

**VERNON TOWNSHIP COUNCIL  
REGULAR MEETING**

**January 24, 2008**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:14 p.m. in the Vernon Municipal Center, Church Street, Vernon, New Jersey with Mayor Austin Carew presiding. There were 23 interested persons in attendance.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting has been provided to the public and the press January 2, 2008 by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant to the provisions of the Open Public Meetings Act.

**SALUTE TO THE FLAG**

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

**ROLL CALL OF MEMBERS**

The roll call of members was called and Richard Carson, Glenn McLaughlin and Austin Carew answered the call. Also present were Melinda Carlton, Township Manager, Michael Witt, Township Attorney and Joseph Ragno, Jr., Attorney. Mayor Carew stated Neil Desmond called to say he would not be able to attend tonight's meeting due to family commitment. Let it be noted that James Oroho arrived at 7:38 p.m.

**CHANGES TO AGENDA**

Melinda Carlton stated Legends presentation will be carried to a date uncertain, and the Maple Grange Park Phase III will be scheduled for the next meeting. In addition, funding is available for Resolution #08-37 and that the council should consider using these funds rather than applying for a new grant. Mrs. Carlton stated certification of funds is also available for Resolution #08-41.

**OPEN TO THE PUBLIC**

Valerie Seufert, Vernon Township Chamber of Commerce, and Dennis Downing, Environmental Commission. Mrs. Seufert commented that the Chamber of Commerce, in conjunction with the Environmental Commission and PAL, will be holding Earth Fest on Sunday, April 27, 2008, and at this time designation of place is undecided. The event was held at Mountain Creek last year, but construction will begin in early spring at their site. She asked if the council will support them on this event. In addition, she commented no matter how many people attend this event it is a success. High Point Scientific group advised the Chamber they will not be available since it is their big event trade-off show; however, they agreed to give the Chamber booklets on astronomy to handout at the event. She asked if the council has any ideas or suggestions to this event, it would be welcomed. The council agreed they are in support of this event.

Roger Thomas, Attorney with Dolan & Dolan, and Sally Rinker. He stated Sally Rinker presented to the council at the last meeting that there were certain conditions outlined in her resolution that she had to meet, and that is to discuss with the council if they are willing to take over the detention basins. A letter was submitted by Roger Thomas, dated January 15, 2008, outlining a request to the township on taking over the detention basins. Mr. Thomas went on to say that an approval was granted by the Zoning Board sometime ago for Lot 1 Block 122, located on Lake Wallkill Road. This property contains Open Space. A proposal was made to the township approximately 1½ years ago to the detention basins in conjunction to offering the open space. The overall project contains 50 acres with half being Open Space, which is adjacent to the Wallkill Wildlife Refuge. Mr. Thomas expressed they would like to see some resolution to this matter.

Another concern was raised in getting the Land Development Permit (LDP) submitted to the Zoning Board in a timely fashion. Mr. Thomas asked if there is a day/time that all parties involved could sit down and address these issues. Melinda Carlton suggested that these issues need to be addressed with the staff and be handled by the administration.

Bruce Zaretsky. He asked if there is any update on the Route 515 construction. Mr. Carson said the county engineers have indicated that modifications will be made to the Route 94 & 515 intersection to allow for improved turn radius, correcting the concrete meridians, as well as a turning lane to alleviate any large vehicles have encountered. In addition, the county has been proactive to the area around the A&P where vehicles have been cutting off other vehicles to ingress into the shopping parking lot. Bruce Zaretsky commented to achieve safety is by eliminating the island, and why would one consult with the engineering firm when they originally created the problem.

Robin Barron. She commented the project on Route 515 is unattractive and cannot understand how the process in the end will be beautified. She asked if trees were planted in the island would it obstruct the driver's view.

Thomas Molica, Vogel, Chait, Collins, Snyder. He asked if the council could schedule a special meeting next week, or thereafter, to hear the discussion/presentation of the Legends Hotel.

There being no further questions and/or comments, the Mayor closed the meeting to the public.

## **PRESENTATIONS AND SPECIAL ITEMS**

### **COAH REQUIREMENTS – Stuart Koenig and Fred Suljic**

Stuart Koenig, Attorney. Stuart Koenig submitted a memorandum, dated January 24, 2008, on Affordable Housing Third Round Obligations to the council for their review. He gave an overview of the COAH obligations in the Third Round Plan of Compliance rules. COAH has substantially increased the Statewide numbers through various methods designed to create a need of 115,000 units. The 2004 regulations called for 52,000 units. This increase may drive the more aggressive ratios, and negatively impact municipalities. The Growth Share ratios were established at 1 affordable unit for each 8 market rate housing units, and 1 affordable unit for each 25 jobs created. The calculation of jobs has accelerated so smaller spaces now generate jobs and the obligations being projected for municipalities across the state are doubling and quadrupling causing towns to complain about the burden. The tax payers of the State will be burdened to pay for the various mechanisms to comply, because as the obligation has increased the mechanisms have been narrowed, and funding opportunities have been reduced due to the compliance has been increased astronomical. The Regional Contribution Agreements (RCA) is at a rate of \$25,000 each, and under the new regulations it would cost \$80,000 each with no new funding mechanism. Secondly, Vernon's Round Two obligation, from 1987 to 1999, consisted of 71 units of rehabilitation. Vernon rehabbed 9 units and identified 25 units that were qualified. COAH staff asked why Vernon dropped the ball. Vernon explained that it was not fair to spend tax payer's money on a program where COAH was not going to give them credit. COAH advised Vernon it would not be entitled to the RCA agreements. The proposed revisions to the Growth Share obligation in the 2008 proposal COAH has changed the Second Round numbers for Vernon, and revised Growth Share. The number for the Second Round will be 31 units of rehabilitation. The Third Round was to be of 185 units. The proposed projects to satisfy this round were senior citizen and family rental project. The RCA component was to have some growth shared development residential homes to make up the difference. The Growth Share obligations, along with the Third Round, would increase from 185 units to 444 units. Vernon's obligation will be based on CO's issued from 2004 to current based on residential development and various types of commercial development. In the regulatory process there is a 60-day comment period. Many municipalities have complained to the State that these numbers are not sustainable, will hurt the economics of the State in terms of development, and substantially impact on the tax payer, to a degree. Questions were

asked by the Council. Fred Suljic stated the agreement with the City of Passaic, was not signed, because they wanted to negotiate a shorter period for payment. He suggested that the Council make a decision on the Passaic RCA agreement and reinstate the rehabilitation program because they are Second Round obligations, not third.

### **United Water – Lou Kneip, Gene Osias, and United Water Officials**

Gene Osias, Lou Kneip, Tony Desenti, United Water, and Matt Harriman, Attorney. Gene Osias submitted a report dated January 24, 2008. Gene Osias stated the two existing sewer agreements that affect the wastewater are Mountain Creek and SCMUA in Vernon. The five possible scenarios of ownership are set forth between Vernon, Mountain Creek and United Water. Either the township purchase United Water Sewer System and become the sole sewer utility, Vernon transfers their Town Center sewer system to United Water, Vernon owns the Town Center and Mountain Creek sewer system and United Water owns the transmission system, United Water owns the Mountain Creek line, or Vernon purchases the Vernon Transmission Company only, and United Water continues to own Great Gorge collection system. United Water is the current owner of the Great Gorge Collection System (Condos, ski area, water park) and the Vernon Sewerage Transmission Company. Mr. Osias explained the location of the pumpstations, where the sewerage would flow from one pipe to another, and then finally to the treatment plant. United Water has indicated they are not interested where Vernon purchased only the transmission company and United Water continues to own the Great Gorge collection system. Mr. Osias went on to say that if Vernon does not own that line then they have no mechanism to collect connection fees or user fees then the Town Center stands alone and there would only be 100,000 gallons per day flow. Mr. Desenti stated United Water has not raised their cost since 1988. Glenn McLaughlin asked if Gene Osias could explain the sewer fees. Mr. Osias presented to the council a spreadsheet to show the average costs and revenues over a 10-year period for the Great Gorge system and the Town Center system. In the second 10-year period the costs would be slightly higher. The costs include capital outlay and a reserve account for capital improvements of \$75,000 per year. Mayor Carew asked what costs did United Water annually pay in repairs, and Mr. Desenti said that information is not available at this time. United Water is a franchise and has limited potential for growth. In addition, portion of the town is in the Highlands Area, which was presented to the United Water executive board, and at this time the township has shown interest in becoming the sole owner of the utility. Mr. Desenti said the gravity collection system was constructed in the late 1980's of precast housing pvc pipe. Majority of the pipe, around Mountain Creek area, is being replaced with the sewer line project, and the old treatment plants were converted into pumpstations. Lou Kneip commented the township would be the owner of the sewer system after an agreement was made with Mountain Creek, and therefore, would have the income from the system to support the bonds. Questions were asked by the Council. There was a lengthy discussion to the negotiating agreements with Mountain creek, United Water; financial agreements; and that Mountain Creek would make the shortfall until the village is built out then the township would make it a self-sustaining utility. It was contemplated that Mountain Creek would make the shortfall before all of the users were online. Once the 265,000 gallons of users are online Mountain Creek's obligation is completed then the cost would be placed on the user. Mr. Osias stated the one thing that was not planned was the transmission fee that is set by the BPU. Mountain Creek has a bulk rate with BPU for the amount of water/sewer they use for the water park. He suggested that the township, financially, should move forward and think about purchasing the system. The transmission fee has two factors, which contains a capacity charge that is set at \$1,003.69 per year for 1,000 gallons gpd flow; and the transmission charge is based on meter usage and is set at \$4.36 per thousand gallons. The projected cost for the Town Center would be \$270,000.00 per year for 100,000 gpd flow, which will increase to \$715,000 at full capacity flow of 265,000 gpd. The cost also includes SCMUA's operation and maintenance fee. Mr. Osias will call SCMUA's engineers to what the cost would be to run a new pumpstation, and United Water could provide an estimate cost in purchasing the transmission system. Melinda Carlton asked if Gene Osias and United Water would reconsider the \$50,000 operating cost. With her experience in utilities it is difficult to believe that \$50,000 would not cover the operating cost.

## **OPEN TO THE PUBLIC**

Gene Mulvihill. Mr. Mulvihill gave a background history to the sewer system that he and his partners owned prior to selling to United Water, but did not sell the transmission rights.

There being no further questions and/or comments, the Mayor closed the meeting to the public.

## **MANAGER'S COMMENTS**

Melinda Carlton stated a banner will be hung across Route 515 announcing the Special Olympics to be held on the 28 & 29<sup>th</sup>. She asked if the council would be willing to waive a \$50 zoning permit fee, and the council agreed. The council received an application from the Historic Society to declare the Prices Switch Schoolhouse as a Historic Marker. Melinda Carlton asked if the council would approve this site to be a Historic Marker, and the council agreed.

The Mayor asked if the council and manager reviewed the Newton's sign ordinances. Melinda Carlton stated she had the opportunity to review Newton's sign ordinances, and found them to be very comprehensive. She asked if the council had any particular signs in particular that need review, or is it the entire sign ordinance. Mayor Carew said there was a particular business in town advertising "specials" on temporary signage. He suggests that the Planning Board review the overall sign ordinance and give their input. Melinda Carlton stated the township staff held a productive meeting with Mountain Creek on a recent concert they had. The residents had made numerous complaints to the township on the deafening noise from the concert that could be heard throughout the valley. Mountain Creek admitted the noise was not intended and would not happen again. The council suggested in holding special meetings for the health presentation, planning meeting on setting and strategy of goals, sewer system, McAfee Redevelopment Areas, McAfee Village, and Town Center. The concern at this time is where do the Vernon Health Department employees stand with their job. She suggested the special meetings could be held every other Thursday evening.

Thomas Molica, Vogel, Chait, Collins, Snyder. Mr. Molica commented that Legends is confronting with daily acrylic costs and are ready to proceed with their presentation as soon as possible. He stated materials will be provided to the council a week in advance. The council agreed to hold special meetings on January 31, 2008 at 7 p.m. to discuss Planning of Council Goals and Health Presentation/Health Department consolidation with the County; February 7, 2008 at 7 p.m. to hear the presentation on Legends; February 21, 2008 at 7 p.m. to discuss the Sewer System; and March 6, 2008 at 7 p.m. to discuss the McAfee Village Redevelopment.

## **ATTORNEY'S REPORT**

Mr. Ragno commented that an ordinance on sex offenders having residence in Vernon should not be adopted. It is of his opinion that it is unconstitutional and probably pre-empted by State Statutes specifically to Title 2C on Criminal Offense.

## **DISCUSSION OF NEW ORDINANCES**

No new ordinances to be discussed.

## **APPROVAL OF MINUTES**

The Mayor asked that the regular meeting and executive session minutes of September 10, 2007 be carried to the next meeting. All in favor. Motion carried.

## **CONSENT AGENDA**

### **RESOLUTION #R08-28**

Resolution – Authorizing the Approval of Bills List  
 Be it resolved that the following bills lists are hereby approved:

Current	Ck# 28092	to	Ck# 28093
Current	Ck# 28095	to	Ck#
Current	Ck# 28096	to	Ck#
Current	Ck# 28098	to	Ck# 28108
Current	Ck# 28109	to	Ck# 28179
Current	Ck# 28180	to	Ck# 28181
Capital	Ck# 2430	to	Ck# 2435
Capital	Ck# 2442	to	Ck#
Capital	Ck# 2443	to	Ck# 2452
Grant	Ck# 28097	to	Ck#
Planning & Zoning	Ck# 3600	to	Ck# 3609
Planning & Zoning	Ck# 3615	to	Ck# 3617

Recreation Trust	Ck#	to	Ck#
Dog Trust	Ck#	to	Ck#
Other Trust	Ck# 734	to	Ck# 735
Senior Citizen Trust	Ck#	to	Ck#
Outside Services	Ck# 1398	to	Ck# 1404
Unemployment Trust	Ck#	to	Ck#
Open Space Trust	Ck#	to	Ck#
PVL Dam Rehab Asm	Ck#	to	Ck#
PVL Dam Rehab Exp	Ck#	to	Ck#
COAH	Ck#	to	Ck#
Sewer Operating	Ck#	to	Ck#
Sewer Capital	Ck#	to	Ck#
Developer's Bonds	Ck# 91	to	Ck#
Road Assessment	Ck# 1003	to	Ck# 1004
Payroll Deduction	Ck# 2817	to	Ck# 2818

Payroll Checks	Ck# 31611	to	Ck# 31717 (1 <sup>ST</sup> Pay in Jan)
Payroll Deduction	Ck# 2824	to	Ck# 2830 (1 <sup>st</sup> Pay in Jan)
Total Payroll Gross	\$440,867.72 (1 <sup>st</sup> Pay in Jan)		

**RESOLUTION # R08-32: TAX OVERPAYMENT**

**WHEREAS**, two payments were made for the November 1<sup>st</sup>, 2007 4<sup>th</sup> quarter taxes and

**WHEREAS**, this created a duplication of payment for Block 153.13 Lot 44 Re: Moody, James Location: 2219 Lakeside Dr.W

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Tax Collector to refund said overpayment of property taxes to: Crusader Lien Services in the amount of \$ 435.68.

**RESOLUTION # R08-33: TAX OVERPAYMENTS**

**WHEREAS, DUPLICATE PAYMENTS** were made on the Fourth quarter **2007** taxes

**WHEREAS**, such payments created **OVERPAYMENTS**,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue checks for said overpayments and the Tax Collector refund said overpayments of taxes on the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QUARTER</u>
<u>LOCATION</u>				
194.01	4	Michelsen, Svein	\$ 1,605.96	4 <sup>th</sup>



the Emergency Small Housing Trust Account for this repair; and

**BE IT, THEREFORE, RESOLVED** that the Township Council of the Township of Vernon does hereby authorize the expenditure \$1,600.00 from the Township's Emergency Small Housing Trust Account in connection with the application of Patricia Doyle, such expenditure to be made pursuant to the terms and conditions of the Small Cities Program Emergency Housing Repair Fund grant received by the Township from the New Jersey Department of Community Affairs.

A motion was made by Glenn McLaughlin to approve the Consent Agenda and the motion was seconded by James Oroho.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

#### **RESOLUTIONS FOR SEPARATE ACTION**

#### **RESOLUTION #R08-29: AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH ALICIA S. FERRANTE, AS PROSECUTOR, FOR THE YEAR 2008**

**WHEREAS**, there exists a need for professional services for the Township of Vernon as Prosecutor; and

**WHEREAS**, Alicia S, Ferrante, has emerged as the most qualified and best available candidate; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose; and

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

**WHEREAS**, Vernon desires to appoint Alicia S, Ferrante, pursuant to a contract under the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

**WHEEAS**, the Chief Financial Officer has certified that the value of the contract will exceed \$17,500.00 and not to exceed \$22,000.00; and

**WHEREAS**, the term of the contract will be from January 1, 2008 to December 31, 2008; and

**WHEREAS**, Alicia S, Ferrante,, has submitted a Business Entity Disclosure Certification in compliance with law.

**NOW THEREFORE BE IT RESOLVED**, this 24th day of January, 2008, 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 Alicia S, Ferrante, for the position of Prosecutor.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Professional Services Contract with Alicia S, Ferrante.

Said Professional shall be engaged pursuant to contract to be entered by and between the Professional and the Township and for such periods of time as permitted by law and for such compensation as agreed.

This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Township Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

A motion was made by James Oroho to approve the above resolution and the motion was seconded by Rich Carson.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

**RESOLUTION #R08-30: AUTHORIZING AND DIRECTING THE REIMBURSEMENT OF INSTALLMENT PAYMENT FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK 268.20 LOT 1 PURSUANT TO NJSA 40:56-35 et seq.**

**WHEREAS**, the Township Council confirmed the Special Assessment of the Pleasant Valley Lake Dam Restoration Project by Resolution #03-131 dated November 10, 2003; and

**WHEREAS**, Block 268.20 Lot 1 was assessed pursuant to said Resolution; and

**WHEREAS**, the Township Council is satisfied that the owners of said property prepaid the final installment payment due as a result creating a prepayment; and

**WHEREAS**, the Township Council is authorized to reimburse the installment payments due under the assessment pursuant to NJSA 40:56-35 et seq.

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

1. The owners of Block 268.20 Lot 1 be reimbursed for the prepayment for the Pleasant Valley Lake Special Assessment herein referenced together with, the Tax Collector is hereby authorized and instructed to restore to said owner the right to make future assessment payments pursuant to and under the installment payment plan established for the said assessment.
2. Nothing herein should be construed to alter, amend or terminate the payments, past or future, owed by the owners of Block 268.20 Lot 1 due and owing under the referenced special assessment.
3. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by Glenn McLaughlin to approve the above resolution and the motion was seconded by James Oroho.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

**RESOLUTION #R08-31: AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT PURSUANT TO NJSA 40:56-35(b)**

**WHEREAS**, the Township Council confirmed the Special Assessment of the Pleasant Valley Lake Dam Restoration Project by Resolution #03-131 dated November 10, 2003;



and

**WHEREAS**, Block 269.03 Lot 30, Block 269.14 Lot 14, Block 268.26 Lot 9 were assessed pursuant to said Resolution; and

**WHEREAS**, the Township Council is satisfied that the owners of said property failed to make the installment payment due as a result of extenuating circumstances over which they had no control as stated in their letter request; and

**WHEREAS**, the Township Council is authorized to reinstate the installment payments due under the assessment pursuant to NJSA 40:56-35 (b).

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

1. Upon payment by the owners of Block 269.03 Lot 30, Block 269.14 Lot 14, Block 268.26 Lot 9 of any and all delinquent payments for the Pleasant Valley Lake Special Assessment herein referenced together with any interest and/or penalties thereon, the Tax Collector is hereby authorized and instructed to accept said payment, interest and penalties and to restore to said owner the right to make future assessment payments pursuant to and under the installment payment plan established for the said assessment.
2. Nothing herein should be construed to alter, amend or terminate the payments, past or future, owed by the owners of the foregoing property due and owing under the referenced special assessment.
3. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by James Oroho to approve the above resolution and the motion was seconded by Rich Carson.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

**RESOLUTION #R08-38: AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO SIGN A CONTRACT WITH REALTY APPRAISAL CO. FOR THE TAX REVALUATION FOR VERNON TOWNSHIP**

**WHEREAS**, the Township Council of the Township of Vernon, NJ desires to enter into contract with Realty Appraisal co. for the provision of services for a tax revaluation of Vernon Township; and

**WHEREAS**, the Township Council accepted proposals from various vendors for said purpose and previously adopted Resolution 07-271 awarding the proposal of Realty Appraisal Co.

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

1. The Mayor and Township Clerk are hereby authorized and directed to sign the contract with Realty Appraisal Co. for the services to be provided for tax revaluation.
2. The Chief Financial Officer has certified the availability of funds for said purpose.
3. This Resolution shall take effect immediately.

A motion was made by Glenn McLaughlin to approve the above resolution and the motion was seconded by James Oroho.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin,

yes; Austin Carew, yes.

**RESOLUTION #R08-39: RESCINDING THE PRIOR APPROVALS  
AUTHORIZED BY RESOLUTIONS 07-265, 07-266 AND 07-267**

**WHEREAS**, the Township Council authorized the award of a bid to First Priority Emergency Vehicles for a Top Mount Class A Pumper for the McAfee Fire Department; and

**WHEREAS**, the Township Council further authorized a change order for said fire apparatus; and

**WHEREAS**, the Township Council further authorized the execution of a contract for the purchase of said fire apparatus; and

**WHEREAS**, the Township Council has been informed of certain concerns relating to the manner in which the bid specifications were structured and relating to the personnel who were involved in the preparation of the bid specifications and certain relationships to the successful and only bidder; and

**WHEREAS**, the Township Council is of the opinion that it is appropriate and necessary to rescind the prior approvals, reject all bids and re-bid the fire apparatus in question based upon revised specifications.

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

1. Resolutions 07-265, 266 and 267 are hereby rescinded and all authority granted pursuant to same is null and void.
2. All bids relating to the fire apparatus in question are hereby rejected as a result of the manner in which the bid specifications were established and the relationship of personnel involved in the bid specification process to the successful and only bidder.
3. The Township shall re-bid for the fire apparatus based upon revised bid specifications.
4. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by Rich Carson to approve the above resolution and the motion was seconded by Glenn McLaughlin.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

**RESOLUTION #08-40: RESOLUTION TO CREATE THE PLAN  
ENDORSEMENT CITIZENS' ADVISORY COMMITTEE**

**WHEREAS**, the Mayor and Council of Vernon Township desire to obtain Plan Endorsement from the State Planning Commission; and

**WHEREAS**, Plan endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan; and

**WHEREAS**, the State Planning Act recognizes that coordination of State action is necessary to help municipalities develop New Jersey's economy while protecting the natural, historic and recreational resources, providing adequate and diverse housing, and redeveloping our cities and older suburban areas; and

**WHEREAS**, the purpose of the Plan Endorsement process is to increase the degree of

consistency among municipal, county, regional and state agency plans with each other and with the State Plan and facilitate the implementation of these plans with the primary focus on where and how development and redevelopment can be accommodated in accordance with the State Plan; and

**WHEREAS**, the State Planning Rules and Plan Endorsement Guidelines establish a comprehensive and coordinated planning process in order for a municipality to consider, and update as necessary, master plans, functional plans, development regulations and capital plans to be consistent with the State Plan and achieve plan endorsement; and

**WHEREAS**, through plan endorsement, master plans, functional plans, development regulations and capital plans should be coordinated and supportive of each other; and

**WHEREAS**, the State Planning rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help towns plan for a sustainable future; and

**WHEREAS**, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-27, the Mayor may appoint one or more persons as a citizens’ advisory committee to assist or collaborate with the Planning Board in its duties, including adoption of, and amendment to, the master plan to guide the use of lands within the municipality in a manner which protects the public health and safety and promotes the general welfare of the community; and

**WHEREAS**, the Plan Endorsement Guidelines and State Planning Rules require the appointment of a Plan Endorsement Advisory Committee to guide the municipality through the Plan endorsement process; and

**WHEREAS**, the Plan endorsement Advisory Committee shall consist of between 5 and 10 members, including one representative of the governing body, a Class IV member of the Planning Board; one representative of a local Board, commission or committee who is not a member of the planning board; and two representatives of the public that do not hold a position, employment or office with the municipality.

**NOW THEREFORE BE IT RESOLVED** that the Mayor of Vernon Township hereby approves and adopts the following:

Vernon Township establishes a Plan endorsement Citizen’s Advisory Committee consisting of between 5 and 10 members as follows:

1. Mayor, Member of governing body – Austin Carew, Mayor
2. Class IV Member of the Planning Board - \_\_\_\_\_
3. Representative of local board, - Melinda Carlton  
commission or committee
4. Member of Public \_\_\_\_\_
5. Member of Public \_\_\_\_\_
6. Optional Member \_\_\_\_\_
7. Optional Member \_\_\_\_\_
8. Optional Member \_\_\_\_\_
9. Optional Member \_\_\_\_\_
10. Optional Member \_\_\_\_\_

The members of the Citizen’s Advisory Committee shall serve at the pleasure of the Mayor; and

The Citizens’ Advisory Committee shall report findings and conclusions of its actions performed pursuant to the State Planning rules and Plan Endorsement Guidelines, and make recommendations to the Planning Board on next steps, but shall have no power to vote or take other action required of the Planning Board; and

The Citizens’ Advisory committee shall also report to the Governing Body monthly on the status of plan endorsement; and

The Citizens' Advisory Committee shall be entitled to call to its assistance any personnel of any municipal departments of consultant thereto as it may require in order to perform its duties; and

The Citizens' Advisory Committee is established for the purpose of:

Guiding the plan endorsement process for the municipality;

Increasing public awareness of and participation in, the plan endorsement process for the community;

Serving as the liaison with the state, county, regional agencies and local officials throughout the plan endorsement process;

Assisting the municipality in meeting the deadlines of plan endorsement;

Take the lead on completing the municipal self-assessment and submitting the required planning documents to the Office of Smart Growth;

Helping to facilitate community visioning as described in the Plan Endorsement Guidelines and community visioning standards;

Reporting the findings and conclusions of the self-assessment and community visioning to the local planning board for its review; and

Negotiating a draft Action Plan with the Office of Smart Growth, in collaboration with the planning board and governing body, to consist of actions that should be taken to adopt and/or update plans, ordinances and regulations in order to meet the plan endorsement requirements;

Facilitating completion of the Action Plan items in order to achieve endorsement by the State Planning commission and enjoy the benefits available to the municipality as a result of the endorsed plan.

A motion was made by James Oroho to approve the above resolution and the motion was seconded by Glenn McLaughlin.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

**RESOLUTION #R08-41: AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH FRED SULJIC, PLANNER, FOR THE PERIOD OF JANUARY 1 – JUNE 30, 2008**

**WHEREAS**, there exists a need for the procurement of goods or services for the Township of Vernon from Fred Suljic for planning services; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose; and

**WHEREAS**, Vernon desires to enter into contract with Fred Suljic, pursuant to the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has certified that the value of the contract will exceed \$17,500.00 and shall not exceed \$22,000.00; and

**WHEREAS**, the term of the contract will commence on January 1, 2008 through June 30, 2008 or subject to the legal terms of the contract; and

**WHEREAS**, Fred Suljic has submitted a Business Entity Disclosure Certification in compliance with law.

**NOW THEREFORE BE IT RESOLVED**, this 24<sup>th</sup> day of January, 2008, 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 Fred Suljic for the purpose of providing planning services as described in the attached agreement.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract with Fred Suljic.
3. Fred Suljic shall be engaged pursuant to contract to be entered by and between Fred Suljic and the Township and for such periods of time as permitted by law or as set forth in the contract, if not contrary to law, and for such compensation as agreed.
4. A copy of the Business Entity Disclosure Certification previously provided by Fred Suljic and the Certification of Value shall be filed with this Resolution.
5. This contract is awarded without competitive bid as a Professional Services Contract under the provisions of NJSA 40A:11-5 (1) (a).
6. That a notice of this action shall be published once in the official newspaper in accordance with law, and said notice to provide that the contract awarded and the Resolution authorizing same are available for public inspection in the office of the Township Clerk.
7. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by James Oroho to approve the above resolution and the motion was seconded by Glenn McLaughlin.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

## **INTRODUCTION OF PROPOSED ORDINANCES**

### **ORDINANCE #08-01: AN ORDINANCE AUTHORIZING THE CREATION OF THE POSITION OF TOWNSHIP ASSISTANT MANAGER**

The above ordinance was read by title only. A motion was made by James Oroho to approve the above resolution and the motion was seconded by Rich Carson.

Thomas McClachrie. He asked what the salary range for this position is. Melinda Carlton said between \$60,000 to \$85,000 per year.

A roll call was taken. Rich Carson, yes; James Oroho, yes; Glenn McLaughlin, yes; Austin Carew, yes.

## **OLD BUSINESS**

Mayor Carew stated two boards have openings for anyone interested and they are the Historic Commission and Board of Recreation. He said Fred Suljic gave a presentation at the last meeting on the Highlands Master Plan, and if there are any comments to please forward them to him. Mr. Oroho will discuss the Economic Development Committee at the next meeting. Mayor Carew stated a number of people approached him as to who was interested in becoming involved on the beautification committee. The township officials met with the county today regarding to the ongoing Route 515 problem. The action plan they are going to implement is to move the pole, take out the curb near the gas station at

the intersection of Routes 94 & 515, and black top the road where it would be duck-tailed up to the curb so the median would be 3 inches in height verse the current 6 to 9 inches. Lou Kneip discussed further in detail the changes (re-striping, alignment) the county would be making to resolve the problem on Routes 515 and 94. The traffic officer attended the meeting and presented a list of accidents occurring on that road. The county is aware of the township's concerns and promised to continue to resolve these issues. Melinda Carlton suggested council attend budget meetings.

## **NEW BUSINESS**

Mayor Carew stated no new business that needs to be addressed at this time.

## **OPEN TO THE PUBLIC**

Charlie Blessing. He said there are four vacancies on the Historic Commission to be filled. Mr. Blessing recommended Kevin Cataldi to be appointed to the commission. The other three vacancies could be filled but these people need to be sworn in before a meeting could be held. Mr. Cataldi's letter was submitted to the council for their review. Mr. Blessing stated there seems to be some confusion to what Class he holds on the commission. He was advised by the clerk's office that he is an alternate, and Mr. Blessing said he should be Class B or C, not alternate. He asked if the council could put together a list of members and what Class each member should hold, and Mayor Carew said yes. The Historic Commission will be holding their meetings third Thursday every month.

Kevin Cataldi. He said he lives and grew up most of his life in Vernon, and feels he would be an asset to the commission in helping to preserve the historical significance of different sites. He is interested in colonial history and architectural, and using this background knowledge and expertise would help the commission.

Ron Mueller, President of Chamber of Commerce. He thanked the council for all their support, and reminded of Earth Day.

Gary Martinsen. He commended the council on the additional meetings to get the proposed projects done. He suggested that the Route 515 project be watched carefully so no additional funds are spent.

Thomas McClachrie. He asked if Stuart Koenig's report on the COAH obligations could be put on the website. In addition, how solid is the verbiage in the ordinance for the McAfee Redevelopment, and Mayor Carew said the ordinance has not been adopted. He asked if the township is in contractual negotiations with the employees.

There being no further questions and/or comments, the Mayor closed the meeting to the public at 9:55 p.m.

Glenn McLaughlin made a motion that the council appointed Kevin Cataldi to the Historic Commission Class C, and the motion was seconded by Rich Carson. All in favor. Motion carried. At this time, Messrs. Blessing and Cataldi were sworn in.

## **EXECUTIVE SESSION**

At this time, 10:00 p.m., Jim Oroho made a motion to close the meeting to the public and enter into executive session to discuss contract negotiations and personnel, which was seconded by Glenn McLaughlin.

## **RESOLUTION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permit's 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 personnel.
3. It is anticipated that the above-stated subject matter will be made available when deemed appropriate.
4. This resolution shall take effect immediately.

**ADJOURNMENT**

There being no further items of business on the agenda, a motion was made by James Oroho to adjourn the meeting and the motion was seconded by Neil Desmond, with all in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:43 p.m.

Respectfully submitted,

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Patricia A. Lycosky, R.M.C.  
Township Clerk

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Presiding Officer