

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

May 13, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:15 p.m. on Thursday, May 13, 2010 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

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

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, and Mayor Sally Rinker. Also present were Deputy Manager Brian Palaia and Township Attorney John Ursin. Council Member Harry Shortway arrived after roll call.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:15 p.m., Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Michael Pier made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Valerie Seufert with all members voting in favor.

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed are:
 - a. Personnel matter regarding candidate interviews for the Township Manager position. Executive Session minutes will be release to the public upon the conclusion of this matter or upon the execution of an employment agreement for the Township Manager position.
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 6:16 p.m.

.

The meeting was reopened to the public at 7:15 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway and Mayor Sally Rinker. Also present were Deputy Manager Brian Palaia and Township Attorney John Ursin.

SALUTE TO THE FLAG

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

PRESENTATIONS AND SPECIAL ITEMS

Certificates of Commendation

Police Chief Roy Wherry and Mayor Sally Rinker presented a Certificate of Commendation to 7-year old Amanda Henderson and 8-year old Angelina Barbero in recognition and honor of their quick action and outstanding response efforts on Sunday, March 21, 2010, which led to the life-saving rescue of a Highland Lakes resident dangerously pinned beneath his truck as the man was working on it.

Heroin Use Statistics and Trends

Police Chief Wherry introduced Vernon Township Detective Brian Jernick, who received several awards for his policing efforts in Sussex County and the State of New Jersey. Detective Jernick, a D.A.R.E. Officer at the Middle School, presented a power-point presentation educating the public on the identification of several drugs illegally distributed and used throughout Vernon Township. Detective Jernick reported that heroin use is the #1 drug problem in Vernon Township, both in the High School and on the streets. Detective Jernick also spoke about the physical symptoms of heroin drug use and stated 4 out of 5 heroin users become hooked for life. In Vernon Township, nine drug overdose deaths occurred over the past three years, with three reported deaths this year.

Detective Jernick informed the public that prescription drugs are also being sold and used illegally and urged everyone to remain vigilant regarding the safe storage and proper use of prescription drugs.

Council Member Richard Carson presented a Public Information Sheet on heroin and reported that heroin is the most powerful and dangerous drug. Use of heroin is very addictive and its use can cause serious life-threatening consequences and death.

Economic Development Advisory Committee

Mr. Jim Schriener, Chairman of the Economic Development Advisory Committee (EDAC), introduced fellow members of the EDAC Pat Seger, Jean Murphy, and Ed Dunn, who presented a power-point presentation showcasing six 1-minute video clips accessible on the Township's Website. Each video clip highlights the economic, residential, recreational, environmental, and educational amenities in Vernon Township to promote economic development. Mr. Schriener commented that anybody viewing the video clips would get a good sense of the Vernon community. Ms. Murphy encouraged local community organizations such as the Chamber of Commerce to link the video clips to their websites.

Mayor Rinker thanked Jean Murphy and Pat Seger for working tirelessly on the video project and commented that the video clips are a great way to present Vernon Township.

Council Member Valerie Seufert commented that she and former Mayor Austin Carew created the Economic Development Advisory Committee last year as a positive measure to promote economic development and attract ratables in the Township, stated she is very pleased by the efforts and hard work of the EDAC.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Jessi Paladini, [REDACTED] commented that she performed a review of the Township Code and found several errors. She offered to present them to the Township Attorney and Municipal Clerk. Ms. Paladini also questioned why the Township Council is introducing Ordinance #10-07. Ms. Paladini also questioned the process and procedures in place for retaining secretarial help to the Board and Commissions and presented the methods other neighboring municipalities have in place to fill the secretarial needs on their Boards and Commissions. Ms. Paladini commented that the Vernon Township Code states the Municipal Clerk shall serve as the secretary of the Boards and recommended the Township stop employing additional help and begin using the full-time employees. In closing, Ms. Paladini commented that there are no State restrictions concerning the Scenic Byway designation

Jim Shriner, Highland Lakes, Chairman of the Economic Development Advisory Commission, clarified that the Economic Development Advisory Commission is a volunteer committee and does not pay its secretary.

Gary Martinsen, Vernon resident and business owner, commented that there are certain restrictions with Scenic Byway designations. Mr. Martinsen questioned Resolution #10-111 regarding repair of the street sweeper and suggested that replacement may be more beneficial than repairs. Mr. Martinsen also questioned Resolutions #10-116, #10-117 and Ordinance #10-05. In closing, Mr. Martinsen stated that *Vernon's Own* cable show is in production and will be promoting Vernon Township events.

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

TOWNSHIP MANAGER'S REPORT

Brian Palaia, Deputy Manager, requested a second Executive Session to discuss personnel matters.

Mr. Palaia thanked the volunteers who participated in the free rabies clinic and reminded the senior citizens in our community that a Senior Luncheon would be held at 12:00 noon, Thursday, May 20, 2010.

Mr. Palaia informed the Council that the Township's third-party payroll provider paid the Township's federal payroll taxes in error. Mr. Zuckerman, the Township's CFO, clarified that the Township Finance Department paid the federal payroll taxes pursuant to local ordinance and has notified the third-party payroll provider of the duplicate payment made they made in error. The third-party payroll provider has made the appropriate correction in the payroll account.

Mr. Benecke commented that the Sussex County Municipal Utilities Authority has notified the Township that it officially has the capacity to process sewage. The sewer system franchise area must be expanded by Ordinance, which must be introduced no later than June 10, 2010. Mr. Benecke also reported that the United Water BPU application for the proposed water system should also be submitted contingent on the approval of the ordinance. The Council must discuss a special assessment for properties located within the proposed water system within the coming months.

Township Attorney John Ursin agreed with the need to move the sewer and water systems forward and stated Request for Proposals (RFPs) have been issued for Township Engineering Services.

Mr. Benecke informed the Council that he has requested SCMUA to delay the charges associated with the sewer system until such time the sewer has been completely constructed.

TOWNSHIP ATTORNEY'S REPORT

Mr. Ursin, the Township's Attorney, reported that the new Sign Ordinance is being put in final draft and is anticipated to be on next Council Agenda.

Mr. Ursin advised that the Heating Ventilation and Air Conditioning bid is in review by an engineering consultant.

Council Member Valerie Seufert urged management to fast track the bid contract award for the repair or replacement of the Municipal Building's HVAC system. Ms. Seufert commented that last summer the temperature in the municipal offices was extremely hot due to the lack of adequate air conditioning and did not want this condition to occur this summer.

APPROVAL OF MINUTES

March 25, 2010 Regular Minutes and Executive Session Minutes

MOVED: Harry Shortway

SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None

April 5, 2010 Special Meeting

Mayor Sally Rinker made a motion to approve the minutes with one revision stating that at the April 5, 2010 Special Meeting she twice requested a reasoning for the cancellation of the March 30th budget team meeting.

MOVED: Sally Rinker
SECONDED: Michael Pier

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Harry Shortway

April 8, 2010 Executive Session Minutes

MOVED: Harry Shortway
SECONDED: Michael Pier

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Harry Shortway Sally Rinker
NAYES: None
ABSTAIN: Valerie Seufert

April 8, 2010 Regular Minutes

MOVED: Harry Shortway
SECONDED: Michael Pier

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None

April 22, 2010 Regular Minutes and 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: Michael Pier

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #10-108

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	\$ 210.00	
#2	Current	\$ 673,477.74	Vernon BOE
#3	Current	\$1,000,000.00	Vernon BOE
#4	Current	\$2,106,399.83	Vernon BOE
#5	Current	\$ 3,312.00	
#6	Capital	\$ 2,217.50	
#7	Capital	\$ 7,816.86	

#8	Grant	\$	84.75	
#9	Outside Services	\$	208.83	
#10	Sewer Operating	\$	84.21	
#11	Sewer Operating	\$	1,000.00	
#12	Senior Trust	\$	225.00	
#13	Current	\$	3,146,084.56	County Taxes due 5/17
	Payroll	\$	316,419.50	3rd pay in April 2010
	Total		\$7,257,540.78	

Council Member Richard Carson asked for clarification regarding item #795 referenced on the bills list in the amount for \$56.43 for the EDAC cell phone.

Council Member Valerie Seufert questioned item #11, County Taxes for \$3,000,000.00 with payment due on 10/17. Mr. Zuckerman, CFO, responded that county taxes were due on 5/17 and a typographical error was made.

Council Member Valerie Seufert also questioned why three payments were made to the Board of Education. Mr. Zuckerman responded that the Finance Department made three separate payments since the Township did not have the full amount available to pay in one lump sum.

Council Member Valerie Seufert requested from the Interim Manager that monthly financial statements be provided to the Council to aid the Council in understanding the Township's financial standing month-to-month.

MOVED: Michael Pier
 SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: Valerie Seufert

Resolution #10-108 was approved.

RESOLUTION #10-109

APPROVING PAYMENT TO CLASSIC REMODELING CORP., IN THE AMOUNT OF \$14,960.00 FOR A REHABILITATION PROJECT LOCATED AT 15 PAUTUCK ROAD, HIGHLAND LAKES NJ, BLOCK 154.08 LOT 57, THROUGH THE TOWNSHIP OF VERNON HOUSING REHABILITATION PROGRAM

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

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

WHEREAS, Classic Remodeling Corp., has completed the rehabilitation project at 15 Pautuck Road, Highland Lakes NJ, Block 154.08 Lot 57; and

WHEREAS, Vernon Township Building Department has approved the work completed on the roof, electric & water softener; and

WHEREAS, Community Action Services has verified and approved the work completed on the Rehabilitation Project; and

WHEREAS, the Township Municipal Housing Liaison and the Director of Planning & Development recommends payment be made Classic Remodeling Corp.; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that the payment for \$ 14,960.00 be made to Classic Remodeling Corp., for the completed rehabilitation project, said funds have been certified by the Chief Finance Officer Township's from the Affordable Housing Trust Fund.

Council Member Michael Pier made a motion to table Resolution #10-109 pending further investigation from the Manager's Office to determine the effectiveness of the program and to determine whether it is worth continuing.

Council Member Valerie Seufert commented that she would like to know the balance of how much money is available in the rehab account and what projects and associated costs have been paid out to date.

Motion to table seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #10-109 was tabled pending further information.

RESOLUTION #10-110

AMENDMENT TO THE TEMPORARY BUDGET

APPROPRIATIONS WITHIN "CAPS"

	<u>Account #</u>	<u>Salary & Wages</u>	<u>Account #</u>	<u>Operating Expenses</u>
ENVIRONMENTAL COMM.	10519500		10519520	91.00
HISTORIC PRESERVATION	10519900		10519920	208.00
BEAUTIFICATION COMMITTEE			10531020	416.00
FIRE SAFETY	10534000	8,493.00	10534020	369.00
ECONOMIC DEVELOPMENT			10535020	
RECYCLING			10553120	8,333.00
SALARY & WAGE ADJ.			10556220	6,250.00
SOCIAL SECURITY			10563020	42,083.00
DEFINED CONTRIB RETIREMENT			10564120	170.00
EXECUTIVE	10570100	23,234.00	10570120	7,383.00
MAYOR & COUNCIL	10570200	1,333.00	10570220	188.00
PERSONNEL	10570300	9,608.00	10570320	551.00
CLERK	10570400	10,223.00	10570420	3,832.00
FINANCIAL ADMINISTRATION	10570500	27,163.00	10570520	4,075.00
AUDIT			10570620	3,416.00
ASSESSMENT OF TAXES	10571000	13,571.00	10571020	3,291.00
COLLECTION OF TAXES	10570800	12,994.00	10570820	3,789.00
LEGAL SERVICES			10571220	13,875.00
ENGINEERING	10571500	9,393.00	10571520	1,195.00
LAND USE BOARD	10572100	14,766.00	10572120	5,433.00
BUILDING DEPT.	10572510	30,465.00	10572520	1,120.00
TECHNOLOGY			10572620	3,541.00
GROUP INSURANCE			10573320	249,153.00
OTHER INSURANCE			10573520	38,386.00
WORKERS' COMP. INS.			10573620	26,639.00
POLICE DEPARTMENT	10574500	309,056.00	10574520	9,035.00
RADIO COMMUNICATIONS	10574600	25,955.00	10574620	525.00
VOL. EMERG. SERVICES			10575220	16,250.00
MUNICIPAL COURT	10575500	13,513.00	10575520	475.00
TOWNSHIP PROSECUTOR			10575720	2,250.00
ROAD REPAIR & MAINTENANCE	10576500	107,966.00	10576520	29,443.00
FLEET MANAGEMENT	10576700	25,026.00	10576720	19,250.00
BUILDINGS & GROUNDS			10577220	6,387.00
SENIOR CITIZENS	10578200	513.00	10578220	4,861.00
ANIMAL CONTROL	10578800	5,221.00	10578820	747.00
MAINTENANCE OF PARKS	10579400	10,651.00	10579420	2,500.00
RECREATION	10579500	5,557.00	10579520	4,208.00
ACCUMULATED LEAVE COMP.	10580600	4,916.00		
MUNICIPAL SERVICES ACT			10580820	50,000.00
UTILITIES			10582020	41,091.00
	TOTALS:	669,617.00		610,809.00

TOTAL TEMPORARY APPROPRIATIONS WITHIN CAPS:

1,280,426.00

APPROPRIATIONS EXCLUDED FROM "CAPS"

	<u>Account #</u>	<u>Salary & Wages</u>	<u>Account #</u>	<u>Operating Expenses</u>
9-1-1 COMMUNICATIONS	10680100	9,998.00	10680120	770.00
	TOTALS:	9,998.00		770.00

TOTAL TEMPORARY APPROPRIATIONS EXCLUDED FROM CAPS: 10,768.00

TOTAL TEMPORARY APPROPRIATIONS: 1,291,194.00

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

Council Member Valerie Seufert commented that it is difficult for the Council to vote on a Temporary Budget Resolution without having had the opportunity to review monthly financial reports.

MOVED: Richard Carson
SECONDED: Michael Pier

A roll call vote was taken:

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

NAYES: Valerie Seufert

Resolution #10-110 was approved.

RESOLUTION #10-111

AUTHORIZING THE REPAIR AND REBUILD OF THE CONVEYER-ELEVATOR IN THE 2005 FREIGHTLINER SWEEPER FOR THE DEPARTMENT OF PUBLIC WORKS FOR ROAD MAINTENANCE IN THE AMOUNT NOT TO EXCEED \$28,247.00

WHEREAS, the Township of Vernon has a need to repair and rebuild the Conveyor – Elevator in the Township’s 2005 Freightliner Sweeper which is used for maintenance on Township roads and the recycling of used sand and grit; and

WHEREAS, the Township of Vernon is required to maintain township roadways and, as per storm water regulations, limit the amount of grit from entering the storm drains; and

WHEREAS, quotes were received from three vendors and the Director of Public Works and Purchasing Agent determined it would be the most cost effective to use H.A. Dehart & Son, Inc., 311 Crown Point Rd., Thorofare, NJ for the said repair and rebuild; and

WHEREAS, the estimated cost for said repairs is \$28,247.00 which includes \$22,247.00 for the conveyor elevator rebuild and \$6,000.00 to cover any unforeseen expenses during the rebuild; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds for this purchase subject to the adoption of the 2010 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, authorization is given to repair and rebuild the conveyor elevator in the 2005 Freightliner Sweeper to be utilized by the Department of Public Works for Township Road Maintenance in the amount not to exceed \$28,247.00.

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

MOVED: Richard Carson
SECONDED: Michael Pier

Council Member Richard Carson questioned the high amount of estimated repairs presented in the Resolution and further questioned if purchasing a new street sweeper would be a better move.

Council Member Valerie Seufert questioned why the "road materials" account has been charged for the repair costs of the street sweeper. Mr. Zuckerman, CFO, responded there is not sufficient funding in the "vehicle repair" account at this time; however, monies would be transferred back into the "road materials" account.

Council Member Michael Pier questioned if there is an urgency to get the street sweeper back in service. Deputy Manager Brian Palaia responded the Township has one street sweeper, which has been out-of-service for 2-3 weeks. Mr. Palaia reported that the Director of the Public Works Department recommends the repair.

Mayor Rinker questioned the additional \$6,000.00 stated in the Resolution for unforeseen costs and suggested the Resolution be approved strictly for the stated repair costs of \$22,247.00.

Council Member Carson stated he is not comfortable with the additional \$6,000.00 stated for "unforeseen costs."

Council Member Valerie Seufert questioned the use of the more costly OEM parts versus the quote using non-OEM parts.

Council Member Carson further stated his concern to allow the additional \$6,000.00 for "unforeseen costs."

Township Attorney, John Ursin, advised that the Council could direct the Manager's Office to keep an account of all costs associated with the repair of the street sweeper and to the extent it is possible to minimize unforeseen costs.

A roll call vote was taken:

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

NAYES: None

Resolution #10-111 was approved.

RESOLUTION #10-112

AUTHORIZING THE USE OF A HIGHER TAX COLLECTION PERCENTAGE IN THE 2010 BUDGET SO AS TO REDUCE PROPERTY TAXES IN 2010

WHEREAS, the Township of Vernon, County of Sussex realized 96.09% of current tax collections for the year 2009; and

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

<u>Year</u>	<u>Percentage</u>
2006	97.53%
2007	97.43%
<u>2008</u>	<u>96.33%</u>
Average	97.10%

WHEREAS, the Mayor and Council believe that it is in the best interests of the citizens of the Township of Vernon to use a higher percentage of collection than experienced in 2009 (the aforementioned 96.09%) to compute the year 2010 appropriation for the reserve for uncollected taxes, avoiding approximately \$425,142 in 2010 taxes; and

NOW THEREFORE IT BE RESOLVED by the Mayor and Council that permission be requested from the Director of the Division of Local Government Services to permit the Township to anticipate a current tax collection percentage experience of 96.679% (+/-) for the year ended December 31, 2010, which said percentage is lower than that permitted under N.J.S.A 40A:4-41 (the aforementioned 97.10%).

MOVED: Richard Carson
SECONDED: Harry Shortway

Council Member Valerie Seufert confirmed that if approved, this Resolution would reduce the “reserve for uncollected taxes” and therefore saving the taxpayers money. Council Member Valerie Seufert also questioned whether the Township’s actual tax collections support the tax collection rates detailed in the Resolution.

Mr. Benecke responded that \$125,000.00 would be saved and reported that the 2009 tax rate was 96.69%. The 2010 year-to-date tax collection rate has not yet been determined; however, Mr. Zuckerman, CFO, reported tax collections have been strong this year.

A roll call vote was taken:

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

NAYES: None

Resolution #10-112 was approved.

RESOLUTION #10-113

AUTHORIZING EXECUTION OF AN AMENDING RIGHT-OF-WAY AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE TENNESSEE GAS PIPELINE COMPANY

WHEREAS, the Township of Vernon is the owner of properties known and designated as Block 230.06, Lot 1; Block 230.06, Lot 3; and Block 230.06, Lot 11, (“the properties”) on the Tax Map of the Township of Vernon, County of Sussex and State of New Jersey; and

WHEREAS, the properties are subject to an existing right-of-way and easement (“Original Easement”) granted to Tennessee Gas Transmission Company on February 12, 1955 for the purpose of laying and operating a pipeline; and

WHEREAS, said easement was amended by agreement dated April 30, 1963 (“1963 Amending Right-of-Way Agreement”); and

WHEREAS, the Tennessee Gas Pipeline Company (“Tennessee Gas”), a Delaware Corporation, as successor in interest to Tennessee Gas Transmission Company, desires to modify and/or amend certain provisions of the Original Easement and the 1963 Amending Right-of-Way Agreement; and

WHEREAS, the Township Council has determined that it is in the public interest to modify and/or amend the aforesaid easement and agreement in connection with the properties; and

WHEREAS, the proposed Amending Right-of-Way Agreement shall grant additional rights to Tennessee Gas, as set forth and described in the proposed Amending Right-of-Way Agreement and shown more particularly on drawings marked “Exhibit A”, “B” and “C”, attached hereto and made a part hereof; and

WHEREAS, these rights include, the right, privilege and authority to remove and replace two pipelines and all appliances appurtenant thereto, together with the right to lay and operate lines, cables and all related equipment and appurtenances for the operation of communication lines under, over and across the properties; and

WHEREAS, in addition to the rights, privileges and authorities described hereinabove, Tennessee Gas shall have a temporary easement in the properties for construction purposes only; and

WHEREAS, pursuant to the proposed Amending Right-of-Way Agreement the Township will receive consideration in the amount of ten dollars in exchange for granting the rights, privileges and authorities described therein; and

WHEREAS, the Township Engineer and Tax Assessor have reviewed the proposed Amending Right-of-Way Agreement;

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

1. That the Original Easement and 1963 Amending Right-of-Way Agreement are hereby amended as set forth in the attached Amending Right-of-Way Agreement;
2. That except as amended herein, the Original Easement and 1963 Amending Right-of-Way Agreement remain in full force and effect and the provisions contained therein are extended to this amendment;
3. That the Mayor and Township Clerk are hereby authorized to finalize and execute the Amending Right-of-Way Agreement between the Township and Tennessee Gas; and
4. This resolution shall take effect upon approval.

MOVED: Valerie Seufert

SECONDED: Michael Pier

The Township Attorney advised this is minor change to the existing right-of-way. Some additional right-of-way lands are given along with construction easements for the payment of approximately \$10,000.00.

A roll call vote was taken:

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

NAYES: None

Resolution #10-113 was approved.

RESOLUTION #10-114

AUTHORIZING THE TOWNSHIP TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L.1994, C.72

WHEREAS, the Township of Vernon has scheduled budget adoption on May 2010 and the Sussex County Board of Taxation is unable to certify Vernon's tax rate at this time the Vernon Township Tax Collector will be unable to mail the Township's 2010 tax bills on a timely basis:

WHEREAS, the Vernon Township Tax Collector in consultation with the Vernon Township Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY on the 13th day of May 2010 as follows:

1. The Township of Vernon Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2010 taxes. The Tax Collector shall proceed upon approval from the Director and take such actions as are permitted and required by L.1994, C72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2010 is hereby set at \$69,271,594.00.
3. In accordance with the law the third installment of 2010 taxes shall not be subject to interest until the later of August 10th, or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

TOWNSHIP OF VERNON CALCULATION OF ESTIMATED 2010 TAXES

LAND VALUE	\$1,408,973,280.00
IMPROVEMENTS	\$1,390,931,100.00
UTILITIES	\$4,998,651.00
TOTAL	\$2,804,903,031.00

2009 TAX LEVY

	RATE	LEVY
SCHOOL RATE	\$ 1.411	\$39,707,071.00
COUNTY RATE	\$ 0.390	\$10,958,042.24
COUNTY HEALTH	\$ 0.012	\$311,199.00
COUNTY LIBRARY	\$ 0.032	\$883,674.85
CTY OPEN SPACE	\$ 0.015	\$431,422.15
LOCAL TAXES	\$ 0.547	\$15,386,770.75
TOTAL	\$ 2.407	\$67,678,179.99

2010 ESTIMATED TAX RATE RANGE

	Tax Rate	95%	Tax Rate	105%
SCHOOL RATE	\$0.0134	\$37,721,717.45	0.0149	\$41,692,424.55
COUNTY RATE	\$0.0037	\$10,410,140.13	0.0041	\$11,505,944.35
COUNTY HEALTH	\$0.0001	\$295,639.05	0.0001	\$326,758.95
COUNTY LIBRARY	\$0.0003	\$839,491.11	0.0003	\$927,858.59
CTY OPEN SPACE	\$0.0001	\$409,851.04	0.0002	\$452,993.26
LOCAL TAXES	\$0.0052	\$14,617,432.21	0.0058	\$16,156,109.29
TOTAL	\$0.0229	\$64,294,270.99	0.0253	\$71,062,088.99

2010 ESTIMATED TAXES

	TAX RATE	
SCHOOL RATE	\$1.4400	\$40,245,962.00
COUNTY RATE	\$0.4100	\$11,505,921.00
COUNTY HEALTH	\$0.0110	\$310,855.00
COUNTY LIBRARY	\$0.0300	\$840,894.00
CTY OPEN SPACE	\$0.0070	\$207,259.00
LOCAL TAXES	\$0.5760	\$16,160,703.00
TOTAL	\$2.4740	\$69,271,594.00

PREPARED AND CERTIFIED BY:

William Zuckerman
Chief Financial Officer

Antoinette Izzo
Certified Tax Collector

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-114 was approved.

RESOLUTION #10-115

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

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

WHEREAS, Vito A. Apollo, an active firefighter and member of the Vernon Township Volunteer Fire Department, Pochuck Valley Company #4, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

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

MOVED: Harry Shortway
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-115 was approved.

RESOLUTION #10-116

AUTHORIZING THE USE OF MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT #15-C TO PURCHASE TWO (2) VEHICLES TO BE USED BY FIRE PREVENTION OFFICIALS IN THE AMOUNT OF \$61,494.00

WHEREAS, the Township of Vernon and the Fire Prevention Office has a need to purchase two (2) Ford Expedition vehicles to be used by Fire Prevention Officials in their operations as the local enforcing agency of the NJ State Uniform Fire Code, and

WHEREAS, the NJ Uniform Fire Code at NJAC 5:70-2.12(f)2 requires that monies recovered from fire code penalties be placed into a designated trust account and appropriated to support the operations of the local enforcing agency, and

WHEREAS, the current vehicles utilized by the Highland Lakes and Vernon Fire Department Chiefs on fire calls are more than 15 years old and in need of replacement, and

WHEREAS, the Fire Official has presented a schedule to the Deputy Township Manager outlining a method of replacement for fire department vehicles through 2022 at no cost to taxpayers by purchasing new Fire Prevention vehicles every three years through the appropriation of trust account funds and allocating the used Fire Prevention vehicles to the Fire Departments, and

WHEREAS, with the purchase of the two new vehicles, the aforementioned replacement schedule will commence with the allocation of the two current Fire Prevention vehicles to the Highland Lakes and Vernon Fire Departments, and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Pricing Council which has publicly received bids for Vehicles and the Morris County Co-op traditionally receives greater bidder interest and therefore usually lower prices than the Township of Vernon can receive on its own; and

WHEREAS, the Fire Official recommends the Township Council award the contract for the two (2) Ford Expedition vehicles as per the attached price quote using the vendor from the Co-op, Warnock Fleet 175 Rt 10 East Hanover, NJ 07936; and

WHEREAS, the total cost for the purchase of the two (2) vehicles will not exceed \$61,494.00 and the Chief Financial Officer of the Township of Vernon, has certified these funds in the Fire Prevention Trust Account #711310.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Warnock Fleet, be utilized to purchase two (2) Fire Prevention vehicles, in accordance with the attached estimates in the amount not to exceed \$61,494.00.

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

MOVED: Richard Carson
SECONDED: Michael Pier

Council Member Valerie Seufert questioned why Ford Expedition SUVs, not fuel-efficient vehicles, are being purchased.

Council Member Michael Pier commented that it is his understanding that larger vehicles must be used for command vehicles due to the type of equipment they must carry and accommodate. Council Member Pier further questioned whether vehicles could be purchased for future Police Department use.

Thomas Van Gorder, Vernon Fire Official, addressed the Council's concerns regarding the purchase of two (2) Ford Expeditions SUVs. Mr. Van Gorder advised that the 2005 Ford Explorer and the 2001 Chevy Blazer would be presented to the Vernon and Highland Lakes Fire Departments for their use, and further commented that vehicles purchased with Fire Prevention trust account funds could not be used by the Police Department.

A roll call vote was taken:

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

NAYES: None

Resolution #10-116 was approved.

RESOLUTION #10-117

AUTHORIZING THE IMPLEMENTATION OF THE MARCH 12, 2010 LAYOFF PLAN AS AMENDED, HEREBY AUTHORIZING THE SUBMISSION AND IMPLEMENTATION OF THE MAY 14, 2010 TEMPORARY LAYOFF PLAN PROVIDING FOR FIVE (5) FURLOUGH DAYS FOR ALL EMPLOYEES OUTSIDE THE DEPARTMENT OF PUBLIC SAFETY

WHEREAS, the Township of Vernon has been adversely affected by the ongoing economic downturn and dramatic cuts in State aid, forcing drastic reductions in the Township's 2010 Budget; and

WHEREAS, the Township Council of the Township of Vernon continues to take all necessary steps to address these fiscal difficulties, including the authorization for the Acting Township Manager to submit the March 12, 2010 Layoff Plan to the New Jersey Civil Service Commission; and

WHEREAS, said Layoff Plan was approved by the Civil Service Commission and said layoffs are scheduled for implementation on May 15, 2010; and

WHEREAS, following submission of the March 12, 2010 Layoff Plan, various affected employees and bargaining units engaged in negotiations with the Township and proposed reasonable alternatives that allowed several positions to be saved from layoff; and

WHEREAS, the remaining layoffs are set to take place on May 15, 2010; and

WHEREAS, the Township now confirms the May 15, 2010 layoffs as well as the alternatives to layoffs which shall be implemented, including the May 14, 2010 Temporary Layoff Plan for five (5) furlough days for all employees outside the Department of Public Safety and the voluntary reduction in hours for the Building Subcode Official and Electric Subcode Official.

NOW THEREFORE BE IT RESOLVED, this 13th day of May, 2010, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. Pursuant to the March 12, 2010 Layoff Plan, the following Township positions are subject to permanent layoff, effective May 15, 2010:

Township Engineer/Director of Planning & Dev.	Louis Kneip
Municipal Surveyor	John Hanlon
One (1) Police Officer	Scott Carrell
Personnel Director	Pennie Roland
Principal Benefits Clerk	Ruth Nunez

2. Gary Kristoffersen and Eric Samek have agreed to accept a temporary reduction of their work hours, effective May 15, 2010 through April 30, 2011 to avoid the

permanent layoff of Gary Kristoffersen. The Interim Township Manager is authorized to enter into the attached "Agreement Adjusting Hours and Benefits" to effectuate this alternative to the layoff of Mr. Kristoffersen.

THE FOLLOWING SECTION 3 WAS DELETED IN ITS ENTIRETY:

3. The Township Council hereby authorizes submission and implementation of the attached May 14, 2010 Temporary Layoff Plan, calling for five (5) unpaid furlough days on the following dates:

- Friday, July 30, 2010;
- Friday, August 13, 2010;
- Friday, September 3, 2010 (extending Labor Day Holiday);
- Friday, October 8, 2010 (extending Columbus Day Holiday);
- Friday, November 12, 2010 (extending the Veteran's Day Holiday)

Council Member Valerie Seufert questioned why furlough days for all affected municipal employees have been scheduled on the same day and not staggered days. Mr. Palaia responded that the New Jersey Civil Service requirements for local government mandate that all employees working in a municipal department must be furloughed on the same day.

The Township Attorney advised that the first and second sections of this Resolution would be going into effect May 15, 2010 as previously approved and suggested that the Council remove section three for further consideration.

Council Member Valerie Seufert stated she would like Section 3 removed and discussed separately at another time and further stated the Council should only approve the Layoff Plan.

Motion: Valerie Seufert made a motion to approve Resolution #10-117 as amended, removing Section 3 in its entirety.

Second: Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-117 was approved as amended.

RESOLUTION #10-118

AUTHORIZING EXECUTION OF THE 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 #09-163, 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, 2010 through December 31, 2010; 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 April 28, 2010.

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: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-118 was approved.

INTRODUCTION OF 2010 MUNICIPAL BUDGET

RESOLUTION #10-119

INTRODUCTION OF YEAR 2010 MUNICIPAL BUDGET

BE IT RESOLVED by the Township Council of the Township of Vernon, New Jersey, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010.

<u>GENERAL REVENUE</u>	
Total Revenues	\$21,951,358.32
<u>GENERAL APPROPRIATIONS</u>	
Total Appropriations	\$21,951,358.32

BE IT FURTHER RESOLVED, that all items of revenue and appropriations, including unexpended balances of 2009 appropriations in the approximate sum of \$274,680.15 are hereby approved.

BE IT FURTHER RESOLVED, that the said budget be published on May 27, 2010 in the New Jersey Herald and that a hearing on the 2010 Budget and 2010 Tax resolution will be held at the Vernon Municipal Building on June 10, 2010 at 7:00 p.m. or as soon thereafter as the matter may be reached.

Mr. Benecke reported that the proposed 2010 Municipal Budget is \$170,000 less than the 2009 Municipal Budget. The Estimated Tax Levy is \$16,160,704, and increase of approximately \$780,000 over 2009, and the Tax Rate = 0.576 per \$100 assessed value. The municipal portion tax increase would be approximately \$65 - \$70. The budget includes the \$780,000 reduction in State Aid, \$300,000 increase in the Kelly Bill expenses, the \$270,000 increase for the Reserve for Uncollected Taxes.

Mr. Benecke highlighted the following budget disclosures:

1. Reserve for Uncollected Taxes increased approximated \$280,000
2. There is an operating deficient of \$190,000.00, which includes a \$30,000.00 over expenditure resulting from an accounting entry back in January 2009 that cannot be booked; a \$274,680.00 appropriation in an unexpended balances canceled account to offset the 2009 Ameripay loss.

Mr. Benecke reported the Local Finance Board will be very strict in their technical review of all Municipal Budgets and encouraged the Council to introduce the Municipal Budget. Mr. Benecke assured the Council that all budget numbers have been

calibrated and reported that the Tax Appropriations Cap and Tax Levy Cap are within state guidelines.

In closing, Mr. Benecke reported that the budget produces approximately a 3-point tax increase of which two tax points are due to the pension deferral taken in 2009.

The Council had no questions.

MOVED: Michael Pier
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-119 was approved.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE #10-04

AN ORDINANCE TO REPLACE CHAPTER 374 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING NUISANCES

BE IT ORDAINED by the Mayor and Council of the Township of Vernon as follows:

Section 1.

The Code of the Township of Vernon is amended to replace Chapter 374 in its entirety as follows:

§ 374-1. Title of code adopted.

The said code established and adopted by this chapter is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953)." The Code is adopted by reference without include the full text as permitted by N.J.S.A. 26:3-69.1 et seq.

§ 374-2. Copies on file.

Three copies of the said Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the Vernon Township Building Department will remain on file there for the use and examination of the public.

§ 374-3. Commercial Nuisance Defined.

No person shall intentionally or willfully engage in conduct which interferes with, obstructs or otherwise unlawfully disrupts the lawful activities of any commercial or retail establishment or place of business.

§ 374-4. Violations and Penalties.

Any person who creates or maintains a Nuisance or a Commercial Nuisance as set forth in the Chapter shall be in violation of this Code and be subject to the penalties set forth in Section 1-19.

Section 2.

Severability: If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3.

Effective Date: This Ordinance shall take effect after publication and passage according to law.

Mayor Rinker read Ordinance #10-04 by title only. First reading was held on April 8, 2010.

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

Mary Ellen Vichiconti, [REDACTED], questioned the definition of a nuisance and specifically questioned what types of nuisances are referred to in this Ordinance. Ms. Vichiconti expressed her concerns with recent graffiti occurrences.

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

There was no Council discussion.

MOTION: Harry Shortway
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Ordinance #10-04 was approved.

ORDINANCE #10-05

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 141 LOTS 15.01 and 15.02

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 141 Lots 15.01 and 15.02; 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.

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 141 Lots 15.01 and 15.02 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 June 10, 2010 at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.
2. The said properties shall be sold subject to the following terms and conditions:
 - (a) The said properties shall be sold for not less than the amount set forth in Schedule A.
 - (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) 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.
 - (e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, in case 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.

- (f) A Bargain and Sale 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 the satisfaction of the contingency set forth in paragraph 2(k), 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.
- (g) 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.
- (h) 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.
- (i) The property will be sold subject to 2010 taxes, pro rated from the date of sale.
- (j) 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.
- (k) The sale is contingent upon the buyer obtaining at least preliminary site plan approval for development and buyer securing all necessary permits and commitments for water and sewer or septic within nine (9) months of the date of the auction. If the approvals are not obtained within nine (9) months, the Township Council may, in its sole discretion, grant up to three 3 month extensions provided that the buyer has pursued the approvals diligently.

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

Mayor Rinker read Ordinance #10-05 by title only. First reading was held on April 8, 2010.

MOTION: Michael Pier
SECONDED: Harry Shortway

Council Member Valerie Seufert questioned if a condition or guarantee would be in place for inclusion in the sewer service area. Council Member Seufert also questioned whether the Vernon Township Fire Department is interested in moving to the Route 94 property.

Council Member Michael Pier commented that the Vernon Township Fire Department would require the Township to construct a new Firehouse if they were to relocate from their current site. Council Member Michael Pier further commented that the Fire Department has a facility they are happy with and a developer is interested in the McEwan property, which would bring a new ratable to town.

Council Member Valerie Seufert further questioned if the property was purchased through bonding and reminded the Council that if the property was purchased with monies from a bond, any sales proceeds generated would be used to pay off the bond.

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

Phyllis Pfeiffer, Vernon, questioned original the purchase price to the Township and asked how much the Township would be selling the property for. Ms. Pfeiffer also questioned if the Township has a plan in place as to how property would be used in the Town Center. Ms. Pfeiffer requested if it is possible for the Council to present a Town Center presentation to the public.

Mayor Sally Rinker invited Ms. Pfeiffer to attend the Land Use Board meetings since that board is charged with the creating the Township's Master Plan.

Ed Snook, [REDACTED] questioned where a new Department of Public Works facility would be constructed in the event a supermarket locates on the current Public Works site. Mr. Snook stated the Township is limited on where it can relocate the Department

of Public Works and should remain in the Town Center due to its central location in the Township and the fueling source, which is located at Baldwin's on Church Street.

Gary Martinsen, reminded the Council of State Ethics Laws concerning the expenditure of public funds. Mr. Martinsen also stated concern about a "quick sale" and questioned item K requiring the approval of a Preliminary Site Plan within 9 months. Mr. Martinsen further questioned if the property could be leased.

Council Member Richard Carson questioned if this property is under investigation by the Attorney General and commented that the public has brought up several good points and there are some unanswered questions.

Council Member Harry Shortway commented that the Township must begin bringing in revenues otherwise more layoffs would occur and taxes would increase.

Mayor Sally Rinker commented she does not believe Fire Departments and Department of Public Works should be located on main corridors and stated it is urgency that revenues and ratables be sought for economic development. Mayor Rinker commented the Township has two very interested parties in the property, which hopefully would attract more businesses.

Jessi Paladini, questioned if there is an interested parted in the property and commented that the property should not be sold for less than the \$500,000.00 minimum bid.

Township Attorney John Ursin reported that the public auction process was conscientiously chosen because of its open, transparent process and that a minimum bid of \$500,000 is required.

Council Members Valerie Seufert and Richard Carson requested confirmation whether or not the property was purchased through bonding, and asked for confirmation whether the Fire Department would like to relocate to the McEwan property in the future.

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

A roll call vote was taken:

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

NAYES: Valerie Seufert

Ordinance #10-05 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-06

AN ORDINANCE GRANTING MUNICIPAL HISTORIC DESIGNATION TO THE HIGH BREEZE FARM AND PROPERTY KNOWN AS BLOCK 42 LOT 12 AND BLOCK 43 LOT 4, IN THE TOWNSHIP OF VERNON

WHEREAS, the National Register of Historic Places has registered the High Breeze Farm, 177-224 Barrett Road, Block 42 Lot 12 and Block 43 Lot 4, as a Historic Landmark; and

WHEREAS, the Vernon Township Historic Preservation Commission ("HPC") has studied the property known as Block 42 Lot 12 and Block 43 Lot 4, for inclusion in the Historic Element of the Master Plan pursuant to the Vernon Township Administrative Code §330-148 et seq, and has recommended the property to the Vernon Township Land Use Board for designation as an Historic Landmark; and

WHEREAS, the Land Use Board considered the application filed by the HPC., Block 42 Lot 12 and Block 43 Lot 4, High Breeze Farm, for designation as a Historic Landmark at its regular meeting held on March 24, 2010; and

WHEREAS, the Land Use Board approved of the designation of said property as a Historic Landmark on March 24 2010, said approval requiring the Historic Element of the Master Plan to be updated so as to include this property on the list of Historic landmarks.

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

1. High Breeze Farm, Block 42 Lot 12 and Block 43 Lot 4 is hereby granted Municipal Historic Designation.
2. The Historic Element of the Master Plan shall be updated so as to include said property on the list of Historic Landmarks.
3. A copy of this Ordinance shall be served upon the owners of the properties by certified mail return receipt requested and regular mail after the first reading and prior to final adoption by the Municipal Clerk.
4. The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.
5. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
6. 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.
7. This Ordinance shall take effect after publication and passage according to law.

Mayor Sally Rinker read Ordinance #10-06 by title only.

Motion: Richard Carson
Seconded: Valerie Seufert.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-06 was approved as introduced. Public Hearing to be scheduled for June 10, 2009.

ORDINANCE #10-07

ORDINANCE AMENDING SECTION 330-8A OF THE CODE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ALTERNATE MEMBERS OF THE LAND USE BOARD

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

SECTION I:

Section 330-8A of the Code of the Township of Vernon is hereby amended as follow (Subsections B and C shall not be modified and shall continue in full force and effect):
330-8. Alternate members.

- A. There shall be four alternate members of the Municipal Land Use Board, all of whom shall be municipal residents. Alternate members shall be appointed by the Township Council for Class IV members and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" through "Alternate No. 4." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one

year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the Township Council for the unexpired term only.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

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

Mayor Sally Rinker read Ordinance #10-07 by title only.

Motion: Valerie Seufert
Seconded: Harry Shortway.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-07 was approved as introduced. Public Hearing to be scheduled for June 10, 2009.

COUNCIL BUSINESS

Appointment to the Land Use Board

Mayor Sally Rinker commented that two more vacancies became available on the Land Use Board in addition to the two positions listed on the agenda.

Council Member Valerie Seufert asked that the two recent resignations on the Land Use Board be considered for appointment at the next meeting so that the Council could review the applications submitted by interested persons.

Motion: Mayor Sally Rinker made a motion to move the Alternate #1 member to the vacated Class IV Member with term expiring December 31, 2011 and to appoint Brian Lynch as the new Alternate #1 Member.

Seconded: Richard Carson.

A roll call vote was taken:

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

NAYES: None

Appointment to the Economic Development Advisory Committee

Motion: Mayor Rinker made a motion to appoint Richard Conklin as a Member to the Economic Development Advisory Committee.

Seconded: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Mayor Sally Rinker raised the need to create the following sub-committees and distributed the lists for Council's consideration at their next meeting:

1. Emergency Services
2. Shared Services

3. Sewer and Water Project
4. Board of Education Communications
5. Recreation
6. County Issues
7. Green Initiative
8. Budget
9. Real Estate

Mayor Rinker reported that Vernon resident Mr. Everett Paladini submitted a proposal to the Township wishing to donate a sculpture he created in memory of the 691 New Jersey residents who lost their lives in the World Trade Center on September 11, 2001. The sculpture would be permanently displayed at the Municipal Center. The Council received information for their review and consideration.

Council Member Valerie Seufert thanked Mr. Paladini for his artwork and willingness to share this monument with Vernon Township.

Council Member Michael Pier wished to clarify that he does not oppose Friday furlough days for the affected employees but rather opposes the Municipal Center building being closed on the five designated Fridays.

Council Member Valerie Seufert also clarifies that she too was not opposed to the municipal employees having Friday furlough days but would like to have the municipal offices open for the public's access.

Council Member Valerie Seufert questioned the requirements detailed in the Request for Qualifications (RFQ) for Township Engineer and suggested they should be qualified and have experience in municipalities with a population of 10,000 or more. Council Member Valerie Seufert also presented concerns that the Land Use Board is without a secretary, Township Engineer, and Planner and further requested that a key to the Municipal Building should be issued to the Council for access.

Township Attorney John Ursin advised that cost savings could be achieved if the Township and Land Use Board share the same engineer.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 10:05 p.m., Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Michael Pier with all members voting in favor.

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matters.
2. The general nature of the subject matters to be discussed are:
 - a. Personnel matter regarding police personnel. Executive Session minutes will be released to the public upon the conclusion of this matter.
 - b. Personnel matter regarding Township Manager Interviews. Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an employment agreement for the Township Manager position.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 10:05 p.m.

▪ ▪ ▪ ▪ ▪

The meeting was reopened to the public at 10.40 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway and Mayor Sally Rinker. Also present were Deputy Manager Brian Palaia and Township Attorney John Ursin.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:40 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: May 27, 2010