

Township of Vernon

TOWNSHIP COUNCIL MEETING MINTUES

December 10, 2018

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. December 10, 2018 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Jean Murphy presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 5, 2018 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

ROLL CALL

Present were Council Members Sandra Ooms, Mark Van Tassel, John Auberger and Council President Murphy, Mayor Harry Shortway, Business Administrator Charles Voelker and Township Attorney Marlin Townes. Council Member Kadish was not present.

SALUTE TO THE FLAG

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

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: 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 meeting to Public Comments.

MOVED: Mark Van Tassel

SECOND: Sandra Ooms

All members voted in favor.

MINUTES

Council President Murphy asked for a motion to approve the Regular and Executive Session Meeting Minutes of November 26, 2018.

MOVED: Sandra Ooms

SECOND: Mark Van Tassel

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: Dan Kadish

Motion carried to approve the Regular and Executive Meeting Minutes of November 26, 2018.

ITEMS FOR DISCUSSION

Animal Control Fees

Council President Murphy opened discussion for a proposed Ordinance to increase specific Animal Control fees concerning adoptions and referenced comparative backup provided from Bergen County, Wantage, West Milford, St. Huberts in Madison and Ramapo. Council Member Ooms noted a large disparity in costs between various communities. Lt. Keith Kimkowski, assigned supervisor for Animal Control, explained that communities offer different services such as rabies shots with adoption or spay/neuter and shots with adoptions. Lt. Kimkowski added his main goal is to have every adopted

pet spayed or neutered prior to adoption and proposed fees would offset these services. Kittens or puppies would be required to wait until 8 weeks old to be adopted so spay/neuter can be done. Council President Murphy expressed concern the cost increase is high and may deter residents from adopting. Lt. Kimkowski explained initial veterinarian visit covering rabies, distemper shots, spay/neuter and microchip service costs approximately \$150.00. He commented that he believed a cycle exists in Vernon because adopted animals are not spayed/neutered, and irresponsibility causes increase in population which costs are then put on the general taxpayer. Lt. Kimkowski noted that West Milford is a non-profit organization run solely on donations not public funds. Council Member Ooms noted Vernon also has a trust account and a dog fund for the Animal Shelter and requested copy of current balances for each. Council Member Auberger questioned if Kennel & Pet Shop Construction Plan Review Fee was increased which Lt. Kimkowski explained it was not. Council President Murphy thanked Lt. Kimkowski and explained the Council will review information presented and earliest date for Introduction would be in January 2019.

CONSENT AGENDA

Council President Murphy read the title and gave a brief explanation of Resolutions #18-247 through #18-256.

Council Member Ooms questioned purpose of transfer of funds in Resolution #18-254. Mayor Shortway explained transfer is needed to pay sewer debt so the Township does not default on its legal obligations per the 2005 & 2012 Agreements.

Council President Murphy asked for a motion to approve Resolutions #18-247 through #18-256.

MOVED: John Auberger
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion carried to approve Resolutions #18-247 through #18-256.

RESOLUTION #18-247

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON FEBRUARY 5, 2019 WITHIN THE TOWNSHIP OF VERNON

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

WHEREAS, Mountain Creek Resort has submitted an application to Vernon Township to conduct a fireworks display for Special Olympics on February 5, 2019; and

WHEREAS, the proposed fireworks display will take place at 200 Route 94, in the Waterpark area; and

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

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display, performed by Garden State Fireworks Inc. on February 5, 2019, at Mountain Creek Resort, located at 200 Route 94, Vernon upon satisfaction of all statutory and departmental requirements.

RESOLUTION #18-248 REFUND OVERPAYMENT- (Lereta Tax & Flood Services) Bl 230.15 Lot 10

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Lereta Tax and Flood Services in the amount of \$2,204.26 representing refund for overpayment of 1st qtr. 2018 property taxes for Block 230.15 Lot 10, also known as [REDACTED]

RESOLUTION #18-249

“Authorize the Award of a Required Disclosure Contract with “Lawsoft Inc. for Police Records Management System Software”

WHEREAS, the Township of Vernon has a need for police records management system software, through Lawsoft Incorporated, 15 Hamburg Turnpike, Bloomingdale, N.J. as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Sean Canning, Q.P.A., has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is for the year of 2019; and

WHEREAS, Lawsoft Incorporated, in the aggregate is expected to provide more than the pay to play threshold of \$17,500.00; and

WHEREAS, Lawsoft Incorporated, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Law Soft Incorporated has not made any reportable contributions to a political or candidate committee in the *Township of Vernon* in the previous one year, and that the contract will prohibit LawSoft Incorporated from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$38,000.00 are available as follows;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with Lawsoft Incorporated, not to exceed \$38,000.00 for the 2018 budget year for contractor, power and safety supplies; and,

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

Resolution #18-250

RESOLUTION AUTHORIZING APPROVAL OF AMENDMENT TO THE DEVELOPER’S AGREEMENT WITH RDR ASSOCIATES

WHEREAS, Vernon Township entered into a Developer’s Agreement with RDR Associates via Resolution #17-65, on February 27, 2017, for the completion of the remaining repairs and paving to Upper Plateau Drive and final repairs to Basin #3 in the final Major Subdivision of Whispering Woods.

WHEREAS, the Developer’s Agreement stipulated that all completed improvements were to be completed by July 1, 2018 with condition of one 90 day extension allowed; and

WHEREAS, in letter dated August 10, 2018, RDR Associates requested extension to November 1, 2018 to complete all required improvements which was granted by Administration per the recommendation of the Township Engineer; and

WHEREAS, RDR Associates has submitted a second request dated November 9, 2018 to further extend the deadline, due to the recent challenging weather conditions, for all improvements to be completed by June 30, 2019 so the best and most satisfactory job can be done.

WHEREAS, per the Township Engineer has recommended approval of the extension until June 30, 2019 to fulfill all requirements of the Developer’s Agreement.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Council of Vernon hereby approve the amendment to the Developer’s Agreement to extend the completion date to June 30, 2019 between RDR Associates and the Township of Vernon; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute the Amendment to the Developer’s Agreement with RDR Associates.

This Resolution shall take effect immediately.

RESOLUTION #18-251

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 (2018 Municipal Budget) in accordance with N.J.S.A 40A-58/59 are hereby approved.

ACCOUNT	TRANSFER OUT	TRANSFER IN
FROM CURRENT FUND:		
10573568 – OTHER INSURANCE	\$1,996.39	
10555048 – PERS MISC.		\$1,996.39
10534020 – FIRE PREVENTION O/E	\$3,000.00	
10570120 – GENERAL ADMIN- O/E	\$6,000.00	
10579452 - MAINTENANCE OF PARKS – O/E	\$3,000.00	
10576793 – FLEET MANAGEMENT O/E		\$12,000.00
TOTAL TRANSFERS	\$13,996.39	\$13,996.39

Resolution #18-252

RESOLUTION – AUTHORIZING THE CANCELLATION OF APPROPRIATION RESERVE BALANCES

WHEREAS, certain 2017 Appropriation Reserve Balances remain that are no longer needed; and

WHEREAS, a STORM RECOVERY RESERVE TRUST FUND was established by Resolution #07-68 and approved by the Division of Local Government Services on April 17, 2007; and

WHEREAS, it is necessary to formally cancel said balances from appropriation reserves and fund the Snow Removal Trust Fund,

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that the following unexpended balances of the Appropriations Reserves be cancelled:

10576520A – (2017) ROAD REPAIRS & MAINT. O/E \$ 40,000.00

TOTAL \$ 40,000.00

Resolution #18-253

RESOLUTION – AUTHORIZING THE CANCELLATION OF APPROPRIATION RESERVE BALANCES (Accumulated Absences Trust)

WHEREAS, certain 2017 Appropriation Reserve Balances remain that are no longer needed; and

WHEREAS, an ACCUMULATED ABSENCES TRUST was established by Resolution #02-44 and approved by the Division of Local Government Services on April 05, 2002; and

WHEREAS, it is necessary to formally cancel said balances from appropriation reserves and fund the Accumulated Absences Trust Fund,

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon, that the following unexpended balances of the Appropriations Reserves be cancelled:

Police Department- S&W \$ 30,000.00

TOTAL \$ 30,000.00

RESOLUTION # 18-254

RESOLUTION TO CANCEL APPROPRIATIONS

WHEREAS, certain 2018 Appropriation Balances remain that are no longer needed; and

WHEREAS, it is necessary to formally cancel said balances from Appropriations that will not be spent through the end of the year,

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the following unexpended balances of the 2018 Appropriations be cancelled:

ACCOUNT	DESCRIPTION	AMOUNT
10519920	HISTORIC PRESERVATION - O/E	\$2,000.00
10535020	ECONOMIC DEVELOPMENT - O/E	\$1,000.00
10553100	RECYCLING S&W	\$6,000.00
10563020	SOCIAL SECURITY - O/E	\$30,000.00
10570220	MAYOR & COUNCIL - O/E	\$5,000.00
10570420	CLERK - O/E	\$3,000.00
10570520	FINANCE - O/E	\$9,000.00
10570820	COLLECTION OF TAXES - O/E	\$4,000.00
10571020	ASSESSMENT OF TAXES - O/E	\$10,000.00
10572120	LAND USE BOARD - O/E	\$20,000.00
10572520	BUILDING DEPARTMENT - O/E	\$2,000.00
10572620	TECHNOLOGY - O/E	\$13,000.00
10574500	POLICE DEPARTMENT - S&W-OVERTIME	\$40,000.00
10574520	POLICE DEPARTMENT - O/E	\$20,000.00
10574620	RADIO COMMUNICATIONS - O/E	\$2,000.00
10575294	VES- PART-TIME PAID AMBULANCE	\$80,000.00
10575520	MUNICIPAL COURT - O/E	\$1,500.00
10577220	BUILDINGS & GROUNDS - O/E	\$2,000.00
	MAINTENANCE OF PARKS -	
10579404	SEASONAL/TEMP.H	\$1,500.00
10579420	MAINTENANCE OF PARKS - O/E	\$3,000.00
TOTALS		<u>\$255,000.00</u>

Resolution #18-255

Temporary Budget- Debt Service

WHEREAS, N.J.S.40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year, and

WHEREAS, the date of this resolution is subsequent to that date, and

WHEREAS, principal and interest will be due on various dates from January 1, 2019 to January 31, 2019, inclusive, on bonds and notes issued and outstanding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, in the County of Sussex, New Jersey, that the following appropriations be made to cover the period from January 1, 2019 to January 31, 2019 inclusive:

Payment of Bonds	\$1,806,850.00
Interest on Bonds	276,900.78
Principal on Road Assessment	<u>33,150.00</u>
Total	<u>\$2,116,900.78</u>

RESOLUTION #18-256

**AUTHORIZING CONTRACT WITH CERTAIN APPROVED STATE CONTRACT
VENDOR KONICA MINOLTA STATE CONTRACT 40464**

WHEREAS, the Township of Vernon may by resolution, and without advertising for bids or obtaining quotations, purchase any goods or services under the State Contract; and

WHEREAS, the Township has the need on a timely basis to purchase or lease goods and services utilizing State contracts; and

WHEREAS, the Township intends to enter into contract with the attached referenced State vendor through this resolution and properly executed contract for Bizhub 458 copier for Finance Office, which shall be applicable to all the conditions to current State contracts.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the Qualified Purchasing Agent to lease certain goods and services from the approved State vendor listed below, pursuant to all conditions of the individual State contract; and

CONTRACT/COMMODITY	VENDOR	VENDOR CONTRACT	EXPIRATION
COPIERS	Konica Minolta	40464	01/11/2019

BE IT FURTHER RESOLVED, 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

BE IT FURTHER RESOLVED, that the duration of the lease contract between the Township of Vernon and the referenced state vendor shall be for 60 months from January 2019 to December 2023; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law.

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.

Cara Brown, [REDACTED] expressed concern about large trucks dumping fill on Silver Spruce property and urged the Township to hold the NJDEP responsible for dereliction of their duties. Ms. Brown noted the NJDEP has performed many site inspections with no documentation but when

adjacent property had violation, NJDEP followed through for remediation. Ms. Brown also noted 3 Silver Spruce is located in the Highlands Preservation Area which requires special NJDEP approval for soil disturbance absent of development. She added in 2016, per case NJDEP vs. LWS Spector Woodbridge, NJDEP failed to collect enough proof to handle similar case to the Vernon issue.

Margaret Distasi, [REDACTED] thanked the Township for their hard-fought fight with the NJDEP about Silver Spruce issue and expressed her opposition to the NJDEP's evaluation of the site and default of their duties.

Colleen Lancelotti, [REDACTED] expressed concern about the soil issues at Silver Spruce and urged the Township to continue.

Donna Smith, [REDACTED] explained she had own experience of bad dirt delivery and offered support to residents on Silver Spruce.

Barbara Kostenko, [REDACTED] expressed concern for neighbors at Silver Spruce and thanked Township for continued actions in this matter.

Diana Kenny, [REDACTED] [REDACTED] expressed concern of environmental and water quality due to the soil issues on Silver Spruce and noted complaints of dump trucks on RT 565/Silver Spruce as early as 5:40 am.

Alex McCann, [REDACTED] expressed appreciation of the hard work the Township has done against the NJDEP regarding the Silver Spruce soil issue.

Pat Distasi, [REDACTED] expressed thanks to the Township Mayor, Council and Business Administrator for the continued support regarding the Silver Spruce issue going on since 2009. Mr. Distasi commented that his family has been very patient since 2009 and will continue to work with the many agencies and legislature to resolve this issue to full extent of mediation. Mr. Distasi explained his family built his house on Silver Spruce and his family will continue to have faith that this issue will be resolved.

Mr. Townes recommended the Township Council and Administration refrain from making any comments concerning Silver Spruce as this matter is currently under litigation. Mr. Townes stated he is authorized to say that the Township is pursuing all legal options to resolve the issues that exist at Silver Spruce and is being proactive dealing with these issues.

Seeing no members of the public wishing to come forward, Council President Murphy asked for a motion to close the meeting to Public Comments.

MOVED: Mark Van Tassel

SECOND: Sandra Ooms

All members voted in favor.

MAYORS REPORT

Mayor Shortway thanked the Board of Recreation Members, Vernon Fire Department Members, Mishelle Downtain, DPW employees, Randy & Irene Mills who helped make the Annual Holiday Tree Lighting and Pictures with Santa a huge success. He added over 400 people attended the Township event and Mayor Shortway and many others were dressed to celebrate the "Whoville" theme.

Mayor Shortway commented the Township continues to progress with the Mountain Creek Agreement and anticipates a resolution in January, 2019.

Mayor Shortway commented that he spoke to Council Member Kadish who is recovering from a recent injury and expressed appreciation of good wishes and prayers.

Mayor Shortway reminded the public of the "Wreaths Across America" wreath laying ceremony on Saturday December 15, 2018 @ 10:00 am at the Glenwood Cemetery to honor fallen Veterans.

Mayor Shortway commented that Art work has been displayed at the Municipal Building for the public to enjoy and expressed thanks to the many local artists. Mayor Shortway expressed best wishes for a happy Holiday Season and offers hope, love and family togetherness for all.

COUNCIL COMMENTS

Council Member Auberger had no comment.

Council Member Van Tassel had no comment.

Council Member Ooms expressed thanks to the Beautification Committee for the decorations throughout town and municipal facilities. Council President Murphy thanked volunteers Maryellen Vichiconti and Joyce Brensinger for their assistance in making Vernon look seasonally festive.

COUNCIL PRESIDENT COMMENTS

Council President Murphy expressed thanks to the Vernon Fire Department for their assistance helping the Beautification Committee display the snowflake lights in the Town Center area. She added the electric outlets were installed previously in 2009 by the Township on certain telephone poles through JCP&L, and the Township now has purchased 14 lights to display.

Council President Murphy stated she attended a Roundtable Discussion with Senator Steve Sweeney and received literature titled "Path to Progress" which outlines New Jersey Economic and Fiscal Policy Recommendations created by a 25-member state panel of experts in public finance. The Public can access the information at www.pathtoprogresnj.org.

Council President Murphy announced the Sussex County Freeholder Reorganization Meeting will be on January 3, 2019 at the Sussex County Court House @ 6:00 p.m; two new freeholders will be sworn in. She wished the public Happy Holidays.

Council President Murphy the December 27, 2018 regular meeting may be cancelled and there also may be a special joint meeting with the VTMUA added between now and December 20, 2018 should action be needed on the Mountain Creek Agreement. All notices will be posted at the Municipal Building, website and NJ Herald as required by law.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 7:33 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: January 14, 2019