

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

March 4, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:09 p.m. on Thursday, March 4, 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 February 24, 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 Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Acting Manager/Municipal Clerk and Municipal Clerk Robin Kline and Township Attorneys John Ursin and Howard Vex. Council Member Richard Carson was absent.

SALUTE TO THE FLAG

The Mayor led the assemblage in the salute to the flag.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Gary Martinsen, Vernon resident, thanked the Council for voting to allow sandwich signs to be displayed by Township businesses during the holidays. Mr. Martinsen also provided copies of Bloomfield Township's ordinance in regard to sandwich signs. Mr. Martinsen then clarified that the Beautification Committee and Aspen offered landscaping services, but it should be noted that some of the small businesses in the community would have helped but could not afford it.

Adam Paladini, [REDACTED], questioned Title 39 regarding pedestrians in cross walks, and stated that there is a problem with the enforcement of pedestrians crossing at Mountain Creek, and vehicles backing up into the roadway. Township Attorney John Ursin will mention the issue to the Police Chief.

Thomas McClachrie, Vernon Taxpayers Association, questioned whether taxes have been paid by the North Woods and Sammis properties. Redevelopment zones shift taxes to the residential base and devalue assets. Mr. McClachrie questioned Resolution 10-62 and had a problem with the undoing of disciplinary action regarding Officer Herring. The Township Attorney explained that the disciplinary action was not removed and it will remain part of the official record.

Mark Izzo, Department of Public Works, read a statement on behalf of Vincent Speziale, Bob Oakley and himself regarding laying off Department of Public Works employees and the affect on public safety.

Elaine Coliani, commented that her taxes have increased 500% in 34 years, and questioned Police Officer Hering's retirement settlement. Ms. Coliani further commented that money is being thrown away when the Tax Collector's office provides tax sale notices for amounts below ten dollars.

Dan Borstadt, McAfee, commented on the sewer fees that were believed to be paid by users. Mr. Borstadt applauded the Vernon Township Police force and the Road department, and suggested that Vernon change from a Manager form of government to an Administration form.

Gary Martinsen, Vernon resident, questioned if all items were previously approved for the Sammis property and if so, why is the item on the current Agenda.

Pennie Roland, Personnel department, asked the Township Council to consider an alternative to laying off Vernon Township employees.

Jennifer Reuss, Employee at the Vernon Department of Public Works, commented that she had an opportunity to ride in a D.P.W. plow truck during the recent snow storm and filmed the event. Ms. Reuss stated that the job is overwhelming for plow drivers and safety is a major concern while plowing.

Acting Manager/Municipal Clerk Robin Kline commented that she has spoken with some Department of Public Works employees and thought that the public and the Council should view the film of employees plowing local roads during a snow storm to see what it is like. After the film, the Council expressed their gratitude to the Department of Public Works employees for a job well done during the recent snow storm.

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

AMEND THE AGENDA

Township Attorney John Ursin stated Council Member Richard Carson was unable to attend tonight's meeting; however, Mr. Carson wishes to phone in to vote on Council Appointments.

Council Member Michael Pier made a motion to amend the agenda to move the Appointments to this point in the agenda, seconded by Council Member Valerie Seufert with all in favor.

Council Member Richard Carson joined the meeting by speakerphone at this time.

LAND USE BOARD

A motion was made by Council Member Valerie Seufert to appoint the following individuals to the Land Use Board, seconded by Council Member Richard Carson.

Council Member Harry Shortway commented that while running for office Mr. Benda received a large amount of votes which demonstrates confidence from the public. Council Member Richard Carson stated that this was a difficult choice.

Jessica Paladini, unexpired 3-year term expiring 12/31/10

A roll call vote was taken:

AYES: Carson, Seufert, Rinker

NAYES: Pier, Shortway

ENVIRONMENTAL COMMISSION

A motion was made by Council Member Valerie Seufert to appoint the following individuals to the Environmental Commission, seconded by Council Member Michael Pier.

Carol Gunn-Kadish, Vacated Class IV seat, unexpired term ending 12/31/2010

Jessica Beutel – Alternate #1, 2-year term expiring 12/31/2011.

A roll call vote was taken:

AYES: Carson, Pier, Seufert, Shortway, Rinker

NAYES: None

At this time, Council Member Richard Carson hung up and ended his participation in the meeting.

Budget Work Session Report

The Council and Acting Manager requested Mr. Benecke to review his Budget Summary and it will also be posted on the Township's Website.

Redevelopment Plan

Mr. Bob Benecke stated that there are five redevelopment plans and three designated redevelopment areas in Vernon Township which are McAfee Village, Mountain Creek and the Town Center. The Looney Ricks Kiss Architect's report was implemented as part of the Town Center Redevelopment Plan.

There were issues with the Legends Hotel such as a blighted structure called Bunny Huts, which was designated as a separate zone with unique features. If Legends does not follow the approvals, the Township can change the redevelopment ordinance. The Sammis property had issues with certain areas and there should be no owner occupied residential housing in the redevelopment plan. Mountain Creek is part of the State endorsed Town Center, and part of the conditions include the execution of a Redevelopment Agreement. Northwoods is a blighted property on the north side of Mountain Creek. These blighted commercial properties are shifting the tax burden to residents.

Mr. Benecke stated that if the Office of Smart Growth agrees to Vernon Township's Redevelopment Designation it would aid in the development of the property in the future.

MANAGER'S REPORT

Snow Storm Efforts

Acting Manager/Municipal Clerk Robin Kline applauded the efforts of the Department of Public Works during the recent snow storm, and stated that the department logged 707 hours of work time during five days.

Layoff Plan

Acting Manager/Municipal Clerk Robin Kline stated that the budget is very tight and that the amount of State Aid is unknown. The proposed layoffs are for two patrol officers, Director of Planning and Development, Surveyor, Personnel Director, Principal Benefits Clerk, Building Sub Code Official, Supervisor of Public Works, Public Works Repairer and a Public Works Mechanic. A retirement would account for one of the patrol layoffs and the second may be an officer filing for permanent disability. The savings are estimated to be about \$632,000.00. The Civil Service Commission will take thirty days to approve the plan.

The Council needs to provide direction to the Township Manager's office. As an alternative to layoffs, bargaining units can offer givebacks, and furloughs may be implemented but only to certain groups. Acting Manager/Municipal Clerk Robin Kline asked that the Council Members discuss different options.

Tax Collector

Resolution 10-56 regarding In Rem Tax Foreclosures contains 59 properties that have been delinquent since the 1980s and represent \$2 million in lost tax revenue.

Finance Department

Acting Manager/Municipal Clerk Robin Kline reported that the Township has saved over \$3,000.00 by eliminating service mats. The Township is also saving \$400.00 a month on pagers that are not in use. Two requests to license computer software were eliminated saving \$1,000.00. The Department of Transportation has put certain street lights on a timer to reduce light bills. Two cell phones were eliminated saving \$1,026.00. The total cost savings is \$6,500.00.

Energy Audit Grant – Reimbursement Approved

The reimbursement costs have been filed and approved. The cost of the Energy Audit was \$11,499.00, under the grant program the Township has applied for, the Township will receive a reimbursement in the amount of \$8,624.25.

Property Acquisition Payment from Sussex County

Sussex County owes Vernon Township \$41,000.00 for the acquisition of a property from a few years ago. A letter was sent by Robin Kline to the County requesting those funds; she also met with the County Administrator as a follow up.

Recruitment of Township Manager

The Township Manager job announcement was placed on the New Jersey State League of Municipalities Website. Mayor Sally Rinker asked that the announcement request six copies of each resume from applicants. The Mayor also requested that the residency requirement be waived. Acting Manager/Municipal Clerk Robin Kline stated this would have to be done by ordinance and requested the Township Attorney to prepare an ordinance to address the residency requirement.

Subpoena for Township Records

The subpoena for the Township Records has been completed. Those records were delivered on Monday, February 22nd and additional documents from the Manager's Office were delivered on Wednesday, March 3rd. The Township is now waiting to hear where to go from here.

SCMUA Solid Waste Collection Fees

All solid waste generated in Sussex County must be transported to the Sussex County Municipal Utilities Authority landfill. A debt payment shortfall related to the construction and expansion of the landfill will be passed on to the Vernon residents in the amount of \$424,000.00. The information will be placed on the Website to notify all residents.

Recommendation to Go Back to a Five Day Work Week

The Township Council previously agreed that the five day work week be reinstated. The U.A.W. opposed the five day work week for various reasons. Ms. Kline asked that the five day work week begin with pay period nine or approximately March 29, 2010.

Council Member Valerie Seufert made a motion to begin the five day work week with pay period number nine, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Shared Services Agreement

Mr. Brian Palaia reported that a shared services agreement is being prepared with Sussex Borough relating to the Sub Code Official, Construction Services and Animal Control. The agreement will be presented at the next Council meeting.

Police Athletic League Agreement

Acting Manager/Municipal Clerk Robin Kline reported that a meeting will be held Monday, March 8th to discuss the Police Athletic League agreement. There may be potential shared services with the School District Superintendent and Business Administrator.

Pitney Bowes Lease

The Township is weighing the option of leasing the Pitney Bowes machine versus purchasing it, as the lease expires on March 31, 2010. Ms. Kline recommended buying out the lease.

Municipal Building HVAC

Johnson Controls evaluated the mechanical system and returned to retrieve the data, which ultimately was unsuccessful. Many components are beyond serviceable life and Lou Kneip, Director of Planning and Development has drafted bid specifications for an HVAC Component Replacement.

Reform to OPRA – Bill A-426

Bill A-426 exempts the Municipal Clerk from personal liability provided that it can be proven that a Municipal Clerk has exercised due diligence in attempting to collect a

record requested under OPRA. This would be done by documenting at least two attempts to collect the requested record within seven days. The municipal official in possession of the record will be deemed to be the custodian of the record and therefore liable for penalties.

Consolidation of Assessor, Tax Collector and Animal Control

There is a bill that will propose the consolidation of the Assessor, Tax Collector and Animal Control. Ms. Kline provided a copy to the Council for review.

Municipal Parking Plan

The Police department has parking protocols in place which works well for Police shifts. Fourteen spaces in the left rear of the parking lot will be set aside for Township vehicles.

New Jersey Department of Transportation Railroad Crossing Closure

The New Jersey Department of Transportation is looking into detour routes while a railroad crossing on Route 94 in McAfee is under construction for four days. It was requested that no construction be done during September. The New Jersey Department of Transportation will schedule a pre-construction meeting to discuss the details.

Township Attorney's Report

Township Attorney John Ursin explained that a commercial developer has provided a letter of interest regarding the McEwin property. The Township Council requested that a resolution authorizing an auction be prepared.

Mayor Sally Rinker requested a parcel based map showing Township owned property.

Sprint Nextel would like to build a cell tower on a property which was previously transferred to the Glenwood Ambulance Squad, which would provide revenue to the Township and/or the Squad in the amount of \$18,000.00. The Township would need to lift a deed restriction to move forward.

Attorney John Ursin suggested that the scanner resolution be tabled once again.

Attorney John Ursin reported that the contracts for the Municipal Services Agreement where local lake communities are reimbursed for services is close to being finalized.

APPROVAL OF MINUTES

January 14, 2010 Regular Meeting Minutes

Council Member Harry Shortway made a motion to approve the January 14, 2010 Regular Meeting Minutes, seconded by Council Member Michael Pier.

A roll call vote was taken:

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

NAYES: None

ABSTAIN:

January 14, 2010 Executive Session Meeting Minutes

Council Member Harry Shortway made a motion to approve the January 14, 2010 Executive Session Meeting Minutes, seconded by Council Member Michael Pier.

A roll call vote was taken:

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

NAYES: None

ABSTAIN:

RESOLUTIONS REQUIRING 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.

Council Member Valerie Seufert made a motion to table Resolution #10-18, seconded by Council Member Michael Pier.

A roll call vote was taken:

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

NAYES: None

Resolution #10-18 was tabled.

RESOLUTION #10-53

AUTHORIZING VERNON TOWNSHIP TO PARTICIPATE IN THE PARIS GRANT ELECTRONIC DOCUMENT MANAGEMENT SYSTEM IMPLEMENTATION PROJECT TO BE SPONSORED BY THE COUNTY OF SUSSEX.

WHEREAS, Vernon Township has completed a Needs Assessment and Records Management Strategic Plan that has been approved by the New Jersey State Records Committee; and

WHEREAS, Vernon Township is now eligible to apply for PARIS Grant funding; and

WHEREAS, the County of Sussex is applying for a 2010 PARIS Grant from the State Division of Archives and Records Management to assist with the implementation of Electronic Document Management System (EDMS) technology offered as a Shared Service for participating Municipalities; and

WHEREAS, the State of New Jersey has made PARIS Grant funds available to assist county and municipal governments in their records management, preservation and storage efforts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that Vernon Township shall participate in the PARIS Grant Electronic Document Management System Implementation Project to be sponsored by the County of Sussex.

Council Member Valerie Seufert moved to approve Resolution #10-53, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-53 was approved.

RESOLUTION #10-54

AUTHORIZING A MUTUAL AID AND ASSISTANCE AGREEMENT WITH THE COUNTY OF SUSSEX, NEW JERSEY TO PROTECT LOSS, DAMAGE OR DESTRUCTION BY EMERGENCY SITUATIONS

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the County of Sussex has adopted the NMIS as the standard for incident management and directed its use for all emergency incidents; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Act”, N.J.S.A., App. A:9-30, *et seq.*, (the “Disaster Control Act”) provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency in the Governor, who shall have the authority over the resources of each and every political subdivision of the State to cope with any condition that shall arise out of such emergency; and

WHEREAS, in addition to the Disaster Control Act, the “Fire Service Resource Emergency Deployment Act”, N.J.S.A. 52:14E-11, *et seq.*, establishes a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger of destruction of fire, explosion or other disaster; and

WHEREAS, the director of the Division of Fire Safety in the Department of Community Affairs promulgated rules commonly referred to as the “Fire Service Resource Emergency Deployment Regulations”, N.J.A.C. 5:75A-2.2, specifically requires municipalities to adopt a local fire mutual aid plan; and

WHEREAS, in accordance with the above-stated statutes and regulations, the County of Sussex has entered into a Mutual Aid and Assistance Agreement with several municipalities located in Sussex County to protect against loss, damage or destruction by “Emergency Situations” as defined in that agreement, and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property in each individual jurisdiction; and

WHEREAS, as a matter of health, safety and public welfare, it is in the best interests of the residents of Vernon Township for the Township to become a signatory to the Sussex County Mutual Aid and Assistance Agreement to similarly protect against loss, damage or destruction by emergency situations and to address those situations when additional aid and assistance is needed to protect the Township's residents and their property.

THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to execute on behalf of the Township of Vernon a Mutual Aid Agreement between the Township of Vernon and the County of Sussex, a copy of said agreement shall be placed on file in the office of the Township Clerk upon execution thereof.

Council Member Valerie Seufert moved to approve Resolution #10-54, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-54 was approved.

RESOLUTION # 10-55

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	\$1,634,008.50	Vernon BOE
#2	Current	\$3,419,372.46	County Taxes
#3	Current	\$ 842,781.30	Vernon BOE
#4	Capital	\$ 117.26	
#5	Capital	\$ 43,126.00	
#6	Planning & Zoning	\$ 1,369.25	
	Payroll	\$ 365,829.57	2nd pay in Feb 2010
	Total	\$6,306,604.34	

Council Member Valerie Seufert moved to approve Resolution #10-55, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-55 was approved.

RESOLUTION #10-56

AUTHORIZING IN REM FORECLOSURE PROCEEDINGS

WHEREAS, the Township of Vernon holds Tax Certificates more specifically set forth in the annexed Tax Foreclosure List, which pertain to property within Vernon Township; and

WHEREAS, the Township Council of the Township of Vernon has determined that said Tax Certificates shall be foreclosed by summary proceedings In Rem.

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

That the Tax Certificates, as shown on the annexed Tax Foreclosure List, now held by the Township of Vernon, be foreclosed by summary process In Rem as described in N.J.S.A. 54:5-104.29, et.seq., as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

Council Member Michael Pier moved to approve Resolution #10-56, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-56 was approved.

RESOLUTION #10-57

TOWNSHIP OF VERNON TEMPORARY BUDGET 2010

<u>SEWER OPERATING</u>	
Sewer Operating	<u>\$ 5,000.00</u>
TOTAL SEWER OPERATING	\$ 5,000.00

<u>AMENDMENT TO MUNICIPAL TEMPORARY BUDGET</u>	
Recycling O/E	\$ 23,750.00
DPW O/E	<u>\$ 62,000.00</u>
TOTAL MUNICIPAL BUDGET	\$ 85,750.00

BE IT RESOLVED, by the Township Committee of the Township of Vernon that the above Temporary Budget be approved for the year 2010 in accordance with 40A:4-19.

Council Member Michael Pier moved to approve Resolution #10-57, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-57 was approved.

RESOLUTION #10-58

AUTHORIZING THE TOWNSHIP OF VERNON TO USE AWARDED GRANT MONIES
TO PAY HAROLD E. PELLOW & ASSOCIATES, INC., FOR PROFESSIONAL
SERVICES IN THE AMOUNT OF \$16,156.63

WHEREAS, the Township of Vernon authorized the consulting firm of Harold E. Pellow & Associates, Inc. to apply for and administer a \$50,000.00 grant from the Highlands Council to analyze Plan Conformance to the Highlands Regional Master Plan via Resolution #09-21; and

WHEREAS, the Highlands Council Grant Administrator had advised in writing that Vernon Township is entitled to an amount not to exceed \$100,000.00 per Highlands Council Resolution 2008-73 and per the grant award, provided proper invoices are submitted justifying the work performed; and

WHEREAS, Harold E. Pellow & Associates, Inc. has completed the work and submitted invoices for Module 2 – Land Use and Resource Capacity Analysis and Module 4 – Highlands Environmental Resource Inventory in the total amount of \$16,156.63; and

WHEREAS, the Chief Financial Officer of the Township of Vernon has certified the funds for this payment in Account #11557815 – Highlands Regional Master Plan Modules 1-7 Grant.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor Harold E. Pellow & Associates, Inc., be paid for the services rendered in the amount of \$16,156.63; 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 #10-58, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-58 was approved.

RESOLUTION #10-59

AUTHORIZING AND DIRECTING THE MUNICIPAL ATTORNEY TO SETTLE THE LAWSUIT ENTITLED MAROTTA v. TOWNSHIP

WHEREAS, the Township is currently a defendant in the lawsuit entitled Marotta v. Township of Vernon;

WHEREAS, some of the issues presented in the lawsuit have been resolved with the Judge determining that the lawsuit had merit;

WHEREAS, the Township Council wishes to conclude the matter without any further litigation costs or exposure to an award of attorney's fees;

WHEREAS, a settlement has been negotiated and accepted by both parties;

NOW THEREFORE IT BE RESOLVED by the Council of the Township of Vernon that the municipal attorney is hereby authorized to settle the above referenced lawsuit with the Township making a \$5,000.00 payment to the plaintiff for partial reimbursement of attorney's fees and the execution of a Stipulation of Dismissal with Prejudice so that the matter is concluded.

Council Member Michael Pier moved to approve Resolution #10-59, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-59 was approved.

RESOLUTION #10-60

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO REMOVE A DEED RESTRICTION ON 324 WEST LAKESHORE DRIVE, BLOCK 150.09 LOT 6

WHEREAS, the Township of Vernon imposed a Deed restriction on 324 West Lakeshore Drive, Block 150.09 Lot 6 for the purpose of securing advanced treatment of septic effluent and advising subsequent property owners of the condition on the property;

WHEREAS, new construction on the property has rendered this Deed restriction unnecessary;

WHEREAS, attached to a copy of this Resolution is a February 19, 2010 letter from Emrick G. Seabold of the Sussex County Health Department giving the opinion that the Deed restriction is no longer necessary.

NOW THEREFORE IT BE RESOLVED that the Mayor and Acting Manager/Municipal Clerk are hereby authorized to sign an instrument removing the above referenced Deed restriction.

Council Member Valerie Seufert moved to approve Resolution #10-60, seconded by Council Member Harry Shortway.

Township Attorney John Ursin explained that the deed restriction is no longer necessary after a problematic septic system was replaced.

A roll call vote was taken:

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

NAYES: None

Resolution #10-60 was approved.

RESOLUTION #10-61

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO SIGN A LEASE AGREEMENT WITH THE COUNTY OF SUSSEX FOR NUTRITION SITE PREMISES FOR SENIOR CITIZENS

WHEREAS, Vernon Township has available space in the Senior Citizen Center; and

WHEREAS, there is a continuing need for space to offer meals to accommodate approximately 75 senior citizens per day; and

WHEREAS, the Township of Vernon has offered, for appropriate compensation, to allow the County of Sussex to utilize a portion of the Senior Citizen facility for the Vernon Nutrition Site Operation project as per attached lease agreement; and

WHEREAS, the lease agreement is attached hereto and made a part hereof; and

WHEREAS, the compensatory amount for the use of this facility is \$2,400.00 for the agreement year.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, New Jersey as follows:

1. That the Township Council of the Township of Vernon hereby authorizes and directs the Mayor and Township Clerk to execute the attached lease agreement between Vernon Township and the County of Sussex for use of the Vernon Township Senior Citizen Center for the Vernon Nutrition Site Project.
2. That the parties shall comply with the reporting requirements of N.J.S.A. 40A:12-14(c).
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
5. This Ordinance shall take effect after publication and passage according to law.

Council Member Valerie Seufert moved to approve Resolution #10-61, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-61 was approved.

RESOLUTION #10-62

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON TO EXECUTE THE RETIREMENT AND SEPARATION AGREEMENT FOR POLICE OFFICER DAVID HERING

WHEREAS, David Hering is employed by the Township of Vernon as a Police Officer;

WHEREAS, Officer Hering desires to retire;

WHEREAS, last year, there were disciplinary proceedings concerning Officer Hering;

WHEREAS, Officer Hering continues to appeal the discipline imposed;

WHEREAS, it is advantageous for the Township for budget and other reasons to have Officer Hering retire;

WHEREAS, the parties have negotiated a Retirement and Separation Agreement to conclude all of the issues between the Township and Officer Hering;

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that the Acting Manager is authorized to execute the Retirement and Separation Agreement on behalf of the Township provided that Officer Hering issues a letter of retirement and all of the other required paperwork to retire effective April 1, 2010.

Council Member Harry Shortway moved to approve Resolution #10-62, seconded by Council Member Valerie Seufert.

Mayor Sally Rinker recused herself from the discussion.

Township Attorney John Ursin reported that the fixed retirement date is April 1st which could have budget implications. There is some disagreement regarding the number of days that Officer Herring has accumulated.

A roll call vote was taken:

AYES: Michael Pier, Valerie Seufert, Harry Shortway

NAYES: None

Resolution #10-62 was approved.

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 Michael Pier made a motion to table Resolution #10-63, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-63 was tabled.

FIRST READING ON PROPOSED ORDINANCES

Mayor Sally Rinker read Ordinance #10-03 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-03 upon introduction, seconded by Council Member Harry Shortway.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-03 was approved as introduced. Public Hearing to be scheduled for March 25, 2010.

COUNCIL DISCUSSION

Council Member Valerie Seufert questioned the unsightliness of the Herold Square area. Mr. Lou Kneip reported that the Township was waiting for snow to melt before an onsite meeting, and that a berm may help to screen the building.

Mayor Sally Rinker requested a vote so that the the Screening Committee may look at resumes for the Township Manager position, and also to make contact with applicants so that recommendations can be made. Council Member Harry Shortway made a motion to establish a Screening Committee, seconded by Council Member Harry Shortway, with all in favor.

Council Member Harry Shortway commented on dumpsters at the Transfer Station and asked that action be taken. The Zoning Official visited the site after a summons was filed. Acting Manager/Municipal Clerk Robin Kline will follow up with the Zoning Official.

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 Mayor Sally Rinker with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:59 p.m.

Respectfully submitted,

Andrea Bates
Deputy Clerk

Minutes approved: April 22, 2010