

TOWNSHIP OF VERNON
REGULAR TOWNSHIP COUNCIL MEETING

September 26, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:31 p.m. on Monday, September 26, 2011 in the Vernon Township Municipal Building, 21 Church Street, Vernon, New Jersey, with Council President Brian Lynch presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on July 8, 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 Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, and Council President Brian Lynch. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly.

SALUTE TO THE FLAG

Council President Lynch led the assemblage in the salute to the flag.

PROCLAMATIONS

Council President Lynch read the following Proclamations on Breast Cancer Awareness and Domestic Violence Awareness:

Proclamation



WHEREAS, Breast Cancer is a serious threat to women's health across New Jersey and the nation, and

WHEREAS, increased public awareness of this disease, its risk factors, and its symptoms may save lives as women across New Jersey learn to recognize the warning signs of Breast Cancer; and

WHEREAS, Breast Cancer is treatable when detected early and prompt treatment can significantly reduce the suffering and deaths caused by this disease; and

WHEREAS, the Sussex County Cancer Coalition and Project Self Sufficiency are organizations partnering to promote Breast Cancer awareness during the Month of October through the Susan G. Komen's Annual Tie a Pink Ribbon Campaign; and

WHEREAS, Pink Ribbons have become an increasingly recognized sign of courage, support and hope for a cure.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the *MONTH OF OCTOBER* shall be proclaimed *BREAST CANCER AWARENESS MONTH* in the Township of Vernon and the displaying of Pink Ribbons during the Month of October is a wonderful way to encourage citizens to stand together against this disease.



October 2011

BREAST CANCER AWARENESS MONTH

In Vernon Township

Proclamation



Whereas, violence in the home is a problem that encompasses all racial, religious, ethnic, and socioeconomic groups; and

Whereas, during the month of October, local, state and national domestic violence agencies will sponsor events to promote the awareness of domestic violence; and

Whereas, community based organizations such as DASI (Domestic Abuse & Sexual Assault Intervention Services) work diligently to bring attention to the issues surrounding violence in the home as well as other forms of interpersonal violence; and

Whereas, local domestic violence advocates promote education, understanding, safety and demonstrate a lack of tolerance toward domestic violence; and

Whereas, DASI is requesting the Township of Vernon to join the campaign to end interpersonal violence by placing purple ribbons in Vernon Township during the month of October.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the MONTH OF OCTOBER shall be observed as DOMESTIC VIOLENCE AWARENESS MONTH in the Township of Vernon and the displaying of Purple Ribbons during the Month of October is whole-heartedly supported to bring awareness to the issues surrounding violence in the home.

October 2011

DOMESTIC VIOLENCE AWARENESS MONTH

In Vernon Township

PUBLIC COMMENTS

Tacia Raftopoulos-Johnson – Noted that she was a candidate for County Clerk. Council President Lynch cautioned her that she could not engage in electioneering. Ms. Raftopoulos-Johnson advised the audience of what the County Clerk’s office does, as well as her experiences working for the County in the Board of Elections.

Cedric Kubrick – thanked the new Mayor and Council, noting that despite old issues, the economy, and an initial negative atmosphere, he felt they were going in the right direction.

Tom McClachrie – referred to Resolution #11-188 for a 3-year note spread over 3 years – he felt it was stated incorrectly as in the cap instead of outside of the cap. He had other concerns as well.

Helen Gladsen – [REDACTED] resident – noted she was there with neighbors on the flooding and mudslides, etc. that they had experienced. Mayor Marotta noted he would be addressing this issue in his Mayor's report in a few minutes.

Gary Martinsen – had a concern about the work session, noting that the open public comment segment had been moved to the end of the meeting. He felt that this did not allow the public to comment on items prior to action being taken by the Council.

CLOSED TO PUBLIC COMMENTS

Council President Lynch closed the public portion of the meeting at this time.

MAYOR'S REPORT

Mayor Marotta reported on the following items:

- Noted that the elevator repairs had been completed. He advised that the fines for not having a working elevator from the DCA had been waived.
- Hurricane Irene and subsequent storms – response of volunteers: the 4 Fire Companies received 206 calls – 105 fire and rescue calls, and 121 calls for residential pump outs. He applauded their professionalism. He added that the EMS people, and especially Mike Emmerick, should also be recognized.
- Bulky Waste Clean Up day is Saturday, October 22 from 8:00am to 4:00pm at the DPW property. The fee is \$20 per vehicle.
- He attended a meeting in Morristown on September 23 with the people from BPU and Jersey Central Power & Light. The sponsors of the meeting were the BPU and the NJ League of Municipalities. JCP&L gave a report on their infrastructure, but added there were serious community problems still to be addressed. The Mayor added that there would be a repeat of this meeting for the public on the same topics on September 27 at the Morris County Safety Academy. JCP&L noted that customers need to call in when their power goes out. It would be difficult for them to know where all power outages are considering the scope of their service areas.
- DPW had provided a tentative schedule for storm repairs: Breakneck Road – our areas of responsibility will be completed this week, the County's responsible issues (paving) should be completed this week as well.
The goal for completion by this weekend – Barrett Road, Tompkins Court, Butternut, #5 Mott Drive, all catch basins will be opened and inspected by a 2-man team.
The goal for completion by October 3 – Basswood, Nimbus Drive, Meadow Lane, Stratfordshire Drive, County work on Wallkill Road.
Panorama Drive – almost finished with erosion issues, and then will be paved.
Glenwood Mountain Road and Sleepy Hollow Road – late in October.
- Baldwin & Mott – the subdivision was approved in 1965, and it did not require or include easements of mountain stream properties (especially the O'Brien property). After consulting with the Engineer, the DPW, and the Board of Adjustment, the easement will be delineated. Survey crews will go out on 9/27, an underground 48" conduit will be installed from the edge of State property with a headwall to connect with the drainage basin on Route 94. This work will go through the bidding process as it is more than just emergency repairs.
- A resident asked about deflecting or impeding water that comes right down the driveways. Mr. Stoner explained what they would be looking at doing to prevent further drainage issues.

Mr. Oliver asked what the estimated cost for the conduit work would be. Mayor Marotta advised that the amount was \$150,000 to \$200,000.

More residents expressed their concerns for their properties in this area. Council President Lynch noted that the August 27 storms were relentless with water problems everywhere. The Mayor advised that these people had experienced problems from the heavy rains the week before the Hurricane and Storms.

- Mayor Marotta noted that Senator Oroho and others would be introducing legislation to make it easier for towns to get in and repair problems of this nature in waterways, waiving or reducing DEP regulations. He advised that he would be speaking before the Legislature on this subject, noting that there

must be a balance between EPA concerns and resident concerns relative to health and welfare.

APPROVAL OF MINUTES

September 12, 2011 Regular Meeting Minutes

MOVED: Patrick Rizzuto

SECOND: Eddie Dunn

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: None

Minutes were approved.

RESOLUTIONS #11-178 - #11-188

Council President Lynch noted he would be abstaining from #11-183. It was pulled. Council Member Kadish asked about check #2342. Mr. Giannis responded that he believed it was for a printer cable.

Motion to approve Resolution #11-178, 11-179, 11-180, 11-181, 11-182, 11-184, 11-185, 11-186, 11-187, and 11-188:

MOVED: Daniel Kadish

SECOND: Eddie Dunn

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: None

ABSTAIN:

Resolutions #11-178 through 11-182, and 11-184 through 11-188 were adopted.

RESOLUTION #11-178

**AUTHORIZING THE EXECUTION OF AGREEMENT TO THE
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE 2011
RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES
GRANT**

WHEREAS, the Township of Vernon has made application and obtained a grant from the New Jersey Department of Community Affairs, for \$8,000.00 State share with \$1,600.00 local share for a total contract of \$9,600.00 for 2011 to provide therapeutic horse back riding recreational opportunities for people with disabilities; and

WHEREAS, the funds for this purpose have been certified by the Chief Finance Officer subject to the approval of the 2011 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, that the Township of Vernon does hereby authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said Agreement between the Township of Vernon and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Clerk whose names, titles and signatures appear below are authorized to sign any documents necessary in connection therewith.

RESOLUTION # 11-179

AUTHORIZING THE APPROVAL OF BILLS LIST

BE IT RESOLVED that the following bills listed are hereby approved:

Disbursement Journal	Fund	Amount	Major Vendor
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#1	Current	\$2,774,458.21	INT ON BONDS
#2	Current	\$ 879,919.82	BOE
#3	Grant	\$ 350.00	
#4	Capital	\$ 11,566.70	
#5	P & Z	\$ 300.00	
#6	Other Trust	\$ 171.77	
#7	Outside Services	\$ 6,707.61	
#8	Recreation	\$ 20.00	
#9	Recreation	\$ 327.02	
	Payroll	\$ 341,177.26	2nd Pay-Sept
	Total	\$4,014,998.39	

RESOLUTION #11-180

TAX OVERPAYMENT

WHEREAS, A DUPLICATE PAYMENTS was made on the Third 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 LOCATION</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QUARTER</u>	
130.01	13	Core Logic (Re: Matthews, Roseann #06859986)	\$ 1,918.76	3 rd	██████████
132.03 DrNW	6	Core Logic (Re: Dugan, Thomas F & Carol A #11712561)	\$1,081.96	3 rd	██████████

RESOLUTION #11-181

TOTAL DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on December 23, 2010 awarded Martin, Owen C. a 100% permanent and total disabled veteran: and,

WHEREAS, as of said date the law exempts said property from taxation,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon authorizes the Tax Collector to refund the Homestead Benefit payment for the year 2011 in the amount of \$ 229.56 to Martin, Owen C. Re: Block 155.04 Lot 42 Location ██████████

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Township Treasurer and Tax Collector.

RESOLUTION #11-182

TOWNSHIP OWNED PROPERTIES

WHEREAS, N.J.S.A.54:5-104.29 Et.seq. IN-REM- FORECLOSURE allowed the Township of Vernon to foreclose Tax Certificates which pertain to properties within Vernon Township and the Township of Vernon has acquired Final Judgment In Rem

Docket #F055162-10 on August 9, 2011 and Docket #F019211-06 on January 21, 2011 to become tax exempt, and,

WHEREAS, the Township of Vernon has acquired the annexed Tax Foreclosure List on August 9 and January 21, 2011, and,

WHEREAS, the Township of Vernon is claiming effective for the 2011 taxes, tax exempt,

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 Tax Collector to cancel the 2011 taxes in the amount set forth in the annexed Tax Foreclosure List as deem necessary.

BE IT FINALLY RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector and Township Auditor.

RESOLUTION #11-184

AUTHORIZING THE AWARD OF A CONTRACT FOR CONTAINER SERVICE AT THE TOWNSHIP'S PUBLIC WORKS AND ANIMAL CONTROL FACILITIES

WHEREAS, there is a need to haul and dispose of solid waste (type 10) containers at the Township's public works and animal control facilities; and

WHEREAS, the Township has received three quotations for providing this service;

WHEREAS, three quotations were received and reviewed by the Qualified Purchasing Agent; and

WHEREAS, the QPA recommends awarding a contract to the lowest quote received from Waste Management of New Jersey, 107 Silvia Street, Ewing NJ, for a per month cost of \$1,108.00 and an annual cost of \$13,296.00; and

WHEREAS, the Chief Finance Officer has certified funds available for this purpose in account #10577237 subject to the adoption of the 2012 Municipal Budget.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award a contract to Waste Management of NJ for container service for a period of one year from October 16, 2011 through October 15, 2012, with an option to renew for an additional year.

This Resolution shall take effect immediately according to law.

RESOLUTION #11-185

AUTHORIZING THE AWARD OF BID FOR AUTOMOTIVE AND LIGHT DUTY TRUCK AFTERMARKET PARTS

WHEREAS, there is a need to purchase automotive and light duty truck aftermarket parts for the Township's fleet; and

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

WHEREAS, the Township received and opened two bids for the above mentioned items on September 21, 2011 at 10:00 a.m. in the Vernon Township Municipal Building; and

WHEREAS, the bids were received and reviewed by the Qualified Purchasing Agent and the Township Municipal Clerk for the specified bid requirements; and

WHEREAS, the QPA recommends awarding a contract to the lowest responsible and responsive bidder, H&H Auto Parts of Vernon, 287 Route 94, Vernon NJ 07462 for the items and prices described on the attached list.

NOW, THEREFORE BE IT RESOLVED, by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award a bid to H&H Auto Parts of Vernon, for the purchase of automotive and light duty truck aftermarket parts; and

BE IT FURTHER RESOLVED, the Vernon Township Mayor and Council, pursuant to N.J.A.C. 5:30-5.5 (b), the certification of available funds, shall not be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the chief financial officer; and

BE IT FURTHER RESOLVED, that the duration of the contract between the Township of Vernon and H&H Auto Parts of Vernon, will be for one (1) year with an option to renew for an additional one (1) year.

This Resolution shall take effect immediately according to law.

RESOLUTION #11-186

AUTHORIZING THE AWARD OF BID FOR AUTOMOTIVE AND LIGHT DUTY TRUCK AFTERMARKET PARTS

WHEREAS, there is a need to purchase auto and light duty truck aftermarket parts for the Township's fleet; and

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

WHEREAS, the Township of received and opened two bids for the above mentioned items on September 21, 2011 at 10:00 a.m. in the Vernon Township Municipal Building; and

WHEREAS, the bids were received and reviewed by the Qualified Purchasing Agent and the Township Municipal Clerk for the specified bid requirements; and

WHEREAS, the QPA recommends awarding a contract to the lowest responsible and responsive bidder, Winters Auto Parts, 84 Main Street, Sussex, NJ 07461 for the items and prices described on the attached list.

NOW, THEREFORE BE IT RESOLVED, by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award a bid to Winters Auto Parts, for the purchase of automotive and light duty truck aftermarket parts; and

BE IT FURTHER RESOLVED, the Vernon Township Mayor and Council, pursuant to N.J.A.C. 5:30-5.5 (b), the certification of available funds, shall not be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the chief financial officer; and

BE IT FURHTER RESOLVED, that the duration of the contract between the Township of Vernon and Winters Auto Parts, will be for one (1) year with an option to renew for an additional one (1) year.

This Resolution shall take effect immediately according to law.

RESOLUTION #11-187

AUTHORIZING THE USE OF THE STATE CONTRACT #69719 TO REPAIR A VACTOR UNIT FOR TOWNSHIP'S DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township's Department of Public Works has a need to repair its Vactor unit; and

WHEREAS, the Township desires to use the State Contract which has publicly received bids for repairing Vactor units through Contract #69719; and

WHEREAS, the Township additionally desires to paint the Vactor unit as part of this repair, which is not covered under the State Contract; and

WHEREAS, the Qualified Purchasing Agent recommends that the Township Council award a contract to repair and paint its Vactor unit to Jet Vac Inc. 15 Taylor Road, Wharton NJ 07885; and

WHEREAS, the total cost for this service will be \$63,195.46 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in account # TBD.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of Vernon, that the vendor, Jet Vac Inc, be utilized to repair through the State Contract and paint the Township's Vactor unit, in accordance with the attached proposal in the amount not to exceed \$63,195.46; and

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

RESOLUTION #11-188

RESOLUTION REQUIRING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES – N.J.S.A. 40A:4-49

WHEREAS, an emergency has arisen with respect to public safety as a result of Hurricane Irene and Tropical Storm Lee and, no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this Resolution is \$1,000,000 and three percent (3%) of the total operating appropriations in the budget for 2011 is \$508,758.13; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three percent (3%) of the total operating appropriations (including utility operation appropriations) in the budget for 2011.

NOW, THEREFORE, BE IT RESOLVED by the **TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON** that in accordance with N.J.S.A. 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of three percent (3%) for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for Salaries and Wages and other Expenses related to the Damages from Hurricane Irene and Tropical Storm Lee in the amount of \$1,000,000.
2. That said emergency appropriation shall be provided for in full in the 2012 budget, within CAPS, pursuant to N.J.S.A. 40A:4-53.3c(1).
3. That an Emergency Note not in excess of the above amount be authorized pursuant to N.J.S.A. 40A:4-51.
4. That such Note shall be executed by William I. Zuckerman, Chief Financial Officer and by Victor J. Marotta, Mayor.
5. That such Note shall be dated September 14, 2011, may be renewed from time to time, and such Note and any renewals shall be payable on or before September 21, 2012.
6. That the statement required by the Local Finance Board has been filed with the Clerk and copies transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

Motion to approve Resolution #11-183:

MOVED: Daniel Kadish

SECOND: Eddie Dunn

Council Member Kadish thought that they had approved a resolution at the last meeting for other radios. Mayor Marotta advised that this purchase had been included as part of the bond ordinance #11-08. Mr. Lynch advised that the last one was for handheld radios, where this one was for the radios in the trucks. The Mayor agreed.

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel

NAYS: none

ABSTAIN: Brian Lynch

Resolution #11-183 was adopted.

RESOLUTION #11-183

AUTHORIZING THE USE OF THE MORRIS COUNTY CO-OP CONTRACT #41 AND STATE CONTRACTS #53764 AND #53769 TO PURCHASE AND INSTALL BRAND NEW RADIO EQUIPMENT FOR MCAFEE FIRE DEPARTMENT VEHICLES

WHEREAS, the McAfee Fire Department has a need to purchase certain radio equipment for its fire tanker, fire ladder and fire engine vehicles; and

WHEREAS, the Township desires to use the Morris County Cooperative Council which has publicly received bids for David Clark equipment through Contract #41; and

WHEREAS, the Township additionally desires to use the New Jersey State Cooperative which has publicly received bids for Kenwood and Antennex Equipment through Contract #53764 and #53769 for labor rates necessary to install this equipment; and

WHEREAS, the Township additionally desires to purchase two (2) Impact 6 multi unit battery chargers and two (2) mounting brackets, not covered under either contract; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract to provide and install this equipment to Atlantic Communications, 664 Route 15 South, Lake Hopatcong, New Jersey 07849; and

WHEREAS, the total cost for the equipment (including installation) will be \$10,385.46 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in accounts #3094301.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Atlantic Communications, be utilized to purchase and install radio equipment through the Morris County and State Cooperatives, and the battery chargers not covered under either contract, in accordance with the attached quote in the amount not to exceed \$10,385.46; and

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

ORDINANCES – 2nd READING by Title Only - Adoption

Ordinance #11-21: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending the Code of the Township of Vernon: Supplementing Chapter 1 “General Provisions”: Replacing Chapter 5 “Administration of Township Government”; Changing the Municipal Election from May to November each year; Supplement Chapter 500 Regarding Roads; Replacing Chapter 413 Regarding Parks

and Recreation; Supplementing Chapter 89 Regarding Retirement Benefits; and
Deleting Chapter 244

Motion to adopt Ord. #11-21 on 2nd reading by title only:

MOTION: Daniel Kadish

SECOND: Patrick Rizzuto

PUBLIC COMMENTS ON ORDINANCE #11-21 ONLY

The meeting was open to public comments on Ordinance #11-21 at this time.

Tom McClachrie – had a question about Open Space. He wondered if not having an Open Space program with no new funds would be affected by grants requiring matching funds for Open Space/Farmlands. Mr. Kadish asked if farmers would no longer be eligible for farmland preservation if the Township program was no longer here. It was noted that the soil quality is not very good in Vernon.

Jessi Paladini – felt that the new code was an abomination. She felt there were no segregation of duties, the open space issue, Historic Preservation Commission segment changes, etc. She noted that the Environmental Commission would then take over open space responsibility. She felt the old code had been well thought out and carefully formulated, and now it was being changed to the detriment of Vernon.

Gary Martinsen – was equally concerned about the Open Space issue; Historic Preservation Commission concerns on destruction of historical artifacts (Mr. Kelly advised where those sections were located in the new code); **5-36** was moved from Administration to the Finance Department (Mayor Marotta advised that it had originally been under Finance and incorrectly moved to Administration, which was not its correct location); he felt there was a perception of protocol in intentionally not sending the ordinance back for introduction to the public rather than making it correct.

Mr. Kelly advised that after the September 22 work session on the ordinance, the typos and numbers that were corrected were not substantive in nature and therefore did not require re-introduction.

Robert Oliver – felt that the Council had worked very hard on this ordinance.

CLOSED TO PUBLIC COMMENTS ON ORDINANCE #11-21

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS: none

Ordinance #11-21 was adopted on 2nd reading.

ORDINANCE #11-21

**AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF
SUSSEX, STATE OF NEW JERSEY AMENDING THE CODE OF THE
TOWNSHIP OF VERNON:**

- 1. SUPPLEMENTING CHAPTER 1 “GENERAL PROVISIONS”;**
- 2. REPLACING CHAPTER 5 “ADMINISTRATION OF TOWNSHIP GOVERNMENT”;**
- 3. CHANGING THE MUNICIPAL ELECTION FROM MAY TO NOVEMBER OF EACH YEAR;**
- 4. SUPPLEMENTING CHAPTER 500 REGARDING ROADS;**
- 5. REPLACING CHAPTER 413 REGARDING PARKS AND RECREATION;**
- 6. SUPPLEMENTING CHAPTER 89 REGARDING RETIREMENT BENEFITS; and**
- 7. DELETING CHAPTER 244.**

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

SECTION ONE

Chapter 1, Article II, Section §1-16, entitled “Definitions” is hereby amended by deleting the definitions of “Mayor,” “Municipal Mayor,” and “Township Mayor,” replacing the definition of “Charter,” and adding the definition of “Administrator” as follows:

§1-16. Definitions.

ADMINISTRATOR – The Business Administrator of the Township duly appointed pursuant to law.

CHARTER – The Mayor-Council Plan pursuant to the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq., as amended and supplemented, and any and all statutory provisions of the State of New Jersey applicable to the Township.

SECTION TWO

Chapter 1, Article II, Section §1-20, entitled “Appointments to Positions” is hereby replaced as follows:

§1-20. Appointments to positions.

Whenever the Council is authorized by any provision of general law to appoint the members of any board, authority or commission, such power of appointment shall be deemed to vest in the Mayor with the advice and consent of the Council, unless the specific terms of that general law clearly require a different appointment procedure or appointment by resolution, in which case the appointment shall be by the Council.

SECTION THREE

As a result of the change in the form of Government in the Township of Vernon a new Administrative Code is required. Accordingly this section replaces Chapter 5 in its entirety. The new Chapter 5 hereby adopted changes the Time for the annual election in the Township of Vernon from May to November as permitted by N.J.S.A. 40:45-7.1.

Chapter 5 of the Code of Township of Vernon is hereby replaced as follows:

**ARTICLE I
Administration of Township Government**

§5-1. Form of government.

Effective July 1, 2011, the Township of Vernon shall be governed by the “Mayor-Council Plan” of the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq.

§5-2. Exercise of legislative and executive functions.

A. The Township shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to N.J.S.A. 40:69A-31 to 40:69A-48, general law or ordinance.

B. For the purpose of the construction of all other applicable statutes, unless the explicit terms and context of the statute require a contrary construction, any administrative or executive functions assigned by general law to the governing body shall be exercised by the Mayor, and any legislative and investigative functions assigned by general law to the governing body shall be exercised by the Council. Those functions shall be exercised pursuant to the procedures set forth in the Mayor-Council Plan of government, unless other procedures are required by the specific terms of the general law.

**ARTICLE II
Mayor and Council**

§5-3. Office of the Mayor.

A. Executive power.

Pursuant to N.J.S.A. 40:69A-39, the executive power of the Township shall be exercised by the Mayor, subject to the procedures set forth in the Mayor-Council Plan of government.

B. General powers and duties.

The powers and duties of the Mayor shall be to:

- (1) Enforce the charter and ordinances of the municipality and all general laws applicable thereto;
- (2) Report annually to the council and to the public on the state of the municipality, and the work of the previous year; the Mayor shall also recommend to the council whatever action or programs the Mayor deems necessary for the improvement of the municipality and the welfare of its residents. The Mayor may from time to time recommend any action or programs the Mayor deems necessary or desirable for the municipality to undertake;
- (3) Supervise, direct and control all departments of the Township government and shall require each department to make an annual and such other reports of its work as the Mayor may deem desirable;
- (4) Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as the Mayor deems necessary;
- (5) Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;
- (6) Supervise the care and custody of all municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the Council;
- (7) Sign all contracts, bonds or other instruments requiring the consent of the Township;
- (8) Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to the Council;
- (9) Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by ordinance;
- (10) Negotiate contracts for the Township, subject to Council approval;
- (11) Assure that all terms and conditions imposed in favor of the Township or its inhabitants in any statute, franchise or other contract are faithfully kept and performed;
- (12) Serve as an ex officio, nonvoting member of all appointive bodies in Township government of which the Mayor is not an official voting member.

C. Appointment power.

- (1) The Mayor shall appoint all officers and employees for whose selection or appointment no other provision is made by Charter, ordinance or general law.
- (2) The Mayor shall appoint the directors of each department with the advice and consent of the Council. Each director shall serve during the term of office of the Mayor and until the appointment and qualification of a successor.
- (3) The Mayor shall have such further appointment power as is provided by general law or this code.
- (4) The Mayor may remove any director after giving the director notice and an opportunity to be heard. Prior to removing the director, the Mayor shall file written notice of the Mayor's intention with the Council, and such removal shall become effective on the 20th day after the filing of the notice unless the Council prior to that day adopts a resolution by a two-thirds vote of the whole membership of the Council disapproving the removal.
- (5) Whenever a vacancy exists in any office required by the Charter or the Administrative Code to be filled by the Mayor with the advice and consent of the Council and if there is no holdover incumbent, the Mayor may temporarily fill a

vacancy (in the absence of any contrary provision in the Charter or ordinances) by appointing an acting officer, including the designation of the Mayor as Acting Director in the event of a vacancy in any department. The appointee shall have all the functions, powers and duties of the office until it shall be permanently filled. Any such appointment shall terminate 90 days after the date of the appointment unless the Council shall, by resolution, authorize one or more extensions of such period of up to 90 days.

D. Attendance and participation in Council meetings.

The Mayor may attend meetings of the Council and may take part in discussions of Council, but shall not vote except in the case of a tie on the question of filling a vacancy in the Council, in which case the Mayor may cast the deciding vote.

E. Approval or veto of ordinances.

All ordinances adopted by the Council shall be submitted to the Mayor and the Mayor shall within ten (10) days after receiving an ordinance either approve the ordinance by signing it or return it to the Council by delivering it to the Township Clerk, together with a statement setting forth the Mayor's objections to the ordinance or to any item or part thereof. Pursuant to N.J.S.A. 40:69A-41, no ordinance or any item or part thereof shall take effect without the Mayor's approval unless the Mayor fails to return the ordinance to the Council within ten (10) days after it has been presented to the Mayor or unless Council, upon reconsideration after the third day following its return by the Mayor, shall by a vote of 2/3 of the total membership of the Council resolve to override the Mayor's veto.

F. Acting Mayor.

Pursuant to N.J.S.A. 40:69A-42, the Mayor shall designate the Business Administrator, any other department head or the Township Clerk to act as Mayor whenever the Mayor shall be prevented by absence from the Township, disability or other cause from attending to the duties of the Mayor's office. During such time, the person so designated by the Mayor shall possess all of the rights, powers and duties of the Mayor. Whenever the Mayor has been unable to attend to the duties of the Mayor's office for a period of 60 consecutive days for any of the above-stated reasons, an Acting Mayor shall be appointed by the Council, who shall succeed to all the rights, powers and duties of the Mayor or the then Acting Mayor.

G. Election; term or office.

The Mayor shall be elected by the voters of the Township at a regular municipal election held on the second Tuesday in November in the years in which municipal officers are to be elected and shall serve for a term of four (4) years beginning on January 1 next following his or her election.

§5-4. Township Council

A. Legislative power.

Pursuant to N.J.S.A. 40:69A-36, the legislative power of the Township shall be exercised by the Township Council, except as may be otherwise provided by general law, subject to the procedures set forth in this plan of government. Legislative powers shall be exercised by ordinance, except for the exercise of those powers that under this plan of government or general law do not require action by the Mayor as a condition of approval for the exercise thereof and may, therefore, be exercised by resolution, including, but not limited to:

- (1) The override of a veto of the Mayor.
- (2) The exercise of advice and consent to the actions of the Mayor.
- (3) The conduct of a legislative inquiry or investigation.
- (4) The expression of disapproval of the removal by the Mayor of officers or employees.
- (5) The removal of any municipal officer for cause.
- (6) The adoption of rules for the Council.
- (7) The establishment of times and places for Council meetings.

- (8) The establishment of the Council as a committee of the whole and the delegation of any number of its members as an ad hoc committee.
- (9) The declaration of emergencies respecting the passage of ordinances.
- (10) The election, appointment, setting of salaries and removal of officers and employees of the Council, subject to any pertinent civil service requirements and any pertinent contractual obligations and within the general limits of the municipal budget.
- (11) The designation of official newspapers.
- (12) The approval of contracts presented by the Mayor.
- (13) The actions specified as resolutions in the Local Budget Law (N.J.S.A. 40A:4-1 et seq.) and the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.).
- (14) The expression of Council policies or opinions which require no formal action by the Mayor.

B. General powers and duties.

The Council has the general powers and duties to:

- (1) Adopt the annual budget of the Township and salary ordinances establishing salaries for all department directors and Township employees and elected officials as required.
- (2) At the Council's discretion, separate and apart from the required Township audit, cause to be made an annual audit of the Township's accounts and financial transactions as required by law. Such annual audit, if caused, shall be made by a registered municipal accountant of the State of New Jersey appointed by the Council and shall not be the same auditor as retained by the Township as the Township Auditor.
- (3) Pursuant to N.J.S.A. 40:69A-37.1, deal with employees of the Department of Administration and other administrative departments solely through the Mayor or designee. All contact with the employees and all actions and communications concerning the administration of the government and the provision of municipal service shall be through the Mayor or designee, except as otherwise provided by law. Nothing in this section shall be construed to prohibit the Council's inquiry into any act or problem of the administration of the Township. Any Council member may at any time require a report on any aspect of the government of the Township by making a written request to the Mayor.
- (4) Pursuant to N.J.S.A. 40:69A-37(b), remove, by at least 2/3 vote of the whole number of the Council, any Township officer other than the Mayor or a member of the Council, for cause, upon notice and an opportunity to be heard, unless otherwise provided by state statutes.
- (5) Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding said officer's official duties and the performance thereof and otherwise to investigate the conduct of any department, office or agency of the Township government. The Council may, by a majority vote of the whole number of its members, require the Mayor or designee to appear before Council, sitting as a committee of the whole, and to bring before the Council those records and reports and officials and employees of the Township as the Council may determine necessary to ensure clarification of the matter under study.
- (6) At the Council's discretion, by a majority vote of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the Mayor or designee to study any matter and report to the Council President.
- (7) Appoint a Township Clerk pursuant to §5-23(B) as hereinafter set forth.
- (8) Adopt rules and regulations for conduct of business at its annual organization meeting.

- (9) Establish, alter or abolish such committees, commissions or agencies of the Township as permitted by law.
- (10) At the Council's discretion, separate and apart from Township mandated committees or commissions or agencies, create advisory committees to assist it in its legislative function.
- (11) Reserve one business meeting in January for the Mayor to present the State of the Township Address to the Council and to the public.

C. Membership; term of office.

The Township Council shall consist of five (5) members, elected at-large by the voters of the Township at a regular municipal election held on the second Tuesday in November in the years in which municipal officers are to be elected. The terms of the members of the Council shall be four (4) years, beginning on January 1 next following their election.

§ 5-5. Clerk of Council and secretary of committees.

The Township Clerk shall serve as clerk of the Council and as secretary of any special legislative committees of the Council appointed pursuant to the charter.

§ 5-6. Meetings of Council.

- A. Presiding officer; temporary presiding officer. The Council President shall be appointed to a one (1) year term shall preside at all meetings of the Council and shall have a voice and vote in its proceedings. In the absence of the Council President, the Clerk shall call the Council to order and it shall thereupon elect a temporary presiding officer for the time being.
- B. Attendance by Clerk; minutes. The Township Clerk shall attend all meetings of the Council and shall keep the minutes of the proceedings of the Council. The minutes of each meeting of the Council shall be signed by the officer presiding at the meeting and by the Clerk and shall be available to the public.
- C. Regular meetings.
 - (1) The Council shall meet annually for organization within seven (7) days of January 1st.
 - (2) Within seven days following the annual organization of the Council, the Council shall:
 - (a) Prominently post and maintain posted throughout the year the annual schedule of meetings in at least one public place reserved for such or similar announcements;
 - (b) Mail, telephone, fax or hand-deliver to at least two newspapers, which newspapers shall be designated by the Council to receive such notices because they have the greatest likelihood of informing the public within the Township of such meetings, one of which shall be the official newspaper, where any such has been designated by the Council or if the Council has failed to so designate, where any has been designated by the Sussex County Board of Freeholders; and
 - (c) File with the Township Clerk a schedule of the regular meetings of the Council to be held during the succeeding year. Such schedule shall contain the location of each meeting to the extent it is known and the time and date of each meeting. In the event that such schedule is thereafter revised, the Council, within seven days follow such revision, shall post, mail and submit such revision in the manner described above.
- D. Special meetings.
 - (1) The Council President may, at any time, and upon written request of any three members of the Council shall, call a special meeting. The call for a special meeting shall specify the purpose of the meeting and no business shall be transacted at any special meeting other than that specified.
 - (2) The Clerk shall forthwith give notice thereof by telephone or fax to each member of the Council, at such place as each member of the Council shall have previously designated for that purpose, and shall also serve or cause to be served a written copy of the call upon each member of the Council, by delivery of a copy to each

member of the Council personally or by leaving a copy at the usual place of abode of each member of the Council. The Police Department shall cooperate with the Clerk in effectuating such service of notice.

- (3) Unless as otherwise provided in Subsection D(4) of this section, there shall be written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of the special meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be:
 - (a) Prominently posted in at least one public place reserved for such or similar announcements;
 - (b) Mailed, telephoned, faxed or hand-delivered to at least two newspapers, which newspapers shall be designated by the Council to receive such notices because they have the greatest likelihood of informing the public within the Township of such meeting, one of which shall be the official newspaper, where any such has been designated by Council; and
 - (c) Filed with the Township Clerk.

- E. Meetings to be public; attendance by personnel. All regular and special meetings of the Council shall be open to the public. The Attorney, Clerk and such other Township officers and employees as may be required by general or special order of the Council shall attend regular and special meetings of the Council.
- F. Release of Executive Session Minutes from Regular and Special Council Meetings.
 - (1) The Township Clerk or her designee shall attend all executive session meetings of the Vernon Township Council and shall prepare a confidential set of draft minutes of each executive session meeting for approval by the Township Council at the next regularly scheduled Council meeting unless exigent circumstances delay the preparation of such minutes, in which case the minutes shall be presented at the next regularly scheduled Council meeting following the delay.
 - (2) The Council shall consider for approval the draft executive session minutes and the proposed redactions, and shall vote on the approval of the minutes. The Council may discuss the approval of the draft minutes in executive session if there are issues concerning the draft minutes which require confidential discussion. Upon approval for public release, the executive session minutes shall be available to the public on the following business day.
 - (3) The Township Clerk will maintain a privilege log describing the general topic discussed, the date on which the topic was discussed. The log will be appended to each set of draft executive session minutes presented to the Township Council. The list shall be reviewed by the Township Council as part of the current minute approval process to ascertain if the legitimate reason for confidentiality continues to exist.
 - (4) The Township Attorney shall be responsible for determining when executive session minutes should be redacted for release to the public. If the Township Attorney determines that the legitimate reason for confidentiality no longer exists with regard to a particular executive session discussion, the Township Clerk shall make the minutes available to the public in unredacted form on the following business day.

§ 5-7. Rules of order and procedure governing Council meetings.

- A. Quorum. A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. If no member of the Council is present one-half hour after the appointed time for any meeting, the Clerk may adjourn the meeting.
- B. Preparation of agenda. The agenda for each regular and special meeting of Council shall be prepared by the Township Clerk or his or her designee and approved by the Council President. The agenda for each regular meeting of the Council shall include only such matters of Council business as have been presented or delivered to the Clerk by the Mayor, Business Administrator or Councilpersons not later than 12:00 noon on the Tuesday preceding the meeting. Emergent matters may be added if necessary and approved by the Council President. As soon as the agenda for each meeting has been prepared, a copy shall be delivered to each member of Council and each department head. Upon approval, copies shall also be distributed to the press and to interested citizens upon request.
- C. Order of business. The order of business of the Township Council meetings shall be set annually by resolution of the Township Council.

D. Conduct of meetings.

- (1) Meeting of the Council shall be conducted in accordance with the statutes and common law of the State of New Jersey. In the event an existing law does not address a procedural issue, such item shall be resolved in accordance with Robert's Rules of Order, current edition.
- (2) Reading of the minutes. The minutes of the previous meeting of the Council may be approved without reading if the Clerk has previously furnished each member of the Council with a copy thereof, but upon request of any member of the Council, the minutes or any part thereof shall be read prior to approval.
- (3) Presiding officer may debate, vote, etc. The Council President or such other member of the Council as may be presiding may move, second and debate from the chair, and may vote on any question, subject only to such limitations of debate as are by these rules imposed on all members, and the presiding officer shall not be deprived of any of the rights and privileges of a member of the Council by reason of the member acting as the presiding officer.
- (4) Privilege of closing debate. The member of the Council moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- (5) Motion to reconsider. A motion to reconsider any action taken by the Council may be made only at the meeting at which such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session of such meeting. Such motion may be made only by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions and it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking at a subsequent meeting of the Council any motion previously made or considered.
- (6) Remarks of member of Council; when entered in minutes. A member of the Council may request, through the presiding officer, the privilege of having an abstract of the member's statement on any subject before the Council not exceeding 100 words entered in the minutes. If the Council consents, such abstract shall be entered in the minutes.
- (7) Synopsis of debate; when entered in minutes. The Clerk may be directed by the presiding officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

E. Addressing the Council.

- (1) At every meeting of the Governing Body, a portion of the meeting shall be dedicated to public comment as required by N.J.S.A. 10:4-6, *et. seq.*, generally, and more specifically N.J.S.A. 10:4-12.
- (2) Any person desiring to address the Council shall first seek to be recognized by the Council President or presiding officer and state their name and address for the record. Persons recognized during the "Public Comment" portion of the meeting may address any issue of concern to the residents of the Municipality. Each person speaking during the "Public Comment" portion of the meeting shall not exceed 5 minutes unless extended by the Council. Persons recognized during other portions of the meeting shall confine any statement to the order of business set forth on the agenda.
- (3) Presentations. When approved by the Council for a presentation, taxpayers or residents of the Township or their authorized legal representatives or parties with legitimate interest may address the Council and Public.

F. Enforcement of decorum.

The Chief of Police, or such member or members of the Police Department as the Chief may designate, shall be sergeant at arms of the Council meetings and shall be in attendance at Council meetings when requested by the Mayor and/or Council President. The sergeant at arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the meeting.

§ 5-8. Procedure governing ordinances and resolutions.

A. Preparation and adoption.

- (1) Copies of each ordinance and resolution, in typewritten form, shall be made available by the Clerk to each member of the Council at least 48 hours prior to

introduction, provided that the failure of the Clerk to make such mailing shall not invalidate any action taken by the Council.

- (2) Except as may otherwise be provided in the Charter, all ordinances shall be adopted and published, and shall take effect, in the manner required or provided by general law.
- B. Review by Mayor of proposed administrative ordinance or resolution. Any ordinance or resolution which affects the administration of any department of the Township government shall be submitted to the Mayor prior to its introduction, for the Mayor's review and comment.
 - C. Resolutions. Resolutions, unless laid over by a majority vote of the Council, shall be acted upon at the same meeting at which they are introduced.
 - D. Voting.
 - (1) The vote of the Council upon every ordinance and resolution shall be taken by the Clerk by roll call, and the Clerk shall record in the minutes the yes and no votes and abstentions, as the case may be, for each question put to vote.
 - (2) The effect of an abstention is as follows:
 - (a) Where a statute or the common law requires a specific, fixed number of actual affirmative votes for a majority, an abstention is considered a negative vote.
 - (b) Where a Council person is disqualified due to conflict of interest or a personal involvement with the subject to be considered, the abstention is not counted as either a yes or no vote, and the person is not counted for purposes of establishing the quorum for the vote.
 - (c) Except as provided for in Subsections D(2)(a) and (b), an abstention or failure to vote shall be counted as an affirmative vote.

ARTICLE III General Administration

§5-12. Departments and offices.

- A. The Township shall have a Department of Administration and such other departments, not less than two (2) and not exceeding nine (9) in number, as the Council may establish by ordinance. All of the administrative functions, powers and duties of the Township, other than those vested in the offices of the Township clerk and the Township tax assessor, shall be allocated and assigned among and within such departments.
- B. The offices of the Township clerk and the Township tax assessor shall be subject to such general administrative procedures and requirements as are departments of the Township government, including, but not limited to, the preparation and submission of an annual budget and of such periodic budget reports as are generally required of departments, and such accounting controls, central purchasing practices, personnel procedures and regulations, and central data processing services as are generally required of departments.
- C. Each department shall be headed by a director, who shall be appointed by the Mayor with the advice and consent of the Council. Each department head shall serve during the term of office of the Mayor appointing him, and until the appointment and qualification of his successor. The Mayor shall, with the advice and consent of the Council, appoint the Township assessor and all other Township officers not assigned within Township departments, subject to the terms of any general law providing for these offices, unless a different appointment procedure is clearly required by this plan of government or by general law.
- D. The Mayor may in the Mayor's discretion remove any department head and, subject to any general provisions of law concerning term of office or tenure, any other Township executive officer who is not a subordinate departmental officer or employee, after notice and an opportunity to be heard. Prior to removal the Mayor shall first file written notice of his intention with the council, and such removal shall become effective on the 20th day after the filing of such notice unless the Council shall prior thereto have adopted a resolution by a two-thirds vote of the whole number of the Council, disapproving the removal.
- E. In the event of the removal or failure of reappointment of a Business Administrator, that Administrator may, upon the enactment of an ordinance, be entitled to a three-months' written notice of the removal or non-reappointment, or if the Mayor determines that the removal shall be immediate, then the Administrator may, upon the enactment of an ordinance, be paid any unpaid balance of his salary plus his salary for a maximum of the next three calendar months

following the effective date of the mayor's action unless the removal is for good cause. For the purposes of this subsection, "good cause" shall mean conviction of a crime or offense involving moral turpitude, the violation of the provisions of N.J.S.A. 40:69A-163 through 40:69A-167 or the violation of any code of ethics in effect within the municipality.

F. Department heads shall appoint subordinate officers and employees within their respective departments and may, with approval of the Mayor, remove such officers and employees, subject to the provisions of Title 11A of the New Jersey Statutes, where that Title is effective in the Township, or other general law.

G. Departments and offices established within the Township are as follows:

1. Department of Administration;
2. Office of the Clerk;
3. Department of Finance;
4. Department of Public Works;
5. Department of Planning and Development;
6. Department of Public Safety; and
7. Department of Recreation and Community Development.

ARTICLE IV Boards and Committees

§ 5-13. Boards, bodies, commissions and committees.

A. The following boards and bodies of the Township are hereby continued:

1. Land Use Board as set forth in Section 330-6.
2. Environmental Commission;
3. Open Space Board [reserved];
4. Historic Preservation Commission;
5. Recreation Committee;
6. Municipal Alliance Committee; and
7. Senior Citizen Committee.

B. Attendance Policy.

A member of any board, committee, commission, authority or other agency of the Township of Vernon not subject to state guidelines for removal of such members may be removed for absenteeism, and the vacancy created by such removal shall be filled in the same manner as originally appointed.

C. Vacancy as a result of Non-Attendance.

The office of any person appointed to a specified term, with or without compensation, by the Mayor or Township Council, including persons appointed to any board, committee, commission, authority or other agency relating to a joint or shared service, shall be deemed vacant whenever the member, without being excused by majority by the authorized members of such body, fails to attend and participate at meetings of such body for a period of six (6) consecutive weeks, or three (3) consecutive meetings, whichever shall be of longer duration, at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination. Further, such Board, Committee, Commission, Authority or other Agency may refuse to excuse only with respect to those failures to attend and participate that are not due to legitimate illness.

D. Removal of Board or Committee Member.

By majority vote, the Council of the Township of Vernon may remove any member of the Board for cause, on written charges served upon the member, and after an opportunity for a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy

on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

ARTICLE V Emergency Management Control Powers

§ 5-15. Purposes.

The purposes of this article are to empower the Township Mayor of the Township of Vernon to make orders, rules and regulations to preserve the resources and property of the Township of Vernon and of the residents and to protect the health, welfare and safety of the public during times of emergency. See also Vernon Township Emergency Management Plan and Operation Manual.

§ 5-16. Powers of Mayor.

The Mayor is empowered to make orders, rules and regulations as may be necessary adequately to meet the various problems presented by any disaster or emergency and to amend or rescind such orders, rules and regulations.

§ 5-17. Notice of rules and regulations.

- A. All such orders, rules and regulations made by directive of the Mayor shall be given to the Township Clerk of the Township of Vernon who shall forthwith post such orders, rules and regulations in a prominent and conspicuous place. The posting of such orders, rules and regulations shall constitute sufficient notice to the public.
- B. The Mayor shall also notify each and every member of the Council of the Township of Vernon, if practically possible, at the time the Mayor issues, amends or rescinds an order, rule and regulation under the powers granted by this article.

ARTICLE VI General Administration

§ 5-20. Duties of department heads.

The head of a department, subject to the Charter and the Code of the Township of Vernon and the approval or direction of the Mayor, shall:

- A. Prescribe the internal organization of the work of the department.
- B. Direct and supervise the subordinate officers and employees of the department and make, alter and enforce individual work assignments.
- C. Approve or disapprove payrolls, bills and claims chargeable to the departmental appropriations.
- D. Maintain such records of work performance and unit costs thereof as may be approved or required by the Mayor.
- E. Provide such information and reports on the work of the department as may from time to time be required by the Mayor.
- F. Exercise such other or different powers of administration, supervision and direction as the Mayor may delegate.

§ 5-21. Full-time service.

Every Township officer and employee whose compensation is established on a full-time basis shall devote the entire time during business hours to the duties of the office or employment.

§ 5-22. Interest in contracts.

No officer or employee shall have any interest, directly or indirectly, in any contract or job for work or materials or the profits thereof to be furnished to or performed for the Township.

§ 5-23. Purchasing.

- A. General procedure.
 - (1) All materials, supplies and equipment, work and labor under contract, required by any department, office or agency of the Township shall be purchased by or under the direction and supervision of the Mayor.

- (2) Purchases shall be authorized only upon requisition of a department head which shall be made to the Mayor at such times and in such form as the Mayor may prescribe or approve. Except as the Mayor may specifically authorize in case of emergency, no purchase shall be made, and no bill, claim or voucher shall be approved, unless the procedures prescribed by or pursuant to statute and the Code of the Township of Vernon have been followed.

B. Purchasing agent.

- (1) The Mayor may designate an administrative officer of the Township to serve as purchasing agent.
- (2) The purchasing agent shall:
 - (a) Purchase, store and distribute all supplies, material and equipment according to need and efficient purchasing methods.
 - (b) Establish and enforce suitable specifications and standards for all supplies, material and equipment to be purchased for the Township.
 - (c) Inspect deliveries to determine their quality, quantity and compliance with these specifications and standards.
 - (d) Accept or reject the deliveries in accordance with the results of inspection.
 - (e) Control any general storerooms or stockrooms which the Council may authorize.
- (3) The purchasing agent may:
 - (a) Make transfers of supplies, material and equipment between departments, offices and agencies.
 - (b) Sell surplus, obsolete, unused or waste supplies, material and equipment.
 - (c) Make any other sales authorized by the Council.

§ 5-24. Departmental rules and regulations.

- A. No rule or regulation made by any department, officer, agency or authority of the Township, except such as relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed with the Township Clerk. The Council shall provide for the prompt publication of such rules and regulations.
- B. The Clerk shall maintain a current compilation of all such rules and regulations, which shall be available for public inspection during business hours.

§ 5-25. Commitments and disbursements of funds.

- A. Certification of available funds. No department, office or agency of the municipal government shall expend or commit any funds of the Township unless the Treasurer, through the Division of Treasury, shall first certify that there is an unencumbered balance of appropriation and funds available for the purpose.
- B. Certification of department head that contract completed. Prior to payment of any bill, claim or demand against the Township, a department head shall certify that the materials, supplies or equipment have been received according to purchase order or that the work, labor or services have been rendered according to order or contract.
- C. Disbursements. Disbursements in payment of bills, claims and demands shall be made by the Treasurer upon preaudit and approved by the Mayor. Every warrant shall be payable to the order of the person entitled to receive it, and shall specify the purpose for which it is drawn and the account or appropriation to which it is chargeable. Each warrant check shall bear the signature of the Treasurer or Acting Treasurer, the Mayor or Township Clerk or Deputy Township Clerk as the case may be. Two signatures are required on each check.

**ARTICLE VII
Department of Administration**

§5-30. Department established; Business Administrator. There shall be a Department of Administration, the head of which shall be the Business Administrator.

- A. Appointment. The Mayor shall, with the advice and consent of the Council, appoint a Business Administrator, who shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of the

duties of the office and who shall serve until the appointment and qualification of a successor. At the time of the appointment, the Business Administrator need not be a resident of the Township or the state, but during the Business Administrator's tenure of office, the Business Administrator may reside outside the Township only with the approval of the Council as set forth in N.J.S.A. 40:69A-44.

B. Full-time position; holding of other offices. The Business Administrator shall devote full time to the duties of the office, except that nothing herein shall prevent the Business Administrator from also holding any other appointive municipal office of the Township and fulfilling the duties thereof.

C. Acting Business Administrator. Whenever and so long as there is a vacancy in the office of Business Administrator, the Mayor may serve as Acting Business Administrator without additional compensation, or the Mayor may appoint another suitable person to act as Acting Business Administrator. Any such appointment shall terminate after 90 days, unless the Council shall, by resolution, authorize one or more extensions. The Acting Business Administrator shall have all the functions, powers and duties of the Business Administrator.

§5-31. Functions, powers and duties. Under the direction and supervision of the Mayor, the Business Administrator shall:

A. Assist in the preparation of the budget;

B. Administer a centralized purchasing system;

C. Be responsible for the development and administration of a sound personnel system;

D. Perform such other duties as council may prescribe.

E. The Business Administrator shall, subject to the direction of the Mayor, supervise the administration of each of the departments established by ordinance. For this purpose, the Business Administrator shall have power to investigate the organization and operation of any and all departments, to prescribe standards and rules of administrative practice and procedure, and to consult with the heads of the departments under his jurisdiction; provided that with respect to any department of law or department of audit, accounts or control, the authority of the Business Administrator under this subsection shall extend only to matters of budgeting, personnel and purchasing.

§5-32. Construal of provisions. Nothing herein shall derogate from the powers and duties of the elective or appointive officials of the Township or of the boards and commissions thereof established pursuant to law or authorize the Business Administrator to exercise the powers and duties thereof.

§ 5-33. Township Attorney.

A. Appointment; Term. There is hereby established an Office of Law which shall be filled by the Township Attorney. The Township Attorney shall be appointed by the Council for a term of one year and shall receive such compensation as provided by the Council.

B. Powers and Duties. Except as otherwise provided by ordinance, the Township Attorney shall:

1. Serve as legal advisor on all matters of Township business;

2. Represent the Township in all judicial and administrative proceedings in which the Township or any of its officers or agencies may be a party or have an interest;

3. Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Township;

4. Supervise and direct the work of such additional attorneys and technical and professional assistants as Council may authorize for special or regular employment in the Department of Law.

C. Limitation on Power to compromise. The Township Attorney shall not, without the approval of the Council by resolution, be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the Township, nor to permit, offer or confess judgment against the Township, nor to accept any offer of judgment in favor of the Township. Nothing in this section shall operate to limit or abridge the discretion of the Township Attorney in regard to the proper conduct of the trial of any action or proceeding or to deprive him of the

powers and privileges ordinarily exercised in judicial proceedings by counsel acting for private clients

§ 5-34. Bureau of Animal Control.

There shall be, within the Department of Administration, a Vernon Township Bureau of Animal Control. The Bureau Chief shall be the Certified Animal Control Officer. The Certified Animal Control Officer shall be appointed and supervised by the Business Administrator and shall also be subject to removal by the Mayor. Subordinate officers and employees of the Certified Animal Control Officer may also be appointed and removed by the Mayor.

§ 5-35. Division of Tax Assessments.

- A. Within the Department of Administration, there is hereby established a Division of Assessments, the head of which shall be the Tax Assessor.
- B. Prior to appointment, the Tax Assessor shall be qualified by training and experience in municipal taxation, the valuation and assessment of property for purposes of ad valorem taxation and shall be certified as a municipal tax assessor as provided by general law.
- C. With the assistance of such personnel as may be authorized by ordinance, the Tax Assessor shall:
 - (1) Value all real and personal property in the Township for the purposes of assessment and taxation in accordance with general law, the Charter and ordinances, and exercise all the powers of a municipal assessor pursuant to law;
 - (2) Prepare the tax list and duplicate as required by law, and maintain adequate assessment records of each and every parcel of real property assessed or exempted;
 - (3) Have custody of and maintain an up-to-date Township Tax Map and provide for the recording thereon of all changes in ownership or character of the property;
 - (4) Make appraisals of property for any municipal purpose upon direction of the Mayor.

§ 5-36. Division of Personnel.

- A. There is hereby established, within the Department of Administration, a Division of Personnel, the head of which shall be the Personnel Administrator.
- B. The Personnel Administrator, subject to the direction and supervision of the Business Administrator, shall serve as professional advisor and staff of the Division and shall:
 - 1. Develop, administer, and evaluate all recruitment and training programs.
 - 2. Assist the Business Administrator with the administration of all pension funds and programs of the Township and retirements thereto.
 - 3. Assist the Business Administrator with the administration of all matters pertaining to health benefits, group life insurance and workers' compensation coverage for all Township officials and employees.
 - 4. Maintain and administer the personnel policies of the Township.
 - 5. Assist the Business Administrator with the administration of an employee disciplinary action system, affirmative action, and grievance procedures and hearings.
 - 6. Assist and advise the Township Mayor, if so requested, with collective bargaining negotiations and labor relations of the Township.
 - 7. Assist and advise the Township Mayor, if so requested, in the interviewing and employee evaluation process.
 - 8. Develop and administer employee development programs, workshops, and activities, independently and at the request of the Township Mayor, as needed to maintain a supportive and productive work environment.
 - 9. Develop, administer, and perform other personnel-related duties as requested by the Business Administrator.
 - 10. Assist and advise all employees with regard to personal or work-related issues which are not conducive to a supportive and productive work environment.
 - 11. Assist in the maintenance of the central payroll system and all social security, pension and insurance records required for Township personnel.

ARTICLE VIII
Office of the Clerk

§ 5-40 Appointment; qualifications; term.

- A. There shall be an office of the Township Clerk, the head of which shall be the Township Clerk.
- B. The Clerk shall be appointed by the Council and shall, prior to appointment, be qualified by training and experience to perform the duties of the Clerk's office.
- C. The Clerk shall serve for a term of three years, and shall receive such compensation as shall be provided by ordinance.

§ 5-41. Ordinances and resolutions.

- A. The Clerk shall engross all ordinances and all resolutions of a permanent character in books to be provided for that purpose. After each ordinance the Clerk shall also engross and certify the proof of publication thereof as required by law. Each ordinance and resolution so engrossed shall be signed by the Mayor and the Clerk, who shall attest that it was duly adopted upon a date stated, and when so signed the engrossed copy shall be deemed to be a public record of the ordinance or resolution. Any omission by the Clerk or the Mayor to engross, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted.
- B. At the close of each year, the Clerk shall properly index the record books, compilation or codification of ordinances and resolutions. Where the Council has not appointed a firm or other agency to compile and codify the ordinances and resolutions of the Council, it shall be the obligation of the Clerk, with the advice and assistance of the Township Attorney, to bind, compile or codify all ordinances and resolutions, or true copies thereof, which remain in force.

§ 5-42. Custodian of records.

The Clerk shall have custody of and shall safely keep all records, books and documents of the Township, except those committed by the Charter or ordinance to any other office or transferred thereto by the Mayor. The Clerk shall, upon request and upon the payment of the fees prescribed therefor by ordinance or resolution of the Council, for the use of the Township, furnish a certified copy of any such paper in custody, under the Corporate Seal of the Township.¹⁷

§ 5-43. Corporate Seal; custody; use.

- A. The Official Corporate Seal of the Township is hereby continued. The Seal shall be kept in the Office of the Clerk who shall be the custodian thereof.
- B. The Clerk shall cause the Corporate Seal to be affixed to instruments and writings when authorized by ordinance or resolution of the Council or when necessary to exemplify any document on record in the Clerk's office or to certify any act or paper which, from the records in the office, shall appear to have been a public act of the Township or a public document. The Clerk shall not affix the said Seal or cause or permit it to be affixed to any other instrument or writing or other paper, unless required by law or ordinance.

§ 5-44. Deeds and surety bonds.

The Clerk shall:

- A. Have custody of all deeds and leases of property owned by the Township;
- B. Be the depository for and have custody of all performance bonds running to the Township as obligee, or any other form of security, given by any contractor, subdivision developer or other persons on account of work done or to be done in or for the Township.

§ 5-45. Powers, functions and duties.

In addition to such other functions, powers and duties as may be prescribed by the Charter and ordinances and subject to the supervision and direction of the Council, the Clerk shall:

- A. Perform all of the functions required of municipal clerks by the general election law (Title 19 of the Revised Statutes) and any other law or ordinance.

- B. Administer the provisions of the Township ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- C. Issue such licenses as may be authorized by the Council pursuant to the State Alcoholic Beverage Control Law (N.J.S.A. 33:1-1 et seq.) and the ordinances of the Township.
- D. Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance, or delegated by the Council.
- E. Issue certificates as to liability for assessment for municipal improvements, pursuant to law (N.J.S.A. 54:5-18.1 et seq.) and such other certificates as may be prescribed by general law or ordinance.
- F. The Township Clerk is hereby authorized and delegated to approve or deny the granting of raffle and bingo licenses for events to be conducted in the Township of Vernon.
- G. Perform the duties of Registrar.

**ARTICLE IX
Department of Finance**

§ 5-46. Establishment; Director as head; qualifications.

- A. There is hereby established a Department of Finance, the head of which shall be the Chief Financial Officer.
- B. The Director shall be qualified as per N.J.S.A. 40A:9-140.1 et seq.

§ 5-47. Functions and duties of Chief Financial Officer.

The Chief Financial Officer, subject to the direction and supervision of the Mayor, shall:

- A. Serve as the Chief Financial Officer of the Township;
- B. Supervise the work of the Department and its divisions;
- C. Compile the current expense estimates for the budget for the Mayor;
- D. Compile the capital estimates for the budget for the Mayor;
- E. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- F. Establish and maintain a general accounting system for the Township government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the Township government to be made daily or at such intervals as he may deem expedient;
- G. Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the Township government, whenever the Mayor shall transfer this power to the Director;
- H. Submit to the Council through the Mayor a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the Township;
- I. Prepare for the Mayor, as of the end of each fiscal year, a complete financial statement and report; and
- J. Through the divisions established by this chapter and otherwise, and subject to the requirements of the State Division of Local Government, the Charter and the Township Code, the Chief Financial Officer shall be responsible for:
 - (1) Accounting, preauditing and control of all Township revenues and expenditures;
 - (2) Custody, receipt and disbursement of Township funds;
 - (3) Safety and investment of the Township's investments;

- (4) Management of the Township's debt;
- (5) Development of financial policies for recommendation to the Mayor; and
- (6) Safeguarding of the Township's financial interests to the fullest extent.

§ 5-48. Division of Treasury.

- A. Within the Department of Finance, there is hereby established a Division of Treasury, the head of which shall be the Treasurer.
- B. Prior to appointment, the Treasurer shall be qualified by training and experience in governmental accounting, budget operation and controls, and in systems and methods of financial management.

§ 5-49. Duties of Treasurer.

The Treasurer shall:

- A. Maintain the central books of account of the Township according to such forms, standards and procedures as shall be prescribed or approved by the Director of Finance. Any and all Township officials shall, upon request of the Treasurer, place at the Treasurer's disposal all records, books, warrants, documents, bonds, reports and papers in their custody belonging to the Township, which the Treasurer may deem necessary, to aid in keeping such accounts;
- B. Enforce the uniform system of accounts for all departments of the Township government prescribed by the Director of Finance;
- C. Preaudit all payrolls, bills, claims and demands against the Township upon certification by a department head that the amount is due and unpaid according to the records and information of the Department;
- D. Require reports of receipts and disbursements from each department of the Township government to be made daily or at such intervals as will most efficiently protect the Township's interest;
- E. Maintain a central payroll system, and all social security, pension and insurance records required for Township personnel;
- F. Control all expenditures to assure that budget appropriations are not exceeded; pass upon each proposed expenditure for conformity with the Charter and ordinances of the Township; and unless the division head shall certify that there is an unencumbered Balance of appropriation and available funds, no appropriation shall be encumbered and no commitment or expenditure shall be made;
- G. Keep books and records of account for the exercise of the foregoing financial and budgetary control over each department of the Township government and keep such accounts as will show the amount of each appropriation, the cumulative amount paid therefrom and the unpaid obligations and the unencumbered Balance thereof.

§ 5-50. Central Cashier.

Within the Division of the Treasury there shall be a Central Cashier's Office. All cash receipts of the Township government, except fines imposed for traffic violations or in the Municipal Court, shall be received and accounted for by the Cashier. Until such time as the Mayor shall determine that proper procedures have been established for such central receipt and collection of the various service charges, fees, and license fees required under the Charter or ordinances, they may be received and accounted for as heretofore.

§5-51 Division of Tax Collections.

- A. Within the Department of Finance there is hereby established a Division of Tax Collections, the head of which shall be the Tax Collector.
- B. Prior to appointment, the Tax Collector shall be qualified by training and experience in municipal tax and revenue administration.
- C. The Tax Collector's duties shall include:

1. Administer the work of the Division;
2. Receive and collect all current and delinquent real and personal property taxes, charge and receive penalties and interest pursuant to law, and account for all collections in such form and manner, and at such times, as may be prescribed or approved by the Director of Finance;
3. Receive and safely keep and disburse all moneys raised and received for the public schools and keep separate accounts thereof; provided that no money shall be paid out of the public school funds by the Collector except on warrant signed by the President and Secretary of the Board of Education pursuant to an order or resolution passed at a stated meeting of the Board of Education and entered in its minutes;
4. Keep a full and systematic account of all cash receipts and disbursements by the Division of Tax Collections in proper books approved by the Director of Finance; and shall, at least once every month, and more often if the Council requires, furnish the Council, through the Mayor, with a statement of all moneys received and expended by the Collector, including school moneys, subsequent to the Mayor's last report; and
5. Annually, during the month of January, make a full report to the Council of the Collector's receipts and expenditures during the preceding calendar year, and shall, whenever required, lay before the Council for examination and audit all books and papers pertaining to the Collector's office.
6. Make or cause to be made, and certify, searches for tax and other liens on real property in the Township as may be authorized by law, and charge and collect for the use of the Township the fee required pursuant to law for any such search;
7. Perform the functions of a collector of taxes under general law, including, without limitation thereto, the preparation and mailing of tax bills, and the maintenance of tax accounting records in such manner as may be prescribed or approved by the Director of Finance; and assist the Assessor in preparation of the annual tax list and duplicate;

**ARTICLE X
Department of Public Works**

§ 5-52. Establishment; Director of Public Works as head; qualifications.

- A. There is hereby established a Department of Public Works, the head of which shall be the Director of Public Works.
- B. Prior to appointment, the Director of Public Works shall have experience and education sufficient to perform the duties and responsibilities of the office. The Director of Public Works shall hold and maintain a certified public works administrator's certificate as required by N.J.S.A. 40A:9-154.6a et seq.

§ 5-53. Powers and duties of Director of Public Works.

The Director of Public Works shall:

- A. Be responsible for the proper and efficient conduct of all public works functions of the municipal government;
- B. Supervise and direct the work of the Department of Public Works;
- C. Provide technical advice and assistance to all other departments as needed;
- D. Have power, with the approval of the Mayor and within the limits of available appropriations, to engage such specialized and consulting engineers for specific projects and purposes as deemed necessary for the proper administration of the functions of the Department;
- E. Subject to the supervision and direction of the Mayor, administer the work of the Department through such divisions as are provided by this article and otherwise.

§ 5-54 through 62 [reserved for future use]

**ARTICLE XI
Department of Planning and Development**

§ 5-63. Establishment.

There is hereby established the Department of Planning and Development.

§ 5-64. Organization of Department.

Within the Department of Planning and Development there shall be the following divisions:

- A. Division of Planning and Zoning.
- B. Division of Building.

§ 5-65. Division of Planning and Zoning.

- A. Within the Department of Planning and Development, there shall be a Zoning Officer, as provided for Chapter 330, Land Development.
- B. The Office of the Zoning Officer shall be under the direction of the Zoning Officer who shall serve at the pleasure of the Mayor.

§ 5-66. Division of Building.

Within the Department of Planning and Development, there shall be a Division of Building which shall consist of a State Uniform Construction Code Enforcing Agency.

**ARTICLE XII
Department of Public Safety**

§ 5-67. Establishment; Mayor as head.

There is hereby established a Department of Public Safety, the head of which shall be the Mayor who shall serve without any additional compensation.

§ 5-68. Organization of Department.

Within the Department of Public Safety, there shall be the following divisions and agencies:

- A. Division of Police.
- B. Office of Emergency Management.
- C. Office of Fire Safety Official.

§ 5-69. Division of Police; Chief of Police as head.

Within the Department of Public Safety, there shall be a Division of Police, also known as the "Police Department," the head of which shall be the Chief of Police. The police force as heretofore established is hereby continued as the Division of Police and is subject to all laws and ordinances relating to a municipal police department.

§ 5-70. Office of Emergency Management.

The Office of Emergency Management as heretofore established pursuant to law is continued within the Department of Public Safety. The members shall be appointed by the Mayor. It shall have such functions, powers and duties as may be prescribed by general law, executive order, ordinance or resolution.

§ 5-71. Office of Fire Safety Official.

The Office of Fire Safety shall inspect all buildings and structures within the Township in conformity with the New Jersey and National Fire Safety Codes.

**ARTICLE XIII
Department of Recreation and Community Development**

§ 5-72. Establishment; Director as head.

There is hereby established a Department of Recreation and Community Development, the head of which shall be the Director of Recreation and Community Development.

§ 5-73. Duties of Director of Recreation and Community Development.

The Director of Recreation and Community Development shall be responsible, among other responsibilities which may be assigned from time to time, for:

- A. The maintenance and upkeep of all Township parks, playgrounds, Ball fields and other recreational facilities of the Township, whether owned or leased, and to ensure their safe operation
- B. The creation and administration of a full schedule of recreational opportunities for children and adults in Vernon Township.
- C. The issuing of permits for the Township's fields, parks and recreation facilities, and to coordinate with the Township's non-profit and civic groups.
- D. The providing of administrative services for the Senior Citizen Program in the Township of Vernon, supervise Township-sponsored activities designed for senior citizens and coordinate the programs for senior citizens, including the Vernon Township Nutrition Site.
- E. Assisting the Office of the Township Mayor with the development and administration of Township projects and transactions.
- F. Researching and proposing special funding through grants and other practicable sources for the good of the Township.
- G. Preparing and submitting project and management operating reports and associated expenditures and budgets related to Township projects and transactions.
- H. Under the direction of the Township Mayor, establishing administrative procedures to ensure maximum service is provided at reasonable cost.
- I. Disseminating information on programs, both internally and to other agencies and interested parties.
- J. Stimulating public interest in community development, including the organization, philosophy, and objectives of community development programs and projects to other agencies and the community.
- K. Assisting the Township Mayor in the formulation of mechanisms for improved coordination and program design regarding community development.
- L. Maintaining and organizing appropriate records and files for projects assigned by the Office of the Township Mayor.

§ 5-74 through 83 [reserved for future use]

ARTICLE XIV Environmental Commission

§ 5-84. Commission continued; purpose of Commission.

- A. Pursuant to the provisions of N.J.S.A. 40:56A-1 et seq., an Environmental Commission of seven members, as heretofore created, is hereby continued.
- B. The purpose of this Commission is for the protection, development or use of natural resources, including water resources, located within the Township.

§ 5-85. Members; alternate members; appointment; terms; vacancies.

- A. A Commission shall consist of seven members appointed by the Mayor, one of whom shall also be a member of the Planning Board, and all of whom shall be Township residents. The members shall serve without compensation except as provided in this article. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission.
- B. The terms of office of the first Commissioners shall be for one, two or three years, to be designated by the Mayor in making the appointment, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors.
- C. There shall also be two alternate members appointed by the Mayor. The alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The alternate members' terms shall be for two years, except that the term of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2 so that the term of not more than one alternate member shall expire in any one year. An alternate member will participate in discussions of the

proceedings, but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

D. Ex officio member.

- (1) The Environmental Commission shall have no more than seven official members and shall hereafter have an ex officio member in addition thereto, who shall have no voting power and shall be a resident of Vernon Township and a student of high school age, with preference given to students in their senior year.
- (2) Said ex officio member shall be appointed by the Mayor and shall serve a term of one school year from and including the date of appointment.
- (3) Nothing herein shall prevent the Mayor from appointing the same student in consecutive years.

§ 5-86. Powers of Commission.

- A. The Commission shall have power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes.
- B. The Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes.
- C. The Commission shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas.
- D. The Commission may from time to time recommend to the Planning Board plans and programs for inclusion in a Township Master Plan and the development and use of the open areas of the Township.

§ 5-87. Acquisitions by Commission.

The Commission may, subject to the approval of the Council, acquire property, both real and personal, in the name of the Township by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas in the Township.

§ 5-88. Records and annual report.

The Commission shall keep records of its meetings and activities and shall make an annual report to the Council.

§ 5-89. Appropriations.

The Council may appropriate funds for the expenses incurred by the Commission. The Commission may appoint such clerks and other employees as it may from time to time require, and payment for the same shall be within the limits of funds appropriated to the Commission.

**ARTICLE XV
Open Space Committee**

§ 5-90. Establishment of Open Space Committee.

There shall not be established, at this time, an Open Space Committee in the Township of Vernon. The Township Council shall research, investigate, negotiate and complete open space transactions in its discretion including the management of the Open Space Trust Fund, as established in the historical note below.

[Historical Note: Under Ord. No. 00-16 the Township was authorized to collect a tax of \$0.02 per \$100 of assessed value for a period of five years beginning in the year 2001, with said tax dollars to be dedicated to farmland preservation and to preserving open space. Ord. No. 06-29 proposed the collection of an open space tax. The public question required by law to collect the open space tax failed to obtain voter approval on 11-7-2006. Ord. No. 07-18 proposed the

collection of an open space tax. The public question required by law to collect the open space tax failed to obtain voter approval on 11-6-2007. Ord. No. 06-29 and Ord. No. 07-18 may be found on file in the office of the Township Clerk.]

§ 5-91, 92 and 93 [reserved for future use]

**ARTICLE XVI
Historic Preservation Commission**

§ 5-94. Historic Preservation Commission.

- A. There is hereby created in and for the Township of Vernon a commission to be known as the "Historic Preservation Commission."
- B. The Historic Preservation Commission shall consist of seven members and two alternates who shall serve without compensation except that the Commission members shall be reimbursed for expenses incurred in the performance of official business approved in advance by the Township Council.
- C. Membership.
 - (1) The Commission positions shall be filled by persons who are interested in and qualified to contribute to the preservation of historic buildings, structures, sites and objects. The Commission shall compromise the following categories:
 - (a) Class A: persons who are knowledgeable in building design and construction or in architectural history.
 - (b) Class B: persons who are knowledgeable or have demonstrated an interest in local history.
 - (c) Class C: persons who are residents of the Township and who hold no other municipal office, position or employment, except for membership on the Planning Board or Zoning Board of Adjustment.
 - (2) There shall be at least one member each from Class A and Class B; three members may reside outside the Township. Both alternates shall meet the qualifications of Class C members.
- D. Commission members shall be appointed by the Mayor and shall serve for four-year terms except that, of the first members appointed, two members shall serve for one year, two members shall serve for two years and the three other members shall serve for three years. The alternate members shall initially and thereafter serve two-year terms. All members may, at the expiration of their terms, be eligible for appointment to four-year terms. If a Commission member is also a member of the Land Use Board, the term of membership of such Commission member shall be the term of membership on the Planning Board or Zoning Board of Adjustment, as the case may be. Vacancies shall be filled in the same manner in which the previous incumbent was appointed, and such vacancy appointment shall be only for the balance of the unexpired term.
- E. The Commission shall adopt internal rules and procedures for the transaction of its business subject to the following:
 - (1) The Commission shall elect from its members a Chairman and Vice Chairman.
 - (2) A quorum for the transaction of all business shall be five members.
 - (3) All Commission minutes and records shall be public records and all Commission meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.
 - (4) The Commission shall employ, designate or elect a Secretary who need not be a member of the Commission. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. All such materials shall be made of public record.
 - (5) Commission meetings shall be scheduled at least once every month, or as often as required to fulfill its obligations to advise the Planning Board, Zoning Board of Adjustment or governing body.
 - (6) No Commission member shall be permitted to act on any matter in which he or she has directly or indirectly any personal or financial interest.
- F. A member of the governing body shall be designated each year as a liaison with the Historic Preservation Commission.

§5-95. Duties.

The Historic Preservation Commission shall have the responsibility to:

- A. Prepare a survey of historic sites of the municipality pursuant to criteria identified in the survey report;
- B. Make recommendations to the Land Use Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements;
- C. Advise the Land Use Board on the inclusion of historic sites in the recommended capital improvement program;
- D. Advise the Land Use Board on applications for development pursuant to N.J.S.A. 40:55D-110;
- E. Provide written reports pursuant to N.J.S.A. 40:55D-111 and § 330-149 of this article on the application of the Zoning Ordinance provisions concerning historic preservation; and
- F. Carry out such other advisory, educational and informational functions as will promote historic preservation in the Township, including but not limited to the following:
 - (1) To review historical survey material and, if necessary, to update such material at least once every year to incorporate any newly required historical documentation and to reflect changes to the resource's integrity or condition.
 - (2) To recommend sites to be designated as historic landmarks in accordance with the procedures established in this article.
 - (3) To conduct research on and, if necessary, to nominate any additional significant resources to the State and National Register of Historic Places. If the Township becomes certified under the state's Certified Local Government (CLG) Program, the Commission shall, in accordance with the state's CLG guidelines, nominate, review and comment on all state and national registered nominations for historic resources with the Township of Vernon.
 - (4) To assist other public bodies in aiding the public in understanding historic resource significance and methods of preservation.
 - (5) To advise the governing body on the relative merits of proposals involving public lands to restore, preserve and protect historical buildings, places and structures; to prepare long-range plans; for the purpose of securing state, federal and other grants in aid to assist in carrying out the other purposes of this article.
 - (6) To secure the voluntary assistance of the public and (within the limits of the budget established by the governing body for the Historic Commission's operation) to retain consultants and experts and incur expenses to assist the Historic Preservation Commission in its work.
 - (7) To cooperate with local, county, state or national historical authorities, governmental bodies or organizations to maximize their contributions to the intent and purposes of this article.
 - (8) To advise and assist property owners and other persons and groups, including neighborhood organizations, who are interested in historic preservation.
 - (9) Within the limits of its budget, to undertake educational programs, including the preparation of a publication aimed at stimulating interest in and sensitivity to historic preservation; and the placing of historic markers on structures.
 - (10) To report at least annually to the Planning Board on the state of historic preservation in the Township and recommend measures to improve same.
 - (11) To adopt and promulgate such regulations and procedures not inconsistent with this article as are necessary and proper for the effective and efficient performance of the duties herein assigned.
 - (12) To perform any other lawful activities which shall be deemed necessary to further the purposes of this article.

ARTICLE XVII
Board of Recreation

§ 5-96. Board created.

There is established the "Board of Recreation of the Township of Vernon."

§ 5-97. Membership; appointment; terms; compensation.

A. The Mayor may, in his or her discretion, appoint up to seven persons, who shall be citizens and residents of the Township, as members of the Board. All appointments shall be for the term of three years, except that the initial appointments shall be staggered. Vacancies shall be filled for the unexpired term only. The members shall serve until their respective successors are appointed and shall qualify.

B. The Board shall elect one of its members as Chairman and shall also select a Secretary from among its members. The members shall receive no compensation for their services.

§ 5-98. Duties and Responsibilities..

The Board of Recreation shall have an advisory role with respect to:

- A. Regulations applicable to Township parks, playgrounds, and recreational facilities;
- B. Program development, administration and organization;
- C. Existing fields and parks usage and development;
- D. Issues and matters designed to effectuate parks and pathways purposes and to make recommendations concerning the design and implementation of a parks and pathways system to enhance and expand opportunities for parks and pathways purposes;
- E. The acquisition or lease of property for recreational purposes;
- F. Capital acquisitions and improvements for the Recreation Department; and
- G. The proposed annual budgets for operational and capital improvements for the Recreation Department and provide comment to the Township Council on the priorities, facility improvements and maintenance, fees and participation levels anticipated in the budget;
- H. A review of all recreation initiatives and offer comment on the balance between age and interest groups, active and passive recreation activities, other park-related issues and supported recreation, for voluntary recreation organizations in calendar and facility use;
- I. Being a catalyst for volunteer help with Township-sponsored and supported recreation by active participation and by enlisting others to serve; and
- J. Promoting the Township's recreation, parks, pathways and open space programs throughout the community.

**ARTICLE XVIII
Municipal Alliance Committee**

§ 5-99. Establishment; purpose.

There is hereby established the Vernon Township Municipal Alliance Committee (the "Alliance Committee") for the purpose of consulting with the local advisory committee on alcoholism and drug abuse to identify alcoholism and drug prevention, education and community needs and implementing alliance programs.

§ 5-100. Membership; organization; compensation.

- A. The Alliance Committee may consist of the following:
 - (1) Chief of Police.
 - (2) President of the School Board.
 - (3) Superintendent of Schools.
 - (4) Student Assistance Coordinator.
 - (5) Representative of the Parent/Teacher Home and School Association.
 - (6) Representative of the Local Bargaining Unit for Teachers.
 - (7) Representative of the Chamber of Commerce.
 - (8) Municipal Court Judge.

- (9) Representatives of local civic associations.
 - (10) Representatives of local religious groups.
 - (11) Private citizens.
- B. The Committee shall elect one of its members as Chairman and shall also select a Secretary from among its members. No member shall be compensated for their services on the Committee.

§ 5-101. Duties.

The Vernon Township Municipal Alliance Committee shall implement the alliance programs formulated pursuant to N.J.S.A. 26:2BB-9.

**ARTICLE XIX
Senior Citizen Committee**

§ 5-102. Committee established; purpose.

A Senior Citizens Committee is hereby established for the Township of Vernon to promote the welfare of the Vernon senior citizens through social, recreation, and education programs. The Senior Citizens Committee will act as spokesperson and represent the Vernon senior citizens in any issues presented to the Township. The Senior Citizens Committee will assist with the administration and operation of the Senior Center to obtain maximum utilization of the facilities.

§ 5-103. Membership.

The Senior Citizens Committee shall consist of seven members appointed by the Township Council. The initial Committee should consist of two members appointed for terms of one year, two members appointed for terms of two years, and three members appointed for terms of three years. Thereafter all appointments shall be for a term of three years. All vacancies shall be filled for the unexpired term. The Committee shall elect one of its members as Chairman and shall also select a Secretary from among its members. No member shall be compensated for their services on the Board.

§ 5-104. Advisory nature of Committee; bylaws.

- A. The Senior Citizens Committee shall act in an advisory capacity to the Township Council in furtherance of the purposes set forth in § 5-99 of this chapter.
- B. The Senior Citizens Committee may from time to time prepare bylaws governing its operation subject to the review and approval by the Township Council.

SECTION FOUR

The following Section is added to Chapter 89 of the Code of the Township of Vernon:

**ARTICLE III
Defined Contribution Retirement Program**

§ 89-6. Establishment of Defined Contribution Retirement Program.

N.J.S.A. 43:15C-1, et seq. created the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials., N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law. The Council of the Township of Vernon, has considered the guidelines issues by the Local Finance Board.

§ 89-7. Eligibility for participation.

Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:

- A. Township Council Members; and

B. Township Mayor.

§ 89-8. Positions exempt from participation.

Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed exempt from participation in the Defined Contribution Retirement Program membership:

- A. Tax Collector;
- B. Chief Financial Officer;
- C. Construction Code Official;
- D. Tax Assessor;
- E. Registered Municipal Clerk;
- F. Licensed Uniform Subcode Inspector;
- G. Public Works Manager.

§ 89-9. Compliance with State regulations.

This ordinance shall be implemented, construed and subject to N.J.S.A 43:15C-1 et seq. as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

SECTION FIVE.

The Code of the Township of Vernon is amended to replace Chapter 413 in its entirety as follows:

CHAPTER 413

PARKS AND RECREATION AREAS

§ 413-1. Purpose.

The purpose of this chapter is to provide standards and regulations for the use of parks and recreation areas within the Township of Vernon.

§ 413-2. Definitions.

For the purpose of this chapter, the following words shall be used as herein defined:

DEPARTMENT OF RECREATION — Duly appointed personnel of the Township, including the Recreation Director and his/her designated staff members.

MOTOR VEHICLE — All on-road and off-road vehicles, including but not limited to cars, trucks, vans, motorcycles, minibikes, mopeds, go-carts, dune buggies, and dirt bikes, and any other similar motorized vehicles of the type normally used on land for recreation, entertainment, or pleasure.

PARK/RECREATION AREA — Any property owned or leased by the Township of Vernon which is used for open space and recreation purposes and which is open to the public either without charge or on a fee basis. The term includes, but is not limited to, playgrounds, parks, ball fields, athletic fields located at the public schools, swimming areas, beaches, natural education facilities, and any paths, roadways, sidewalks, and parking areas therein or adjacent thereto.

§ 413-3. Jurisdiction.

The rules and regulations promulgated herein shall apply to parks and recreation areas within the Township and, where applicable, by resolution or ordinance of the Township Council, to other lands owned and/or controlled by the Township which are devoted to public recreational use or purpose.

§ 413-4. Rules and regulations.

A. Hours of operation. All parks and recreation areas shall open at sunrise and shall close 1/2 hour after sunset, unless otherwise posted or designated by a permit issued by the Department of Recreation .

B. Park closure.

(1) Any section or part of any park or recreation area may be declared by the Department of Recreation, Department of Public Works Director, Chief of Police or designee or the Mayor or designee closed to the public at any time and for any interval of time, either temporarily or at regular and stated intervals and either entirely or merely to certain uses or when same is filled to capacity or when it is in the public interest to do so.

(2) No person shall enter upon or use any park or recreational area which is closed to the public, unless so authorized to do so by one of the aforementioned departments and/or individuals.

(3) Permits will become void for the remainder of the season upon failure to comply with an authorized closure.

C. Fees. All parks and recreation areas shall be opened to the general public unless specifically restricted by action of the Township Council upon recommendation of the Director of Recreation and Community Development in consultation with the Board of Recreation. The Township Council upon recommendation of the Recreation Director shall have the power to establish fees for the use of all facilities. The Township reserves the right to establish higher fees for nonresidents than for residents. Permits for usage of fields within the Township parks and recreation areas shall be granted upon approval as set forth herein and the payment of a damage escrow of \$500 to be held in escrow by the Township. After use of the facilities and inspection by the Township, the escrow shall be returned less any costs for damages related to the usage of the facilities. Damages in excess of the escrow shall be billed to the user.

D. Availability. Parks are available on a first-come-first-served basis unless reserved in advance.

E. Occupancy limit. All persons shall abide by posted occupancy limits or permits with occupancy limits as set forth for the event.

F. Use of parks and recreation areas by organized groups.

(1) Parks and recreation areas may not be used by organized groups without written permission.

(2) At the joint discretion of the Department of Recreation and Police Chief, an organization may be required to hire police, fire, ambulance or other service during the event as per a fee schedule set by the Department of Recreation or safety service required, and to be paid by the organization.

(3) At the discretion of the Department of Recreation, insurance certificates naming the Township as an additional insured may be required depending upon the intended use and group size.

(4) No improvements, maintenance, or structural changes shall be made to any of the parks and/or recreational areas by an organization/person at any time without prior written approval by the Recreation Director or the Township (excluding pre-game set-ups and lining of fields) in consultation with the Director of the Department of Public Works.

(5) All requests for improvements, maintenance, or structural changes must be made in writing and submitted to the Department of Recreation no later than one month before they are to be performed. Depending upon the extent of the work requested, such requests shall also be subject to approval by the Mayor, Township Planning Board and/or Township Council.

(6) No person may disturb or interfere unreasonably with any person occupying any area or participating in any activity under the authority of a permit.

(7) The Department of Recreation shall maintain a master schedule for the reserved use of all recreational areas.

G. Peace and quiet. Persons in a park or recreation area shall adhere to noise levels reasonable to all persons in attendance, the determination of which shall be at the discretion of the Department of Recreation or any law enforcement officer of the Township of Vernon.

H. Abandoned or unattended property. The Township may remove any article or property found in a park or recreation area after posted hours at the owner's expense.

I. Animals, wildlife, plant life and waterway activities.

- (1) Pets brought into a park or recreation area shall be confined or under direct control and on a leash.
- (2) All pet owners must abide by Township regulations and are responsible for cleaning up after their pet(s).
- (3) Animals trained to assist the disabled are permitted in all areas.
- (4) No person shall kill, injure, or disturb any animal or bird, or have in their possession the young of any wild animal, or the eggs or the viable nest or young of any reptile or bird; or damage any grass, trees, flowers, shrubs, plants, soil, rocks, sand, buildings, sign, structure, or equipment upon any premises under the jurisdiction of the Township.
- (5) No person shall fish from Township property whether by the use of hook and line, net, trap or other device except in waters designated by the Department of Recreation or the Township Council for that use and under such regulations and restrictions as have been adopted.
- (6) Waterway access points for fishing, boat launch and other waterway recreational activities shall be limited to those areas as designated by the Department of Recreation, in consultation with the Chief of Police.
- (7) No person shall cause damage to the natural resources of any park or recreation area.
- (8) No person shall track, hunt, trap or otherwise engage in the capture of any animal, bird, reptile or other creature in any park or recreational area under the jurisdiction of the Township.

J. Weapons and firearms. No person shall carry or use firearms or explosives, air rifles, slingshots, or any weapon in any park or recreation area, except for authorized law enforcement officers. Fireworks displays may be permitted under supervision as directed and required by the Department of Recreation.

K. Fires, smoking, firewood or fireworks.

- (1) No person shall build or attempt to build a fire except in designated areas or by permit.
- (2) No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, paper, or other flammable material within any park or on any highway, road, or street abutting or contiguous thereto. Smoking and the use of all tobacco products by any person on park and recreation property of the Township is strictly prohibited.
- (3) No person shall leave a picnic area before the fire is completely extinguished.

L. Signs. No person or organization shall post by any means or erect or cause to be erected any sign, placard, advertisement, or inscription whatever, in any park or recreation area or highway or road adjacent thereto, without authorization of the Department of Recreation and Leisure Services.

M. Solicitation.

- (1) No person or organization shall solicit alms or contributions for any purpose, or engage in the business of soliciting, distributing, selling, or peddling any liquids, edibles, goods, wares, merchandise, services, or circulars in any park or recreation area unless authorized by the Department of Recreation or Township Council.
- (2) No person shall gamble or participate or abet any game of chance unless in such areas and under such regulations as may be designated by the Department of Recreation.

N. Motor vehicles and parking.

- (1) Motor vehicles are restricted to paved roadways, unless other permission is granted.
- (2) Vehicles must adhere to posted speed limits.
- (3) Parking is restricted to designated areas.

(4) No vehicle standing or parked after park closure or before park opening in designated park areas, or elsewhere in the park, is permitted, and any vehicle so parked may be towed at the owner's expense.

(5) The parking area located by the snack bar near Veteran's Memorial Park is used for medical emergencies. Parking in that area is strictly for vehicles whose drivers are present in the park.

O. Trail use. Trails may be used in accordance with posted signs. Trail users are subject to all park rules and regulations.

P. Adherence to park signs. All persons are required to adhere to all park signs.

Q. Glass containers and garbage.

(1) No person shall deposit any garbage or refuse in any park or recreation area except in receptacles provided for such purposes.

(2) If garbage receptacles are full, each person must remove their garbage from the park or recreation area.

(3) No person shall bring, carry or transport any domestic, commercial, or industrial waste, refuse or garbage into any park or deposit same into any garbage receptacle.

(4) No person shall scatter litter or any form of waste material, or break, throw, or place any glass on lawns, walks, roads, benches, tables, wooded, or other areas on any park property.

(5) No person shall throw, discharge, or otherwise place or cause to be placed in the water of any pond, lake, stream, or body of water in or adjacent to any park or tributary stream, storm drain, or drain flowing into such water, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of such waters.

R. Disruptive behavior.

(1) No person shall foul or pollute any fountain or water area within the park.

(2) No person in any open space or recreation area shall engage in boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to cause a breach of public peace.

§ 413-5. Permits; Appeals.

A. Permits for activities to be conducted on municipal parks or recreational facilities shall be obtained by application in accordance with the following procedure:

(1) A person seeking issuance of a permit hereunder shall file an application with the Department of Recreation stating:

(a) The name and address of the applicant.

(b) The name and address of the person, persons, corporation or association sponsoring the activity, if any.

(c) The day and hours for which the permit is desired.

(d) The park or portion thereof for which the permit is desired.

(e) Any other information which the approving entity shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(f) Variances required from park rules and regulations.

(g) In the case of a youth program, an affidavit certifying that all persons in a position supervising children have had a Background check as required by §413-5H.

(2) Standards for issuance of a use permit shall include the following findings:

(a) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park, property or facility.

(b) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(c) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.

(d) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Township.

(e) That the facilities desired have not been reserved for other use on the date and hour requested in the application.

(f) That the applicant is in compliance with the Background check affidavit requirement of §413-5G, if the proposed use is a youth program.

(3) All applications to use municipal property or facilities within the jurisdiction of the Board of Recreation shall be designated as recreation permits and shall be submitted to the Director of Recreation and Community Development for a decision by the Director of Recreation and Community Development.

(4) All applications for the use of municipal property or facilities not within the jurisdiction of the Board of Recreation shall be designated as special use permits and be submitted to the Township Clerk to be placed on the governing body's agenda for a decision, whose decision shall be final and non-appealable.

B. Appeal of recreation permits.

(1) Within 45 days after the receipt of an application for a recreation permit, the Director of Recreation and Community Development shall apprise an applicant in writing of its determination to grant or deny a permit. In the event of a denial, the notification shall include the reason for the denial.

(2) Any aggrieved person shall have the right to appeal to the Township Council a decision under this section of the Director by serving written notice thereof on the Township Clerk within five working days of said refusal. The Mayor, or his designee, shall attempt to mediate any permit denial or dispute.

(3) A copy of the appeal notice shall also be served on the Director within the same time, and the Director shall immediately forward the application and the reasons for its refusal to the Township Council shall consider the application and sustain or overrule the Director of Recreation and Community Development's decision within 30 days from the receipt of the appeal by the Township Clerk. The decision of the governing body shall be final.

C. A permittee shall be bound by all rules and regulations and all applicable ordinances as fully as though the same were inserted in said permits.

D. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. A permittee may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit.

E. Revocation. A permit may be revoked by the approving authority upon a finding of violation of any rule or ordinance or upon good cause shown.

F. No permit shall allow the possession, sale or consumption of alcoholic beverages in a park area or on municipal property without a resolution of the governing body authorizing the possession, sale or consumption of alcoholic beverages.

G. Background check affidavit.

(1) Effective January 1, 2012, prior to any club or organization, other than Township-sponsored youth programs, receiving any type of permit to use Township-owned property or facilities for youth programs, the club or organization must complete an affidavit on a form

approved by the Mayor certifying that all official coaches, assistant coaches and adults who are in positions of authority or control of youth participants under the age of 18 have completed and passed a Background check within the last four years, meaning that the individual has not been convicted of any of the disqualifying offenses set forth in N.J.S.A. 15A:3A-3. The affidavit shall also state that the affiant is not aware of any relevant convictions subsequent to the background check.

(2) In the event that a club or organization can not comply with this subsection because Background checks have been submitted to the State Police but results have not been received, a conditional permit may be issued for up to 60 days.

H. Township-sponsored youth programs.

(1) Effective January 1, 2012, all adults, those persons 18 years of age or older, including but not limited to coaches, assistant coaches, or similar positions involved in educating, directing or supervising youth in a Vernon Township sponsored youth program shall submit required information for the purpose of obtaining a criminal history Background check with the State Bureau of Identification in the New Jersey State Police.

(2) Upon receipt of a completed Background check conducted by the State Bureau of Identification in the New Jersey State Police and/or the Federal Bureau of Investigation, Identification Division, the Recreation Activities Coordinator shall notify the applicant and the head of the program of affirmative or negative results. The determination shall be Based upon §413-5H(3) of this chapter.

(3) In the event the criminal Background check reveals any prior convictions for crimes or offenses set forth in N.J.S.A. 15A:3A-3, that individual shall not be allowed to participate in any Township-sponsored youth program.

(4) Refusal by individuals required to submit to Background checks will result in a dismissal of the individual from any Township-sponsored activities requiring Background checks.

(5) Any and all criminal Background checks shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The records shall be exempt from public disclosure under the common law or the New Jersey Right to Know Law. The records shall only be retained for such period as is necessary to serve their intended and authorized purpose and in conformance with State of New Jersey Division Retention Schedule.

(6) All Township-sponsored youth programs that have individuals subject to this chapter shall ensure that Background checks are renewed; no less than every four years a new Background check shall be submitted.

§ 413-6. Enforcement.

A. The Recreation Director, or other Township official and any police officer shall have the authority to eject from any recreation area any person acting in violation of this chapter.

B. The Recreation Director, or other Township official and any police officer shall have the authority to seize and confiscate any property, thing, or device in a park or recreation area, if the possession or use of such property, thing or device is prohibited.

C. It shall be the duty of the Director of Recreation and Community Development with the assistance of the Chief of Police, to enforce the provisions of this chapter. It shall be unlawful for any person to disobey the directive of any person supervising any public park or recreation area, or to disobey the direction of any sign, or to deface, destroy, or remove any such sign.

§ 413-7. Violations and penalties.

Any person who violates any provision of this chapter shall be subject to the penalties set forth in Chapter 1, Article II, § 1-19, Violations and penalties. The Municipal Court shall have the power to ban a violator from entering upon or using the parks or recreation areas within the Township until further order of court, upon petition, and for good cause shown.

SECTION SIX

The following Section is added to Chapter 500 of the Code of the Township of Vernon concerning Roads:

ARTICLE VII
Standard Specifications

§ 500-34. Adoption of Revised Standard Specifications; violations and penalties.

- A. Specifications adopted. All construction works or improvements, public or private, hereafter constructed, done or performed in the Township pertaining to the construction, repair, replacement or maintenance of roads or streets and their grading, curbing and paving; sanitary or storm sewers; drainage; sewage disposal; portable water lines, storage or transmission; the grading of land, the seeding thereof and the planting thereon of trees; shall be constructed, done and performed in accordance with the provisions of the "Revised Standard Specifications of the Township of Vernon, New Jersey" prepared by the Township Engineer, which are made a part hereof as though set forth at length herein, and copies of which are on file in the office of the Township Engineer and in the office of the Township Clerk.
- B. Violations and penalties.
- (1) Any person who shall construct, do or perform any such work or improvement to which the provisions of said "Revised Standard Specifications of the Township of Vernon, New Jersey (1973)", as amended, are applicable and who shall violate any of the provisions therein contained, upon conviction thereof, shall be subject to a fine not exceeding \$1,000 and/or imprisonment for a period not exceeding 90 days, and/or a term of community service not to exceed 90 days.
 - (2) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
 - (3) The penalties herein provided shall not be construed to be in lieu of, but shall be in addition to, any rights or remedies the Township may have under and pursuant to any performance guaranty or bond delivered and held by the Township in connection with any such work or improvement.

SECTION SEVEN

Sections 330-143 through 330-147 concerning the Historic Preservation Commission are hereby deleted and reserved for future use. Article X of Chapter 330 shall remain with Sections 330-141, 330-142, and 330-148 through 330-153.1.

SECTION EIGHT

Chapter 244 of the Code of the Township of Vernon is hereby deleted in its entirety and reserved for future use.

SECTION NINE

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

SECTION TEN

If any article, section, subsection, paragraph, 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 ELEVEN

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

APPOINTMENTS

Board of Recreation

Mayor Marotta offered the name of Don Sledgeski as Alternate 2 to serve on the Board of Recreation for a 5-year term.

MOVED: Patrick Rizzuto

SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS:

The Appointment was approved.

Mayor Marotta appointed Justin Annunziata to the Board of Recreation as a student representative and an ad-hoc member for a 1-year term ending with the school year in June of 2012.

Historic Preservation Commission

Mayor Marotta offered the name of Theodore Laabs to a 4-year term to the Historic Preservation Commission.

MOVED: Dick Wetzel

SECOND: Daniel Kadish

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS:

The Appointment was approved.

Economic Development Advisory Commission

Mayor Marotta offered the name of RoseAnn Brennan to a 1-year term on the Economic Development Advisory Commission. He questioned the term ending on December 31, 2011, but was advised that the Commission would have new appointments in January where terms could be extended.

MOVED: Eddie Dunn

SECOND: Dick Wetzel

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS:

Municipal Utility Authority

Mayor Marotta offered the name of Doug Dobrzynski to a 5-year term as Alternate #1 to the Municipal Utility Authority.

MOVED: Patrick Rizzuto

SECOND: Daniel Kadish

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch

NAYS:

COUNCIL PRESIDENT

Council President Lynch advised that he had a few of items of note:

- He related a story from the hurricane – the Highland Lakes fire department started receiving calls @5:30am, the rain was so strong that from inside the firehouse they could see what appeared to be someone in a boat in Lake Wanda fishing. They notified the Chief of Police but were told that it was not illegal. A few hours later they noticed that the fisherman was still out there, and they were concerned that it might turn into a rescue situation. As it turned out, there was no one in the boat at all – the rain had distorted things so much that it looked like there was!
- He was proud of the efforts made by all – everyone worked non-stop. The repairs to roadways, etc. have been on-going and are continuing. The community pulled together to assist each other.

COUNCIL BUSINESS

Council Member Dunn echoed Mr. Lynch about the efforts of all involved during the storms. He added “hats off” to the employees.

Council Member Kadish felt it was necessary to pass the ordinance, however he still had some concerns about the removal of the Open Space Commission. He understands that the administrative code is a living document that can be amended as needed.

Council Member Rizzuto echoed the comments of his fellow Council members on the efforts of the DPW and Police in all the road closures/repairs. They were all very

courteous, and he was glad for the Police Dept. Facebook notices. Mr. Rizzuto also noted that he was very happy with the appointment of Justin Annunziata to the Board of Recreation, as he has a very strong working knowledge of recreation issues.

Council Member Wetzel noted that he was very happy to see the numbers of people volunteering for Boards/Commissions. He was also glad to see the Township's youth getting involved – it is greatly needed and welcomed. He thanked the public, the volunteers, and everyone who rallied during the storms.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:02pm.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: October 13, 2011