silver Spruce containing 20-25 railroad ties and notification was made to the Zoning Officer to inspect. Mr. Distasi commented he understands the complexity of the soil issue and thanked the current Council for taking action which has not been done by their predecessors. He added he was privy to video shown to County Freeholders at meeting last week and noted components from the Randolph ordinance may be helpful to Vernon. Mr. Distasi explained although the public is frustrated, action being taken has been positive to resolve the soil issues and Vernon needs to have patience when dealing with the Courts. He offered the Council encouragement to continue to move forward and not to underestimate the power they hold.

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: John Auberger

SECOND: Mark Van Tassel

All members voted in favor.

**MAYORAL APPOINTMENTS**

Council President Murphy gave a brief explanation of Resolution #18-209.

Council President Murphy asked for a motion to approve Resolution#18-209.

MOVED: John Auberger

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

Motion carried to approve Resolution #18-209.

Council President Murphy thanked Mr. Zweier for his volunteerism to the Township Land Use Board.

### **RESOLUTION #18-209**

#### **APPOINTMENT TO THE LAND USE BOARD**

**BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, and STATE OF NEW JERSEY, as follows:**

1. That the following individuals are hereby appointed as a member of the Vernon Township Land Use Board for a term specified as follows:

David Zweier                                      Alternate 4      2 year term expiring      12/31/2019

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

- a. Land Use Board Secretary

#### **COUNCIL COMMENTS**

Council Member Auberger commented there was a great turnout for the Vernon Street Fair and Farmers Market held last Saturday even though weather added some rain.

Council Member Van Tassel had no comment.

Council Member Ooms had no comment.

Council Member Kadish had no comment.

#### **COUNCIL PRESIDENT COMMENTS**

Council President Murphy had no comment.

#### **MAYORS REPORT**

Mayor Shortway was unable to attend the meeting and Mr. Voelker presented the Mayor's Report.

Mr. Voelker stated the Road Resurfacing projects at Barry Drive North, Wawayanda Road and the Municipal Building and Recycling lots have been completed with only slight delays due to weather and asphalt plant closings. Line Striping will be completed when conditions of cooler, dryer weather allow in the near future.

Mr. Voelker welcomed our new Chief Financial Officer Donelle Bright DeCouto, a valuable asset to our Administrative staff.

Mr. Voelker expressed thanks to Elmer Platz and all dedicated volunteers who assisted in making the Annual Vernon Street Fair and Farmers Market a success.

Mr. Voelker announced there is a new Stop Work Order issued by the Sussex County Soil Conservation District, but Vernon has not yet heard the County Attorney's response as to what enforceable action will be taken at this time.

Mr. Voelker explained that Mayor Shortway, Council President Murphy and some Vernon Administrative Staff attended the Sussex County Freeholders meeting and directly asked about the dumping of solid waste and commercial trucks coming from areas outside of Sussex dumping in Vernon but received no response. He added that Mayor Shortway urged the Freeholders to have the Sussex County Sheriff utilize the truck weight team to enforce state laws for weight limits and public

safety and noted that Vernon is considering its own Truck Safety Unit regardless of Sussex County's action.

Council President Murphy commented that Flags at the Municipal Center will be a half staff to honor those who died on September 11, 2001.

**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 Ooms with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 7:43 p.m.

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Jean Murphy,  
Council President

Minutes approved: September 24, 2018