

Township of Vernon

TOWNSHIP COUNCIL MEETING MINTUES

November 8, 2018

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on November 8, 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, John Auberger and Council President Murphy, Mayor Harry Shortway, and Township Attorney Josh Zielinski. Council Member Van Tassel was not present.

EXECUTIVE SESSION

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. Litigation

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

MOVED: John Auberger

SECOND: Dan Kadish

All members of the Council were in favor.

Motion carried to enter Executive Session.

At 7:00 PM Council President Murphy asked for a motion to end Executive Session and return to open session.

MOTION: John Auberger

SECOND: Dan Kadish

All members present were in favor.

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on November 8, 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, John Auberger and Council President Jean Murphy, Mayor Shortway, and Township Attorney Josh Zielinski. Council Member Van Tassel was not present.

SALUTE TO THE FLAG

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

AUCTION FOR PUBLIC PROPERTY:

Council President Murphy asked that Attorney Josh Zielinski open the bidding on block 232, Lot 12 more commonly known as Herold Square, 114 Route 94. Attorney Zielinski opened the bidding at \$125,000. Seeing no members of the public wishing to come forward and bid, Attorney Zielinski closed the bidding.

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: Dan Kadish

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: Dan Kadish

SECOND: John Auberger

All members voted in favor.

MINUTES

Council President Murphy asked for a motion to approve the Meeting Minutes October 22, 2018, and Executive Session Minutes October 22, 2018.

MOVED: John Auberger

SECOND: Dan Kadish

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Mark Van Tassel

Motion carried to approve the Meeting Minutes October 22, 2018 and Executive Session Minutes October 22, 2018.

CONSENT AGENDA

Council President Murphy read the title and gave a brief explanation of Resolutions #18-226 through #18-229.

Council President Murphy asked for a motion to approve Resolutions#18-230 through #18-239.

MOVED: Dan Kadish

SECOND: Sandra Ooms

Council Member Ooms questioned the extension for the purchase of the Wisteria property. Mayor Shortway explained the initial environmental studies had been completed but as this was a previous orchard/farm the level of arsenic was high. Mayor Shortway explained one engineer had opined the level was acceptable, another had opined it was not. Mayor Shortway explained the Township was going to review a possible mediation process and confirm that the levels were acceptable.

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Mark Van Tassel

Motion carried to approve Resolutions #18-230 through #18-239.

RESOLUTION #18-230

RESOLUTION APPOINTING 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;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Vernon, that Charles G. Voelker, is hereby appointed as the Fund Commissioner for the Local Unit for the Fund year 2019; and

BE IT FURTHER RESOLVED that Donelle B. DeCouto, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the Fund Year 2019; 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. .

RESOLUTION #18-231

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Vernon (hereinafter “Local Unit”) has joined 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 Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position.

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. The Township of Vernon hereby appoints Pinnacle Risk Solutions, LLC, d/b/a Pinnacle Risk Solutions as its local Risk Management Consultant.
2. The Mayor of the Township of Vernon and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2019.

RESOLUTION #18-232

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON REJECTING ECHECLON SERVICES INC. BID FOR #14-2018 HVAC SERVICES

WHEREAS, the Township advertised to receive bids for HVAC Maintenance Services in a Fair and Open manner on October 25, 2018 at 2:30pm under bid # 14-2018; and

WHEREAS, the Township received a bid from Echelon Services Inc. of Newton, N.J. in the amount of \$96,000.00 over a two (2) year period; and

WHEREAS, the bidders proposed cost exceeded budgetary allotments in violation N.J.S.A. 40A11-13.2(a); and

WHEREAS, the Township is allowed under N.J.S.A 40A:11-13.2(a) to reject bids in such occurrences.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, that the bid supplied by Echelon Services Inc. of Newton, N.J. is rejected according to the determination of exceeding cost estimates as provided for in N.J.S.A 40A:11-13.2 (a)

RESOLUTION #18-233

Resolution Awarding Bid #13-2018 To Echelon Services in a Fair and Open Award for HVAC Upgrade to Animal Control Facility

WHEREAS, there is a need for HVAC upgrade to the Animal Control Facility, in the Township of Vernon; and

WHEREAS, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) encourages the use of public bidding to benefit taxpayers by ensuring that projects are completed in a safe, timely and cost-effective manner; and

WHEREAS, the Township duly advertised for public bids for Bid #13-2018 in a fair and open manner, consistent with N.J.S.A.19:44A-20.4 et. Seq., and

WHEREAS, the Township of Vernon received bids for HVAC Upgrade to the Animal Control Facility under Bid #13--2018 duly advertised and held a public bid opening on October 25, 2018 at 3:00pm; and

WHEREAS, the Township Council has reviewed the recommendations of the appropriate Township Officials in connection with the proposals that were submitted; and

WHEREAS, Echelon Services 159 Merriam Ave. Newton, NJ 07860, has provided the lowest bid in the amount of \$30,000.00, deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document; and

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

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$30,000.00 are available as follows; Account#710014 and #3096217.

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

1. The contract for HVAC Upgrade to the Animal Control Facility is hereby awarded to Echelon Services 159 Merriam Ave. Newton, NJ 07860.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Echelon Services 159 Merriam Ave. Newton, NJ 07860, not to exceed \$30,000.00 for the 2018 budget year for HVAC Upgrade to the Animal Control Facility in accord with the tenets of contract found within Bid #13-2018.

RESOLUTION #18-234 (REFUND OVERPAYMENT- (VERNON TWP. MUA) Block 199.07 Lot 30, C0003

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Vernon Twp. MUA in the amount of \$177.26 representing transfer of payment from

property taxes to sewer for Block 199.07 Lot 30, C0003 also known as [REDACTED]

RESOLUTION #18-235

(REFUND OVERPAYMENT- (VERNON TWP. MUA)

Block 199.13 Lot 18.01

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Vernon Twp. MUA in the amount of \$530.94 representing transfer of payment from property taxes to sewer for Block 199.13 Lot 18.01, C0002 also known as [REDACTED]

Resolution 18-236 contained an error and has to be readopted.

RESOLUTION # 18-236

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR GUIDE RAILS
BARRY DRIVE NORTH –PHASE II WITH ROAD SAFETY SYSTEMS, LLC**

WHEREAS, on August 13, 2018, by way of adoption of Resolution #18-195, the Council of the Township of Vernon awarded a contract to Road Safety Systems, LLC for Guide Rails for Barry Drive North - Phase II which contract provided for an expenditure of \$26,340.00; and

WHEREAS, in a memo dated October 18, 2018, the Township Engineer states that the contract requires a Change Order #1 for one extra item in amount of \$750.00 and one supplemental item in amount of \$1,625.00 and by the reduction of one item in amount of \$144.00 resulting in an adjusted total contract amount of \$28,571.00; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will increase the total contract amount by \$2,231.00 to an adjusted total contract amount of \$28,571.00.

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 Road Safety Systems, LLC to \$28,571.00; and

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

Resolution #18-237

Resolution Enabling Agent and Contracting for Online Power Purchase

WHEREAS the NJ Department of Community Affairs, Division of Local Government Services, permits public entities – as per P.L.2001, c.30 – to utilize Division-approved online purchasing agents to secure energy supply contracts through an online bidding/reverse auction process; and

WHEREAS the services of said approved agents are exempt from public bidding, as per P.L.2001, c.30; and

WHEREAS the governing body of the Township of Vernon desires to utilize Premiere Marketing, LLC dba Transparent Energy (“TE”) – a BPU certified and DCA approved provider of online energy procurement services – to secure natural gas and electricity supply contracts; and

WHEREAS the NJDCA and NJBPU advise that contracts for power supply should be awarded shortly after an online auction is conducted in order to ensure the lowest possible rates;

THEREFORE, BE IT RESOLVED, that the governing body of the Township of Vernon authorizes TE to investigate market conditions and, when directed by approved Township of Vernon officer(s),

conduct online auctions for the purpose of securing natural gas and electricity supply contracts for its utility accounts.

BE IT FURTHER RESOLVED, that the governing body of the Township of Vernon authorizes Mayor Shortway or his designee to award and sign power supply contracts on the day that the auctions close, provided that the natural gas and electricity rates procured are at least 7% and 12% lower – respectively – than those provided by the local utility company.

RESOLUTION 18-238

RESOLUTION AUTHORIZING ENTERING INTO CONTACT WITH STAPLES ADVANTAGE THROUGH SOURCEWELL NATIONAL COOPERATIVE CONTRACT #010615-SCC.

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

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Township of Vernon has the need to procure certain office supply products and accessories for its daily operations in an efficient and cost-effective manner in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Township of Vernon has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the National Joint Powers Alliance, now known as Sourcewell National Cooperative, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the equipment and corresponding Sourcewell National Cooperative 010615-SCC for Staples Advantage Inc.,

NOW THEREFORE BE IT RESOLVED THAT, the Township Administrator is hereby directed to effectuate the purchase of herein approved equipment and supplies from Staples Advantage for the daily operations of the Townships departments through Sourcewell National Cooperative #010615-SCC in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

RESOLUTION 18-239

RESOLUTION OF THE TOWNSHIP OF VERNON COUNTY OF SUSSEX STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SIXTH ADDENDUM TO A CONTRACT FOR THE SALE OF REAL PROPERTY

WHEREAS, the Township entered into a Contract to purchase 9 Wisteria Court from Classiclake Enterprises, LLC which Contract was dated July 6, 2016; and

WHEREAS, there was a need to amend the Contract in order to extend the due diligence period and to include an appraisal contingency clause (the “First Addendum”); and

WHEREAS, there was a need to further extend the due diligence period in order to provide for an additional time to perform a Phase 2 environmental assessment (the “Second Addendum”, “Third Addendum”, “Fourth Addendum” and “Fifth Addendum”); and

WHEREAS, there is a need to further extend the due diligence period to perform said Phase 2 environmental assessment; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council, Township of Vernon, County of Sussex, State of New Jersey that the Mayor and Clerk are hereby authorized to execute and attest to the Sixth Addendum in a form similar to the document attached hereto. The Township Attorney may make applicable language changes deemed in the best interest of the Township.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Council President Murphy read by title and gave brief explanation Ordinance #18-30.

Ordinance #18-30: An Ordinance Amending Various Sections of the Code of the Township of Vernon

Council President Murphy asked for a motion to Introduce Ordinance#18-30 with a Public Hearing to be held on November 26, 2018.

MOVED: John Auberger

SECOND: Sandra Ooms

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Mark Van Tassel

Motion carried to Introduce Ordinance #18-30 with a Public Hearing to be held on November 26, 2018.

PUBLIC HEARING/2ND READING OF ORDINANCES

Council President read by title Ordinance #18-28.

Ordinance #18-28: Amending Chapter § 250-7 Tax Collector to Include Tax Sale Notice Mailing Cost

Council President Murphy asked for a motion to open Public Hearing for Ordinance#18-27.

MOVED: John Auberger

SECOND: Dan Kadish

All Members were in Favor.

Seeing no members of the public wishing to come forward, Council President Murphy asked for a motion to close Public Hearing for Ordinance#18-28.

MOVED: John Auberger

SECOND: Dan Kadish

All Members were in Favor

Council President Murphy asked for a motion to adopt Ordinance#18-28.

MOVED: Mark Van Tassel

SECOND: John Auberger

A roll call vote was taken:

AYES: Sandra Ooms, Dan Kadish, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Mark Van Tassel

Motion carried to approve Ordinance#18-28.

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

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

MOVED: Sandra Ooms

SECOND: John Auberger

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: Dan Kadish

SECOND: John Auberger

All members voted in favor

MAYORS REPORT

Mayor Shortway congratulated Freeholder Elect Dawn Fantasia and Josh Hertzberg on their election. Mayor Shortway indicated he would be inviting them to Silver Spruce. Mayor Shortway invited Mr. Curereri to consider running in Vernon Township.

Mayor Shortway noted that the Open Space fund question had been approved by the voters. Mayor Shortway noted that he had supported this measure since 2010. Mayor Shortway noted his platform in 2011 had lost by 165 votes, but in 2015 he won by 339. Mayor Shortway pointed out the open space referendum had been passed by 919 votes. Mayor Shortway thanked everyone who supported the proposal so the Vision for Vernon could move forward.

Mayor Shortway indicated that Town Center was more than just Main and Church streets but encompassed Church, Omega and Theta. Mayor Shortway stated we have great professional businesses on Church and newly paved recycling and municipal center.

Mayor Shortway discussed that ridership on the county bus system had exploded and will exceed 6,000 rides. Mayor Shortway stated that 35-40 seniors per day visit our senior center. Mayor Shortway indicated the annual cost for this to the County is \$50,000 but the true cost could exceed \$100,000 which may lead to a contractual increase in 2019.

Mayor Shortway advised that the Township would begin creating a comprehensive Greenway plan beginning with the town center trail. Mayor Shortway stated that the goal was to connect the township complex to commercial interests and the Township's breathtaking views.

Mayor Shortway congratulated Congressman Josh Gottheimer on his re-election.

Mayor Shortway advised that the Township's DPW storage yard had been found in compliance with DEP standards. Additionally, Mayor Shortway stated the Township had addressed a report of mold to POSHA. Mayor Shortway noted that arrangements were being made to replace the Maple Grange signs.

COUNCIL COMMENTS

Council Member Auberger had no comment.

Council Member Kadish had no comment.

Council Member Ooms had no comment.

Council Member Van Tassel was not present.

COUNCIL PRESIDENT COMMENTS

Council President Murphy had no comment.

EXECUTIVE SESSION:

Council President Murphy asked for a motion to reconvene into Executive Session at 7:18 p.m..

MOVED: John Auberger
SECOND: Sandra Ooms
All members of the Council were in favor.
Motion carried to enter Executive Session.

ADJOURNMENT

At 7:50 pm, it was moved and seconded to exit Executive Session.

MOVED: John Auberger
SECOND: Jean Murphy
All members of the Council were in favor.
Motion carried to exit Executive Session.

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 President Murphy with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 7:51 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: November 26, 2018