

**TOWNSHIP OF VERNON**

**TOWNSHIP COUNCIL MEETING MINUTES**

**AUGUST 28, 2017**

The Meeting of the Township Council of the Township of Vernon was convened at 6:34 p.m. on Monday August 28, 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, Patrick Rizzuto, Dick Wetzel and Council President Jean Murphy. Also present was Business Administrator Louis Mudugno, Township Attorney Joshua Zielinski. Council Member Ooms was absent.

**EXECUTIVE SESSION**

Mr. Zielinski read the Resolution for Council to enter Executive Session for discussion on:

**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. Pending Litigation –Mt. Creek Bankruptcy  
(N.J.S.A.10:4-12 (b) 7)  
(Anticipated Time of Disclosure November 2017)
3. This resolution shall take effect immediately.

Council President Murphy asked for a motion to go into executive session.

Motion: Dan Kadish  
Second: Patrick Rizzuto  
All members voted in favor.

Council President Murphy asked for a motion to Close the executive session at 7:04 p.m. and reconvene the meeting at 7:30 p.m.

Motion: Patrick Rizzuto  
Second: Dick Wetzel  
All members voted in favor.

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday August 28, 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, Patrick Rizzuto, Dick Wetzel and Council President Jean Murphy. Also present were CFO Elke Yetter, Business Administrator Charles Voelker, Township Attorney Joshua Zielinski and Township Louis Mudugno. Council Member Sandra Ooms was absent.

## SALUTE TO THE FLAG

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

## PROCLAMATIONS:

Council Member Rizzuto read the Proclamation for Prostate Cancer Awareness Month

### Prostate Cancer Awareness Month

**WHEREAS**, Prostate Cancer is a serious threat to men's health across New Jersey and the nation, and

**WHEREAS**, while the causes of Prostate Cancer are still unknown, men with certain risk factors may be more likely to develop the disease and most men who suffer from Prostate Cancer are over the age of 65 and those whose fathers, brothers, or sons have had the disease are also at greater risk, and African American men experience both the highest incidence and the highest mortality rates; and

**WHEREAS**, increased public awareness of this disease, its risk factors, and its symptoms may save lives as men across New Jersey learn to recognize the warning signs of Prostate Cancer as listed at [www.Cancer.gov](http://www.Cancer.gov); and

**WHEREAS**, Prostate Cancer is treatable when detected early, and prompt treatment can significantly reduce the suffering and deaths caused by this disease.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that the *MONTH OF SEPTEMBER* shall be proclaimed *PROSTATE CANCER AWARENESS MONTH* in the Township of Vernon, and that we encourage citizens to stand together against this disease.

**September 2017**

## PUBLIC COMMENTS

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

MOVED: Dan Kadish

SECOND: Dick Wetzel

All members voted in favor.

Daniel Perez, Attorney in Newton, NJ and beekeeper, representing Sebastian and Catherine Muenkwitz, Highland Lakes who are new residents to Vernon and bee keepers. Attorney Perez explained the value of honey bees for pollination for fruits and vegetables and importance for community to be supportive of keepers. Attorney Perez circulated pictures of hives to Council Members showing need for solar electric fence to protect against black bears who are attracted to the honey. Mr. Perez stated the Township Code 330-178 (11) (c) prohibits electrically charged fences but explains the need as bee keepers. Mr. Perez referenced a NJDEP Bear handout which states that electric fencing is the most effective way to prevent damage to livestock, including beehives. Mr. Perez explained Mr. & Mrs. Muenkwitz visited Alison LaRocca, Vernon Zoning Officer, who was very professional but explained she must enforce the Ordinance as written. Mr. Perez respectfully requested the Council to review the ordinance and include an agricultural exemption for fruit trees, honey bees.

Council Member Kadish stated it is a standard practice in farming with 5-acre minimums and encouraged beekeeping but questioned if the electric fence is dangerous in residential area where lot sizes are much smaller. Council Member Wetzel commented a hive is an attractive nuisance such as a pool which is required to be fenced because protection of the public is important and suggests alternative protection such as shrubs, fence or signs.

Council Member Rizzuto questioned how powerful is the electric fence that will be used which Mr. Perez stated it was a fair question. Mr. Perez said that it had knocked him down to the ground when he touched it. Council Member Rizzuto noted that Mr. Perez was an adult male and questioned what that could do to children. Mr. Perez stated he would have to review that issue. Mr. Perez explained the fences are baited with bacon so once bears touch them, they are conditioned not to return. Mr. Rizzuto understands the importance of bees and the electric fences for farms but is concerned having them in rural Highland Lakes for safety of children and suggested renting space at a local farm.

Council President Murphy explained the Zoning Officer had to address concern for residents in area and would like to hear the community feedback on this issue. Mr. Perez will forward additional information to the Municipal Clerk for the Council to review and will address at later date.

Shelley Wilcox, Byram Beekeeper, commented she has an electrical fence which her 50 lb. dogs were not injured when they touched it but yelped when they felt the shock and are conditioned now to avoid the fence.

Sally Rinker, Vernon, commented the fence requirement for pools has a security gate and spacing reduced which could be used for beekeepers by putting around the electric fence which would suffice for protection of children. Ms. Rinker commented recently the Board of Education accepted an offer of \$175,000 for the building at 293 RT 94 which is 1000 sq. ft. and was appraised at \$285,000.00. In effort to help a local businesses owner, Ms. Rinker connected a buyer and seller in purchase of a vacant building of 780 sq. ft. at cost of \$150,000. She adds in real estate, these sales become 'comps' - comparative market pricing by which other sales rely on. Ms. Rinker stated the sales price of these two building are indicators that the proposed sale price of the Faline Building for \$90,000 which is three times the size of others is an unfair giveaway of taxpayer dollars and asks when will the appraisal be completed so it can be added to the fund balance and returned to the tax rolls.

Jessi Paladini, commented she is confused by the sale price of the Faline Building of \$90,000, as the Township bought it for \$435,000. Council President Murphy explained the Township auctioned the property for minimum bid of \$100,000 and no one made an offer. Council President Murphy commented that \$90,000 is not the sale price but the minimum starting bid price for the auction. Council President Murphy noted the property has minimal access from RT 515 and minimal parking and has mold inside. She added that when it was suggested the Historical Society use the building, former Mayor Marotta stated it was an awful dangerous place and the plan was to have it torn down. Ms. Paladini opined that Ms. Murphy may be trying to sell it as a realtor. Ms. Paladini stated that Mr. Ross Orichio, had told her he was coming to Council Meeting tonight to offer \$250,000 to purchase the Faline Building. Mr. Zielinski explained that Mr. Orichio would need to draft a contract to offer the sale of the building. Mr. Orichio commented that he would have to see the interior of the building before he would move forward with a purchase.

Ms. Paladini commented about beekeeping issue and explained that bees are detrimental to the environment and offers support to encourage beekeeping as they helped her personally with allergy relief.

Ms. Paladini personally thanked Mr. Voelker and Freeholder Carl Lazzaro for their assistance when she was attending the Senior Center Luncheon and fell onto floor and needed help to get back up.

Jason Bays, Mountain Creek Chief Operating Officer, commented the resort is planning many upcoming public events which they have received Township permits as required but missed one occurring on September 2, 2017. Mr. Bays respectfully requested Council to make a motion to allow Mountain Creek to host fireworks on September 2, 2017. It was noted that fire-works needed the approval of the Fire Marshal in addition to the Council.

A motion was made to approve fire-works for September 2 conditioned upon the approval of the Fire Marshal.

Motion: Patrick Rizzuto  
Second: Dan Kadish

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: Sandra Ooms

Motion carried to approve application for Fireworks on September 2, 2017 with approval by Fire Marshal. Mr. Bays indicated he would provide his application and information to the fire marshal the following day.

Council Member Rizzuto questioned if there is any way to offer sale of Faline Building now if there is a buyer present. Mr. Zielinski asked if potential buyer is indeed interested and has a check and if not suggested he send letter to Council to move forward with process. Mr. Zielinski questioned if Mr. Orichio had a check for the purchase of the building and could he bring it forward. Mr. Orichio explained he wants to inspect inside of building before purchasing and notes he was interested in the Board of Ed building and had showed up with check in hand at the Board of Education meeting to purchase that building. Mr. Orichio said that the Board of Education decided that they were going to donate the building to the Historical Society. Mr. Orichio stated the BOE building was his first choice but previously he had met with Mayor Shortway. He stated that Mayor Shortway indicated that the building needed to be auctioned and noted the building had been auctioned previously and had no offers. Mr. Orichio questioned the value of the building. Council President Murphy suggested Mr. Orichio speak with Mr. Voelker, BA to discuss further. Attorney Zielinski asked that Mr. Orichio have his attorney reach out to the township as well.

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

MOVED: Dan Kadish  
SECOND: Dick Wetzel  
All members voted in favor

Council President Murphy commented that the Council Members were present at the Senior Luncheon noting that Mr. Voelker and Mr. Lazarro were well qualified to assist Ms. Paladini when she fell as Mr. Voelker was a former Chief of Police and Mr. Lazarro was an EMT, both having experience to assist in that type of situation.

## **MAYOR'S REPORT**

Administrator Voelker commented in Mayor's Shortway's absence that the County Sheriff SLAP program provided 3-4 days of labor to spruce up the community garden which was organized and supervised by Mishelle Downtain. Administrator Voelker noted the excellent condition of the garden.

## **MINUTES**

Council President Murphy asked for a motion to approve the Regular and Executive Minutes of July 24, 2017 and the Joint Executive Session of August 2, 2017.

MOVED: Dan Kadish  
SECOND: Patrick Rizzuto  
A roll call vote was taken:  
AYES: Dan Kadish, Patrick Rizzuto, Dick Wetzel, Jean Murphy  
NAYES: None  
ABSTAIN: None  
ABSENT: Sandra Ooms

Motion carried to approve the Regular and Executive Minutes of July 24, 2017 and the Joint Executive Session of August 2, 2017.

**CONSENT AGENDA**

Council President Murphy read Resolution#17-167 through #17-176 by Title only.

Council President Murphy asked for a motion to approve Resolutions #17-167 through #17-176

Council Member Rizzuto requested that Resolutions 17-172 and 17-176 be voted on separately.

MOVED: Dan Kadish

SECOND: Patrick Rizzuto seconded motion with Resolutions17-172 and #17-176 separated.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: Sandra Ooms

Motion Carried to adopt Resolutions #17-167 through #17-171 and #17-173 through #17-175.

**RESOLUTION #17-167**

**AUTHORIZING A DATE FOR MUNICIPAL TAX SALE**

**WHEREAS**, the governing body of the Township of Vernon, County of Sussex, State of New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

**WHEREAS**, The Tax Collector is directed to sell all municipal delinquencies through December 31, 2016 in a manner prescribed by N.J.S.A. 54:5-19, and as amended by Chapter 99, Public Laws of 1997.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon, that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with New Jersey law, both as stated above, on Friday, October 13, 2017 via Electronic Tax Sale.

**RESOLUTION #17-168**

**REFUND FOR DUPLICATE TAX PAYMENT (BL 270, Lot 11.02)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Five Star Store It Vernon, LLC in the amount of \$5,250.00 representing refund for overpayment of 3<sup>rd</sup> qtr. 2017 property taxes for Block 270 Lot 11.02, also known as [REDACTED]

**RESOLUTION #17-169**

**AUTHORIZING THE TOWNSHIP LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, VERNON TOWN CENTER AREA (EXHIBIT A), QUALIFIES AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A 40A:12A-5.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12-1 et seq.* (the “Act”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

**WHEREAS**, the Township wishes to utilize the Land Use Board’s knowledge and expertise in exploring whether the parcels within the Town Center Area, shown on the map and spreadsheets listed in Exhibit A, meet the criteria established by the Act; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed an area in need of redevelopment unless the governing body of the municipality shall, by resolution, authorize the Planning Board (Land Use Board) to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40:A12A-5 and N.J.S.A. 40:A12A-6; and

**WHEREAS**, the New Jersey Legislature adopted and the Governor signed P.L. 2013, Chapter 159, which amended the Act, including the procedural requirements of N.J.S.A. 40:A12A-5 and N.J.S.A. 40:A12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”); and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township of the Vernon and its residents to authorize the Township’s Land Use Board to undertake such a preliminary investigation of the study area as shown on the attached map in Exhibit A, as a Non-Condensation Area; and

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

**I. INVESTIGATION OF STUDY AREA AUTHORIZED**

The Land Use Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40:A12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A. 40:A12A-5, to be designated as a Non-Condensation Redevelopment Area.

**II. MAP TO BE PREPARED**

As part of its investigation, the Land Use Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

**III. PUBLIC HEARING REQUIRED**

The Land Use Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Non-Condensation Redevelopment Area.

At the hearing, the Land Use Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Non-Condensation Redevelopment Area. All objections to a determination that all or a portion of the Study Area is in need of redevelopment and evidence in support of those objections shall be received and considered by the Land Use Board and made part of the public record.

**IV. LAND USE BOARD TO MAKE RECOMMENDATIONS**

After conduction its investigation, preparing a map of the proposed Non-Condensation Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township Council should designate the all or part of the Study Area as a Non-Condensation Redevelopment Area.

**V. SEVERABILITY**

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**VI. AVAILABILITY OF THE RESOLUTION**

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

**BE IT FURTHER RESOLVED** that, pursuant to New Jersey P.L. 2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condensation Redevelopment Area; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution is to be forwarded to the Land Use Board of the Township of Vernon; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

**RESOLUTION #17-170**

**AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL SERVICES FOR TOWNSHIP FINANCIAL ADVISOR**

**WHEREAS**, there is a need for Financial Advisory Services for the year 2017 for the Township of Vernon; and

**WHEREAS**, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

**WHEREAS**, said specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession, and whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-1 et seq., as amended; and

**WHEREAS**, the performance of said professional services requires knowledge of an advanced field of learning acquired by a prolonged formal course of specialized training and study as distinguished from general academic instruction or apprenticeship and training; and

**WHEREAS**, the Township of Vernon is desirous to appoint Anthony Inverso of the financial advisory firm of Phoenix Advisors, LLC for Financial Advisory Services in 2017 as a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., ; and

**WHEREAS**, the Chief Finance Officer has determined and certified in writing that the value of the contract is available for these purposes; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that Vernon Township hereby authorizes and approves the award of contract of a Professional Service Contract to Anthony Inverso from the financial advisory firm of Phoenix Advisors, LLC, for Financial Advisory Services in 2017, pursuant to a non-fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Financial Advisory Services in accordance with the attached Contract for Professional Services.

**BE IT FURTHER RESOLVED**, that the award of contract shall be contingent upon the completion and receipt of the following:

1. A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
2. Receipt of all statutorily mandated “pay to play” political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.;
3. New Jersey Business Registration Certificate; and
4. Upon the aforementioned professional being a member in good standing in his respective profession.

**BE IT FURTHER RESOLVED**, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contracts for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law within ten (10) days of passage of this Resolution.

### **Resolution 17-171**

#### **Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards**

**WHEREAS**, local municipalities require specific tools to address the rising cost of municipal government; and

**WHEREAS**, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

**WHEREAS**, salary costs, to a great extent, drive property tax increases; and

**WHEREAS**, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

**WHEREAS**, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

**WHEREAS**, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

**WHEREAS**, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

**WHEREAS**, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

**WHEREAS**, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

**WHEREAS**, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

**WHEREAS**, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of Township of Vernon urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is forwarded to Senator Steven V. Oroho, Assemblyman Parker Space, Assemblywoman Gail Phoebus, the Commissioner of the

Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

**RESOLUTION #17-173**

**AUTHORIZING THE SUBMITTAL PHASE OF THE DIGITAL TAX MAP PROJECT**

**WHEREAS**, the Township of Vernon has a need to create a Digital Tax Map for use by the Assessor, Building, Land Use and Tax Collector Departments; and

**WHEREAS**, the Initial and Development Phases have been completed; and

**WHEREAS**, the Township Tax Assessor has reviewed the maps and has accepted them for submittal to the NJ Division of Taxation; and

**WHEREAS**, Ordinance #17-12 approved the funding of the Submittal Phase for the Digital Tax Map; and

**WHEREAS**, the vendor for the submittal of a Digital Tax Map is SHI International, State Contract # 77560; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the New Jersey State Contract Program be utilized to submittal in the amount not to exceed \$28,774.00; and

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

**RESOLUTION #17-174**

**AUTHORIZING PAYMENT OF ADDITIONAL LINE ITEMS FOR DEVELOPMENT PHASE OF THE DIGITAL TAX MAP PROJECT**

**WHEREAS**, the Township of Vernon has a need to create a Digital Tax Map for use by the Assessor, Building, Land Use and Tax Collector Departments; and

**WHEREAS**, Ordinance #14-11 approved the funding of \$200,000 for the preparation of a Development Phase of a new Digital Tax map for the Township; and

**WHEREAS**, the Initial and Development Phases have been completed; and

**WHEREAS**, upon completion of the Development Phase resulted in a total number of parcels of 14,387; and

**WHEREAS**, the contract was based on 14,000 parcels with an additional cost of \$13.00 per parcel; and

**WHEREAS**, the additional 387 parcels result in an increase in the final amount due of \$5,031.00; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the additional invoice due to the final count of parcels for the Development Phase is approved for payment; and

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

**RESOLUTION #17-175**

**AUTHORIZING THE ACCEPTANCE OF TWO PERFORMANCE BONDS FROM HANK SANDERS, INC. FOR WATERMAIN IMPROVEMENT PROJECTS ON BALDWIN, HEMLOCK & TIMBERVIEW DRIVES IN VERNON TOWNSHIP**

WHEREAS, Vernon Township has received a Road Opening application from Hank Sanders, Inc. in relation to Water Main Replacement projects on Baldwin Drive, Hemlock Drive and Timberview Drive: and

WHEREAS, the Township Engineer, per two letters dated August 21, 2017, states in order to assure that the roadway repairs are properly made, recommends that two performance bonds be posted, one in the amount of \$45,240.00 for Baldwin Drive and one in the amount of \$55,200.00 for Hemlock & Timberview Drives; and

WHEREAS, Hank Sanders, Inc. has posted two performance bonds, one in the amount of \$45,240.00 for Baldwin Drive and one in the amount of \$55,200.00 for Hemlock & Timberview Drives; and

WHEREAS, the Township Engineer and Township Attorney have reviewed and approved the bonds submitted and recommends the Township Council accept the bonds submitted therefore giving approval for the applicant Hank Sanders, Inc. to proceed.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex that it hereby approves and authorizes the acceptance of two performance bonds posted by Hank Sanders, Inc. for the Water Main Replacement projects within the Township of Vernon in the amounts of \$45,240.00 for Baldwin Drive and \$55,200.00 for Hemlock & Timberview Drives.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Hank Sanders, Inc. and the Township Engineer.

**RESOLUTION REQUIRING SEPARATE ACTION**

**Resolution #17-172**

Council President Murphy asked for a motion to approve Resolutions #17-172.

MOVED: Dan Kadish  
SECOND: Dick Wetzel

Council Member Rizzuto questioned if this was included in the expansion of the system and if this is approved will there be urgency to add other properties in the area. He questions will the Township be paying twice if we need to bond in the future and adds this is a band-aid to the project and not a solution to problem.

Council President Murphy states the amount of water has been approved to add fire suppression to the building and may not have enough for other properties.

Ms. Yetter explains that Phase II was approved by the Council previously and this Resolution awards the contract for the vendor to get water to the Municipal building, DPW and Animal Control building. Ms. Yetter adds with this contract, water will come down Church Street and may allow other properties to connect if allocation from SUEZ is available.

Mr. Zielinski states this Resolution effectuates the Phase II contract and for a developer to tie in to system, they must make separate application to SUEZ.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

ABSENT: Sandra Ooms

Motion Carried to adopt Resolution #17-172.

### **RESOLUTION #17-172**

#### **AUTHORIZING OF CONSTRUCTION FOR COMPLETION OF THE EXPANSION TO 21 CHURCH STREET AND 32 CHURCH STREET IN THE TOWNSHIP OF VERNON**

**WHEREAS**, pursuant to Resolution #17-108, on April 27, 2017, the Township and Suez Water New Jersey, Inc, (Water Company) entered into a Developer's Agreement to provide Water Service to 21 Church Street and 32 Church Street in the Township of Vernon; and

**WHEREAS**, pursuant to Article 2.2 of the agreement, the Township is responsible for the cost of construction for the expansion; and

**WHEREAS**, bids were received by the Water Company from their approved contractors; and

**WHEREAS**, the Engineer for the Township has reviewed estimates and has provided his opinions that they are satisfactory and recommends the work be approved and the Water Company award a contract to J. Fletcher Creamer for this work; and

**WHEREAS**, the total cost for this construction is \$25,667.57, the potential tax impact is \$9,792.75, for a total of \$35,460.32 and the Chief Financial Officer of the Township of Vernon, has certified these funds are available in account #3095976.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that Suez Water New Jersey, Inc., is authorized to complete the expansion of water service to 21 Church Street and 32 Church Street in an amount not to exceed \$35,460.32; and

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

#### **Resolution #17-176**

Council President Murphy asked for a motion to approve Resolutions #17-176.

MOVED: Dan Kadish

SECOND: Dick Wetzel

Council Member Rizzuto questioned what the original intent of this grant was and why not use the DPW employees if clearing is needed. Ms. Yetter stated the grant was for mapping and brochures but would now like to use funds to pay contractor to clear a path on municipal property adjacent to driveway behind municipal building.

Council President Murphy commented she has seen areas in town needing maintenance from DPW and Mr. Voelker stated there is insufficient coverage to maintain all areas in town and feel contracting the work to third party will be more efficient.

A roll call vote was taken:

AYES: Dan Kadish, Dick Wetzel, Jean Murphy

NAYES: Patrick Rizzuto

ABSTAIN: None

ABSENT: Sandra Ooms

Motion Carried to adopt Resolution #17-176

**RESOLUTION #17-176**

**AMENDING THE PURPOSES OF THE  
APPROPRIATION OF \$2,000.00 SUSTAINABLE JERSEY SMALL GRANT**

**WHEREAS**, the Township has been awarded a \$2,000.00 2016 Sustainable Jersey Small Grant Fund from Public Service Enterprise Group (PSEG); and wishes to amend the purposes for the use of the grant; and

**WHEREAS**, Sustainable Jersey has approved repurposing these grants funds.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby requests that the \$2,000.00 appropriation is repurposed for path clearing as approved by Sustainable New Jersey.

**Resolution #17-165: AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL SERVICE AGREEMENT WITH THEVERNON TOWNSHIP MUNICIPAL UTILITIES AUTHORITYFOR THE SERVICES OF THE DEPARTMENT OF PUBLIC WORKS**

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

MOVED: Dan Kadish

Council Member Rizzuto states since the resolution was tabled at last meeting and a motion had to be made to take it off the table.

Council Member Kadish made a motion to take the Resolution off the table.

MOVED: Dan Kadish

SECOND: Dick Wetzel

Council Member Rizzuto suggested the resolution should be examined by full council and requested the table be continued. Council Member Wetzel asked how long is the agreement? Mr. Voelker explained that agreement was a one-year contract.

Council President Murphy commented that while the Township is continuing the service with no contract, the employees are not receiving their stipends and the Township is not receiving the monies owed from the MUA. Council President Murphy stated it is already September, the Township currently has no contract, there is no harm in having it run until February then at least the Township gets the money it is due. Council President Murphy restated the Council is depriving the employees of their stipends and depriving the Town of monies owed. Council Member Rizzuto stated the Council voted 3-2 for the mayor to sign a multi-year contract but Mayor Shortway refused. Council Member Rizzuto asked for a compromise of two years so the problem rests with the Mayor, not the Council. Council President Murphy stated the problem still remains that the employee is not getting their stipend and the Township is not getting the money owed. Council President Murphy questioned if the Council can demand that the Mayor change the contract. Attorney Zielinski explained that it is the Mayor that negotiates all contracts. Council Member Rizzuto stated a difference of opinion on that topic may be forthcoming.

A roll call vote was taken:

AYES: Dan Kadish, Jean Murphy

NAYES: Patrick Rizzuto, Dick Wetzel

ABSTAIN: None

ABSENT: Sandra Ooms

Motion failed to take resolution #17-165 off the table.

**COUNCIL COMMENTS**

Council Member Rizzuto had no comments.

Council Member Wetzel had no comments.

Council Member Kadish had no comments.

Council Member Ooms was absent.

**COUNCIL PRESIDENT COMMENTS**

Council President Murphy had no comments.

**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 Rizzuto with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:24 p.m.

Respectfully submitted,

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Lauren Kirkman, RMC, CMR  
Municipal Clerk

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Jean Murphy,  
Council President

Minutes approved: September 25, 2017