

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL MEETING MINUTES AUGUST 14, 2017

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday August 14, 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. Council Member Wetzel was absent. Also present were Mayor Harry Shortway, CFO Elke Yetter, Administrator Charles Voelker and Township Attorney Joshua Zielinski.

Council President Murphy announced to the public that Ordinance #17-14 has been removed from the agenda therefore no action would take place at this meeting.

PRESENTATIONS

Greenway Action Advisory Committee (Tree and Trail Plans)

Mr. Mike Furrey, Chairperson of the Greenway Action Advisory Committee (GAAC) came forward to update the Township Council on the status of work done by the Committee and the goals for the future for Vernon Township. Mr. Furrey recognized the volunteer efforts of the members of GAAC including Paul Kearney, Joe Ast, Cherie Shortway, Tony Cilli, John Auberger, Mike Cheski and Mayor Shortway. He added that the GAAC was formed by Mayor Shortway to promote and develop the environmental amenities responsibly, to enhance the quality of life and entrepreneurship for the community's sustainability. The GAAC has four subcommittees based on the expertise of its volunteers: Trail System; Open Space; Water/Wastewater supply; and Grant opportunities and adds it has received by the State of NJ, the Bronze Certification to NJ sustainability.

The GAAC's goals are centered around the creation of a 'Greenway' which is a series of trails connecting the towns outdoor recreational assets with small businesses, farming and the Towns Center. The committee has run 'Build a Trail' days to involve volunteers from the community to help clear trails and gained support by local businesses such as SUEZ, Countryside Landscaping, Tracks, and the Daily Bean. GAAC is also working toward building an amphitheater between the Police Athletic League and municipal building. Mr. Furrey added another key connection is the Masker Marsh property to connect Canal Road with Maple Grange Park to incorporate an extension of the bike path. Mr. Furrey explained maps depicting the proposed Greenway Trail System that the GAAC is working to create and further emphasized the goal is toward promoting passive recreation throughout Vernon Township and create economic growth.

Mr. Furrey explained the importance of the water and wastewater supply in the Town Center for new and existing businesses. The Township has been awarded an \$80,000 grant from the Highlands Council to study the water aquifer sources and supply which is important information for future economic development. He added the GAAC has researched Open Space consultants to help Vernon access funding for needed acquisitions for the Greenway, one of which, Greener by Design, recently presented a proposal before the Council.

Mr. Furrey explained the GAAC is working with the Forester, Ron Farr, whom the Township hired in order to move to next phase of the No Net Loss Tree Grant and thanked Mr. Auberger and Mr. Cheski for their work with this grant. Mr. Furrey added the Committee also added a survey to their Facebook page asking residents opinions of their person recreational wants or needs and ideas how to attract business. He reported 200 responses were received and the majority supported the Greenway as the key economic driver to Vernon's sustainability. Mr. Furrey added the survey also created a sense of community for residents to come together and work together for a common goal.

Council President Murphy asked about the status of the Tree Grant. Mr. Voelker explained the Request for Proposals for the next phase of planting have been received but need to be redone but the maps with locations for planting have been completed.

Council Member Rizzuto commented that the 200 responses received from town with population of 24,000 is not a large enough sample to establish a trend, while Mr. Furrey stated he understands his concern he noted the survey is at the beginning stage. Council Member Rizzuto asked about the projected costs per mile of the Greenway. Mr. Furrey explained the projected cost of the 20-mile Greenway is \$4000.00/ mile and noted the trail recently made at the Black Creek site is being maintained by volunteers and left in natural state. Council Member Rizzuto commented that it is hard to sustain programs made from volunteer support. Mr. Furrey explained the GAAC is pursuing grant funding for these purposes. Mayor Shortway stated he sent a cost spreadsheet to all Council Members explaining the maintenance costs and noted the Township does not have any funds for any engineering studies and must rely on volunteers and grants. Mr. Furrey added State grant applications were submitted but Vernon was not awarded the funds.

PROCLAMATIONS:

Senior Center 25th Anniversary

Council President Murphy asked Jane Damstra, Senior Center Coordinator to come forward. Council Member Kadish read the Proclamation.

PROCLAMATION

Whereas, Vernon Township Senior Center will be celebrating its 25th anniversary in August, 2017; and

Whereas, the Vernon Township Senior Center has served as a focal point for the coordination of the myriad of services and activities for older adults since 1992; and

Whereas, the Township of Vernon recognizes the contributions of Senior Citizens to our community and the important role they serve in our society; and

Whereas, Vernon Township senior citizens have earned the respect and admiration of our citizens because of their knowledge, dignity and zest for life; and

Whereas, the Township of Vernon is proud of our seniors as they are the guardians of wisdom and experience

NOW THEREFORE I, Harry J. Shortway, Mayor, Jean Murphy, Council President and the Council of the Township of Vernon, do hereby recognize and celebrate the

25th Anniversary of the Vernon Township Senior Center

PUBLIC COMMENTS

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

MOVED: Sandra Ooms

SECOND: Patrick Rizzuto

All members voted in favor.

Sally Rinker, commented that the Emergency Medical volunteers are present at the meeting and the Council withdrew the Ordinance establishing paid ambulance services again. Ms. Rinker stated the Ordinance is a complex issue and claims the volunteers were deliberately not included in the discussions and further asked why the council did not hold a workshop for public input on this topic. She opined that the public in general is confused and frightened and reminds the Council of their responsibility to hold a forum to hear from all those involved. Ms. Rinker claimed the benefit of a revenue stream with paid ambulance services is not the best solution.

Ms. Rinker commented that Resolution #17-163, authorizing a ballot question about use of Open Space funds, should not have been added to an agenda by the Council President without having a workshop first and stated in 2010, she opposed a similar resolution and continues to do so and urges Council to vote no. Ms. Rinker commented Resolution#17-165, the Interlocal agreement between VTMUA and Vernon DPW, should be removed from the consent agenda to allow public awareness of terms on contract and agreed with a council member to make term of agreement three years to benefit the users and all taxpayers.

Jessi Paladini, [REDACTED] commented that statement made earlier by Chairperson of the GAAC stated there are no maintenance costs to the trails created as volunteers will be utilized. Ms. Paladini claimed users may be blocked by the Greenway Action Advisory Committee to complete the survey that is on their Facebook page. Ms. Paladini stated she does not understand why EMS Ordinance was pulled from the agenda as many volunteers are present to discuss their concerns. Council President Murphy explained the Mayor requested the Ordinance be put on the agenda, but was pulled due to further research needed. Council President Murphy added Council Members Rizzuto and Wetzel had meetings with EMS volunteers and noted nothing underhanded was meant when pulling the Ordinance from the agenda.

Council Member Rizzuto stated the only discussion about the Ordinance was during the presentation at previous meeting. He added he and Council Member Wetzel did meet with some EMS volunteers but noted it would be a violation of the Sunshine Law if more council members were present. Council Member Rizzuto opined that the squad members are invested in community service and feel good about giving back and recognize there are problems but want to express ideas to the Administration. Ms. Paladini stated she supports pulling the Ordinance because of outstanding questions but feels bad for the volunteers who came out and questions who will gain the most benefits. Ms. Paladini stated she opposes the Resolution to allow expenditures of the Open Space trust for Recreation and conservation purposes. She added if the Council approves the Resolution, she will circulate a petition to put question on the ballot to return the Open Space funds to the taxpayers or to purchase Open Space land but not to construct Recreational fields. Ms. Paladini referred to Resolution #17-161, Rejecting Bids for No Net Loss Grant, and commented Vernon had Beverly Budz overseeing the grant for \$3,000.00 then it went to Mike Cheski, then to John Auberger and then to a Forester for \$35,000 which Mayor Shortway said he will address in Mayor Comment section.

Scott Berge, 13-year Glenwood Pochuck Ambulance Squad member and current Trustee read a prepared statement addressing the proposed ordinance establishing paid emergency medical services. Mr. Berge questioned Council why it is being proposed and quoted 'If it's not broke, why fix it'. He added the ordinance would dismantle the existing two squads and combine them under a directorship run by the town. Mr. Berge stated he understands there have been internal problems within the squads but rebuilding and new leadership has begun, membership has increased to make the squads stronger so again asked why is this being proposed now. Mr. Berge recognized there were shortfalls in coverage which has been handled by St. Clare's but adds there are many untruths on social media about long response times. Mr. Berge explained volunteers cover Monday through Friday shifts from 6:00pm -6:00 am; and weekends from 6:00 pm Friday through Monday morning 6:00am as well as backup during day if needed. He added the system is currently working but recognizes it could be better but reminded the Council that it is a volunteer organization and urges the Town to be part of the solution instead of the problem. Mr. Berge added the squads are thankful for the help received by St. Clare's coverage but recognizes a problem with coverage for 2nd or 3rd backup crews. During the day coverage, Mr. Berge explains currently if St. Clare's is out on a call, a second call will only be dispatched to their Backup crew and not to volunteers who may be able to respond and adds the squads want to be part of the solution. Mr. Berge asked the Council to let volunteers do what they are trained to do and requests the town to discuss this further for a solution to better save lives.

Bonnie Rubin, commented last year she needed to utilize the services of the ambulance services when her husband suffered a medical emergency and stated the crew and staff at St. Clare's were compassionate and caring. Ms. Rubin stated her insurance covered these services which cost \$5,154.90 but questioned if Vernon went to full paid services how many residents do not have adequate insurance or resources to pay the high amount. Ms. Rubin opined that paid ambulance service is not a good idea and feels our ambulance members are committed and dedicated volunteers.

Toni Cilli, expressed thanks to police and EMT's who responded early in day to her home as her daughter suffered a choking emergency. Ms. Cilli asked for Council support for appointment of Mishelle Downtain as Recreation Director which is deserving because her duties performed were previously done by two employees. Ms. Cilli commented that individuals from the Senior Center, Dog Park, multiple Youth Sports organizations, Garden Community, holiday events, and the Trail Challenge would support Ms. Downtain for the position of Recreation Director as being very qualified and a huge asset to Vernon Township and it would be shame to lose her. Ms. Cilli expresses that Council should not make her a political pawn and be considerate by making the appointment.

Donna Hamilton, scheduler for Vernon Youth Soccer, urged the Council to appoint Mishelle Downtain as Recreation Director because of her immeasurable knowledge to ease scheduling for the many sport's practices and games for Vernon's youth. Ms. Hamilton relies on social media for current Town news and realizes that with the decline in population, successful youth activities and programs makes Vernon desirable for families to consider moving here.

Pat Lasorsa, Great Gorge Village, Vernon resident since 1981, stated she partially agreed with Council President Murphy's comments at last meeting about residents with septic do not need to contribute to costs of sewer system but added they should share responsibility of portion of development of Town Center. Ms. Lasorsa commented that users of the sewer system were not involved in the decision to be added and added that the promises made, never occurred. Ms. Lasorsa felt the future for Vernon is positive and had seen the difference in opinions but urges Council to work together for good of all residents. Ms. Lasorsa explained the unfairness of the current litigation as users must contribute to dues to pay for the Attorney for the Homeowners Association as well as pay taxes to pay for Attorney defending the town and contends it is unnecessary to single out one group of taxpayers.

Ms. Lasorsa questioned the Council what Resolution #17-166 authorizes. Mr. Zielinski explains that Mountain Creek provided a letter of credit which expires in September and the Resolution allows Town to present letter to bank which is good as cash. Council President Murphy adds that cash is only a band aid for a couple years when cash will be all gone. Ms. Lasorsa commented she is looking forward to all working together for a solution to be just and fair for all taxpayers and residents.

Rich Carson, Highland Lakes, 43 years in emergency medicine and life member of Vernon Twp. Ambulance Squad, commented he has been involved in situations developing plans for towns using paid services and feels proposed ordinance is lacking necessary information to move forward. Mr. Carson commented that residents and all members were unaware there was a problem with current emergency coverage and suggested Council have more informational meetings to explore all options. He added our region is unique for paid services and that Vernon must proceed carefully when proposing operations run by the Town. Mr. Carson opined the volunteers are good dedicated people working all hours of day and night and suggests the Administration tread carefully, think critically and use all resources to be guided forward.

Beverly Budz, Vernon, commented to Mr. Furrey the various locations where trees were to be planted in Phase II of the no Net Loss Grant application which Ms. Budz explained she wrote with the Environmental Commission to replace the loss of 53,000 trees from the pipeline construction. Ms. Budz added in 2015, 250 trees were planted at cost of \$19,175.00 for trees, cost to write grant was \$3,000 and cost of tagging trees \$3,200 for the tree tagger which leaves balance of \$75,000 paid to Town \$49,585 which she opined is not being spent maintaining the trees. Ms. Budz commented in 2016, when she was removed from the Environmental Commission, Administration took over the Grant which she strongly felt was reckless and will urge residents to not allow Mayor Shortway to take control of the current Open Space funds. Ms. Budz stated she offered her service to administer the grant free of charge and said the Mayor's comments that Phase I trees were planted too close and overwatered were false and the trees are dying. She added the neglect of tree maintenance will cost the Township \$300 for each dead tree per the grant's terms. Ms. Budz added that pictures were taken in every step of planting to prove planting was done correctly. Ms. Budz opined that the Mayor is unable to care for trees planted and questions how he can take care of the Greenway and commented she fought the pipeline to receive the grant and will fight him if needed. Ms. Budz claimed that the administration is more at fault than the Pipeline Company as they paid to replace the trees and letting the trees die is disgusting.

Mark Cilli, expressed support for the actions of the Greenway Action Advisory Committee in clearing the trail and invoking a sense of community involvement which is better than criticism. Mr. Cilli presented a check of \$500.00 to the Greenway Committee Trust Fund from Adison Partners and encouraged other businesses to donate so all can enjoy the natural resources of Vernon Township.

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

MOTION: Dan Kadish

SECOND: Sandra Ooms

All members present voted in favor.

MAYOR'S REPORT

Mayor Shortway stated he will discuss the No Net Loss Grant at the next council meeting and notes the matter was forwarded to the Department of Community Affairs for investigation and states the original Forester for Vernon has since been fired from the State. The Bids received for the grant came in too high and will need to be re-bid so price comes in at most \$300.00 a tree.

Mayor Shortway stated he inspected property that runs adjacent to the railroad tracks and parallel to Sand Hill Rd and discovered dozens of old railroad ties discarded on Township and other properties which is to be part of Vernon's Greenway and is sensitive wetlands. He added that the Environmental Commission's Chairperson, Mike Furrey was directed to investigate this matter and mediate a cleanup of this bulk waste. Mayor Shortway explained that the railroad company has voluntarily complied to clean up the bulk waste and to date eight 30-yard dumpsters have been filled with debris. Mayor Shortway expressed thanks to the EC and the County Health Department for their assistance in this matter.

Mayor Shortway announced that the Court dismissed with prejudice, the lawsuit brought forth by Beverly Budz, Richard Carson, Dale Disney, Edward Nitch and Angi Metler. The Court concluded the plaintiffs failed to state any significant public interest other than their private interests in their positions as to why the 45-day deadline should be extended. Mayor Shortway stated the frivolous law suit cost the Vernon taxpayers \$5,429.85, and Mayor Shortway respectively requested that Council authorize the Township Attorney to recover these fees from the plaintiffs.

Mayor Shortway stated he has received several complaints from residents regarding work to be completed by the DPW but noted the DPW is down four employees and they have not hired replacements to save tax dollars. The DPW currently has one employee out for extended sick leave and two employees still performing MUA duties which has resulted in delaying maintenance at intersections and grits not being removed from our streets. The Township intended to have the MUA employees return to DPW duties on July 1, 2017 but in the interest of public health & safety, they have remained. Mayor Shortway added because there is no signed contract with the MUA, the Township has not received payment from the MUA for 70% of the cost for the two employees' benefits and the licensed employee has not received his \$700.00 per month stipend.

Mayor Shortway reminded the Council of MUA complaints from the rate payers and stated based upon discussions with the Commissioners, he believed that the MUA could be maintained at a considerably lower cost. He explained the MUA had estimated 225 hours a month to operate and maintain the system but last month 259 hrs. of which 34 hours were for an emergency were expended, but Mayor Shortway opined the system could be maintained at far less, noting the estimate of 120-man hours. Mayor Shortway stated, last March he requested the MUA to issue a RFP for an outside contractor to operate and maintain the sewer system owned by the Township to stabilize rates and increase services, but to date the RFP has not been forthcoming. Mayor Shortway respectfully requested the Council approve the proposed VTMUA contract so the assigned workers can report full time to the DPW on January 31, 2018 and Mayor stated he will immediately advise the VTMUA of this directive.

Mayor Shortway appointed Lisa Anderson to be a member of the Historical Preservation Commission.

Mayor Shortway expressed his support of Resolution authorizing the Council to grant permission to allow vending at Maple Grange Park by Vernon Youth Football and Cheerleading for the 2017 season.

Mayor Shortway commends the Vernon Police Department for the arrest of Greg Lamantia, 27, charged with 14 counts of burglary, 16 counts of theft and one count of possession of burglary tools in regards to the recent shed robberies.

Mayor Shortway announced that Vernon Township was awarded a third-place honor for its display at the Sussex County Fair and expressed thanks to Mishelle Downtain for her hard work in creating this show case.

Mayor Shortway announced that Vernon Township has been named, 'The Best Town in New Jersey for Nature Lovers to Visit', by website Expedia.

Mayor Shortway explained in 2010, he attempted to place a question on the ballot for voters to decide should the Township modify the approved uses of Vernon's Open Space monies but opposition to the referendum blatantly lied about his motive by saying it was to build lacrosse fields. He added what he actually stated in 2010, 'Vernon residents voted for the Open Space Tax referendum back in 2000. During the current economic conditions, the Council needs to ascertain ways for funding to continue to improve our community and remain committed to the preservation of the Open Space for recreation.' Mayor Shortway said he proposed a referendum to be put forth on the November ballot that will permit the use of Open Space funds to acquire lands for development, easements, and development rights. The Open Space Fund would be used for improvements and maintenance to municipal properties that are dedicated to open space, parks, recreation, and registered historical properties. Improvements to be targeted were: skate park, lights for baseball, biking and hiking trails, dog park, disc golf, promote, develop the Black Creek for indigenous people, and add an amphitheater to the Maple Grange Park. The use of this fund will not affect the municipal tax rate but will incorporate the interest of many residents. The offset of the existing cost for maintenance and upkeep of the parks, historical designations, hiking trails etc., will give Vernon more value for their money. The Vernon residents should decide how the funds should be used and not the Council nor the Mayor, especially at a time when there is no money to improve what currently exists.' Mayor Shortway commented that Sussex County approved a November referendum to change the permitted use of the County Open Space Funds and by approving Resolution #17-163, the governing body and Mayor will receive direction on how best to utilize this fund by presenting a non-binding question to Vernon voters.

Mayor Shortway explained that three Council Members, Councilmen Rizzuto, Wetzel and Kadish approved our current municipal code establishing a Department of Recreation and Community Development and that the Department shall be headed by a director but does not define qualifications. Councilpersons Murphy and Kadish supported Ms. Downtain's appointment to Director, however the resolution failed 3-2. Mayor Shortway explained that following that vote, a Civil Service Audit was requested to analyze Ms. Downtain's duties and determine her appropriate job classification which found that Ms. Downtain is working out of title as he had previously informed the Council. He adds that Civil Service ordered that her supervisory duties be transferred to another employee with the appropriate title by August 20th but there are no employees with the appropriate title to perform her current duties.

Mayor Shortway commented that consenting to this appointment will continue the high level of services at the dog park, community garden, senior citizen center, coordination of events with the PAL and Maple Grange Fields and Ms. Downtain is also closely involved and a driving factor in developing Vernon into a true four seasons community, receiving both state and tristate recognition. Mayor Shortway adds that Ms. Downtain's efforts were key for Vernon achieving Sustainable NJ recognition and a grant for further development of the Greenway.

Mayor Shortway explained that Ms. Downtain's retroactive pay has been substantially changed and although she has effectively and efficiently performed the duties of Director of the Department of Recreation and Community Development since February 2016, her retro compensation would be from Feb. 27, 2017 opposed to Jan.1 of this year. Mayor Shortway added that Ms. Downtain earned an associate's degree in psychology and her almost three years of exceptional service will be recognized as 60 college credits by Civil Service and is currently working towards receiving

official certification. Mayor Shortway strongly recommended that Council approve his appointment of Mishelle Downtain to Director as defined by our municipal code.

MINUTES

Council President Murphy asked for a motion to approve the Regular and Executive Session Minutes of June 26, 2017 and the Regular Meeting Minutes of July 10, 2017.

Motion: Dan Kadish
Second: Sandra Ooms

Council Member Rizzuto stated he understands minutes are not required to be verbatim but questioned the omission of appraisal costs and anticipated sale price of \$90,000.00 for the Faline Building that was addressed by Sally Rinker at the July 10, 2017 meeting and strongly feels these important comments should be included.

Council Member Rizzuto made a second motion to amend the minutes to include omitted comments about Faline Building.

A roll call vote was taken:

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

Motion Failed.

Council President Murphy asked for a motion to approve the Regular and Executive Session Minutes of June 26, 2017 and the Regular Meeting Minutes of July 10, 2017.

Motion: Dan Kadish
Second: Sandra Ooms

A roll call vote was taken:

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

Motion carried to approve the Regular and Executive Session Minutes of June 26, 2017 and the Regular Meeting Minutes of July 10, 2017 as presented.

ITEMS FOR DISCUSSION

Resolution Urging The State Legislature To Extend The 2% Cap On Police And Fire Arbitration Contract Awards

Council President Murphy asked Council if they would like to include a Resolution to support the State Legislature to extend the 2% cap of Police and Fire Arbitration Contract Awards and the Council unanimously agreed to add the next scheduled council meeting.

CONSENT AGENDA

Council President Murphy gave a brief explanation of Resolutions #17-152 through #17-166.

Council agreed to remove Resolutions #17-162 through #17-166 out of consent agenda.

Council President Murphy asked for a motion to approve Resolutions #17-152 through #17-161.

MOVED: Sandra Ooms
SECOND: Patrick Rizzuto
A roll call vote was taken:
AYES: Dan Kadish, Sandra Ooms, Patrick Rizzuto, Jean Murphy

NAYES: None
ABSTAIN: None
ABSENT: Dick Wetzel

Motion carried to approve Resolutions #17-152 through #17-161.

RESOLUTION 17-152

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$4,707,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of The Township of Vernon, in the County of Sussex (the "Township") entitled: "Bond ordinance appropriating \$1,534,557, and authorizing the issuance of \$1,266,625 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", finally adopted on May 28, 2015 (#15-16), bond anticipation notes of the Township in a principal amount not exceeding \$1,266,625 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$1,614,500, and authorizing the issuance of \$1,307,000 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", finally adopted on June 13, 2016 (#16-15), bond anticipation notes of the Township in a principal amount not exceeding \$1,306,675 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance making a supplemental appropriation of \$90,000 for the acquisition of vehicular equipment heretofore authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey, and authorizing the issuance of \$85,700 bonds or notes of the Township for financing such supplemental appropriation", finally adopted on July 11, 2016 (#16-18), bond anticipation notes of the Township in a principal amount not exceeding \$85,700 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Township entitled: "Bond ordinance appropriating \$3,636,500, and authorizing the issuance of \$2,948,000 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", finally adopted on June 26, 2017 (#17-09), bond anticipation notes of the Township in a principal amount not exceeding \$2,048,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must

include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 8. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved. This resolution shall take effect immediately.

RESOLUTION 17-153

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$80,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. Pursuant to a resolution of The Township of Vernon, in the County of Sussex (the "Township") authorizing a special emergency appropriation in the amount of \$200,000, finally adopted on June 23, 2014 and entitled: "An ordinance authorizing a special emergency appropriation of \$200,000 for the preparation of tax maps by the Township of Vernon, in the County of Sussex, New Jersey", special emergency notes of the Township are hereby authorized to be issued pursuant to the Local Budget Law in a principal amount not exceeding \$80,000 for the purpose of financing the improvement or purpose described in said resolution, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

Section 2. All special emergency notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:4-55. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 5. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 6. All action heretofore taken by Township officials with respect to the sale, issuance and delivery of the notes is hereby ratified, confirmed, adopted and approved. This resolution shall take effect immediately

RESOLUTION # 17-154

2017 SALARIES FOR NON-UNION EMPLOYEES

WHEREAS, Ordinance #17-11 amended salary ranges for non-union full time and part time employees.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey that the following persons be compensated at the annual salary or wage, the same being consistent with Ordinance #17-11 retroactive to January 1, 2017.

<u>Position</u>	<u>2017 Base Salary</u>
<u>Ordinance 17-11</u>	
Chief Financial Officer	\$ 95,509.00
Tax Assessor	\$ 95,255.00
Registrar of Vital Statistics	\$ 5,100.00
OEM Coordinator	\$ 2,500.00

RESOLUTION #17-155

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON AUGUST 19, 2017 AT 2 CHAMONIX DRIVE 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, Fireworks Extravaganza has submitted an application to Vernon Township to conduct a fireworks display on August 19, 2017 at 2 Chamonix Drive, Vernon, NJ at approximately 9:30 pm for a private wedding event; and

WHEREAS, Karissa Tuason, sponsor contact, has engaged in a contract with Fireworks Extravaganza, Rochelle Park, NJ, to perform the fireworks and special effects displays and has provided the required certificate of liability insurance to the Township.

WHEREAS, Stonehill Recreation Corp, property owner, has given permission for this fireworks display per contract with sponsor of event.

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 Fireworks Extravaganza on August 19, 2017 at the 2 Chamonix Drive, Vernon, NJ location upon satisfaction of all statutory and departmental requirements.

RESOLUTION #17-156

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED
ON SEPTEMBER 24TH, 30TH AND OCTOBER 21ST, 2017
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 three applications to Vernon Township to conduct fireworks displays on September 24, 2017 for Oktoberfest, and October 21, 2017 for the Diwali Festival both at the 200 RT 94 location; and on September 30, 2017 for Countryfest at the South Lodge at the 130 RT 94 location; and

WHEREAS, Mountain Creek Resort has engaged in a contract with Garden State Fireworks, Millington, NJ, to perform the public fireworks and special effects displays 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 September 24, September 30 and October 21, 2017, at Mountain Creek Resort locations for various events upon satisfaction of all statutory and departmental requirements.

RESOLUTION #17-157

**RESOLUTION ACCEPTING THE COMPLETION OF
SEWER CONNECTION TO MUNICIPAL BUILDING**

WHEREAS, the Township of Vernon awarded a contract for the Sewer Connection to the Vernon Municipal Building on May 8, 2017 to Earth-Tec Associates, Inc. by way of Resolution #17-111 and on July 24, 2017 by way of Change Order#1 Resolution #17-147; and

WHEREAS, the Sewer Connection to the Municipal Building has been completed, and inspected as per the plans and specifications; and

WHEREAS, the Township Engineer has issued the attached letter dated August 3, 2017 which states that the contract for Sewer Connection to the Vernon Municipal Building has been completed in full and that it is recommended to be accepted by the Township Council.

NOW, THEREFORE BE IT RESOLVED, that the Vernon Township Council accept this project identified as Sewer Connection to the Vernon Municipal Building as final and complete; and

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

RESOLUTION # 17-158

REFUND FOR TOTAL DISABLED VETERAN (Doyle)

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS awarded George Doyle a 100% permanent and total disabled Veteran; and

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon authorizes the Tax Collector to refund the 2017, 1st quarter payment in the amount of \$1,753.39 to George Doyle. Block 171 Lot 8 also known as [REDACTED].

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector

RESOLUTION #17-159

TOTAL DISABLED VETERAN

WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS on March 1, 2017 awarded George Doyle a 100% permanent and totally disabled veteran: and,

WHEREAS, as of said date the law exempts said property from taxation,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon hereby authorizes the Tax Collector to cancel the taxes for 2017 in the amount of \$3,506.78 for Block 268.26 Lot 11 also known as [REDACTED]

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

RESOLUTION 17-160

A RESOLUTION AUTHORIZING THE EXECUTION OF DRAINAGE EASEMENT MODIFICATION FOR BLOCK 182, LOTS 12.01 AND 12.02

WHEREAS, the owners of the property located at Block 182, Lots 12.01 and 12.02 (hereinafter "Property") previously granted the Township of Vernon an easement at the Property for the purpose of accepting surface and storm water drainage; and

WHEREAS, the current Property owners, with the support of Vernon Township, have applied to enroll the Property in the New Jersey Farmland Preservation Program administered and funded by the State Agriculture Development Committee ("SADC") for the purchase of development easements and fee simple title; and

WHEREAS, the SADC will not purchase and will not provide grants to local government entities and nonprofit organizations for the purchase of, development easements and fee simple title for the preservation of farmland in accordance with the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., when a property is subject to unspecified easements; and

WHEREAS, the current owners of the Property are seeking a modification of the drainage easement to clearly define the location of the easement as the entirety of Block 182, Lots 12.01 and 12.02; and

WHEREAS, a determination has been made that it is in the best interest of Vernon Township to grant the Property owners the drainage easement modification; and

NOW, THEREFORE, BE IT RESOLVED by the Vernon Township Council that the Mayor and Township Clerk are authorized to execute said drainage easement modification in a form substantially similar to that attached hereto, which shall be filed with the Sussex County Clerk's Office.

RESOLUTION # 17-161

RESOLUTION AUTHORIZING TOWNSHIP COUNCIL TO REJECT ALL BIDS FOR THE VERNON NO NET LOSS REFORESTATION PROJECT

WHEREAS, the Township of Vernon publicly advertised for bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. for the Vernon No Net Loss Reforestation Project; and

WHEREAS, on the publicly advertised bid date of July 27, 2017 @ 10:00 am, the Township accepted bids from the three (3) following vendors: CDS Landscaping; Fullerton Grounds Maintenance; and Boulder Hill Tree & Excavation.; and

WHEREAS, the Business Administrator and Purchasing Agent states upon review of the bids received, all of the bids are to be rejected due to the costs exceed the available budget for the project; and

WHEREAS, the Local Public Contracts Law, specifically N.S.J.A.40A:11-13.2 (b) authorizes the Township to reject the bids received for that reason.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, County of Sussex, State of New Jersey that it hereby accepts and approves the Township Business Administrator's recommendations to reject all bids for the Vernon No Net Loss Reforestation Project in accordance with the Local Public Contracts Law and the reasons set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby authorized and directed on behalf of the Township to return any bid bonds submitted by the vendors in accordance with the latest bid proposal submission.

This Resolution shall take effect immediately.

RESOLUTIONS REQUIRING SEPARATE ACTION:

Resolution 17-162

Council President Murphy asked for a motion to approve Resolution #17-162.

MOVED: Sandra Ooms
SECOND: Patrick Rizzuto

Council Member Kadish opined that allowance of a vending trailer at the Park is a duplication of services as the town constructed a permanent facility which can be rented out to a vendor to provide food service.

A roll call vote was taken:

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

Motion carried to approve Resolution #17-162.

RESOLUTION # 17-162

**RESOLUTION AUTHORIZING TOWNSHIP COUNCIL TO GRANT PERMISSION TO
ALLOW VENDING AT VERNON MAPLE GRANGE PARK
BY VERNON YOUTH FOOTBALL FOR 2017 SEASON**

WHEREAS, Vernon Township has received a request by Vernon Youth Football & Cheerleading (VYF & C) to grant permission for a vending trailer to be present at Maple Grange Park during 2017 season games; and

WHEREAS, Vernon Youth Football & Cheerleading currently has been issued a permit to use the existing municipal snack bar through the Department of Recreation and has provided required certificate of insurance to the Township; and

WHEREAS, due to location of existing facilities, VYF & C has requested permission to use a portable vending trailer closer to the existing football field during game times in the 2017 season and also vend for other non-profit Vernon Youth sports organizations if requested; and

WHEREAS, Vernon Youth Football & Cheerleading, as a non-profit 501C3, has expressed that the vending trailer will greatly increase fundraising efforts, which funds will be used for replacement of equipment for the Vernon youth players.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, County of Sussex, State of New Jersey that it hereby grants permission, at Vernon Maple Grange Park to the Vernon Youth Football & Cheerleading organization to allow a portable vending trailer at game times and if, by request other games by other non-profit Vernon Youth sports organizations through December 31, 2017 for purpose of fundraising efforts for their organization(s) and:

BE IT FURTHER RESOLVED that Vernon Youth Football & Cheerleading must obtain all necessary approvals from the Sussex County Health Department and Vernon Township Departments and follow all rules and regulations of the Township prior to vending.

This Resolution shall take effect immediately.

Resolution 17-163

Council President Murphy asked for a motion to approve Resolution #17-163.

Council Member Kadish made a motion to approve with a revision to include in paragraph 2, the same language as Sussex County passed in their Open Space referendum as it is more specific in defining the way to ask the question. Council Member Kadish discussed the need for a maintenance program for properties when they are no longer used as farmland and the other maintenance problems. Council President Murphy explained the question for the ballot is non-binding and it is just to obtain the sentiment of the public for later action via ordinance next year. She added Sussex County obtained information from 23 other municipalities prior to referendum which can be found online and restated the resolution is just to ask public their opinion on this matter.

MOVED: Dan Kadish with revision
SECOND: Jean Murphy

A roll call vote was taken:

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

Motion failed to approve Resolution #17-163 with revision.

Council Member Murphy commented that this vote has basically taken away the right for the public to be heard and make the determination what to do for the funds.

Council Member Rizzuto commented that from experience with prior referendums, there are no such things as non-binding referendums. He opined that this action is a way to put more money in the hands of a Mayor who has displayed the inability to handle smaller amounts of money. Council Member Rizzuto added he did not want to proceed with making \$963,487.38 available for development of GAAC programs and maintenance which had not proven to him would be a driver for business in the community. Council Member Rizzuto commented that he cannot go ahead with the resolution in its present form and commented that possibly the money in the fund should be refunded to the taxpayers. Council Member Murphy stated she would make a motion to add the option to refund the money to the tax payers to the resolution. Council Member Rizzuto stated he could not support that at this time because he was unsure if it was legally allowable because perhaps members of households had moved. Council Member Rizzuto stated the resolution maybe should be pulled. Council President Murphy restated that the Resolution's purpose is to authorize the referendum to obtain the interest of the public.

Council Member Kadish read aloud the sections of Resolution he had previously asked to be modified to match the County's resolutions.

Council President Murphy made a motion to approve Resolution #17-163 in its original form. There was no second.

Motion Failed.

Resolution #17-163: A Resolution Of The Township Of Vernon, County Of Sussex County, State Of New Jersey, Authorizing A Referendum To Allow Expenditures From The Open Space Trust Fund For Recreation And Conservation Purposes

Resolution 17-164

Council President Murphy asked for a motion to approve Resolution #17-164.

MOVED: Dan Kadish
SECOND: Jean Murphy

Council Member Ooms questioned that the Civil Service desk audit results directed Vernon to change the title to Recreation Supervisor, now why is Resolution appointing Ms. Downtain as Director. Mayor Shortway explained titles, like Recreation Director, in Vernon's Township Code don't always match with Civil Service titles and Recreation Supervisor is interchangeable with Director and added that Ms. Downtain has been performing all the duties of the Director. Mayor Shortway discussed the issues with the titles within the township code.

Council Member Rizzuto praised the performance of Ms. Downtain but questioned the position of a Director for a one-person department which now includes supervisory duty of two DPW employees whom are in a union and already report to a department head. He further explained that desk audits are for when an employee is taken advantage of and asked if the DPW employees submitted a desk audit too. Mayor Shortway stated the DPW employees working in the MUA also requested a desk audit. Council Member Rizzuto opined that Mayor Shortway has embellished the duties of Ms. Downtain in her supervisory role to which Mayor Shortway restated she is performing all of these duties.

Council President Murphy explained the adopted Administration code created the position of Director of Recreation and Community Development which was filled by Ms. Wiedbrauk in 2011 and the department included her and one part-time employee. She added the total cost in 2011 for salaries \$95,000 and benefits for this department far exceeds the proposed cost of one Director whose salary is \$45,050 plus benefits and the PAL contract of \$25,000.

Council Member Rizzuto claimed Mayor Shortway is playing games to make it appear that the Council was against Mishelle. Council Member Rizzuto why the position is now Director and not Supervisor as Civil Service ordered. Council President Murphy explained that the salary is the same as it was previously proposed and that the total amount expended was less than it has previously has been. Council President Murphy restated the salaries and noted the total expense of \$70,000 plus benefits as opposed to the \$95,000 plus benefits noting the substantial savings for the same job being done. Council President Murphy stated not doing this made no sense. Council Member Ooms questioned the Director title in civil service. Mayor Shortway stated that the only Director title to his knowledge in Civil Service is only in Health Care Institution. Council Member Ooms questioned the security of the job position. Mayor Shortway noted that Recreation Director is an appointed title secure through the Mayor's term only and they would return to her civil service title. Council Member Ooms suggested tabling resolution for further review but Council Member Rizzuto explained tabling is not an option because of Civil Service deadline.

A roll call vote was taken:

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

Motion carried to approve Resolutions #17-164.

RESOLUTION #17-164

APPOINTMENT OF DIRECTOR OF RECREATION AND COMMUNITY DEVELOPMENT

WHEREAS, the Director of Recreation and Community Development resigned in 2016; and

WHEREAS, it is the desire of the Mayor to appoint Mishelle Downtain as the Director of Recreation and Community Affairs.

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

1. Mishelle Downtain is the Director of Recreation and Community Affairs retroactive to February 27, 2017.
2. Ms. Downtain's annual salary shall be \$45,050 per annum in accordance with Ordinance 15-20.

Council Member Rizzuto commented that this job title was for Recreation Director not supervisor like the civil service had suggested. Council President Murphy stated that is corrected because Director is what is in the Township's code.

Resolution 17-165

Council President Murphy asked for a motion to approve Resolution #17-165.

MOVED: Dan Kadish
SECOND: Jean Murphy

Council Member Rizzuto questioned if Mayor proposed a multi-year contract with the MUA. Mayor Shortway answered he had not because he has studied that private entities can do the work cheaper and the MUA will not authorize a RFP until Township provides a deadline. Council Member Rizzuto stated due to the sewer system being township owned, he opined the DPW employees will maintain the system better than an outside entity just wanting to make more revenue. Mayor Shortway explained the previous RFP done by the MUA didn't apply to kind of system Vernon has and stresses the importance of stabilizing the rate for the users. Council Member Ooms questioned if the RFP is still utilizing the DPW employees for emergencies on nights and weekends which Mr. Rizzuto feels will create problems of accountability. Mayor Shortway noted that the RFP that the MUA used before was for another town with a different system and they left the references to that other town, it was not for the system the Township currently had. Council Member Rizzuto stated he would like a 3 year agreement. Council Member Ooms questioned the years of the contract. Council Member Rizzuto questioned why the Mayor had not made a 3 year contract when he was directed to by three members of the Council. Mayor Shortway noted that it is the Mayor that negotiated contracts not the council. Council President Murphy questioned why the MUA had not done an RFP at this time. Mayor Shortway said the MUA has advised they will not do an RFP until they have a drop dead deadline. Council Member Ooms questioned if it is part DPW night and emergency and a third party during the day. Council Member Rizzuto stated that it should just be all DPW because if there is an issue one side would blame the other.

Council President Murphy suggests a 2- year contract, 2017-2018, which Council Member Rizzuto said is a good compromise. Council Member Rizzuto stated the MUA is a revenue stream that is sorely needed. Council President Murphy noted that it was the MUA that initially looked for the one year term. Council Member Rizzuto stated the Commissioners he spoke to were fine with three years because it stabilized the rates as it was significant part of their budget.

Council Member Rizzuto stated he motioned that this be a two year contract. Mayor Shortway stated he will speak to the MUA Commissioners about a 2-year term and report back to Council. CFO Yetter explained that without contract with MUA, she is not authorized to pay stipend to the DPW employees and the MUA cannot pay the Township the costs for the DPW labor.

Council Member Murphy made a motion to table Resolution #17-165 until August 28 and revisit it on that day.

MOVED: Jean Murphy
SECOND: Patrick Rizzuto

A roll call vote was taken:

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

Motion approved to table Resolution #17-165 until the August 28, 2017 meeting.

Resolution #17-165: Authorizing The Mayor To Execute An Interlocal Service Agreement With The Vernon Township Municipal Utilities Authority For The Services Of The Department Of Public Works

Council President Murphy asked for motion to take a recess of five minutes at 10:04 pm.

MOVED: Dan Kadish
SECOND: Sandra Ooms
All members were in favor.

Council President Murphy called the meeting back to order.

Resolution 17-166

Council President Murphy asked for a motion to approve Resolution #17-166.

MOVED: Sandra Ooms
SECOND: Patrick Rizzuto

A roll call vote was taken:

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

Motion carried to approve Resolution #17-166.

Council President Murphy explained if Township draws down on the Letter of Credit, the funds would go into a separate account to be used solely for missed debt service payments and would need Council approval to disperse any funds. Mr. Zielinski states the letter is in effect until September 28, 2017 and if not renewed and Township does not draw down on it, the Township could lose \$1.9 million. Council President Murphy restates the funds will not be used for any other purpose.

RESOLUTION 17-166

A RESOLUTION AUTHORIZING DRAW DOWN ON IRREVOCABLE LETTER OF CREDIT FROM MOUNTAIN CREEK RESORT, INC.

WHEREAS, on October 24, 2005, the Township of Vernon (“Township”) and Mountain Creek Resort, Inc. (“Developer”) executed a sewer agreement in an effort expand the wastewater system for Vernon’s Town Center and Mountain Creek’s property; and

WHEREAS, under the terms of the 2005 agreement, the Developer was required to obtain rolling evergreen bonds for the benefit of the Township and the Sussex County Municipal Utilities Authority (“SCMUA”) in an amount sufficient to guaranty reimbursement payments owed to the Township and SCMUA in connection with the wastewater project; and

WHEREAS, on July 18, 2012, the Township and the Developer executed a superseding sewer funding agreement which superseded and replaced the 2005 agreement. Therein, the terms

of the Developer's guaranty were revised to require bonds in an amount of not less than \$1,500,000.00 or amount sufficient to guarantee the payments to be made by the Developer under Article V and VI of this Agreement for the subject three year period, whichever is greater; and

WHEREAS, to meet the guaranty requirement, the Developer posted an irrevocable letter of credit ("Letter of Credit"), No. SB1294490001, issued by M & T Bank in the amount of \$1,976,009.00; and

WHEREAS, the Developer filed for Bankruptcy on May 15, 2017 and the current Letter of Credit expires on September 28, 2017; and

WHEREAS, a determination has been made that it is in the best interests of the Township to draw down on the irrevocable letter of credit; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon authorizes the draw down on Letter of Credit No. SB1294490001 in the amount of \$1,976,009.00;

BE IT FURTHER RESOLVED that the Mayor, Township Attorney, Township Clerk, and all other required Township professionals are hereby authorized to execute any and all documents associated with the drawn down on the Letter of Credit.

BE IT FURTHER RESOLVED that the funds received from the draw down shall be held in a separate, segregated account and not expended until authorized by the Township Council.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Ordinance #17-14: An Ordinance To Amend And Supplement Chapter 5, Article VII Of The Municipal Code Of The Township Of Vernon To Establish The Division Of Emergency Services

Ordinance #17-14 was pulled off agenda prior to start of meeting therefore no action was taken.

Ordinance #17-10: Ordinance Of The Township Of Vernon, County Of Sussex, State Of New Jersey, Amending Chapter 148 And Chapter 250 Of The Code Of The Township Of Vernon Regarding Potentially Dangerous Dogs

Council Member Murphy read Ordinance #17-10 by Title Only.

Council President Murphy asked for a motion to introduce Ordinance #17-10.

MOVED: Dan Kadish

SECOND: Jean Murphy

Council Member Ooms requested to amend the Ordinance to change fee to \$500.00 year similar to other towns like Sparta, Hardyston, and West Milford. Council Member Rizzuto stated he believed that the Council wanted that at the last meeting. Council President Murphy explained that the fee can only be for intended use and not for education. Council Member Ooms reiterated her request to amend the Ordinance. Attorney Zielinski stated there was already a motion on the floor to introduce as drafted. Attorney Zielinski stated there would have to be a motion to withdraw it at introduced. Council Member Kadish indicated he was not withdrawing at this time. Attorney Zielinski stated the Council had to vote on the introduction. Attorney Zielinski stated it could be amended at the public hearing but that would require a third reading.

A roll call vote was taken:

AYES: Dan Kadish

NAYES: Sandra Ooms, Patrick Rizzuto, Jean Murphy

ABSTAIN: None

ABSENT: None

Motion Failed to Introduce Ordinance #17-10.

Mr. Zielinski confirmed Ordinance had not been introduced and notes a similar ordinance with a different fee structure may be introduced at future meeting. Attorney Zielinski stated at the next meeting an ordinance could be introduced to change the amount of the fee.

COUNCIL COMMENTS

Council Member Rizzuto had no comments.

Council Member Kadish praised the 43 Congressman who came together and worked out their differences and suggested Vernon mirror effort and commented how ridiculous this Council debated over fee for the dangerous dog license as the ordinance was just being updated. Ms. Ooms commented it could be multiple dogs and needed to be carefully contemplated.

Council Member Ooms thanked Council and friends for well wishes and support. She valued the GAAC presentation and asked Mayor Shortway if other Committees with township budgets could also update Council with their status report and he agreed to set this up in future.

Council President Murphy questioned what the attorney fee would be to pursue legal costs spent in lawsuit against prior members of the Environmental Commission to which Mayor Shortway estimated to be \$500.00-\$750.00.

Council President Murphy explained that when Vernon Township acquired the sewer area from United Water in 2011, the MUA through that transaction gained 1300 Great Gorge Village ratepayers overnight, and lessened the obligation of Mountain Creek to pay 100% of the shortfall.

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 Murphy with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:19 p.m.

Respectfully submitted,

Lauren Kirkman, RMC, CMR
Municipal Clerk

Jean Murphy,
Council President

Minutes approved: September 25, 2017