

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

December 16, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:05 p.m. on Thursday, December 16, 2010 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

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

ROLL CALL OF MEMBERS

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:07 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session. Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Council Member Harry Shortway with all members voting in favor seconded motion.

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed is:
 - a. Personnel matters regarding the Township Manager, Tax Assessor, Land Use Administrator and Clerk vacancy. Executive Session minutes will be released to the public upon conclusion of the matter or upon execution of employment agreement.
 - b. Contract Negotiation matter regarding United Water. Executive Session minutes will be released to the public upon the conclusion of this matter.
 - c. Municipal Reimbursement – Executive Session minutes will be released to the public upon the conclusion of this matter.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:08 p.m.

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The meeting was reopened to the public at 7:16 p.m. Present were Council Members Brian Lynch, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

SALUTE TO THE FLAG

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

PRESENTATIONS AND SPECIAL ITEMS

Chief Wherry presented two new police officers, Lewis LaBar and Stephen Rovetto. Mayor Rinker swore them in as Patrolman.

Township Attorney John Ursin spoke regarding municipal reimbursement to the private lake communities for 2009. Mr. Ursin commented on the Township Council's authorization for an outside consultant to be hired, in order to analyze the cost per mile calculations, and to analyze the difficulty factors involving snow removal at the lake communities. Mr. Ursin stated that the Council has discussed the issue and is very concerned that the lake communities are waiting for their reimbursement. Mr. Ursin further stated that the Council has decided to reimburse the lake communities up to the amount of their request, not to exceed the Township's cost per mile, at this point. The lake communities will receive 80%, 90% and in some cases 100% of their money this month. The remaining amount, in dispute, the amount of money in excess of the Township's cost per mile should be able to be addressed within the next 60 days.

Mayor Rinker made a motion to authorize the Manager to pay up to the amount of the claim not to exceed the Township's cost per mile for 2009 reimbursement, seconded by Council Member Harry Shortway. Council Member Valerie Seufert asked for a confirmation that the reimbursement, at this point, is not to exceed the Township's cost per mile for the year 2009.

A roll call vote was taken:

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

NAYES: None

Township Manager Jerry Giaimis reported that he had a meeting with Chief Wherry regarding police vehicles. Mr. Giaimis stated that in 2010 the Council budgeted enough money for at least one police vehicle, which has not yet been purchased. Chief Wherry requested two vehicles for this year and reported that the Police Department is currently working with some vehicles in poor condition.

Mayor Rinker commented on having the opportunity to view the police vehicles in a state of disrepair and further commented that the vehicles are not safe for the police officers to drive on the road. Council Member Seufert commented that one vehicle is already budgeted for and available funds from salary and wages would make it possible to purchase a second vehicle.

Council Member Valerie Seufert made a motion to approve the purchase of one vehicle and if the CFO can find the money available to purchase a second vehicle this year; seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Mary Bradly, Board of Recreation, thanked the Town for the Christmas Tree Lighting. Ms. Bradly also thanked Pat Seger, Dave Pullis and the DPW staff, the Chamber of Commerce, the Vernon PAL, Santa, Mrs. Claus and Frosty, as well as music groups from the school. Ms. Bradly reported that Maple Grange was chosen, as a location, because the Municipal Center has been outgrown for the event.

Gary Martinsen, Vernon, wished the Mayor and Council a Merry Christmas.

Tom McClachrie, Vernon Taxpayers Association., spoke regarding lowering construction permit fees. Mr. McClachrie questioned Open Public Records Act extraordinary effort fees. John Ursin explained that under the statute there is an allowance for special service charges in the event that it is outside the normal scope and would cost the Township extra money. Mr. McClachrie further commented on the Council committing to \$100,000.00 for police cars and emergency equipment. Mr. McClachrie suggested asking the Chief Finance Officer where the money will be coming from.

Phyllis Pfeiffer, Vernon, commented on ordinance 10-27 to establish a maximum rate of compensation for elected officials in Vernon Township, and questioned if this is going to be for present elected officials or for the new government. Mayor Rinker stated that her assumption was that it is for the new government. Ms. Pfeiffer further questioned why the present Council could set the compensation for future government officials. Council Member Harry Shortway explained that the new government officials will have the authority to override these decisions, but the budget must be considered now.

Robert Oliver, Vernon, commented on the Best Practices survey and further commented on the current Council thinking they are worth more than the new Council coming in.

Mayor Rinker commented that ordinances are put on our agenda and there are times when they are not put on by the Council as a unit.

Jessi Paladini, ██████████, commented that it is not legal or proper for a single Council Member to request the Township Manager put a specific ordinance on the meeting agenda. Ms. Paladini further commented that there should be discussion and voting on such issues. Ms. Paladini also spoke regarding Council business being discussed through emails and advised that it is illegal to do so. Ms. Paladini commented on the Council being too concerned with setting the salaries for the next Council and she thinks that this is specifically being done to undermine the change of government. Ms. Paladini also applauded the formation of an ethics committee.

Jeanne Jameson, Highland Lakes Country Club & Jeffrey Blank, Barry Lakes LCPOA, represented the seven communities involved with the Township over the last few months trying to resolve the reimbursement issue. Ms. Jameson stated her appreciation of the fact that the Council took the time to discuss the reimbursement agreement and came to a decision. Ms. Jameson questioned when the lake communities would have the opportunity to view the written agreement that would have to be signed prior to any acceptance of money. Township Attorney John Ursin stated this would be an interim agreement. Ms. Jameson commented on her concern that this would not be adequate. Jeffrey Blank questioned if the Township would be paying interest, since the reimbursement is late. Mr. Ursin answered "no".

Jamie Rickey, Vernon, questioned the issue of reimbursement. Mr. Ursin gave a brief overview of the Municipal Services Act. Mr. Rickey also spoke regarding all fees being brought up to the statutory limit. Mr. Rickey stated that lowering fees could stimulate business. Mr. Rickey questioned the existence of ethics guidelines. Mr. Ursin stated there is a statute that contains an ethics code for municipal officials and municipalities are allowed to go further with it if they want to. Mr. Rickey also spoke regarding running for Mayor and expressed concern that the ordinance would limit and discourage candidates running for Mayor.

Audrey Falgares, Lake Panorama, advised that there was no dispute in what the lake communities were paid in the past. Ms. Falgares stated that there was no dispute until this Council decided they were taking away the 1.5 difficulty factor that the lake communities have been paid since the end of 1998.

Dennis Miranda, Chair of The Environmental Commission, made recommendations for better communication between the Governing Body and the Boards and Commissions.

Mayor Rinker agreed with Mr. Miranda and the need for more interaction, communication and collaboration between the Governing Body and the Boards and Commissions.

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

APPROVAL OF MINUTES

September 23, 2010, October 14, 2010, October 28, 2010, November 15, 2010
Regular Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

October 14, 2010 Executive Session Minutes

MOVED: Valerie Seufert
SECONDED: Sally Rinker

A roll call vote was taken:

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

TOWNSHIP MANAGER'S REPORT

Township Manager Jerry Giaimis stated that the Township Council Reorganization meeting would be held on Monday, January 3, 2011 at 7:00 p.m.

Mr. Giaimis reported on a meeting with county officials last week concerning the Maple Grange Project.

Mr. Giaimis and Dave Pullis met with the county last week for a site visit on the DPW property about the possible relocation of the DPW building.

Mr. Giaimis also spoke regarding the maps for the Scenic Byways Project application. Mayor Rinker asked Dennis Miranda, Environmental Commission Chair to provide information about the application. Mr. Miranda explained that the engineer needs to create a color coded overly map, which is part of the application process. Council Member Valerie Seufert questioned if there will be any additional costs to complete the Scenic Byways application. Dennis Miranda reported that there were no additional costs.

Council Member Valerie Seufert made a motion authorizing the Township Manager to have the Township Engineer create the necessary maps for the Scenic Byway application, not to exceed \$1,000.00; seconded by Mayor Rinker.

A roll call vote was taken:

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

Mr. Giaimis reported visiting the county site along with county officials regarding the recycling contract. Mayor Rinker questioned if the Council was satisfied with the information given.

Dennis Miranda, Environmental Commission Chairman questioned the site of the Recycling Center.

Mayor Rinker commented that the information given shows that if we do make the initial investment, which is equivalent to more or less one year's worth of paying an outside contractor, there will be a benefit every year after.

Mayor Rinker made a motion for the Township Manager to go forward in organizing and arranging this process, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Council Member Brian Lynch questioned Mr. Giaimis about a series of Open Public Records Act (OPRA) requests coming in and if there is something going on. Council Member Lynch further questioned what work is required for the completion of the OPRA requests. Mr. Giaimis stated that an IT employee and some of the staff members research past emails on the server to decipher how many are responsive for the OPRA request, and then print them out. Mr. Giaimis further explained the emails are then redacted and provided as per the request. Mr. Lynch questioned if this was considered an extraordinary request. Mr. Lynch also questioned the turnaround time for providing the OPRA requests. Mr. Giaimis reported that the law states 7 days, with the Clerk having the ability to request an extension from the requestor. Mr. Giaimis suggested that a message achiever would be of assistance with completing OPRA requests. Council Member Lynch commented on OPRA requests having hidden costs concerning the manpower hours it takes to complete them.

Council Member Lynch questioned if all of the OPRA requests were costing the Township a lot of money. Council Member Valerie Seufert commented that employee's time is a cost factor in providing OPRA requests. Mr. Lynch commented on OPRA being a transparent way for people to see government. However, the costs need to be considered in the budget in relation to manpower hours.

Township Attorney John Ursin stated that it is a good practice for attorney review of OPRA requests to assure there is no confidential information given out in error. Council Member Lynch questioned if the attorney's time can be charged to the requestor and Mr. Ursin responded by saying that if it is a request that takes enough staff time or specialized staff, such as IT staff and so forth to come in, then the answer is yes the law provides for special service charges. This is considered on a case-by-case basis.

Jerry Giaimis advised that the Tennessee Pipeline would be shutting down the pipeline construction operation in Vernon on December 22, 2010, to be started up again on January 3, 2011. Pipeline construction will resume in other areas as soon as Mother Nature allows, probably March.

Mayor Rinker questioned changes in the plan with the County for water testing. Mayor Rinker further questioned how much it would cost to contract out for water testing. Mr. Giaimis replied that it would not be more than \$1,000.00 per year. Mayor Rinker questioned if there will be a reduction in the amount paid to the County for the lack or service due to the change.

Mayor Rinker questioned the total invoices for Township engineer, Cory Stoner of Harold Pellow. Mayor Rinker observed that he exceeded the limit. Chief Finance Officer, Bill Zuckerman stated that amounts submitted over budget are not paid. Mayor Rinker stated that the Council should be kept informed of when the limit is being reached.

Mayor Rinker questioned the HALON system.

Mr. Giaimis commented concerning the process of applying for an energy efficient grant for HVAC.

Mayor Rinker asked Mr. Giaimis to send a letter to the consulting firm asking them to send invoices in a timely manner.

Council Member Seufert questioned if there is another meeting scheduled with the Board of Education. Mr. Giaimis stated that the Board of Education cancelled the most recent meeting due to their busy holiday schedule.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #10-231

TAX OVERPAYMENTS

WHEREAS, DUPLICATE PAYMENTS were made on the Fourth quarter **2010** taxes

WHEREAS, such payments created an **OVERPAYMENT**

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QUARTER</u>	<u>LOCATION</u>
103.04	41	Core Logic (Re: Giovene, Robert F & Deborah J #47684104)	\$1,565.15	4 th	[REDACTED]
260.20	13	Core Logic (Re: Castello, Nicholas & Charlene B #37533553)	\$ 1,470.41	4 th	[REDACTED]

MOVED: Valerie Seufert
 SECONDED: Harry Shortway

A roll call vote was taken:
 AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-231 was approved.

RESOLUTION # 10-232

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	\$993,754.34	Vernon BOE
#2	Current	\$611,772.78	Vernon BOE
#3	Current	\$674,269.10	Vernon BOE
#4	Grant	\$ 2,401.30	
#5	Grant	\$ 250.00	
#6	Capital	\$ 15,246.37	
#7	Capital	\$ 170.43	
#8	Other Trust	\$ 44,942.71	
#9	Open Space	\$ 5,750.00	
#10	Sewer Operating	\$ 550.54	
#11	Outside Services	\$ 278.44	
#12	Outside Services	\$ 8,293.48	
	Payroll	\$ 321,523.55	1 st Pay in Dec
	Total	\$2,679,203.04	

MOTION: Valerie Seufert
 SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-232 was approved

RESOLUTION #10-233

AUTHORIZING A MAINTENANCE AGREEMENT WITH CAPTURE POINT.COM
(E-WEBSITE, INC.), FROM DECEMBER 2010 TO DECEMBER 2011
IN THE AMOUNT NOT TO EXCEED \$2,997.00

WHEREAS, there exists a need for continuing a maintenance service for the online computer web based program that has an existing contract for the Township of Vernon for the Department of Community Affairs for online recreation programs registering and credit card payment processing; and

WHEREAS, the Director of Community Affairs has reviewed the prices and determined it would be cost effective for the Township to continue with the program maintenance; and

WHEREAS, the cost estimate for the maintenance is \$2,997.00; and

WHEREAS, the vendor is CapturePoint.com (E-Website, Inc.); and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement subject to the adoption of the 2011 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, the 16th day of December, 2010 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage CapturePoint.com (E-Website, Inc.), for the purpose of online recreation program registration and credit card processing and maintenance; and
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Maintenance Contract with CapturePoint.com (E-Website, Inc.)

MOVED: Harry Shortway
SECONDED: Brian Lynch

Jerry Giaimis reported that this is software for Division of Community of Affairs. Pat Seger further reported that this is a registration, reservation and fundraiser management program.

A roll call vote was taken:
AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-233 was approved.

RESOLUTION #10-234

AUTHORIZING A MEMORANDUM OF AGREEMENT WITH *VALTECH RESEARCH*
FOR "INQUIRY ONLY" ACCESS TO CERTAIN TAX COLLECTORS TAX AND/OR
UTILITY RECORDS VIA VITAL COMMUNICATIONS

WHEREAS, the Township of Vernon received a request from Valtech Research, seeking electronic "look only" inquiry access to the public tax records administered by the tax collector; and

WHEREAS, Vernon Township's tax records are currently maintained in an electronic format by Vital Communications Inc. of Trenton, New Jersey; and

WHEREAS, upon authorization, Valtech Research, agrees to use this information for the sole purpose of providing tax search information to the title industry; and

WHEREAS, Valtech Research, also agrees to protect the information obtained and to not re-sell or re-distribute this same information or make available to a third party except as needed for the purpose of providing information for tax searches to the title industry.

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

1. Vernon Township will authorize Vital Communications, Inc. to provide look up information access to Valtech Research for Vernon Township property tax and/or utility records.
2. Valtech Research shall be subject to Vital Computers policies and procedures.
3. Valtech Research waives any claim that it may have against Vernon Township in connection with Vital Communications, Inc.'s policies and procedures.
4. Valtech Research, agrees to use this information for the sole purpose of providing tax search information to the title industry, agrees to protect the information obtained and to not re-sell or re-distribute this same information or make available to a third party except as needed for the purpose of providing information for tax searches to the title industry.
5. The Township of Vernon shall not incur any charges for providing this access or means of information exchange to Valtech Research.

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-234 was approved.

RESOLUTION #10-235

AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND ACTION DATA SERVICES TO PROVIDE PAYROLL AND ACCOUNTING SERVICES FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2011

WHEREAS, the Township of Vernon ("Township") has a need to acquire professional payroll and accounting services to process employee payroll; and

WHEREAS, Action Data Services has submitted a proposal (annexed) for the provision of said professional services for the year 2011; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5 the New Jersey Local Pay-to-Play Law and pursuant to N.J.S.A. 40A:11-5(1)(a)(1) of the New Jersey Local Public Contracts Law, the Township may enter into said Professional Services Agreement without public bidding provided all reporting requirements have been met; and

WHEREAS, the Township Chief Financial Officer has certified that there is no charge to the Township Budget as the current Township bank, Lakeland Bank, pays in full for this service.

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

1. Upon satisfactory presentation of all materials required under the New Jersey Local Pay-to-Play Law and the Local Public Contracts Law, the Mayor of the Township of Vernon is hereby authorized to enter into the Professional Services Agreement with Action Data Services substantially in the form annexed hereto, and subject to the review and approval as to form by the Township Attorney.
2. Notice of the award of the within Contract shall be published in accordance with law.
3. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Municipal Clerk.
4. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

MOVED: Valerie Seufert
 SECONDED: Harry Shortway

A roll call vote was taken:
 AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-235 was approved.

RESOLUTION # 10-236

CANCELLATION OF 2005 SMART GROWTH GRANT

WHEREAS, there is a receivable with an offsetting appropriation from the State of New Jersey in the amount of \$60,000.00, Titled 2005 Access Management Plan –Smart Future 2005 Grant;

WHEREAS, this receivable is no longer collectible as revenue.

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

MOVED: Harry Shortway
 SECONDED: Valerie Seufert

Council Member Valerie Seufert questioned why the grant was cancelled and Bill Zuckerman, CFO reported it is a cleanup of the Township's records.

AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-236 was approved.

RESOLUTION #10-237

CANCELLATION IN CAPITAL ACCOUNT

WHEREAS, there is a balance in the Capital Account "Grant Receivable" of \$92,114.38, from the DEP-2004 Green Areas Conservation Easement which was part of Ord# 04-26.

WHEREAS, this receivable is no longer collectible as revenue and no funds have been expended.

NOW THEREFORE BE IT RESOLVED that the FUNDED amount be moved from Ord#08-10 to Ord#04-26 where it can be cancelled..

MOVED: Valerie Seufert
 SECONDED: Harry Shortway

Chief Finance Officer, Bill Zuckerman stated that this was a grant of \$92,000 from Green Acres that we never received.

A roll call vote was taken:

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

NAYES: None

Resolution #10-237 was approved.

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #10-27

ORDINANCE TO ESTABLISH CONFLICT OF INTEREST GUIDIELINES FOR VERNON TOWNSHIP PUBLIC OFFICIALS

Conflict of Interest Ordinance. This ordinance is to establish a conflict of interest guidelines, to the proper operation of government requires that Public Officials be independent, impartial, and responsible to their constituents, that public office not be used for personal gain, that no public official shall gain personal or financial advantage from his or her work.

WHEREAS the Township of Vernon to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved.

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

Section 1: Following definitions shall apply:

- a. "Conflict of interest" means a direct personal or financial interest of a public officer, his or her spouse, household member, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed. "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public officer has a personal or financial interest in the outcome no greater than that of other persons generally affected by the decision.
- b. "Emergency" means an imminent threat or peril to the public health, safety or welfare.
- c. "Official act or action" means any discretionary legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- d. "Public body" means a municipality and its departments, boards, councils, commissions, committees.
- e. "Public interest" means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- f. "Public officer" or "public official" means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for a public body.

Section 2. Disqualification.

- a. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- b. A public officer shall not personally or through any member of his or her household, business associate, employer or employee represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.
- c. In the case of a public officer who is an appointee, the person or public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter.

Section 3. Disclosure.

- a. A public officer who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter, prepare a statement describing the matter under consideration, the

nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

b. In the case of a public officer who is an elected member of a board, commission or other body, the remaining members of that body shall have the authority to inquire of the officer about a possible conflict of interest and to suggest or recommend that the member recuse him or herself from the matter. If the member believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the member shall, prior to participating in the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

c. The statement required by subsections (a) and (b) above shall be signed by the officer and filed as part of the minutes of the meeting of the public body in which the officer holds office.

Section 4. Creation of an Ethics Committee.

a. The council shall solicit volunteers from among the registered voters who are willing to serve on an ethics committee for a period of one year.

b. The members of the ethics committee shall serve without compensation for their services. The committee shall not incur any expenses in the performance of its duties without the approval of the legislative body.

c. The municipal clerk shall serve as clerk for the ethics committee but shall not be a voting member of the committee. If the matter under consideration involves a complaint against the clerk, the chair of the council or his/her designee shall act as clerk for the committee in that matter.

d. The committee shall elect a chair and shall establish rules of procedure.

Section 5. Hearing before the Ethics Committee.

a. Any resident of the municipality who believes that an officer should recuse him or herself from a matter because of a conflict of interest or that the officer should provide a disclosure statement regarding his or her conflict of interest in the matter may file a complaint with the clerk of the ethics committee.

b. Upon receipt of the complaint, the clerk shall set a date for a hearing by the committee as soon as possible. Personal notice shall be given to each member of the committee, including each alternate, to the complainant and to the person complained about. Notice of the hearing shall be posted in at least three public places within the municipality and shall be published in the newspaper of record at least seven days prior to the hearing date.

c. The committee shall consider the matter at a public hearing. Oral testimony shall be taken under oath. The complainant and respondent shall have a right to present evidence personally or by other witnesses, to examine and cross-examine witnesses and to be represented by counsel. The hearing shall be recorded.

d. At the conclusion of the hearing, the committee shall go into deliberative session in order to consider all the evidence. The committee shall issue a written decision as to whether the official shall be required to recuse him or herself from the matter and state the reasons for that decision.

Section 6. Enforcement.

a. Refusal to comply with the decision of the ethics committee shall be considered a violation of this ordinance. The legislative body or the ethics committee, acting on behalf of the municipality, may seek injunctive relief in superior court which may include, but not be limited to, an order to negate any vote or other action taken by the officer in the matter.

b. At a public drawing, ten names shall be drawn at random from the list of volunteers. The first five of those names shall be the regular members of the ethics committee and the remaining five names shall be alternate members of the ethics committee. The alternates shall be numbered six through ten, in the order that their names were drawn. The list of members and alternates (with their numbers) shall be filed with the town clerk along with the date they were selected and the date on which their terms shall expire.

c. If one of the regular members cannot participate in a particular matter, the first alternate shall fill in and, if that person cannot participate, the second alternate shall fill in, and so forth through the list of alternates until a five.

b. In addition to any other remedies provided by law, a public officer who violates this ordinance may be publicly censured by the ethics committee.

Section 7. Exception. The provisions shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict.

Section 8. All prior ordinances or resolutions or portions thereof the Township Council of the Township of Vernon inconsistent herewith be and are hereby repealed.

Section 9. This ordinance shall become effective upon adoption and publication as required by law.

Section 10. If any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

Section 11 Potential or actual conflict of interest, personal financial interest.

a. At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the town relating to his/her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.

b. Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.

c. Discussions of salary and benefits shall be exempt from this prohibition.

d. Any officer or employee having such an interest shall immediately make said interest known publicly.

e. Any officer who **willfully** conceals such an interest, or **willfully** violates any requirement of this section shall forfeit said office or position.

f. Any contract, sale or action taken in violation of this section shall be voidable by the Council.

g. Officers of the town may buy/sell goods and services from/to the town subject to the restrictions above, provided said procurement is done in accordance within appropriate ordinance and/or state law.

h. The ethics board may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal.

i. No officer shall devote any town property or labor to private use, except as may be provided by law or ordinance.

j. No public officer or public official may enter into a binding contract for the acquisition of an interest in land or sale of land to the Township.

k. "Conflict of interest" does not include a financial interest which is no greater than that of other persons generally affected by the outcome of the matter.

Council Member Harry Shortway read the ordinance in full.

John Ursin interjected during the reading by Council Member Shortway that the ordinance for this Council would not look exactly as it is described here because it will be a six-member commission.

Mayor Rinker questioned the origination of this ordinance.

Council Member Harry Shortway reported that he researched this issue and found a model of such an ordinance in Vermont.

Council Member Brian Lynch suggested sending government officials to ethics classes. Mr. Ursin reported that the Statewide Insurance Fund conducts ethics classes and seminars for Town Councils.

Mayor Rinker questioned forming an ethics board when there are so many other things to deal with.

Council Member Lynch reported that the County can provide an ethics board for the Township.

Mayor Rinker spoke regarding the procedure and protocol of introducing ordinances on the agenda. Mayor Rinker asked the Council to consider adopting a protocol for introducing ordinances whereby they are discussed at the Council first, or have a work session to have public input before putting things on the agenda.

Mr. Ursin commented that a protocol for introducing ordinances could be established by the Council. Mr. Ursin further commented that the protocol could be to put it in the discussion heading, rather than under an introduction.

Mayor Rinker made a motion to table all three ordinances, seconded by Valerie Seufert.

Mr. Ursin advised that there is still a motion to table Ordinance #10-27 and #10-29.

A roll call vote was taken:

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

NAYES: None

ORDINANCE #10-28

AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE CHAPTER 250, FEES AND ESCROWS SECTION 250-12 BUILDING

WHEREAS, the Township of Vernon to ensure that commercial and residential interest comply with Chapter 250, §250-12 of the Township Administrative Code and to generate investment into commercial ventures, and residential dwellings and properties that building fees and permits be reduced to those fees listed by Ord. 06-34.

BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that Chapter 250, §250-12 of the Township Administrative Code shall be amended to read as follows:

1. § 250-12. Building. [Amended 3-24-2003 by Ord. No. 03-06; 11-10-2003 by Ord. No. 03-37; 11-8-2004 by Ord. No. 04-33 by Ord. No. 06-34; 10-02-2006 by Ord. No. 09-09; 03-26-2009]

A. The fee for plan review shall be 20% of the construction permit fee paid at the time the permit is issued.

B. The basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices and the number of sprinklers, standpipes and detectors at the unit rates provided herein plus any special fees.

C. Building subcode.

(1) New construction.

(a) Per cubic foot for all use groups: \$0.032.

(b) Per cubic foot for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for the storage of food or grain, or the sheltering of livestock, with the maximum fee for such structures on farms not to exceed \$1,000:\$ 0.005.

(2) Renovations, alterations and repairs. Per \$1,000 of estimated cost of work: \$26

(3) Additions. Fee per cubic foot for the added portion shall be computed on the same basis as for new construction.

(4) Fee for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection C(2) and (3) above.

(5) Reshingle or re-side R-3, R-4 or R-5 structures: \$50.

(6) Minimum: \$50.

D. Electric subcode.

(1) Receptacles and fixtures:

- (a) First to 50: \$50.
- (b) Each additional 25: \$10.

(2) Motors, electrical devices and motor control center:

- (a) One hp up to 10 hp: \$25.
- (b) Up to 50 hp: \$65.
- (c) Up to 100 hp: \$125.
- (d) Larger than above: \$550.

(3) Transformers and generators:

- (a) Over one kw up to 10.0 kw: \$25.
- (b) Up to 45.0 kw: \$65.
- (c) Up to 112.5 kw: \$125.
- (d) Larger than above: \$550.

(4) Services panels, entrances, and subpanels:

- (a) Up to 200 amps: \$65.
- (b) Up to 1,000 amps: \$125.
- (c) Larger than above: \$550.

(5) Private swimming pool, hot tub or fountain shall be a flat fee of \$65.

(6) Minimum: \$50.

E. Plumbing subcode.

(1) Per fixture, appliance, condensate, backflow preventer, or stack connected to the plumbing system and for each appliance connected to the gas or oil piping system except as indicated in Subsection (2): \$25.

(2) Per special device listed below: \$75.

- (a) Active solar system.
- (b) Backflow preventers (equipped with test ports).
- (c) Condensate line
- (d) Interceptors (grease, oil, sand, etc.).
- (e) Refrigeration units
- (f) Sewer pump.
- (g) Steam boiler.
- (h) Sewer connection
- (i) Water service connection
- (j) Water heater.
- (k) Water conditioner
- (l) Water boiler.

(3) Minimum: \$50.

F. Fire protection subcode.

(1) Suppression system.

- (a) Sprinkler heads.
 - [1] One to 20 sprinkler heads: \$75.
 - [2] Twenty-one to 100 sprinkler heads: \$130.
 - [3] One hundred one to 200 sprinkler heads: \$250.
 - [4] Two hundred one to 400 sprinkler heads: \$625.
 - [5] Four hundred one to 1,000 sprinkler heads: \$900.
 - [6] Over 1,000 sprinkler heads: \$1,200.
- (b) Fire pump: \$200.
- (c) Alarm valves: \$50.
- (d) Pre-action valves: \$50.
- (e) Standpipes: \$200.

(2) Alarm system.

- (a) One to 20 devices: \$50.
- (b) Each additional 25 devices: \$12.

(3) Gas or oil storage tanks.

- (a) Up to 1,000 gallons: \$75.
- (b) Over 1,000 gallons: \$150.

(4) Each independent pre-engineered system: \$125.

(5) Each gas or oil fired appliance not connected to the plumbing system: \$75.

(6) Each commercial kitchen exhaust system: \$100.

(7) Each incinerator or crematorium: in accordance with N.J.A.C. 5:23-4.20.

(8) Minimum: \$50.

G. Elevators or escalators. Each elevator fee shall be in accordance with N.J.A.C. 5:23-12. H. Certificates and other permits.

(1) Certificate of occupancy.

(a) The fee for R-3, R-4 and R-5, U and commercial farm structures shall be 10% of the new construction permit fee with a minimum of \$10.

(b) All other structures shall be 10% of the new construction permit fee with a minimum of \$50.

(c) Change of use: \$125.

(d) Continued certificate of occupancy: \$125.

(e) Letter stating that no certificate of continued occupancy is required: \$10.

(f) The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be \$30.

[1] Exceptions:

[a] There shall be no fee for the first issuance of the temporary certificate of occupancy if occupancy fee was paid at that time.

[b] Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (i.e., prior approval), no renewal fee shall be charged.

(2) Other permits.

(a) Demolition or removal permit.

[1] Each building or structure: \$150.

[2] R-3, R-4 and R-5 less than 5,000 square feet: \$100.

[3] Oil tank demolition Class III residential structures: \$75.

(b) Swimming pool.

[1] All R-3, R-4 and R-5 aboveground pools: \$80.

[2] All R-3, R-4 and R-5 in-ground pools: \$150.

[3] All other use groups: \$250.

(c) Sign permit.

[1] Each square foot computed on one side only for double-faced signs: \$2.

(d) Fence (over six feet in height): \$50.

(e) Tents in excess of 16,800 square feet or more than 140 feet in any direction: \$300.

(f) Asbestos abatement in accordance with N.J.A.C. 5:23-8.9.

(g) Lead hazard abatement in accordance with N.J.A.C. 5:23-4.20.

(h) Retaining Walls

[1] 550 square feet or less associated with a Class III residential structure: \$150.

[2] 551 square feet and over associated with a Class III residential structure: \$250.

[3] Other than Class III residential structures shall be based on cost of construction.

(i) Reinstatement of lapsed permit per open subcode of original permit: \$50.00

(j) Change of contractor fee per subcode: \$25.

I. Application for variation.

(1) Class III structure: \$50; resubmission: \$50.

(2) Class II structure: \$120; resubmission: \$65.

(3) Class I structure: \$594; resubmission: \$229.

J. Periodic inspections. Fees for periodic reinspection of equipment and facilities granted a certificate of compliance for a specified duration as required by N.J.A.C. 5:23 and shall be in accordance with N.J.A.C. 5:23-4.20.

K. Mechanical inspections (replacement).

(1) Fees for replacement or new installation of:

(a) Wood or gas-fired stove or fireplace, water heater, boiler, furnace, air-conditioning unit, pool heater, oil and propane tanks, oil or gas lines in existing R-3, R-4 and R-5 structures shall be \$75.

(b) For each additional appliance on same permit: \$50. (No additional fee for gas, fuel oil, or water piping connection to appliance.)

L. Annual permits. Fees shall be in accordance with N.J.A.C. 5:23-4.20.

M. Township surcharge for inspections done by private on-site agency: 15%.

N. DCA training fee. Fees shall be in accordance with N.J.A.C. 5:23-4.19.

O. All fees can be rounded off to the nearest dollar.

2. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of the Ordinance are repealed to the extent necessary.

3. 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.

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

Section 2. Severability.

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

Section 3. Repealer.

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

Section 4: Effective Date.

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

Tom Pinand, Construction Code Official spoke regarding the Uniform Construction Code and fees involved to cover costs.

Mr. Giannis asked Mr. Pinand to advise the Mayor, Council and public on his new elected position. Mr. Pinand advised that he is now the President of the Building Officials of New Jersey.

Mayor Rinker made a motion to introduce Ordinance #10-28, seconded by Valerie Seufert.

A roll call vote was taken:

AYES: Harry Shortway

NAYES: Brian Lynch, Valerie Seufert, Sally Rinker

Ordinance #10-28 failed.

ADDED BY ADDENDUM

RESOLUTION #10-238

**RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON
EXTENDING WOODMONT HOMES DEVELOPER'S AGREEMENT**

WHEREAS, the Township of Vernon entered into a Developer's Agreement with Woodmont Homes, Inc. dated April 24, 2008, Planning Board file #10-06-14; for property known as Block 192 Lots 9 & 10 and Block 192.04 Lot 5 as shown on the Tax Map of the Township of Vernon;

WHEREAS, the Developer's Agreement expired on April 24, 2010;

WHEREAS, the developer currently has a performance bond posted with the Township in the amount of \$129,724.80;

WHEREAS, the subdivision has homes remaining to be completed;

WHEREAS, there are repairs to the roadway pavement and drainage system, repairs to detention basins, and stabilization of the roadway embankment along Murphy Court that need to be completed;

WHEREAS, the Municipal Engineer has determined that the current performance bond is insufficient to ensure that all of the improvements are constructed and maintained properly;

WHEREAS, there is one home in the development which is expected to apply for a Certificate of Occupancy soon;

WHEREAS, the Municipal Engineer has recommended extending the Developer's Agreement one year until December 31, 2011 conditioned upon the developer posting an additional cash bond of \$25,000.00 at the time of the one home Certificate of Occupancy is issued and an additional \$25,000 cash bond upon the issuance of each

of the next three Certificates of Occupancy for homes to be built in order to increase the amount of performance bond being held by the municipality.

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that the Mayor is authorized to enter into an extension of the Developer's Agreement with Woodmont Homes, Inc. extending the time for completion to December 31, 2011 with the conditions set forth above.

MOTION: Valerie Seufert
SECONDED: Sally Rinker

John Ursin, Township Attorney recommended passage of this resolution extending the development agreement. Council Member Valerie Seufert commended Mr. Ursin and staff members who participated in this agreement.

A roll call vote was taken:
AYES: Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE #10-23

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

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

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

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

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

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

Section 1.

The Code of the Township of Vernon is hereby amended as follows:

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

Section 2.

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

Section 3.

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

MOTION: Valerie Seufert
SECONDED: Harry Shortway

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

Dennis Miranda, Environmental Commission Chair, reported that the Vernon Township Environmental Commission opposes this ordinance to protect Vernon's natural resources.

Jean Murphy, Economic Development Advisory Committee, commented in favor of the ordinance and stated that anything the State allows should be sufficient for Vernon.

Jack McLaughlin, Vernon resident, reported on the history of the current buffer zone ordinance requiring 75 feet. Mr. McLaughlin also commented on his feeling that every waterway is not impaired and therefore not every waterway is deserving of the same protections. DEP regulations should be looked at for guidance.

Jessi Paladini, [REDACTED] expressed concern that there was no review and she was the only Land Use Board member who voted against this change. Ms. Paladini further reported that she voted against it because she thought the process was morally wrong for the Chairman of the Economic Development Commission to come before the Land Use Board on behalf of a client, requesting a change in the ordinance.

Jim Schriener, Architect, stated he is in favor of being in compliance with the State rather than being more restrictive.

Robert Reske, Vernon resident, advised that he is the homeowner seeking to make improvements on his property. Mr. Reske further commented that he advocates the Council repealing the current ordinance to make it uniform with the State.

Tom McClachrie, former Chief of Planning Board, spoke in regard to the rationale of the Planning Board at the time the ordinance was adopted. Mr. McClachrie further commented on the reason for the change being to cut the DEP out of the process when a homeowner wanted to make improvements to their property.

Gary Martinsen, former Health Department employee, commented on Vernon having stricter regulations than the State so that Vernon remains as pristine, natural and safe as possible.

Jack McLaughlin, reported that he is not aware of any science conducted in Vernon Township that justifies the increase of the buffer zone from 50 to 75 feet. Mr. McLaughlin stated that there is no question that vacant, raw land, where pristine streams exist and that feed into waterways, need to be protected. In those circumstances, where there is no development, and there are streams to protect, maybe it does make sense, but you can't go anywhere and get a database that shows over time improvement or degradation of water quality as a result of this buffer zone ordinance. Mr. McLaughlin stated that there is no data available showing that water quality in the lake communities was degraded by the development patterns that existed in these communities. Mr. McLaughlin further stated that he was not speaking about what happened on Hamburg Mountain and stated that some homeowners are very seriously affected by this extension of the buffer zone ordinance from 50 to 75 feet without a basis in science.

Dennis Miranda, spoke regarding the wisdom of the law is to protect the resources. Mr. Miranda requested allowing the Environmental Commission to have a say.

Jamie Ricky, Vernon, stated that he was one of the properties included in the Highlands Preservation Act and requested that the Council please consider what happens to people through regulation as they consider this ordinance.

Mayor Rinker closed the Public Hearing on this issue.

A roll call vote was taken:
AYES: Brian Lynch, Harry Shortway
NAYES: Valerie Seufert, Sally Rinker
Ordinance #10-23 failed to pass.

ORDINANCE #10-24

AN ORDINANCE OF THE TOWNSHIP OF VERNON, SUSSEX COUNTY,
STATE OF NEW JERSEY, TO MODIFY CHAPTER 258 OF THE CODE OF THE
TOWNSHIP OF VERNON REGARDING FIRE INSURANCE CLAIMS

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

WHEREAS, Section 258-3 and Section 258-4 of the Code of the Township of Vernon refer to N.J.S.A.17:38-12 and N.J.S.A. 17:38-10, respectively; and

WHEREAS, N.J.S.A.17:38-12 and N.J.S.A. 17:38-10 are not valid sections of the New Jersey Statutes; and

WHEREAS, Section 258-3 and Section 258-4 of the Code of the Township of Vernon should refer to N.J.S.A.17:36-12 and N.J.S.A. 17:36-10, respectively; and

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that the Code of the Township of Vernon is hereby modified as follows:

Section 1

Section 258-3 of the Code of the Township of Vernon is hereby replaced as follows:

Section 258-3 Priority of municipal claim

The Township's claim made in accordance with the provisions of this chapter shall be paramount to any other claims on the proceeds of the fire insurance policy, except as provided in N.J.S.A. 17:36-12, as it may be amended from time to time.

Section 2

Section 258-4 of the Code of the Township of Vernon is hereby replaced as follows:

Section 258-4 Appeals

In the event that an appeal is taken on the amount of any lien or charge, other than an appeal based upon the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall comply with the procedures set forth in N.J.S.A. 17:36-10 as it may be amended from time to time.

Section 3:

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

Section 4. Repealer.

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

Section 5. Effective Date.

This Ordinance shall take effect upon final passage and publication.

Mr. Giaimis clarified that this ordinance is to update the code.

MOTION: Valerie Seufert
SECONDED: Harry Shortway

Council Member Brian Lynch questioned Mr. Ursin if he needed to recuse himself. Mr. Ursin answered that he did not need to recuse himself.

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

There being no one from the public wishing to speak, the Mayor closed the meeting to the public.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-24 was approved.

ORDINANCE #10-25

ORDINANCE OF THE TOWNSHIP OF VERNON, SUSSEX COUNTY, NEW JERSEY TO ADD CHAPTER 190 TO THE CODE OF THE TOWNSHIP OF VERNON TO REGULATE DONATION CLOTHING BINS.

WHEREAS, the Governing Body of the Township of Vernon has determined that the Code of the Township of Vernon should be supplemented to regulate donation clothing bins;

WHEREAS, N.J.S.A. 40:48-2.60 et seq. sets forth the regulations for the placement and use of clothing bin for solicitation purposes.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Vernon:

Section 1.

The Code of the Township of Vernon shall be supplemented to add Chapter 190 as follows:

CHAPTER 190 CLOTHING BINS

190-1. Clothing Bin Permit Requirements.

A. No person shall place, use, or employ a donation clothing bin, for solicitation purposes, within the Township of Vernon, unless they have obtained a permit from the Township of Vernon.

B. No Permit shall be issued for a Clothing Bin until:

1. The applicant has complied with all of the requirements set forth in N.J.S.A. 40:48-2.61;
2. The applicant demonstrates that the proposed location is commercial property with an active principal use;
3. The zoning officer certifies that the placement of the Clothing Bins does not violate the property's site plan and will not create a safety hazard;
4. The applicant certifies that the Clothing Bin will be marked with the Owner's name, physical address, and phone number; and
5. The applicant agrees to provide the Township with a quarterly report on the amount of textiles collected to be included in the Township's recycling report. Failure to provide the report shall be a basis for suspending the license.

190-2. Clothing Bin Permit Application, Duration and Fee.

A. The zoning official shall be the municipal agency as referenced in N.J.S.A. 40:48-2.61 to accept applications, process them and issue Clothing Bin Permits.

B. The permit fee shall be \$25.00 for the first bin and \$10.00 for each additional bin owned by the same applicant for the initial application as well as any renewals.

C. Permits issued by the Zoning Official shall be valid for one (1) years.

190-3. Penalty for Violations.

Any person or entity violating this Ordinance or any provision of N.J.S.A. 40:48-2.60 et seq. shall be subject to the penalties set forth in N.J.S.A. 40:48-2.63.

Section 2. Severability.

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

Section 3. Repealer.

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

Section 4: Effective Date.

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

Mayor Rinker read Ordinance #10-25 by title only.

MOTION: Valerie Seufert

SECONDED: Harry Shortway

Jerry Giaimis explained the purpose of this ordinance is to set up parameters.

John Ursin further explained that the state has passed a statute authorizing municipalities to regulate clothing bins through the permitting process.

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

Gary Martinsen, Vernon, questioned insurance protection for the Township. John Ursin stated that it is not a problem for the Township. Any problems would be between private property owners and donation bin companies.

Not seeing anyone else from the public wishing to speak, Mayor Rinker closed the meeting to the public.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-25 was approved.

ORDINANCE #10-26

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO MODIFY CHAPTER 250 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING RECORDS FEES

WHEREAS, N.J.S.A. 47:1A-5B, which sets forth the copy fee schedule applicable to the duplication of government records requested pursuant to Open Public Records Act (OPRA), was recently amended; and

WHEREAS, N.J.S.A. 47:1A-5B provides in part that “[e]xcept as otherwise provided by law or regulation, the fee assessed for the duplication of a government record

embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger”; and

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

SECTION I

Section 250-9(C) of the Code of the Township of Vernon is hereby replaced as follows:

§250-9 (C). Receptionist and Township Miscellaneous; Copies.

A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. A special service charge shall be imposed, in addition to the actual cost of duplicating the record, with the nature, format matter, collation, or volume of printed matter is such that it cannot be produced by ordinary document copying equipment in ordinary business size or where such record involves an extraordinary expenditure of time and effort to accommodate the request. The requester shall have the opportunity to review and object to this special service charge prior to it being incurred.

SECTION II

Section 250-9(D) of the Code of the Township of Vernon pertaining to facsimile copy fees is hereby deleted in its entirety.

SECTION III

Sections 250-11 (4-9) of the Code of the Township of Vernon are hereby deleted in their entirety and replaced as follows:

§250-11 (4). Police.

- (a) Except in the case of a request for a motor vehicle accident report not made in person, the fee assessed for the duplication of government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger.
- (b) In the event a citizen of this State requests a copy of a motor vehicle accident report in any manner other than in person, an additional fee of up to \$5.00 may be added to cover the administrative costs of the report in addition to the cost of copying the report as set forth in subsection (a).

SECTION IV

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

SECTION V

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

SECTION VI

This Ordinance shall take effect upon final passage and publication.

MOVED: Valerie Seufert
SECONDED: Harry Shortway

Mr. Giaimis stated this is to make our fees consistent with State statute.

Mayor Rinker opened this meeting to the public. Not seeing anyone from the public wishing to speak, Mayor Rinker closed the meeting to the public.

A roll call vote was taken:

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

NAYES: None.

Ordinance #10-26 was approved.

COUNCIL BUSINESS

Mayor Rinker questioned Mr. Giaimis in regard to well testing costs. Mr. Giaimis stated he will get a copy of the contract to the Mayor.

Council Member Valerie Seufert questioned if letters had gone out to members of boards and commissions whose terms are up this year. Acting Clerk Andrea Bates stated that she is in the process of doing this.

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

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

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: February 14, 2011