

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

March 25, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:01 p.m. on Thursday, March 25, 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 Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Acting Manager/Municipal Clerk Robin Kline and Township Attorney John Ursin.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:05 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Richard Carson made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Valerie Seufert with all members voting in favor.

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 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 matter regarding Township Manager position. Executive Session Minutes only with respect to the successful candidate hired for the Township Manager position will be released at the conclusion of the matter or upon the offer of employment to the successful candidate.
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 6:11p.m.

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The meeting was reopened to the public at 7:18 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Acting Manager/Municipal Clerk Robin Kline and Township Attorney John Ursin.

SALUTE TO THE FLAG

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

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Matt Keller, Vernon resident, explained his information technology services and stated that the Township's current information technology maintenance contract costs are double that of other Townships. Acting Manager/Municipal Clerk Robin Kline informed Mr. Keller and the Council that a Request for Qualifications (RFQ) went out last year for Information Technology services. The Township received three responses and the former Manager's recommendation was to stay with the current information technology provider.

Thomas McClachrie, Vernon Taxpayer's Association, spoke regarding Resolution #10-78 (computer technician services). The Township went out for Request for Quotations instead of bids because the amount was less than the bid threshold. Mr. McClachrie commented on the retirement of Patrol Officer Hering and comments made at a previous meeting. Township Attorney John Ursin stated that Officer Hering's agreement agrees to vacate the final notice of discipline because of Officer Hering's retirement.

Bethany Mahoney, Vernon resident, invited everyone to attend the Run Against Sexual Abuse to be held at the Maple Grange Park on April 11, 2010 at 11:00 a.m.

Phyllis MacPeek, Vernon resident, commented on a previous discussion regarding spending. Ms. MacPeek asked the Township to stop spending since there will be layoffs.

Doreen Edwards, Highland Lakes, commended the Department of Public Works, and spoke about plowing issues during the last storm. Ms. Edwards stated that there should be a time frame to pay snow plowing bills and questioned if residents can request assistance with plowing from the Township.

Roy Wherry, Chief of Police, stated that the Police department can be called in to assist during emergencies.

Dennis Miranda, Environmental Commission, stated that the Environmental Commission mistakenly passed a resolution in support of applying for a Natural Resources Inventory grant. This resolution should have been passed by the governing body, and Mr. Miranda requested municipal support for an in-kind grant. The Council has to approve a resolution with a deadline of March 31st. The Historical Society was asked to apply for a \$5,000 grant on behalf of the Environmental Commission for the Natural Resources Inventory grant which can be through the Highlands Conformance Grant. Mr. Miranda spoke about the benefits of having an up to date Natural Resources Inventory, and stated that the most recent one Vernon Township has is from 2003. The Council advised Mr. Miranda to speak to Mr. Lou Kneip, Director of Planning and Development.

Township Attorney John Ursin commented that he believed the Natural Resources Inventory is part of the Highlands Grant. The Township Council asked that Mr. Miranda contact the Township Manager for clarification if the Natural Resources Inventory is part of the grant.

Jessie Paladini, [REDACTED] questioned Vernon's Natural Resource Inventory. Ms. Paladini further stated that the Historical Society Board of Trustees fully supports the application for the \$5,000.00 grant on behalf of the Environmental Commission. Ms. Paladini commented on information being released by the Tax Collector's office without an Open Public Records Act form. The obtained information was then uploaded anonymously to a website by the Coalition of Taxpayers. Ms. Paladini asked that the Township Council investigate how information is provided by the municipal departments.

Robert Oliver, [REDACTED] questioned if an OPRA request can be submitted anonymously. Township Attorney John Ursin stated that there is plenty of information that can be obtained from the municipality that does not require an OPRA request.

Gary Martinsen, Vernon resident, stated that the Run Against Sexual Abuse should have a good turnout. Mr. Martinsen suggested that Route 94 be included in the Scenic Byway with a designated bike lane.

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

PRESENTATIONS AND SPECIAL ITEMS

Proclamation to Support the 2010 U.S. Census

Mayor Sally Rinker read a Proclamation to Support the 2010 U.S. Census.

Sussex County Senior Services

Steven Gruchacz, Administrator of the Sussex County Department of Human Services, stated the mission of Senior Services is to improve the quality of life of Sussex County residents through comprehensive services that meet the needs of individuals, families and communities.

Carol Novrit, Director of the Division of Social Services, explained that Social Services is a welfare agency and is where residents go when having trouble in their lives. Most people are on welfare for only a year and a half to two years and is usually due to devastation. Food stamp dollars are a very important program to allow residents to purchase nutritious foods. There are medical programs and transportation programs. There is also a 1-800 number so that seniors on fixed incomes can call for assistance with no cost.

Mary Lou Schnurr, Director of the Division of Senior Services, stated that the mission of Senior Services is to keep people in their homes as long as possible, and many programs are federally funded such as the Nutrition Program and Meals on Wheels.

Mr. Gruchasz explained that Sussex County operates a 208 bed nursing home called the Homestead which provides outpatient therapy, cardiac rehab and physical rehab. There will be a balance center opening soon which will provide therapy covered under Medicare.

Lorraine Hentz, Director of Community and Youth Services, stated that a large portion of services provided are information and referral services. An updated Citizen's Guide provides an index of where services can be obtained. The Personal Assistance Services Program is available for adults that are working and attending school. There are a variety of advisory boards available to identify needs and where funds should be located.

The Shelter and Detention Center services were outsourced to Morris County. The Freeholders opened a Home Detention Program that is run directly through the Youth Services Office.

Mayor Sally Rinker stated that the program is remarkable and wished that more residents would take part.

Vernon Valley Little League

Anthony Germanario explained that Vernon Little League is in need of financial help. The upkeep of the fields is a major cost of over \$90,000 in five years. Mr. Germanario provided estimates from Musco Lighting and Sussex Rural Electric Co-operative regarding lighting of Bell baseball field. The cost is currently \$50,000 through Sussex Rural Electric Co-operative.

The sign boards bring in funds for the Little League but are completely sold out. There has been a reduction in Little League participation of 60% in just a few years.

Mayor Sally Rinker suggested reaching out to the School Board for funding assistance.

MANAGER'S REPORT

Vernon Fire Department Installation Dinner

Acting Manager/Municipal Clerk Robin Kline thanked the Vernon Fire Department for their invitation to attend their Annual Installation Dinner and again applauded all volunteer firefighters and emergency medical responders for their invaluable service to our community.

Reductions in State Aid

Ms. Kline reported Vernon's State Aid was cut approximately 27% for a reduction of \$779,000.00 in the 2010 budget. It is anticipated that the 2010 Municipal Budget will be introduced to the governing body at their April 8, 2010 Council Meeting. The Council agreed to schedule a Special Budget Work Session for Monday, April 5, 2010 at 7:00 p.m. to further discuss details of the budget. Ms. Kline confirmed the budget is

within the Appropriations Cap of 2.5 % and a Tax Levy Cap of 4% as required by state law.

Mr. Bill Zuckerman further commented that in providing a balanced budget, appropriations could be cut, revenues raised, or taxes could be increased to make up the shortfall. The Township's position is not raise taxes; however, there is still a \$175,000.00 shortfall, which is currently being addressed.

Ms. Kline asked if the Township Council would like to have a Budget Sub-Committee to review the budget.

Council Member Richard Carson questioned if the Finance Advisory Committee was involved with the budget. Ms. Kline responded that the Financial Advisory Committee meet with each municipal department to review their proposed department budgets.

Cost Savings

Ms. Kline reported that the Township Attorney was successful in his efforts urging the vendor of the document scanner to accept the return of its product. The return of the document scanner saves the taxpayer's about \$9,000.

The photocopier monthly maintenance agreement has been reduced saving about \$845.

Unused telephone lines were cancelled resulting in \$600 in savings annually.

Changes in cell phone plans are saving approximately \$140. per year.

Horizon Blue Cross Blue Shield has agreed to reduce their commission fee from 5% to 3.5% saving approximately \$42,000 annually.

An audit of the Township's Property & Casualty Insurance coverage will be performed in conjunction with an audit of payroll and employee benefit programs to examine potential cost savings and eliminate wasteful spending.

Five Day Work Week

The five day work week for all municipal employees will resume on Monday, March 29, 2010.

HVAC System

Bid Specifications for the repair or replacement of the municipal building HVAC system have been advertised. Closed bids must be received by the scheduled Bid Opening date of Wednesday, April 14, 2010.

Maple Grange Road/Route 517 Intersection Improvements

Ms. Kline reported the Maple Grange Road/Route 517 intersection improvement project agreement with Sussex County will expire December 31, 2010. Township Attorney John Ursin has been asked to review the contract and extend the expiration date of the agreement. Sussex County will fund 60% of the intersection improvement costs. Ms. Kline noted the engineering design plans are 95% complete and Mr. Kneip is working on the full completion of the engineering plans.

Town Center Plan Endorsement

The Municipal Self Assessment Report regarding the Town Center Plan Endorsement was completed in February.

Maple Grange Community Building

Ms. Pat Seger reported that the Board of Recreation wishes like to form a coalition of the six (6) sports groups that use the fields at the flats and Maple Grange, and would like to share the concession operation of the new Community Building to generate funding through snack bar proceeds. The Board of Recreation has asked for an extension to make their final recommendations. A tentative grand opening date of June 15, 2010 has been scheduled.

Health Care Reform

Ms. Kline briefly commented that the Governor had recently signed executive orders reforming the state's pension and healthcare benefits to public employees. The Township will continue to monitor the changes in these laws for compliance.

Community Events

EarthFest will be held on Sunday April 25, 2010 at Mountain Creek South.

The Township’s biannual Bulk Waste Collection Day will be held April 25, 2010 at the DPW yard.

The “Senior of the Year” Banquet will be held May 20, 2010 at 12:00 noon at Crystal Springs.

The Board of Recreation will be sponsoring “Vernon Day” on Saturday, June 5, 2010. Rain date is Sunday, June 6, 2010.

ATTORNEY’S REPORT

Township Attorney John Ursin reported that an ordinance for the sale of property would be on the next Council agenda.

Mr. Ursin further reported that the matter concerning Police Officer Hering has been concluded.

APPROVAL OF MINUTES

February 11, 2010 Regular Meeting & Executive Session Minutes

Council Member Harry Shortway made a motion to approve the February 11, 2010 Regular and Executive Session meeting Minutes, seconded by Council Member Michael Pier.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Harry Shortway, Sally Rinker

NAYES: None

ABSTAIN: Valerie Seufert

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION # 10-75

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	\$ 817,004.25	Vernon BOE
#2	Current	\$ 48,716.48	
#3	Current	\$ 16,814.85	
#4	Current	\$ 68,480.00	Int on Bonds
#5	Current	\$ 872,493.34	Vernon BOE
#6	Capital	\$ 47,315.70	Atlantic Salt
#7	Planning & Zoning	\$ 1,813.76	
#8	Grant	\$ 32,042.04	
#9	Recreation	\$ 420.00	
#10	Other Trust	\$ 371.49	
#11	Outside Services	\$ 31,254.90	
#12	Sewer Operating	\$ 86,781.25	Money transfer
#13	Sewer Operating	\$ 1,005.99	
	Payroll	\$ 331,008.44	2nd pay in March 2010
	Total	\$2,355,522.49	

Council Member Valerie Seufert moved to approve Resolution #10-75, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-75 was approved.

RESOLUTION #10-76

TAX OVERPAYMENT

WHEREAS, duplicate payments were made on the Fourth quarter 2009 taxes

WHEREAS, such payment 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>QTR</u>	<u>LOCATION</u>
159.05	10	Equity Settlement Services (Re: Scarpa, Salvatore & Deanna/Frey, Daniel J)	\$32.32	4 th	[REDACTED]

Council Member Valerie Seufert moved to approve Resolution #10-76, seconded by Council Member Michael Pier.

A roll call vote was taken:

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

NAYES: None

Resolution #10-76 was approved.

RESOLUTION #10-77

TAX OVERPAYMENTS

WHEREAS, duplicate payments were made on the First 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 accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QTR</u>	<u>LOCATION</u>
159.05	10	Equity Settlement Services (Re: Scarpa, Salvatore & Deanna/Frey, Daniel J)	\$30.69	1 st	[REDACTED]
221.01	2	Balzano, Rita P c/o Keith E. Paterson Esq.	\$1,687.31	1 st	[REDACTED]

Council Member Valerie Seufert moved to approve Resolution #10-77, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-77 was approved.

RESOLUTION #10-78

AUTHORIZING AND DIRECTING THE TOWNSHIP OF VERNON TO AWARD A CONTRACT TO WIRED UP, LLC FOR TOWNSHIP COMPUTER TECHNICIAN SERVICES FOR 2010 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 2010; and

WHEREAS, the existing computer technician contract expires on March 31, 2010; and

WHEREAS, the Township had solicited Request for Qualifications for said services and received three (3) proposals; and

WHEREAS, the Township is desirous of awarding the contract to Wired Up, LLC for computer technician services within the Township of Vernon for the term April 1, 2010 through December 31, 2010; 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.

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

1. The Township Council hereby awards a contract to Wired Up, LLC. to commence on April 1, 2010 and expire on December 31, 2010, based upon the terms and conditions in the attached 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.

Ms. Kline mentioned that Wired Up, LLC has agreed to a 10% reduction in costs from last year's contract.

Council Member Harry Shortway moved to table Resolution #10-78, seconded by Council Member Richard Carson with all members voting in favor.

Resolution #10-78 was tabled.

RESOLUTION #10-79

AUTHORIZING THE USE OF MORRIS COUNTY COOPERATIVE PRICING COUNCIL FOR PURCHASE OF ASPHALT, IN THE AMOUNT OF \$15,094.80 FOR TOWNSHIP ROAD MAINTENANCE OF CANISTEAR ROAD

WHEREAS, the Township of Vernon has a need to purchase Asphalt to be used by the Department of Public Works for Township Road maintenance on Canistear Road; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Pricing Council; and

WHEREAS, the Morris County Co-op has publicly received bids for the Asphalt and receives greater bidder interest and therefore usually lower prices than the Township of Vernon can receive on its own; and

WHEREAS, the Director of Public Works recommends that the Township Council award the contract for the purchase of Asphalt to Tilcon New York, Inc., 625 Mt. Hope Ave, Wharton, NJ 07885 through the Morris County Co-op; and

WHEREAS, the total cost for the purchase of the Asphalt will not exceed \$15,094.80; and

WHEREAS, the Chief Financial Officer of the Township of Vernon has certified that funds are available in the Capital Budget.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, approves the purchase of Asphalt from Tilcon New York, Inc. through the Morris County Co-op in the amount not to exceed \$15,094.80; and

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

Council Member Valerie Seufert moved to approve Resolution #10-79, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #10-79 was approved.

RESOLUTION #10-80

RESOLUTION IN OPPOSITION OF SENATE BILL S-458

WHEREAS, Senate Bill S-458, if signed into law, would remove the municipality's responsibility for assessing real property within the corporate bounds; and

WHEREAS, Senate Bill S-458, if signed into law, would remove the municipality's responsibility for collecting property taxes within the corporate bounds; and

WHEREAS, some municipalities within the county will inherit additional costs shifted to them from other municipalities within the same county particularly when costs pertain to the defense of tax appeals; and

WHEREAS, if signed into law, the bill will deprive the municipalities of efficient and diligent control of property taxes and expenditures, which, as has been proven time and again, is best left to municipal government officials; and

WHEREAS, a municipality is a corporate body organized to provide local government services designed to most effectively and efficiently serve the residents of that jurisdiction; and

WHEREAS, there exists no empirical data or factual studies showing a transfer of the assessing and collection functions to a county authority will in any way reduce the taxes for the municipality or the county; and

WHEREAS, a basic tenet of American political philosophy is that local governments have the inherent right to exercise authority to provide local services to its constituents and adopt ordinances and regulations for the good of the general public; and

WHEREAS, in New Jersey, municipalities are dubbed creatures of the State with the State exercising its supremacy in granting both implied and express powers to local governments while at the same time reserving unto itself the indispensable right to legislate mandates to be implemented by counties and municipalities; and

WHEREAS, local taxpayers will be at a loss of service they are accustomed to that they would typically receive from the tax assessment and tax collection offices; and

WHEREAS, other municipal departments and the business community will be at a loss of services they are accustomed to receiving from the assessor's and collector's offices.

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

1. They hereby adopt the facts and determinations as set forth in the preamble of this resolution as if the same were more fully set forth herein at length.
2. They hereby memorialize their vigorous opposition to the pending legislation known as S-458 and the inherent additional costs and dilution of services associated with it.
3. The Municipal Clerk shall forward a copy of this resolution to Governor Christopher Christie; Senate President Stephen M. Sweeney, Assembly Speaker Sheila Oliver, Senator Stephen Oroho, Assemblywoman Alison McHose,

Assemblyman Gary Chuisano, The Tax Collectors and Treasurers Association of New Jersey (TCTANJ), the New Jersey Association of County Tax Boards (NJA CTB), the Association of Municipal Assessors of New Jersey (AMANJ), the NJ State League of Municipalities and Sussex County Municipalities.

Council Member Valerie Seufert moved to approve Resolution #10-80, seconded by Council Member Michael Pier.

A roll call vote was taken:

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

NAYES: None

Resolution #10-80 was approved.

RESOLUTION #10-81

AUTHORIZING THE RENEWAL CONTRACT FOR 2010 RECORDING SECRETARY FOR THE HISTORIC PRESERVATION COMMISSION AND THE LAND USE BOARD IN THE AMOUNT NOT TO EXCEED \$2,500.00

WHEREAS, there exists a need for a Recording Secretary for the Historic Preservation Commission and the Township's Land Use Board for the year 2010; and

WHEREAS, Cynthia Davis is the Township's current independent contractor for these services and desires to continue in this capacity; and

WHEREAS, Vernon Township desires to renew the existing contract with Cynthia Davis for the term of the contract renewal will be from January 1, 2010 to December 31, 2010, with a total contract price not to exceed \$2,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2010 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, this 25th day of March, 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 renew the existing contract with Cynthia Davis for 2010 Recording Secretary for the Historic Preservation Commission and the Township's Land Use Board.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Contract with Cynthia Davis.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Township Clerk.

Council Member Richard Carson moved to approve Resolution #10-81, seconded by Council Member Michael Pier.

Council Member Valerie Seufert questioned if these types of positions are advertised. Mr. Ursin advised that the Township Manager is responsible for the hiring.

A roll call vote was taken:

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

NAYES: None

Resolution #10-81 was approved.

RESOLUTION #10-82

LIMOUSINE LICENSE FOR ROYAL LIMOUSINE, INC

WHEREAS, Barry Reed, [REDACTED] d/b/a Royal Limousine, Inc., has made application for a Limousine Operator's License in the Township of Vernon and has submitted the required fee for said application; and

WHEREAS, the Vernon Township Police Department has certified that the limousines were inspected and passed all inspection requirements; and

WHEREAS, the Township Clerk have verified that all documentation and insurance information has been found to be in good order and in full compliance of state laws;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that a Limousine Operator's License for Barry Reed, [REDACTED] d/b/a Royal Limousine, Inc is hereby approved; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue a Limousine Operator's License to Barry Reed, [REDACTED] d/b/a Royal Limousine, Inc in accordance with N.J.S.A. 48:16-13 et al.

Council Member Valerie Seufert moved to approve Resolution #10-82, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-82 was approved.

RESOLUTION #10-83

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES RELATED TO THE SANITARY SEWER SYSTEM IN THE AMOUNT OF \$1,500.00

WHEREAS, the Township of Vernon is presently involved in evaluating the sanitary sewer system; and

WHEREAS, Hatch Mott MacDonald is an engineering firm with a specialty in public utility infrastructures; and

WHEREAS, Hatch Mott MacDonald previously was hired by the Township of Vernon to do a report with respect to engineering issues related to the sanitary sewer system; and

WHEREAS, there is a need to update the report and have further consultations with an expert utility engineer; and

WHEREAS, Hatch Mott MacDonald has submitted a proposal to update their report and consult with the Township for a sum not to exceed \$1,500.00; and

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

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to enter into a Professional Services Contract with Hatch Mott MacDonald for engineering services related to the sanitary sewer system for an amount not to exceed \$1,500.00.

Council Member Harry Shortway moved to approve Resolution #10-83, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #10-83 was approved.

RESOLUTION #10-84

AUTHORIZING A CONTRACT WITH THE LAND CONSERVANCY OF NEW JERSEY
FOR OPEN SPACE ADVISORY CONSULTANT SERVICES
IN THE AMOUNT NOT TO EXCEED \$11,500.00

WHEREAS, there is a need by Vernon Township to retain a Consultant to provide Open Space Advisory Services; and

WHEREAS, The Land Conservancy of New Jersey has submitted a proposal, dated March 4, 2010, to provide the above mentioned services for Vernon Township; and

WHEREAS, The Land Conservancy of New Jersey is a non-profit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

WHEREAS, the purpose of this agreement is to assist the Township Council and the Environmental Commission with a variety of open space services, including (but not limited to) landowner negotiations and the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland; and

WHEREAS, the term of the agreement shall be for a twelve (12) month period commencing on March 1, 2010 and ending on February 28, 2011; and

WHEREAS, the Chief Financial Officer has determined and certified that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified funds in an amount not to exceed \$11,500.00 subject to the adoption of the 2010 Municipal Budget; and

WHEREAS, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that a Resolution authorizing the award of a contract without competitive bids must be publicly advertised; and

WHEREAS, The Land Conservancy of New Jersey, has submitted a Business Entity Disclosure Certification in compliance with the law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:

1. A contract shall be awarded by the Township of Vernon, New Jersey for services herein specified to the Land Conservancy of New Jersey, Boonton, NJ.
2. The cost of said agreement shall not exceed a total of \$11,500.00.
3. That a copy of the Business Disclosure Entity Certification be filed with this Resolution.

Council Member Michael Pier moved to approve Resolution #10-84, seconded by Council Member Richard Carson.

Ms. Kline explained that the Land Conservancy of New Jersey provides quality services to local and county governments for open space inventory reporting and acquisition. Ms. Kline noted that several open space acquisition grant projects, such as the Hauck property, Grey property and Smith property are now being closed out with the expert assistance of the Land Conservancy of New Jersey.

A roll call vote was taken:

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

NAYES: None

Resolution #10-84 was approved.

PUBLIC HEARING AND ADOPTION ON PROPOSED ORDINANCES

ORDINANCE #10-03

ORDINANCE ADDING CHAPTER 81 OF THE CODE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY ENTITLED "PAYROLL" ESTABLISHING MUNICIPAL PAYROLL ACCOUNT AND AUTHORIZING THE USE OF THIRD-PARTY DISBURSEMENT ORGANIZATIONS FOR PAYROLL SERVICES

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:

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

CHAPTER 81, PAYROLL

ARTICLE I: Payroll Account.

81-1 Establishment.

At the first meeting of the governing body in January of each year, there shall be approved an account to be designated the "Township of Vernon Payroll Account," and from time to time the Treasurer, upon receipt of a warrant for the amount due such payroll account, shall deposit the same to the credit of the payroll account, charging the appropriate budgetary accounts therewith.

81-2 Chief Financial Officer to draw checks.

The Chief Financial Officer shall thereafter draw checks on said payroll account to the employees to payment therefrom.

81-3 Approval.

At each regular meeting of the governing body, the Chief Financial Officer shall submit for approval or ratification, as the case may be, the necessary payrolls for the amount due the employees for compensation. The payroll shall be approved by the governing body if correct.

81-4 Errors or adjustments.

In case of error or adjustment in the payroll, the Chief Financial Officer shall, and it shall be his duty to, see that such error or adjustment is properly corrected and appropriate record made thereof.

ARTICLE II: Third Party Payroll.

81-5 Authorization and Services.

The Council of the Township of Vernon hereby authorizes the use of a third-party disbursement service organization for payroll and payroll tax services. Services to be performed by the third party disbursement organization shall include:

- A. Preparing the necessary documentation and executing disbursements from the local unit's bank account on behalf of the local unit;
- B. Use of electronic means for the disbursing of funds;
- C. Data collection, agency report preparation, calculation of withholding or direct deposit of payroll disbursements.

81-6 Transfer of Funds.

All disbursements on behalf of the local unit shall be made directly from the local unit's bank account to the appropriate governmental agency. The transfer of Township funds to any other account, including one maintained by the third-party disbursement organization, shall be prohibited.

81-7 Renewal.

The governing body shall, by Resolution, approve any renewal or extension of a contract with the third-party disbursement organization.

ARTICLE III. Local Unit Requirements.

81-8 Approval Officer.

The Chief Financial Officer of the Township of Vernon is hereby designated as the Approval Officer to be responsible for authorizing and supervising the activities of the third-party disbursement organization. In addition to such other statutory responsibilities of the Approval Officer, the Chief Financial Officer shall reconcile and analyze all general ledger accounts affected by the activities of the third-party disbursement organization.

81-9 Notification.

The third-party disbursement organization shall provide the governing body with notification in the event:

- A. The disbursing organization detects irregularities that may indicate potential fraud, non-compliance with appropriate laws, common dishonesty, or gross incompetence on the part of the Approval Officer; or
- B. The disbursing organization experiences circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the local unit.

81-10 Qualifications.

The Chief Financial Officer shall qualify disbursing organizations pursuant to the requirements set forth in N.J.A.C. 5:30-17.5.

81-11 Contract Review.

Prior to the execution of any Contract for the provision of third-party disbursement services, the Contract shall be reviewed and approved by the Chief Financial Officer of the local unit as to terms, including satisfaction of the requirements set forth in N.J.A.C. 5:30-17.5 and 17.6.

81-12 Contract Renewal.

Prior to the execution or renewal of a Contract, the Chief Financial Officer shall complete a review of the services rendered under the Contract. Such review shall be conducted in compliance with N.J.A.C. 5:30-17.5.

ARTICLE IV. Eligibility Requirements for Disbursing Organizations.

81-13 Eligibility Requirements.

Disbursing organizations shall meet the following conditions and/or requirements:

- A. The disbursing organization shall provide evidence of satisfactory internal control, evidence of which shall be required by the Chief Financial Officer. Such evidence may be:
 - 1. The disbursing organization's Report on Policies and Procedures Placed in Operation and Tests of Operating Effectiveness, performed pursuant to AICPA (American Institute of Certified Public Accountants) Statement on Auditing Standards No. 70;
 - 2. A completed SysTrust™ examination with an unqualified report on Availability, Security, Integrity and Maintainability completed in accordance with AICPA/CICA (Canadian Institute of Chartered Accountants) SysTrust™ Principles and Criteria for Systems Reliability; or
 - 3. Evidence of compliance with a mutually agreed upon external standard for determination of the sufficiency of a system of internal controls that support the work to be performed in accordance with the policies established by the local unit.

81-14 Location of Offices.

All disbursing organizations shall have offices within a distance acceptable to the Chief Financial Officer of the local unit such that the physical delivery and receipt of documents and records can occur in a manner that assures the delivery of paychecks on regularly scheduled paydays.

ARTICLE V. Contract Terms and Conditions.

81-15 Contracts.

Third-party disbursement organizations performing services for the Township shall be required to enter into a written agreement for such services consistent with the terms and conditions set forth herein and in accordance with requirements established by the statutes and regulations of the State of New Jersey. All contracts between a local unit and disbursing organization shall:

- A. Contain adequate provisions to indemnify the local unit against any losses incurred as a result of the actions or inactions of the disbursing organizations;
- B. Require the disbursing organization to be responsible for the errors and omissions of its employees or agents, particularly where those errors and omissions prevent timely disbursements on behalf of the local unit from being made, including penalties, funds, interest, and damages; and
- C. In those cases where the disbursing organization takes possession of local unit funds, require adequate insurance to cover such losses as may arise as a result of errors, omissions, failure to perform or dishonesty in

amounts at least equal to the highest level of exposure to the local unit for 30 days. Such exposure as regards cash shall be based on at least the amount of money accessible by the disbursing organization during said 30-day period and shall not include moneys that the disbursing organization cannot divert to its own benefit.

81-16 Complaint Procedure.

All disbursing organizations shall have a written complaint procedure in existence. At a minimum, the complaint procedure shall require that a complaint log be maintained, which shall be available to the local unit for inspection.

81-17 Independent Auditor.

Upon reasonable notice, the disbursing organization shall allow an independent auditor compensated by the local unit to examine its internal controls applying SAS 70 standards, SysTrust™ standards or other standards and procedures mutually agreed upon to ensure accurate, complete and timely work product. Upon completion, the independent auditor's report shall be provided to the Chief Financial Officer and governing body and shall be for internal use only.

81-18 Disputes.

All disputes between the parties and disputes concerning the contract or its operation shall be in writing and forwarded to the other party via registered mail. All contracts shall have appropriate provisions for:

- A. Dispute resolution between the parties;
- B. The service of process to the disbursing organization in New Jersey; and
- C. Application of New Jersey law.

81-19 Reports of Disbursements.

Within five working days of each disbursement on behalf of a local unit, the disbursing organization shall provide to the Chief Financial Officer, reports and documentation supporting the disbursements. The contract shall also specify the information required by the local unit to enable it to reconcile its books and records.

81-20 Corrections and Adjustments.

All corrections and adjustments must be completed and provided to the local unit promptly. All adjustments and reports of adjustments resulting in disbursements must be reported consistent with the provisions of Section 81-19 above.

81-21 Notices and Communications.

Copies of notices, memoranda, complaints or other correspondence received by the disbursing organization regarding local unit accounts shall be forwarded to the local unit within 48 hours or receipt.

81-22 N.J.S.A. 40A:11-15(5) and 18A:18A-42(d).

Contracts for third-party disbursement services are not data processing service contracts under N.J.S.A. 40A:11-15(5) and 18A:18A-42(d).

81-23 Contract Termination.

All contracts for third-party disbursement services shall have appropriate provisions for termination of the contract, including, but not limited to, termination for failure to perform on the part of the disbursing organization.

81-24 Contract Execution.

All contracts entered into between local units and disbursing organizations for the provision of third-party disbursement services shall be in writing and executed by all parties, including intermediaries, such as banks providing payroll services as part of a compensating balance agreement.

81-25 Demand for Payment Requirements.

The contract for third-party disbursement services must require that no disbursement is made unless the demand for payment meets the requirements of N.J.S.A. 40A:5-16, N.J.S.A. 18A:19-2 and this Ordinance.

SECTION II

This Ordinance supersedes Ordinance #09-25 adopted by the Vernon Township Council on December 10, 2009. 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

Mayor Rinker read Ordinance #10-03 by title only. First reading was held on March 12, 2009.

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

Thomas McClachrie, Vernon Taxpayer's Association, questioned if there is a bonding requirement. Mr. McClachrie further questioned if the Township will be joining the payroll services of the Board of Education.

Jessi Paladini, [REDACTED], stated that there was a serious flaw in the Ordinance, but Township Attorney John Ursin removed the clause regarding a transferring of funds.

There being no comments from the public, the Mayor closed the Public Hearing.

There was no Council discussion.

Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-03 was approved.

COUNCIL BUSINESS

Appointment to the Environmental Commission

Appointment to the Environmental Commission – Appointed by the Mayor.

Mayor Rinker appointed Ariana Miranda as the Ex Officio Member: A Student of High School Age to Serve a Term of one (1) School Year, to the Environmental Commission.

The Council discussed a Resolution to Authorize Creation of Western Highlands Scenic Byway for Vernon Township. Council Member Richard Carson commented that members of the lake communities are concerned about increased traffic if the Scenic Byway is to include portions of Canistear Road and Breakneck Road. Council Member Carson said it should strictly be limited to Route 515 and Route 94. Council Member Valerie Seufert stated that the Scenic Byway is going to include only County and State roads. Ms. Kline stated that this resolution is for the Council's review and discussion and could be put on the next agenda for Council consideration and to take action.

Council Member Valerie Seufert asked if the Council would be in favor of planting a tree in Maple Grange Park in memory of Julia Schlesinger, paid for by the Earthfest Committee, all were in favor.

Council Member Valerie Seufert further asked if all meeting information could be submitted to the Manager's Office by the Wednesday prior to the week before the Council meeting so the Council has sufficient time to review the agenda.

Council Member Valerie Seufert also suggested that the Council Members notify the Mayor and Manager's office if they will be out of Town.

Council Member Richard Carson asked the Acting Manager/Municipal Clerk to contact the County Health Department regarding the lack of scheduling of health clinics in Vernon Township. The Township Council encouraged the Sussex County Board of Health to use the Health Clinic in the municipal building.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 9:02 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. Motion seconded by Council Member Harry Shortway with all members voting in favor.

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 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 matter continued discussion of Township Manager Position. Executive Session Minutes only with respect to the successful candidate hired for the Township Manager position will be released at the conclusion of the matter or upon the offer of employment to the successful candidate.
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 9:03 p.m.

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The meeting was reopened to the public at 9:42 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Acting Manager/Municipal Clerk Robin Kline and Township Attorney John Ursin.

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 Valerie Seufert. Motion seconded by Council Member Harry Shortway with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:43 p.m.

Respectfully submitted,

Andrea Bates
Deputy Clerk

Minutes approved: May 13, 2010