

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

March 14, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:08 p.m. on Monday, March 14, 2011 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

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

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Brian Lynch, Harry Shortway, and Mayor Sally Rinker. Council Member Valerie Seufert was in attendance by speakerphone. 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. Mayor Rinker requested a moment of silence be observed relative to the catastrophic events that had taken place in Japan.

PRESENTATIONS AND SPECIAL ITEMS

Mary Bradley presented an Excellence in Special Events Programming award relative to Earthfest to the Vernon Township Department of Community Affairs. Ms. Bradley stated that Earthfest will be held on May 1, 2011 at Heaven Hill Farm.

All were invited to enjoy some cake during a ten-minute break in celebration of the award.

Council Member Valerie Seufert joined the meeting by speakerphone at this time.

The Vernon Township Fire Department, Chief Greg Carter, presented an overview of their services and the Fire Department's needs to supply these services. The Vernon Fire Department's equipment is currently far below the capacity necessary to provide crucial services to meet the needs of the town as well as safety requirements for their firefighters. It was explained how the retired Engine 404 had more usable storage space and equipment, compared to the replacement engine in current use which is 11 years old. Specifically, it cannot hold or stow ladders. Chief Carter explained how the newer motor vehicles have created unique hazards in rescue efforts (electrical systems, air bags, etc.) and the new metals which necessitate new tools to cut through them.

Confined-spaced rescues were discussed relative to the new sewer systems.

Chief Tim Davis from the Highland Lakes Fire Department read a statement outlining their current limitations, needs and requests. Council Member Richard Carson asked Chief Davis to explain why the tank leaks. The Chief explained that it is the material the tank is made of.

The Chiefs thanked the Council for the opportunity to make their presentations.

Mayor Rinker thanked the Fire Department for their presentations.

BOND ORDINANCES

The Mayor questioned the change on the agenda for the bond ordinances from discussion only to discussion and introduction. Council Member Carson stated that he was prepared to vote on the issue, as were Council Members Shortway and Seufert.

ORDINANCE # 11-08

BOND ORDINANCE APPROPRIATING \$2,100,000, AND AUTHORIZING THE ISSUANCE OF \$1,995,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES FOR EMERGENCY SERVICES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$2,100,000 including the aggregate sum of \$105,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 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.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,100,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,995,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,995,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase and installation, as necessary, of new and additional equipment for use by the McAfee Fire Department, the Pochuck Fire Department, the Vernon Fire Department and the Highland Lakes Fire Department including, without limitation, safety equipment, jaws of life, radios, air paks, air bags, a backup generator, rescue equipment, turn out gear and self-contained breathing apparatus, together with all appurtenances, attachments and accessories, equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	750,000	711,000
(b) Acquisition by purchase and installation, as necessary, of new and additional computer equipment for use by the McAfee Fire Department, the Pochuck Fire Department, the Vernon Fire Department and the Highland Lakes Fire Department including, without limitation, navigation equipment and servers, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	50,000	47,000
(c) Acquisition by purchase of new and additional vehicular equipment including, without limitation, one (1) support vehicle for use by the Pochuck Fire Department and one (1) engine and one (1) rescue truck for use by the Vernon Fire Department, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as	1,020,000	971,000

shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(d) Substantial reconditioning of a tanker truck for use by the Highlands Lakes Fire Department, including all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

	280,000	266,000
Totals	\$2,100,000	\$1,995,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each 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.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.04 years.

(c) 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 \$1,995,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$100,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs 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 costs of said improvements and are included in the foregoing estimate thereof.

Section 5. 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 Section 40A:2-8 of said Local Bond Law. 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.

Section 6. 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 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.

Section 7. 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.

Section 8. 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: Harry Shortway
Seconded: Richard Carson

Council Member Carson asked about the navigation equipment and servers, attachments and accessories requested for those specific pieces of equipment in Bond Ordinance 11-08 by the Fire Departments.

Mayor Rinker asked if the Council would entertain the idea of a work session on these bond ordinances that the public could partake in. The Mayor was concerned with the time required to discuss the various questions being posed by the Council. Mayor Rinker further commented on the Budget subcommittee formed and asked how Council Member Shortway could be prepared to vote when she hadn't seen him at any of the Budget subcommittee meetings. Council Member Shortway explained that prior to March 1, 2011 he was employed and the meetings were set for 2:00 pm in the afternoon when he was still teaching children. The Council Member advised that he had since retired and has his days open. He stated that he had done his own research further advised that he knew this issue was coming up regarding the protection of our people and well-being of our fire department; and was prepared to go forward tonight on the bonding issue for the fire department.

Council Member Carson questioned navigation equipment, once again. It was explained that the navigation equipment, in question, is for mobile computers inside the vehicle. It allows preloading of software which allows the firefighters to know where they are going inside a building, where the water sources and connections are, hazards that may be encountered, provides address advisories such as propane storage, gasoline storage or life hazard risks, as well as GPS capabilities.

Council Member Lynch questioned the Chiefs regarding notices received from the County Fire Marshal as to PEOSHA inspections. It was explained that PEOSHA inspected equipment, various certifications, manpower and training files. Council Member Lynch questioned the size of the tank on the new engine. The Chief advised that it would be a 1000 to 1250 gallon tank and would pump 1250 gallons per minute. Council Member Lynch commented that this seemed to be a lot of needed equipment and questioned if this was the first time the Fire Department had come before the Council with this type of request. The Chief explained that requests had been made in the past, however due to economics and personnel changes within the Manager's office, action was never taken. As a result this equipment replacement is at a critical stage. Council Member Carson acknowledged that the Council had asked the Fire Departments to hold off year after year and to make do with what they had.

Mr. Ursin advised that Council Member Lynch would need to recuse himself from any vote on this ordinance. He asked Council Member Carson about his status on the Ambulance Corps. The Council Member noted he was not an active member but was a life member on the squad, and noted that there was no mention of Ambulance Corps equipment in the bond ordinance.

Mayor Rinker questioned if Ambulance Squad requests were in the other bond. Mr. Giaimis indicated that the Ambulance Squad was not in either bond, as he was looking at other funding sources. Mayor Rinker noted that a Senate Bill will be mandating requirements for medical service delivery and she feels rushing the current ordinance is premature. Council Member Carson noted that he is knowledgeable on this Bill and offered his input. Mr. Giaimis noted that introduction of this bond ordinance would not preclude discussing Ambulance Squad needs in the future. Council Member Shortway questioned the Chiefs about the amount of time between order and delivery date on the engines. Time lines were explained, which are quite lengthy. Mr. Giaimis requested a copy of the PEOSHA information.

Mr. Ursin explained the procedure between the introduction and adoption/public hearing on the bond ordinances.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Brian Lynch

Ordinance #11-08 passed on first reading.

In regard to Ordinance #11-07, Mr. Giaimis noted that he would have Department Heads present for public hearing to speak to their needs. Mayor Rinker asked Attorney Ursin if it would be acceptable to first introduce these ordinances tonight and ask the Manager to schedule a Work Session. Mr. Ursin explained that that is permissible. Mayor Rinker asked the Council for a motion to have the Township Manager schedule a work session to discuss the ordinances before them.

Motion: Brian Lynch

Seconded: Sally Rinker

A roll call vote was taken:

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

NAYES: None

ORDINANCE # 11-07

BOND ORDINANCE APPROPRIATING \$1,650,000, AND AUTHORIZING THE ISSUANCE OF \$1,571,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,650,000 including the aggregate sum of \$79,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 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 and excluding, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$400,000 received or expected to be received by the Township from the New Jersey Department of Transportation or other agencies, as grants-in-aid of financing said improvement.

For the financing of said improvements or purposes and to meet the part of said \$1,650,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,571,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,571,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase and installation, as necessary, of new and additional equipment including, without limitation, security equipment for the Municipal Court, file cabinets and other equipment for the Personnel Department, bleachers and	60,000	56,800

signs, together with all attachments, accessories, equipment necessary therefor or incidental thereto, all as shown on and in accordance with the plans therefor on file or to be filed in the office of the Township Clerk and hereby approved

(b) Improvement of various streets and locations in and by the Township by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law) including, without limitation, Canistear Road and the intersection of Route 517 and Maple Grange Road, together with all structures, appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, retaining walls, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$690,000 estimated cost thereof being exclusive of the sum of \$400,000 received or expected to be received by the Township from the New Jersey Department of Transportation or other agencies as grants-in-aid of financing said improvement

690,000 657,100

(c) Acquisition by purchase of new and additional vehicular equipment including, without limitation, six (6) dump trucks with sanders and plows, two (2) trucks and one (1) roll off (recycling) truck for use by the Department of Public Works of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

630,000 600,000

(d) Improvement of municipally-owned properties and facilities in and by the Township including, without limitation, the Municipal Building by the renovation of the heating, ventilation and air conditioning system, Maple Grange Park by the installation of safety lights, Pocket Park by the upgrade of the playground, the Animal Shelter by the renovation of the ceiling and various playgrounds by the installation of new equipment, together with for all the aforesaid all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

270,000 257,100

Totals \$1,650,000 \$1,571,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

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

The said purposes described in Section 3 of this bond ordinance are not current expenses and each 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 average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.08 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 \$1,571,000, and the

said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs 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 costs of said improvements and are 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 Section 40A:2-8 of said Local Bond Law. 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 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

Introduction of ordinance #11-07 for Bond Ordinance Appropriation. The ordinance was read by Mayor Rinker.

Moved: Valerie Seufert

Seconded: Harry Shortway

Mr. Giaimis explained that the \$400,000 is grant money. Council Member Lynch questioned if the street sweeper was included in this ordinance. Council Member Lynch explained that Highland Lakes and Barry Lakes currently pay a private company to clean up streets after the winter and that this system works very well. This is a substantial savings as opposed to the purchase of a street sweeper. Council Member Carson questioned the need for so many dump trucks. Mr. Giaimis noted that Public Works Director, Dave Pullis would be present at the next Council meeting with a detailed listing of requested equipment and the reasons for them. Council Member Lynch questioned the need for Municipal Court file cabinet requests. Mr. Giaimis explained that the Municipal Court is in need of some upgrades based on requirements of the Administrative Office of the Courts. Mayor Rinker suggested Work Session attendance by Department Heads.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-07 was passed on first reading.

Council Member Valerie Seufert signed off of the telephone at this time.

PRESENTATIONS AND SPECIAL ITEMS

A presentation of the Draft 2011 Township Budget was made by Robert Benecke. Mr. Benecke stated that the Regulatory Date to introduce the Budget was scheduled for March 28, 2011. Mr. Benecke gave an overview of the proposed budget and advised that April 28, 2011 would be the date for the Public Hearing on the Budget. Mr. Giaimis stated that he had been providing copies to the public, upon request. Council Member Lynch questioned Mr. Benecke regarding the \$800,000 surplus being used to offset budget shortfalls. Mr. Benecke explained that the money would be used as a buffer for large payments such as SCMUA, pension and the rise in cost of employee health benefits. Mr. Lynch questioned capital budget requirements. Mr. Benecke explained the capital budget information, as to the Capital Improvement Program. Mr. Lynch questioned if the pension payments were current. Mr. Benecke stated that pension payments are always kept current; otherwise State Aid would be impacted. Mayor Rinker questioned Mr. Giaimis in regard to the \$500,000 that was found. Mr. Giaimis reported that this was found from old bond ordinances being reallocated. Mayor Rinker questioned Mr. Ursin about the traffic impact fees. Mr. Benecke spoke to the question, noting that Mr. Zuckerman had done some research in this area. Mr. Benecke stated that traffic impact fees would be looked at as general funds, since they are not being utilized, otherwise. Mayor Rinker stated that she would like to see progress on this subject.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Mary Bradley, Board of Recreation, stated that the Board of Recreation is sponsoring a National Night Out on August 2, 2011 at Maple Grange Park.

Phyllis Pfeiffer, Vernon, spoke regarding the Council lack of following Municipal Code with ordinances. Ms. Pfeiffer asked Mr. Shortway if this is what residents have to look forward to if he becomes Mayor.

Scott Garsalas, Barry Lakes, & Jean Jameson, Barry Lakes, questioned if there would be a presentation of a report by the engineers in regard to the snow plow reimbursement. Mr. Giaimis stated that the report was received by the Manager's office late this afternoon and advised that the final report would be available and Mr. Golden will present the report at an Executive Session meeting on March 28, 2011. Mayor Rinker suggested that Mr. Giaimis and Mr. Ursin meet and advise the lake communities prior to the three week timeline. Ms. Jameson questioned if the trucks requested in ordinance #11-07 were to be used for lake community snow plowing. Mr. Giaimis stated that they would not.

Robert Oliver, [REDACTED] questioned Ameri-Pay. Mr. Zuckerman, Chief Finance Officer noted that it was still being carried. Mr. Oliver asked the amount of the fund balance. Mr. Zuckerman reported \$1,400,000. Mr. Oliver also asked about the \$600,000 amount for plowing reimbursement costs, which is based on 2009 figures.

Tom McClachrie, Vernon Taxpayer's Assoc., stated that the Vernon Taxpayer's Association feels that anything over \$500,000 should be subject to a public vote. Mr. McClachrie spoke to the bond ordinances in regard to the purchase of a large amount of equipment and it wearing out all at the same time again. Mr. McClachrie questioned Ordinance #11-10. Mr. Ursin explained that this was one of the lots that the Municipality received title to through foreclosure and that there was interest in the property by an adjoining homeowner. Mr. McClachrie questioned how much the school was offering to share computer services. Mr. Giaimis reported that the school board reviewed all the information and decided that they could not be competitive and therefore did not offer any assistance of shared services with the Township. Mr. McClachrie also questioned repurposing unused monies regarding the traffic impact fee.

Doreen Edwards, Highland Lakes, questioned the Canistear Road grants. Mr. Giaimis explained that Vernon received grant money of approximately \$200,000 from the State to repair Canistear Road. Ms. Edwards also questioned the Capital Improvement Fund and what it includes. It was explained that this was a down payment for the bond. Ms.

Edwards stated that future equipment needs should be budgeted for at the present time.

Susan Gregory, Vernon, stated that she is pleased with Vernon for all of the assistance given to her with the opening of her business. Ms. Gregory also stated that she feels Vernon Township should have a Board of Health. Mayor Rinker thanked Ms. Gregory for her comments.

Ted Warnet, questioned why there was controversy over the bond for Fire Department, but not for DPW equipment. Mayor Rinker noted that she prefers to work in a particular sequence of order and felt that there should have been a work session before introduction of the ordinance.

Robert Oliver, [REDACTED] commented that there was a work session that the DPW and Mayor attended. Mr. Oliver advised that Dave Pullis explained all of his needs at that meeting. Council Member Lynch noted that he was supposed to attend that meeting, as well, but was stuck in traffic and called the Mayor to explain why he would not be in attendance.

Bruce Zaretsky, Vernon, questioned the Ameri Pay amount. Mr. Zuckerman stated that Ameripay was 280,000 and the other was misdirected 90,000 by the IRS which Vernon will collect \$28,000 of some time in the future. Mr. Zaretsky questioned the costs of the sewer project. Mr. Benecke explained how the numbers were calculated. Mr. Zaretsky spoke regarding the roadways in Vernon Township, especially Canistear Rd. The Council should approach the County to review their budget and see how much comes back to Vernon.

Beverly Budz, Vernon, read a prepared statement concerning the jet flight path over Vernon. Ms. Budz noted that she has not heard from the Manager since February regarding this issue. Mayor Rinker read a statement in support of Ms. Budz and suggested putting a template letter on the Township website for residents to sign and send to Ms. Budz. All Council Members agreed. Council Member Carson asked Mr. Giaimis if he had reached out to Senator Lautenberg. Mr. Giaimis stated that he had reached out to Congressman Garrett and would reach out to Senator Lautenberg.

Bonnie Rubin, Highland Lakes, stated that she is an original member to change the form of government in Vernon. Ms. Rubin noted that today was the deadline for submitting signed petitions to the Municipality to put candidate names on the ballot for the upcoming non partisan elections in May. Ms. Rubin questioned Mr. Ursin regarding the bracketing of names. Mr. Ursin explained that bracketing does not occur at the time the signatures are collected. Mr. Ursin stated that the statute speaks to petitioning the Clerk to be grouped on the ballot. Ms. Rubin made a statement addressed to Mr. Ursin and Mr. Giaimis stating that considering that both of them are affiliated with a political party and oversaw the petition count, that they should remove themselves from the verification process of the signatures. Mr. Ursin noted that he had no involvement except for advice when asked by the Township Clerk. Mr. Ursin also noted that the Clerk has the final say. Mr. Giaimis stated that he is not affiliated with any political party, but rather he is an unaffiliated voter.

Gary Martinsen, Vernon, thanked the Vernon Fire Departments for their informative presentation. Mr. Martinsen questioned if grants were looked into versus having to go out for bonding.

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

TOWNSHIP MANAGER'S REPORT

Mr. Giaimis advised that there is a meeting tomorrow night on the Sewer Service Agreement. Mr. Giaimis expressed disappointment that there would be no opportunity for public comment at the meeting. The Vernon Township engineer will be attending, on behalf of the Township, as well as Bob Benecke. Mr. Giaimis stated that the application to the Local Finance Board is to be file by the end of the week. Mr. Giaimis reported that this past week he attended the Governor's Town Hall meeting in

Hopatcong. The most significant issue raised was regarding increased health insurance payments by employees, as well as retiree's benefits. Mr. Giaimis will continue to advise the Council on this issue. Mr. Giaimis spoke regarding his attendance for the Earthfest awards in Atlantic City. He thanked Rutgers University for their support and recognition of Vernon Township on this award. Mr. Giaimis noted that the foreclosed properties should be reviewed for possible sale. Mr. Giaimis discussed garbage burning complaints and reported that there is nothing in Vernon's Code prohibiting it, however the issue can be addressed by the County Health Department unless the Council passes an ordinance banning garbage burning. Mr. Giaimis reported that Council Member Carson reached out to him expressing concern about this area of town which is being reviewed. Mr. Giaimis advised that the Vernon Township Environmental Commission will be conducting a presentation at the next Township Council meeting regarding Sustainable New Jersey.

Council Member Lynch addressed the passing of Frank Buckles, the last surviving American veteran of WWI who was 110 years old. President Obama asked that all flags be flown at half staff for tomorrow and asked that Vernon's flags represent that directive. Mr. Lynch asked for a round of applause to commemorate the life of Frank Buckles. Council Member Lynch asked that a notice be placed on the Township website advising residents of the need to change smoke detector batteries in smoke alarms, now that the clocks have changed. Council Member Lynch applauded the Mayor for suggesting a moment of silence for the people of Japan and urged the citizens of Vernon to reach out with compassion for the people of Japan in their time of need.

Mayor Rinker spoke regarding unused equipment going out to auction. Pat Seger from Community Affairs stated that she is researching the value of the equipment and how much it might be sold for on Ebay. Council Member Lynch requested a list of all of this equipment.

Mayor Rinker questioned progress on the HVAC system. Mr. Giaimis stated that the project can move forward since funds were found to do so.

Mayor Rinker spoke regarding the posting of Council meetings on the website for residents to view. Pat Seger explained that our current website does not allow for that. The current website package would need to be increased. Mayor Rinker suggested changing the website. The current contract is up in June. Gary Martinsen, Vernon resident offered his assistance at the Mayor's request to look into this issue. Council Member Lynch expressed not wanting to rush into anything, but is ok with talking to Mr. Martinsen.

Mayor Rinker questioned the PEOSHA inspection. Mr. Giaimis reported that all the projects are in progress and will be complete by the deadline.

Mayor Rinker also spoke about the Health Department, the water testing contract going out to bid. Mr. Giaimis stated that request for quotes have been sent out to multiple contractors. Mayor Rinker questioned the possibility of asking the County Health Department for reimbursement regarding the water testing services no longer provided by them. Mr. Giaimis will inquire.

Mayor Rinker asked for an update on the park lights and asked that the issue of some of the lights not coming on be addressed.

Mayor Rinker asked for an update on the possibility of moving the DPW. Mr. Giaimis reported that he spoke to the County Administrator last week and explained that he is still waiting for a formal proposal from them. Mayor Rinker requested a meeting be scheduled with the County to discuss moving the DPW property. Council Member Brian Lynch expressed interest in attending such a meeting. Mr. Giaimis will request a meeting.

TOWNSHIP ATTORNEY'S REPORT

Attorney John Ursin spoke regarding a meeting with Mountain Creek where a broad range of issues were covered. One of the issues that the Council spoke of was the

outstanding payment toward the Vernon bonds. The payment was made on Friday. There was also discussion on a broad range of redevelopment issues with one of the foremost issues being a completion timetable on the missing link. Mountain Creek assured the Council that it would be done this year and a written confirmation is pending.

Mayor Rinker questioned Mr. Giaimis regarding staffing in the Tax Assessor's office and the Purchasing Department. Mr. Giaimis reported that he has been conducting interviews for the Purchasing Department and is doing some restructuring in the Tax Assessor's office.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #11-51

AUTHORIZING EXTENSION OF PROFESSIONAL SERVICES CONTRACT TO WIRED UP, LLC FOR TOWNSHIP COMPUTER TECHNICIAN SERVICES FOR 2011 IN THE AMOUNT NOT TO EXCEED \$20,000.00

WHEREAS, the Township of Vernon presently has a need for computer technician services within the Township of Vernon for the year of 2011; and

WHEREAS, the existing computer technician contract was previously extended to February 28, 2011 for further review of Township options; and

WHEREAS, the Township is desirous of extending the existing professional services contract to Wired Up, LLC for computer technician services within the Township of Vernon through December 31, 2011; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds for said award of contract in the amount not to exceed \$ 20,000.00, subject to the adoption of the 2011 Municipal Budget.

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

1. The Township Council hereby awards an extension of the Professional Services Contract to Wired Up, LLC to commence on March 1, 2011 and expire on December 31, 2011, based upon the same terms and conditions of the existing contract with the Township.
2. The Mayor and Township Clerk are hereby authorized and directed to execute any documents necessary to effectuate said contract with Wired Up, LLC.
3. This Resolution and any additional documents setting forth the terms and conditions of said contract shall be made available for public inspection in the office of the Municipal Clerk.

MOVED: Richard Carson

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #11-51 was approved.

RESOLUTION # 11-52

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	\$1,085,442.29	BOE
#2	Current	\$1,222,197.83	BOE
#3	Grant	\$ 5,891.00	
#4	Grant	\$ 11,084.65	
#5	Capital	\$ 2,420.40	
#6	Planning & Zoning	\$ 4,518.08	
#7	Planning & Zoning	\$ 2,775.00	
#8	Outside Services	\$ 10,488.59	
#9	Other Trust	\$ 704.21	
	Payroll	\$ 287,985.29	1 st Pay in March
	Total	\$2,633,507.34	

MOVED: Richard Carson
 SECONDED: Harry Shortway

Council Member Richard Carson questioned several items that were explained by Mr. Zuckerman.

A roll call vote was taken:
 AYES: Richard Carson, Brian Lynch, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #11-52 was approved.

RESOLUTION #11-53

AUTHORIZING WAIVER OF FIRE PREVENTION PERMIT FEES REQUIRED BY
 TOWNSHIP ORDINANCE FOR VERNON GIRLS SOFTBALL
 3RD ANNUAL FUN DAY ON APRIL 30, 2011

WHEREAS, Vernon Girls Softball is a non-profit organization that provides an opportunity for young girls in Vernon Township to learn and play the sport of softball; and

WHEREAS, Vernon Girls Softball has submitted a request to the Township Council to waive fire prevention permit fees required by Township Ordinance in relation to the Annual Fun Day in the amount of \$42.00; and

WHEREAS, Vernon Girls Softball 3rd Annual Fun Day will be held this year on Saturday April 30, 2011 at Maple Grange Park.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, Vernon Girls Softball is granted a waiver of Fire Prevention permit fees in the amount of \$42.00 in relation to the 3rd Annual Vernon Girls Softball Fun Day to be held on April 30, 2011 at Maple Grange Park; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Fire Prevention Department for their records.

This Resolution will take effect immediately according to law.

MOVED: Harry Shortway
 SECONDED: Brian Lynch

A roll call vote was taken:
 AYES: Richard Carson, Brian Lynch, Harry Shortway, Sally Rinker
 NAYES: None
 Council Member Carson advised the public that the Fire Prevention Department wanted the softball team to get a fire permit because they would be using sterno flame heaters to heat some water.
 Resolution #11-53 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #11-09

ORDINANCE REPLACING SECTIONS 5-8 OF THE CODE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING ORDINANCE AND RESOLUTION PROCEDURES

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

SECTION I

Section 5-8 of the Code of the Township of Vernon are hereby amended as follows:

§ 5-8. Procedure governing ordinances and resolutions.

A. Discussion of Proposed Ordinances

Except where there is an identifiable time deadline or other reason for expedited consideration, any Council Member who request consideration of a new or modified Ordinance shall notify the Manager to place the issue on the next available agenda as a discussion item. When the issue is discussed at a Council Meeting the Council shall give direction to the Manager and/or Attorney as to whether to prepare an Ordinance for Introduction.

B. Preparation and adoption.

(1) Copies of each ordinance and resolution, in typewritten form, shall be made available by the Clerk to each member of the Council at least 7 days prior to introduction, provided that the failure of the Clerk to make such mailing shall not invalidate any action taken by the Council.

(2) Except as may otherwise be provided in the Charter, all ordinances shall be adopted and published, and shall take effect, in the manner required or provided by general law.

C. Review by Manager of proposed administrative ordinance or resolution. Any ordinance or resolution which affects the administration of any department of the Township government shall be submitted to the Manager prior to its introduction, for the Manager's review and comment.

D. Resolutions. Resolutions, unless laid over by a majority vote of the Council, shall be acted upon at the same meeting at which they are introduced.

E. Voting.

(1) The vote of the Council upon every ordinance and resolution shall be taken by the Clerk by roll call, and the Clerk shall record in the minutes the yes and no votes and abstentions, as the case may be, for each question put to vote.

(2) The effect of an abstention is as follows:

(a) Where a statute or the common law requires a specific, fixed number of actual affirmative votes for a majority, an abstention is considered a negative vote.

(b) Where a Council person is disqualified due to conflict of interest or a personal involvement with the subject to be considered, the abstention is not counted as either a yes or no vote, and the person is not counted for purposes of establishing the quorum for the vote.

(c) Except as provided for in Subsections D (2)(a) and (b), an abstention or failure to vote shall be counted as an affirmative vote.

SECTION II

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

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection,

paragraph, phrase or sentence shall be deemed severable.

SECTION IV

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

MOVED: Richard Carson

SECONDED: Harry Shortway

Council Member Brian Lynch noted this ordinance seems to add a level of bureaucracy to the Code since there is always discussion when voting anyway. Mayor Rinker stated that there has already been discussion regarding moving forward with this ordinance.

A roll call vote was taken:

AYES: Richard Carson, Sally Rinker

NAYES: Brian Lynch, Harry Shortway

Ordinance #11-09 failed as introduced.

ORDINANCE #11-10

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 124.17 LOT 11

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Township of Vernon is the owner of certain real property known as Block 124-17 Lot 11; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

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

1. The property known as Block 124-17 Lot 11 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on April 25, 2011 at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. The said property shall be sold subject to the following terms and conditions:

(a) The said property shall be sold for not less than \$4,000.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) As this lot is non-conforming, the successful bidder will be required to merge this lot with the bidder's existing lot by Deed at the time of the closing with the municipality.

(e) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(f) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, plus \$450.00 to cover the Township's transaction costs, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(g) A Quit Claim Deed without covenants will be delivered at the office of the Township Clerk on or before thirty (30) days after the date of the sale at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(h) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(i) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.

(j) The property will be sold subject to 2011 taxes, pro rated from the date of sale.

(k) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

Effective Date.

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

Mayor Rinker asked for a motion to remove Ordinance #11-10 from the agenda until there is further discussion during the next Executive Session at the next Council meeting. Council Member Richard Carson made the motion; seconded by Council Member Brian Lynch.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-10 was removed.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE #11-02

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 142.01 LOT 1

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Township of Vernon is the owner of certain real property known as the Faline Building, Block 142.01 Lot 1; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

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

1. The property known as Block 142.01 Lot 1 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on April 11, 2011 at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. The property shall be open for inspection by perspective bidders on:
Tuesday, March 15, 2011 from 12:00pm to 4:00pm; and
Tuesday, March 22, 2011 from 12:00pm to 4:00pm.

Requests for additional inspections may be made up to 7 days before the date of auction and will be honored to the extent possible.

3. The said property shall be sold subject to the following terms and conditions:

(a) The said property shall be sold for not less than \$398,000.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The property shall be conveyed by Quit Claim Deed. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(f) A Deed will be delivered at the office of the Township Clerk on or before ninety (90) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage or utility systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(h) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale, which shall not exceed \$1,500.00.

(i) The property will be sold subject to 2011 taxes, pro rated from the date of sale.

(j) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

(k) Building is sold strictly "as is". The Township makes no representation regarding the condition of the building, potential use and/or environmental conditions.

(l) The property owner shall comply with all Township Ordinances regarding sewer connections and fees. The Township represents that the

subject property has a sewer allocation of 500 gallons provided that applicable fees are paid and the Township sewer main is activated.

(m) The property owner shall be responsible for acquiring a water supply for the building.

Effective Date.

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

MOTION: Brian Lynch

SECONDED: Richard Carson

Mayor Rinker opened the meeting for public hearing on this ordinance.

There being no comments from the public, the Mayor closed the public hearing.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-02 was approved.

ORDINANCE #11-03

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO MODIFY CHAPTER 179 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING CAMPSITES

WHEREAS, Section 179-1 through 179-11 of the Code of the Township of Vernon references sections of the New Jersey Administrative Code which are obsolete; and

WHEREAS, the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, desire to modify, amend and replace those sections of the Code which refer to sections of the New Jersey Administrative Code which are obsolete.

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 179-2 of the Code of the Township of Vernon is hereby replaced as follows:

§179-2. Campsite Occupancy.

Section 8:22-3.6 of Chapter 22, entitled "Campsite Occupancy" is amended to provide that each campsite shall accommodate one camping unit occupied by persons within the same party, but in no case shall a total number of overnight occupants exceed a maximum of 10 persons per campsite.

SECTION II

Section 179-3 of the Code of the Township of Vernon is hereby replaced as follows:

§179-3. Occupancy Limit.

Section 8:22-3.6(b) of Chapter 22 is amended to provide that no campground or campsite shall be used as a year-round residence.

SECTION III

Section 179-4 of the Code of the Township of Vernon is hereby replaced as follows:

§179-4. Hand Pumps.

Section 8:22-4.2(d) and (e) of Chapter 22, entitled “Potable Water Supply and Distribution” is amended to provide that no hand pumps shall be allowed on any campground.

SECTION IV

Section 179-5 of the Code of the Township of Vernon is hereby replaced as follows:

§179-5. Water Supply for Individual Camping Units.

Section 8:22-4.2(f) of Chapter 22, entitled “Potable Water Supply and Distribution” is amended to provide that there will be no direct connection of any potable water supply to any individual camping units without the existence of central sewage disposal system.

SECTION V

Section 179-6 of the Code of the Township of Vernon is hereby replaced as follows:

§179-6. Privies, Pit Toilets and Compost Toilets.

Section 8:22-6.8 of Chapter 22, entitled “Existing Privies and Pit Toilets” is amended to provide as follows:

- (a) No pit toilets shall be allowed.
- (b) Compost toilets shall be allowed only after review and approval by the Health Officer.
- (c) No waste from compost toilets shall be stockpiled or stored or composted on site. Such waste must be collected by a hauler licensed by the New Jersey Department of Environmental Protection (“NJDEP”) and transported to an NJDEP approved facility for processing.
- (d) Compost toilet areas must be maintained and measures implemented to ensure they are free from infestation of insects and vermin.

SECTION VI

Section 179-7 of the Code of the Township of Vernon is hereby replaced as follows:

§179-7. Individual Sewer Connection for Camping Vehicles.

Section 8:22-6.5 of Chapter 22, entitled “Individual Sewer Connections for Recreational Vehicles” is amended to provide that any individual sewer connection shall be permitted only where there is essential sewage disposal system. All connections shall comply with the provisions of the New Jersey Uniform Construction Code and applicable subcodes (N.J.A.C. 5:23).

SECTION VII

Section 179-8 of the Code of the Township of Vernon is hereby replaced as follows:

§179-8. Holding Tank Emptying Station for Camping Vehicles.

Section 8:22-6.6 of Chapter 22, entitled “Holding Tank Emptying Station for Recreational Vehicles” is amended to provide that each station shall be conveniently located, but shall not be less than 100 feet from any campsite or property line and shall have appropriate windbreak against

prevailing winds to reduce the migration of odors. Such windbreak shall be subject to the approval of the Vernon Township Health Officer.

SECTION VIII

Section 179-9 of the Code of the Township of Vernon is hereby replaced as follows:

§179-9. Storage of Solid Waste and Recyclable Materials.

Section 8:22-7.1 of Chapter 22, entitled "Storage, Collection and Disposal of Solid Waste" is amended to provide that this section shall also include the storage, collection and disposal of recyclable materials.

SECTION IX

Section 179-10 of the Code of the Township of Vernon is hereby replaced as follows:

§179-10. Collection and Transportation of Solid Waste and Recyclable Materials.

Section 8:22-7.1 of Chapter 22, entitled "Storage, Collection and Disposal of Solid Waste" is amended to provide that the waste be collected by an NJDEP licensed hauler and transporter to the Sussex County Municipal Utility Authority Sanitary Land Fill, an NJDEP approved facility, in accordance with N.J.A.C. 7:26-6.5. Recyclable materials shall be transported to an NJDEP approved recycling facility and be in compliance with Chapter 452, Recycling, and the Sussex County District Solid Waste Management Plan.

SECTION X

Section 179-11 of the Code of the Township of Vernon is hereby replaced as follows:

§179-11. Swimming and Bathing.

Section 8:22-10.6 of Chapter 22, entitled "Swimming Pools, Hot Tubs and Bathing Beaches" is amended to provide that all swimming beaches shall comply with the recreational bathing code (N.J.A.C. 8:26-1, *et seq.*).

SECTION XI

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 XII

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

SECTION XIII

This Ordinance shall take effect upon final passage and publication.

MOTION: Harry Shortway

SECONDED: Richard Carson

Mr. Ursin stated that this ordinance updates obsolete NJAC Administrative Code citations.

Mayor Rinker opened the meeting for public hearing on this ordinance.

A member of the public questioned if there was anything new in the ordinance. Mr. Ursin stated that there was not.

Council Member Richard Carson questioned if the ordinance should say County Health Department instead of Vernon Township. Mr. Ursin stated that if those who made the motion and second would agree, crossing out Vernon Township insert Health Officer. All were in agreeance.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-03 was approved.

ORDINANCE #11-04

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO AMEND, REVISE AND SUPPLEMENT CHAPTER 205 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING CONSTRUCTION APPEALS

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

WHEREAS, Section 205-4 of the Code of the Township of Vernon refers to Article 15 of the New Jersey Construction Code; and

WHEREAS, Article 15 of the New Jersey Construction Code does not exist; and

WHEREAS, the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, desire to amend, revise and supplement Section 205-4 of the Code of the Township of Vernon in order to properly reference the correct provision.

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

Section 1

Section 205-4 is hereby replaced as follows:

§205-4. Appeals procedure.

Appeals from the decisions by the enforcing agency shall be made to the Sussex County Board of Appeals pursuant to N.J.A.C. 5:23A-2.1.

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.

MOTION: Harry Shortway

SECONDED: Richard Carson

Mr. Ursin stated that this ordinance is an update to Code Book citations.

Mayor Rinker opened the meeting for public hearing on this ordinance.

There being no comments from the public, the Mayor closed the public hearing.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-04 was approved.

ORDINANCE #11-05

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT TO PURCHASE SEWER TRANSMISSION ASSETS AND CAPITAL IMPROVEMENTS FROM UNITED WATER MIDATLANTIC UTILITIES CORPORATION

WHEREAS, the Township of Vernon entered into a contract in 2005 for the allocation of a right to transmit and discharge waste water to the SCMUA plant;

WHEREAS, the Township of Vernon entered into a related contract with Mountain Creek relating to the division of the allocation from SCMUA and the responsibility for the cost of the related improvements and operation of the sewer system;

WHEREAS, the Township of Vernon has been considering the purchase of certain sewer assets from United Water;

WHEREAS, the Mayor and Council have been diligently researching all of the available options to make the proposed Vernon sewer system more efficient and reduce the costs to residents who will be required to connect and to pay future sewer rates;

WHEREAS, the governing body has been in consultation with its professionals regarding the purchase of the United Water Sewage System for nearly a year;

WHEREAS, a public presentation has been made regarding the advantages and disadvantages of purchasing the system;

WHEREAS, the governing body of the Township of Vernon has concluded that the purchase of the United Water Sewage System is in the best interests of the Township of Vernon based on the acquisition of a significant number of rate payers, the ability to control the entire sewer system in Vernon Township, the significant reduction in tariffs that would have to be paid to United Water as a bulk customer and the potential for excess and transferable allocations;

WHEREAS, the potential purchase of the United Water Sewage System is being coordinated with the creation of a Municipal Utility Authority in the Township of Vernon;

WHEREAS, the creation of a Municipal Utility Authority would separate future utility related costs, including the cost of the acquisition of the United Water Sewage System, from the general tax base;

WHEREAS, the governing body of the Township of Vernon authorized the filing of an application to the Local Finance Board for the creation of a Municipal Utility Authority on February 14, 2011;

WHEREAS, the Township Attorney has advised that the United Water Asset Purchase Agreement would have certain contingencies.

NOW THEREFORE IT BE ORDAINED by the governing body of the Township of Vernon that the Mayor is authorized to enter into an Asset Purchase Agreement with United Water MidAtlantic Utilities Corporation for the purchase of a portion of the assets of the United Water Vernon Sewage Transmission Company and all of the assets of the United Water Great Gorge Inc. for a purchase price of Three Million Seven Hundred Fifty Thousand (\$3,750,000.00) Dollars;

NOW THEREFORE IT BE FURTHER ORDAINED that this contract shall be contingent upon:

1. A forty-five (45) day due diligence.
2. Certification by the Chief Financial Officer that the funds are available, which will require the issuance of a bond sufficient to pay the purchase price.

3. The approval of the Local Finance Board for the creation of a Municipal Utility Authority.

Effective Date.

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

MOTION: Brian Lynch

SECONDED: Harry Shortway

Mayor Rinker opened the meeting for public hearing on this ordinance.

Gary Martinsen, Vernon, stated his concern because this is almost \$4 million. Mr. Martinsen expressed his feeling that this should be going to the voters for a decision. Mr. Martinsen also expressed his concern about the ability of existing businesses to afford the costs involved.

A member of the public questioned if money was already considered in the proposed budget for this ordinance. Mr. Ursin explained that this would be paid for by a separate bond issuance.

There being no comments from the public, the Mayor closed the public hearing.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-05 was approved.

ORDINANCE #11-06

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO MODIFY CHAPTER 142 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING ALCOHOLIC BEVERAGES

WHEREAS, Section 142-21 of the Code of the Township of Vernon adopts the provisions of N.J.S.A. 40:48-1.2 pertaining to underage possession or consumption of alcoholic beverages on private property; and

WHEREAS, N.J.S.A. 40:48-1.2a sets forth certain exceptions from prosecution pertaining to underage possession or consumption of alcoholic beverages on private property; and

WHEREAS, the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, desire to modify Section 142-21 of the Code of the Township of Vernon to make reference to N.J.S.A. 40:48-1.2a.

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 142-21 of the Code of the Township of Vernon is hereby replaced as follows:

§142-21. Adoption of statutory provisions.

Pursuant to the provisions of N.J.S.A. 40:48-1.2 and N.J.S.A. 40:48-1.2a as amended, the Township of Vernon hereby elects to adopt the provisions of said statutes, copies of which are attached hereto and made a part hereof.

SECTION II

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 III

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

SECTION IV

This Ordinance shall take effect upon final passage and publication.

MOTION: Brian Lynch
SECONDED: Harry Shortway

Mayor Rinker opened the meeting for public hearing on this ordinance.

There being no comments from the public, the Mayor closed the public hearing.

A roll call vote was taken:

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

NAYES: None

Ordinance #11-06 was approved.

COUNCIL BUSINESS

Council Member Richard Carson had a few announcements from the MAC Committee. They are working with the center for substance prevention for grants for projects for this year. They will also be working with the board of recreation in Vernon to do a project alert for national night out on August 2, 2011.

The Township Council reviewed three Township seals and decided on the one with the bear in the middle.

MOTION: Richard Carson
SECONDED: Brian Lynch
All were in favor.

Mayor Rinker advised that she received a letter from Congruent Machines relative to the recent fire requesting that the Council waive the \$2,000.00 bond and allow an insurance trailer, which will be removed after repairs are made.

MOTION: Brian Lynch
SECONDED: Sally Rinker
All were in favor.

Mayor Rinker reported that Sussex County College held a ceremony bestowing the Human Spirit Award. Three out of the four recipients were Vernon residents. Mayor Rinker requested that the Manager reach out to the three Vernon residents with a letter of appreciation.

Mayor Rinker read a resignation letter from Dennis Miranda, Chairman of the Vernon Township Environmental Commission. In the letter, Mr. Miranda urged the Council to further the goals of the Open Space Plan, the Four Season Greenway and protecting the environment.

Mayor Rinker appointed Beverly Budz to a full vacated seat on the Vernon Township Environmental Commission. Mayor Rinker appointed Jessi Paladini as Chairperson to the Vernon Township Environmental Commission.

Mayor Rinker requested that the Manager schedule the Board of Education to attend a Council meeting in April to present their Budget.

PUBLIC COMMENTS – limited to 2 minutes per person.

The Mayor opened the public portion of the meeting.

Mary Ellen Vischiconti, Vernon, spoke about televising Council meetings and thanked Gary Martinsen for offering his assistance with this effort.

Gary Martinsen, Vernon, requested the Council make a presentation informing business owners of the costs involved regarding the sewers.

There being no further comments from the public, the Mayor closed the public portion of the meeting.

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 Brian Lynch. Motion seconded by Council Member Richard Carson with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 11:09 p.m.

Respectfully submitted,

Susan S. Nelson, RMC, CMR
Municipal Clerk

Minutes approved: May 23, 2011