

## **Township of Vernon**

### **TOWNSHIP COUNCIL MEETING MINTUES**

**April 22, 2019**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on April 22, 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 Sandra Ooms, Patrick Curreri, Mark Van Tassel, John Auberger and Council President Murphy, Mayor Harry Shortway, Business Administrator Charles Voelker, CFO Donelle Bright DeCouto and Township Attorney Josh Zielinski.

#### **EXECUTIVE SESSION**

Attorney Zielinski 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. Property Acquisition
  - b. Litigation - Wallace
3. This resolution shall take effect immediately.

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

MOVED: John Auberger

SECOND: Sandra Ooms

All members of the Council were in favor.

Motion carried to enter Executive Session.

Council President Murphy asked for a motion to close the Executive Session at 6:50 p.m. and reconvene the Regular Meeting at 7:00 p.m.

MOVED: John Auberger

SECOND: Sandra Ooms

All members of the Council were in favor.

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on April 22, 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 Sandra Ooms, Patrick Curreri, Mark Van Tassel, John Auberger and Council President Murphy, Mayor Harry Shortway, Business Administrator Charles Voelker, CFO Donelle Bright DeCouto and Township Attorney Josh Zielinski.

## **SALUTE TO THE FLAG**

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

## **PRESENTATIONS**

### Economic Development Advisory Commission

John Stephens and Peter Loukeris, Economic Development Advisory Committee (EDAC) Members came forward to explain the goal of the EDAC is to encourage business growth, increase employment opportunities while enhancing the environment. Mr. Stephens explained in 2018 the EDAC took a survey of the general public to find out what people like to do, their interests and what should be added in Vernon. The results indicated the encouragement of existing local businesses and expressed a desire for activities that are related to the environment and trail system. He added that the Greenway Trail Plan and Maple Grange Park were main players to hold events and activities. Mr. Stephens stated the addition of a Farmer's Market was favorably requested and has been introduced in 2019. Also, he explained that besides the addition of the trail system, interest in constructing an amphitheater was positive where people could come together in an outdoor venue.

Mr. Stephens noted the EDAC has utilized statistical information from the Sustainable Economic Development Plan (SEDP) completed by Land Use Board Planner Jessica Caldwell in 2019. The Plan contained analysis on population, age groups, and interests which can be used by the EDAC to focus on goals about how outdoor recreation can help Vernon Township. Mr. Stephens stated that on page 52 of the Plan, examples of different amphitheater ideas were shown that could work in Vernon to help bring the community together. Mr. Stephens summarized that with the Trail System, Amphitheater and the Planners report noting that Vernon Township has the tools to increase successful businesses, enhance the environment, and create community events to see people congregate.

Mr. Stephens suggested a simple Amphitheater be constructed with help from volunteers, possibly with the Vernon PAL, in a central location behind Municipal Building so that facilities and parking are accessible. He acknowledged that funding the project is the issue to move forward and asked for Council support and suggested creating a 501c3 independent of government for donations. Mr. Stephens urged the Council to work with the Volunteer Boards and Committees to pursue the construction of the Amphitheater and expressed thanks for Council's continued support.

Council President Murphy asked for a motion to take a short recess at 7:19 p.m.

MOVED: John Auberger

SECOND: Sandra Ooms

All members of the Council were in favor.

Council President Murphy asked for a motion to return to at 7:26 p.m.

MOVED: John Auberger

SECOND: Sandra Ooms

All members of the Council were in favor.

### Greener By Design

Bob Canace, Greener By Design, OpenSpace Advisor, came forward to explain the public responsibility of the Trail System is to promote public health and safety of the public welfare. Mr. Canace stated a Trail offers moderate physical activity which improves longevity for all ages, genders and those with physical challenges. He added that a Trail is cost effective for exercise and is interactive community based. Mr. Canace explained that studies show that infrastructure and business investments increase in areas where walking, hiking, trail systems exist. He added a trail system is important to new home buyers, offers safe healthy benefits to the public and will be an important

economic driver. Mr. Canace added the cost to maintain is based on what is built and is estimated at \$6,000/year per mile which is a small price for the benefit provided to the community for many years.

Council Member Ooms stated she thought the proposed plan with map would have been presented tonight showing actual locations, length of trail and surface details.

Mr. Cory Stoner, Township Engineer, per the displayed map, explained the first part of the Town Center proposed Trail would start at rear of Municipal Building utilizing township owned land, continuing on existing sewer line easements to Township property on Black Creek Drive. He added the proposed loop trail will be 1 ½ mile long, 8 feet wide and surface material would be 10 feet wide stone dust with dense aggregate base. Mr. Stoner explained some portions will need to be graded to provide smooth surface for pedestrians, strollers and wheelchairs. He added drainage issues need to be addressed in three locations by installation of underground pipes to prevent erosion. Mr. Stoner stated the cost for Trail improvements is conservatively estimated at \$170,000.00.

Mr. Stoner explained the upper section and location behind Municipal Building will be ADA compliant but steep section in wooded area would not be. Handicapped parking would be available at Black Creek Drive and by the Municipal Building for ADA sections. Council Member Ooms questioned if there are any shady areas along Trail which Mr. Stoner stated the Trail is in wide open area with limited shade.

### **PROCLAMATIONS:**

Council President Murphy read the Proclamation for Older Americans Month.

#### **Proclamation**

Older Americans Month      May 2019

**WHEREAS**, Vernon Township is committed to valuing all individuals and recognizing their ongoing life achievements; and

**WHEREAS**, Older adults in Vernon Township play an important role by continuing to contribute experience, knowledge, wisdom and accomplishments; and

**WHEREAS**, Older adults are active community members involved in volunteering, mentorship, arts and culture, and civic engagement; and

**WHEREAS**, Our community can provide opportunities to allow older citizens to continue to flourish by emphasizing the importance of elders and their leadership; by presenting opportunities for older Americans to share their wisdom, experience and skills; and recognizing older adults as a valuable asset in strengthening American communities.

**NOW, THEREFORE**, I, Council President Jean Murphy, Mayor Shortway and the Vernon Township Council do hereby proclaim **May 2019 to be Older Americans Month** in Vernon Township. We urge every citizen to take the time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

Council President Murphy recognized Township Assessor Lynne Schweighardt who recently retired from Vernon Township after serving for 16 years. She added that Inspectors are actively going to all Vernon properties for the Township Revaluation and have Identification Badges and are wearing fluorescent jackets.

### **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:      Patrick Curreri

All members voted in favor.

Kevin Duffy, Glenwood Pochuck Ambulance Squad questioned reason for Resolution #19-110 which shows a budget decrease of employee wages is being shifted to the Ambulance Squads Budgets. Mr. Duffy respectfully thanked the Township's decision of additional \$1,500 given to the Ambulance Squads.

Mike Furrey, Chairperson of the Vernon Environmental Commission (VTEC) and the Greenway Action Advisory Committee (GAAC) thanked the Council for their continued support of the Trail efforts. Mr. Furrey noted he sent a letter to the Council Members related to the Dirt Dumping issue on Silver Spruce and urged the Council to support Bill # 1683 currently in the State Senate & Assembly.

He read: In January 2019, the State Attorney General has taken action along with the NJDEP to help characterize the soil pile at 3 Silver Spruce Lane. There were also recent tests performed by NJDEP in support of the AG's legal case against Silver Spruce Lane. The VTEC thoroughly reviewed the information and court submission provided and offers the following comments:

- 1) Although there were several contaminants sampled and tested during the march 2019 event, there were several contaminants that may of may not been tested under the current NJDEP Site Remediation Regulations 7:26 E such as:
  - a. Total Petroleum Hydrocarbons (TPHS) – indicative of petroleum products
  - b. Volatile Organic Compounds (VOCs) – Common drinking was contaminant that can easily leach from the soil to groundwater
  - c. Heavy Metals- tract metals that can be transferred from soil to groundwater through a leaching process. Previous tests have shown significant levels of lead in water runoff or soil near the location in question. The source can be recycled asphalt or other source of contamination such as lead pipes from construction sites
- 2) Soil samples were taken at various depths with a maximum depth of 3.5 feet. It is highly recommended that core sampling be done deep into the dirt pile. It is highly recommended that samples be take deep in the solid pile and just above groundwater tables to get a comprehensive understanding of any potential impacts on groundwater aquifers. The Township fully relies on getting drinking water supply from groundwater sources for public water systems and private homeowner wells. The Township needs to determine the true impact to groundwater and protect its valuable resource.

**Recommendations:**

The Vernon Township Environmental commission encourages the following actions:

- 1) The Township Council pass a resolution in support of S1863 similar to the County Freeholders
- 2) The Township should continue to strengthen their local ordinances to prevent this activity from happening in the future.
- 3) The Township should fully support the efforts of Attorney General and the NJDEP/Sussex county Board of Health in any effort to address the full evaluation and cleanup of affected properties to protect residents from impacts to their property and drinking water supply.
- 4) The Township should immediately apply for funding under the NJ Spill Compensation Act. The Township should also work with state and federal legislators to seek the funding needed to address this serious environmental issue. The remediation costs will be significant and should not fall upon the local taxpayers but the individuals responsible for the contamination.

Mr. Furrey asked for Council support in addressing the issue by passing Resolution supporting S1683 and noted how remarkable the community has come together in dealing with this environmental issue.

Margaret Distasi, [REDACTED] thanked the Council for adding the Resolution to support Bill S1683 on the agenda and noted her involvement with the County Freeholders in drafting the document. Ms. Distasi invited the Council to attend the upcoming county wide meeting in May regarding the soil dumping issue. Ms. Distasi stated the group PAID (People Against Illegal Dumping) has been receiving numerous inquiries of concerned residents about contaminated soil or water and if any testing is available and needs guidance from the Township on how to proceed.

Lynne Schweighardt, Vernon Township Assessor thanked the Township Council, Mayor and coworkers for a wonderful 16 years working at Vernon Township serving the community.

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

MOVED: Mark Van Tassel

SECOND: John Auberger

All members voted in favor.

## MINUTES

Council President Murphy asked for a motion to approve the Special Meeting Minutes of March 20, 2019, the Regular Meeting Minutes of March 25, 2019 and the Special Meeting Minutes of March 28, 2019.

MOVED: John Auberger

SECOND: Mark Van Tassel

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve the Special Meeting Minutes of March 20, 2019, the Regular Meeting Minutes of March 25, 2019 and the Special Meeting Minutes of March 28, 2019.

## ITEMS FOR DISCUSSION

- A. Ordinance #19-10:** Bond Ordinance Appropriating \$2,138,668, And Authorizing The Issuance Of \$1,644,765 Bonds Or Notes Of The Township, For Various Improvements Or Purposes Authorized To Be Undertaken By The Township Of Vernon, In The County Of Sussex, New Jersey

Council President Murphy commented that per the EDAC recommendation of different funding possibilities for the proposed band shell without having to borrow, that it should be removed from Ordinance. Council Member Ooms stated down payment funds were put in Capital Improvement Fund and a decision was made to have separate Bond Ordinance but questioned why it is now included in the this one. Mayor Shortway explained the Township would pay double to have two separate bonds. Council Member Ooms opined that taxpayers should not pay for \$100,000 that we are not using yet. Mayor Shortway explained that the Ordinance gives the initiative to start the project, honor former Council Member Dan Kadish to offer many free activities for Township residents. Council Member Ooms added that during budget discussions, Council planned to take the band shell out of the Ordinance. Council President Murphy stated that some Council Members expressed not wanting the band shell in the Ordinance and with the new fund-raising plan from the EDAC, it should be removed. Council Member Auberger stated he would rather find a way to raise the funds for the band shell other than bonding because our debt already is too high.

Mayor Shortway noted he previously asked the Council to form a subcommittee to work with the EDAC to find financing ideas. Council President Murphy stated three council members would like the band shell out of the Ordinance and pursue raising funds and obtain corporate sponsors. Mayor Shortway suggested using Open Space funds for the Band shell project. Council Member Curreri stated he understood the EDAC plan to increase revenue and make Vernon more attractive.

Council Member Ooms made for a motion to remove the Bandshell item from Ordinance #19-10.

MOVED: Sandra Ooms

SECOND: John Auberger

Attorney Zielinski questioned what the motion is amending as this is a discussion item and not an ordinance up for adoption.

Council Member Ooms explained motion is to remove the Band Shell item from Ordinance #19-10 and reintroduce at next Council Meeting. Mayor Shortway expressed concern over delay in introduction because of other items in the Ordinance specifically the turf field replacements which now could negatively the fall sport schedules. Council Member Ooms noted the Council did not

receive the report of analysis done on the turf fields and requested they be forwarded. Council President Murphy also requested a copy of the Risk Manager's report on the condition of the fields. Ms. Bright explained Ordinance was added to tonight's agenda for Introduction to be adopted on May 13 so when estoppel period is over and Ordinance in effect, Bond and existing rollover BANS could be done together to reduce costs for the Township. She added the Ordinance also includes DPW & Police equipment for public safety that is needed as soon as possible.

A roll call vote was taken:

AYES: Sandra Ooms, John Auberger, Jean Murphy

NAYES: Patrick Curreri, Mark Van Tassel

ABSTAIN: None

ABSENT: None

Motion Passed to remove the Bandshell item from Ordinance#19-10 and reintroduce at May 13, 2019 meeting.

#### 2019 Budget - Amendment

There was no council discussion on this item.

### **CONSENT AGENDA**

Council Member Curreri read Resolution #19-108 in full recognizing Municipal Clerk's Week.

Council President Murphy asked for a motion to approve Resolution #19-108.

MOVED: Mark VanTassel

SECOND: John Auberger

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Passed.

#### **Resolution #19-108:** Recognizing Municipal Clerk's Week

Council President Murphy read Resolution #19-109 in full and asked for a motion to approve Resolution #19-109.

MOVED: John Auberger

SECOND: Sandra Ooms

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: None

Motion Passed.

### **Resolution #19-108**

#### **RECOGNIZING MUNICIPAL CLERK'S WEEK**

**WHEREAS**, a Municipal Clerk is a professional who provides continuity in government from administration to administration, seeing to it that the business of local government continues uninterrupted while providing experienced and dedicated public service to the governing body, colleagues and residents; and

**WHEREAS**, one of the oldest positions of public servants in local government, the Municipal Clerk's Office was established when the early colonists came to America and began setting up forms of local government; and

**WHEREAS**, a Municipal Clerk has core duties prescribed by state statute, including but not limited to 1) acting as secretary to the municipal corporation; 2) acting as secretary to the governing body; 3) serving as chief administrative officers in all elections; 4) serving as chief registrar of voters in their municipality; 5) serving as the administrative officer responsible for accepting and issuing various licenses and permits; 6) serving as coordinator and records manager; and 7) performing other such duties as are imposed by statute, regulation of municipal ordinance or resolution; and

**WHEREAS**, in recognition of Municipal Clerk's Week (May 5-11, 2019), the Municipal Council of the Township of Vernon wishes to recognize its Municipal Clerk, Lauren Kirkman, and her staff, Lauren Shaw and Flo Benagh, for their outstanding services with which they provide to our community.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that while recognizing the importance of its role and functions of the Municipal Clerk's Office and the impact it has on the public, that it salutes its Municipal Clerk and the Clerk's Office for their dedication and commitment to Vernon Township's local government; and

**BE IT FURTHER RESOLVED**, that the Municipal Council of the Township of Vernon recognizes all New Jersey's Municipal Clerks and their staff members for their service to their respective local governments and calls upon other communities to join them in recognizing their Municipal Clerks and staff members the week of Municipal Clerk's Week, May 5-11, 2019.

**Resolution #19-109:** Resolution Of The Township Council Of The Township Of Vernon In Support Of Senate Bill No. 1683 And Assembly Bill 4267 A Bill Which Would Close Loopholes In The State's Solid Waste Regulatory And Oversight System

#### **RESOLUTION #19-109**

#### **Resolution Of The Township Council Of The Township Of Vernon In Support Of Senate Bill No. 1683 And Assembly Bill 4267 A Bill Which Would Close Loopholes In The State's Solid Waste Regulatory And Oversight System**

**WHEREAS**, Senate Bill No. 1683, a bill which would close loopholes in the State's solid waste regulatory and oversight system was reviewed by the Senate Environment Committee on February 14, 2019; and

**WHEREAS**, Senate Bill No. 1683 and Assembly Bill No. 4267 would expand background checks to include more people who work in the solid waste industry, such as sales persons and consultants. It would also ensure persons or businesses engaging in soil and fill recycling services are held to the same regulatory standards as to those working in the solid waste sector; and

**WHEREAS**, Senator Oroho and Assemblymen Space and Wirths noted that while S-1683 could possibly address the dump in Vernon, and that they are committed to exploring any and all solutions to this public safety and environmental protection issue – not only in District 24, but in communities statewide; and

**WHEREAS**, the Township Council of the Township of Vernon has reviewed the proposed legislation and wishes to support said Bills, which would protect the privacy of the residents of New Jersey, as well as relieve the burden to Municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, in the County of Sussex and State of New Jersey, that they hereby support Senate Bill No. 1683 and Assembly Bill No. 4267, and urges the legislative leadership adopt the legislation.

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to all municipalities in Sussex County and Representatives in the 24<sup>th</sup> Legislative District urging their support of this legislation.

Council President Murphy read the titles and gave a brief explanation of Resolutions #19-110 through #19-115. Resolution #19-115 was removed from Consent Agenda.

Council President Murphy asked for a motion to approve Resolutions #19-110 through #19-114.

MOVED: Mark VanTassel

SECOND: John Auberger

A roll call vote was taken:  
AYES: Sandra Ooms, Patrick Curreri, Mark Van Tassel, John Auberger, Jean Murphy  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion Passed.

**Resolution 19-110**

**RESOLUTION TO AMEND INTRODUCED BUDGET**

**WHEREAS**, the local municipal budget for the year 2019 was introduced on the 8<sup>th</sup> day of April, 2019, and

**WHEREAS**, the public hearing on said budget will be held as advertised on May 13, 2019, and

**WHEREAS**, it is desired to amend said introduced budget, and

**WHEREAS**, the amendments contained herein do not add a new appropriation in excess of 1% of total appropriations, and

**WHEREAS**, the amendments contained herein do not increase or decrease any item of appropriation by more than 10%, and

**WHEREAS**, the amendments contained herein do not increase the amount to be raised by taxation by more than 5%,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Vernon, County of Sussex, that the following amendments to the introduced budget of 2019 be made:

	AMENDED	INTRODUCED
CURRENT FUND APPROPRIATIONS:		
8. “(A) Operations- Within “CAPS:”		
GENERAL GOVERNMENT:		
Financial Administration:		
Salaries & Wages	158,000.00	161,000.00
PUBLIC SAFETY FUNCTIONS:		
Volunteer Emergency Services:		
Other Expenses	309,000.00	306,000.00
TOTAL OPERATIONS (Item 8(A)) within “CAPS”	26,378,350.59	26,378,350.59

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that three certified copies of this resolution be field forthwith in the Office of the Director of Local Government Services for their certification of the local municipal budget so amended.

**RESOLUTION #19-111**

**REFUND FOR TOTALLY DISABLED VETERAN  
(Block 170.11 Lot 5 – Van Dam)**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS**  
awarded Richard Van Dam a 100% permanent and totally disabled veteran: and,

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund 1<sup>st</sup> quarter 2019 property taxes in the amount of \$2,188.07 to Richard Van Dam.

**FINALLY, BE IT RESOLVED**, that a certified copy of this Resolution be forwarded to the Township Tax Collector.



## **RESOLUTION #19-112**

### **RESOLUTION AUTHORIZING THE APPLICATION TO THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR A SEATBELT ENFORCEMENT PROGRAM, “CLICK IT OR TICKET”**

**WHEREAS**, the most effective device for preventing deaths and injuries in motor vehicle crashes remains the seat belt; and

**WHEREAS**, when used consistently, seat belts save lives and reduce serious injuries and according to NHTSA, seat belt use saved more than 14,500 lives nationally in 2016 alone; and

**WHEREAS**, the State of New Jersey will participate in the nationwide seat belt enforcement campaign “*Click It or Ticket*” from May 20– June 2, 2019 with the main focus of these patrols to stop and issue summonses to motorists, front, and rear seat passengers who are not complying with the state’s seat belt laws and to enforce the child safety restraint law as appropriate; and

**WHEREAS**, Vernon Township will initially incur the cost of the program, not to exceed \$5,500.00 and then submit the necessary documentation to the Division of Highway Traffic Safety for total reimbursement.

**THEREFORE, BE IT RESOLVED**, that Vernon Township declares its support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 20– June 2, 2019 and pledges to increase awareness of the mobilization and the benefits of safety belt use, 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 New Jersey Division of Highway Traffic Safety for Seatbelt Enforcement in the amount of \$5,500.00.

The effective dates for this program will be from May 20, 2018 through June 2, 2019.

## **RESOLUTION #19-113**

### **RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON JULY 6, 2019 WITH RAIN DATE OF JULY 13, 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**, Tall Timbers Property Owners Association has submitted an application to Vernon Township to conduct a fireworks display on July 6, 2019 with rain date of July 13, 2019; and

**WHEREAS**, the proposed fireworks display will take place at 100 Tall Timbers Road, in the Beach area; and

**WHEREAS**, Tall Timbers Property Owners Association 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 July 6, 2019 with rain date of July 13, 2019, at Tall Timbers Beach area, located at 100 Tall Timbers Road, Vernon, NJ upon satisfaction of all statutory and departmental requirements.

## **RESOLUTION #19-114**

**“AUTHORIZE THE AWARD OF A REQUIRED DISCLOSURE CONTRACT WITH  
“VAN DINEMOTORS INC. FOR TRUCK EQUIPMENT AND REPAIR”**

**WHEREAS**, the Township of Vernon has a need for truck equipment and repair for the Department of Public Works through Van Dine Motors Inc. 135 Railroad Avenue, Hackensack, 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**, Van Dine Motors Inc, in the aggregate is expected to provide more than the pay to play threshold of \$17,500.00; and

**WHEREAS**, Van Dine Motors Inc, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Van Dine Motors Inc 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 Van Dine Motors Inc from making any reportable contributions through the term of the contract, and

**NOW, THEREFORE, BE IT 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 Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with Van Dine Motors Inc, not to exceed \$26,500.00 for the 2019 budget year for truck equipment and repairs; 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.

Council President Murphy asked for a motion to approve Resolution #19-115.

MOVED: Sandra Ooms  
SECOND: Mark Van Tassel

A roll call vote was taken:

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

Motion Passed.

**Resolution No. 19-115**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF  
THE TOWNSHIP OF VERNON ACKNOWLEDGING  
THE ANNUAL REPORT FROM THE MUNICIPAL LAND USE BOARD**

**WHEREAS**, the Township of Vernon has a Land Use Board that functions as a Board of Adjustment;

**WHEREAS**, N.J.S.A. 40:55D-70.1 requires the Board of Adjustment to annually prepare a report and recommendations;

**WHEREAS**, the Township Council is in receipt of the Resolution of Annual Update;

**NOW THEREFORE IT BE RESOLVED** by the Township Council of the Township of Vernon that the Land Use Board's Annual Update and Recommendation Report for 2018 is hereby received and acknowledged.

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

**Ordinance #19-07:** Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending And Supplementing Chapter 99 Of The Code Of The Township Of Vernon Entitled "Vehicles And Traffic"

Council President Murphy explained that Ordinance #19-07 needs to be tabled until such time that Vernon Township receives further approval from Sussex County.

Council President Murphy asked for a motion to table Public Hearing for Ordinance#19-07 until June 24, 2019.

MOVED: Sandra Ooms  
SECOND: John Auberger

A roll call vote was taken:

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

Motion Passed to table Public Hearing for Ordinance#19-07 until June 24, 2019.

**Ordinance #19-09:** Capital Ordinance providing for a traffic messaging trailer by the Township of Vernon, in the County of Sussex, New Jersey, appropriating therefore the sum of \$18,500.00 and providing that such sum so appropriated shall be raised from the Capital Improvement Fund of the Township

Council President Murphy read by title Ordinance #19-09.

Council President Murphy asked for a motion to open Public Hearing for Ordinance#19-09.

MOVED: John Auberger  
SECOND: Mark Van Tassel  
All Members were in Favor.

Seeing no one wishing to come forward, Council President Murphy asked for a motion to close Public Hearing for Ordinance#19-09.

MOVED: Mark Van Tassel  
SECOND: John Auberger  
All Members were in Favor

Council President Murphy asked for a motion to adopt Ordinance#19-09.

MOVED: Mark Van Tassel  
SECOND: Sandra Ooms

A roll call vote was taken:

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

Motion passed to adopt Ordinance #19-09.

## **PUBLIC COMMENTS (On Current Agenda Items Only)**

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

MOVED: Mark Van Tassel

SECOND: John Auberger

All members voted in favor.

Cara Brown, resident, expressed concern over the recent test results showing contaminants in the soils on Silver Spruce as she resides only ½ mile away from site. She explained she plans to contact the NJDEP directly and request them to conduct a public forum and ask Council to do the same to educate the residents of any actions to take or alleviate any fears.

Council President Murphy noted the Mayor will provide information on this subject in his Mayor's Report.

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: Mark Van Tassel

SECOND: Sandra Ooms

All members voted in favor.

### **MAYORAL APPOINTMENTS**

Mayor Shortway noted that Mike Furrey and Patrick Curreri have resigned from the Vernon Township Environmental Commission and announced Cara Brown, with term expiring 12/31/2021 and Catherina Sawoszcyk, with term expiring 12-31-19 have been appointed in their positions.

Mayor Shortway expressed appreciation to both for their voluntary service to the community and to their involvement with addressing the soil dumping issue.

### **MAYORS REPORT**

Mayor Shortway reported that Congressman Gottheimer is working on opportunities for incentives for businesses to come to Vernon to help with our financial challenges and noted examples include using Federal Trails for biking and Kite Flying contest which is currently gaining the necessary permissions. He added that Senator Oroho has drafted the Highland Enterprise Zone Bill and recently adjusted to include ski and bike rentals.

Mayor Shortway reported that the Pavement to Pinwheel program began last week and is a great success with many residents joining in to see the many trails located in Vernon.

Mayor Shortway reported that although rained out in the first weekend, the Farmer's Market is ready to get underway on the third Saturday of each month from 9-1 from May through September and thanked the DPW and Beautification Committee for their hard work sprucing up the Municipal Building grounds.

Mayor Shortway reported that the NJDEP had tested soils from 3 Silver Spruce property from 3.5 ft and the EC found several possible carcinogens but noted that additional testing is needed. He added Vernon will work closely with Senator Oroho, Congressman Gottheimer, Assemblyman Worth to continue to push for addition core sample tests closer to the water table. Mayor Shortway added that Vernon Township pays the County for Board of Health services and commented that Vernon needs to get them more involved in notifying the residents of any hazards. Mayor Shortway reported that the Vernon Zoning Officers will be in Court Trial on May 8, 2019 for the 85 summons' charged against owner of 3 Silver Spruce.

Mayor Shortway announced that the NJDEP will be holding a Town Hall Meeting in Vernon in May to address the concerns of the residents, detail will be provided when finalized. He thanked the Legislators and the community efforts for their continued support. Mayor Shortway commented that the State Treasury was in Vernon investigating unregistered short-term rental units and noted that if Vernon adopted an Ordinance for these rentals, Vernon would receive 3% of the tax received by the State.

Mayor Shortway reported that unknown parties have deposited wood and rigid plastics at the Vernon recycling center which are not allowed causing Vernon to be charged for the disposal by the County landfill. Vernon lacks sufficient personnel to watch every visitor so Mayor Shortway stated that beginning June 1<sup>st</sup>, Vernon will no longer accept rigid plastics to prevent the excessive disposal fees.

Mayor Shortway reported from Police Chief Dan Young that is focusing on enforcing speed limits in Vernon and noted in March there were 498 motor vehicle stops and in April- 568 stops. Coffee with a Cop was recently held with great success and plans in June for Ice Cream with a Cop has been scheduled. Mayor Shortway reported that two rounds of Helping Hand Initiative resulted in an individual seeking help with addiction issue. He praised the efforts of the Police Department to go directly to doors of known addicts to offer assistance program, noting the philosophical change in law enforcement. Also, Mayor Shortway commented the Police Department completed the Cram the Cruiser program resulting in two trailer loads of food and \$855 in donations was given to the Sussex County Food Bank and praised Chief Young for making a difference in Vernon Township.

Council President Murphy questioned what the estimated amount of Air Bed and Breakfasts (ABNB) are in Vernon. Mayor Shortway estimated approximately between 98 and 147 and restated because Vernon does not regulate them by Ordinance, no state taxes are returned to Vernon. Mayor added that independent companies not registered with the state are not paying taxes. Council President Murphy stated that Highland Lakes is requiring companies to register with them for any properties within their area but is not sharing the collected information. Mayor Shortway explained the Ordinance will require registration, fire inspection and should violation occur, notice will be issued followed by a summons. Council President Murphy further questioned the procedure to locate the properties. Mayor Shortway added those not registered with the state is the main focus as there are no taxes being collected.

### **COUNCIL COMMENTS**

Council Member Auberger recommended to have Police notified when Roadside Cleanups are planned to slow down traffic as they are primarily done by children's organizations. Mayor Shortway added that last year during these events, Administration and Police had discussed how to address the speed problems.

Council Member Ooms had no comments

Council Member Van Tassel had no comments.

Council Member Curreri commented he had the privilege to attend the recent PAID meeting which he felt was lightly attended. He noted that Vernon may see an increase in illegal dumping because the Bill S1863 to regulate operations is close to being adopted and urged all residents to be vigilant in reporting.

### **COUNCIL PRESIDENT COMMENTS**

Council President Murphy commented she met with Council Member Auberger and Recreation Board members to discuss the necessity of a messaging board for Township events and asked Administration for specifications to obtain possible sponsors for funding.

Council President Murphy announced that the County Freeholders have assigned a Freeholder to each municipality for any questions or concerns and Freeholder Dawn Fantasia is Vernon's representative.

Council President Murphy stated she was informed that the mayor formed a Committee to meet with the Emergency Service groups and questioned if the intent is to create a position to oversee all Emergency Services. Mr. Voelker explained the intent for the meeting is to bring everyone into compliance. Mayor Shortway stated the intent is vicarious liability and answered no to Council President Murphy's question.

Council President Murphy questioned if Mayor Shortway has signed the Salary Range Ordinance. Mayor Shortway stated he is not signing the document. Council President Murphy read section from the Optional Municipal Chapter Law titled Approval or Veto of Ordinances current as of January 2017:

#### Approval or veto of ordinances; attending meetings:

(a) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails

to return an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day following its return by the mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto.

Attorney Zielinski questioned what the Council President was requesting. Council President Murphy stated that the Ordinance was not properly vetoed and should stand. Attorney Zielinski will review case law and report back to Council.

Council Member Ooms asked for further explanation about the Meeting with the Emergency Services. Mayor Shortway explained he is assessing vicarious liability and obtaining an asset management plan as the day to day operation of running the Township. He added he is meeting with the Fire Department Chiefs and designees from the Ambulance Squads to request copies or information of their By-Laws, Standard Operating Guidelines, Training Records as a baseline to see current status. Council President Murphy commented that Fire Chiefs have invited Administration to attend meetings, but she was told no one came except for Chief Young and Lt. Haw. She added that discussion by the Departments to re-form a Chief's Association in order to be recognized has been ongoing. Council President Murphy commented that over the last few years, she has been told that the departments have parted ways and became more independent and are now trying to work together to be one unit with support from the Township.

### **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 Ooms with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:49 p.m.

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Jean Murphy,  
Council President

Minutes approved: May 30, 2019