

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

April 22, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:11 p.m. on Thursday, April 22, 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 April 1, 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, Valerie Seufert, and Mayor Sally Rinker. Also present was Township Attorney John Ursin. Deputy Manager Brian Palaia and Council Member Harry Shortway arrived after roll call during the Executive Session. Council Member Michael Pier was absent.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:12 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 Richard Carson with all members voting in favor.

The Municipal 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 are:
 - a. Personnel matter regarding the candidate interviews for the Township Manager position. Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an employment agreement for the Township Manager position.
 - b. Personnel matter regarding the Rice Notice issued to Patrol Officer Charles A. Reid. Due to the confidential nature of this personnel matter, Executive Session minutes will not be released to the public
 - c. Personnel matter regarding the Rice Notice issued to Police Chief Roy Wherry. Due to the confidential nature of this personnel matter, Executive Session minutes will not be released to the public
 - d. Potential Litigation matter regarding restoration of the watershed moratorium offset funding. Executive Session minutes will be released to the public upon the conclusion of any litigation or potential litigation.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:13 p.m.

The meeting was reopened to the public at 7:20 p.m. Present were Council Members Richard Carson, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present was Township Attorney John Ursin. Council Member Michael Pier was absent.

SALUTE TO THE FLAG

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

PRESENTATIONS

United Water, Proposed Water System Agreement

Ms. Mary Campbell, Corporate Attorney for United Water, and Mr. Tony Vincente, United Water's Engineer, offered to answer any questions the Council may have regarding the proposed agreement for the water system. As an aside, Ms. Campbell noted that United Water recently signed the Sewer Agreement with Vernon Township.

Township Attorney John Ursin advised the Council he has not yet reviewed the proposed water agreement but would be doing so in the coming week.

Mr. Robert Benecke, the Township's redevelopment consultant, stated the Township would need the water system in order to operate the sewer system. He reported the estimated cost for the proposed Town Center water system is approximately \$2,230,000.00 and commented that the total water demand has been estimated at 113,250 gpd by the Township Engineer, Louis Kneip, on May 23, 2006. Mr. Benecke noted that the flow projections and costs for supplying the Valley View Apartments and Great Gorge Terrace Condominiums have not been included in this cost estimate as the status of those projects are currently unknown, and additional costs (i.e. town center mains, services, and tax impacts) are not included. The Township intends to have United Water own and operate the water system. United Water offered to do some of the engineering design work in partnering with the Township, and would be responsible for all approvals required by the Board of Public Utilities.

Mr. Benecke reported that approval of the water system would require an expansion of the Sewer Service Area.

Mr. Benecke stated the beneficiaries of the proposed water system would be those property owners located in the Town Center within the Sewer Service Area. The costs of the water system would be passed on to the property owners who would be required by local ordinance to hook into the water system for water use. Mr. Benecke commented that funding for construction of the water system would initially be paid by a 50% general bonding obligation by the Township and 50% by an assessment added to the Town Center properties.

The Township will be introducing a Bond Ordinance to provide financing for the water system and a second Ordinance would be introduced to expand the franchise area.

Council Member Valerie Seufert questioned the anticipated timeframe needed to complete construction and begin operation of the Town Center water system. Mr. Vincente responded that a routine water system project takes nine (9) months to one (1) year to construct and operate. United Water would use their current existing wells in Vernon to supply water for the Town Center water system and advised that United Water would be calculating the allocation demand to better assess if their existing wells would be an adequate source of water.

A draft spreadsheet entitled "*Town Center Water Projections – Build out Analysis – Existing*", prepared by United Water's engineer, was distributed to the Council. The build out analysis details all existing United Water water customers and proposed water service customers for the Town Center project.

Mr. Benecke reported that United Water's build out analysis shows projected refunds in the amount of \$420,636.20. The projected refunds are based on the sewage flow rates provided by Vernon Township.

In closing, Mr. Benecke stated he would be preparing a summary report on the proposed Town Center water system project for the Council's reference.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Dennis Miranda, Chairperson of the Environmental Commission, presented highlights of the proposed Western Highlands Scenic Byway designation being sought in Vernon Township for the Route 515 and Route 94 corridors. He reported that the Vernon Township Environmental Commission has endorsed by resolution the proposed Western Highlands Scenic Byway designation for both roadways and determined that the corridors satisfies the criterion of eligibility required by the New Jersey Department of Transportation Scenic Byway Program and the National Scenic Byway Program. Mr. Miranda stated a similar presentation was made to the Chamber of Commerce and expressed confidence that the application, which would be co-sponsored by the Environmental Commission, Historic Preservation Commission, and the Vernon Historical Society, would be approved by the State's Scenic Byways Plan.

Dan Boltz, Basswood Drive, member of the Environmental Commission and Vernon Historical Society, commented that he fully supports the scenic byway designation and stated it would be a source of pride for the community.

Carol Gunn-Kadish, [REDACTED] member of the Environmental Commission and Historic Preservation Commission, commented that she fully supports and endorses the scenic byway designation.

Mary Bradley, Chairman of the Board of Recreation, thanked Mayor Rinker, Deputy Mayor Shortway, and Police Chief Roy Wherry for their support and attendance at Sunday's Charity Run Event held at Maple Grange Park. Ms. Bradley reported the Board of Recreation would like the Council to consider issuing a bid for vendors for the operation of the new concession building at Maple Grange Park. Ms. Bradley also informed the Council and public that the Board of Recreation is sponsoring "Vernon Day" this year, which is scheduled for Saturday, June 5, 2010 and noted the event is generating a lot of excitement.

Natalie Mahoney, thanked Mayor Rinker and Deputy Mayor Harry Shortway for attending the Charity Run at Maple Grange Park. Ms. Mahoney further thanked Deputy Mayor Harry Shortway for bringing the Lacrosse Team who raised many donations and thanked everyone who supports victims of child sexual abuse. Ms. Mahoney wished to remind everyone that a passive community allows sex offenders to continue and expressed her encouragement of the Township's support of the Charity Run, which was held to promote public awareness.

Tom McClachrie, Vernon Taxpayers Association, commented that bonding of funds in excess of \$500,000.00 by the Township should be put to referendum for public approval. Mr. McClachrie then questioned the status of the Sussex County Municipal Utilities Authority litigation and also stated the dollar amount presented on sheet 43 of the proposed Municipal Budget for the Open Space Fund is incorrect.

Jessi Paladini, [REDACTED], questioned why the Finance Department records report a different balance of funds in the Open Space Fund and questioned whether the legal expenses in the SCMUA litigation, in the amount of \$200,000.00 to \$250,000.00 as presented by the Township Attorney at a prior Council meeting, would be paid by the Township. Ms. Paladini commented that the Indemnification Agreement between the Township and SCMUA, which was approved by the Council in 2007, is troubling for the Township. Ms. Paladini further commented she fully supports the Scenic Byway designation. Ms. Paladini then reported on the proposed remodeling plans being planned for the Council Room and requested Council support. Ms. Paladini also commented on the recent resignation of the Township Manager, and questioned why Township Council Meeting Minutes have not been approved within 30 days and alleged this was ordered to be done by the Court in the Wolosky matter.

Brian Lynch, Highland Lakes, wished to clarify his comments given at the April 1, 2010 Special Council Meeting and stated he only questioned the process of hiring the Township Manager and never questioned the qualifications or capability of the individual.

Dave LaFerve, Pleasant Valley Lake, offered a suggestion to the Council based on his professional experience that before any work is performed by volunteers a detailed

scope of work should be submitted to Township management and volunteers must sign a disclaimer or hold harmless agreement before they perform any work on behalf of the Township.

Gary Martinsen, Vernon resident, questioned the process engaged by the Council in the hiring of the Township Manager. Mr. Martinsen then urged the Council to hold a referendum for voter approval before moving forward with the proposed \$2.2 million dollar water system for the Town Center. Mr. Martinsen also commented that while he supports the Scenic Byway designation program, he recommended the Route 94 corridor from Hardyston to Warwick would help promote the local economy due to the number of local businesses located along Route 94.

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

ATTORNEY'S REPORT

Township Attorney John Ursin informed the Council that he has not yet met with representatives of Hatch, Mott, McDonald to discuss the Town Center sewer system project. Mr. Ursin would be scheduling a meeting in the next week or two.

Mr. Ursin recommended the Council remove Resolution #10-97 from the Agenda.

MANAGER'S REPORT

Shared Service Agreement for Fire Prevention Services

Deputy Manager Brian Palaia reported on the status of a new proposed Shared Service Agreement for Fire Prevention Services with the Borough of Franklin.

Request for Quotations – Township Engineer and Township Planner

Mr. Palaia reported that a Request for Quotation (RFQ) for Township Engineer services and Township Planner services has been prepared and will be issued in the next week.

Policy and Procedures Manual Update

Updates to the Township's Policy and Procedure Manual, which conform to the Statewide Joint Insurance Fund's model personnel manual guidelines, are under legal review.

New Layoff Plan for Inclusion of Furlough Days

Mr. Palaia advised that the Manager's Office is proposing five (5) furlough days to be taken for all municipal employees, except Police and Dispatch personnel, under a newly proposed Layoff Plan. The furlough days would save approximately \$62,000 and eliminate the need to layoff one DPW worker. The new Lay-Off plan would be filed with the Civil Service Commission upon approval by the Township Council.

Motion to approve the New Lay-off Plan

Council Member Valerie Seufert made a motion to approve the new Lay-off plan consisting of five (5) furlough days for all municipal employees, except Police and Dispatch employees.

Motion seconded by Mayor Sally Rinker.

A roll call vote was taken:

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

NAYES: None

APPROVAL OF MINUTES

March 4, 2010 Special Meeting & Regular Meeting Minutes

MOVED: Harry Shortway

SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

ABSTAIN: Richard Carson

March 11, 2010 Regular Meeting Minutes

MOVED: Richard Carson
SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
ABSTAIN:

March 11, 2010 Executive Session Minutes

MOVED: Harry Shortway
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Harry Shortway
NAYES: None
ABSTAIN: Valerie Seufert, Sally Rinker

April 1, 2010 Special Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
ABSTAIN:

April 5, 2010 Special Meeting Minutes

MOVED: Richard Carson
SECONDED: Valerie Seufert

Mayor Sally Rinker commented that she did not believe the minutes reflect the true record of the day and made a second motion to disapprove the April 5, 2010 minutes in the entirety.

Mayor Rinker stated there was much discussion that the Council did not get adequate information on the budget; were not sufficiently included in the budget process; and stated there was no mention of her personally questioning twice, with no reply, a scheduled conference call meeting with Mr. Benecke that resulted in a failed ending and did not take place. Mayor Rinker stated she would like these minutes readdressed and made a motion to disapprove the minutes.

Motion seconded by Council Member Richard Carson.

A roll call vote was taken to disapprove the April 5, 2010 minutes for further revision.

AYES: Richard Carson, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Harry Shortway

The April 5, 2010 minutes were not approved pending revision. The original motion to approve the April 5, 2010 became moot.

RESOLUTIONS REQUIRING SEPARATE ACTION

**RESOLUTION #10-97
REMOVED FROM AGENDA – NO ACTION TAKEN**

AUTHORIZING A COMPLAINT TO BE FILED WITH THE NEW JERSEY COUNCIL
OF LOCAL MANDATES FOR REINSTATEMENT OF WATERSHED AID
TO THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY

WHEREAS, Governor Christie recently presented a budget which removes, and is void of, all of the Watershed Moratorium offset funding aid previously provided to the Township of Vernon in the amount of \$294,455.00; and

WHEREAS, this watershed aid is part of the Highlands Act which was to offset and financially support the mandates and requirements of the Highlands Planning and Protection Act when it was adopted by the State Legislature in 2004 for the protection of watershed lands and public drinking waters by Highlands municipalities for the benefit of residents throughout the State of New Jersey; and

WHEREAS, the Highlands Act included such funding in lieu of a tax or user fee or land steward fee for such communities as a financial offset of the land restrictions imposed by the Act; and

WHEREAS, without such watershed aid and funding in conjunction with the Highlands Planning and Protection Act, the State of New Jersey now proposes to eliminate funding that supports the mandates and requirements of the Highlands Act; and

WHEREAS, the Council of Local Mandates was created pursuant to the "State Mandate State Pay" Amendment by the New Jersey Constitution; and

WHEREAS, the Council of Local Mandates has authority to rule whether a State law, rule or regulation imposes an unconstitutional unfunded mandate upon municipalities; and

WHEREAS, the removal of funding to support the legislation known as the Highlands Act will transform said legislation to an unfunded mandate; and

WHEREAS, accordingly it is recommended that the Township of Vernon initiate a complaint before the Council on Local Mandates to challenge such a decision for the State to impose an unfunded mandate on Highlands Act municipalities such as the Township of Vernon.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, in the County of Sussex, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to either submit for the municipality or join with other Highlands Act communities as to the filing of a complaint with the Council on Local Mandates alleging that under the proposed State budget that the Highlands Act will become an unfunded mandate in violation of the New Jersey Constitution, Article VIII, §2, ¶5 and N.J.S.A. 52:13H-2, because it does not authorize resources other than property taxes to offset the direct expenditures required for the implementation of the Highlands Act.

Council Member Valerie Seufert made a motion to remove Resolution #10-97 from the Agenda, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #10-97 was removed from the Agenda.

RESOLUTION #10-100

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	\$1,321,406.99	Vernon BOE
#2	Current	\$ 820,004.25	Vernon BOE
#3	Planning & Zoning	\$ 758.25	
#4	Capital	\$ 881.26	
#5	Recreation	\$ 50.00	

#6	Other Trust	\$	173.50	
#7	Other Trust	\$	2,031.00	
#8	Sewer Operating	\$	2,000.00	
	Payroll	\$	319,371.19	2nd pay in April 2010
	Total		\$2,466,676.47	

Motion to approve Resolution #10-100

MOVED: Richard Carson

SECONDED: Valerie Seufert

Council Member Richard Carson questioned two (2) items on the Bills List.

A roll call vote was taken:

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

NAYES: None

Resolution #10-100 was approved.

RESOLUTION #10-101

AUTHORIZING EXECUTION OF A CONTRACT WITH CRYSTAL SPRINGS RESORT FOR THE VERNON TOWNSHIP SENIOR LUNCHEON TO BE HELD ON MAY 20, 2010

WHEREAS, the Vernon Township Department of Community Affairs sponsors an annual Senior Luncheon; and

WHEREAS, the Township of Vernon desires to enter into a contract with Crystal Springs Resort, Hamburg NJ, to host and cater this event; and

WHEREAS, the event is currently scheduled for May 20, 2010 at a cost not to exceed \$5,000.00; and

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

NOW THEREFORE IT BE RESOLVED by the Council of the Township of Vernon that the Mayor is authorized to sign the attached Contract with Crystal Springs Resort for the purpose of hosting and catering the Senior Luncheon on May 20, 2010 at a cost not to exceed \$5,000.00.

Motion to approve Resolution #10-101

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-101 was approved.

RESOLUTION #10-102

AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$420,000 TO REFINANCE SPECIAL EMERGENCY NOTES

BE IT RESOLVED 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. Pursuant to an ordinance of The Township of Vernon, in the County of Sussex (herein called "local unit") authorizing a special emergency appropriation in the amount of \$1,050,000, finally adopted on December 10, 2007 and entitled: "An ordinance authorizing an emergency appropriation N.J.S.A. 40A:4-53" (#07-50), Special Emergency Notes of the local unit are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S. 40A:4-1 et seq.) in a principal amount not exceeding \$420,000 for the purpose of financing the improvement or purpose

described in said ordinance, including (to any extent necessary) the renewal of any Special Emergency Notes heretofore issued therefor.

Section 2. The following matters in connection with said Special Emergency Notes are hereby determined:

- (a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the chief financial officer (the "chief financial officer") of the local unit, provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) one year from the date of the first note issued pursuant to the ordinance referred to in Section 1 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such notes;
- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
- (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Special Emergency Notes issued pursuant to the Local Budget Law, and any such notes shall be signed or sealed by the Township chief financial officer, Mayor and Township Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.

Section 3. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

Section 4. The chief financial officer of the local unit is hereby authorized to sell said Special Emergency Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 5. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 7. The chief financial officer of the local unit is further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 8. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 9. All action heretofore taken by Township officials with respect to the sale, issuance and delivery of said notes is hereby ratified, confirmed, adopted and approved.

Section 10. This resolution shall take effect immediately.

MOVED: Valerie Seufert
SECONDED: Harry Shortway

Mr. Zuckerman informed the Council that approval of this Resolution would allow the Township to refinance the short-term bonds issued to finance the Township revaluation.

Motion to approve Resolution #10-102

A roll call vote was taken:

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

NAYES: None

Resolution #10-102 was approved.

RESOLUTION #10-103

ENDORING THE SUBMISSION OF THE 2009 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987 c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Vernon Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Township of Vernon hereby endorses the submission of the 2009 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates David Pullis, Director of Public Works, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Motion to approve Resolution #10-103

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-103 was approved.

RESOLUTION #10-104

AUTHORIZING AN AWARD OF CONTRACT TO WEATHERWORKS, LLC TO PROVIDE STORM ALERT AND CONSULTATION SERVICES FOR THE TOWNSHIP OF VERNON IN THE AMOUNT OF \$1,296.25

WHEREAS, it is in the public interest for the Department of Public Works to be well aware and prepared in advance of any Weather events; and

WHEREAS, there exists a need in the Township of Vernon for contracted services to provide storm alert and consultative services for hazardous weather events; and

WHEREAS, Weatherworks, LLC, Vernon Township’s current provider, is qualified to provide Storm Alert and Consultative Services; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the amount of \$1,296.25, and

WHEREAS, the term of the agreement shall be from January 1, 2010 through December 31, 2010; and

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 Weatherworks, LLC for the term from January through December 2010 based upon the terms and conditions in the attached contract with the Township.
2. The Mayor and Clerk are hereby authorized to execute any documents necessary to effectuate said contract with Weatherworks, 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 Municipal Clerk.

Motion to approve Resolution #10-104

MOVED: Valerie Seufert

SECONDED: Richard Carson

Council Member Richard Carson questioned why this service is needed when several internet sites provide free weather forecasting information.

Council Member Harry Shortway questioned whether the County’s Office of Emergency Management could provide weather forecasting information to the Township.

After Council discussion, Council Member Valerie Seufert withdrew her motion to approve Resolution #10-104 pending further information.

Motion to table Resolution #10-104

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-104 was tabled pending further information.

RESOLUTION #10-105

AUTHORIZING THE CREATION OF THE WESTERN HIGHLANDS SCENIC BYWAY FOR VERNON TOWNSHIP

WHEREAS, the Township of Vernon possesses outstanding recreational, scenic, cultural, historical and natural resources in the New Jersey Highlands are according to a 1992 United States Forest Service Study that are New Jersey State and National significance; and

WHEREAS, the State Route 94 / County Route 515 corridor from the State Route 23 junction to its terminus at the New York State line possesses scenic, cultural, historic, recreation and natural resources values that satisfy the criterion of the National Scenic Byway Program and the State of New Jersey Byway Program; and

WHEREAS, the western region of the New Jersey Highlands of the Townships of Vernon and Hardyston is growing as a tourist destination with outstanding active recreation amenities with the Mountain Creek Ski Resort and Crystal Springs Golf Resort; and

WHEREAS, the western region of the New Jersey Highlands of the Townships of Vernon and Hardyston possesses outstanding natural, cultural, historic and recreational assets such as the Wallkill River National Wildlife Refuge, Wawayanda State Park, Appalachian National Scenic Trail, the Newark Watershed, Black Creek Amerindian Site and other assets; and

WHEREAS, the Vernon Township Environmental Commission has determined that the proposed Western Highlands Scenic Byway satisfies the criterion of eligibility of the New Jersey Department of Transportation Scenic Byway Program and the National Scenic Byway Program; and

WHEREAS, the proposed Western Highlands Scenic Byway, if adopted by the state and federal agencies, will confer to the Townships of Hardyston and Vernon significant economic advantages including elevated tourism, increased monetary contribution to the local economies and projected federal aid for the maintenance, marketing, stewardship and roadside improvements of the proposed byway.

THEREFORE, BE IT RESOLVED, that the Vernon Township Council endorses the creation of the Western Highlands Scenic Byway for Vernon Township.

Motion to approve Resolution #10-105

MOVED: Valerie Seufert

SECONDED: Richard Carson

Council Member Harry Shortway questioned whether there are any costs the Township may be obligated to that are associated with creating or maintaining a Scenic Byway designation if approved.

Mr. Miranda responded costs are unknown at this time since it is hard to predict the costs associated with the scenic byway management plan; however, Mr. Miranda stated grants are available to offset costs.

A roll call vote was taken:

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

NAYES: None

Resolution #10-105 was approved.

RESOLUTION #10-106

AUTHORIZING AWARD OF CONTRACT WITH JERSEY CENTRAL POWER & LIGHT
TO EXTEND ELECTRIC DISTRIBUTION FACILITIES AT MAPLE GRANGE PARK
IN THE AMOUNT OF \$12,100.67

WHEREAS, the Vernon Township has a need to award a contract to extend electric distribution facilities at Maple Grange Park; and

WHEREAS, the Township of Vernon desires to enter into a contract with Jersey Central Power & Light (JCP&L), our current service provider, to perform these services per the attached contract; and

WHEREAS, the cost for the above services is \$12,100.67 as per the proposal submitted by JCP&L on April 13, 2010; and

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

NOW THEREFORE IT BE RESOLVED by the Council of the Township of Vernon that the Mayor and Clerk are authorized to sign the attached Contract with JCP&L to extend electric distribution facilities at Maple Grange Park as per the attached contract at a cost of \$12,100.67.

Motion to approve Resolution #10-106

MOVED: Valerie Seufert

SECONDED: Richard Carson

It was stated that the funds for the lighting would come from the Maple Grange Concession Building grant.

A roll call vote was taken:

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

NAYES: None

Resolution #10-106 was approved.

RESOLUTION #10-107

DESIGNATING CATHERINE NAVARRO-STEINEL AS INTERIM MANAGER

WHEREAS, the Township of Vernon offered an employment contract to Catherine Navarro-Steinel as Manager of Vernon Township starting April 26, 2010;

WHEREAS, Vernon Township also entered into a Shared Services Agreement with the Borough of Hopatcong to facilitate the transition of Catherine Navarro-Steinel from Hopatcong Borough to Vernon Township;

WHEREAS, Catherine Navarro-Steinel has changed her mind and decided to remain employed with Hopatcong Borough;

WHEREAS, the governing body of the Township of Vernon needs to appoint an interim Manager;

WHEREAS, the Borough of Hopatcong and Catherine Navarro-Steinel have agreed to temporarily continue the Shared Services Agreement;

WHEREAS, the previous Shared Services Agreement essentially traded the same number of days of service so that there was no monetary compensation;

WHEREAS, the amended Shared Services Agreement requires payment by Vernon Township to Hopatcong Borough for each day Catherine Navarro-Steinel serves the Township of Vernon;

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that the Mayor and Clerk are authorized to sign the Shared Services Agreement dated April 21, 2010; and it is

FURTHER RESOLVED that pursuant to the Shared Services Agreement that Catherine Navarro-Steinel will continue to be designated as interim Manager of the Township of Vernon; and it is

FURTHER RESOLVED that the interim Manager designation contained in this Resolution shall continue until May 28, 2010 unless the governing body makes a superseding appointment.

Township Attorney John Ursin advised that he is the municipal attorney for both Hopatcong Borough and Vernon Township and therefore the Shared Service Agreement was reviewed by independent attorneys for each municipality. Mr. Ursin further advised the differences in this Shared Service Agreement are 1) dates specified have changed; 2) the per diem payment of \$589.32 is based on Hopatcong Borough's calculation, and; 3) there is no requirement for the Interim Manager to attend Council Meetings.

Council Member Valerie Seufert questioned the calculation of the per diem payment amount of \$589.32 and asked whether this payment amount included benefit costs. Mr. Ursin responded that the per diem fee included the cost for liability insurance.

Mayor Rinker reported that the Council is actively seeking the recruitment of a full-time Manager and four (4) interviews have been scheduled with prospective candidates in the coming week.

Mr. Ursin advised the Council that the Hopatcong Borough Council approved the Shared Service Agreement during their Wednesday evening Council Meeting; however, the agreement would not go into effect until Vernon Township approves it.

Motion to approve Resolution #10-107

MOVED: Sally Rinker

SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: Richard Carson

Resolution #10-107 was approved.

DISCUSSION OF 2010 MUNICIPAL BUDGET

Mr. Benecke presented his revised budget worksheet and reported there is no change to the 2010 Municipal Budget as was previously presented to the Council. Reductions in State Aid funding have been absorbed. The Municipal Tax Levy reported two months ago remains unchanged at \$16,160,703. Mr. Benecke further clarified the amount reported on sheet 44 of the Municipal Budget are correct and are based on both the Open Space Tax monies collected by the Township as well as Green Acres grant funding monies in the account.

Mr. Benecke advised the only change reported on his worksheet is a modification of the School Tax Levy based on the budget the voters approved on Tuesday, April 20, 2010. The new School Tax Levy would increase property taxes by 2 ½-tax points to the tax bill, adding approximately \$145.00/year tax increase to the average property owner. Until the County introduces its budget, the overall tax levy increase for municipal, school, and county taxes remains unknown.

Mr. Benecke further clarified an accounting entry that was made on the revenue side of the Municipal Budget. Revenue from the Open Recreation Trust Fund was moved to restore \$5,000 to each of the Fire and Ambulance Department budgets.

Mr. Benecke stated he believed the Council was in good shape to introduce the 2010 Municipal Budget; however, he cautioned that if the Council did not approve the budget before mid-May, the Township might be in peril with the state and mailing of estimated tax bills and revenue collections.

Mayor Rinker thanked Mr. Benecke, Mr. Zuckerman, Mr. Palaia, and Ms. Scott for their efforts on the 2010 Municipal Budget and thanked Mr. Benecke for meeting with her earlier to discuss the budget details.

Council Member Valerie Seufert questioned the impact the growing number of home foreclosures would have on the budget. Mr. Zuckerman, CFO, responded that tax collections are down approximately 1%, which presents a significant shortfall in revenues. School and County taxes are paid 100% of the tax levy with the shortfall affecting the municipality directly and municipal services provided. Delinquencies in tax collections will have a negative effect on the Township's cash flow and could increase the municipal tax levy in future budgets.

Mr. Benecke reported that he found only four towns of 120 towns in the state with approximate population size to Vernon Township that has a lower tax rate than Vernon Township.

Mr. Benecke advised that the Township has some flexibility to float a small bond issuance for capital improvement projects such as a chip and seal roadway program, Municipal Building HVAC repair or replacement, and road-resurfacing project for

Canistear Road. These projects would be required to be listed in the 2010 Capital Budget.

Council Member Harry Shortway questioned the possible layoff of a police officer should the filing of a permanent disability of a police officer not be approved by the state pension board. Mr. Benecke responded that if the disability application was not approved by the state pension board prior to May 15, 2010, the Township could either layoff one police officer listed on the Layoff Plan, adjust the tax levy to include the one police officer position and not layoff, or adjust the budget line items to absorb the cost of retaining one police officer position.

Mr. Ursin stated the Council was not prepared to introduce the 2010 Budget at this meeting.

COUNCIL BUSINESS

Council Member Valerie Seufert reported on the P.A.L. Planet Day event held earlier today. Local landscapers and businesses donated their time and materials to beautify the P.A.L. building with newly planted shrubs, landscaping, and a new walkway.

Council Member Valerie Seufert commented that Sunday, April 25, 2010 is EarthFest and the Township's Bulky Waste Collection Day at the Department of Public Works. Bulky waste collection tickets will be available for sale at the Department of Public Works on that day for last minute residents wishing to drop off their large waste items.

Mayor Sally Rinker commented that the Meals-on-Wheels Program is seeking volunteers to deliver daily meals to residents in Highland Lakes. Mayor Rinker applauded the Meals-on-Wheels Program and encouraged the public to volunteer their help for this program.

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:28 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: May 13, 2010