

Township of Vernon

TOWNSHIP COUNCIL MEETING MINTUES

November 25, 2019

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:04 p.m. on November 25, 2019 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 3, 2019 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 Patrick Curreri, Mark Van Tassel, John Auberger and Council President Murphy, Attorney Marlin Townes and Mayor Harry Shortway. Council Member Ooms was absent.

SALUTE TO THE FLAG

Council President Murphy led the assemblage for the salute to the flag.

PROCLAMATION

Council Member Curreri read the Proclamation for Pancreatic Cancer.

WHEREAS, health and safety is important to the happiness, prosperity, and well-being of our communities and families; and

WHEREAS, in 2019, an estimated 56,770 individuals will be diagnosed with pancreatic cancer in the United States; and

WHEREAS, there are no effective early detection methods presently available, and most symptoms such as weight loss, loss of appetite, feeling tired, and pain in the upper of middle abdomen and back can be mistaken for chronic pains and could be attributed to other conditions; and

WHEREAS, when symptoms of pancreatic cancer become apparent it is usually after the cancer has advanced and spread to other organs; and

WHEREAS, the good health and well-being of the residents in the Township of Vernon are enhanced as a direct result of increased awareness about pancreatic cancer and research of early detection, causes, and effective treatments; and

WHEREAS, throughout the month of November, organizations, health practitioners, and residents in the Township of Vernon are encouraged to take the opportunity to promote awareness about pancreatic cancer and to support those patients currently battling pancreatic cancer and those who have lost loved ones to this horrible disease;

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the *MONTH OF NOVEMBER* shall be proclaimed *PANCREATIC CANCER AWARENESS MONTH* in the Township of Vernon, and urge all residents to recognize the need to bring awareness to the fight against this deadly disease.

November 2019

PANCREATIC CANCER AWARENESS MONTH

In Vernon Township

WHEREAS, health and safety is important to the happiness, prosperity, and well-being of our communities and families; and

WHEREAS, in 2019, an estimated 56,770 individuals will be diagnosed with pancreatic cancer in the United States; and

WHEREAS, there are no effective early detection methods presently available, and most symptoms such as weight loss, loss of appetite, feeling tired, and pain in the upper of middle abdomen and back can be mistaken for chronic pains and could be attributed to other conditions; and

WHEREAS, when symptoms of pancreatic cancer become apparent it is usually after the cancer has advanced and spread to other organs; and

WHEREAS, the good health and well-being of the residents in the Township of Vernon are enhanced as a direct result of increased awareness about pancreatic cancer and research of early detection, causes, and effective treatments; and

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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 present voted in favor.

Seeing no one 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 present voted in favor.

CONSENT AGENDA

Council President Murphy gave a brief explanation and asked for a motion to adopt Resolutions #19-218 through #19-222.

Council Member Auberger questioned if the transfer of funds from the Fleet Management account in Resolution #19-221 will negatively affect the township fleet or planned purchases. Mayor Shortway explained transfers were needed for road improvements on Higgins & Walsh roads, to cover DPW retroactive contractual increases and uniform allowance for Glenwood Pochuck Ambulance Squad and according to the CFO and Business Administrator funds were able to be transferred. Attorney Townes added that surplus near end of year is typically transferred based on needs of Township. Council President Murphy also noted that the Resolution does transfer \$67,000 from legal line item not needed and moves \$60,000 into the Road Repairs line item.

MOVED: Patrick Curreri
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion Passed to adopt Resolutions #19-218 through #19-222.

Resolution #19-218: A Resolution Authorizing The Execution Of A Discharge Of Mortgage For Block 154.03/Lot 2 – [REDACTED]

WHEREAS, the Township of Vernon holds a mortgage for Marlene Cole for the premises known as Block 154.03, Lot 2, [REDACTED], in conjunction with a dwelling renovation through the Vernon Township Housing Rehabilitation Program (“Mortgage”); and

WHEREAS, Marlene Cole has satisfied the Mortgage and the Mortgage can be discharged; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor is hereby authorized to sign a Discharge of Mortgage for Block 154.03, Lot 2 and to have same filed with the County Recording Officer.

Resolution #19-219: Authorize the Award of Bid 9-2019 “Off Site Motor Fuel Service” to Bob Baldwin Transportation Inc.in a Fair and Open manner

WHEREAS, there is a need for offsite motor fuel source for the Township of Vernon municipal and public safety operations; and

WHEREAS, this the Township of Vernon duly advertised and received public bids in accord with N.J.S.A. 19:44A-20.4 et. Seq, on November 8, 2019 at 9:00 A.M.; and

WHEREAS, the Township received one (1) bid, 9-2019, from Bob Baldwins Transportation Inc. in the amount as follows:

NAME OF BIDDER	Bob Baldwins Transport
Depot Location	5 Omega Drive Vernon
Miles from 21 Church St	.2
Year 1	
Supply Motor Fuel/ gallon	
Gasoline 87 Oct	.2785
Diesel #2	.2785/ gallon as of Nov 1- March 15 .285/ gallon for anti-gel winterized
Year 2	
Supply Motor Fuel	
Gasoline 87 Oct	.2845
Diesel #2	.2845/ gallon as of Nov 1- March 15 .285/ gallon for anti-gel winterized
Self-Dispensing Fuel System	
Chip Key Card	
Gas Boy double Card Access (Check one, Chip Key or Card)	Yes

And

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

WHEREAS, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b) (the certification of available funds), states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Vernon authorizes the Mayor to enter into a contract with Bob Baldwins Transportation Inc. 5 Omega Drive Vernon, N.J. 07462 in the amount as bid in Bid 9-2019 for a two (2) year contract.

Resolution #19-220: Authorizing Change Order #1 Of Contract For Proposed Improvements Of Line Striping To Warwick Turnpike With Denville Line Painting

WHEREAS, on August 12, 2019, by way of adoption of Resolution #19-169, the Council of the Township of Vernon awarded a contract to Denville Line Painting for Line Striping Warwick Turnpike which contract provided for an expenditure of \$12,000.00; and

WHEREAS, in a memo dated November 7, 2019, the Township Engineer states that the contract requires a Change Order #1 by the addition of one item in amount of \$325.20 resulting in an adjusted total contract amount of \$12,325.20; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will increase the total contract amount by \$325.20 to an adjusted total contract amount of \$12,325.20.

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 Denville Line Painting to \$12,325.20; and

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

Resolution #19-221: Transfer Resolution- Balance Transfers

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2019 Municipal Budget) in accordance with N.J.S.A 40A-58/59 are hereby approved.

ACCOUNT	TRANSFER OUT	TRANSFER IN
FROM CURRENT FUND:		
FLEET MANAGEMENT - OE	21,200.00	
VES-CLOTHING ALLOWANCE	1,800.00	
LEGAL SERVICES – OE	67,000.00	
TO: CURRENT FUND		
ENGINEERING SERVICES - OE		10,000.00
ROAD REPAIRS & MAINTENANCE – S&W		5,000.00
ROAD REPAIRS & MAINTENANCE - OE		60,000.00
RECYCLING - OE		5,000.00
FLEET MANAGEMENT – S&W		1,200.00
PERS		3,000.00
VES-GLENWOOD POCHUCK AMBULANCE MAT&SUPP		1,800.00
ANIMAL CONTROL – S&W		4,000.00
TOTAL TRANSFERS	90,000.00	90,000.00

Resolution #19-222: A Resolution Authorizing The Execution Of An Agreement Between The Township Of Vernon And Highland Lakes Country Club And Community Association Regarding Sidewalks Along Breakneck Road

WHEREAS, Highland Lakes Country Club and Community Association (“the Club”) is a private, single-family, residential lake community located in Vernon Township, Sussex County, New Jersey; and

WHEREAS, Vernon Township is a Municipal Corporation of the State of New Jersey, located in Sussex County, New Jersey; and

WHEREAS, Breakneck Road is a public roadway located in Vernon Township, along which are located properties belonging to the Club and to individual members of the Club; and

WHEREAS, in 1985, Vernon Township determined that improvements were needed to make Breakneck Road safer to travel, for both motorists and pedestrians; and

WHEREAS, to enable these improvements to be made, the Club and some of its individual members conveyed certain portions of various properties located along Breakneck Road to Vernon Township in 1985 and 1986; and

WHEREAS, as additional consideration for these transfers, Vernon Township agreed to waive and forego enforcement, against the Club and its current and future individual members, of certain snow and ice removal, maintenance, replacement, improvement and repair obligations for the soon to be constructed municipal sidewalks abutting these properties (“Sidewalk Agreement”). However, the Sidewalk Agreement was not reduced to writing at that time; and

WHEREAS, the Club and Vernon Township now wish to confirm and memorialize the Sidewalk Agreement, for the benefit of the Club and its current and future individual members, who are third party beneficiaries to this Agreement.

NOW, THEREFORE, it is hereby resolved that the Mayor of the Township of Vernon shall be and is hereby authorized to execute the agreement attached hereto as Exhibit A memorializing the terms and conditions of the Sidewalk Agreement.

Council President Murphy questioned if the Council needs to vote on approving the DPW Agreement in order to allow retroactive increases. Mayor Shortway stated the Council did approve a Memorandum of Agreement previously but Attorney Townes added he will review Agreement to see if further action is needed by the Council.

AGREEMENT

WHEREAS, Highland Lakes Country Club and Community Association (“the Club”) is a private, single-family, residential lake community located in Vernon Township, Sussex County, New Jersey; and

WHEREAS, Vernon Township is a Municipal Corporation of the State of New Jersey, located in Sussex County, New Jersey; and

WHEREAS, Breakneck Road is a public roadway located in Vernon Township, along which are located properties belonging to the Club and to individual members of the Club; and

WHEREAS, in 1985, Vernon Township determined that improvements were needed to make Breakneck Road safer to travel, for both motorists and pedestrians; and

WHEREAS, in order to enable these improvements to be made, the Club and some of its individual members conveyed certain portions of various properties located along Breakneck Road to Vernon Township in 1985 and 1986; and

WHEREAS, as additional consideration for these transfers, Vernon Township agreed to waive and forego enforcement, against the Club and its current and future individual members, of certain snow and ice removal, maintenance, replacement, improvement and repair obligations for the soon to

be constructed municipal sidewalks abutting these properties. However, this agreement was not reduced to writing at that time; and

WHEREAS, since that time, as new municipal officials have taken office and the institutional memory regarding this agreement has faded, there have been at least three distinct efforts to compel the removal of snow and ice from the sidewalks abutting Breakneck Road. Most recently, a new sidewalk maintenance Ordinance 18-20, enabled by N.J.S.A. 40:65-12 (“Sidewalk Debris Statute”), was proposed by Vernon Township, and opposed by the Club and its current and future individual members as to these Breakneck Road properties, based on the historical record; and

WHEREAS, in order to ensure that this problem does not arise in future, the Club is now recording a Corrective Deed, incorporating this Agreement between the Club and Vernon Township, as to the properties that it conveyed to Vernon Township in 1985 for the improvements along Breakneck Road. Vernon Township has agreed to sign this Corrective Deed to indicate its acceptance and consent thereto; and

WHEREAS, the Club and Vernon Township intend that the individual property owners who also conveyed property to Vernon Township at that time be made third party beneficiaries of this Agreement, which is to inure to the benefit of current and future individual property owners; and

WHEREAS, the Club and Vernon Township now wish to confirm and memorialize this Agreement, for the benefit of the Club and its current and future individual members, who are third party beneficiaries to this Agreement.

NOW, THEREFORE, it is hereby resolved that Vernon Township agrees to not adopt any ordinance or resolution that imposes any obligation on the Club and its current and future individual members allowed by the Sidewalk Debris Statute for any sidewalks that abut Breakneck Road. A copy of the Resolution passed by the Vernon Township Council, dated _____, 2019, accepting the Corrective Deed, and authorizing and reaffirming this Agreement is attached hereto.

IN WITNESS WHEREOF, the Club and Vernon Township have caused this Agreement to be signed and notarized as of the date as set forth herein.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Ordinance #19-25: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, And Supplementing Chapter 500 Of The Municipal Code Of The Township Of Vernon Entitled “Streets And Sidewalks” To Authorize A Deadline For Excavation Of Newly Improved Streets And Rights Of Way

Council President Murphy read the title and asked for a motion to Introduce Ordinance #19-25 with a Public Hearing on December 9, 2019.

Council Member Curreri questioned where specific regulation in the Short Term Rental Ordinance regarding foster home properties originated. Mayor Shortway explained proposed Ordinance verbiage came from collaboration from many sample ordinances and reason it was added was for protection for the Township. Council Member Curreri stated as being a former foster home, there are times that a licensed facility may not have a child placed and noted the unfairness of the restriction. Attorney Townes explained the emphasis of the Short Term Rental Ordinance was to regulate Airbnb’s and similar entities and would be a policy decision to not allow it in residential units. Council Member Curreri also noted other communities in California and Jersey City have stricter regulations and further expressed insurance concerns which have not yet been discussed. He added that residents have commented they don’t want a revolving door in their neighborhood. Mayor Shortway commented

that Short Term Rentals already exist in Vernon and it is impossible to see every unintended consequence but noted amendments can be made in future should Council decide.

Council Member Curreri made a motion to remove the term foster home from the section 476 – 4 (B) in Proposed Ordinance #19-25.

MOVED: Patrick Curreri
SECOND: John Auberger

A roll call vote was taken:

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

Motion Passed to revise proposed Ordinance #19-25 to remove the term foster home from the section 476 – 4 (B).

Council President Murphy asked for a motion to Introduce Ordinance #19-25 as revised with a Public Hearing on December 9, 2019.

MOVED: Mark Van Tassel
SECOND: John Auberger

A roll call vote was taken:

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

Motion Passed to Introduce Ordinance #19-25 as revised with a Public Hearing on December 9, 2019.

Ordinance #19-26: An Ordinance of The Township Of Vernon, County Of Sussex, State Of New Jersey, Creating Chapter 476 Of The Municipal Code Of The Township Of Vernon Entitled “Short-Term Rentals”

Council President Murphy read the title and asked for a motion to Introduce Ordinance #19-26 with a Public Hearing on December 9, 2019.

MOVED: Mark Van Tassel
SECOND: John Auberger

A roll call vote was taken:

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

Motion Passed to Introduce Ordinance #19-26 with a Public Hearing on December 9, 2019.

Ordinance #19-27: An Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending Chapter 509 Of The Municipal Code Of The Township Of Vernon Entitled “Taxation” To Include Transient Accommodations

Council President Murphy read the title and asked for a motion to Introduce Ordinance #19-27 with a Public Hearing on December 9, 2019.

MOVED: Patrick Curreri
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion Passed to Introduce Ordinance #19-27 with a Public Hearing on December 9, 2019.

Ordinance #19-28: An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending Chapter 484 of the Municipal Code of the Township of Vernon Entitle “Soil Fill Placement”

Council President Murphy read the title and asked for a motion to Introduce Ordinance #19-28 with a Public Hearing on December 9, 2019.

MOVED: Mark Van Tassel

SECOND: John Auberger

A roll call vote was taken:

AYES: Patrick Curreri, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Sandra Ooms

Motion Passed to Introduce Ordinance #19-28 with a Public Hearing on December 9, 2019.

Ordinance #19-29: Ordinance Extending Lease Agreement Between The Vernon Township Board Of Education And The Township Of Vernon, And Sub-Lease Agreement Between The Township Of Vernon And The Dog Owners Gathering Society Of Vernon Township, Inc., For Certain Unimproved Real Property Identified On The Official Tax Maps Of The Township Of Vernon As Block 133, Lot 2.05

Council President Murphy read the title and asked for a motion to Introduce Ordinance #19-29 with a Public Hearing on December 9, 2019.

MOVED: John Auberger

SECOND: Mark Van Tassel

A roll call vote was taken:

AYES: Patrick Curreri, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Sandra Ooms

Motion Passed to Introduce Ordinance #19-29 with a Public Hearing on December 9, 2019.

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.

Scott Geysels, Barry Lakes, commented that on page 5 of Short Term Rental Ordinance, the section of permitted properties included condominiums and town home associations but had no reference to Lake Associations. Mayor Shortway explained he has spoke to the Township Attorney and the omission was an oversight and can be amended before adoption. Council President Murphy questioned if Council can amend Ordinance tonight which Attorney Townes stated a Motion for Reconsideration must be approved for this action.

Ordinance #19-26: An Ordinance of The Township Of Vernon, County Of Sussex, State Of New Jersey, Creating Chapter 476 Of The Municipal Code Of The Township Of Vernon Entitled “Short-Term Rentals”

Council President Murphy asked for a motion for Reconsideration to amend Introduction of Ordinance #19-26 to include Lake Community Associations to Section 476-4 paragraph 6 with a Public Hearing on December 9, 2019.

MOVED: Patrick Curreri

SECOND: John Auberger

A roll call vote was taken:

AYES: Patrick Curreri, Mark Van Tassel, John Auberger, Jean Murphy

NAYES: None

ABSTAIN: None

ABSENT: Sandra Ooms

Motion for reconsideration Passed to Introduce Ordinance #19-29 with a Public Hearing on December 9, 2019.

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.

MAYORS REPORT

Mayor Shortway commented he attended a seminar at the League of Municipalities Convention about benefits of increased jobs, income in the Urban Enterprise Zone and expressed hope Vernon will have similar positive affects if Highlands Enterprise Zone is approved. He noted smaller communities in Sussex County like Hamburg and Branchville may not be supportive of such a measure.

Mayor Shortway reported that West Milford has filed a complaint for lack of compensation from the water taken out of the area and the loss of development rights from the Highlands Act. He suggested the complaint is a reasonable argument and Vernon may want to join with West Milford in this effort. Council President Murphy noted the issue of protecting the water is important and questioned if the state ultimately owns the water supply. Mayor Shortway explained that commercial businesses do not want to pay extra for water supply from the Highlands, but legislators have to consider fairness to our area.

COUNCIL COMMENTS

Council Member Auberger made no comments.

Council Member Van Tassel made no comments.

Council Member Curreri requested a status update on the Silver Spruce issue. Mayor Shortway explained it has been assigned receivership and may takes years for issue to be resolved. He suggested to Mayor Elect Burrell to consider budgeting for Environmental Attorney for remediation efforts. Council Member Curreri expressed thanks to all First Responders for their service to our community.

COUNCIL PRESIDENT COMMENTS

Council President Murphy questioned if the liens from Ordinance approving the Mountain Creek Agreement have been recorded with Sussex County. Council President Murphy noted that Clerk Lauren Kirkman's last day will be December 6, 2019 and thanked her for her years of service to the Township.

Council President Murphy commented the Township received an OPRA request for payroll records and expressed concern with the paperwork provided. She expressed concern with potential litigation since prior requests of this nature have been produced by our contracted payroll company and urged Administration to follow up with request.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 7:31 p.m.

Respectfully submitted,

Irene Mills
Acting Township Clerk

Jean Murphy,
Council President

Minutes approved: December 9, 2019