

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

AMENDED Minutes of March 11, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:11 p.m. on Thursday, March 11, 2010 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 5, 2010, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Acting Manager/Municipal Clerk Robin Kline and Township Attorney John Ursin.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:11 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session. Council Member Harry Shortway made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Valerie Seufert with all members voting in favor.

The Municipal Clerk read the following resolution to go into executive session:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 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. Contract matter regarding a proposed contract with the New Jersey Land Conservancy for services. The minutes will be released at the conclusion of the execution of a contract.
 - b. Contract matter regarding Hatch, Mott McDonald for sewer system engineering services. The minutes will be released at the conclusion of the matter or after the execution of a contract.
 - c. Real Estate/Contract matter regarding the proposed acquisition of the Masker Marsh property. The minutes will be released at the conclusion of the matter or after the execution of a contract.
 - d. Real Estate/Contract matter regarding the McEwin property. The minutes will be released at the conclusion of the matter or after the execution of a contract.
 - e. Personnel matter regarding the hiring of a Township Manager. There is no anticipated release of executive session minutes.
 - f. Personnel matter regarding the 2010 layoff plan. There is no anticipated release of executive session minutes.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:14 p.m.

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The meeting was reopened to the public at 7:16 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Acting Township Manager and Municipal Clerk Robin Kline and Township Attorney John Ursin.

SALUTE TO THE FLAG

Mayor Sally Rinker welcomed Boy Scout Troop #912 in presenting the colors and leading the assemblage in the salute to the flag.

Mayor Rinker presented a Proclamation to Boy Scout Troop #912 and Scout Leader David DiPietro for their 100th Anniversary of Boy Scouts of America. Several Boy Scouts informed the public of the history of Boy Scouting the types of scouting activities they have engaged in and encouraged others to join the Boy Scouts. Mayor Rinker thanked the Scouts for attending tonight’s meeting and for continuing to perform great services to the Vernon Township community.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Gary Grey, [REDACTED] stated that the Masker Marsh property is a vital tract to connect the bike path and that the entire story needs to be considered. Mr. Grey further stated that Mayor Rinker donated the property years ago and believed the process to be complete.

David Kretchmar, Department of Public Works and President of the local AFSCME Union, commented that their Union is looking into alternatives to layoffs. There could be a \$5.53 per month per household increase in taxes to prevent layoffs.

Mike Furrey, resident and member of the Environmental Commission, commented on the presentation of Dennis Miranda. Mr. Furrey mentioned an archaeological study and that the resolution did not include the payment of fair market value for the property. Mr. Furrey made it clear that he wanted to change his vote to no and that he is not given information to do his job.

Bonnie Rubin, Highland Lakes, commented on the job cuts proposed by Acting Manager/Municipal Clerk Robin Kline and read a statement regarding layoffs.

Vernon Police Officer Keith Kimkowski, Vernon Police Detective Tom Zabriskie and Vernon Police Officer Sean Fitzgerald, commented on the loss of manpower after the Police Benevolent Association audit was completed. They requested that the Council maintain current Police staffing levels.

Jennifer Polizo, resident, commented on Resolution #10-73 regarding Recreation and Police Athletic League programs, and questioned what the resolution really means.

Acting Manager/Municipal Clerk Robin Kline stated that she does not want to undermine the P.A.L. programs and that she will further explain during the Township Manager’s Report.

Craig Williams, Glenwood, requested that the Council consider the four acre subdivision of the Masker Property and stated that it is a key piece of property to continue the greenway.

Nick Nicosia, local Attorney, represents distressed homeowners and stated that many homes have received violations of such large amounts that a seller or buyer cannot

afford to pay the fines. Robin Kline asked that Mr. Nicosia leave his contact information.

Dennis Miranda, resident and Chair of the Environmental Commission, stated that he runs the Commission with integrity and he stands behind the decisions of the Commission.

Thomas McClachrie, Vernon Taxpayers Association, asked that the Township not hire Eisenberg as an appraiser for the Masker Marsh property. The Vernon Taxpayer's Association is against Resolutions 10-69 and 10-70 which enlarge the redevelopment zones. Mr. McClachrie asked for specific qualifiers on the lot and which are considered a blighted property. Mr. McClachrie questioned what is contained in Resolution 09-171.

Pennie Roland, resident, questioned how many jobs can be cut year after year.

Phyllis MacPeek, resident, questioned why the Deputy Manager did not take over for former Township Manager Melinda Carlton. Ms. MacPeek further stated that she would like new trees to replace the dead ones on the Sussex County Municipal Utilities Authority property. Ms. MacPeek also commented on Earth Day and Earth Hour which asks that everyone turn off their lights for one hour to save energy.

Mary Ellen Vischiconti, [REDACTED] and Board of Recreation member, and Mary Bradley, resident, have decided to resurrect Vernon Day scheduled for June 5th at Maple Grange Park to conduct a 5K run.

Philip Schneider, Barry Lakes, commented on a letter regarding Resolution #10-72 and asked that the Council take the Lake Communities' letter into consideration.

Louis Kneip, Director of Planning and Development, suggested that it is premature to vote on Resolution #10-74 and asked that the Council wait to find out State Aid figures. Mr. Kneip also commented that many details have to be considered and then questioned the cost of consultants. Mr. Kneip stated that he is willing to discuss furloughs, less pay or fewer hours and commented that there are several properties that the Township can sell to raise funds.

Dave Pullis, Department of Public Works Director, spoke regarding the loss of staff and asked that he not lose another mechanic.

Jamie Rickey, resident, commented on balances and priorities and stated that the sewers were supposed to be paid for by users and not taxpayers.

Jessi Paladini, [REDACTED], stated that she trusts the Council and Manager to do the right thing. Ms. Paladini commented on a Police Officer's request to be paid for holidays after he has retired. Ms. Paladini also commented on \$226,000 in legal fees. Legal bills have not been received for November and December of 2009. Ms. Paladini commended the Council for the current Township's Attorney fees and the change in wording of the Cash Management Plan. Ms. Paladini further commented on statements made by Mr. Bruno of Bruno Associates regarding grants applied for by the firm.

Gary Martinsen, resident and business owner, commented that municipal officials should be held accountable for mismanagement regarding the scanner. Mr. Martinsen also commented that cuts should come from the top and stated that the P.A.L. is one of the worst ranked organizations for charity because so many funds go toward raising funds and advertising.

Thomas Zabriskie, State delegate for the P.B.A., stated that a newspaper contained several incorrect statements regarding Patrolman Hering.

Sherry Shortway, resident, stated that the perception of residents is that the Township is laying off workers but purchasing property.

Randy Mills, resident and director of the P.A.L., stated that the P.A.L. was awarded a \$50,000.00 grant for the \$50.00 per year cost to be a member.

Seeing no one else from the public wishing to speak, Mayor Rinker closed the public portion of the meeting.

PRESENTATIONS AND SPECIAL ITEMS

Economic Development Advisory Commission

Jim Schriener, Pat Seger and Edward Dunn gave a Power Point presentation illustrating the Business Survey results. The Town Center has the lowest amount of businesses. 126 businesses were contacted with 43 responses. The largest sector is business services followed by personal services. Almost three quarters are providing services to people within 25 miles of Vernon Township. Three quarters contained five or fewer employees and three quarters are storefronts.

The Commission is hoping to attract larger employers to the Township. Generally customers found the Township to be beautiful but a difficult business environment. The Commission would like to see a simplification of the permitting process.

The Township Council commended the Economic Development Advisory Commission for their efforts.

Environmental Commission

Township Attorney John Ursin stated that Council Member Valerie Seufert and Mayor Sally Rinker will recuse themselves from any official actions regarding the Masker Marsh property.

Dennis Miranda, Chair of the Environmental Commission, explained that the Masker Marsh property is a 19.5 mile tract of land that extends into New York State and contains several endangered species. This land is significant because it is a wildlife habitat and a major component of the greenway.

In order to shift the trail to the east, a property containing a house and four acres would need to be purchased which will be considerably more expensive than conserving the Masker Marsh tract.

TOWNSHIP MANAGER'S REPORT

Acting Manager/Municipal Clerk Robin Kline reported that the Finance Department and Manager's office continues to look at cost saving initiatives.

Five Day Work Week

The five day work week will begin Monday March 29th to better serve the public.

Shared Services

There is a resolution on the agenda for Council consideration regarding a shared service for Vernon Township Animal Control with Sussex Borough.

Recreational Services

Resolution #10-73 is on tonight's agenda regarding a proposed agreement for management of recreational services with the Vernon Police Athletic League.

Maple Grange Route 517 Intersection Improvement Project

A meeting was held with the County Administrator and Engineer on March 4, 2010. There was an agreement in place where the County will share the cost of the project, however, the contract is due to expire at the end of the year. Township Attorney John Ursin will be reviewing the contract to put an extension in place.

Ms. Kline and the Chief Financial Officer, Bill Zuckerman met with risk management to compare what is actually being billed to adjust the premium.

Job Categories

Job categories are being reviewed for accuracy. Public official and Police liability claim histories are being reviewed and submitted to Attorney John Ursin for review.

Health Care Benefits

Health care benefits are being reviewed for reductions in costs and premium obligations. The Chief Financial Officer Bill Zuckerman is working with the Principal Fiscal Analyst Kerrie Scott in reviewing these items.

Layoff Plan

Acting Manager/Municipal Clerk Robin Kline thanked all of the Vernon Township volunteers and stated that layoffs are a difficult task. Costs have to be balanced with priorities and operating expenses have been cut.

Ms. Kline stated the average salary of a patrolman is \$110,000.00 to \$112,000.00 per year. The average salary of a D.P.W. worker is in the upper \$60,000's as well as clerical workers earning in the mid \$60,000's.

The layoff plan does not mean that every identified position will be eliminated, but a plan needs to be in place. The layoff plan is included on tonight's agenda as Resolution 10-74. The Township Council can accept the plan as submitted and pass the Resolution, recommend changes by motion, direct changes by motion or take more time and delay the submission of the plan.

The Township is required to be compliant with Civil Service Commission rules. The D.P.W. workers have made some concessions such as voluntary furlough days to save positions.

The Township Council will hold a Special Meeting on March 18th where official action can be taken. Two Sub Code Officials have agreed to go to part time and a third has dropped his health care coverage. Ms. Kline commended the D.P.W. Union for their cooperation.

Township Attorney John Ursin clarified that the resolution does not bind the Council in any way.

Council Member Michael Pier stated that the Township should move forward while continuing to work toward a compromise.

Council Member Richard Carson commented that the State of New Jersey is struggling to put its house in order.

Council Member Valerie Seufert commended the departments and was pleased to learn that some positions may not be affected.

Council Member Harry Shortway commended the Acting Manager/Municipal Clerk Robin Kline and believes she will do whatever is possible to save jobs. Council Member Harry Shortway supports Ms. Kline's decisions.

Mayor Sally Rinker does not wish to see taxes raised this year and will not layoff any Police or D.P.W. workers this year.

APPROVAL OF MINUTES

January 28, 2010 Work Session, Regular Meeting & Executive Session Minutes

Council Member Valerie Seufert made a motion to approve the Minutes, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

ABSTAIN:

RESOLUTIONS REQUIRING DISCUSSION AND SEPARATE ACTION

RESOLUTION #10-18

AUTHORIZING THE USE OF THE NEW JERSEY STATE CONTRACT PROGRAM, CONTRACT #67176, FOR THE PURCHASE OF A DOCUMENT SCANNER, IN THE AMOUNT OF \$8,647.23 FOR USE IN THE MUNICIPAL CENTER FOR THE PURPOSE OF RECORDS RETENTION

WHEREAS, the Township of Vernon has a need to purchase a Document Scanner for use by all Township Departments for the purpose of records retention; and

WHEREAS, the Township of Vernon is a member of the State of New Jersey's Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program and the Purchasing Agent has reviewed the cooperative prices, and determined it would be cost effective to use the Cooperative Pricing Program in lieu of public bidding by private contractors; and

WHEREAS, the Township Manager and Purchasing Agent recommends that the Township Council pass this resolution authorizing use of the Cooperative Program for the purchase of this Document Scanner; and

WHEREAS, the cost estimate for the purchase is \$8,647.23; and the vendor for the Cooperative Program for this purchase is CDW Government, Vernon Hills, IL; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds for this purchase in account # 101219 - 2008 Payable Expenses.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the New Jersey State Cooperative Purchasing Program be utilized to purchase a Document Scanner and that it will be purchased from CDW Government, in the amount of \$8,647.23 for the purpose of records retention by all Township Departments and that the Mayor and Clerk are authorized to execute such documents as are required to effectuate this purpose; and

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

Resolution #10-18 was tabled.

Mayor Sally Rinker called for a five minute recess at 10:01 p.m.

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The meeting reconvened at 10:15 p.m. with all members present as before.

RESOLUTION #10-63

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE BOROUGH OF SUSSEX FOR ANIMAL CONTROL OFFICER SERVICES

WHEREAS, the Township of Vernon is facing a very difficult 2010 budget;

WHEREAS, the Township of Vernon has not pursued shared services aggressively in the past as a cost-cutting measure;

WHEREAS, the Acting Manager and Deputy Manager have begun to negotiate a series of shared services agreements in an effort to reduce the Township's spending and make more effective use of its resources;

WHEREAS, the Borough of Sussex has a need for Animal Control Officer services;

WHEREAS, Borough Attorney, John E. Ursin represents the Borough of Sussex and has a conflict of interest;

WHEREAS, both the Borough of Sussex and Township of Vernon have used conflict attorneys to review the proposed Shared Services Agreement with respect to Animal Control Officer services;

WHEREAS, the agreements have been approved by said attorneys;

WHEREAS, the Shared Services Agreement will result in revenue to the Township in the amount of \$8,700.00 in the first year without increasing the Township's costs;

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that the Mayor is authorized to enter into the shared services contract with the Borough of Sussex for Animal Control Officer services for a three year period.

Council Member Valerie Seufert moved to approve Resolution #10-63, seconded by Council Member Richard Carson.

Township Attorney John Ursin clarified that he was not involved in the negotiations.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-63 was approved.

RESOLUTION # 10-64

AUTHORIZING THE APPROVAL OF BILLS LIST

BE IT RESOLVED that the following bills listed are hereby approved:

| Disbursement Journal | Fund | Amount | Major Vendor |
|-------------------------|-------------------|----------------|-----------------------|
| #1 | Current | \$1,088,623.55 | Vernon BOE |
| #2 | Current | \$ 39,922.43 | Nisivoccia |
| #3 | Current | \$ 8,834.00 | |
| #4 | Capital | \$ 31,820.88 | Atlantic Salt |
| #5 | Planning & Zoning | \$ 765.75 | |
| #6 | Grant | \$ 9,340.54 | |
| #7 | Grant | \$ 2,270.00 | |
| #8 | Recreation | \$ 520.00 | |
| #9 | Recreation | \$ 420.00 | |
| #10 | Other Trust | \$ 2,930.87 | |
| #11 | Road Assessment | \$ 6,390.00 | |
| | Payroll | \$ 369,077.94 | 1st pay in March 2010 |
| | Total | \$1,560,915.96 | |

Council Member Michael Pier moved to approve Resolution #10-64, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-64 was approved.

RESOLUTION #10-65

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

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

WHEREAS, Timothy W. Baldwin, an active firefighter and member of the Vernon Township Volunteer Fire Department, Vernon Company #1, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Timothy W. Baldwin for membership in the New Jersey State Firemen's Association.

RESOLUTION #10-66

APPROVING VOLUNTEER FIREMAN ACTIVE MEMBERSHIP

WHEREAS, the Vernon Township Volunteer Fire Department, McAfee Fire Company No. 2, has selected Gerry James Osterhoudt for active membership, and

WHEREAS, the Vernon Township Volunteer Fire Department, McAfee Fire Company No. 2, has requested municipal approval from the Township Council of the Township of Vernon for said appointment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, Sussex County, New Jersey, that the application for active membership by Gerry James Osterhoudt to the Vernon Township Volunteer Fire Department, McAfee Fire Company No. 2 is hereby approved.

Council Member Valerie Seufert moved to approve Resolutions #10-65 and #10-66, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolutions #10-65 and #10-66 were approved.

RESOLUTION #10-67

APPROVING PAYMENT TO VANDER HEY EXCAVATION INC, IN THE AMOUNT OF \$4,289.00 FOR A SEPTIC REPAIR LOCATED AT 27 HIGHPOINT TERRACE, VERNON NJ, BLOCK 170.02 LOT 11, THROUGH THE TOWNSHIP OF VERNON HOUSING REHABILITATION PROGRAM

WHEREAS, the Township Council approved Ordinance #05-04 which created the Affordable Housing Rehabilitation Program; and

WHEREAS, the Township Council approved Resolution #08-222 which authorized Community Action Services to provide administrative services for the Township of Vernon Housing Rehabilitation Program for up to ten (10) qualified units; and

WHEREAS, Vander Hey Excavation Inc., has completed the septic repair at 27 Highpoint Terrace, Sussex NJ, Block 170.02, Lot 11; and

WHEREAS, Community Action Services, the Vernon Township Municipal Housing Liaison and the Sussex County Health Department has approved the work completed on the septic; and

WHEREAS, the Township Municipal Housing Liaison and the Director of Planning & Development recommends payment be made to Vander Hey Excavation Inc.; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that the payment in the amount of \$ 4,289.00 be made to Vander Hey Excavation Inc., for the completed septic repair, said payment to be drawn from the Townships Affordable Housing Trust Fund Account #771101 COAH Reserve for Expenditures.

Council Member Richard Carson moved to approve Resolution #10-67, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-67 was approved.

RESOLUTION #10-68

TRANSFER RESOLUTION – 2009 RESERVE BUDGET

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the reserve budget for the year 2009; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Reserve Appropriations (2009 Municipal Budget) in accordance with N.J.S.A. 40A:4-59 and are hereby approved.

| FROM: | | TO: | |
|---------------|--------------------|-----------------------|--------------------|
| UTILITIES O/E | \$17,000.00 | MUNCIPAL SERVICES ACT | \$17,000.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL: | \$17,000.00 | | \$17,000.00 |

Council Member Valerie Seufert moved to approve Resolution #10-68, seconded by Council Member Harry Shortway.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-68 was approved.

RESOLUTION #10-69

RESOLUTION DESIGNATING A PORTION OF THE TOWNSHIP OF VERNON,
BLOCK 190 LOT 10.02, AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, on September 11, 2008 the Township Council of the Township of Vernon adopted a Resolution authorizing and directing the Vernon Land Use Board to undertake a preliminary investigation to determine whether the properties in a proposed redevelopment area is a redevelopment area in accordance with the criteria set forth in the New Jersey Local Redevelopment and Housing Law (N.J.S.A 40A:12A-1 et seq.); and

WHEREAS, the primary goal of the Township of Vernon redevelopment effort is to implement a program of community sustainability with the objectives of: 1) improving residential property conditions in the Township; 2) improving the quality of life of Township residents; and 3) improve the economic foundation of the Township so that long-term property tax stability is realized by all Vernon taxpayers; and

WHEREAS, the Local Redevelopment and Housing Law (LRHL) allows for the substantial improvement to properties included in an area in need of redevelopment resulting in capital investment and the turnaround or rearrangement of properties that are either unused, underutilized, fragmented, or deteriorated, or in the alternative may help achieve the policy and planning goals and objectives of the State of New Jersey Development and Redevelopment Plan; and

WHEREAS, the Vernon Land Use Board thoroughly reviewed and discussed the issue of redevelopment and the process of investigating an area in need of redevelopment. This review included a review of the criteria set forth in the LRHL (NJSA 40A:12A-5) to determine if said area, specifically the eight condominium units at Block 190, Lot 10.02, also known as Northwoods at Vernon, located in the Township of Vernon qualifies as an area in need of redevelopment; and

WHEREAS, the Vernon Township Council authorized the Redevelopment and Planning Consultants, Benecke Economics, to conduct a study of the proposed potential redevelopment area and make a recommendation as to whether the area identified by the Township Council satisfies the criteria of the LRHL,

WHEREAS, on May 16, 2009 the Land Use Board conducted a duly advertised public hearing pursuant to the LRHL and following publication and wide distribution of a notice of hearing and following the preparation of a map of the potential area in need of redevelopment; and

WHEREAS, on May 16, 2009 the Vernon Land Use Board adopted a Resolution finding that the area referenced herein qualifies under NJSA 40A:12A-1 et seq. as an area in need of redevelopment, this following testimony of Robert Benecke and representative of the property owners, Ira Weiner, Esq. wherein the condition of each parcel of property was reviewed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that, based upon the recommendation of the Vernon Land Use Board and recognizing the diligent work of the Board, the eight condominium units at Block 190, Lot 10.02, also known as Northwoods at Vernon, located in the Township of Vernon, are hereby designated as an area in need of redevelopment pursuant to the provisions of NJSA 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED that the Township Council will NOT be authorizing the use of eminent domain condemnation regarding this matter, and any Redevelopment Plan created in furtherance of this Resolution shall NOT identify any properties to be so acquired, as required in NJSA 40A:12A-7 a (3); and

BE IT FURTHER RESOLVED that Benecke Economics, Moonachie, New Jersey is hereby authorized to prepare and present a Redevelopment Plan in furtherance of this designation.

Council Member Valerie Seufert questioned who funded the study authorized by the Council.

Resolution #10-69 was tabled.

RESOLUTION #10-70

AUTHORIZING AND DIRECTING THE VERNON TOWNSHIP LAND USE BOARD TO DO A PRELIMINARY INVESTIGATION DETERMINING IF BLOCK 233.05 LOTS 5 & 6 IS A REDEVELOPMENT AREA IN ACCORDANCE WITH THE CRITERIA SET FORTH IN N.J.S.A. 40A:12A-5

WHEREAS, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, planning, development or redevelopment of certain areas of the State of New Jersey shall be a public purpose and further that municipal, public or private corporations may be authorized by law to undertake such development and redevelopment, and

WHEREAS, the Legislature of the State of New Jersey has adopted a comprehensive set of redevelopment laws, the centerpiece of which is the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.), allowing for the substantial improvement to, and turnaround of, underutilized, unused, fragmented, deteriorated and generally blighted properties through the careful design, writing, and implementation of local redevelopment plans, and

WHEREAS, the State of New Jersey Development and Redevelopment Plan encourages smart growth principles to be observed and applied in the State, specifically in those areas either previously developed or designated for development, and

WHEREAS, among the purposes of such redevelopment plans authorizing the planning, zoning, acquisition, clearance, reconstruction, rehabilitation and redevelopment of such local areas is to promote the public health, safety, morals and welfare and to stimulate the proper growth of Vernon's McAfee Village and vicinity; and

WHEREAS, the primary objective of the Township of Vernon redevelopment effort is to improve the quality of life of Township residents and improve the economic foundation of the Township so that long term property tax stability is achieved for all Vernon taxpayers, and

WHEREAS, in furtherance of the aforesaid purposes of redevelopment and to achieve the aforesaid objectives, the Township Council heretofore adopted Ordinance number 08-04, "Establishing a Redevelopment Plan For A Portion Of McAfee Village ... and Establishing The McAfee Village Mixed Use Redevelopment Area ... (and) Zoning District" referencing the "Sammis Property" for future inclusion in the MVMU Redevelopment Plan and Zone at Section 4a (3i) of said Ordinance, and

WHEREAS, it appears that within this general area, that being the Sammis Property, there exists property (land), buildings or other improvements which, by reason of faulty arrangement of design, deleterious land use, obsolescence or obsolete layout or other factors, have remained vacant, stagnant, unproductive, under-utilized and undervalued and may be detrimental to the safety, health, morals or welfare of the Township of Vernon.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, Sussex County, New Jersey, pursuant to N.J.S.A.40A:12A-1 et seq., that the Land Use Board is hereby authorized and directed to undertake a preliminary investigation to determine whether the property in the proposed, potential redevelopment area, Block 231 Lots 9 and 11, and Block 233.05, Lots 5 and 6 as indicated on the official tax map of the Township of Vernon is a redevelopment area in accordance with the criteria set forth in N.J.S.A. 40A-12A-5, and

BE IT FURTHER RESOLVED that the Land Use Board shall conduct a public hearing respecting the proposed redevelopment area, also known as the Sammis Property at Route 94, in the Township of Vernon. Said public hearing shall be conducted after public notice is given in accordance with N.J.S.A. 40A:12A-6 and, after completing its hearing and deliberation, the Vernon Land Use Board shall submit a recommendation to the Township Council whether the above stated area, or any part thereof, be or not be determined to be an area in need of redevelopment.

Council Member Valerie Seufert questioned why the property should be put into a redevelopment area when it has already been approved.

Resolution #10-70 was tabled.

RESOLUTION #10-71

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO REIMBURSE HIGHLAND LAKES COUNTRY CLUB & COMMUNITY ASSOCIATION, A QUALIFIED PRIVATE COMMUNITY AS DEFINED BY N.J.S.A.40:67-23.2, IN THE AMOUNT OF \$16,813.56 AS PER AGREEMENT APPROVED BY TOWNSHIP COUNCIL RESOLUTION #09-171

WHEREAS, the Community is a qualified community pursuant to the definitions established in N.J.S.A. 40:67-23.2 (e), in which there exists private roads; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services as the Township provides on public streets and roads; and

WHEREAS, said services include the removal of snow and ice, clearing of roads and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3; and

WHEREAS, the Township Council approved the 2008 Agreement for the certain services as per Resolution #09-171 for the reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby Authorized to reimburse Highland Lakes Country Club & Community Association as per Resolution #09-171 and the Executed Agreement for the year 2008; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for the total amount of \$16,813.56 for 2008; and

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

Council Member Valerie Seufert moved to approve Resolution #10-71, seconded by Council Member Harry Shortway.

Council Member Valerie Seufert questioned why it has taken so many months to pay this bill.

A roll call vote was taken:

AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

ABSTAIN: Richard Carson

Resolution #10-71 was approved.

RESOLUTION #10-72

RESOLUTION OF THE TOWNSHIP OF VERNON APPROVING UNIFORM MUNICIPAL SERVICES AGREEMENT TO BE USED BY THE TOWNSHIP AUTHORIZING EXECUTION OF SAME BETWEEN THE TOWNSHIP AND EACH QUALIFIED PRIVATE COMMUNITY

WHEREAS, pursuant to the New Jersey Municipal Services Law, N.J.S.A. 40:67-23.2, et seq., the Township is obligated to either reimburse qualified private communities for certain services, or provide the same specified services; and

WHEREAS, the Township has prepared a uniform agreement outlining its rights, responsibilities and obligation to either reimburse qualified private communities for certain services, or provide the same specified services; and

WHEREAS, the Township desires to enter into the agreement with each qualified private community within the Township pursuant to N.J.S.A. 40:67-23.2;

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

1. The uniform Municipal Services Agreement is hereby approved in its present form.
2. The Mayor and Township Clerk are hereby authorized to finalize and execute the uniform Municipal Services Agreement between the Township of Vernon and each qualified private community within the Township.
3. This resolution shall take effect upon approval.

Council Member Valerie Seufert moved to approve Resolution #10-72, seconded by Council Member Harry Shortway.

Township Attorney John Ursin explained that the Township is working toward a uniformed system and an agreement to be used with all of the Lake Associations.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-72 was approved.

RESOLUTION #10-73

RESOLUTION OF THE TOWNSHIP OF VERNON TO EXECUTE A CONTRACT FOR RECREATION ADMINISTRATIVE SERVICES TO THE VERNON TOWNSHIP POLICE ATHLETIC LEAGUE (PAL)

WHEREAS, the Township of Vernon runs various recreation programs;

WHEREAS, the Vernon Township Police Athletic League (PAL) is an established administrator and provider of recreational programs;

WHEREAS, there is a recommendation to transfer the administration of certain recreational programs to the PAL;

WHEREAS, providing these services through the PAL will result in less administrative responsibility for Township employees;

WHEREAS, paying the Vernon Township PAL the sum of \$20,000.00 will reduce the budgeted contribution to the Vernon Township PAL;

NOW THEREFORE IT BE RESOLVED that the Mayor and Clerk are authorized to execute a contract with the Vernon Township PAL to provide recreation administration services for the sum of \$20,000.00.

Council Member Richard Carson moved to approve Resolution #10-73, seconded by Council Member Valerie Seufert.

Council Member Valerie Seufert questioned if the P.A.L. contribution will be reduced or if this is a separate contribution.

Council Member Richard Carson was concerned with the reduction in activities.

Township Attorney John Ursin explained that there is a three month termination clause in the event that the Township is not satisfied with the way these programs are being administered. The P.A.L. Board of Directors will be reviewing the details.

Council Member Harry Shortway questioned if he should recuse himself since he rents the fields for Mad Dawg Lacrosse from the Township. Mr. Ursin did not find that renting them from the Township would cause Mr. Shortway to recuse himself from this agreement. Mr. Shortway should recuse himself if he had any type of relationship with the PAL membership or financial dealings that would cause him to lose his impartiality

with respect to deciding whether this is a good idea for the Township. Council Member Shortway added that he volunteered coaching for the PAL for 10 to 12 years. Mr. Ursin then advised that Mr. Shortway should recuse himself.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Sally Rinker

NAYES: None

RECUSED: Harry Shortway

Resolution #10-73 was approved.

RESOLUTION #10-74

RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING THE FILING OF THE TOWNSHIP'S LAYOFF PLAN WITH THE NEW JERSEY DEPARTMENT OF PERSONNEL

WHEREAS, the Township of Vernon faces an unprecedented budget crisis in 2010;

WHEREAS, the Acting Manager, the Chief Financial Officer, the Auditor and consultants have prepared a preliminary budget where all available reductions have been made;

WHEREAS, there continues to be a budget short-fall;

WHEREAS, the governing body of the Township of Vernon understands the residents' economic situation and desires to keep the tax increases as low as possible;

WHEREAS, laying off Township personnel should be the remedy of last resort;

WHEREAS, all other remedies have been fully explored and utilized;

WHEREAS, the governing body of the Township of Vernon believes that the only available solution is to layoff Township employees.

NOW THEREFORE IT BE RESOLVED that the governing body of the Township of Vernon hereby authorizes the Acting Manager to file the Layoff Plan with the Department of Personnel that was discussed at the March 11, 2010 meeting with the Department of Personnel for processing and consideration.

Council Member Valerie Seufert made a motion to approve Resolution 10-74, seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-74 was approved.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE #10-02

AN ORDINANCE FIXING THE SALARY OF PART-TIME ASSISTANT ANIMAL CONTROL OFFICER FOR ON-CALL TIME ONLY FOR THE YEARS OF 2008 AND 2009

BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey as follows:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:9-165, the Township of Vernon shall pay the Administrative Group of its municipal employees for services rendered as shown below. Figures shown represent Weekly On-Call Salary Only for the following position:

| | | |
|--|-------------|-------------|
| | <u>2008</u> | <u>2009</u> |
| Assistant Animal Control Officer (Part Time) | \$137.93/wk | \$142.76/wk |

Section 2. This Ordinance is passed for the purpose of paying retroactive pay for 2008 & 2009 to compensate for the salary increase.

Section 3. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall take effect after publication and passage according to law.

Mayor Rinker read Ordinance #10-02 by title only. First reading was held on January 28, 2010.

Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Richard Carson.

Mayor Rinker opened the meeting for Public Hearing on this ordinance.

There being no comments from the public, the Mayor closed the Public Hearing.

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-02 was approved.

COUNCIL BUSINESS

Council Member Michael Pier apologized for previous comments.

ADJOURNMENT

There being no further items of business to be conducted on the Regular Meeting agenda, a motion for Adjournment was made by Council Member Valerie Seufert. Motion seconded by Council Member Harry Shortway with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:44 p.m.

Respectfully submitted,

Andrea Bates
Deputy Clerk

Amended Minutes approved: