

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

May 23, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:08 p.m. on Monday, May 23, 2011 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 6, 2011, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

ROLL CALL OF MEMBERS

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:10 pm, Mayor Rinker asked for a motion to go into Executive Session Council Member Lynch made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Shortway with all members voting in favor.

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

WHEREAS, Section 8 of the Open Public Meetings Act, N.J.S.A. 10:4-6 permits the exclusion of the public in certain circumstances; and

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. 69 Barry Drive North – potential litigation
 - b. Thompson v. Vernon Township
 - c. Professional Legal Services Agreement – Ameripay Issue
 - d. SCMUA Indemnification Agreement – litigation, attorney/client privilege
 - e. Mt. Creek negotiations
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 6:11 p.m.

The meeting was reopened to the public at 7:05 p.m.

ROLL CALL OF MEMBERS

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

SALUTE TO THE FLAG

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

PRESENTATION:

2010 Municipal Audit – Nisivoccia & Co., Municipal Auditor – Bill Schroeder

Mr. Schroeder gave an overview of the 2010 audit.

Council Member Carson asked about Recommendation #1 – it was an ongoing issue. He asked Mr. Schroeder how it can be avoided/corrected. Mr. Schroeder advised that this item appears in more than half of audits they perform in other municipalities. These particular tasks require specifically trained personnel. He noted that no irregularities were seen during the audit process.

Council Member Seufert asked the Manager to try to address this to eliminate the problem in the future. Mr. Giaimis advised that he had spoken to Mr. Zuckerman on this issue and would continue to address it with the Auditor and the CFO.

Council Member Carson asked about Recommendation #6 – Police Department deposits. He thought this had appeared in last year's audit as well. Council Member Seufert thought proper procedures were put into place for all departments after last year's audit. Mr. Giaimis advised that he would address this with the staff tomorrow.

AUCTION

Auction for property known as Block 124-17 Lot 11 – Ordinance #11-10 was introduced on March 14 and adopted on April 28. Minimum bid was for \$2,500.00.

There was only one bidder – Dennis Hopson, [REDACTED]. The bid was won by Mr. Hopson. He was advised that a deposit of \$700.00 was required, and that Mr. Ursin would process the paperwork for the sale of the property by the Township to him. A 5 minute recess was taken in order for Mr. Hopson to make payment to the Clerk.

PUBLIC COMMENTS

Howard Greenblatt – spoke on the Board of Education budget vote. He felt the voting hours are not long enough, and that the Governing Body should expand those hours by impressing upon the Board of Education the need to do so. He noted that he had recently become aware that he could vote by mail-in ballot but he much preferred voting in person. Mr. Ursin advised that there was pending legislation to change the dates and times of school elections.

Jessi Paladini – suggested lobbying Trenton to include the School Board election with the November general election.

A resident who wished not to have her name published, spoke about her experience with sexual abuse, noting that she would like the Township to hold discussions on this topic on all aspects of the problem including what happens to victims that continues into adulthood. She thanked Mr. Shortway and Mayor Rinker for their support and their quick response, as well as Chief Wherry.

Tom McClachrie – noted Resolution #11-97, and asked who owned Conway Dam. Mr. Ursin advised that the Township owns most of the dam (all the way back to the 1970's). Mr. McClachrie asked about Resolution #11-98, Ameripay that notes the amount not to exceed \$5,000 for the attorney fees. He asked if this meant there were no costs prior to this Resolution. On Resolution #11-99, he asked what it meant about the Mountain Creek day lodge. Mr. Ursin gave an overview of the project and the developer's agreement, including the sewer connection clause. Mr. McClachrie asked if the plastic tents would be removed, and was advised that the amended site plan did stipulate that they would.

Mr. McClachrie asked about the training classes for the incoming government. Mayor Rinker suggested a seminar that would be open to the public to learn about the structure, the roles, etc. for the new governing body. She wished to authorize the Manager to schedule such a seminar as soon as possible. Council Member Lynch

advised that they had been considering taking courses. Mr. Giaimis noted that he would advise them of pending issues.

Dan Kadish, Edward Dunn, and Pat Rizzuto, Councilmen-Elect – advised the Council that they had spoken to Rutgers about a class tailored to their needs. Mr. Kadish noted that he had also asked the Clerk to order books for the new governing body, as well as attending some seminars. They felt this would engender a speed of trust for the new team. They spoke on their respective experiences with new jobs and how they learned their roles. They asked Mr. Ursin about quorum issues if they were all to meet at the same time. Mr. Ursin advised that they can always attend seminars together without opening up the session to the public.

Mayor Rinker felt the public should also be informed on how the new government will operate. Mayor Rinker moved to authorize the Manager to arrange a public work session on the new form of government. Council Member Seufert seconded the motion. All were in favor.

Gary Martinsen – advised that the incoming Council should be careful when meeting where a quorum was present that they not deal with any Township issues. He advised that the Kiwanis meeting would be informed about that issue as well. He noted his pleasure that Pat Seger had told him the snowmen would be removed the next day and replaced with flags. He asked about Ord. #11-12 on the MUA – he was concerned about businesses being hammered with fees. He asked Council to advise them of the estimated amount for their locations.

Kirk – sixth generation on the Walker farm – asked Council to approve the solar farm idea being proposed. He wants the issue to be regulated, and believes it is okay for individuals to have them. Mayor Rinker advised that there would be a public hearing on the Ordinance at the next meeting. The Walker family asked to be able to make a presentation at the next meeting. Council agreed and suggested the family contact the Manager's office to put it on the agenda.

Jamie Rickey – asked if solar farms were a tax-ratable. Mr. Ursin felt that they were. Mayor Rinker and Council Member Seufert noted that they had heard that solar farms were not taxable.

Bonnie Rubin – spoke about the stifling air in Council chambers. She suggested opening windows.

Mayor Rinker closed the meeting to public comments.

Approval of Minutes

Executive Session Minutes from April 28, 2011

MOVED: Brian Lynch

SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Brian Lynch, Sally Rinker

NAYES: None

ABSTAIN: Carson, Seufert, Shortway

Minutes were approved.

Executive Session Minutes from May 12, 2011

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Richard Carson

Minutes were approved.

Regular Meeting Minutes from February 28, 2011

MOVED: Harry Shortway

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Minutes were approved.

Regular Meeting Minutes from March 14, 2011

MOVED: Brian Lynch

SECONDED:Richard Carson

A roll call vote was taken:

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

NAYES: None

Minutes were approved.

Regular Meeting Minutes from March 28, 2011

MOVED: Valerie Seufert

SECONDED:Harry Shortway

A roll call vote was taken:

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

NAYES: None

Minutes were approved.

Special Meeting Minutes from March 24, 2011

MOVED: Harry Shortway

SECONDED:Richard Carson

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Valerie Seufert

Minutes were approved.

TOWNSHIP MANAGER'S REPORT

Mr. Giaimis noted the following items:

- Waywayanda State Park – A request came in looking to open the entrance from Memorial Day through October only on weekends, as they can't justify leaving it open 7 days a week. Council Member Lynch noted that the back entrance has problems with traffic using excessive speed when exiting by Barry Drive. He felt they should have rangers posted at those exits. Mr. Giaimis advised that he would notify the Police Department.
- County Meeting on Thursday here about Rte. 517/Maple Grange issues is scheduled for 7:00pm. He promised to get more information prior to the meeting and would advise accordingly.
- Environmental Comm. Meeting – the gas pipeline people will hold a safety training session for members.
- Mt. Creek have asked to hold amusement games in the water park area. Mr. Ursin advised that amusement games were heavily regulated by the State. He further advised that while bingos and raffles had been allowed by referendum, amusement games had never been allowed. They would also have required adoption of an ordinance. Clearly amusement games are more-stringently regulated.
- Reminded the Mayor and Council to see the Clerk before leaving to sign the Audit Affidavit.

TOWNSHIP ATTORNEY'S REPORT

Mr. Ursin advised that Council had discussed an issue in Executive Session on a property that has accrued huge Fire Prevention fines. He noted that if Council wished him to move forward, they would need a motion for him to do so.

Council Member Carson made a motion to authorize the Township Attorney to file a lawsuit to resolve the outstanding penalties on the property. Mayor Rinker made the second, with all Council Members in favor.

Mr. Ursin continued with his report, noting that they had recently closed on 3 rounds of foreclosures (more 40), which the Township took title on, temporarily. He noted that Mt. Creek had also been discussed in Executive Session.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #11-92

TAX OVERPAYMENT

WHEREAS, a DUPLICATE PAYMENT was made on the First quarter **2011** taxes;

WHEREAS, such payments created an **OVERPAYMENT.**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue check for said overpayments and the Tax Collector refund said overpayment of taxes on the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QUARTER</u>	<u>LOCATION</u>
199.07	30.01 C0001	Core Logic (Re: Beauparlant, Julie #30918809)	\$829.11	2 nd	Arnold Palmer Ct U1

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #11-92 was approved.

RESOLUTION # 11-93

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	\$ 6,200.00	Poll Workers
#2	Current	\$2,003,870.32	BOE
#3	Capital	\$ 56,840.00	ATC Systems
#4	Grant	\$ 785.73	
#5	Planning & Zoning	\$ 2,715.00	
#6	Other Trust	\$ 8,089.90	State of NJ
#7	Other Trust	\$ 382.00	
#8	Recreation	\$ 5,383.24	
#9	Recreation	\$ 933.97	
#10	Sewer Operating	\$ 510.49	
#11	Outside Services	\$ 287.36	
	Payroll	\$ 338,446.37	1 st Pay in May
	Total	\$ 2,424,444.38	

Motion to approve all except check #1218 and check #1228.

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 #11-93 was approved.

Motion to approve check #1218.

MOVED: Richard Carson

SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Richard Carson, Harry Shortway, Sally Rinker

NAYES: None

ABSTAIN: Brian Lynch, Valerie Seufert

Check #1218 was approved.

Motion to approve check #1228.

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Harry Shortway

Check #1228 was approved.

RESOLUTION #11-94

2010 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars

(\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

MOVED: Valerie Seufert

SECONDED: Brian Lynch

A roll call vote was taken:

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

NAYES: None

Resolution #11-94 was approved.

Resolution #11-95 and #11-96 were acted on together.

RESOLUTION #11-95

AUTHORIZING PLACEMENT OF TEMPORARY SIGNAGE

WHEREAS, Christ Community Church in Highland Lakes, New Jersey has requested permission from the Township Council to place temporary signage across Breakneck Road from the church property to a residential property to advertise for the Annual Vacation Bible School; and

WHEREAS, permission to hang the banner has been received from the residential property owner across Breakneck Road; and

WHEREAS, the Church is requesting to display the temporary signage, one (1) banner measuring 3' by 18', for a time period of thirty days, beginning June 15, 2011 through the close of Vacation Bible School July 15, 2011.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, that Christ Community Church in Highland Lakes, New Jersey is granted permission to place temporary signage, as described above, across Breakneck Road, from June 15, 2011 through July 15, 2011, in association with the Church's Vacation Bible School event.

BE IT FURTHER RESOLVED that any and all approved signage placed pursuant to this Resolution shall be removed on the day following the event.

RESOLUTION #11-96

AUTHORIZING PLACEMENT OF TEMPORARY SIGNAGE

WHEREAS, Our Lady of Fatima Church in Highland Lakes, New Jersey has requested permission from the Township Council to place temporary signage on the front lawn of the A&P in Vernon, along Route 515 / Stockholm Road in association with the Church's summer Carnival to be held July 27-30, 2011;

WHEREAS, approval has been received from a principal representing the property owner, as per a letter dated May 17, 2011, for the placement of the signage for this event;

WHEREAS, the temporary signage requested to be displayed will be one (1) "A" frame sign measuring 4' wide by 6' high and will be displayed from July 9th through July 30, 2011.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, that Our Lady of Fatima Church in Highland Lakes, New Jersey is granted permission to place temporary signage, as described above, along County Road 515/

Stockholm Road on the front lawn of the A&P in Vernon, from July 9- July 30, 2011, in association with the Church's summer carnival event..

BE IT FURTHER RESOLVED that any and all signage placed pursuant to this Resolution shall be removed on the day following the event.

MOVED: Valerie Seufert

SECONDED: Harry Shortway

Richard Carson asked for clarification, as he had understood that Our Lady of Fatima had asked to waive the Fire Prevention fees, and that was not noted in the resolution. He was advised that the Resolution does not authorize doing so. Mr. Carson suggested that Mr. Giaimis send them a letter to advise that a separate letter requesting the waiver of Fire Prevention fees was required.

A roll call vote was taken:

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

NAYES: None

Resolution #11-95 and #11-96 were approved.

RESOLUTION #11-97

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR DAM MAINTENANCE REVIEW AND REPORTING OF LAKE CONWAY DAM IN THE AMOUNT NOT TO EXCEED OF \$3,800.00

WHEREAS, the Township of Vernon is in need of dam maintenance services for the Lake Conway Dam (NJDEP File No. 22-285) presented in a NJDEP letter dated May 4, 2011; and

WHEREAS, Maser Consulting, P.A, Red Bank, NJ, is a New Jersey licensed Professional Engineering firm experienced in the design and construction of dams; and

WHEREAS, Maser Consulting, P.A has submitted a proposal for professional engineering services associated with the NJDEP Dam Safety Section maintenance requirements for the Lake Conway Dam for a cost not to exceed \$3,800.00; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified these funds are available for this purpose.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to enter into a Professional Services Contract with Maser Consulting, P.A for engineering services for the Professional Engineering Services associated with the NJDEP Dam Safety Section maintenance requirements for Lake Conway Dam for an amount not to exceed \$3,800.00.

This resolution will take effect immediately according to law.

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 #11-97 was approved.

RESOLUTION #11-98

AWARD A CONTRACT WITH FLORIO, PERRUCCI, STEINHARDT & FADER, LLC

AS SPECIAL CONFLICT COUNSEL

WHEREAS, the Township of Vernon is in need of Special Counsel Legal Services associated with Ameripay and IRS Claims; and

WHEREAS, the Township of Vernon has received a proposal, dated May 11, 2011, from Florio, Perrucci, Steinhardt & Fader, LLC with respect to providing an analysis and report on the Township's claims against Ameripay and the IRS for reimbursement of payments made; and

WHEREAS, Florio, Perrucci, Steinhardt & Fader, LLC is a law firm with experience in general tax and bankruptcy matters through their General Litigation and Corporate and Business Law Groups; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, the Chief Finance Officer has certified funds, in the amount not to exceed \$5,000.00, are available for this purpose.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to enter into a Professional Services Contract with the law firm of Florio, Perrucci, Steinhardt & Fader, LLC as Special Counsel for the purpose of Legal Services with respect to an Analysis and report on the Township's Claims against Ameripay and the IRS for reimbursement of payments made, in the amount not to exceed \$5,000.00.

This Resolution will take effect immediately according to law.

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 #11-98 was approved.

RESOLUTION #11-99

AUTHORIZATION TO EXECUTE A DEVELOPER'S AGREEMENT WITH MOUNTAIN CREEK RESORT, INC. IN RELATION TO DAY LODGE FINAL MAJOR SUBDIVISION AND SITE PLAN

WHEREAS, Mountain Creek Resort, Inc. received Land Use Board approval for Preliminary Major Amended Subdivision and Site Plan Approval in 2006, amended said approvals under PB#2-08-2 and received Final Major Subdivision on February 9, 2011 for Block 183 Lots 12.01 and 12.02; Block 184 Lots 10,12-16,18,25 & 25.01; and Block 190 Lots 9,10, & 10.01; and

WHEREAS, the Developer and the Township desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the Approvals for the properties; and

WHEREAS, the Developer desires to proceed with the development of the properties and to install the improvements as shown on the Plats for which the Approvals were, or are about to be received; and

WHEREAS, this agreement is solely intended to memorialize the Developer's obligations with respect to the construction of the day lodge and related improvements.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, does hereby authorize the Mayor and Township Clerk to execute a Developer's Agreement with Mountain Creek Resort, Inc for property known as Block 183 Lots 12.01 and 12.02; Block 184 Lots 10,12-16,18,25 & 25.01; and Block 190 Lots

9,10, & 10.01 as shown on the Tax Map of the Township of Vernon pursuant to the Land Use Board Resolution adopted on February 9, 2011, PB#2-08-2, a copy of which is on file in the office of the Township Clerk.

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

MOVED: Richard Carson

SECONDED: Brian Lynch

A roll call vote was taken:

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

NAYES: None

Resolution #11-99 was approved.

Mr. Ursin noted that by passing the Developer's Agreement, it was a good faith effort for Mt. Creek in assisting with their construction schedule to move forward and connect the sewers.

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #11-14

AN ORDINANCE TO AMEND CHAPTER 330 ARTICLE XI ZONING OF THE CODE OF THE TOWNSHIP OF VERNON TO PROVIDE REGULATIONS REGARDING SOLAR ENERGY FACILITIES.

WHEREAS, the Township of Vernon recognizes the growing trend of residential and commercial properties installing solar structures to produce renewable energy, and

WHEREAS, use of renewable energy is one way for a property to reduce its impact on the environment and solar energy is an abundant, non polluting and renewable energy resource, and

WHEREAS, in recognition of the above statements the New Jersey Legislature has recently amended the Municipal Land Use Law (N.J.S.A. 40:55D) to permit renewable energy facilities in industrial zones on sites of 20 acres or larger and to recognize renewable energy facilities as inherently beneficial uses, and

WHEREAS, the Land Use Board and the Environmental Commission have determined that there exists the need to regulate the use and placement of renewable energy facilities and structures in light of the current national and regional trend toward the development of renewable energy generating systems. And that existing zoning regulations do not address this emerging trend as it may impact the use of valuable natural resources, rural character and farmland in Vernon Township; and

WHEREAS, the Land Use Board and the Environmental Commission have considered recent legislation enacted in the State of New Jersey declaring certain renewable energy generating systems inherently beneficial uses to the citizens of this State and the Land Use Board and the Environmental Commission believe there is a need to balance the development of these uses with State and local land use goals and objectives to protect the natural resources and tourism industry, including farmland, and the rural character of Vernon Township, while allowing for the development of renewable solar or photovoltaic facilities in an orderly way; and

WHEREAS, the Vernon Township Council acknowledges that existing ordinance standards do not adequately provide for the orderly use and development of lands in the Township of Vernon for solar or photovoltaic facilities and structure installations for individual homeowners and business establishments and for larger installations that are capable of generating electrical power for the general citizenry of the State, region, and community, and concurs with the recommendations of the Land Use Board.

NOW, THEREFORE, be it ordained by the Mayor and Township Council of the Township of Vernon that the Land Development Code of the Township of Vernon shall be amended as follows:

SECTION I - SOLAR, DEFINITIONS

CHAPTER 330 Land Development of the Ordinances of Vernon Township, Article II, Language and Definitions is hereby amended and supplemented with the following new definitions:

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - "Minor solar or photovoltaic energy facility or structure " or "minor solar or photovoltaic energy system" means a fuel cell, solar or photovoltaic panel or system of panels for the production of energy that:

1. Uses solar energy as its fuel; is located on the power beneficiary's premises; is designed and intended primarily to offset part or all of the beneficiary's requirements for energy consumption on site; and is secondary to the beneficiary's use of the premises for other lawful purpose(s);
2. Is intended to mitigate electrical system improvement requirements; and
3. Generates not more than 110% of the power consumed by the beneficiary's premises, which shall be documented through the submission of power company electricity usage bills for the twelve months prior to the date of application, or another form of documentation acceptable to the Vernon Township Engineer. This documentation shall be provided at the time of application.
4. If the solar or photovoltaic energy facility or structure is not located on the same property as the use it serves, than the facility shall be treated as a major solar or photovoltaic energy facility or structure.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - Major solar or photovoltaic energy facility or structure or major solar or photovoltaic energy system means a system of fuel cells, solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

PANEL - A solar panel is an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes, but is not limited to, flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy or array.

SECTION II – SOLAR, ZONING

Chapter 330 Land Development of the Ordinances of Vernon Township, Article XI Zoning, Section 330-160 Schedule of Permitted, Conditional and Accessory Uses and Structures for all zoning districts are hereby amended and supplemented, by adding the following new subsection in the above Districts, except that in the Public Land and Conservation Districts, minor solar facilities are permitted as roof installations for existing structures only. The uses are amended as follows:

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12” beyond the edge of the roofline or 12” above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations for accessory structures. Ground arrays which are accessory to an existing structure shall not be permitted in any front yard. These systems shall not exceed 15 feet when installed as ground arrays and the maximum building height in the zoning district when utilized as roof installations. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment. The Board may consider screening of minor facilities when it deems it necessary to minimize impacts on adjacent parcels.

Chapter 330 Land Development of the Ordinances of Vernon Township, Article XI Zoning, Section 330-160 Schedule of Permitted, Conditional and Accessory Uses and Structures in the C-1 Neighborhood Commercial District; in the C-2 General Business/Shopping Center District;

in the C-3 Office Professional District, in the CR Commercial Recreation District; in the LI Light Industrial District; in the MR Mountain Resort District are hereby amended and supplemented, by adding the following new subsection in the above Districts, as follows:

1. Conditional Uses - Major solar or photovoltaic energy facilities or structures. The conditions for use are as follows:
 - a. Minimum lot size: 20-acres. Preliminary and final site plan approval shall be obtained prior to obtaining a zoning permit. In the LI district, approval for major solar or photovoltaic energy facilities or structures on lots smaller than 20 acres shall be at the discretion of the Land Use Board. Solar facilities for non preserved farmland shall be a maximum of 10 acres, have a 2 Megawatt (MW) limit and have a 1:5 ratio, i.e. one acre of the farm in solar use for every 5 acres of the QFarm assessed area in order to continue to maintain "Right to Farm" protection.

SECTION III – SOLAR, STANDARDS

All major solar or photovoltaic energy facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards:

1. No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and structures are constructed unless approved as per the Vernon Township Soil Removal Ordinance (Chapter 483). Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads, berms for screening and for construction of inverter and switching equipment pads.
2. Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with the Vernon Stream Buffer Conservation Overlay Zone Ordinance (Chapter 330, Article XIX). Any Highlands Preservation Area permits must be obtained prior to any work being completed on the site.
3. Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is to be located, exclusive of poles for interconnection of the facility to the electrical grid. The minimum vegetated visual and security buffer width for major solar or photovoltaic energy facilities or structures shall be 50' and shall be provided in all zoning districts. The minimum principal setbacks shall be increased to 50' in any zoning district where the principal building setback is less than 50 feet. Otherwise minimum setbacks for principal structures within the zoning district shall apply. The Board may reduce setback requirements in the Light Industrial District if the Board finds that such a reduction will not impact adjacent parcels.
4. Major solar or photovoltaic energy facilities and structures shall be visibly screened from the public traveled way (public roads, trails, navigable waterways, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - a. To the extent achievable, solar or photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
 - b. If the property is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements it shall buffer the farm, open space and/or easements from view.
 - c. The following minimum screening requirements shall be met. However,

notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the Land Use Board that the proposed screening provides a visual screen of the facility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the board.

- (1) Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening throughout the year.
- (2) The landscaping plantings shall be designed for enhancing the quality of the soil and the ability of the land to absorb rainwater.
- (3) Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of Vernon Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75 percent screening of the solar energy generation facilities within five years of completing the installation of the facilities. A photo simulated exhibit depicting screening at key locations at the projected five year period shall be required.
- (4) A barrier shall be installed behind the required screen which shall:
 - (a) Secure the facility at all times.
 - (b) Restrict access to all electrical wiring that may be readily accessible.
 - (c) All electrical control equipment shall be labeled and secured to prevent unauthorized access.
 - (d) Conform to the Uniform Construction Code and other applicable standards.
 - (e) One or more access gates to the facility shall be provided. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - (f) No signs shall be posted on a solar facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - (g) All transformers and high voltage equipment shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - (h) The height of security fences and access gates shall not exceed 8'. Barbed wire fences are not permitted except in cases where it is demonstrated to the satisfaction of the board of jurisdiction that barbed wire fencing is required for security purposes. In such cases the total height of the fence and access gates including barbed wire shall not exceed 8'. Approval of barbed wire fencing for solar facilities is at the discretion of the board of jurisdiction.
5. A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping and fencing shall be a continuing condition of any approval that may be granted. A cost estimate for required plantings shall be presented as part of any application and a 5 year maintenance bond approved by the Township Engineer, which posts a minimum of 5 percent of total landscaping costs,

shall be a condition of approval. The Maintenance Plan shall be environmentally responsible.

6. All ground areas occupied by a major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization:
 - a. A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - b. If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the reviewing Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses.
 - c. Roadways within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction, except that driveways into the site shall meet the Township Standards for driveway entrances from public roadways. Internal roadways shall be constructed to the minimal extent possible. Roadways within the occupied area shall be designed as grassed roadways to minimize the extent of soil disturbance, water runoff and soil compaction. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary roadways during the construction of the solar energy generation facilities is permitted provided that the geotextile fabrics and gravel are removed once the solar energy generation facilities are in operation.
 - d. The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version. Revised 8/2001, prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.
 - e. The components of this plan may be combined with the requirements of the Grading and Drainage Plan. See Section III, 8, below.
7. The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's stormwater ordinance and other applicable state standards.
 - a. A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the board of jurisdiction's engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also address the need for additional drainage structures on other private properties or public lands.
 - b. The grading and drainage plan shall show, among other things:
 - (1) All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - (2) The calculated volume of water run-off from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be

- used to carry or contain the run-off from the slope and the lot; and
- (3) The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.
- c. Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater drainage velocities shall not be exceeded in the post development condition.
- d. The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the board of jurisdiction.
8. In addition to those items required for an application to be deemed complete, a site plan application shall depict the following:
- a. Location, dimensions, and types of existing structures on the property.
- b. Location of proposed and existing overhead and underground utility and transmission lines.
- c. Location of any proposed or existing substations, inverters or transformers.
- d. Details of solar panels and arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
- e. Details of all inverters and equipment on the site including size dimensions and noise levels during use.
- f. Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This description shall also address the ability to disconnect the system in the event of an emergency or maintenance.
- g. Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
- h. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
- i. For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
- j. Location and condition of existing hedgerows and vegetated windbreaks.
- k. A description of any lighting and its impact on neighboring residences and properties.
- l. A construction plan to include, but not limited to mounting techniques and a description of on site construction.
- m. A description of glare on neighboring properties and residences.
- n. An as-built plan shall be provided following completion of the project as a condition of approval for the site plan.
9. Permitted height – the maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 15’.
10. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
11. Solar energy generation facilities shall be designed to comply with either of the

following standards for sound emission:

- a. The sound level shall not exceed 40 dBA when measured at any point on the property line of the solar facility; or
 - b. The sound level shall not exceed the ambient sound levels measured at locations at the property line of the solar facility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - (1) Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least one half hour and on three separate occasions, a minimum of four hours apart, representing morning, mid-day and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one second sampling interval; and
 - (2) The data reported for each occasion shall be the octave band values (31.5 Hz to 8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value (“unweighted” or “flat” response, e.g., dBZ).
12. Any disturbance of wooded or forested areas shall be in compliance with the Vernon Tree Protection Ordinance (Chapter 330, Article XX).
13. All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. The decommissioning plan shall also be documented on the site plans in note form. Prior to removal of solar energy systems a demolition permit for removal activities shall be obtained from the Vernon Township construction official. Prior to issuance of a demolition permit, the owner or operator of the facility shall post a performance bond to ensure removal of the facility or systems in accordance with the decommissioning plan. Disconnection of solar energy systems shall be supervised by an electrician licensed in the State of New Jersey. The Zoning Official shall be responsible for compliance with the decommissioning plan.
- a. Solar and photovoltaic energy facilities and structures which have not been in active and continuous service for a period of 18 months shall be removed from the property to a place of safe and legal disposal in accordance with a Decommissioning Plan. In order for the facility to maintain its status as an operating solar farm, an annual report shall be submitted to the Township Zoning Official stating the amount of electricity generated by the facility in the previous year and the number of days the facility was operational.
 - b. If the applicant ceases operation of the energy project for 18 months; or begins, but does not complete, construction of the project within 18 months of receipt of final site plan approval, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - (1) Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing Federal, State and local regulations.
 - (2) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - (3) Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.
 - (4) The plan must provide for the protection of public health and safety and for

protection of the environment and natural resources during site restoration. The decommissioning of all solar energy generation facilities shall be done in accordance with a conservation plan designed to address the impacts of the decommissioning process.

- (5) The plan must include a timeline for completion of site restoration work.
- c. A cost estimate shall be provided for the cost of fully implementing the Decommissioning Plan prior to the issuance of a demolition permit. The cost estimate shall be subject to review and approval by the Township Engineer.
 - d. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Township Engineer, assuring the availability of adequate funds to remove the solar infrastructure and restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan.
 - e. Upon cessation of activity for a cumulative period of 18 months of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator shall substantially complete all activities in the decommissioning plan.
 - f. Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. The Township Zoning Official shall be responsible for enforcement. Within 180 days of notice being served, the owner and/or operator shall either resume energy generation to at least 80% capacity of the facility or system as established at the time of approval, or fully implement the decommissioning plan. If, within 180 days of receipt of notice, the owner and/or operator of the facility or system fail to resume energy generation to at least 80% of capacity of the facility or system as established at the time of approval, the Township may order the owner and/or operator of the facility to implement the decommissioning plan.
 - g. If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in subsections (e) and (f) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities from the defaulted operator and/or the property owner. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION XI.

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

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

Ordinance #11-14 was approved.

Mr. Ursin advised that this ordinance would now go back to the Land Use Board and would be accounted for in advance for the public hearing at the next meeting. Mayor

Rinker noted that the Land Use Board attorney had moved forward quickly to address Council's issues that had been raised.

ORDINANCE #11-15

AN ORDINANCE OF THE TOWNSHIP OF VERNON, SUSSEX COUNTY, STATE OF NEW JERSEY REPEALING ARTICLE XIX SECTIONS 330-229 THROUGH 330-239, STREAM BUFFER CONSERVATION OVERLAY ZONE, OF THE CODE OF THE TOWNSHIP OF VERNON

WHEREAS, the Vernon Township Land Use Board was requested to research the modification of an existing ordinance concerning the Stream Buffer Conservation Overlay zone; and

WHEREAS, on August 25, 2010 the Land Use Board discussed the request to review and modify the above ordinance so that Vernon Township's Ordinance is not more restrictive than the New Jersey Department of Environmental Protection (DEP) Stream Buffer regulations; and

WHEREAS, the Land Use Board professionals explained either modification to the existing ordinance could be made to meet the State's regulations or it may repealed entirely and the Township would then refer entirely to the DEP rules and regulations; and

WHEREAS, on October 27, 2010, by means of resolution, the Land Use Board favorably approved the recommendation to the Township Council to repeal the Township Code Article XIX Sections 330-229 through 330-239 Stream Buffer Conservation Overlay Zone in its entirety.

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 hereby amended as follows:

Article XIX Stream Buffer Conservation Overlay Zone §330-229 through 330-239 of the Vernon Township Administrative Code Land Use Ordinances is hereby repealed in its entirety.

Section 2.

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

Section 3.

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

Mayor Rinker advised that this ordinance had failed at an earlier time, and then more discussion was held. She felt, personally, that it needed to conform to State requirements so that it will assist smaller homeowners when selling their properties.

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

Ordinance #11-15 was approved.

Mr. Ursin advised that this ordinance would go back to the Land Use Board before the public hearing on Thursday, June 9. Council Member Lynch asked Mr. Ursin if this ordinance had been introduced back in December of 2010, could it be introduced again. Mr. Ursin noted that this ordinance now had more information, so it could be re-introduced.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCE

Mayor Rinker read Ordinance #11-12 by title only. First reading was held on April 28, 2011.

MOVED: Richard Carson
SECONDED: Valerie Seufert

Mayor Rinker opened the meeting to public comments.

PUBLIC HEARING – ORDINANCE #11-12

Tom McClachrie – noted that the sewer collection ordinance changes suggested had been addressed. He felt that an annual report – orally or written – should be included. He also felt that the MUA needed the ability to dissolve themselves, and the ordinance needed to specify the service area with the redevelopment zone or other area but not Township-wide.

Gary Martinsen – agreed with Mr. McClachrie on the specificity of the service area. He also felt that people should be advised of their potential costs/impact.

The Mayor closed the Public Hearing.

Council Member Seufert advised that she would like to have the annual report orally and in writing.

Motion was made by Richard Carson to amend the ordinance to read “orally and written”. Seconded by Harry Shortway. All in favor.

Mr. Ursin understood the “service area” issue but felt it should be flexible. However, he advised that it does not block and lot numbers.

Motion to adopt Ordinance #11-12 as amended was made by Valerie Seufert. Seconded by Harry Shortway.

There was no further Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-12 was adopted.

Mr. Ursin advised that no new appointments could be made by this Council for the MUA or any other body, but would be done on July 1 or thereafter.

PUBLIC COMMENTS

Jessi Paladini – asked why the next meeting was being held on June 9 (Primary election required the use of Council Chambers for June 6 and 7). She asked for the audit to be put on the website. Ms. Paladini noted that the website was behind in minutes on all Boards, and asked that they be done sooner.

Hans Gross – noted that 4 properties on Rt. 94 use propane (liquid gas), but up the road at Dunkin Donuts they have natural gas. He advised that when he called the utility company to connect his and his neighbors’ properties to the natural gas line he was told no, but noted that Elizabethtown was contacted about putting in natural gas.

Mayor Rinker closed the meeting to public comments.

Council Member Lynch advised that Mr. Giaimis had been diligent on the garbage burning issue, and that some progress had been made. He noted that Phyllis MacPeck spoke at the last meeting that the food pantry was empty – he asked Council to authorize Mr. Giaimis to publish this information in the newspaper and on the website for a food drive. He advised that the United Way and UPS could help.

Council Member Carson advised that there was a new dangerous drug that had started in the southern states but that it was now in the New York area. The drug is “Opara” which is the nuclear derivative of morphine, it comes in pill form, and it is time-released to be taken one pill every 12 hours. It is now being crushed and inhaled so that a 12-

hour dose it given immediately, making it deadly. Its usage is spreading and the pharmacy company is trying to reformulate it so it can't be abused in this manner. Unfortunately, this takes years to develop. He cautioned parents to be aware of what their children are doing, and asked the press to make note of this.

Council Member Seufert asked if a sign ordinance meeting was being considered.

Mayor Rinker asked Council to authorize Mr. Giaimis to have a sign made for the Animal Shelter in Mr. Burgess' name. Mr. Giaimis advised that this was already being done.

The Mayor advised that Vernon Day is June 5, from 11:00am to 4:00pm. They were still seeking vendors, and would need people to set up earlier.

Mayor Rinker noted that the Economic Development Comm. had reserved June 1 at 7:00 pm at the George Inn to discuss the sign ordinance. She advised that all businesses with known email addresses had been notified.

Council Member Shortway advised that Recreation was sponsoring a 5K earlier on Vernon Day, as well as a Fun Walk – both starting at 7:45 am for registration.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:53 pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: July 1, 2011