

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

January 24, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 5:09 p.m. on Monday, January 24, 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 19, 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, Valerie Seufert, Harry Shortway and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 5:11 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, N.J.S.A. 10:4-6 permits the exclusion of the public in certain circumstances; and

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed is:
 - a. Contract Negotiations – United Water – Executive Session minutes will be released to the public upon the conclusion of this matter.
 - b. Litigation – Sussex County Municipal Utilities Authority – Executive Session minutes will be released to the public upon the conclusion of this matter.
 - c. Debt Payment – Mountain Creek – Executive Session minutes will be released to the public upon the conclusion of this matter.
 - d. Contract Negotiations – Pellow & Associates – Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an agreement.
 - e. Personnel Matters – Land Use Administrator, Municipal Clerk, Tax Assessor. Executive Session minutes only with respect to the successful candidates hired will be released at the conclusion of the matter or upon the offer of employment to the successful candidates.
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 5:11 p.m.

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The meeting was reopened to the public at 6:25 p.m. Present were Council Members Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

SALUTE TO THE FLAG

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

PUBLIC DISCUSSION OF WATER & SEWER

Mayor Rinker introduced John Ruschke (Hatch Mott McDonald) and Bob Benecke (Benecke Economics). She advised that there would be additional opportunities for questions at a later date. Township Attorney John Ursin explained that Vernon had entered into agreements with SCMUA in 2005 to obtain a sewer allocation, and that previous Councils had also considered whether or not to purchase the United Water System but decided against the purchase. Mr. Ursin noted that Mr. Ruschke was originally hired to analyze and advise the Council and was subsequently hired as the water and sewer engineer for Vernon. Mr. Ursin advised that Council had two things to consider at this time: forming a sewer authority which would create a 5-person board; and the possible purchase of the United Water Sewer System.

Mr. Ruschke gave an engineering overview of the United Water sewage facilities, noting that the United Water System is actually two separate corporations - United Water Great Gorge Corporation which operates the collection system, and United Water Vernon Sewer Corporation which is primarily for the transmission system. The United Water system has an allocation with the Sussex County Municipal Utilities Authority of 380,000 gallons per day. With an average daily flow of approximately 190,000 gallons with their 1 customer (Mountain Creek), the remaining capacity is available for additional customers. The proposed debt associated with purchasing the system would be \$4,000,000. Mayor Rinker asked Mr. Ruschke what he would recommend, and he felt it was more cost effective to purchase the United Water system instead of paying substantial fees associated with transmitting sewage through their system to the SCMUA pump station.

Mr. Benecke noted that the current contracts were made to spur development and redevelopment back in 2005 through 2008, and to add a significant tax base increase in the Mountain Creek and Town Center areas (total development should add approximately \$600,000,000. to the tax base in Vernon). However, this cannot be done without sewers. He advised that the SCMUA charge is \$700,000., and that Mountain Creek is obligated to pay a share of that as per the agreement, with over 50% being the responsibility of Vernon. He felt that forming the sewer authority and purchasing the system was the best way to go.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Phyllis Pfeiffer, Vernon, questioned how much money would be needed to complete the sewer system. Mr. Ruschke explained there would be a cost of \$2 million to improve the water utility to provide water for the entire Town Center. There would be an additional cost, upward of \$1 million, to expand the infrastructure so water can be flowed to the properties. Having users in the Town Center would offset costs.

Diane Wexler, Barry Lakes, questioned if we buy it, there is a cost of approx. \$5.5 million plus the expansion and the pipe? The Township Attorney stated that part of the reason the Council is considering buying the United Water System is because if we continue with the agreements that we have now, in some ways we are forced to enter into the United Water Agreement for the 2.2 million to upgrade the water system. If we buy the United Water System, then each individual developer and property is going to negotiate directly, and the Town will get out of that loop.

Bruce Zaretsky, Vernon, asked for clarification that the 2.2 million would be a loan and not a cost to the town. Bob Benecke stated there would be about a 10 year recovery period and capitol costs are recovered by the developer. Mountain Creek would recover some of their costs as well and so would the Township. The bottom line is that the connection fee would not be sufficient to cover the entire connection cost. Mr. Zaretsky further questioned if we buy the sewer system, then we don't have to spend the 2.2 million. Purchase price on sewer system is 3.75 million plus upgrades over a ten year period which will end up being approx. 5.8 million.

Gary Grey, Vernon, commented that he was initially opposed to the Township owning the sewers, but has since come to understand some of the benefits. Mr. Grey questioned the annual cost for the collection system and running the authority. Mr. Benecke stated the estimated cost is \$275,000. John Ursin stated that Mountain Creek will build the pipe this year and the pipe will go live this year. If the Council continues to operate this as a utility, then the Council will be establishing policies in regard to connection times. If an authority is formed then the authority will be establishing the same policies.

Tom McClachrie, Vernon Taxpayer's Association, questioned why Intrawest was currently responsible for less than the 62% they are responsible for. Bob Benecke stated that it is because the sewer does not have the ability to flow, at this time which makes it necessary for the Town to contribute a little bit more, until the sewer flows and then Intrawest can be billed for the full 62%. Mr. McClachrie further questioned who is responsible for the missing link. Mr. Benecke answered that it is Mountain Creek's responsibility. Mr. Ursin clarified that United Water is taking the position that they are not filing the application unless we agree to the water upgrades; because they are taking the position that they believe that the Board of Public Utilities will not approve their application without proof that the entire area can be provided water. United water is looking at this on a ten year model and the Township is looking at it development by development. Mr. McClachrie also questioned when the pump station will be completed. Mr. Ursin said there is an agreement in place that the pipe has to be completed this year and Mountain Creek is in agreement with that, however there is no specific date. Mr. McClachrie wanted to know how much debt the service area can carry. Mr. Benecke stated \$15 to 20 million depending upon the final number of EDU's.

Robert Oliver, Vernon, asked for clarification regarding Mountain Creek and 166,000 gallons of sewerage use that is allocated to them. Mr. Ursin answered that when the pipe is live, Mountain Creek will be billed for that capacity. Mr. Oliver questioned the amount of \$600 million dollars in ratables Mr. Benecke had spoken about. Mr. Benecke responded that amount was based on 1500 residential units and 100,000 sq. ft. of commercial space, plus the improvement in the land value.

There was a request made to have tonight's presentation put on the Township website and Mayor Rinker said that it would be done.

Gary Martinsen, Vernon, commented on the ability of Vernon residents to ask the right questions. \$600 million is the asset value, not what Vernon would get in taxes. Mr. Benecke stated it would be based upon the market value as each home or business came online, from today's asset value. Mr. Martinsen questioned if the new owners of Mountain Creek have the same plans as the previous owners. Mr. Ursin answered that the new owners of Mountain Creek are coming before the Planning Board with more development plans than the old owners.

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

Mayor Rinker thanked Mr. Benecke and Mr. Ruschke for a very thorough presentation.

At this time the Mayor called for a 5 minute recess.

Review of Results of 2001 Bond Issue and General Discussion of 2011 Budget Calendar.

Mr. Bob Benecke (Benecke Economics) handed out a report and spreadsheet regarding the bond sale that occurred on January 7, 2011 and a spreadsheet indicating Vernon Township's debt service profile for the next 20 to 25 years. Mr. Benecke reported that Vernon received a 3.97% interest rate which is excellent. Mr. Benecke gave a complete overview and explanation of debt service.

Mr. Benecke said the State has extended the calendar for the Manager to present the budget until February 25, 2012 however the Council has to introduce a budget by March 11th. Mr. Benecke said the Township will have to have an adopted budget over the course of the spring. The School Board budget is scheduled for April 27th. If the school tax levy goes up by a few hundred thousand dollars, the Township will have to insert into the budget a certain percentage to take account of the reserve uncollected taxes and that's not excluded from the tax levy cap anymore.

Council Member Lynch questioned if there was a formula to figure out if there was an increase in the Board of Education budget. Mr. Benecke advised that a rule of thumb is to take their levy increase including their debt service and multiply it by 4%.

The Township Manager reported that the State recommended a budget session on February 14th, also prior to that, he and Mr. Benecke set the date of Feb. 9th at 2:00 pm for a sub-committee meeting and asked the Council for availability. Mayor Rinker stated she can make the meeting, as well as Council Member Lynch.

Mr. Giaimis is planning to issue a proposed capital budget tomorrow afternoon with some updates and there will be some talk about bonding and some decisions that have to be made. Council Member Brian Lynch suggested having the Fire Chief from the Vernon Fire Department attend one of the two scheduled meetings. Mr. Giaimis stated that there will be other requests from other fire departments and he would expect them to be there as well. Council Member Lynch stated that should be the largest ticket item that they are going to need, the way it works is that each department would submit a request for a piece of apparatus that was put into an analysis of a guideline and right now they would be replacing a fire truck that was down that has a blown engine in it and it's not repairable. Council Member Seufert questioned the equipment at the Department of Public Works. Mr. Giaimis answered that he has been in contact with the Director who has submitted some ideas to him; and these items will be placed into the proposed capital budget for 2011.

Mayor and Council thanked Mr. Benecke.

PUBLIC COMMENTS

Gary Grey, Vernon, asked the Council Members to listen to the Council meeting recording from October 28, 2010 and consider revising the meeting minutes. Mr. Grey stated that an incident involving himself and Michael Furrey occurred at that meeting whereby they were accused of electioneering and were gavelled and subsequently not allowed to speak on a subject they felt was important to the citizens of Vernon. Mr. Ursin explained that the council always has the option of going back and making minutes more detailed, but there is no requirement that everything that happens during a meeting be reflected. Mr. Ursin further explained that the minutes should highlight official action. Mr. Grey commented that he feels the subject of ethics and conflict of interest has been used politically. Mr. Grey stated that it would serve the Council as well as the public to hear from a professional, such as Mr. Ursin, regarding ethics and what constitutes conflict of interest.

Jessi Paladini, [REDACTED] stated that Robert's Rules of Orders states that conversation should not be included in meeting minutes. Ms. Paladini further stated that minutes are for official Council actions. Ms. Paladini also spoke regarding conflicts of interest and the perception of conflicts of interest.

Beverly Ann Budz, Highland Lakes, stated that Vernon Township is facing a problem regarding the FAA's new flight plans. Ms. Budz provided each Council member with the new flight plan design map and asked the Township Council to defend Vernon and

its residents against this intrusion. Mr. Giaimis advised that he spoke with Ms. Budz last week and immediately followed up with the State legislature to inquire if there was anything the Township could do to rectify this problem.

Thomas McClachrie, Vernon Taxpayer's Association, agreed with Ms. Budz regarding the airplanes over Vernon. Mr. McClachrie stated that the low flying altitude as well as the number of planes is a problem. Mr. McClachrie also spoke about perception of conflict.

Cherie Shortway, [REDACTED] stated that Mr. Grey was not allowed to make his comments and wanted the minutes to reflect the gaveling that was done which kept him from speaking. Ms. Shortway advised that she met with Mr. Giaimis recently, to discuss issues regarding the town fields. Ms. Shortway advised that to use a field in Vernon, there are several requirements to fulfill, as stated in the application information provided by the Department of Community Affairs. There is a requirement of a \$500.00 security deposit and a certificate of insurance that must be presented with the application, prior to use of the fields. Ms. Shortway also advised she has found that for the past two years, more than half of the applicants are noncompliant with the requirements. Of those, more than half are non compliant to the requirement of submitting a certificate of insurance. Ms. Shortway stated that noncompliance with regard to certificates of insurance is of deep concern to her as a resident of Vernon, because without proper insurance coverage Vernon could be in danger of bearing liability for any injuries that may occur. Ms. Shortway recalled that several meetings ago, there was a discussion of paying one of Vernon's part time employees \$15 per hour instead of the customary \$12 per hour rate. Ms. Shortway asked if the Council was aware that the Department of Community Affairs hired camp counselors at a rate as high as \$17.50 and \$20.00 per hour. Ms. Shortway advised that this could set a precedent that we would not want to consider customary.

Mayor Rinker closed the meeting to the Public.

Mayor Rinker asked Mr. Giaimis what the protocol was in regard to the issues raised by Mrs. Shortway. Mr. Giaimis explained that he is in receipt of the paperwork provided by Mrs. Shortway and he is in the process of reviewing it.

APPROVAL OF MINUTES

Mayor Rinker asked for a motion to approve the Executive Session minutes for:

September 23, 2010

October 28, 2010

November 15, 2010

November 29, 2010

Council Member Brian Lynch advised that he must be excluded from all of the above stated dates.

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Brian Lynch

TOWNSHIP MANAGER'S REPORT

Mr. Giaimis stated that the Recycling Center will be ready to operate on February 1, 2011. Mr. Giaimis advised that the Highland Lakes final reimbursement for 2008 of approximately \$139,000 will be mailed out by the end of the month. Mr. Giaimis further advised that this check would need to go out prior to the approval of the next Bills List in order to keep the promise that the Council made to Highland Lakes a couple of weeks ago. Mr. Giaimis stated that he sent an email to the Council with an attachment regarding the Bills List issue raised at a recent meeting. Mr. Giaimis discussed the

practice of some bills being paid prior to the Council's approval of the Bills List. At that meeting, the policy was changed and Mr. Giaimis assured that no bills were paid prior to approval of the Bills List, since that meeting. Mr. Giaimis reported, however, that when there is an emergency and it is simply not practical or legal for this policy to be adhered to. Mr. Giaimis asked the Council to allow him to exercise some discretion as it pertains to emergencies. Council Member Brian Lynch spoke regarding a recent incident what DPW workers paid out of their own pockets for needed equipment in order to do their job. Mr. Giaimis stated he would notify the Council Members via a memo or email and not ask for direction, but simply notify them. Council Member Lynch requested that the Department of Public Works employees be reimbursed for any money they laid out of their pocket. Mr. Giaimis stated that the employees will get 100% of their money back. Council Member Valerie Seufert stated that the Manager does need some discretion, especially when it comes to vehicle safety.

Ms. Seufert made a motion to authorize the Township Manager to pay for emergency repairs and Department of Public Works equipment. Council Member Richard Carson seconded the motion.

A roll call vote was taken:

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

NAYES: None

Mr. Giaimis spoke about reestablishment of the Beautification Committee as well as the Board of Health.

Mayor Rinker reported that Vernon Township is ready to hire Ms. Susan Nelson as the full time Municipal Clerk. Mayor Rinker advised that Ms. Nelson will be receiving a yearly salary of \$62,500.00. In turn, Ms. Nelson has agreed to a contract to commence on January 25, 2011 continuing through January 25, 2014.

Moved: Valerie Seufert

Seconded: Harry Shortway

A roll call vote was taken:

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

NAYES: None

The Council thanked Deputy Clerk, Andrea Bates, for stepping in during this time and also for all her help and support.

Mayor Rinker announced that John Marshione will be appointed as part time Certified Tax Assessor for the previous tax assessor's unexpired term that finishes on June 30, 2011 at a rate of \$4,000.00 per month, for a total of \$20,000.00 with an appropriate contract drawn up by Mr. Ursin.

Moved: Valerie Seufert

Seconded: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Council Member Brian Lynch expressed concerns regarding internal controls over equipment in the Township. Council Member Lynch also questioned if there is a defined job description for the Director of Community Affairs. Mr. Giaimis explained that there is a defined job description plus other duties as assigned. Council Member Lynch asked Mr. Giaimis for a list to be given out to the Fire Chiefs regarding where Hepatitis B vaccinations for emergency service workers are being given out.

Council Member Seufert suggested reviewing the Fixed Asset Inventory list for any equipment not being used by the Township that could be sold.

Mayor Rinker asked for an update on the Faline Building. Mr. Ursin reported that he had a meeting scheduled with Mr. Rushkie for the purpose of discussing a public

auction; however the meeting was cancelled due to snow. Mayor Rinker questioned the status of the Energy Efficiency and Conservation Block Grants. Mr. Giaimis stated that the applications were submitted on time and there are monies available. Mayor Rinker asked for an update on the elevator repair bid process. Mr. Giaimis explained the bid process had been changed and the three bids were now over the bid threshold. Mr. Ursin explained that the three bidders could be notified and the contract has not been awarded because the bids are too high.

Council Member Richard Carson stated that he would volunteer his time in regard to administering the Hepatitis B vaccine.

TOWNSHIP ATTORNEY'S REPORT

Mr. Ursin responded to a question from a previous Council meeting regarding Vernon Township's contribution toward the settlement of a recent lawsuit. The insurance company for the Township contributed \$17,500. to the settlement and the Township paid a deductible of \$25,000. for defense costs.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #11-18

AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE TOWNSHIP OF VERNON

WHEREAS, there is a need for Professional Engineering Services for 2011 in the Township of Vernon; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, said specified professional services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

WHEREAS, the Township of Vernon is desirous to renew the current agreement with Harold E. Pellow & Associates located at 17 Plains Road, Augusta, New Jersey, 07822 as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the Chief Finance Officer has certified that funds are available for this purpose subject to the adoption of the 2011 Municipal Budget; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of contract of a Professional Service Contract to Harold E. Pellow & Associates located at 17 Plains Road, Augusta, New Jersey, 07822, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Township Engineering Services in accordance to the attached Contract for Professional Services.

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

1. A fully-executed Professional Services Contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate,
2. Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq. and
3. New Jersey Business Registration Certificate.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contract for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

MOVED: Valerie Seufert
SECONDED: Richard Carson

Mr. Giaimis stated that this contract is not to exceed \$20,000.00 for the Township Engineer, Corey Stoner from Pellow & Associates.

A roll call vote was taken:

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

NAYES: None

Resolution #11-18 was approved.

RESOLUTION #11-21

AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL WATER TESTING AND ANALYSIS SERVICES FOR THE YEAR 2011 FOR MUNICIPAL FACILITIES IN THE TOWNSHIP OF VERNON

WHEREAS, there is a need for Professional Water Testing and Analysis Services for Municipal Facilities for the year 2011; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, said specified professional services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

WHEREAS, the Township of Vernon is desirous to award a contract to Agra Environmental and Laboratory Services located at 90½ West Blackwell Street, Dover, NJ 07801 as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended; and

WHEREAS, the Chief Finance Officer has certified that funds are available for this purpose subject to the adoption of the 2011 Municipal Budget; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that they hereby authorize and approve the award of contract of a Professional Service Contract to Agra Environmental and Laboratory Services located at 90½ West Blackwell Street, Dover, NJ 07801, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Water Testing and Analysis Services in accordance to the attached Contract for Professional Services.

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

1. A fully-executed Professional Services Contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate,
2. Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq. and
3. New Jersey Business Registration Certificate.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contract for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

MOVED: Valerie Seufert
SECONDED: Brian Lynch

Mr. Giannis advised that this contract is for the water testing that is no longer provided by the County. Mr. Ursin discussed a previous question regarding a conflict of interest with this vendor and he reviewed the contract and sees no conflict. Mayor Rinker questioned the fact that Mr. Furrey does analysis for Tennessee Pipeline Company as well as the Township and the County and feels this presents a conflict. Council Member Carson stated that it leaves a shade of gray regarding conflict of interest in that regard. Mr. Ursin stated that he does not see the conflict, Council Member Seufert and Council Member Lynch agreed.

Moved: Valerie Seufert
 SECONDED: Harry Shortway

A roll call vote was taken:
 AYES: Brian Lynch, Valerie Seufert, Harry Shortway
 NAYES: Richard Carson, Sally Rinker
 Resolution #11-21 was approved.

RESOLUTION # 11-26

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	\$1,020,621.30	Vernon B of E
#2	Current	\$1,102,984.68	Vernon B of E
#3	Current	\$2,168,259.01	Vernon B of E
#4	Grant	\$ 2,170.00	
#5	Capital	\$ 35,986.00	Ferraro Const
#6	Planning & Zoning	\$ 154.60	
#7	Planning & Zoning	\$ 5,532.75	
#8	Sewer Operating	\$ 1,550.00	
#9	Sewer Operating	\$ 552.12	
#10	Outside Services	\$ 150.79	
#11	Sewer Capital	\$ 109.46	
#12	PVL Dam Rehab	\$ 6,980.70	
#13	Developer's Bonds	\$ 2,258.62	
	Payroll	\$ 306,974.11	2nd Pay in Jan
	Total	\$4,654,284.14	

MOVED: Richard Carson
 SECONDED: Valerie Seufert

Council Member Harry Shortway questioned entry #67 for consultant fees. Pat Seger explained that this was a grant run by Chief Wherry and the PAL. Ms. Seger informed that this is a stipend that goes to the consultant who teaches and runs the peer leadership at Glen Meadow. The Township pays part of her salary in exchange for help with the program. Ms. Seger further explained that these are grant funds and the County should reimburse the Township. Council Member Shortway asked Mr. Ursin if there is a conflict of interest since he is a volunteer consultant for the PAL and a part time employee of the Vernon Township Board of Education. Mr. Ursin stated that he does not see a conflict.

A roll call vote was taken:
 AYES: Richard Carson, Brian Lynch, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 ABSTAIN: Richard Carson on Ambulance Squad receipts, Brian Lynch on Fire Department receipts, Harry Shortway on Board of Education and PAL receipts.
 Resolution #11-26 was approved.

Mr. Ursin stated that when voting on the Bills List, in the future, it should be passed on separate motions in order to make the record clear.

RESOLUTION #11-27

RESOLUTION REAFFIRMING THE CONTINUATION OF THE VERNON TOWNSHIP BEAUTIFICATION COMMITTEE

WHEREAS, the Vernon Township Council created the Beautification Committee on February 14, 2008 by Resolution #08-53 and was continued by Resolution #10-49 on Feb 11, 2010 for the purpose of improving the aesthetic value of Vernon, and physical appearance of the Township's gateways and corridors; and

WHEREAS, the physical appearance of Vernon Township's corridors and gateways are critical to Vernon's economy and the regional economy and vitality; and

WHEREAS, tourism is identified in Vernon's Master Plan as its main industry; and

WHEREAS, the Township Council is desirous of reaffirming the continuation of the Beautification Committee to improve Vernon Township; and

WHEREAS, the Beautification Committee consists of the following members:

- Mayor or Member of the Governing Body
- Land Use Board member
- Environmental Commission member
- Township Manager (or designee)
- Member of the Public
- Member of the Public
- Member of the Public
- Member of the Public
- Member of the Public

NOW, THEREFORE, BE IT RESOLVED by the Vernon Township Council that the Vernon Township Beautification Committee is hereby authorized to continue to carry out its purpose of improving the aesthetic value of Vernon, and physical appearance of Vernon Township's gateways and corridors.

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #11-27 was approved.

RESOLUTION #11-28

AUTHORIZING AGREEMENT TO EXTEND CONTRACT TO ACQUIRE REAL PROPERTY BETWEEN THE TOWNSHIP OF VERNON AND MAIN STREET ASSOCIATES, INC., FOR AN ADDITIONAL NINETY (90) DAYS

WHEREAS, the Township of Vernon, a municipal corporation of the State of New Jersey with offices located at 21 Church Street, Vernon, New Jersey 07462 (the "Township") and Main Street Associates, Inc., a corporation of the State of New Jersey with offices located at 15 Church Street, Vernon, New Jersey 07462 ("MSA"), entered into a contract to acquire real property dated September 8, 2003, a copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, the contract provided for each party to perform certain obligations concerning the Town Center Project; and

WHEREAS, many of the obligations are ongoing and not yet complete; and

WHEREAS, both the Township and MSA wish to mutually extend the term of the contract for an additional ninety (90) days pursuant to the terms and conditions as substantially set forth in the Agreement to Extend Contract to Acquire Real Property attached to this Resolution as Exhibit B.

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

1. The Mayor is hereby authorized to execute the Agreement to Extend Contract to Acquire Real Property between the Township and Main Street Associates, Inc., substantially in the form as attached to the Resolution as Exhibit B.
2. Notice of this Resolution shall be published in accordance with law as necessary.
3. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Municipal Clerk.
4. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

Mr. Ursin advised that Main Street Associates is the owner of the development across the street. For approximately a year, there have been discussions with them regarding open development issues. We are attempting to finalize that. They have an agreement that was extended 90 days, several times, and it is necessary to extend it one more 90 day cycle. There is no development and I see no down side in extending it.

MOVED: Richard Carson
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Valerie Seufert

Resolution #11-28 was approved.

RESOLUTION #11-29

RESOLUTION TO PETITION THE COUNCIL ON AFFORDABLE HOUSING WITH AN ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Land Use Board of the Township of Vernon, Sussex County, State of New Jersey, adopted the Housing Element and Fair Share Plan of the Master Plan on January 12, 2011; and

WHEREAS, a true copy of the resolution of the Land Use Board adopting the Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Vernon Land Use Board; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Vernon, Sussex County, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on

Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Vernon Township municipal clerk's office located at 21 Church Street, Vernon, New Jersey, during the hours of 8:30 a.m. to 4:00 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Mr. Ursin explained that the Vernon Township Land Use Board is the author and custodian of the Master Plan of the Township. As part of that, they maintain the COAH Plan as an element of the Master Plan. The Land Use Board has adopted this element of the Master Plan. At this point, it is a good idea for the Council to petition for certification to COAH to adopt this plan and become certified. By passing this resolution, it is not that you are adopting the COAH Plan set forth, your Land Use Board has already done that, you are essentially taking what they have adopted and using it as a basis of petition of subtenant certification from COAH. There is a lot of uncertainty to what is going to happen with COAH. Because it affects your ability to keep development fees here in town, I do recommend that you petition for the certification and we will deal with the changes in COAH as they come.

MOVED: Valerie Seufert
SECONDED: Brian Lynch

A roll call vote was taken:
AYES: Richard Carson, Brian Lynch, Harry Shortway, Sally Rinker
NAYES: None
Resolution #11-29 was approved.

COUNCIL DISCUSSION

Mayor Rinker stated that she asked Mr. Ursin to draft an ordinance to be utilized by this Council to propose ordinances. Mayor Rinker asked that the Council review the material provided and make any changes they see fit, to be discussed at the next Council meeting.

Mayor Rinker also spoke about a notice received from the American Red Cross regarding a coin collection they wish to do on Saturday, May 21, 2011 from 9:00 am to 1:00 pm at the intersection of Route 94 and County Rd. in Vernon.

Mayor Rinker made a motion to approve; seconded by Council Member Carson.

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

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 Richard Carson. 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 9:50 p.m.

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: April 11, 2011