

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**March 28, 2011**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:13 p.m. on Monday, March 28, 2011 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 6, 2011, 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, Brian Lynch, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

At 6:14pm, Mayor Rinker asked for a motion to go into Executive Session Council Member Carson made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Shortway 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, 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. Municipal Services Reimbursement Analysis;
  - b. ACLU matter – potential litigation
  - c. Contract Negotiations – Animal Control Services
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.

The meeting was reopened to the public at 7:18 p.m. A 2-minute recess was held.

**ROLL CALL OF MEMBERS**

Present were Council Members Richard Carson, Brian Lynch, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

Council Member Valerie Seufert joined the meeting by speakerphone at this time.

**PRESENTATION:**

Vietnam Veterans of America Chapter 1002 – Presented the Mayor and Council with a new American Flag and P.O.W. Flag on new commemorative stands.

**SALUTE TO THE FLAG**

The Mayor asked the Veterans group to lead the assemblage in the salute to the flag.

Council Member Lynch noted that he had recently spoken to a veteran and thanked him for his service. He spoke on behalf of the Council to thank all veterans for their service.

The VVA members presented a slide show in their efforts to establish a veterans' cemetery in Sussex County, advising that the closest one is in New York State or South Jersey. They offered the public to attend their meetings which are held on the 4<sup>th</sup> Sunday of each month at St. Francis.

Council Member Shortway spoke about his family's military/veterans experiences in the past and the present. He noted his support for a Sussex County idea. Council Member Lynch echoed that support. Council Member Seufert suggested Council authorize the attorney to put a resolution together in support of this idea.

Sustainable Jersey

Mike Furrey, Vice-Chairman of the Environmental Commission thanked the Council for their support in the efforts for the environment and land conservancy. He explained what the Sustainable Jersey program is all about. He presented a slide show (power point) on the fine points of the program. Allison Petryk gave additional information on the examples to implement the program in the Township.

Mayor Rinker thanked Mr. Furrey and Ms. Petryk for their efforts. She noted that she was in agreement with more efforts being required, and that she would like to move forward with the resolution for this program.

**RESOLUTION # 11-60**

**AUTHORIZING VERNON TOWNSHIP TO PARTICIPATE  
IN THE SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents be ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Township of Vernon strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Township of Vernon hereby acknowledges that the residents of the Township desire a stable, sustainable future for themselves and future generations; and

**WHEREAS**, the Township of Vernon wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path the Township of Vernon is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of the Township of Vernon, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community.

**NOW THEREFORE BE IT RESOLVED**, that to focus attention and effort within the Township of Vernon on matters of sustainability, the Governing Body wishes to pursue

local initiatives and actions by authorizing participation in the Sustainable Jersey Municipal Certification Program in order to obtain Municipal Certification.

This Resolution shall take effect immediately upon adoption according to law.

**MOVED:** Brian Lynch  
**SECONDED:** Harry Shortway

Council Member Shortway noted the current progress in recycling efforts, and that this program is very worthwhile.

**A roll call vote was taken:**

**AYES:** Richard Carson, Valerie Seufert, Brian Lynch, Harry Shortway, Sally Rinker

**NAYES:** None

**Resolution #11-60 was approved.**

## **RESOLUTION # 11-61**

### **RESOLUTION ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE**

**WHEREAS**, the Township of Vernon seeks to optimize quality of life for its residents by participating in the Sustainable Jersey Municipal Certification Program; and

**WHEREAS**, that to focus attention and effort within the Township of Vernon on matters of sustainability, the Governing Body and Environmental Commission wish to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

**NOW BE IT FURTHER RESOLVED**, by the Township Council of the Township of Vernon that we do hereby establish a Green Team Advisory Committee to serve as the Township of Vernon agent for the Sustainable Jersey Municipal Certification process and authorize the Green Team Advisory Committee to complete the Municipal Registration on behalf of the Township of Vernon.

**BE IT FURTHER RESOLVED** the Green Team Advisory Committee shall consist of four staff members: Township Manager, Land Use Administrator, Construction Official, Department of Public Works Representative; a Representative of the Environmental Commission (as chosen by the Commission); and one Council Liaison appointed annually, but initially whose term of appointment shall be through December 31, 2011 and appointed yearly thereafter.

This Resolution shall take effect immediately upon adoption according to law.

**MOVED:** Valerie Seufert  
**SECONDED:** Harry Shortway

**A roll call vote was taken:**

**AYES:** Richard Carson, Valerie Seufert, Brian Lynch, Harry Shortway, Sally Rinker

**NAYES:** None

**Resolution #11-61 was approved.**

Council Member Seufert offered to be the Council liaison. All agreed.

### **PUBLIC COMMENTS**

Mayor Rinker opened the meeting for Public Comment.

*Vinnie Scizialle* - spoke about the plowing report. He had disparate information from their report, and he questioned if the size of the trucks that might be used were included in the calculations.

*Anthony DeNardi* – commented on whether Lake Panorama would be plowed or not.

*James Opfer (Smokey's Restaurant)* – proposed creating solar capability on their property that would benefit Smokey's. He noted that he was aware they would need approval from the Land Use Board. He advised that he would need a portion of

municipal property for use to bridge to their property for placement of the solar panels (a right-of-way access). They asked the Council to consider the request and be ready for the next meeting.

Mayor Rinker asked Mr. Ursin to review the matter.

*Bruce Zaretsky* - advised that the Believers Learning and Day Care Center would like to erect a banner to promote their new day care business where the Curves building is located. They asked Council to make an exception to the 5-day rule until a new permanent sign ordinance could be adopted.

Mayor Rinker noted that the new sign ordinance would be ready soon and that she felt the exception should be granted.

Mayor Rinker made a motion to authorize the Believers Learning and Day Care Center to erect a banner for 30 days to promote their new business; seconded by Council Member Brian Lynch. All Council Members voted in favor.

*Vic Marotta* - asked if there was a cost involved for the Sustainable Jersey resolutions. Council advised that there was no cost. Mr. Marotta invited the Mayor and Council candidates to a debate on the issues.

*Archibald Walker*, [REDACTED] – advised that he had been receiving weekly solicitations to convert his land to a solar industry. He expressed concern with the lack of ordinances against this industry, considering that it is very lucrative for residents to consider, but that he was against it. Mayor Rinker suggested he attend the next Land Use Board meeting, as the Board Attorney was looking into this issue. She advised that the next meeting was scheduled for Wednesday, March 30 at 7:00pm.

*Beverly Budtz, Highland Lakes* – thanked the Council for the access to her FAA cause that was placed on the Township website, noting that she had received huge support from that access. She asked Council to sign her petition, as the Mayor had.

*Mary Ellen Vichiconti* – noted that her father was buried at the Veteran's Cemetery as were other family members, and that she supports the VVA's efforts.

*Tom McClachrie, Vernon Taxpayers Association* – noted the budget introduction and then the Resolution to increase the tax collection rate.

*Phyllis MacPeck* – thanked the veterans for their service. She spoke on the bond ordinances, reading from a prepared statement. She noted the reasons not to go forward with both ordinances this evening, but acknowledging that each department probably did need what they were asking for. She also suggested that there should be some kind of notification of what items the Recycling Center takes. Manager Giaimis advised that he would make sure the website had clear information. Mayor Rinker suggested placing a notice in the newspaper as well.

*Gary Martinsen, Vernon* – spoke on the bond ordinances as well. He felt they should be voted down, despite his being in favor of the needs of the various departments. He felt that more safeguards/details were needed to restrict the uses of the funds.

Seeing no one else from the public wishing to speak, Mayor Sally Rinker asked for a motion to close the public portion of the meeting. Council Member Lynch made the motion, and Council Member Carson made the second. All Council Members voted in favor.

## **TOWNSHIP MANAGER'S REPORT**

Mr. Giaimis noted the following items:

- Traffic Impact Fees – Mr. Ursin had advised that the traffic impact fees could be returned to the general fund as reimbursements for town center costs already expended.

- Retirements and their impact on the budget – a detailed report on how to control these costs would be placed in Council’s mailboxes the next day. The report would present options that center on requiring more financial contribution and reducing the overall available benefits to future retirees.
- Faline Building – the open house was held and no one showed up. The auction will continue as planned on April 11. The Council might consider hiring someone to create a marketing plan for the property.
- DPW Relocation – a meeting was held with County representatives and Mayor Rinker regarding fleet maintenance and the potential relocation of the site. Both initiatives will require more research and discussion in the immediate future. Mayor Rinker noted that the move will probably not do forward, as there were many negative issues with the sale of the existing DPW site.

Mayor Rinker asked Manager Giaimis to explain his comment at the last meeting that no payments would be made in June.

Mr. Ursin advised the Council of the restrictions that are in place during the period from the election to the swearing in of the new Mayor and Council. He noted that he would distribute a memo with details on what will/will not be allowed.

Mayor Rinker asked Mr. Giaimis for an update about the PEOSHA issue. Mr. Giaimis advised that all items had been addressed, and that the report would go out on time.

The Mayor noted the recent retirements of Bob Intveld (Tax Assessor) and Jeff Barlow (starting at the DPW and then as Purchasing Agent). She also noted that Kerri Scott (Manager’s office) had left to work in the private sector. She wished them all well. Council Member Lynch noted that Ms. Scott had volunteered her time at the animal shelter during recent furloughs. Council Member Carson mentioned that Ms. Scott was always willing to work in many capacities, and suggested a plaque or certificate in her honor. Council Member Carson also suggested plaques/certificates for Mr. Intveld and Mr. Barlow as well.

Mayor Rinker asked Mr. Ursin about the Faline Building. Mr. Ursin advised that the auction date was set in stone, but that Council could engage a professional marketer to promote it. The Mayor suggested offering the promotion to local companies, but Mr. Ursin felt that it would probably have to be done in-house due to the short time frame. Mr. Giaimis advised that he would look into the matter.

**TOWNSHIP ATTORNEY’S REPORT**

Mr. Ursin advised that he had received correspondence from the ACLU which was discussed in Executive Session. He noted that Council had directed him to issue a letter emphasizing the amount of public participation that currently exists and that it will continue. He offered to draft an ordinance on the matter with reference to the State statute.

Mayor Rinker made a motion to authorize the Township Attorney to draft an ordinance on public participation at meetings with reference to pertinent State statutes. Council Member Lynch made the second, with all Council Members in favor.

**RESOLUTIONS REQUIRING SEPARATE ACTION**

**RESOLUTION # 11-54  
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	\$ 40,480.00	INT ON BONDS
#2	Current	\$1,034,002.62	BOE
#3	Current	\$ 860.00	
#4	Current	\$ 1,191.25	
#5	Capital	\$ 1,331.00	

#6	Planning & Zoning	\$	540.00
#7	Grant	\$	2,418.55
#8	Other Trust	\$	250.00
#9	Other Trust	\$	201.00
#10	Recreation	\$	825.00

Payroll	\$	271,846.86	2nd Pay in March
Total	\$	1,353,946.28	

MOVED: Brian Lynch  
 SECONDED: Richard Carson

A roll call vote was taken:  
 AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker  
 NAYES: None  
 Resolution #11-54 was approved.

**RESOLUTION #11-55**

**AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH  
 VITAL COMMUNICATIONS, INC., FOR THE YEAR 2011  
 IN THE AMOUNT NOT TO EXCEED \$18,000.00**

WHEREAS, there exists a need for professional services for the Township of Vernon for the purpose of Computer software and services for Tax Assessment/CAMA, Tax Collection and Internet Access including tax billing and customer support; and

WHEREAS, the Township has determined that Vital Communications, Inc., the Township's current contractor providing these services, is qualified to continue providing the Township with such services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2011 Municipal Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Vernon desires to appoint Vital Communications, Inc., pursuant to a contract under the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that the value of the contract will exceed \$17,500.00; and

WHEREAS, the term of the contract will be from April 1, 2011 to March 31, 2012, with a total contract price not to exceed \$18,000; and

WHEREAS, Vital Communications, Inc. has submitted a Business Entity Disclosure Certification in compliance with applicable law.

NOW THEREFORE BE IT RESOLVED, this 28th day of March, 2011, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage Vital Communications, Inc., for the purpose of Computer Services for Tax Assessment/CAMA, Tax Collection and Internet Access; and
2. The Mayor is hereby authorized and directed to execute a Professional Services Contract with Vital Communications, Inc., attested by the Municipal Clerk.

This Professional Services Contract is awarded without competitive bidding (1) as a "Professional Service" under the provisions of the Local Public Contracts Law and/or (2) for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software.

A copy of this Resolution shall be published in the New Jersey Herald by the Municipal Clerk as required by law within ten (10) days of its passage and a true copy of same and the Professional Services Contract shall be available for inspection in the office of the Municipal Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

MOVED: Valerie Seufert  
 SECONDED: Harry Shortway

Council Member Carson asked Mr. Ursin to make sure that the paperwork would be issued.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #11-55 was approved.

#### **RESOLUTION #11-56**

#### **AUTHORIZING THE USE OF A HIGHER TAX COLLECTION PERCENTAGE IN THE 2011 BUDGET SO AS TO REDUCE PROPERTY TAXES IN 2011**

**WHEREAS**, the Township of Vernon, County of Sussex realized 96.16% of current tax collections for the year 2010; and

**WHEREAS**, the percentage of cash collections on current taxes for the three prior years were as follows:

<u>Year</u>	<u>Percentage</u>
2007	97.43%
2008	96.32%
<u>2009</u>	<u>96.09%</u>
 Average	 96.61%

**WHEREAS**, the Mayor and Council believe that it is in the best interests of the citizens of the Township of Vernon to use a higher percentage of collection than experienced in 2010 (the aforementioned 96.16%) to compute the year 2011 appropriation for the reserve for uncollected taxes.

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Council that permission be requested from the Director of the Division of Local Government Services to permit the Township to anticipate a current tax collection percentage (experience) of 96.61 (+/-) for the year ended December 31, 2011, the average of the prior three years.

MOVED: Richard Carson  
 SECONDED: Harry Shortway  
 Bob Benecke explained this issue.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker  
 NAYES: None  
 Resolution #11-56 was approved.

**RESOLUTION #11-57**  
 TRANSFER RESOLUTION – 2010 RESERVE BUDGET

**WHEREAS**, the Township of Vernon Municipal Budget requires certain modifications to cover potential prior years legal services for outside special counsel that may occur in excess of the reserve budget for the year 2010; and

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Vernon that the following Transfer of Reserve Appropriations (2010 Municipal Budget) in accordance with N.J.S.A. 40A:4-59 and are hereby approved.

<b>FROM:</b>		<b>TO:</b>	
10573320 - Group Health Insurance	30,841.79	Legal Services O/E	145,841.79
10570420 – Clerk O/E	15,000.00		
10571020 – Assessor’s O/E	10,000.00		
10576520 – Road Repairs & Maint. O/E	20,000.00		
10576720 – Fleet Management O/E	10,000.00		
10582020 – Utilities	25,000.00		
10577220 – Building & Grounds O/E	5,000.00		
10574500 – Police S&W	10,000.00		
10553120 – Recycling O/E	5,000.00		
10574600 – Radio Communications S&W	10,000.00		
10579420 – Park Maintenance O/E	5,000.00		
<b>TOTAL:</b>	<b>145,841.79</b>		<b>145,841.79</b>

MOVED: Valerie Seufert  
 SECONDED: Richard Carson  
 Bob Benecke explained the reason for this resolution, including the SCMUA fees (litigation).

A roll call vote was taken:  
 AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker  
 NAYES: None  
 Resolution #11-57 was approved.

**RESOLUTION #11-59**  
 AUTHORIZING THE AWARD OF CONTRACT FOR WATER TESTING AND ANALYSIS SERVICES FOR THE YEAR 2011 FOR MUNICIPAL FACILITIES IN THE TOWNSHIP OF VERNON

**WHEREAS**, there is a need for Water Testing and Analysis Services for Municipal Facilities for the year 2011; and

**WHEREAS**, said specified services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

**WHEREAS**, the Township received three (3) quotations for the services for Municipal facilities for 2011, based on required frequency by NJDEP; and

**WHEREAS**, the Township of Vernon is desirous to award a contract to the lowest quote from Garden State Laboratories, Inc. located at 410 Hillside Av., Hillside, NJ



07205 as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

**WHEREAS**, the Chief Finance Officer has certified that funds are available for this purpose subject to the adoption of the 2011 Municipal Budget; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of contract to Garden State Laboratories, Inc. located at 410 Hillside Av., Hillside, NJ 07205, pursuant to a 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 Water Testing and Analysis Services in accordance to the attached quotation.

This Resolution shall take effect immediately according to law.

MOVED: Richard Carson

SECONDED: Brian Lynch

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #11-59 was approved.

### **INTRODUCTION OF 2011 MUNICIPAL BUDGET**

Bob Benecke noted that the figures had been amended since last week, with a reduction of \$110,000.00.

Manager Giaimis advised that if anyone needed a copy of the budget paperwork, they should contact his office. He noted that he would put as much information as possible on the website. He gave a brief overview of the budget, referring to a sheet he had handed out to the Mayor and Council prior to the meeting. Mr. Benecke also spoke about the proposed 2011 Budget.

Council Member Lynch asked when the school figures would be known. Mr. Benecke advised that the school's budget vote was scheduled for Wednesday, April 27.

### **RESOLUTION #11-58**

#### **INTRODUCTION OF YEAR 2011 MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Township Council of the Township of Vernon, New Jersey, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011.

#### **GENERAL REVENUE**

Total Revenues	\$22,257,159.21
----------------	-----------------

#### **GENERAL APPROPRIATIONS**

Total Appropriations	\$22,257,159.21
----------------------	-----------------

**BE IT FURTHER RESOLVED**, that all items of revenue and appropriations, including unexpended balances of 2010 appropriations in the approximate sum of \$4,043.72 are hereby approved.

**BE IT FURTHER RESOLVED**, that the said budget be published on April 18, 2011 in the New Jersey Herald and that a hearing on the 2011 Budget and 2011 Tax Resolution will be held at the Vernon Municipal Building on April 28, 2011 at 7:00 p.m. or as soon thereafter as the matter may be reached.

MOVED: Brian Lynch

SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #11-58 was approved.

Bob Benecke noted that he believed the Town Center ordinance gave the Township Manager the authority to approve sign exceptions. He also noted that wind farms would not be easily enacted in the Highlands areas. He cautioned the governing body to be careful with zoning areas that could be used in ways the town does not want.

## **SECOND READING, PUBLIC HEARING ON PROPOSED BOND ORDINANCES**

Mayor Rinker spoke about the positive work session held on March 24<sup>th</sup>. She was not sure that Council was ready to finalize the process for these bond ordinances, but might still be in fact-finding mode.

Council Member Lynch advised that he was ready to move forward on Ordinance #11-07, especially for the DPW equipment. Council Member Carson agreed with Council Member Lynch, noting that both had seen the current DPW vehicles and their condition.

Council Member Carson questioned the filing cabinets listed in the ordinance. Mr. Giaimis noted that he had meant to delete those items.

Council Member Carson asked about the Rt.517/Maple Grange Road portion of the ordinance. Mr. Giaimis advised that the grant had been extended.

Council Member Shortway asked about the recreation items – specifically using funds from the recreation trust fund. Bill Zuckerman noted that there was \$165,000. The Council Member asked if that could be used for the items listed in the bond. Bob Benecke noted that trust funds are very restricted and those funds cannot be used for capital purposes.

Council Member Carson noted that \$3,081 for mechanical repairs that were listed in the last few bills paid were in large part for DPW vehicles.

Council Member Lynch moved to adopt Bond Ordinance #11-07 with amendments to remove certain items. Council Member Carson made the second.

Bob Benecke recommended adopting the bond ordinance as is and then immediately adopting a resolution cancelling the amounts to be removed. Mr. Ursin agreed with that process and explained that he could do a resolution memorializing their intent for the record.

Mayor Rinker read Ordinance #11-07 by title only. First reading was held on March 14, 2011.

MOVED: Council Member Lynch to adopt Bond Ordinance #11-07 as is.

SECONDED: Council Member Carson made the second.

### **ORDINANCE # 11-07**

#### **BOND ORDINANCE APPROPRIATING \$1,650,000, AND AUTHORIZING THE ISSUANCE OF \$1,571,000 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.**

**BE IT ORDAINED 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. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,650,000 including the aggregate sum of \$79,000 as the several down payments

for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and excluding, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$400,000 received or expected to be received by the Township from the New Jersey Department of Transportation or other agencies, as grants-in-aid of financing said improvement.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,650,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,571,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,571,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase and installation, as necessary, of new and additional equipment including, without limitation, security equipment for the Municipal Court, file cabinets and other equipment for the Personnel Department, bleachers and signs, together with all attachments, accessories, equipment necessary therefor or incidental thereto, all as shown on and in accordance with the plans therefor on file or to be filed in the office of the Township Clerk and hereby approved	60,000	56,800
(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law) including, without limitation, Canistear Road and the intersection of Route 517 and Maple Grange Road, together with all structures, appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, retaining walls, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$690,000 estimated cost thereof being exclusive of the sum of \$400,000 received or expected to be received by the Township from the New Jersey Department of Transportation or other agencies as	690,000	657,100

grants-in-aid of financing said improvement

(c) Acquisition by purchase of new and additional vehicular equipment including, without limitation, six (6) dump trucks with sanders and plows, two (2) trucks and one (1) roll off (recycling) truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

630,000

600,000

(d) Improvement of municipally-owned properties and facilities in and by the Township including, without limitation, the Municipal Building by the renovation of the heating, ventilation and air conditioning system, Maple Grange Park by the installation of safety lights, Pocket Park by the upgrade of the playground, the Animal Shelter by the renovation of the ceiling and various playgrounds by the installation of new equipment, together with for all the aforesaid all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

270,000

257,100

Totals

\$1,650,000

\$1,571,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.08 years.
- (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds

and notes provided for in this bond ordinance by \$1,571,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

- (d) Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by 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. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, 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 Section 40A:2-8 of said Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes 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 plus accrued interest from their dates to the dates of delivery thereof. 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 pursuant to this bond ordinance 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. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

*Gary Martinsen* – felt Council should cancel this ordinance if the information wasn't complete.

*Tom McClachrie* – agreed with restrictions on the Recreation trust fund; however since the Council created it in the first place, they can "un-create" it. He felt there would be

even more tax appeals next year. He noted that anything above \$500,000 or any bonding should be put before the voters for approval.

Council Member Carson asked Dave Pullis, DPW Supt., what would happen with the current vehicles to be retired. Mr. Pullis advised that he was hoping to auction them off to possibly offset the cost of some of the new equipment. Mayor Rinker noted that they had discussed a large auction, possibly with another town or two.

Mr. Giaimis noted the memo received from Lt. Mills on their requests, as well. Council Member Carson asked Chief Wherry how often the repeaters needed to be repaired. The Chief responded that they don't need it often, but if it goes down, it would take 6-8 weeks to get a new system.

Mayor Rinker agreed with Mr. Martinsen, as she was not sure that all information was in. She hoped that if the ordinance was adopted that all efforts would be made to recoup or bring in some monies to offset the impact.

Council Member Carson asked Mr. Giaimis about the in-car video system – if he anticipated a decrease in liability insurance. Mr. Giaimis noted that he asked that question, but was told that it would not decrease.

The Mayor closed the Public Hearing.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #11-07 was adopted.

Council Member Lynch moved to cancel \$24,680 from Bond Ord. #11-07 for filing cabinets, bleachers, time clocks, and signs. Mayor Rinker made the second. All Council Members voted in favor.

Mayor Rinker read Ordinance #11-08 by title only. First reading was held on March 14, 2011.

MOVED: Richard Carson

SECONDED: Harry Shortway

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

*Timothy David, Chief of Highland Lakes Fire Dept.* – advised that he was looking for a grant to cover the expenses. If one was not available, then he would ask again in 2012.

Council Member Carson asked the Vernon Chief if the reductions he suggested for rescue equipment would be ok in the event of a call. The Chief assured him that they would be. The Council Member asked about the chance to reduce the amount for the rescue truck. The Chief advised that pre-paying or purchasing a demo could reduce the total cost. The Council Member noted that stock trucks and demos might not hold up as well. The Chief advised that the standards are the same, but it could be a savings of \$35,000. The Council Member asked about the navigation equipment. The Chief noted that he proposed reducing that amount due to donation of an MDT per department from the OEM last week. Mayor Rinker asked about equipment for grants – are grants even obtainable. The Chief advised that equipment is actually more positive with grant monies. Council Member Carson asked if they needed to utilize a grant writer from the Township. The Chief said that would be helpful.

Mayor Rinker asked for more information about the replacement engine. She was advised that 2 vehicles would be \$910,000 together, but individual numbers were not available as it had been quoted as a "package. He though it probably broke down to something like \$490,000 and \$410,000. Council Member Shortway asked about the pumper – could it be re-certified if repaired. He was advised that it could.

Council Member Carson asked if other items had been considered to be reduced. The response was that an auction or trade-in of equipment/vehicles to offset the costs, as well as providing mutual aid to each other. Mayor Rinker was concerned with replacement equipment. She wondered if they were counting on a grant, would safety equipment be in jeopardy if grants were not obtained. She asked what the grant deadline was. She was advised that they could start the following week, but the determination could take a year or two.

Mayor Rinker asked the Pochuck Chief about his requested support vehicle. The Chief explained what this was for, noting that the only other support vehicle is the Chief's car (a Blazer). The Mayor asked if other avenues could be found, such as a used vehicle. Council Member Carson noted the previous suggestion of Mr. Martinsen to utilize military equipment, but pointed to the need for safety and the equipment needed to do their job properly. The Mayor advised that she had written herself a note that there was a 10-yr. overhaul. The Chief advised that some departments were due next year depending upon when they got their equipment. He advised that some items could be refurbished if possible.

Council Member Shortway asked for actual costs for turnout gear and breathing apparatus. Council Member Carson asked if the numbers for the support vehicle could be reduced. Mr. Giaimis noted that, if authorized, he would work with the Departments to get something to fit their needs as economical as possible, even if it was used.

Mayor Rinker asked the Highland Lakes Chief if he had a more definite price on the repair/refurbish. He advised that it would not exceed \$275,000.

Council Member Shortway and Mayor Rinker suggested getting more information for the meeting on April 11. Council Member Shortway advised that he was willing to assist them.

A Vernon Fire Department member expressed concern with Council being able to adopt the other ordinance and then cancel amounts, but not being willing to do the same for this ordinance. He noted that they had just offered to reduce the amount by about \$500,000. Mr. Ursin advised that this amount is more significant than the other amount, and therefore the ordinance would have to be amended and could not be handled the same as the other one. The fireman didn't understand why their efforts were being rejected when at the introduction it appear that the Council was ready to go forward.

*Phyllis MacPeck* applauded their efforts to reduce their requests from the introduced amount.

*Gary Martinsen* thought they did a great job at addressing Council's concerns and working well with each department.

*Ted Warnet* – asked about passing the ordinance and waiting to change it until after the grant determination when they would (hopefully) be able to reduce it.

Mayor Rinker felt it was best for the taxpayers if the numbers were reduced as low as possible from the beginning. Council Member Carson asked the Manager when he could fine-tune the numbers with the Chiefs. Mr. Giaimis advised that he could meet with them and that it would take about 2 days from then for bond counsel to revise the numbers. Council Member Carson suggested maybe having a special meeting to take care of this before the next meeting. Mayor Rinker advised that she would meet as soon as possible with the Manager, Council Member Shortway, and the Chiefs.

*Tom McClachrie* re-iterated his position of putting it before the voters. He suggested modifying bid specs to get a better price on the vehicles. He noted his concern with the air tanks as that was a need that was imperative.

Mayor Rinker moved to table bond Ordinance #11-08. Council Member Seufert made the second. All Council Members voted in favor. The ordinance was tabled to the next meeting.

Council Member Seufert asked Mr. Ursin when he could bring the sign ordinance to Council. Mr. Ursin advised that he would have it ready for the April 11 meeting.

Mayor Rinker advised that April was Child Advocate Month, and that Governor Christie had declared Friday, April 8 as Child Advocate Day. He was asking people to wear denim and donate \$5.00 in support.

The Mayor asked that candidates not use the Council meeting for campaigning.

Council Member Carson spoke about the FAA issue. He asked Mr. Giaimis if he had made any progress with Senator Lautenberg on this. When Mr. Giaimis advised that he had not made any headway, the Council Member asked for a report for the April 11 meeting.

### **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 Lynch. Motion seconded by Council Member Seufert with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:30pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR  
Municipal Clerk

Minutes approved: May 23, 2011