

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**April 8, 2010**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:09 p.m. on Thursday, April 8, 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, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present was Township Attorney John Ursin. Municipal Clerk Robin Kline recorded the meeting minutes.

At 6:10 p.m., Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Michael Pier 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 Municipal Clerk read the following resolution to go into executive session:

**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 matter to be discussed is:
  - a. Contract/Potential Litigation matter regarding Main Street Associates. Executive Session minutes will be released to the public upon the completion and execution of the contract or upon the conclusion of any litigation or potential litigation.
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 6:05 p.m.

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The meeting was reopened to the public at 7:08 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present was Township Attorney John Ursin.

**SALUTE TO THE FLAG**

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

## **PRESENTATIONS AND SPECIAL ITEMS**

### **Terra Compass Group - Town Center Redevelopment Proposal:**

Mayor Rinker welcomed representatives of the Terra Compass Group to present their redevelopment proposal in the Town Center. Present were Mr. Jeff Freireich, Principal for The Terra Compass Group; Mr. Thomas Donahue, a principal engineer with Donahue Engineering; and, Mr. Glenn Kienz, attorney for Terra Compass.

The Township's Redevelopment Consultant, Robert Benecke, summarized the history of the Request For Proposals (RFP) for redevelopment of Township DPW property within the Town Center. The Township issued a RFP in 2008, which included all properties in the Town Center Redevelopment Area. The Township received no responses to the RFP. A second RFP was re-issued in the fall of 2009 solely for the redevelopment of the Township DPW property within the Town Center Redevelopment Area. The Township received two proposals. The Terra Compass Group, a well-regarded developer in New Jersey, submitted one of the two redevelopment proposals. The second redevelopment proposal was received from Excelsior Group Holdings. The design criterion for the two (2) acre DPW site is very specific under the redevelopment ordinance.

Mr. Glenn Kienz, Esq., attorney for Terra Compass, reported their company has a grocer interested in the redevelopment of the Township Department of Public Works property and parking lot and presented a conceptual planning drawing prepared for Ronetco (Shop Rite) who is interested in locating a food store in Vernon.

Mr. Thomas Donahue presented the redevelopment plan, which entails the demolition of the existing Department of Public Works facility and proposes the construction of a 65,000 square foot food store. Also proposed is a stand-alone building for a 3,500 square foot bank. The proposed site plan detailed the location of parking lots, sidewalks, streetscaping elements, and storm-water management improvements.

Current Land Use Codes allow a 65,000 square foot building in the Town Center Zone. Mr. Kienz informed the Council that the Shop Rite in Newton is approximately 80,000 square feet.

The Township Council asked several preliminary questions regarding the proposed building size, proposed number of parking spaces, aesthetics of the building and site plan, and traffic impacts. A three-year project completion date is anticipated, which includes the relocation of the Department of Public Works facility.

The Township Council questioned the Township's cost relocate the Department of Public Works facility at a time when the Township is faced with tight budgeting constraints.

Mr. Robert Benecke offered to re-send his January 25, 2010 email to the Council regarding the status of the Town Center redevelopment. He further commented that the RFP documents were distributed to the Council last year. Copies of the redevelopment proposals will be distributed to the Council as well.

## **CHANGES TO THE AGENDA**

Mayor Rinker announced two changes to the agenda. The United Water presentation is postponed and rescheduled for the April 22, 2010 Council Meeting. Resolution #10-99, Waiver of Fire Prevention Fees for the EarthFest Event, has been added to the agenda for Council consideration.

## **PUBLIC COMMENTS**

Mayor Rinker opened the meeting for Public Comment.

*Phyllis MacPeek, Vernon*, commented that she was disappointed with the Fire Department and coming to the meeting with their expensive fire trucks and then asking the Council for full budget funding at a time when several municipal employees have been issued a lay-off notice. Ms. MacPeek suggested the Finance Department or Financial Advisory Committee assist the Fire Departments in preparing their budgets because everyone must do more with less. Ms. MacPeek then reminded the Council and public that the Township's Rabies Clinic would be held Saturday, April 24, 2010.

Jessi Paladini, [REDACTED] welcomed Ms. Steinel as Manager and asked her to keep the following three words engaged in all matters before her; honesty, transparency and accountability, and further asked that she hold every employee personally accountable in the performance of their jobs.

Thomas McClachrie, Vernon Taxpayers Association, questioned Ordinance #10-05 and suggested that a minimum bid amount be put in place to recover, at a minimum, the Township's original purchase price of the property.

John Kosh, Fire Chief for Pochuck Fire Department, commented that his fire department came with their fire truck because in the event of an emergency, the volunteer firefighters could respond to the scene directly from the Municipal Building, saving precious minutes of time.

Gary Martinsen, Vernon, reminded the Council that the temporary sign ordinance expired and requested the Council to consider re-extending it. Mr. Martinsen applauded the reduction in the IT contract amount for Resolution #10-78 and questioned whether the contract amount for Resolution #10-90 require matching funds from the Township. Mr. Martinsen commented the Township should consider leasing the McEwan Property instead of selling it and questioned the extended use of a construction trailer and equipment stored on the St. Francis Church property located on Route 94.

Harold MacPeck, Vernon, commented on the Scenic By-way proposal and expressed concerns of steep road grades, which could be hazardous to unfamiliar motorists.

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

#### **MANAGER'S REPORT**

Interim Manager, Ms. Catherine Steinel, reported a meeting with County officials has been scheduled to discuss the return of clinical health services to Vernon Township.

Ms. Steinel reported her office is considering furloughs as a possible concession to reduce lay-offs in the Department of Public Works.

#### **2010 Municipal Budget**

Ms. Steinel recommended reinstating the Fire Department and Ambulance Squad budgets by \$35,000 and adding \$1,400 to the Environmental Commission budget. The \$36,400 would be offset by funding from the Fire Prevention trust account funds.

Ms. Steinel reported the "Seminars and Training" line item budgets would remain in place; however, approvals to attend any seminar or training course must first be obtained by the Manager.

Ms. Steinel presented the following five Capital Budget projects to be included in the 2010 Capital Budget: 1) replacement of the Police Department radio dispatch repeater system; 2) installation of a new chemical fire suppression system in the Police Department; 3) funding for the chip and seal road program; 4) Phase I road resurfacing project for Canistear Road; and, 5) replacement of the ceiling in the Animal Control Office Building. Ms. Steinel stated a \$700,000 bond issuance would be necessary to fund the proposed capital projects. The proposed Capital Budget allowed for \$125,000 for the chip and seal program. The Township can use this money for the required 5% down on the bond issuance.

Council Member Valerie Seufert made it clear that Capital Improvement projects would have to be bonded in order to fund the projects and expressed concern that the additional interest to be paid for the borrowed money would affect future budgets at a time when the Township is undergoing difficult financial challenges.

Council Member Valerie Seufert suggested additional funding to the Environmental Commission for their recording secretary position.

Council Member Harry Shortway questioned if the Township has a policy in place establishing the process for hiring part-time employees, including positions that become available on the various Township Boards and Commissions. Mr. Shortway further commented that the recruitment process should be fair and open, and available to all residents who may be interested in applying.

Mr. Benecke reported that not many changes were made to the proposed 2010 Municipal Budget previously presented and stated the tax levy amount remains the same. Mr. Benecke commented that some accounting adjustments were made and \$113,119 in grant funding for six (6) grant programs currently in place were added in the updated 2010 budget documents.

Mr. Benecke reported the average residential property tax in Vernon Township is approximately \$5,518.00, far less than the average residential property tax in Sparta Township, Andover Township, West Milford Township, Jefferson Township, and many other Sussex/Morris municipalities. Mr. Benecke reported the average property tax in Sussex County is \$6,300.00.

In closing, Mr. Benecke stated he anticipates the 2011 Municipal Budget will be most difficult and will present many interesting challenges.

Council Member Michael Pier suggested an additional Budget Work Session meeting should be considered to further discuss the proposed 2010 Municipal Budget.

#### **ATTORNEY'S REPORT**

Township Attorney John Ursin reported 472 tax appeals have been filed as of April 1, 2010.

Mr. Ursin advised the Council to table Resolution #10-97 until the April 22, 2010 Council meeting and recommended this item be discussed in Executive Session.

#### **RESOLUTIONS REQUIRING SEPARATE ACTION**

##### **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.

MOVED: Harry Shortway SECONDED: Michael Pier

A roll call vote was taken:

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

NAYES: None

Resolution #10-78 was approved.

**RESOLUTION #10-85**

AUTHORIZING AN AWARD OF CONTRACT FOR 2010 RECORDING SECRETARY FOR THE ENVIRONMENTAL COMMISSION IN THE AMOUNT NOT TO EXCEED \$2,000.00

**WHEREAS**, there exists a need for a Recording Secretary for the Vernon Township Environmental Commission for the year 2010; and

**WHEREAS**, Vernon Township desires to enter into a contract for these services with Jessica Paladini for the term from January 1, 2010 to December 31, 2010, with a total contract price not to exceed \$2,000.00; 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 8th day of April, 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 execute the contract with Jessica Paladini for 2010 Recording Secretary for the Vernon Township Environmental Commission.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Contract with Jessica Paladini.

MOVED: Richard Carson

SECONDED: Michael Pier

Council Member Valerie Seufert commented that going forward all secretarial positions to the Boards and Commissions should be posted and advertised in a fair and open process.

Township Attorney John Ursin further reported that the Manager's Office is responsible for writing job descriptions and overseeing the hiring process.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Harry Shortway

Resolution #10-85 was approved.

**RESOLUTION #10-86**

AUTHORIZING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

**WHEREAS**, the Vernon Township Police Department wishes to participate with the State of New Jersey in a project under the New Jersey Safe and Secure Communities Program; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Applicant Local Unit of Government; and

**WHEREAS**, the Safe and Secure Communities Program is designed to provide municipalities with funding for additional law enforcement personnel to address crime in a focused community-oriented manner; and

**WHEREAS**, such programs implemented in Vernon Township are Community Crime Prevention Programs, Neighborhood Watches, Targeted Narcotics Enforcement, Targeted Safety Check Enforcement, Targeted Patrol and School Resource Officer Activities; and

**WHEREAS**, the funding received from the Division of Criminal Justice will be used to offset the salaries of two current officers and a match from the Township is not required; and

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

1. As a matter of public policy, the Township wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for the funds.
4. The Division of Criminal Justice shall initiate allocations to the applicant in the amount of \$60,000.00 as authorized by law.

MOVED: Michael Pier  
SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #10-86 was approved.

### **RESOLUTION # 10-87**

#### **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	\$1,634,008.50	Vernon BOE
#2	Current	\$ 103,218.48	Atlantic Salt
#3	Current	\$1,136,662.00	Pension
#4	Current	\$ 284,198.36	HBCBS
#5	Planning & Zoning	\$ 1,334.40	
#6	Grant	\$ 2,697.49	
#7	Grant	\$ 52.09	
#8	Recreation	\$ 2,125.00	
#9	Recreation	\$ 1,857.30	
#10	Outside Services	\$ 13,140.35	
#11	COAH	\$ 4,289.00	
	Payroll	\$ 323,804.21	1st pay in April 2010
	Total	\$3,507,387.18	

MOVED: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-87 was approved.

### **RESOLUTION #10-88**

#### **AUTHORIZING THE MAYOR TO EXECUTE A DEED PARTIALLY RELEASING A DEED RESTRICTION FOR BLOCK 132 LOT 6.01**

**WHEREAS**, the Township of Vernon donated property to the Glenwood-Pochuck Volunteer Ambulance Corp., Inc. by Deed dated October 21, 1982; and

**WHEREAS**, the Deed contained a restriction limiting the use of the property for the construction and maintenance of an ambulance storage building and training facility; and

**WHEREAS**, there is currently a proposal to build a wireless communication tower on the property; and

**WHEREAS**, the wireless communication tower is prohibited by the aforementioned Deed restriction; and

**WHEREAS**, the Township Council has considered the issue and has decided to modify the Deed restriction to allow the construction of the wireless communication tower provided that the revenue from the wireless communication tower lease is paid to the Township.

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Council of the Township of Vernon that:

1. The Township Attorney is directed to prepare a Deed partially modifying the Deed restriction to allow the construction of a wireless communication tower on Block 132, Lot 6.01 subject to all required permits and approvals including, but not limited to, Land Use Board approval and/or applicable building permits;
2. The Deed modifying the building restriction shall specifically direct that any income derived from any other use other than an ambulance storage building and training facility shall be paid to the Township of Vernon
3. The Mayor and Clerk are authorized to execute the Deed modifying the restriction as specified herein.

MOVED: Michael Pier

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-88 was approved.

#### **RESOLUTION #10-89**

AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH VITAL COMMUNICATIONS, INC., FOR THE YEAR 2010 IN THE AMOUNT NOT TO EXCEED \$18,000.00

**WHEREAS**, there exists a need for professional services for the Township of Vernon for the purpose of Computer software and services for Tax Assessment/CAMA, Tax Collection and Internet Access including tax billing and customer support; and

**WHEREAS**, the Township has determined that Vital Communications, Inc., the Township's current contractor providing these services, is qualified to continue providing the Township with such services; and

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

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

**WHEREAS**, Vernon desires to appoint Vital Communications, Inc., pursuant to a contract under the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has certified that the value of the contract will exceed \$17,500.00; and

**WHEREAS**, the term of the contract will be from April 1, 2010 to March 31, 2011, with a total contract price not to exceed \$18,000; and

**WHEREAS**, Vital Communications, Inc. has submitted a Business Entity Disclosure Certification in compliance with applicable law.

**NOW THEREFORE BE IT RESOLVED**, this 8th day of April, 2010, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage Vital Communications, Inc., for the purpose of Computer Services for Tax Assessment/CAMA, Tax Collection and Internet Access; and

2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Contract with Vital Communications, Inc., as negotiated by the Township Manager.

3.

This Professional Services Contract is awarded without competitive bidding (1) as a "Professional Service" under the provisions of the Local Public Contracts Law and/or (2) for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software.

MOVED: Valerie Seufert

SECONDED: Michael Pier

A roll call vote was taken:

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

NAYES: None

Resolution #10-89 was approved.

### **RESOLUTION #10-90**

#### **AUTHORIZING THE APPLICATION FOR PLANNING INCENTIVE ACQUISITIONS FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and /or grants to municipal and county government and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Township of Vernon in the County of Sussex desires to further the public interest by obtaining a grant of \$150,000 from the State to fund the following project: Planning Incentive Acquisitions

**NOW THEREFORE**, the Township Council resolves that the Mayor and Municipal Clerk are hereby authorized to:

- a) make application for such loan and/or such a grant
- b) provide additional application information and furnish such documents as may be required
- c) act as the authorized correspondent of the above named applicant, and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

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

1. The Township Mayor is hereby authorized to execute an agreement together with the Municipal Clerk and any amendment thereto with the State for the project known as Planning Incentive Acquisitions;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$150,000;
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

MOVED: Richard Carson

SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #10-90 was approved.



**RESOLUTION #10-91**

**AMENDMENT TO THE TEMPORARY BUDGET**

**APPROPRIATIONS WITHIN "CAPS"**

	<u>Account #</u>	<u>Salary &amp; Wages</u>	<u>Account #</u>	<u>Operating Expenses</u>
ENVIRONMENTAL COMM.	10519500		10519520	91.00
HISTORIC PRESERVATION	10519900		10519920	208.00
BEAUTIFICATION COMMITTEE			10531020	416.00
FIRE SAFETY	10534000	8,493.00	10534020	369.00
ECONOMIC DEVELOPMENT			10535020	
RECYCLING			10553120	8,333.00
SALARY & WAGE ADJ.			10556220	6,250.00
SOCIAL SECURITY			10563020	42,083.00
DEFINED CONTRIB RETIREMENT			10564120	170.00
EXECUTIVE	10570100	23,234.00	10570120	7,383.00
MAYOR & COUNCIL	10570200	1,333.00	10570220	188.00
PERSONNEL	10570300	9,608.00	10570320	551.00
CLERK	10570400	10,223.00	10570420	3,832.00
FINANCIAL ADMINISTRATION	10570500	27,163.00	10570520	4,075.00
AUDIT			10570620	3,416.00
ASSESSMENT OF TAXES	10571000	13,571.00	10571020	3,291.00
COLLECTION OF TAXES	10570800	12,994.00	10570820	3,789.00
LEGAL SERVICES			10571220	13,875.00
ENGINEERING	10571500	9,393.00	10571520	1,195.00
LAND USE BOARD	10572100	14,766.00	10572120	5,433.00
BUILDING DEPT.	10572510	30,465.00	10572520	1,120.00
TECHNOLOGY			10572620	3,541.00
GROUP INSURANCE			10573320	249,153.00
OTHER INSURANCE			10573520	38,386.00
WORKERS' COMP. INS.			10573620	26,639.00
POLICE DEPARTMENT	10574500	309,056.00	10574520	9,035.00
RADIO COMMUNICATIONS	10574600	25,955.00	10574620	525.00
VOL. EMERG. SERVICES			10575220	16,250.00
MUNICIPAL COURT	10575500	13,513.00	10575520	475.00
TOWNSHIP PROSECUTOR			10575720	2,250.00
ROAD REPAIR & MAINTENANCE	10576500	107,966.00	10576520	29,443.00
FLEET MANAGEMENT	10576700	25,026.00	10576720	19,250.00
BUILDINGS & GROUNDS			10577220	6,387.00
SENIOR CITIZENS	10578200	513.00	10578220	4,861.00
ANIMAL CONTROL	10578800	5,221.00	10578820	747.00
MAINTENANCE OF PARKS	10579400	10,651.00	10579420	2,500.00
RECREATION	10579500	5,557.00	10579520	4,208.00
ACCUMULATED LEAVE COMP.	10580600	4,916.00		
MUNICIPAL SERVICES ACT			10580820	50,000.00
UTILITIES			10582020	41,091.00
	<b>TOTALS:</b>	<b>669,617.00</b>		<b>610,809.00</b>

**TOTAL TEMPORARY APPROPRIATIONS WITHIN CAPS:** 1,280,426.00

**APPROPRIATIONS EXCLUDED FROM "CAPS"**

	<u>Account #</u>	<u>Salary &amp; Wages</u>	<u>Account #</u>	<u>Operating Expenses</u>
9-1-1 COMMUNICATIONS	10680100	9,998.00	10680120	770.00
	<b>TOTALS:</b>	<b>9,998.00</b>		<b>770.00</b>

**TOTAL TEMPORARY APPROPRIATIONS EXCLUDED FROM CAPS:** 10,768.00

**TOTAL TEMPORARY APPROPRIATIONS:** 1,291,194.00

**BE IT RESOLVED** by the Township Council of the Township of Vernon that the above Temporary Budget amendment be approved for the year 2010 in accordance with 40A:4-19.

MOVED: Harry Shortway  
 SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #10-91 was approved.

**RESOLUTION #10-92**

APPROVING AN UPDATED FORM OF MUNICIPAL SERVICES AGREEMENT  
BETWEEN THE TOWNSHIP OF VERNON AND STONEHILL PROPERTY OWNERS  
ASSOCIATION INC., A QUALIFIED PRIVATE COMMUNITY

**WHEREAS**, pursuant to the New Jersey Municipal Services Law, N.J.S.A. 40:67-23.2, et seq., the Township is obligated to either reimburse qualified private communities for certain services, or provide the same specified services; and

**WHEREAS**, the Township of Vernon will propose an agreement with Stonehill Property Owners Association Inc. ("Stonehill") outlining its rights, responsibilities and obligation to either reimburse Stonehill for certain services, or provide the same specified services; and

**WHEREAS**, the Township desires to enter into the agreement with Stonehill pursuant to N.J.S.A. 40:67-23.2;

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

1. The Municipal Services Agreement between the Township and Stonehill is hereby approved in its present form.
2. The Mayor and Township Clerk are hereby authorized to finalize and execute the Municipal Services Agreement between the Township and Stonehill.
3. This resolution shall take effect upon approval.

MOVED: Valerie Seufert  
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Michael Pier

Resolution #10-92 was approved.

**RESOLUTION #10-93**

APPROVING RENEWAL OF A PEDDLER'S PERMIT FOR WALTER J. SLATER

**WHEREAS**, Walter J. Slater has made application for renewal of a Peddler's License for the sale of frozen food within the Township of Vernon by a mobile frozen food truck; and

**WHEREAS**, Walter J. Slater has been investigated by the Vernon Township Police Department and his application, photographs, and fingerprints were found to be in good order; and

**WHEREAS**, the Township Clerk has received the renewal application with the applicable fee and has deemed same to be in good order; and

**NOW, THEREFORE, BE IT RESOLVED**, that the renewal of a Peddler's License application of Walter J. Slater be, and hereby is, approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a renewal of a Peddler's License to the aforesaid applicant for the sale of frozen food during daytime hours only for the year of 2010 pursuant to Chapter 428-6 of the Code of Vernon Township.

**RESOLUTION #10-94**

APPROVING RENEWAL OF A PEDDLER'S PERMIT FOR RICHARD C. DURGIN

**WHEREAS**, Richard C. Durgin has made application for renewal of a Peddler's License for the sale of ice cream within the Township of Vernon by a mobile ice cream truck; and

**WHEREAS**, Richard C. Durgin has been investigated by the Vernon Township Police Department and his application, photographs, and fingerprints were found to be in good order; and

**WHEREAS**, the Township Clerk has received the renewal application with the applicable fee and has deemed same to be in good order; and

**NOW, THEREFORE, BE IT RESOLVED**, that the renewal of a Peddler's License application of Richard C. Durgin be, and hereby is, approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a renewal of a Peddler's License to the aforesaid applicant for the sale of ice cream during daytime hours only for the year of 2010 pursuant to Chapter 428-6 of the Code of Vernon Township.

#### **RESOLUTION #10-95**

##### **APPROVING RENEWAL OF A PEDDLER'S PERMIT FOR LISA DURGIN**

**WHEREAS**, Lisa Durgin has made application for renewal of a Peddler's License for the sale of ice cream within the Township of Vernon by a mobile ice cream truck; and

**WHEREAS**, Lisa Durgin has been investigated by the Vernon Township Police Department and her application, photographs, and fingerprints were found to be in good order; and

**WHEREAS**, the Township Clerk has received the renewal application with the applicable fee and has deemed same to be in good order; and

**NOW, THEREFORE, BE IT RESOLVED**, that the renewal of a Peddler's License application of Lisa Durgin be, and hereby is, approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a renewal of a Peddler's License to the aforesaid applicant for the sale of ice cream during daytime hours only for the year of 2010 pursuant to Chapter 428-6 of the Code of Vernon Township.

#### **RESOLUTION #10-96**

##### **APPROVING RENEWAL OF A PEDDLER'S PERMIT FOR THOMAS MACKINNON**

**WHEREAS**, Thomas MacKinnon has made application for renewal of a Peddler's License for the sale of ice cream within the Township of Vernon by a mobile ice cream truck; and

**WHEREAS**, Thomas MacKinnon has been investigated by the Vernon Township Police Department and his application, photographs, and fingerprints were found to be in good order; and

**WHEREAS**, the Township Clerk has received the renewal application with the applicable fee and has deemed same to be in good order; and

**NOW, THEREFORE, BE IT RESOLVED**, that the renewal of a Peddler's License application of Thomas MacKinnon be, and hereby is, approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a renewal of a Peddler's License to the aforesaid applicant for the sale of ice cream during daytime hours only for the year of 2010 pursuant to Chapter 428-6 of the Code of Vernon Township.

MOVED: Valerie Seufert  
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolutions #10-93, #10-94, #10-95 and #10-96 were approved.

### **RESOLUTION #10-97**

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 table Resolution #10-97 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 #10-97 was tabled.

**RESOLUTION #10-99**

WAIVING THE VERNON TOWNSHIP FIRE PREVENTION OFFICE FIRE SAFETY  
TYPE I PERMIT FEE FOR THE EARTHFEST EVENT APRIL 25, 2010

**WHEREAS**, a Fire Safety Type I Permit is required by the Township of Vernon Fire Prevention Office for the erection and use of a tent in excess of 900 square feet or 30 feet in any direction; and

**WHEREAS**, the Township of Vernon and the Vernon Chamber of Commerce, a non-profit organization, are the organizers of the annual Earthfest event to be held April 25, 2010 between the hours of 11:00 a.m. and 4:00 p.m. at Mountain Creek South, Route 94, Vernon, New Jersey and have collectively applied to the Township for the issuance of a Fire Safety Type I Permit for said event; and

**WHEREAS**, the Township’s Fire Prevention Office requires payment of a \$42.00 fee for the issuance of the Fire Safety Type I Permit; and

**WHEREAS**, the applicants have requested a waiver of said fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Vernon Township Council that they hereby approve the waiver of Township fees for the issuance of a Fire Safety Type I Permit for the Earthfest event to be held April 25, 2010 and further authorize the Township Manager to waive said Township permit fees.

MOVED: Harry Shortway

SECONDED: Michael Pier

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Valerie Seufert

Resolution #10-99 was approved.

**RESOLUTION #10-98**

INTRODUCTION OF YEAR 2010 MUNICIPAL BUDGET

**BE IT RESOLVED** by the Township Council of the Township of Vernon, New Jersey, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010.

<u>GENERAL REVENUE</u>	
Total Revenues	\$21,926,380.00
<u>GENERAL APPROPRIATIONS</u>	
Total Appropriations	\$21,926,380.00

**BE IT FURTHER RESOLVED**, that the said budget be published in the New Jersey Herald and that a hearing on the 2010 Budget will be held at the Vernon Municipal Building on \_\_\_\_\_, 2010 at \_\_\_\_ p.m. or as soon thereafter as the matter may be reached.

Motion to Table Resolution #10-97 was made by Council Member Valerie Seufert, seconded by Council Member Richard Carson, with all voting in favor.

Resolution #10-97 was tabled.

**FIRST READING ON PROPOSED ORDINANCES**

Mayor Sally Rinker read Ordinance #10-04 by title.

**ORDINANCE #10-04**

AN ORDINANCE TO REPLACE CHAPTER 374 OF THE CODE OF THE  
TOWNSHIP OF VERNON REGARDING NUISANCES

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

Section 1. The Code of the Township of Vernon is amended to replace Chapter 374 in its entirety as follows:

§ 374-1. Title of code adopted.

The said code established and adopted by this chapter is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953)." The Code is adopted by reference without include the full text as permitted by N.J.S.A. 26:3-69.1 et seq.

§ 374-2. . Copies on file.

Three copies of the said Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the Vernon Township Building Department will remain on file there for the use and examination of the public.

§ 374-3. Commercial Nuisance Defined.

No person shall intentionally or willfully engage in conduct, which interferes with, obstructs, or otherwise unlawfully disrupts the lawful activities of any commercial or retail establishment or place of business.

§ 374-4. Violations and Penalties.

Any person who creates or maintains a Nuisance or a Commercial Nuisance as set forth in the Chapter shall be in violation of this Code and be subject to the penalties set forth in Section 1-19.

Section 2.

Severability: If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3.

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

Council Member Richard Carson made a motion to approve Ordinance #10-04 upon introduction, 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

Ordinance #10-04 was approved as introduced. Public Hearing scheduled for May 13, 2009.

Mayor Sally Rinker read Ordinance #10-05 by title.

#### **ORDINANCE 10-05**

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 141 LOTS 15.01 and 15.02

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

**WHEREAS**, the Township of Vernon is the owner of certain real property known as McEwan property, Block 141 Lots 15.01 and 15.02; and

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

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

1. The property known as Block 141 Lots 15.01 and 15.02 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on June 10, 2010 at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.
2. The said properties shall be sold subject to the following terms and conditions:
  - (a) The said properties shall be sold for not less than \$500,000.
  - (b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.
  - (c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.
  - (d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
  - (e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, in case or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.
  - (f) A Bargain and Sale Deed without covenants will be delivered at the office of the Township Clerk on or before thirty (30) days after the date of the sale the satisfaction of the contingency set forth in paragraph 2(k), at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.
  - (g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.
  - (h) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.
  - (i) The property will be sold subject to 2010 taxes, pro rated from the date of sale.
  - (j) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.
  - (k) The sale is contingent upon the buyer obtaining at least preliminary site plan approval for development and buyer securing all necessary permits and commitments for water and sewer or septic within nine (9) months of the date of the auction. If the approvals are not obtained within nine (9) months, the Township Council may, in its sole discretion, grant up to two 3-month extensions provided that the buyer has pursued the approvals diligently.

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

Council Member Michael Pier made a motion to approve Ordinance #10-05 upon introduction as amended in Section 2(a) to state \$500,000.00 Public Sale on June 10, 2010, 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

Ordinance #10-05 was approved as introduced. Public Hearing scheduled for May 13, 2009.

## **COUNCIL BUSINESS**

### **Appointment to Environmental Commission**

Mayor Rinker appointed Timothy McCurry to the unexpired three (3) year term ending December 31, 2010.

Council Member Harry Shortway commented that it was confirmed to him that the Natural Resource Inventory (NRI) discussed by Mr. Miranda, Chairman of the Environmental Commission, at the last Council Meeting was completed in 2005 and is in effect. There is no requirement to update the NRI at this time.

Council Member Michael Pier made a motion to extend the Temporary Sign Ordinance until such time a revised sign ordinance is introduced and adopted by the Council. Motion seconded by Council Member Harry Shortway, with all voting in favor.

## **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 Michael Pier with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:51 p.m.

Respectfully submitted,

*Robin R. Kline*

Robin R. Kline, MAS, RMC  
Municipal Clerk

Minutes approved: May 13, 2010