

**Township of Vernon**

**TOWNSHIP COUNCIL MEETING**

**November 27, 2017**

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday November 27, 2017 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting has been provided to the public and the press on January 5, 2017 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 Dan Kadish, Sandra Ooms, Patrick Rizzuto, and Council President Jean Murphy. Also present were Council Member-Elect John Auberger and Council Member - Elect Mark Van Tassel. Mayor Harry Shortway, CFO Elke Yetter, Administrator Charles Voelker, Township Attorney Joshua Zielinski.

**SALUTE TO THE FLAG**

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

**PROCLAMATIONS:**

Retired Animal Control Officer Thomas Maellaro could not attend the Council meeting but requested that the Proclamation be read in his absence. Council Member Ooms read the Proclamation thanking Mr. Maellaro for his years of service with Vernon Township as Animal Control Officer.

**PROCLAMATION**

**Whereas**, Thomas Maellaro has been a proud and dedicated employee for Vernon Township for 25 years;

**Whereas**, Tom joined the Township of Vernon on October 26, 1992 as an Animal Control Officer and retired after twenty five years of service on November 1, 2017;

**Whereas**, those who have had the pleasure of working with Tom sincerely appreciated his dedication and the devotion he has displayed in his work caring for the animals of Vernon Township.

**Now therefore be it Proclaimed**, on behalf of the Vernon Township Council and Community, I, Mayor Harry Shortway, hereby extends my sincerest gratitude and appreciation to

*Thomas Maellaro*

for his distinguished public service to the Township and dedication to the care and well being of the animals of our community.

Presented this 27th day of November, 2017

**PUBLIC COMMENTS**

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

MOVED: Dan Kadish

SECOND: Sandra Ooms

All members voted in favor.

Anthony Horler questioned the status of sale of specific township owned property that he is interested in purchasing. Mr. Horler commented, as a Barry Lakes resident, the homeowner's association By-laws and the Township code lacks definition of who is responsible for the maintenance of road drainage, and of swale and ditches along roads in the lake community. Mr. Horler states the Township should provide explanation in writing to the association so the Lake By-Laws can be amended. Council President Murphy told Mr. Horler to contact Administration for assistance.

Joseph\_(name unclear), [REDACTED] commented the Township zoning ordinance states recreational vehicles must be put in rear or side yard which is difficult in many lots in Vernon Township and asked if Zoning Officer can review ordinance for relief to residents. Joseph provided written information to Mr. Voelker.

Mr. Voelker explained that Resolution #17-212 is to authorize cancellation of unused funds that were budgeted for the 2017 Gypsy Moth Suppression Program and added the State recently performed an egg mass survey and found no spraying would be recommended in 2018.

Seeing no further 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: Sandra Ooms

All members voted in favor.

## **MAYOR'S REPORT**

Mayor Shortway commented that Vernon Township received the Bronze Certification from Sustainable NJ for the second year in a row.

Mayor Shortway commented a donation from Mitch Morrison, 100 Thanksgiving meals were distributed to needy seniors and congregants of Vernon Methodist Church and expressed thankfulness to all volunteers involved.

Mayor Shortway thanked the Sheriffs Labor Assistance Program (SLAP) for their help on November 19, 2017 clearing a trail along with the Recreation Board members and the Vernon Running Club. He added the \$2,000 grant received will be used to blaze the walking trail from the Police Athletic League property.

Mayor Shortway thanked the volunteers from the McAfee Fire Department who assisted the Beautification Committee with hanging the lighted Snowflake decorations in the Town Center. Mayor Shortway announced the Township Holiday Tree Lighting will be held on December 1<sup>st</sup> at the Vernon Firehouse at 6:30 pm and encouraged residents to attend to bring the Vernon community together.

## **MINUTES**

Council President Murphy asked for a motion to approve the Regular Meeting Minutes of October 23, 2017.

MOVED: Dan Kadish

SECOND: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Carried to approve Regular Meeting Minutes of October 23, 2017.

**CONSENT AGENDA**

Council President Murphy gave a brief explanation of Resolutions #17-209 through #17-217.

Council Member Rizzuto and Ooms requested Resolutions #17-213 and #17-217 to be removed from Consent Agenda.

Council President Murphy asked for a motion to approve Resolutions #17-209 to #17-212 and #17-214 to #17-216.

MOVED: Dan Kadish

SECOND: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolutions #17-209 to #17-212 and #17-214 to #17-216.

**RESOLUTION #17-209**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2017 BUDGET AS A REVENUE AND APPROPRIATION OF \$12,265.89**

**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 \$12,265.89 Drunk Driving Enforcement Fund Grant from the New Jersey Department of Law and Public Safety Division of Highway Traffic Safety; and wishes to amend its 2017 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 2017 in the sum of \$12,265.89 which is now available as a revenue from the New Jersey Department of Law and Public Safety Division of Highway Traffic Safety and;

**BE IT FURTHER RESOLVED** that a like sum of \$12,265.89 is hereby appropriated under the caption Drunk Driving Enforcement Fund Grant.

**RESOLUTION #17-210**

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR PROPOSED IMPROVEMENTS TO BARRY DRIVE NORTH – PHASE I LINE STRIPING WITH DENVILLE LINE PAINTING**

**WHEREAS**, on September 25, 2017 by way of adoption of Resolution #17-180, the Council of the Township of Vernon awarded a contract to Denville Line Painting for Traffic Striping for

Proposed Improvements to Barry Drive North – Phase I which contract provided for an expenditure of \$5,530.50; and

**WHEREAS**, in a memo dated November 6, 2017, the Township Engineer states that the contract requires a Change Order #1 of one reduction totaling \$218.70 resulting in an adjusted total contract amount of \$5,311.80; and

**WHEREAS**, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$218.70 to an adjusted total contract amount of \$5,311.80.

**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 \$5,311.80; and

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

**RESOLUTION #17-211**

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR PROPOSED IMPROVEMENTS TO MAPLE GRANGE ROAD LINE STRIPING WITH DENVILLE LINE PAINTING**

**WHEREAS**, on September 25, 2017 by way of adoption of Resolution #17-181, the Council of the Township of Vernon awarded a contract to Denville Line Painting for Traffic Striping for Proposed Improvements to Maple Grange Road which contract provided for an expenditure of \$11,838.90; and

**WHEREAS**, in a memo dated November 6, 2017, the Township Engineer states that the contract requires a Change Order #1 of two additions totaling \$245.70 and one reduction totaling \$168.00 resulting in an adjusted total contract amount of \$11,916.60; and

**WHEREAS**, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will increase the total contract amount by \$77.70 to an adjusted total contract amount of \$11,916.60.

**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 increasing the total contract amount with Denville Line Painting to \$11,916.60; and

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

**RESOLUTION #17-212**

**CANCELLATION OF NJ DEPARTMENT OF AGRICULTURE GYPSY MOTH SUPPRESSION GRANT RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, there is a receivable with an offsetting appropriation from the State of New Jersey Department of Agriculture Gypsy Moth Suppression Grant in the amount of \$201.56; and

**WHEREAS**, this receivable is no longer collectible as revenue.

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

**RESOLUTION #17-214**

**RESOLUTION OF PARTICIPATION  
A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW  
JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF  
CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.**

**WHEREAS**, the Township of Vernon Police Department wishes to apply for funding of approximately \$60,000 with a match of \$177,544 for an approximate project total cost of \$237,544 for a project under the State of New Jersey Safe and Secure Grant Program, Grant #P-18-1922; and

**WHEREAS**, the Council of the Township of Vernon has reviewed the accompanying application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Vernon Township Police Department for the purpose described in the application.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey that

1. As a matter of public policy the Vernon Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**RESOLUTION #17-215**

**APPROVING ACTIVE VOLUNTEER FIREMAN FOR MEMBERSHIP IN THE  
NEW JERSEY STATE FIREMEN'S ASSOCIATION**

**WHEREAS**, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

**WHEREAS**, William B. Mackerley, an active firefighter and member of the McAfee Volunteer Fire Department, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves William B. Mackerley for membership in the New Jersey State Firemen's Association.

**RESOLUTION #17-216**

**AUTHORIZING LEASE CONTRACT WITH PITNEY BOWES FOR  
POSTAL MACHINE UTILIZING NJPA CONTRACT#041917**

**WHEREAS**, there exists a need to lease a new Postal Machine to be used by all departments in the Municipal Building for postal services; and

**WHEREAS**, based on annual usage calculations, Vernon Township considers the best option is a lease-to-own Pitney Bowes SendPro 1500 Postal Machine from Pitney Bowes, utilizing the NJPA Contract#041917; and

**WHEREAS**, the term of the contract will be a 60 (sixty) month lease beginning December 2017 and cost will not exceed \$3,635.16/ annually.

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose in the 2017 budget and is subject to approval in 2018-2022 Municipal Budgets.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor is authorized to execute a lease-to-own agreement with Pitney Bowes for a SendPro 1500 postal machine , for an amount not to exceed \$3,635.16/ annually.

Council President Murphy asked for a motion to approve Resolution #17-213.

MOVED: Dan Kadish  
SECOND: Sandra Ooms

Council Member Rizzuto opined that with the amount of Vernon Township in the restricted Highlands area, he cannot go along with further restricted development. Council Member Wetzel agreed that Vernon has more tax-free parcels the taxable. Council Member Kadish noted that farmers do pay taxes on their housed and opined that we need to preserve farming as they use less paid public services than a family. Mayor Shortway added that there are businesses expanding who are selling farm products.

Ms. Kirkman explained that the governing body does not determine farm assessment and the Resolution is to allow Farmland Preservation status which is a voluntary program. Council Member Kadish added there are less than 10 farms left in Vernon.

A roll call vote was taken:

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

Motion carried to approve Resolution #17-213.

#### **Resolution #17-213**

#### **RESOLUTION AUTHORIZING FINAL APPROVAL FOR BLOCK 134, LOTS 17, 17.01 17.02 AND BLOCK 182, LOTS 12.01, 12.02 FARMLAND PRESERVATION**

Be it resolved that the Mayor and Township Council of the Township of Vernon, in the County of Sussex, State of New Jersey, does hereby express its support for the Farmland Preservation program and gives final approval of the following application.

Be it also resolved that approval is given for this application to be submitted to the State Agriculture Development Committee by the Sussex County Agriculture Development Board for county reimbursement consideration when state funding for farmland preservation is available.

Kirk R. Stephens, Jr.  
Vernon Valley Farm

Block 134, Lots 17, 17.01, 17.02  
Block 182, Lots 12.01, 12.02  
± 77 acres

Council President Murphy asked for a motion to approve Resolution #17-217.

MOVED: Dan Kadish  
SECOND: Sandra Ooms

Ms. Yetter explained the Township had filed an Emergency Appropriation to be made up in the 2018 budget but is now not needed due to budget transfers and Resolution#17-217 cancels the Appropriation.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #17-217.

### **Resolution # 17-217**

#### **CANCELLING EMERGENCY APPROPRIATION RESOLUTION # 17-184**

*(Under 3% limitation)*

**WHEREAS**, on September 25, 2017 the Council of the Township of Vernon passed Resolution #17-184 Emergency Appropriation due an emergent condition; and

**WHEREAS**, the Council of the Township of Vernon passed Resolution #17-204 Balance Transfer on November 13, 2017 thus eliminating the need for the emergency appropriations.

**NOW, THEREFORE, BE IT RESOLVED**, that:

1. Resolution # 17-184 Emergency Appropriation Resolution is hereby rescinded.
2. This resolution shall go into effect immediately as provided by law.

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

Council Member Murphy read Ordinance 17-17 by title only.

**Ordinance #17-17:** Ordinance of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending Chapter 5 Of The Code Of The Township Of Vernon Regarding Bureau Of Animal Control

Mr. Voelker explained the supervision of the Animal Control Department will be more effective and efficient if under the Police Department.

Council President Murphy asked for a motion to open the public hearing for Ordinance#17-17.

MOVED: Dan Kadish

SECOND: Sandra Ooms

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 public hearing for Ordinance #17-17.

MOVED: Dan Kadish

SECOND: Sandra Ooms

All members voted in favor.

Council President Murphy asked for a motion to adopt Ordinance#17-17.

MOVED: Dan Kadish

SECOND: Sandra Ooms

A roll call vote was taken:

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

Nays: None

Abstain: None  
Absent: None  
Motion carried to adopt Ordinance #17-17.

## **ITEMS FOR DISCUSSION**

### Vernon Township's Bills on Council Meeting Agenda

Mr. Townes, Township Attorney, stated a resolution to have the Township's bills list on the Council Agenda for vote would not be appropriate. Per litigation in 2014, the decision stated it is not in the Council's purview to approve or disapprove bills as bills are paid by the Mayor. He added the Court held there is no requirement for the bills list to be on the agenda. Mr. Townes commented that past litigation expenses were spent on this issue and he stated he would not recommend adopting such a measure.

Council Member Ooms disagreed with the Attorney's determination and added it is fiscally irresponsible and it is the Council's responsibility to monitor how Township funds are spent. She added Council should vote on the bills list.

Council Member Ooms provided an example of a bill for the Faline Building appraisal and opined the service was not provided satisfactorily in her opinion so the Township should not have paid the bill. Council Member Kadish stated that Vernon did receive a response from the appraisal which said the building is not worth the assessed value. Council Member Rizzuto added the appraisal was in April, but Mayor did not provide it to Council until September.

Council Member Kadish explained that bills must be processed within thirty (30) days and should a Council meeting be cancelled; vendor payments would be delayed. Council Member Rizzuto stated that he agrees that bills should be on Council agenda for vote. Council Member Ooms added examples of towns that require Council vote on the bills list: Manchester, Ewing and Long Branch.

Council Member Ooms made a motion for Bills List to be put on agenda for Council approval.

MOVED: Sandra Ooms

SECOND: Patrick Rizzuto

A roll call vote was taken:

Ayes: Sandra Ooms, Patrick Rizzuto, Dick Wetzel

Nays: Dan Kadish, Jean Murphy based on Township Attorney advice

Abstain: None

Absent: None

Motion carried to approve Motion for Bills List to be put on agenda for Council approval.

## **COUNCIL COMMENTS**

Council Member Ooms stated that a Resolution was prepared stating Council approval will be needed prior to applying for any Grants. Mr. Townes explains that as previously told to Ms. Ooms, this action infringes on the administrative powers of the Mayor. Council Member Ooms asked if the grant requires a Council vote, the vote should be done before an application submitted.

Ms. Kirkman explained grants are sometimes released with a brief window for approval, require hard work to complete and allow for submission of grant with Council approval at later time. If Council disapproves of grant resolution, the state would then disqualify the application. Council President Murphy commented review of application would be micromanaging and the time frame does not always allow a vote ahead of time. She added that all Council have the opportunity of asking Mayor and Business Administrator for information when the Agenda packet is received and prior to the meeting so paid Consultants are not needed.

Council Member Rizzuto had no comments.

Council Member Wetzel had no comments.

Council Member Kadish has no comments.

## **COUNCIL PRESIDENT COMMENTS**

Council President Murphy commented that the Wreaths Across America will be held on December 16, 2017 at the Glenwood Cemetery and wreaths may be purchased for \$15/each; information on website.

Council President Murphy thanked the McAfee Fire Department Volunteers for their assistance installing the Lighted Snowflakes in the Towns Center

**ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council Member Kadish, 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 8:26 p.m.

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Jean Murphy,  
Council President

Minutes approved: January 8, 2018