

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL REGULAR MEETING

April 11, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:05 p.m. on Monday, April 11, 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 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, Brian Lynch, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin. Council Member Harry Shortway joined the meeting at 6:40 p.m. Council Member Valerie Seufert joined the meeting later by speakerphone.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:07 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Brian Lynch made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Richard Carson 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 is:
 - a. Contract matter - Auction/Sale of Township Property Block 124.17 Lot 11. Executive Session minutes will be released to the public upon the conclusion on this matter.
 - b. Contract matter - Main St. Associates Developers Agreement. Executive Session minutes will be released to the public upon the conclusion of this matter.
 - c. Potential Litigation - S.C.M.U.A. Conflict Counsel Presentation. Executive Session minutes will be released to the public upon the conclusion of this matter.
 - d. Contract Negotiations – Municipal Services Agreement. Executive Session minutes will be released to the public upon the conclusion of this matter.
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 6:07 p.m.

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The meeting was reopened to the public at 7:29 p.m. 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.

SALUTE TO THE FLAG

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

AUCTION OF TOWNSHIP PROPERTY

Block 142.01 L 1 otherwise known as the Faline Building – per Ordinance #11-02. Mr. Ursin explained the conditions of the sale which are stated in the ordinance. There were no bids on the property; Mr. Ursin suggested it be referred back to the Real Estate Committee or the Council could make a determination to any changes in price, etc. The Mayor stated she was in favor of contacting a realtor to be put on the multiple listing. Mr. Ursin will advise the Township Manager Mr. Giaimis as to what has to be in the listing agreement. Council Member Valerie Seufert offered to meet with the Mayor to discuss this as she is a member of the Real Estate Committee.

PRESENTATIONS AND SPECIAL ITEMS

Mayor Rinker read Resolution #11-62 and presented a framed copy to the Vietnam Veterans. The Veterans were thanked for the flags that were given to the Municipal Building as well.

RESOLUTION #11-62

RESOLUTION IN SUPPORT OF THE ENDEAVOR BY THE WALLKILL VALLEY CHAPTER 1002 OF THE VIETNAM VETERANS OF AMERICA EFFORT TO CONSTRUCT A VETERANS CEMETERY IN NORTHERN NEW JERSEY

WHEREAS, the Township of Vernon strives to be a place where military veterans can feel at ease, and,

WHEREAS, the Vernon Township Council would like to join the County of Sussex in continuing a long tradition of honoring those who gave their lives for their country, and,

WHEREAS, the Vernon Township Council recognizes that there are no veterans cemeteries in Northern New Jersey and families of those who gave their life for their country need to travel hours in order to pay respects to their loved ones, and,

WHEREAS, there is a desperate need for additional burial spaces for our World War II veterans who are dying at a national rate of 1,000 per day, and

WHEREAS, Korean War veterans who are in their 60's and 70's; and Vietnam Veterans, who are in their 50's and 60's, will also need space, and

WHEREAS, the Vietnam Veterans of America, Wallkill Valley Chapter 1002 seeks support from the Township in their pursuit of this worthy endeavor in Sussex, and,

WHEREAS, supporting this endeavor is not only a way to remember those who died for their county, but also those who were prepared to make the supreme sacrifice for their country in defense of those sacred ideals of liberty, freedom, and justice for all, and,

WHEREAS, President Abraham Lincoln said in the Gettysburg Address that it is for, *“us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that*

this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.”

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, that the Township Council supports the proposed efforts of the Veterans of America, Wallkill Valley Chapter 1002 that a veteran’s cemetery be located in Northern New Jersey, Sussex County, in the honor of those who gave the greatest sacrifice.

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #11-62 was approved.

Mayor Rinker noted the Girl Scout award for Julie Ann Buruchian will be rescheduled to the next Council meeting.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Gary Martinsen, spoke on the Bond Ordinance #11-08, and stated the equipment is much needed. And said a disservice was done to Ordinance #11-07. Mr. Martinsen offered some suggestions for locations in Vernon for a storage site for IT; and suggested leasing DPW plow trucks.

Jeanne Jamison spoke for the *Vernon Township Association of Private Communities*, they have attended many Council meetings and are still waiting for an answer in regard to the snow plow reimbursement. They assumed the report that has been promised to them is not completed, and asked when they will see the resolution to this issue. Mayor Rinker stated the report has been finalized and the Council just received it this evening. The Council will look it over and release it to the public on Monday, April 18th. Council Member Lynch asked that it be put into a motion. John Ursin explained that this was an item discussed in Executive Session.

Council Member Brian Lynch made a motion that the Council will receive the final report this week, Monday, April 18, 2011, and it will be released to the public when received by the Clerk’s office. Mayor Rinker seconded the motion with all in favor.

Tom McClachrie, *Vernon Taxpayers Association*, stated that property taxes were too high. Mr. McClachrie spoke regarding the Land Conservancy with respect to Resolution #11-65. Mayor Rinker stated she would like to use them more, they offer services and grants. Mr. McClachrie also spoke regarding the Bond Ordinance #11-08 and said it is a worthy ordinance, but should be put before the voters. Regarding Ordinance #11-11, Municipal Utilities Authority, it doesn’t say anything about the conveyance of waste water; and needs to be more limited.

John Ursin advised that in the N.J. Statutes the reference to 40:14b-1 relates to Municipal Utilities Authority, powers, and restrictions, etc. Ordinance #11-11 follows the State Statute but focused on sewer usage in the future. Mayor Rinker asked for a work session on creating this Ordinance #11-11 Council Member Richard Carson noted his agreement and the concerns he had; with Council Members Lynch and Shortway in agreement.

Phyllis MacPeek, *Vernon*, advised the public about the Rabies Clinic this Saturday, April 16, from 10 – 1, at the DPW site in Vernon.

Jessi Paladini, stated this is the third summer and the seventh Manager, and the heating and cooling system is still not repaired. Ms. Paladini asked for an update on the system. Ms. Paladini asked for postponement of Ordinance #11-11 until after the work

session. Ms. Paladini was in agreement with Mr. McClachrie regarding the Municipal Utilities Authority. Ms. Paladini asked if the PEOSHA violations were all met by April 1st, Mr. Giaimis said they were. Ms. Paladini was glad to see Executive Session minutes on the agenda but also mentioned they were 3 months late despite a court order – also no regular minutes are on the agenda. Ms. Paladini questioned the salary of the new Purchasing Agent; Mr. Giaimis stated it is \$60,000. per year which is less than the outgoing purchasing agent. Ms. Paladini noted that the new contract for the water testing is a 500% reduction from the first one that was approved and rescinded. Ms. Paladini stated that regarding telephone voting, the Township Code does not address this. The Code does say that the Council must follow Roberts Rules of Order; she stated this seems to be the norm and wondered how much longer this will continue.

Mr. Ursin stated there is not guidance in ordinances or statutes and the Council can address it if desired. Mr. Ursin expressed his opinion to allow telephone appearances for certain circumstances provided they hear all issues and have all the information. Mayor Rinker stated this issue needs to be visited and clarified.

Bev Budz and Michael Chesky, spoke regarding the Tennessee Gas Pipeline and read a brief statement about the issues and concerns from the Environmental Commission. Ms. Budz offered the Township Manager to attend the Environmental Commission meeting of May 6th to answer some questions they have about the project. Mr. Giaimis stated that he would attend and suggested the project manager from the Tennessee Gas Pipeline attend also. Ms. Budz noted a list of trees and shrubs that should be replaced that have been removed during the project. Mr. Furrey noted that plans include replacing these trees. Mr. Budz also asked that Mr. Giaimis keep her apprised of any contact from Congressman Garrett's office. Mr. Chesky asked how close they could get to the pipeline project to monitor the impact of the project. Council Member Lynch stated that the National Transportation Safety Board is responsible for the inspection and construction of the pipelines.

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

APPROVAL OF MINUTES

December 6, 2010 Executive Session Minutes

MOVED: Harry Shortway
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
ABSTAIN: Brian Lynch

December 16, 2010 Executive Session Minutes

MOVED: Brian Lynch
SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
ABSTAIN: Richard Carson

December 28, 2010 Executive Session Minutes

MOVED: Valerie Seufert
SECONDED: Sally Rinker

Council Member Seufert suggested tabling the December 28, 2010 Executive Session Minutes to the next Council meeting.

MOVED: Valerie Seufert
SECONDED: Brian Lynch

A roll call vote was taken:

AYES: Brian Lynch, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Richard Carson, Harry Shortway

February 14, 2011 Executive Session Minutes

MOVED: Brian Lynch
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Harry Shortway

February 28, 2011 Executive Session Minutes

The vote was to table the February 28, 2011 Executive Session Minutes to the next Council meeting.

MOVED: Valerie Seufert
SECONDED: Sally Rinker

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Harry Shortway

March 28, 2011 Executive Session Minutes

MOVED: Brian Lynch
SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Harry Shortway, Sally Rinker
NAYES: None
ABSTAIN: Valerie Seufert

January 24, 2011 Regular Meeting Minutes

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

TOWNSHIP MANAGER'S REPORT

Mr. Giaimis spoke regarding a resolution that was added to the agenda, requested by the Recreation Committee regarding Vernon Day; which would waive the fees for all non-profit vendors.

Mr. Giaimis reported that he and Pat Seger were looking into residents personally video taping Township Council meetings. The Mayor suggested doing audio live streaming on the Township's web site; Mr. Giaimis stated he would have that done by the next Council meeting. Mr. Ursin reported the public can video tape the meetings and the Council can set the criteria.

Mr. Giaimis reported the Township has received the grant from the DEP with respect to the Stanhill Property and will be discussed at the next Council meeting. Mr. Giaimis also reported that the Local Finance Board has approved the application for the creation of the Municipal Public Authority. One of the conditions is that members of the Commission would not be paid or receive benefits, another condition would be that no member of the proposed authority could be related to any members of the Commission or Governing Body; other conditions were mentioned and will have to be placed in the ordinance.

There was a meeting this week with representatives from the Recreation Commission and the Department of Community Affairs, the Mayor and Council Member Lynch. The discussion was regarding improving communications and setting regular meetings. Based on this meeting, the Township Attorney prepared a draft ordinance for the Council's review.

The HVAC system, Route 515/Maple Grange Road and the Canistear Road, there are resolutions on the agenda to address the impact fees. Mr. Giaimis discussed sub-committees for these projects and would set up meetings between the engineer and them. Mayor Rinker discussed the traffic impact monies going into the General Fund and wants it specifically to be used on the Canistear Road project. Mayor Rinker suggested a work session for the sub-committee people to discuss big projects; and coupling a work session for Ordinance #11-11 and the Canistear Road project, all Council Members were in agreement.

PEOSHA has completed all inspections everything is complete; there were no fines to the Township.

Regarding the HVAC system, the Township Manager sent a detailed memo on Friday from the engineer. The specs are out and we are waiting for bids. The plan is to make the award at the April 28th Council meeting. Council Member Lynch questioned how long it will take for the project to be complete. Mr. Giaimis estimated about 8 weeks, but would have to check with the engineer to get a more definitive answer. Council Member Lynch suggested looking into the mechanic that the Board of Education uses to move the project along. Mr. Giaimis reported that he had reached out to Mr. Alferi and was hoping to have their mechanic attend tonight's meeting to check out the system.

Council Member Lynch previously suggested a 5 year budget plan and would like to see some progress made on that; and would like to eliminate most of the bonding that would normally have to happen. Mr. Giaimis reported that Mr. Zuckerman, our Chief Financial Officer has been working on that and has drafted a temporary 5 year budget.

Mayor Rinker asked if there was any progress regarding another meeting with PAL, Mr. Giaimis has reached out to them, and will follow up with them. Mayor Rinker asked Mr. Giaimis to copy the Council on the correspondence with the PAL.

Mayor Rinker questioned the status of choosing the representatives for the Green Team for the Sustainable Jersey Program. Mr. Giaimis reported he is working on it at the present time with staff and committee members.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #11-63

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	\$ 864,691.84	BOE

#2	Current	\$1,796,721.64	PERS/PFRS
(THE ABOVE FIGURE INCLUDES PAYROLL FOR 3 RD PAY IN MARCH)			
#3	Current	\$ 815,697.04	BOE
#4	Current	\$1,030,583.91	BOE
#5	Capital	\$ 21,500.00	AUDITOR
#6	Capital	\$ 48.60	
#7	Grant	\$ 6,330.95	
#8	Grant	\$ 1,070.30	
#9	Other Trust	\$ 431.00	
	Payroll	\$ (SEE ABOVE)	3 rd Pay in March
	Total	\$ 4,537,075.28	

MOVED: Harry Shortway
 SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #11-63 was approved.

RESOLUTION #11-64

ENDORISING THE SUBMISSION OF THE 2010 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987 c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Vernon Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Township of Vernon hereby endorses the submission of the 2010 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates David Pullis, Director of Public Works, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 #11-64 was approved.

RESOLUTION #11-65

AUTHORIZING A CONTRACT WITH THE LAND CONSERVANCY OF NEW JERSEY FOR OPEN SPACE ADVISORY CONSULTANT SERVICES IN THE AMOUNT NOT TO EXCEED \$11,500.00

WHEREAS, there is a need by Vernon Township to retain a Consultant to provide Open Space Advisory Services; and

WHEREAS, The Land Conservancy of New Jersey has submitted a proposal, dated January 31, 2011, to provide the above mentioned services for Vernon Township; and

WHEREAS, The Land Conservancy of New Jersey is a non-profit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

WHEREAS, the purpose of this agreement is to assist the Township Council and the Environmental Commission with a variety of open space services, including (but not limited to) landowner negotiations and the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland; and

WHEREAS, the term of the agreement shall be for a twelve (12) month period commencing on April 11, 2011 through April 10, 2012; and

WHEREAS, the Chief Financial Officer has determined and certified that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified funds in an amount not to exceed \$11,500.00 subject to the adoption of the 2011 Municipal Budget; and

WHEREAS, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that a Resolution authorizing the award of a contract without competitive bids must be publicly advertised; and

WHEREAS, The Land Conservancy of New Jersey, has submitted a Business Entity Disclosure Certification in compliance with the law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:

1. A contract shall be awarded by the Township of Vernon, New Jersey for services herein specified to the Land Conservancy of New Jersey, Boonton, NJ.
2. The cost of said agreement shall not exceed a total of \$11,500.00.
3. That a copy of the Business Disclosure Entity Certification be filed with this Resolution.

MOVED: Brian Lynch
SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #11-65 was approved.

RESOLUTION #11-66

AUTHORIZING THE AWARD OF CONTRACT FOR THE MUNICIPAL BUILDING ELEVATOR REPAIR

WHEREAS, there is a need for the Repair to the Public Elevator in the Vernon Township Municipal Building;

WHEREAS, these needs have been evaluated and analyzed by both the Township Engineer and outside consultants;

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary work;

WHEREAS, the Township of Vernon opened four bids for the proposed repairs of the Municipal Building Elevator on March 24, 2011 at 10:00 a.m.; and

WHEREAS, the four bids were received and reviewed by Township Engineer Cory Stoner and the Township Attorney for the specified bid requirements,

WHEREAS, after review the lowest bidder did not fully meet the bid requirements, therefore, the Engineer and Attorney recommended awarding the contract to the second lowest bidder, ThyssenKrupp Elevator Corp in the amount of \$25,900.00.

WHEREAS, the Chief Finance Officer has certified funds available for this purpose subject to the adoption of the 2011 Municipal Budget.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award the bid to ThyssenKrupp Elevator Corp for the proposed repairs of the Municipal Building Elevator.

This Resolution shall take effect immediately according to law.

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #11-66 was approved.

RESOLUTION # 11-67

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$210,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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

Pursuant to an ordinance of The Township of Vernon, in the County of Sussex (herein called "local unit") authorizing a special emergency appropriation in the amount of \$1,050,000, finally adopted on December 10, 2007 and entitled: "An ordinance authorizing an emergency appropriation N.J.S.A. 40A:4-53" (#07-50), Special Emergency Notes of the local unit are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S. 40A:4-1 *et seq.*) in a principal amount not exceeding \$210,000 for the purpose of financing the improvement or purpose described

in said ordinance, including (to any extent necessary) the renewal of any Special Emergency Notes heretofore issued therefor.

The following matters in connection with said Special Emergency Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the chief financial officer (the "chief financial officer") of the local unit, provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) one year from the date of the first note issued pursuant to the ordinance referred to in Section 1 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Special Emergency Notes issued pursuant to the Local Budget Law, and any such notes shall be signed or sealed by the Township chief financial officer, Mayor and Township Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Special Emergency Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

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

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

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

All action heretofore taken by Township officials with respect to the sale, issuance and delivery of said notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #11-67 was approved.

RESOLUTION #11-68

AUTHORIZING EXECUTION OF THE 2011 MUNICIPAL ALLIANCE GRANT AGREEMENT WITH THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE THROUGH THE COUNTY OF SUSSEX IN THE AMOUNT OF \$20,467.00

WHEREAS, there exists a need in Vernon Township to provide substance abuse prevention programs to its residents; and

WHEREAS, the Township of Vernon, per Resolution #10-118, submitted a grant application to the Governor's Council on Alcoholism and Drug Abuse for the Vernon Municipal Alliance Coalition for the period January 1, 2011 through December 31, 2011; and

WHEREAS, the Vernon Municipal Alliance Coalition consists of volunteers from the Township of Vernon; and

WHEREAS, the New Jersey Governor's Council on Alcoholism and Drug Abuse pursuant to N.J.S.A. 26:2BB-1 et seq. and N.J.A.C. 17:40-1.1 et seq. has awarded a grant to the County of Sussex in response to the Request of Proposal submitted by the Sussex County Division of Community and Youth Services for the Vernon Municipal Alliance Coalition; and

WHEREAS, the Board of Chosen Freeholders has approved allocation of \$20,467.00 to the Vernon Municipal Alliance Coalition as per Sussex County resolution approved March 30, 2011.

NOW THEREFORE BE IT RESOLVED, that the Township Council authorizes the receipt of \$20,467.00 from the New Jersey Governor's Council on Alcoholism and Drug Abuse and the Mayor and Clerk are authorized to execute the Agreement for these services; and

BE IT FURTHER RESOLVED that certified copies of this resolution and Agreement be forwarded to Rebecca Alfaro, Governor's Council of Alcoholism and Drug Abuse, P.O. Box 345 Trenton, NJ 08625; Chief Roy Wherry, Vernon Municipal Alliance Coalition Chairperson, Township of Vernon; Stephen R. Gruchasz, Sussex County Department of Human Services; Patricia Kibildis, Sussex County Division of Community and Youth Services; Sussex County Treasurer; Sussex County Purchasing Agent; and Laurie Gallant, Sussex County Office of Fiscal Management.

MOVED: Richard Carson
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #11-68 was approved.

RESOLUTION #11-69

LIMOUSINE LICENSE FOR GLENWOOD MOUNTAIN LIMOUSINE

WHEREAS, Lee Widdicombe, [REDACTED], d/b/a/ Glenwood Mountain Limousine, has made application for a Limousine Operator's License in the Township of Vernon and has submitted the required fee for said application; and

WHEREAS, the Vernon Township Police Department has certified that the limousine was inspected and passed all inspection requirements; and

WHEREAS, the Township Clerk has verified that all documentation and insurance information is in good order and in full compliance of state laws;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that a Limousine Operator's License for Lee Widdicombe, [REDACTED], [REDACTED], d/b/a/ Glenwood Mountain Limousine is hereby approved; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue a Limousine Operator's License to Lee Widdicombe, [REDACTED], [REDACTED] d/b/a / Glenwood Mountain Limousine in accordance with N.J.S.A. 48:16-13 et al.

MOVED: Harry Shortway
SECONDED: Brian Lynch

A roll call vote was taken:

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

NAYES: None

Resolution #11-69 was approved.

RESOLUTION # 11-70

CANCELLATION OF 2010 MAC GRANT RECEIVABLE AND APPROPRIATION BALANCES

WHEREAS, there is a receivable with an offsetting appropriation from the County of Sussex 2010 MAC Grant in the amount of \$144.50; and

WHEREAS, these funds will not be collected or used.

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriation be cancelled.

MOVED: Brian Lynch
SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #11-70 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE # 11-08

BOND ORDINANCE APPROPRIATING \$1,484,000. AND AUTHORIZING THE ISSUANCE OF \$1,412,000. BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES FOR EMERGENCY SERVICES 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:**

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 \$1,484,000 including the aggregate sum of \$72,000 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.

For the financing of said improvements or purposes and to meet the part of said \$1,484,000 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 \$1,412,000 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 \$1,412,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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 for use by the McAfee Fire Department, the Pochuck Fire Department, the Vernon Fire Department and the Highland Lakes Fire Department including, without limitation, safety equipment, jaws of life, radios, air paks, air bags, a backup generator and turn out gear, together with all appurtenances, attachments and accessories, equipment 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	\$204,000	\$194,000
(b) Acquisition by purchase of new and additional vehicular equipment including, without limitation, one (1) support vehicle for use by the Pochuck Fire Department and one (1) engine and one (1) rescue truck for use by the Vernon Fire Department, 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	1,000,000	952,000
(c) Substantial reconditioning of a tanker truck for use by the Highlands Lakes Fire Department, including all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	<u>280,000</u>	<u>266,000</u>
Totals	\$1,484,000	\$1,412,000

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.

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

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 9.74 years.

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 \$1,412,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$75,000 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.

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.

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.

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.

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 Sally Rinker read Ordinance #11-08 by title only.

Council Member Richard Carson made a motion to approve Ordinance #11-08 upon introduction, seconded by Council Member Harry Shortway.

Council Member Richard Carson commented that a lot of effort was put into this ordinance and it is for equipment that is needed now; and wanted to thank everyone involved, as did the entire Council.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Brian Lynch

Ordinance #11-08 was approved as introduced. Public Hearing to be scheduled for April 28, 2011.

ORDINANCE #11-10

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 124.17 LOT 11

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Township of Vernon is the owner of certain real property known as Block 124-17 Lot 11; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, that:

1. The property known as Block 124.17 Lot 11 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on May 23, 2011, at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. The said property shall be sold subject to the following terms and conditions:

(a) The said property shall be sold for not less than \$2,500.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) As this lot is non-conforming, the successful bidder will be required to merge this lot with the bidder's existing lot by Deed at the time of the closing with the municipality.

(e) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(f) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 to cover the Township's transaction costs, in cash or check; said payment shall be returned

to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(g) A Quit Claim Deed without covenants will be delivered at the office of the Township Clerk on or before thirty (30) days after the date of the sale at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(h) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(i) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.

(j) The property will be sold subject to 2011 taxes, pro rated from the date of sale.

(k) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

Mayor Sally Rinker read Ordinance #11-10 by title only.

Township Attorney John Ursin commented this was one of the properties that was obtained at tax foreclosure, and explained some conditions regarding this ordinance. Mr. Ursin stated it was suggested that perhaps the correct minimum bid price should be \$2,500.; if a motion is made that should be included as well.

Mayor Rinker stated the motion would be to amend Ordinance #11-10 to a minimum bid price of \$2,500. Council Member Shortway made a motion to amend Ordinance #11-10 and approve as stated; seconded by Council Member Lynch.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-10 was approved as introduced. Public Hearing to be scheduled for April 28, 2011.

ORDINANCE #11-11

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY, REGARDING THE
ESTABLISHMENT OF A MUNICIPAL UTILITIES AUTHORITY

WHEREAS, N.J.S.A. 40:14V-1, *et seq.* provides that a municipality may, by Ordinance duly adopted, create a public body corporate and politic, said public body corporate and politic being a Municipal Utilities Authority; and

WHEREAS, the Mayor and the Council of the Township of Vernon have determined that it is in the best interest of the Township of Vernon to so establish a Municipal Utilities Authority to provide for the distribution of an adequate supply of water within the Township of Vernon, as well as to provide for the collection, disposal and recycling of solid waste, including sewage sludge, in an environmentally sound manner; and

WHEREAS, the Council of the Township of Vernon had determined that the establishment of a Municipal Utilities Authority will result in significant savings to the Township of Vernon; and

WHEREAS, the Township of Vernon does not currently have a Municipal Utilities Authority established for the foregoing purposes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the Code of the Township of Vernon is hereby amended as follows:

SECTION I

The Code of the Township of Vernon is hereby amended to create a new Section, said Section being Section 528-1, as follows:

§528-1. Utilities Authority Created.

Pursuant to the Municipal and County Utilities Authority law, N.J.S.A. 40:14B-1, et seq., there is hereby created a public body corporate and politic as an agency and instrumentality of the Township of Vernon, County of Sussex, State of New Jersey, under the name and style of the Vernon Township Municipal Utilities Authority.

§528-2. Powers and Duties.

Vernon Township Municipal Utilities Authority hereby created is a Utilities Authority as contemplated and provided for by said Municipal and County Utilities Authority law, and shall have and exercise all of the powers and perform all of the duties provided for by said Municipal and County Utilities Authority law and any other powers which may hereafter be conferred by law upon Municipal Utilities Authorities within the territorial boundaries of the Township of Vernon, County of Sussex, State of New Jersey. The Municipal Utilities Authority shall operate on a fiscal year commencing October 1 and ending September 30.

§528-3. Limitation of Powers

A. Pursuant to the approvals granted by the Local Finance Board on April 6, 2011, the Vernon Township Municipal Utilities Authority shall:

1. Not pay or grant benefits for appointed members of the authority;
2. Create and maintain a website or a dedicated portion of the Township's website that will include names and biographies of all members, contact information, copy of the yearly budgets, and a copy of the annual audits;
3. Create and follow an anti-nepotism policy that directs that no Authority employee can be related to MUA commissioners or to Township elected officials.

B. Any modification of the limitations set forth in subsection A must receive Local Finance Board Approval.

§528-4. Appointment of Members.

The Vernon Township Municipal Utilities Authority shall consist of five (5) Members; there may also be appointed two (2) alternates who shall be designated "Alternate No. 1" and "Alternate No. 2," respectively. Said Members and Alternate Members shall be appointed by Resolution of the Council of the Township of Vernon in the manner provided by law. The terms of the Members shall be five (5) years, except that the Members first appointed shall have terms expiring on the first day of the first, second, third, fourth, and fifth Februaries next ensuing after the date of their appointment. The terms of the Alternate Members shall also be for five (5) years, commencing on February 1 of the year of appointment, but of the first Alternate Members so appointed, one shall be appointed for a term of four (4) years and one for a term of five (5) years.

SECTION II

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION III

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION IV

This Ordinance shall take effect upon final passage and publication.

Mayor Sally Rinker read Ordinance #11-11 by title only.

Mayor Rinker stated this ordinance was address earlier and suggested to vote this ordinance down pending the work session and bring it back at the next Council meeting.

Mayor Sally Rinker made a motion to approve Ordinance #11-11 upon introduction, seconded by Council Member Richard Carson.

There was no further Council discussion.

A roll call vote was taken:

AYES: None

NAYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
Ordinance #11-11 failed as introduced.

RESOLUTION # 11-72

**DIRECTING THE TOWNSHIP MANAGER NOT TO PURCHASE CERTAIN ITEMS
APPROPRIATED IN APPROVED ORDINANCE #11-07**

WHEREAS, the Township Council, approved Ordinance #11-07, at the March 28, 2011 regular meeting, appropriating \$1,650,000 and authorizing the issuance of \$1,571,000 in Bonds for various Township improvements as specified in the ordinance; and

WHEREAS, the Township Council has decided certain improvements, including specifically the purchase of file cabinets and a time clock system in the total amount of \$24,680, are not needed any longer.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Vernon, hereby directs the Township Manager not to purchase the file cabinets and time clock system as specified and approved in Ordinance #11-.07 in the amount of \$24,680.00.

This resolution shall take effect immediately according to law.

MOVED: Richard Carson

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #11-72 was approved.

RESOLUTION # 11-74

**RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON
TRANSFERRING BALANCE OF TOWN CENTER ROADWAY CONTRIBUTIONS
TO THE GENERAL FUND**

WHEREAS, the Township by Ordinance No. 02-28 creates an obligation under certain circumstances to contribute towards Town Center Roadway Contributions;

WHEREAS, Ordinance No. 02-28 set forth a formula for calculating the contribution;

WHEREAS, over the years, a fund balance has accumulated;

WHEREAS, Ordinance No. 02-28 and Code Section 901 are silent as to when and how the funds collected for Town Center Roadway Contributions are to be expended;

WHEREAS, the Township has expended significant funds on the Town Center Roadway and other development;

WHEREAS, Ordinance No. 02-28 specifically references reimbursing the Township for these costs;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Township of Vernon that all funds collected under Ordinance No. 02-28 for Town Center Roadway Contributions shall be transferred to the general fund to reimburse the Township for costs associated with Town Center improvements; and

NOW THEREFORE IT BE FURTHER RESOLVED by the Mayor and Council of the Township of Vernon that the Manager and CFO are directed to include these funds in the 2011 capital budget to be dedicated to the Canistear Road project.

Mayor Rinker asked for clarification on this resolution, stating it was her suggestion that these monies go entirely to the Canistear Road project. Mr. Zuckerman confirmed that he should be directed to budget it against the Canistear project.

Mr. Ursin clarified that the motion is that the funds that are currently in the Township's accounting system under the Town Center Roadway contributions – that were intended to be reimbursements to the Town for improvements made in the Town Center that those funds would be transferred to a line item within the Capital Budget and dedicated to the Canistear Road project. If the motion passes, then we'll amend the written resolution to reflect that.

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 #11-74 was approved.

RESOLUTION # 11-73

RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON FOR A RESOLUTION DEDICATING A PORTION OF A BIKE PATH EASEMENT TO THE MEMORY OF COURTNEY ELLEN GEIGER

WHEREAS, Vernon Township is a community focused on outdoor recreation;

WHEREAS, part of the municipality's Open Space Plan, an extensive bike path networking is a valuable component;

WHEREAS, Mayor Sally Rinker conveyed a bike path easement on Block 92 Lot 2 in 2004;

WHEREAS, this bike path easement is more particularly described in the site plan by Harold Pellow & Associates drafted in January of 2006 and entitled "Bike Path Phase IIA";

WHEREAS, Mayor Sally Rinker tragically suffered the loss of her child;

WHEREAS, At the regular Vernon Township Council Meeting on May 9, 2005, Township Manager Don Teolis discussed possible bike path easement donations, including Block 92, Lot 2, and indicated that the donor had requested dedication of the bike path as a memorial;

WHEREAS, The Township Council at the May 9, 2005 Meeting supported the request for a memorial dedication;

WHEREAS, Mayor Sally Rinker has requested confirmation in writing that the bike path, when constructed, on Block 92 Lot 2 be dedicated to the memory of her child with appropriate signage;

WHEREAS, the members of the governing body of the Township of Vernon feel that this dedication as a memorial is an appropriate acknowledgement of the donation of the bike path easement by Mayor Sally Rinker;

NOW THEREFORE IT BE RESOLVED, by the governing body of the Township of Vernon, that the bike path easement located on Block 92 Lot 2 and the bike path, when constructed, shall be dedicated to the memory of Courtney Ellen Geiger and that appropriate signage should be erected at either end of the easement recognizing same at the time the bike path is constructed.

Mr. Ursin stated that since this resolution directly involves Mayor Rinker that Deputy Mayor Shortway read the resolution by title and ask for the motion.

MOVED: Brian Lynch
SECONDED: Harry Shortway

Council Member Carson explained the history involving past Councils that agreed to dedicate a portion of the bike path to Courtney Ellen Geiger.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Harry Shortway

NAYES: None

ABSTAINED: Valerie Seufert, Sally Rinker

Resolution #11-73 was approved.

Mayor Rinker thanked the Council and commented that this parcel of property, which has been a topic of discussion for many years, consisting of 19 acres across from Maple Grange Park containing the bike path she donated to the Town years ago is being purchased by a conservation entity and she looks forward to the completion of the process and the preservation of this environmentally sensitive land for the enjoyment of all in perpetuity.

COUNCIL BUSINESS

Council Member Brian Lynch spoke about the Easter Egg Hunt that was held last Sunday at the PAL which brought back fond memories of his youth. Mr. Lynch commended the Leadership Youth Council who basically directed the whole thing with the help of Mary Bradley and Jeanne Buffalino and everyone else that was involved from the Recreation Department.

Mayor Rinker wants the Council to consider honoring two members of the Township. Mayor Rinker spoke regarding Mr. Warren Burgess to goes to the Animal Shelter and works for the Town every day for free. Mayor Rinker would like to acknowledge Mr. Burgess at the next Council Meeting. Council Member Lynch asked Mr. Giaimis to draw up a resolution for that.

Mayor Rinker also acknowledged Eva Ferlato who is well into her 80's and touts herself as being "the oldest woman in Sussex County that takes care of foster children." The Mayor would like both of these amazing people to be recognized for the work that they do; the Council agreed on both. Council Member Lynch commented the Friends of Vernon Plaque should be on the wall with more friends of Vernon on it.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Marika Bazzone, Vernon, asked if the annual financial statement could be posted on the Township's website. Mr. Giaimis will make sure it gets posted. Ms. Bazzone asked which property was included in the grant that the Land Conservancy is working with, and Mayor Rinker stated it is the Stanhill property.

Jessi Paladini, asked for clarification on the streaming video. Mr. Giaimis noted he intended to post the video on the Township's website. Ms. Paladini also discussed an email issue regarding Mr. Martinsen.

Gary Martinsen, clarified the issue of the streaming video. Mr. Giaimis noted they had discussed the issue.

Tom McClachrie, congratulated the Council on noticing the common people as in volunteers and people who go beyond what they have to. Mr. McClachrie disagreed with Council Member Lynch regarding the Friends of Vernon Plaque. Since the names on the plaque are people who supported the Town Center, so they are not a friend of his.

Doreen Edwards, questioned if the public is invited to the meeting with the Tennessee Gas Pipeline people. Mayor Rinker stated the meeting will be held here on May 2nd at 7:00 pm and the public is invited to attend. Ms. Edwards further stated that her well is being affected by the project.

Seeing no one else from the public wishing to speak, Mayor Sally Rinker closed the public portion of the 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 Brian Lynch. Motion seconded by Council Member Richard Carson with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:15 p.m.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: June 9, 2011