

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL MEETING
OCTOBER 24, 2016

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday October 24, 2016 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Dan Kadish presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 5, 2016, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7

ROLL CALL OF MEMBERS

Present were Council Members Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel and Council President Dan Kadish. Also in attendance was Mayor Harry Shortway, Business Administrator Charles Voelker and Township Attorney John Ursin.

SALUTE TO THE FLAG

Boy Scout Troop Pack 404 Den 1 led the assemblage of the flag.

Council President Kadish asked for a Moment of Silence in Memory of 911 and also for the recent passing of former Township employee, Ken Kopec.

PROCLAMATIONS:

Mayor Shortway read a Proclamation for Veteran's Day

Proclamation



Whereas, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

Whereas, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States constitution and the Bill of Rights; and

Whereas, we owe a great debt to those who have served in defense of this nation; and

Whereas, throughout generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

Whereas, for many, that sacrifice has ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

Whereas, in honor of these dedicated men and women, we pledge our continued defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of a people dedicated to the principles of freedom and democracy.

Now therefore be it Proclaimed that, the Vernon Township Council do hereby urge all our citizens to honor our veterans and rededicate themselves to the preservation of our liberties under the Constitution.

Given under my hand in these free United States in the Township of Vernon, State of New Jersey on this 24th day of October, 2016 and to which I have caused the Seal of the Township of Vernon to be affixed and have made this proclamation public.

Council Member Ooms read a Proclamation for Breast Cancer Awareness Month

Proclamation

WHEREAS, Breast Cancer is a serious threat to women's health across New Jersey and the nation, and

WHEREAS, increased public awareness of this disease, its risk factors, and its symptoms may save lives as women across New Jersey learn to recognize the warning signs of Breast Cancer; and

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

WHEREAS, the Sussex County Chronic Disease Coalition and Project Self Sufficiency are organizations partnering to promote Breast Cancer awareness during the Month of October through the Susan G. Komen's Annual Tie a Pink Ribbon Campaign; and

WHEREAS, Pink Ribbons have become an increasingly recognized sign of courage, support and hope for a cure.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the *MONTH OF OCTOBER* shall be proclaimed *BREAST CANCER AWARENESS MONTH* in the Township of Vernon and the displaying of Pink Ribbons during the Month of October is a wonderful way to encourage citizens to stand together against this disease.

Council Member Murphy made a motion to move the Girl Scout Service Project up in agenda

MOTION: Jean Murphy

SECOND: Sandra Ooms

All members were in favor.

ITEM FOR DISCUSSION

Girl Scout Service Project, Heather Van Blarcom stated she has an idea to raise funds to purchase signs designating Veteran Parking Spaces and requested Council to approve the signs be installed at the Municipal Building, Veteran's Memorial Park and Maple Grange Park. Council Member Murphy suggested that Mayor Shortway work out the details of specific locations.

Council Member Murphy made a motion to meet with the Mayor to determine locations for the Veterans parking signs.

MOTION: Jean Murphy

SECOND: Sandra Ooms

All members voted in favor.

PUBLIC COMMENTS

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

MOVED: Jean Murphy

SECONDED: Sandra Ooms

All members voted in favor.

Diane Wexler, Barry Lakes, stated the four fire departments held a fundraiser on Sunday, Oct. 23, 2016 and she is very disappointed that no council members attended the event. Council President Kadish explained he was unaware of the event and had not received any information about it. Ms. Wexler restated that Council should support the volunteers who dedicate much time and put their lives in danger. Council Member Murphy adds that the Council does show support to the many non-profit groups and organizations of Vernon Township.

Natalie Mahoney, runner of Breakneck, invited the Council to attend a fundraiser run which she is personally sponsoring on Sunday October 30th at 11:00 am at Wawayanda State Park of which all proceeds go to CASA. Ms. Mahoney repeated the details in Spanish and French for the public.

Sally Rinker, Vernon, suggested all read the NJ Herald article in paper regarding the VFW Post#8441 sewer fees to be increased. Ms. Rinker explained that on August 18, 2016, after three years

of debate, the VTMUA approved Resolution #16-41 by a vote of 3-1 to reclassify the VFW building as an assembly hall at 1 EDU. The VFW then paid the required fees to the VTMUA as well as SCMUA. Ms. Rinker added in the article today, two commissioners, Ed Snook and Vinny Zinno requested a recent meeting with the VFW, for the purpose to requested a new application as the VFW EDU is now being changed to 2 EDU's. Ms. Rinker stated the actions of the two commissioners was disrespectful and unfair treatment to the VFW Veterans who were unaware of this when they agreed to the meeting. Ms. Rinker, spoke to Bob Constantine of the VFW who felt pressured to agree to the change in EDU's to avoid any fees for non-compliance. Ms. Rinker added she is furious of the intimidation tactics and questioned that Mr. Zinno actually called the secret meeting but said he was unaware of the meeting until right before. Ms. Rinker stated she spoke to Mr. Snook who explained the professionals were present so all procedures were followed.

Ms. Rinker stated the claimed increase in EDU's was due to a lack of clarity of the seat count of the building and cited numerous dates between 2013-2016 when the MUA Engineer and Commissioners discussed and identified the Tavern, Bar, Lounge & Banquet areas. Ms. Rinker opined that Mr. Zinno has a personal agenda with charging higher fees to the VFW and questioned why this application has been debated for so long and other applications pushed through. Ms. Rinker stressed the Council has the responsibility of appointing and removing commissioners to the VTMUA and the need to appoint commissioners with good character and no conflicts of interest. She added that Mr. Snook doesn't understand his role as chairperson and Mr. Zinno has conflicts of interest that disqualify him to hold a MUA seat and suggested that Council remove Mr. Snook and Mr. Zinno with cause for their bad judgment and spending tax-payers money unnecessarily.

Christa Geary, stated she supports what Ms. Rinker says and asks Council to do the right thing for the veterans.

Council President Kadish asked for a motion to close Public Comments.

MOVED: Patrick Rizzuto
SECONDED: Jean Murphy
All members voted in favor

MAYOR'S REPORT

Mayor Shortway states the Public Budget Hearings with the Mayor and Departments will be held on November 2nd and 3rd in the Municipal Meeting Room.

Mayor Shortway expresses thanks to William and Joan Young of [REDACTED] for the donation of a 20 foot Douglas fir tree which was transplanted on the Vernon Fire Department property on RT 515 for the Annual Town Tree Lighting. Thanks also was given to Vernon Fire Department for allowing the town to plant the tree and hold the Annual Tree Lighting. Further thanks to the DPW employees who transplanted the tree.

Mayor Shortway announced that a blue line has been painted on Church Street in support of the Police Department and their importance with community protection.

Mayor Shortway expresses thanks to Council Members Murphy and Ooms for personally sprucing up the existing "Welcome to Vernon" signs.

Mayor Shortway stated that Fire Marshal Lou Tosto has applied for four FEMA grants for necessary fire equipment: \$735,000 to replace Scott Air Breathing Packs; \$1,200,000 for replacement of the 28-year old McAfee Ladder Truck; \$70,000 for new Fire Safety House for prevention education; \$70,000 for building for arson unit services and investigative team. Mayor explains the first two grants were initially denied but recently reopened due to support from Congressman Pascrell. We are waiting to see if Vernon receives the award.

Mayor Shortway stated that Police are actively investigating recent criminal mischief to the Pump House #2 which was vandalized during Columbus Day weekend.

Mayor Shortway explains that with Mr. Ursin has been in discussions with the principal owner of Legends concerning the fire and zoning code violations for the safety and welfare of the tenants. Mayor Shortway distributed to the Council pictures taken today Oct 24, 2106 of many violations in the corridors of the 7th & 8th floors including water damage, wires hanging, disabled fire alarms and mold. He added there are at least 42 occupants, some are children who are enrolled in Vernon schools. The Tenants stated they have not had heat turned on since last March and some said they have not had hot

water in five days and the owners have been asked and warned but to date no action taken to abate the violations.

Council Member Ooms, after reviewing the pictures, questioned if the smoke detectors pictured are in working order to which Mayor Shortway was unsure. Council Member Wetzel asked if the tenants are evicted who is responsible to find housing for them. Mayor Shortway explained the Township will not evict them, the landlord who is housing someone illegally, based on state statute is responsible to find housing for up to six months.

Mayor Shortway stated that the Township received the draft analysis of the Sewer System Contracts from the firm Remington & Vernick who opined in may not be in the best interest of the Township to expand the sewer service area at this time. The analysis stated based on the sewer investment of additional infrastructure, possibility of raising rates and also forcing mandatory connections are not in long term interest of Town and final draft will be forwarded in approximately one week.

Mayor Shortway said the Township will be auctioning off properties that are no longer needed for public purposes.

Council Member Murphy questioned Mayor Shortway if Pump House #2 is locked and was it broken in to? Mayor Shortway said yes, it is locked and yes there is an ongoing investigation into a burglary at the Pump House #2.

APPROVAL OF MINUTES

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

Executive Session Minutes of September 12, 2016

Regular Meeting Minutes September 12, 2016

MOVED: Jean Murphy

SECONDED: Sandra Ooms

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve minutes.

ITEMS FOR DISCUSSION

Best Practices

CFO Elke Yetter explained that the Best Practices form was changed from 50 questions to 30 this year. Ms. Yetter stated Vernon had 25 affirmative answers or 83% and notes Vernon's state aid is not in jeopardy. Ms. Yetter added the 5 items Vernon did not answer in the affirmative are being worked on but are not required by statute however, the state included them on the questionnaire.

Township Code Book

Council President Kadish states there are parts of the Vernon Township Code which are not in compliance with other parts of the code and suggests two Council Members along with Township attorney work to make the corrections. Municipal Clerk Ms. Kirkman added the Code, being two volumes of 1000's of pages, needs to be reviewed and addressed to correct the sections not in compliance with Vernon's form of government. Council Member Murphy asked what is an example of the code that needs revisions? Ms. Kirkman noted the section involving Boards and Commissions is one. Council President Kadish stated the Township has worked on revising some errors but more is needed and asks for volunteers from Council for this task. Council Member Ooms volunteered to review the Township Code.

Vernon View Drive Bridge (Brookhollow) will be discussed in Ordinance section.

CONSENT AGENDA

Council President Kadish gave a brief explanation of Resolutions #16-215, 16-219 & 16-224.

Council President Kadish asked for a motion to adopt Resolutions #16-215, 16-219 & 16-224.

MOVED: Dick Wetzel
SECONDED: Jean Murphy

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to adopt Resolutions#16-215, 16-219 & 16-224.

Council Member Wetzel commented that there were too many signs for St. Francis and asked for this to be reviewed for the future.

RESOLUTION 16-215

AUTHORIZING PLACEMENT OF SIGNS IN VARIOUS LOCATIONS

WHEREAS, St. Francis de Sales Church has requested permission from the Township Council to place 50 signs in front of various businesses and homes in town to advertise their Tricky Tray and

WHEREAS St. Francis de Sales Church has requested to place the signs from October 24, 2016, through November 8, 2016 and the signs will be 24” x 18” thereafter they will promptly remove them; and

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

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that the St. Francis de Sales is granted permission to place 50 signs, as described above, at various businesses and homes, from October 24, 2016 to November 8, 2016, in association with the Tricky Tray , provided all other requirements of Township Code 330-180 are followed.

RESOLUTION 16-219

AUTHORIZING PLACEMENT OF SIGNS IN VARIOUS LOCATIONS (Mahoney)

WHEREAS, Nathalie Mahoney has requested permission from the Township Council to place 5 signs in front of various businesses and homes in town and to advertise her gathering of victims of sexual abuse; and

WHEREAS Nathalie Mahoney has requested to place the signs from October 25, 2016 through October 31, 2016 and the signs will be 24” x 24” thereafter they will promptly remove them; and

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

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that Nathalie Mahoney is granted permission to place 5 signs, as described above, at various businesses and homes, from October 25, 2016 to October 31, 2016, in association with the gathering of victims of sexual assault, provided all other requirements of Township Code 330-180 are followed.

RESOLUTION 16-224

AUTHORIZING PLACEMENT OF SIGNS IN VARIOUS LOCATIONS (Vernon Township High School)

WHEREAS, The Vernon Township High School has requested permission from the Township Council to place 13 sandwich signs in front of various businesses and homes in town to advertise their play and

WHEREAS The Vernon Township High School has requested to place the signs from October 25, 2016 through November 6, 2016 and the signs will be 3.5' x 3' thereafter they will promptly remove them; and

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

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that the Vernon Township High School is granted permission to place 13 signs , as described above, at various businesses and homes, from October 25, 2016 to November 6, 2016, in association with the Play, provided all other requirements of Township Code 330-180 are followed.

Council President Kadish gave a brief explanation of Resolutions #16-220-#16-223.
Council President Kadish asked for a motion to adopt Resolutions #16-220-#16-223.

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to adopt Resolutions#16-220-#16-223.

RESOLUTION # 16-220

AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR LAKE WALLKILL ROAD SECTION III PAVING WITH TILCON NEW YORK INC.

WHEREAS, on August 22, 2016, by way of adoption of Resolution #16-188, the Council of the Township of Vernon awarded a contract to Tilcon New York, Inc. for Paving for Lake Wallkill Road Section III which contract provided for an expenditure of \$169,908.40; and

WHEREAS, in a memo dated October 10, 2016, the Township Engineer states that the contract requires a Change Order #1 by the subtraction of four reductions totaling \$28,717.57 resulting in an adjusted total contract amount of \$141,190.83; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$28,717.57 to an adjusted total contract amount of \$141,190.83.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount with Tilcon New York, Inc. to \$141,190.83; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Tilcon New York, Inc. and the Township Engineer.

RESOLUTION # 16-221

AUTHORIZING CHANGE ORDER #1 OF CONTRACT WITH M.L.RUBERTON CO. INC. FOR GUIDERAILS – LAKE WALLKILL ROAD SECTION III

WHEREAS, on August 22, 2016, by way of adoption of Resolution #116-186, the Council of the Township of Vernon awarded a contract to M. L. Ruberton, Co. Inc. for Guiderails for Lake Wallkill

Road Section III within Vernon Township which contract provided for an expenditure of \$19,583.85; and

WHEREAS, in a memo dated October 12, 2016, the Township Engineer states that the contract requires a Change Order #1 of one extra item of \$500.00, one supplemental item of \$165.00 and one reduction of \$2,051.52 resulting in an adjusted total contract amount of \$18,197.33; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$1,386.52 to an adjusted total contract amount of \$18,197.33.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount to \$18,197.33; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to M. L. Ruberton, Co. Inc., P.O. Box 564, Hammonton, NJ 08037 and the Township Engineer.

RESOLUTION # 16-222

AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR LAKE WALLKILL ROAD SECTION III WITH RECLAMATION, LLC

WHEREAS, on August 22, 2016, by way of adoption of Resolution #16-189, the Council of the Township of Vernon awarded a contract to Reclamation, LLC for Lake Wallkill Road Section III reclamation which contract provided for an expenditure of \$44,016.55; and

WHEREAS, in a memo dated October 6, 2016, the Township Engineer states that the contract requires a Change Order #1 by the addition of two extra items of \$1,484.50 and the subtraction of one reduction totaling \$1,025.76 resulting in an adjusted total contract amount of \$44,475.29; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will increase the total contract amount by \$458.74 to an adjusted total contract amount of \$44,475.29.

WHEREAS, the Chief Financial Officer has certified funds available for the increase for this purpose in Account #3095853.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project increasing the total contract amount with Reclamation, LLC to \$44,475.29; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Reclamation, LLC and the Township Engineer.

RESOLUTION # 16-223

AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR LAKE WALLKILL ROAD SECTION III LINE STRIPING WITH DENVILLE LINE PAINTING

WHEREAS, on August 22, 2016 by way of adoption of Resolution #16-187, the Council of the Township of Vernon awarded a contract to Denville Line Painting for Traffic Striping for Lake Wallkill Road Section III which contract provided for an expenditure of \$6,329.60; and

WHEREAS, in a memo dated October 3, 2016, the Township Engineer states that the contract requires a Change Order #1 of one addition of \$156.60 and one reduction totaling \$1,709.60 resulting in an adjusted total contract amount of \$4,776.60; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$1,553.00 to an adjusted total contract amount of \$4,776.60.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount with Denville Line Painting to \$4,776.60; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Denville Line Painting and the Township Engineer.

Council President Kadish gave a brief explanation of Resolutions #16-225-#16-226
Council President Kadish asked for a motion to adopt Resolutions #16-225-#16-226.

MOVED: Sandra Ooms
SECONDED: Jean Murphy

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to adopt Resolutions#16-225-#16-226.

RESOLUTION #16-225

AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #6 FOR PAVING FOR PROPOSED IMPROVEMENTS TO SAMMIS ROAD

WHEREAS, the Township of Vernon has a need for Paving Services for Proposed Improvements to Sammis Road; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #6; and

WHEREAS, the State of New Jersey had placed all projects that are funded fully or partially by the Transportation Trust Fund Authority on suspension and lifted this designation on October 17, 2016;

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for the Paving Services of Sammis Road using the vendor Tilcon New York, Inc., 9 Entin Road, Parsippany, New Jersey 07054, subject to the final approval from the New Jersey Department of Transportation; and

WHEREAS, the total cost of the contract will be \$251,324.80, and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account #3095964.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendor, Tilcon New York, Inc., be utilized for the Paving Improvements for Sammis Road through the Morris County Co-Op contract #6 at a cost not to exceed \$251,324.80, subject to the final approval from the New Jersey Department of Transportation.

This Resolution shall take effect immediately according to law.

RESOLUTION #16-226

AUTHORIZING THE USE OF MORRIS COUNTY CO-OP CONTRACT #36 FOR TRAFFIC STRIPING FOR PROPOSED IMPROVEMENTS TO SAMMIS ROAD

WHEREAS, the Township of Vernon has a need for Traffic Striping Services for Proposed Improvements to Sammis Road; and

WHEREAS, Vernon Township desires to use the Morris County Cooperative Council which has publicly received bids for said services through Contract #36; and

WHEREAS, the State of New Jersey had placed all projects that are funded fully or partially by the Transportation Trust Fund Authority on suspension and lifted this designation on October 17, 2016;

WHEREAS, the Vernon Township Engineer recommends the Township Council award the contract for the Traffic Striping Services to Sammis Road using the vendor Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey 07866, subject to the final approval from the New Jersey Department of Transportation; and

WHEREAS, the total cost of the contract will be \$12,372.90, and the Chief Financial Officer of the Township of Vernon has certified these funds are available in Account #3095964.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the vendor, Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, New Jersey 07866, be utilized for the Traffic Striping Improvements to Sammis Road, through the Morris County Co-Op contract #36 at a cost not to exceed \$12,372.90, subject to the final approval from the New Jersey Department of Transportation.

This Resolution shall take effect immediately according to law.

Council President Kadish gave a brief explanation of Resolutions #16-213, #16-216-#16-218
Council President Kadish asked for a motion to adopt Resolutions #16-213, #16-216-#16-218

MOVED: Sandra Ooms

SECONDED: Dick Wetzel

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to adopt Resolutions#16-213, #16-216-16-218.

RESOLUTION #16-213

AUTHORIZING APPLICATION AND EXECUTION OF THE “2016 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN” GRANT ADMINISTERED BY THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

WHEREAS, the Vernon Township Police Department wishes to apply for funding from the National Highway Safety Administration “2016 Drive Sober or Get Pulled Over Year End Holiday”, Grant; and

WHEREAS, the grant project consists of an enforcement overtime campaign from December 9, 2016 to January 1, 2017 to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations; and

WHEREAS, impaired driving remains a significant issue, both in New Jersey and nationally and in 2014, alcohol impaired fatalities accounted for 29% of New Jersey’s traffic fatalities; and

WHEREAS, Vernon Township will initially incur the cost of the program not to exceed \$5,000.00 and then will submit the necessary documentation to the Division of Highway Traffic Safety for total reimbursement.

NOW THEREFORE BE IT RESOLVED, Vernon Township declares its support for the “2016 Drive Sober or Get Pulled Over Year End Holiday Crackdown” Grant from December 9, 2016 to January 1, 2017 to increase awareness about the dangers of drinking and driving; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor, CFO and Township Clerk are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of the Grant monies between the Township of Vernon and the Division of Highway Traffic Safety for the “2016 Drive Sober or Get Pulled Over Year End Holiday Crackdown” Grant.

RESOLUTION #16-216

**CANCELLATION OF 2016 NJ HIGHWAY SAFETY
DRIVE SOBER OR GET PULLED OVER LABOR DAY GRANT
RECEIVABLE AND APPROPRIATION BALANCES**

WHEREAS, there is a receivable with an offsetting appropriation from the State of New Jersey Division of Highway Safety DRIVE SOBER OR GET PULLED OVER LABOR DAY Grant in the amount of \$300.00.

WHEREAS, this receivable is no longer collectible as revenue

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriations be cancelled.

RESOLUTION #16-217

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND
APPROPRIATION AMENDING THE 2016 BUDGET AS A REVENUE AND
APPROPRIATION OF \$4,098.60**

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

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

WHEREAS, the Township has been awarded a \$4,098.60 Fiscal Year 2016 Bulletproof Vest Partnership Grant from the United States Department of Justice Bureau of Justice Assistance; and wishes to amend its 2016 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$4,098.60 which is now available as a revenue from the United States Department of Justice and;

BE IT FURTHER RESOLVED that a like sum of \$4,098.60 is hereby appropriated under the caption 2016 Federal Bulletproof Vest Grant.

RESOLUTION #16-218

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND
APPROPRIATION AMENDING THE 2016 BUDGET AS A REVENUE AND
APPROPRIATION OF \$2,905.96**

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

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

WHEREAS, the Township has been awarded a \$2,905.96 State Body Armor Replacement Fund Grant from the New Jersey Division of Criminal Justice; and wishes to amend its 2016 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,905.96 which is now available as a revenue from the New Jersey Division of Criminal Justice and;

BE IT FURTHER RESOLVED that a like sum of \$2,905.96 is hereby appropriated under the caption State Body Armor Replacement Fund Grant.

Council President Kadish gave a brief explanation of Resolution #16-214
Council President Kadish asked for a motion to adopt Resolution #16-214

MOVED: Sandra Ooms
SECONDED: Dick Wetzel

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to adopt Resolution #16-214.

RESOLUTION 16-214

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON AUTHORIZING THE TOWNSHIP OF VERNON TO LOAN A BACKHOE TO THE VERNON TOWNSHIP FIRE DEPARTMENT FOR ONE DAY

WHEREAS, the Vernon Township Fire Department is located in the Town Center; and

WHEREAS, the Vernon Township Fire Department is a non-profit performing an important public service; and

WHEREAS, the municipality provides support to all of its emergency response organizations through financial support, vehicles, and coordination with employees and equipment; and

WHEREAS, the Vernon Township Fire Department has requested to borrow a backhoe for one day to perform work on its site relating to a memorial; and

WHEREAS, the Fire Department will be required to produce a Certificate of Additional Insured and a policy endorsement to ensure that the Township is protected; and

WHEREAS, the Township Council approves of this support of the Vernon Township Fire Department.

NOW THEREFORE IT BE RESOLVED that the Township Council of the Township of Vernon hereby approves loaning a backhoe to the Vernon Township Fire Department for a period of one day on a non-work day.

Council President Kadish asked for a motion to adopt Resolution #16-227.

MOVED: Sandra Ooms
SECONDED: Jean Murphy

A roll call was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to adopt Resolution #16-227.

RESOLUTION #16-227

AUTHORIZING PROFESSIONAL SERVICE CONTRACT WITH PARETTE SOMJEN ARCHITECTS FOR PROGRAMMING, DESIGN AND ADMINISTRATION SERVICES FOR REPLACEMENT OF MUNICIPAL BUILDING ROOF

WHEREAS, there exists a need of a Professional Service Contract for the Township of Vernon for the Architectural Programming, Design and Administration of the Replacement of the Vernon Township Municipal Building Roof located at 21 Church Street; and

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

WHEREAS, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, the Township of Vernon is desirous to enter into an agreement for this purpose with Parette Somjen Architects, 439 Route 46 East, Rockaway, NJ 07866 as a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the Chief Finance Officer has certified in writing that the value of this contract is available for these purposes in Account#3095712 ; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of contracts of a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Services in accordance with the attached Contracts for Professional Services pursuant to a non-fair and open contract to Parette Somjen Architects, 439 Route 46 East, Rockaway, NJ 07866 for an amount not to exceed \$16,500.00; and

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

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

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

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Council President Kadish read Ordinance 16-23 by title only:

Ordinance #16-23: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey Authorizing The Sale Of Property Owned By The Township And Not Required For Public Purposes And More Commonly Known As 116 Alturas Road Block 206.24, Lot 3

Council President Kadish asked for a motion to Introduce Ordinance #16-23 with a public hearing to be held on November 14, 2016.

Moved: Jean Murphy
Seconded: Dick Wetzel

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

Motion Carried to introduce Ordinance #16-23 with a public hearing to be held on November 14, 2016.

Council President Kadish read Ordinance 16-24 by title only:

Ordinance #16-24: An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Amending The Township Code To Add Chapter 325 Entitled “Illegal Dwellings”.

Council President Kadish asked for a motion to Introduce Ordinance #16-24 with a public hearing to be held on November 14, 2016.

Moved: Sandra Ooms
Seconded: Jean Murphy

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

Motion Carried to introduce Ordinance #16-24 with a public hearing to be held on November 14, 2016.

ADOPTION OF ORDINANCES

Council President Kadish asked for a motion to open the meeting to continue the public hearing for Ordinance#16-20.

MOVED: Sandra Ooms
SECONDED: Jean Murphy

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

Bruce Zaretsky, for the Brook Hollow residents presented Council with update that permitting is progressing on bridge repair plans. He added the association had a meeting with DEP representatives Calese Nolavor, Ryan Patrick and Langan Engineer representatives, Mike Nevens and Joseph Nanucci. Mr. Zaretsky explained the application will be completed within three weeks and submitted to the NJDEP for their review who have said while being understaffed, they understand the urgency of the situation. He added a secondary road located on property on right which directly accesses Rte. 565 has been identified to be used while bridge repair is under construction. This road will need minimal grading, widening to meet engineer’s requirements and county access permit. Mr. Zaretsky requests this Ordinance not to be adopted but continued to be carried and the association will continue to report to Council & Mayor on progress.

Council Member Rizzuto questions if the secondary road will be capable to handle all emergency vehicles. Mr. Zaretsky answered yes the road will be widened for the ambulance and fire vehicles. Council President Kadish asked after bridge is repaired will this secondary road be closed and do you have a schedule? Mr. Zaretsky said yes it would be closed when no longer needed and the DEP has a 90-day review period but it may be sooner and it should take about a one month to complete repair/replacement, weather permitted. Council Member Murphy asked how long it will take to get

secondary road to a condition to open? Mr. Zaretsky said he will speak to Township Engineer this week for requirements and opening it should only take a week. Council Member Murphy asked if the bridge is in dire shape, can the residents use this secondary road now while the application is being reviewed? Mr. Zaretsky opined that the bridge, since the initial repairs after the hurricane, is very stable, has no cracks, no displacement and hasn't changed in five years; only another super storm may be dangerous. Council Member Ooms commented that residents told the Council the bridge was in poor shape. Mr. Zaretsky added it has settled and needs repair but it is stable. Council Member Murphy feels it seems imperative to open the secondary road and residents can then voluntarily stop using the bridge for safety reasons. Council Member Rizzuto stated that Senator Oroho has offered to assist at the DEP level to move the application process along.

Mr. Zaretsky explained the application will need to meet Freshwater and Wetland standards and will also go through Historic review which he is unsure what they will find which could cause delays. Council Member Murphy asked how wide will the auxiliary road be. Mr. Zaretsky said it is now 12 ft. wide and we would make it 16ft wide.

MOTION:

Council Member Rizzuto made a motion to continue holding Ordinance #16-20 pending continued reports and comments from Engineers and hear again at the November 14, 2016 meeting. Council Member Wetzel complimented Mr. Zaretsky and the other members for working to solve this issue for the Township.

MOVED: Patrick Rizzuto

Council Member Ooms questioned if council is ignoring that the bridge cannot accommodate heavy vehicles.

Mr. Ursin explains if the council is considering the motion to postpone action, it should be conditional upon opening the secondary road, which was stated in the 2003 planning board resolution but was never done. Mr. Zaretsky explained the secondary access for homeowners was an emergency access at top in anticipation of Colonial Circle subdivision which was never built due to Highlands Act rules.

Council Member Murphy asks if the Council postpones this Ordinance with the assumption it is safe unless major storm, who will patrol or enforce large trucks from using it, and suggests a directive by administration for warning signs to be displayed.

Council President Kadish asks when the bridge is repaired, will you qualify for county bridge acceptance or will it continue to be privately owned and maintained? Mr. Zaretsky comments if we can but it is up to County.

Council Member Murphy asks who owns the property between the bridge and RT 565? Mr. Zaretsky said the portion between RT 565 and the bridge is either County Right of Way or privately owned, it is not owned by the Township. Council President Kadish added in 2004 a Road Opening Permit was required from the county for the road to connect to RT 565.

Council Member Ooms asks one the secondary road is built, we the Township require all traffic to use it instead of the bridge? Mr. Ursin suggest the association meet with Township Engineer Mr. Stoner to determine what secondary road can handle and report back to council.

Council President Kadish asked for a motion to close the meeting of the continuance of the public hearing for Ordinance#16-20.

MOVED: Jean Murphy

SECONDED: Dick Wetzel

Roll call:

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

NAYS: None

ABSTAIN: None

ABSENT: None

Council Member Wetzel then seconded the motion to carry the 2nd reading of Ordinance#16-20 with change to November 28, 2016 based on Council comments and experts meeting with association and Mr. Stoner for possibility and/or installation of secondary road and provide update on bridge repair /replacement application.

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel (see interceding comments)

Roll Call:

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

Nays: None

Abstain: None

Absent: None

COUNCIL COMMENTS

Council Member Rizzuto spoke of a former high school classmate, Lt. Allen Zimmerman, who fought in the Vietnam War as a helicopter pilot and died in service of his country. During Council Member Rizzuto's recent 55th reunion, the class collected donations in honor of Lt. Zimmerman. Council Member Rizzuto presented the Vietnam Veterans Chapter 1002 Chapter a check for \$500.00 in honor of Lt. Allen Zimmerman to be used for the construction of the Veterans cemetery. Council Member Rizzuto commented about his continued support in constructing a Band Shell at Maple Grange Park in Vernon which will be dedicated to Veterans for their outstanding service to our country.

Council Member Wetzel reminded the public that Daylight Savings time is ending and we need to turn our clocks back and reminds everyone to change the batteries in their smoke detectors.

Council Member Murphy commented that Scott Mohr of the DPW has created the Welcome to Vernon signs and staked out the three areas for installation: RT 517 near Pine Island, RT 565 near Wantage and RT 517 on Rudetown Road.

Council Member Ooms requested from the Mayor and CFO a spreadsheet of the current bond amounts and what the bonds were used for and if they could be added to the Township website for the public. Ms. Yetter asked if Ms. Ooms could send an email or meet to discuss.

Council President Kadish expresses appreciation for condolences for the loss of his brother in law.

ADJOURNMENT:

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

The regular meeting of the Township Council of the Township of Vernon was adjourned at 8:47 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Dan Kadish,
Council President

Minutes approved: November 14, 2016