

TOWNSHIP OF VERNON

REGULAR TOWNSHIP COUNCIL MEETING

November 14, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:35 pm on Monday, November 14, 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, Patrick Rizzuto, Dick Wetzel, and Council President Brian Lynch. Also present were Mayor Vic Marotta, Business Administrator Jerry Giaimis, and Township Attorney Kevin Kelly. Council Member Daniel Kadish was absent.

Council Member Kadish entered the meeting after the roll call was taken and before going into Executive Session.

RESOLUTION TO GO INTO EXECUTIVE SESSION

Council President Lynch asked for a motion to go into Executive Session. Council Member Rizzuto made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Dunn with all members present voting in favor.

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is:
 - a. Trustee v. Vernon Township re: Ameripay
 - b. Litigation/Thompson case
 - c. Personnel Matters
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:38 pm.

Return to Open Session

Council Member Rizzuto made a motion to return to open session. Motion seconded by Council Member Dunn, with all members present voting in favor at 7:30pm.

Mr. Kelly explained to the audience the nature of the executive session discussions and that the minutes would be released after the matters were resolved.

SALUTE TO THE FLAG

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

PRESENTATIONS AND SPECIAL ITEMS

Jeffrey Parrott, Sussex County Clerk, gave an overview of the program "Champions for Charity". This program provides food for those that are in need in Sussex County. Senator Steve Oroho and Assemblywoman Alison Littell McHose presented Dr. Alfieri, Superintendent of Schools, and some members of the Board of Education with a plaque for their contribution. Dr. Alfieri credited the students and the school staff for all their efforts. The Council stated that Vernon residents always help out people in need.

MAYORS REPORT

Mayor Marotta read a proclamation appointing Warren Burgess as Constable of Vernon Township for a three year term.

The Mayor reported that a lease agreement is being drawn up between the Vernon Township Board of Education and the Historical Society.

Two of the three major unions in Vernon Township have concluded their negotiations and will be bringing proposed contracts for member approval.

Mt. Creek developer's agreement is to be concluded before the end of this year with a \$1.9 million dollar letter of credit.

Mayor Marotta also discussed the MUA service contract.

Council President Lynch spoke about Canistear Road and requested that Corey Stoner, our Township Engineer, look at the rough connections on that road. Mayor Marotta stated that he and Mr. Stoner already went out and looked at the road, and advised that it would have to be milled; or, this could be taken care of with Phase II in 2012. The Mayor also reported that there have been complaints of speeding on the newly paved road and asked the public to slow down.

PUBLIC COMMENTS

Council President Lynch opened the meeting for Public Comment.

Chris Bell, President of Vernon Little League, requested that registration signs for Vernon Little League be posted around town, the signs will be coming down after December 3rd. The Council was in favor of allowing the signs to be posted, and the Mayor will advise the Zoning Officer.

Roy Meyer, Taxi Service, also writes for Revered Review, just wanted to advise everyone that there will be a food drive this Friday at the Vernon A & P.

Tom McClachrie, Vernon Taxpayers Association, spoke regarding accelerated house sales and tax liens. Vernon is at 96% tax collection. Mayor Marotta advised that since July, the Council has received a synopsis of tax collection on a monthly basis.

Gary Martinsen, Vernon, questioned if a 6 million dollar overage with SCMUA got straightened out? The Mayor discussed cost overruns. Mr. Martinsen suggested the Council put auto responders on e-mails; and that the video link on the Township website was not working. He further advised that the questions and answers are not working and that the old website had more information on it.

Seeing no one else from the public wishing to speak, Council President Lynch closed the public portion of the meeting.

APPROVAL OF MINUTES

October 13, 2011 Regular Meeting Minutes (Revised)

MOVED: Patrick Rizzuto
SECONDED: Eddie Dunn

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
ABSTAIN: None

October 13, 2011 Regular Meeting Minutes (Revised) were approved.

October 19, 2011 Special Work Session Minutes

MOVED: Patrick Rizzuto
SECONDED: Dick Wetzel

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel
NAYES: None
ABSTAIN: Brian Lynch

October 19, 2011 Special Work Session Minutes were approved.

October 24, 2011 Regular Meeting Minutes

MOVED: Eddie Dunn
SECONDED: Patrick Rizzuto

A roll call vote was taken:

AYES: Eddie Dunn, Daniel Kadish, Patrick Rizzuto, Dick Wetzel, Brian Lynch
NAYES: None
ABSTAIN: None

October 24, 2011 Regular Meeting Minutes were approved.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION # 11-210

AUTHORIZING THE APPROVAL OF BILLS LIST

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

Disbursement Journal	Fund	Amount	Major Vendor
#1	Current	\$ 420.00	
#2	Current	\$ 1,220,359.74	BOE
#3	Current	\$ 1,029,919.82	BOE
#4	Current	\$ 69,747.94	
#5	Current	\$ 5,870.23	
#6	Current	\$ 6,000.00	
#7	Current	\$ 4,117,918.36	County Taxes
#8	Current	\$ 828,466.98	BOE
#9	Recreation	\$ 170.22	

#10	Grant	\$	1,485.52	
#11	Planning & Zoning	\$	6,111.29	
#12	Capital	\$	33,418.00	
#13	Capital	\$	8,904.19	
#14	Other Trust	\$	5,175.00	
#15	Sewer Operating	\$	431.04	
#16	Outside Services	\$	5,675.36	
#17	Outside Services	\$	3,438.89	
#18	Outside Services	\$	6,185.99	
	Payroll	\$	303,326.80	2 nd Pay in Oct
	Payroll	\$	421,340.11	1 st Pay in Nov
	Total	\$	8,074,365.48	

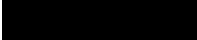
RESOLUTION #11-211

REMITTING OF 2010 SENIOR CITIZEN TAX DEDUCTION

WHEREAS, the Assessor/Tax Collector has remitted a Senior Citizen Deduction for the year 2010;

WHEREAS, the 2010 Senior Citizen Deduction was errorously omitted from the 2010 Tax Duplicate due to a computer glitch;

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 remit said 2010 Senior Citizen Deduction on the following account:

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Location</u>	<u>Amount</u>
124.20	2	Reardon, John		\$250.00

BE IT FINALLY RESOLVED, that a Certified Copy of this Resolution be forwarded to the Tax Collector.

RESOLUTION # 11-212

APPOINTING LYNNE A. SCHWEIGHARDT AS VERNON TOWNSHIP MUNICIPAL TAX ASSESSOR PURSUANT TO N.J.S.A. 40A:9-146 ET SEQ

WHEREAS, the appointment of a Municipal Tax Assessor is governed by N.J.S.A. 40A:9-146 et seq; and

WHEREAS, the Mayor and Township Council is the appointing authority for the Municipal Tax Assessor as per state statute; and

WHEREAS, Lynne A. Schweighardt possesses the requisite certification and qualifications for the position of Municipal Tax Assessor.

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

1. Lynne A. Schweighardt is hereby appointed as the Township of Vernon, New Jersey, Municipal Tax Assessor commencing July 11, 2011 pursuant to the provisions of N.J.S.A. 40A:9-146 et seq, at such compensation as shall be established by Ordinance, for a term of four years.

2. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #11-213

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND
APPROPRIATION AMENDING THE 2011 BUDGET AS A REVENUE AND
APPROPRIATION OF \$200,000.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has been awarded \$200,000.00 grant from the State of New Jersey Department of Transportation and wishes to amend its 2011 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$200,000.00 which is now available as a revenue from the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that a like sum of \$200,000.00 is hereby appropriated under the caption Canistear Road Improvements Grant.

RESOLUTION #11-214

**RESOLUTION AMENDING THE PERSONNEL POLICY AND PROCEDURE
MANUAL**

WHEREAS, the Township of Vernon maintains a Personnel Policy and Procedure Manual;

WHEREAS, the Township Council has the authority to amend the Manual from time to time;

WHEREAS, the Mayor and Business Administrator have recommended a modification to the policy regarding reimbursing employees for professional development and certification courses;

WHEREAS, the Township Council has reviewed the current policy set forth in Article VIII, Section 12, a copy of which is attached hereto for reference;

WHEREAS, the Township Council desires to modify this policy.

NOW THEREFORE IT BE RESOLVED that Article VIII, Section 12, of the Township of Vernon Personnel Policy and Procedure Manual is hereby modified as follows:

REIMBURSEMENT FOR EXPENSES

Employees who receive advance approval from their supervisor will be reimbursed for legitimate expenses.

All requests for such reimbursement must be itemized and accompanied by receipts. Purchase Orders/Vouchers must be completed and submitted to the Finance Department along with proper back up documentation (receipts) for reimbursement. Petty cash can be utilized if the total amount is less than \$25.00.

Reimbursements may include but are not limited to: tolls, gas, mileage, office supplies, meals, room/board, tuition, registration fees, and/or any other related and approved expense.

An employee receiving reimbursement for classes and seminars for professional development or towards certification of any kind, must sign a form agreeing to reimburse the Township of Vernon for costs expended on courses or seminars in the event that the employee resigns or retires within one year of taking the course or seminar. This reimbursement requirement shall not apply to situations where the employee is terminated or where the employee is separated from the Township of Vernon's employment by way of permanent workplace injury or permanent disability.

NOW THEREFORE IT BE FURTHER RESOLVED by the Township Council of the Township of Vernon that the Clerk is directed to update the Personnel Policy and Procedure Manual and the Business Administrator is directed to circulate this modification to the Manual.

RESOLUTION #11-215

AUTHORIZING CONTRACTS WITH CERTAIN APPROVED MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS

WHEREAS, the Township of Vernon may by resolution and without advertising for bids or obtaining quotations purchase any goods or services under the Morris County Cooperative Pricing Council; and

WHEREAS, the Township has the need on a timely basis to purchase goods and services utilizing MCCPC contracts;

WHEREAS, the Township intends to enter into contracts with the attached referenced MCCPC vendors through this resolution which shall be applicable to all the conditions applicable to current MCCPC contracts;

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the Purchasing Agent to purchase certain goods and services from those approved MCCPC vendors on the attached list, pursuant to all conditions of the individual MCCPC contracts:

BE IT FURTHER RESOVLED, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall 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 Finance Officer; and

BE IT FURTHER RESOVLED, that the duration of the contracts between the Township of Vernon and the referenced MCCPC vendors shall be from January 1, 2011 to December 31, 2011; and

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

RESOLUTION # 11-216

RESOLUTION ADOPTING THE SUSSEX COUNTY, NEW JERSEY PRE-DISASTER HAZARD MITIGATION PLAN OF MARCH 14, 2011

WHEREAS, the Township of Vernon is vulnerable to damages from hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

WHEREAS, a multi-jurisdictional All- Hazards Pre-Disaster Hazard Mitigation Plan (the Plan) has been developed through the work of the Sussex County Hazard Mitigation Working Group, and interested parties within the Township of Vernon; and

WHEREAS, the Plan recommends hazard mitigation actions that will protect people and property affected by hazards occurring within the Township of Vernon, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Township of Vernon's leadership in emergency preparedness efforts; and

WHEREAS, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the Township of Vernon to formally adopt a hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities; and

WHEREAS, public meetings were held to receive comment on the Plan as required by DMA 2000.

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

1. The Township of Vernon hereby adopts the Sussex County, New Jersey Pre Disaster Hazard Mitigation Plan, dated March 14, 2011 as this jurisdiction's official Hazard Mitigation Plan, and resolves to execute the actions in the Plan.
2. The Township of Vernon officials identified in the Mitigation Action Plan (Section 6) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Township of Vernon Office of Emergency Management and the Township Council of the Township of Vernon.
3. The Township of Vernon Office of Emergency Management will provide annual progress reports on the status of implementation of the Plan to the township Council of the township of Vernon. This report shall be submitted to the Township Council of Vernon by December 31 of each year.
4. The Township of Vernon Office of Emergency Management will undertake periodic updates of the Plan in concert with the Sussex county Division of Emergency Management as indicated in the Plan Maintenance Program (Section 7) but no less frequent than every five years.

BE IT FURTHER RESOLVED, the Plan is hereby adopted this 14th day of November, 2011 at the meeting of the Township council of the Township of Vernon.

RESOLUTION #11-217

AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that the following Township checks have been outstanding for a period in excess of six months:

Court General Account

<u>Check #</u>	<u>Amount</u>	<u>Date of Issue</u>
1538	\$50.00	11/08/2010
1564	\$50.00	02/07/2011

1567	\$4.00	02/07/2011
TOTAL	\$104.00	

THEREFORE, be it resolved that the above outstanding checks be restored to the Township cash balances.

RESOLUTION #11-218

AUTHORIZING THE USE OF THE STATE CONTRACT #78762 TO PURCHASE FOUR (4) 2012 FORD EXPLORERS 4X4

WHEREAS, the Township of Vernon has a need to purchase four (4) 2012 Ford Explorers; and

WHEREAS, each of the township's volunteer fire chiefs will be provided with one of these vehicles on the condition that the vehicles will be readily available for the township's fire marshal to use on an as-needed basis; and

WHEREAS, this arrangement with the fire marshal will begin once the vehicles are delivered to the Township and have a duration of one (1) year; and

WHEREAS, in return, three vehicles (tentatively, two Chevy Suburbans and one Ford Expedition) will be returned to the Township and sold at auction after they are declared surplus at a future Township Council meeting; and

WHEREAS, the Township desires to use the State Cooperative which has publicly received bids for said equipment through Contract #78762; and

WHEREAS, the Purchasing Agent recommends the Township Council award a contract for the four (4) 2012 Ford Explorers 4X4 as per the attached price quote using the vendor Warnock Fleet, 175 Route 10, East Hanover, NJ 07936; and

WHEREAS, the total cost for the four (4) 2012 Ford Explorers 4X4 will be \$92,980 and the Chief Financial Officer, of the Township of Vernon, has certified these funds are available in the Fire Prevention Trust Fund.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor, Warnock Fleet, be utilized to purchase four (4) 2012 Ford Explorers 4X4 through the State Cooperative, in accordance with the attached quote in the amount not to exceed \$92,980.00; and

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

Council Member Rizzuto made a motion to remove Resolutions #11-214 and #11-218 from the above Resolution list; seconded by Council Member Kadish.

A roll call vote was taken:

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

NAYES: None

Resolutions #11-214 and #11-218 were removed from the Resolution list.

Council Member Dunn made a motion to accept all other Resolutions; seconded by Council Member Rizzuto.

A roll call vote was taken:

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

NAYES: None

Resolutions #11-210, 211, 212, 213, 215, 216 and 217 were approved.

FIRST READING ON PROPOSED ORDINANCES

Council President Lynch read Ordinance #11-25 by title only.

ORDINANCE #11-25

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ZONING MODIFYING PERMITTED USES IN THE MOUNTAIN RESORT ZONE

WHEREAS, the Township of Vernon has a Zoning Ordinance creating the Mountain Resort Zone;

WHEREAS, Ordinance #03-30 established a Mountain Creek Area Redevelopment Plan in the Mountain Resort Zone;

WHEREAS, both the Zoning Ordinance and Redevelopment Plan set forth the permitted uses in the Mountain Resort Zone;

WHEREAS, the Township Council desires to add Urgent Care Medical Offices as a permitted use in the Mountain Resort Zone under the Zoning Ordinance and the Redevelopment Plan;

WHEREAS, the Township Council believes that this use is consistent with the purposes of the Mountain Resort Zoning Ordinance and the Redevelopment Plan;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Vernon that Ordinance 06-35 is hereby supplemented and amended as follows:

1. Section 4(B) of the Ordinance, "Principle Uses" shall be amended to include in the definition of a Mountain Resort, the term "Urgent Care Centers".
2. Section 4(C) (14) of the Ordinance, "Development Requirements" shall be amended to include a specific use and component of a Mountain Resort to be, "Urgent Care Centers, defined as urgent care medical facilities with ambulance services, medical offices, or other medical uses including doctor's offices, and/or professional offices and all activities necessarily or customarily incident thereto".

NOW THEREFORE IT BE FURTHER ORDAINED upon passage of first reading, this Ordinance shall be forwarded to the Land Use Board for advice and comment as required by the Municipal Land Use Law.

Council Member Kadish stated that he doesn't understand the need for this ordinance. Mayor Marotta explained that having an urgent care facility near the ski resort would be very convenient and accessible for emergency care. Mr. Kadish questioned if this would be considered "spot zoning". The Council suggested giving this ordinance to the Land Use Board for their review.

Council Member Kadish made a motion to table Ordinance #11-25 upon introduction, seconded by Council Member Dunn.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-25 was tabled.

Council President Lynch read Ordinance #11-26 by title only.

ORDINANCE #11-26

AN ORDINANCE GRANTING MUNICIPAL HISTORIC DESIGNATION TO CERTAIN PROPERTY IN THE TOWNSHIP OF VERNON

WHEREAS, the Historic Preservation Commission has studied the following properties for inclusion in the Historic Element of the Master Plan pursuant to the Township Administrative Code §330-146 et seq and has recommended the properties to the Land Use Board by Resolution as required;

- | | |
|------------------------------|---------------------|
| 1. Glenwood Baptist Cemetery | Block 20 Lot 32 |
| 2. DeKay Cemetery#1 | Block 41 Lot 7.01 |
| 3. DeKay Cemetery #2 | Block 32 Lot 9 |
| 4. Episcopal Church Cemetery | Block 148 Lot 3 |
| 5. Williamsville Cemetery | Block 201.01 Lot 29 |

WHEREAS, after public review and discussion, the Land Use Board, by resolution at the regular meeting of May 25, 2011, approved the recommendation to the Township Council that the above named properties be added as Historic Landmarks within the Township of Vernon.

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

1. The properties as designated above are hereby granted Municipal Historic Designation.
2. A copy of this Ordinance shall be served upon the owners of the properties by certified mail return receipt requested and regular mail after the first reading and prior to final adoption.
3. The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Assessor as required by N.J.S.A. 40:49-2.1.
4. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
5. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
6. This Ordinance shall take effect after publication and passage according to law.

Council Member Kadish made a motion to approve Ordinance #11-26 upon introduction, seconded by Council Member Wetzel.

It was mentioned that there are over 40 cemeteries in Vernon Township and the Historical Preservation Society is trying to cluster these cemeteries to go before the Land Use Board and this is the first cluster.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-26 was approved as introduced.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE #11-22

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF SANITARY SEWERAGE COLLECTION AND TRANSMISSION FACILITIES IN AND BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,809,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

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

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$4,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$191,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$4,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,809,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$3,809,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of sanitary sewerage collection and transmission facilities in and by the Township, including pipes, pumping stations and related facilities, appurtenances, property and equipment, and currently owned by United Water, a publicly owned utility company, and commonly known as United Water Great Gorge which services approximately 1,443 customers in the Great Gorge Condominiums, the Black Creek Sanctuary and the Mountain Creek Resort and the United Water Vernon Sewerage Company which services the Mountain Creek ski area and water park, all in accordance with and as further described in a proposed contract of sale therefor, a copy of which is on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$3,809,000.

The estimated cost of said purpose is \$4,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$191,000 down payment for said purpose.

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

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,809,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$300,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and, unless paid from revenues of the sanitary sewerage system of the Township, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Motion to adopt Ord. #11-22 on 2nd reading by title only:

MOTION: Patrick Rizzuto

SECOND: Eddie Dunn

Council President Lynch opened the meeting for Public Hearing on this ordinance.

OPEN TO PUBLIC

Thomas McClachrie, Vernon Taxpayers Association, any bonding or debt incurrence over \$500,000. ought to be put before the voters in the form of a referendum so they can make a decision on whether they want to indebt the

Township for that specific project. Bond Anticipation Notes will get you four years; the projection for 2017 is that the Vernon Township Sewer Authority will be able to take over this debt. However, there are no reports to substantiate that.

Gary Martinsen, Vernon, quoted a Reuters report regarding the country's economic position. Mr. Martinsen presented to Council some pictures of empty store fronts from around Town, most of which are from the Town Center area. He felt that the last thing that should be thrown on top of businesses in the area would be the EDU fees and surcharges which could be suicide for these small businesses. One EDU is \$4,660. minimum, for a single residential house - for multiple dwellings or combined usage it will be multiples of that amount. Not to mention the connection fees; will these businesses be able to make up these amounts in their profits? Mr. Martinsen urged the Council to look into this further.

Doreen Edwards, Highland Lakes, also questioned the hook up fees for non-profit organizations, especially the local churches. Council President answered that the MUA sets the fees.

Jessi Paladini, [REDACTED] questioned the rates and asked if the MUA published the rates. Ms. Paladini spoke regarding the questions and answers that were published from the work session. Ms. Paladini reported that three people that were at the work session told her that it was mentioned at the meeting that Ms. Bates, the Deputy Clerk, and Mr. Giaimis, the Business Administrator, compiled the questions and answers. Ms. Paladini went on that when she questioned Ms. Bates she did not know what Ms. Paladini was talking about and said that she was not involved with the preparation of these questions and answers. Mayor Marotta suggested that Ms. Paladini listen to the CD recording from that work session. Ms. Paladini stated that the questions and answers were taken verbatim from Jessica Zummo's article, and she questioned why the Township would use this news article instead of the actual verbatim questions from the work session. Council President Lynch said that these were the questions and answers from that meeting.

Robert Oliver, [REDACTED] *Vernon*, asked if the Council has looked at this from all sides. Council President Lynch answered that they had. Mr. Oliver stated that the empty properties in Town Center would be developed if the sewers were there.

There being no further comments from the public, Council President Lynch closed the Public Hearing.

Council Member Kadish discussed the previous bonds and stated that they should be cancelled before the new bonds go out. He had questions regarding costs of certain aspects of the sewers. He felt it was a complex issue and that he didn't see it any clearer at this point.

A roll call vote was taken:

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

NAYES: Daniel Kadish

ABSTAIN: None

Ordinance #11-22 was adopted on 2nd reading.

ORDINANCE #11-23

BOND ORDINANCE PROVIDING FOR THE RESTRUCTURING OF A PORTION OF THE COST OF ACQUISITION OF CAPACITY AT THE SANITARY SEWAGE TREATMENT PLANT OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,666,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

WHEREAS, the Township of Vernon, in the County of Sussex, New Jersey (the "Township"), and The Sussex County Municipal Utilities Authority ("SCMUA") entered into a service contract dated as of November 2, 2005, and entitled: "2005 Service Contract Between The Sussex County Municipal Utilities Authority and The Township of Vernon in the County of Sussex" (the "Service Contract") relating to the treatment by SCMUA of sanitary sewage collected and transmitted by the Township to SCMUA; and

WHEREAS, pursuant to the provisions of the Service Contract, SCMUA has agreed to accept and treat from the Township sewage of a volume up to 265,000 gallons per day (monthly average) (the "Reserved Township Treatment Capacity") which includes wastewater from the Vernon Town Center Collection System and the Mountain Creek Development not including the Black Creek Sanctuary Development nor the Appalacian Hotel all as further described in the Service Contract; and

WHEREAS, pursuant to the provisions of the Service Contract, the Township has agreed to make a payment annually to the Authority (referred to herein and in the Service Contract as the "Annual Charge") for or with respect to the facilities made available to the Township under the Service Contract by the Authority regarding the conveyance, treatment and disposal of sewage; and

WHEREAS, the Annual Charge consists of an Operating Charge and a General Charge (each as defined and described in the Service Contract); and

WHEREAS, the General Charge payable by the Township to SCMUA on an annual basis includes, among other things, an amount sufficient to pay the principal of and interest on any bonds of SCMUA issued to finance the Reserved Township Treatment Capacity; and

WHEREAS, on September 15, 2008, SCMUA issued \$27,498,738.20 of bonds, consisting of \$4,095,000 Wastewater Facilities Revenue Bonds, Series 2008A, and \$23,403,738.20 Wastewater Facilities Revenue Bonds, Series 2008B (Capital Appreciation Bonds) (collectively, the "SCMUA Expansion Bonds") for purposes of financing an expansion to the wastewater treatment plant of SCMUA to provide for the Reserved Township Treatment Capacity; and

WHEREAS, the SCMUA Expansion Bonds mature in the years 2010 to 2039, both inclusive; and

WHEREAS, the General Charge payable by the Township to SCMUA as part of the Annual Charge includes an amount equal to the debt service on the SCMUA Expansion Bonds (the "SCMUA Reserved Capacity Capital Charge"); and

WHEREAS, the Township has not received and does not expect to receive sewer charges from users of its sanitary sewerage collection and transmission facilities in an amount sufficient to pay the Annual Charge due to SCMUA until the year 2017; and

WHEREAS, the annual SCMUA Reserved Capacity Capital Charges payable by the Township to SCMUA in the years 2012 to 2016, both inclusive, total \$2,635,754 and are \$355,156, \$407,343, \$509,343, \$656,156 and \$707,756, respectively; and

WHEREAS, the Township is desirous of restructuring a portion of the cost of acquisition of the Reserved Township Treatment Capacity so that sewer charges expected to be received from users of its sanitary sewerage collection and transmission facilities will be sufficient to pay the annual SCMUA Reserved Capacity Capital Charges, together with the balance of the Annual Charge payable to SCMUA; and

WHEREAS, in order to accomplish the foregoing the Township is desirous of issuing bonds (or bond anticipation notes in anticipation thereof) to provide monies to pay the annual SCMUA Reserved Capacity Capital Charges in the years 2012 to 2016, both inclusive, and any costs associated therewith; and

WHEREAS, the Township expects to initially issue temporary bond anticipation notes for such purpose and to convert such bond anticipation notes to long-term bonds at a time and in a manner such that the sewer charges expected to be received from users of its sanitary sewerage collection and

transmission facilities will be sufficient to pay the principal of and interest on such bonds, together with the Annual Charges then and thereafter payable to SCMUA; NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey (the "Township"). For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$2,800,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$134,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$2,800,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,666,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$2,666,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the restructuring of a portion of the cost of acquisition of 265,000 gallons per day of reserved sewage treatment capacity at the sanitary sewage treatment plant of The Sussex County Municipal Utilities Authority ("SCMUA") and being the portion of such cost payable by the Township to SCMUA in the years 2012 to 2016, both inclusive, and being attributable to the cost of construction incurred by SCMUA in connection with an expansion of said sewage treatment plant for such reserved capacity, all as more fully described in the preambles to this bond ordinance.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$2,666,000.

The estimated cost of said purpose is \$2,800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$134,000 down payment for said purpose.

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

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,666,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$164,246 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as

part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and, unless paid from revenues of the sanitary sewerage system of the Township, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Motion to adopt Ord. #11-23 on 2nd reading by title only:

MOTION: Patrick Rizzuto

SECOND: Eddie Dunn

Council President Lynch opened the meeting for Public Hearing on this ordinance.

OPEN TO PUBLIC

Gary Martinsen, referenced the photos that he handed out to the Council earlier in the meeting and mentioned, in particular, Legends Resort which looks exactly like it did years ago in those photos, but it actually looks worse now. Mr. Martinsen questioned the outcome of previous re-development zones in Vernon; one in particular is Town Center and stated that the Council has no guarantees that "if we put the sewers in, they will come".

Thomas McClachrie, *Vernon Taxpayers Association*, spoke regarding the authority of the MUA, specifically that the Council cannot tell them what to do regarding the fees for the non-profits. Council Member Lynch stated that there will be service agreements with this.

Robert Oliver, [REDACTED] questioned the financial figures or projections from the MUA. Mayor Marotta answered that there are consultants and financial advisors that feel this plan is sound and will work. The Mayor further explained that the EDU is \$700. per year and said the \$4,660. amount that was mentioned earlier is for the connection fee for a single family home. The Township will see

significant revenue from those hook up fees. The Mayor further stated that the tax payers in this Township who are not involved with the sewer will not be burdened with any further cost for the sewer.

Phyllis MacPeck, Vernon, with the economy being so bad, and people losing their jobs, she doesn't know if the businesses can afford it.

There being no further comments from the public, Council President Lynch closed the Public Hearing.

A roll call vote was taken:

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

NAYS: Daniel Kadish

ABSTAIN: None

Ordinance #11-23 was adopted on 2nd reading.

ORDINANCE #11-24

AN ORDINANCE ALLOWING CERTAIN TEMPORARY COMMERCIAL SIGNAGE TO BE DISPLAYED BY BUSINESSES LOCATED IN COMMERCIAL ZONING DISTRICTS BETWEEN NOVEMBER 15, 2011 THROUGH JANUARY 31, 2012

WHEREAS, the national and local economy persists in a state of recession; and

WHEREAS, local merchants are experiencing the effects of the recessed economy and have reported the lowest sales figures in the past 10 years; and

WHEREAS, local merchants are projecting the same or a weaker sales outlook for the upcoming holiday season; and

WHEREAS, in an effort to promote the local economy, the Township Council desires to temporarily allow local business located in commercial zoning districts to display additional commercial sign advertising, subject to certain restrictions, during the Thanksgiving to New Year's Day holiday shopping season, running from November 15, 2011 through January 21, 2012.

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

Section 1. This ordinance shall be in effect only during the time period running November 15, 2011, through January 31, 2012 (the "Effective Period").

Section 2. The provisions of Township Code Section 330-18(G) notwithstanding, during the Effective Period, businesses located in Vernon Township in C-1, C-2, C-3, CR and TC (and the five TC sub-districts) zoning districts shall be allowed to display one (1) item of temporary commercial signage, subject to the following restrictions:

- A. Allowable temporary signage items shall be limited to a sandwich sign, single post podium sign or a banner, as further defined in this Ordinance.
- B. An allowable sandwich is defined as an "A" frame style board of no greater area dimensions than twenty-eight inches wide by thirty-six inches high (28" W x 36" H) and shall have interchangeable lettering or be professionally printed and shall be securely anchored.
- C. A single post podium sign is defined as sign of no greater area dimensions than twenty-eight inches wide by thirty-six inches high (28" W x 36" H) attached to a single center support post and shall have interchangeable lettering or be professionally printed and shall be securely anchored.
- D. An allowable banner is defined as a banner of no greater area dimensions of three feet wide by six feet in length (3' W x 6' L). All such banners shall

- be professionally printed and shall be securely attached to the face of the business premises.
- E. Allowable temporary signage may be double sided to allow for viewing from two directions.
 - F. Allowable temporary signage may be displayed only during such times as the business displaying such signage is open to the public and, further, shall be removed from view and use during non-business hours.
 - G. Allowable temporary signage shall not be placed in a manner that may or does obstruct vision so as to present a safety hazard.
 - H. Allowable temporary signage shall not be illuminated.
 - I. A no-fee permit shall be required for each allowable temporary sign under this Ordinance. Such permits shall be obtained by application to the Township Zoning Officer. A rendition of the sign shall be submitted at the time of permit application.
 - J. Temporary Signage deemed inappropriate and/or inconsistent with this Ordinance by the Township Zoning Officer or Township Land Use Board may be subject to modification and/or removal by the Township.
 - K. All temporary allowable signage shall comply in all aspects with all other Township ordinance provisions related to commercial signage to the extent that such other Township ordinance provisions are not inconsistent with this Ordinance.

Section 3. All Township ordinances or parts or ordinances inconsistent with this Ordinance shall not be enforced with regard to allowable signage used during the Effective Period.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon notice, publication and adoption as required by law.

Motion to adopt Ord. #11-24 on 2nd reading by title only:

MOTION: Daniel Kadish

SECOND: Eddie Dunn

Council President Lynch opened the meeting for Public Hearing on this ordinance.

OPEN TO PUBLIC

Gary Martinsen, Vernon, stated that he agrees with this ordinance.

There being no further comments from the public, Council President Lynch closed the Public Hearing.

A roll call vote was taken:

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

NAYS: None

Ordinance #11-24 was adopted on 2nd reading.

COUNCIL BUSINESS

Council President Brian Lynch apologized for not being at the work session, as he was severely ill. Mr. Lynch spoke about the natural disasters that have hit our Township in the last month with devastating results. Mr. Lynch further commented on the power trucks that came in to help restore power, but also said that Vernon residents were without power for too long and he would like to see another power company in our area. Mayor Marotta mentioned that Susan

Diehn, Police Chief Wherry's secretary has started a petition to change the boundary lines for Sussex Rural Electric Cooperative to take over certain areas in Vernon instead of Jersey Central Power & Light. The Mayor invited the public to get involved.

Council Member Kadish questioned where we were at with FEMA payments. Council President Lynch stated that FEMA is not in a hurry to get the checks out, and it could be about 8 months.

Council Member Dunn wished fellow veterans a belated Happy Veterans Day.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:19 p.m.

Respectfully submitted,

Andrea Bates
Deputy Municipal Clerk

Minutes approved: December 27, 2011

Brian Lynch, Council President