

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING**

February 28, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:13 p.m. in the Vernon Municipal Center, Church Street, Vernon, New Jersey with Mayor Austin Carew presiding. There were 60 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, Neil Desmond, and Austin Carew answered the call. Also present were Melinda Carlton, Township Manager, and Michael Witt, Township Attorney. Let it be noted that James Oroho arrived at 7:33 p.m. and Glenn McLaughlin arrived at 8:00 p.m.

PRESENTATIONS AND SPECIAL ITEMS

Boy Scout Troop 912 – Vernon; Proclamation – Dave DiPietro, Scout Master. Dave DiPietro thanked the council for allowing him to share information on scouting. The purpose of the Boy Scouts is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness. Scouting will become more visible approaching the centennial celebration. Mayor Carew read into record the Proclamation of Cub Scouts, Boy Scouts, Explorers, and Venturing, which depend on our community organizations. Austin Carew proclaimed the week of February 2-9, 2008 as Scouting Anniversary Week and urged our citizens to join him in expressing appreciation to the community organizations and their volunteer Scout leaders for bringing this values-based program to the young people.

OPEN THE MEETING TO THE PUBLIC

Valerie Seufert, Chamber of Commerce, and Dennis Downey, Environmental Commission. Ms. Seufert stated Earthfest is planned for Sunday, April 27, 2008, between the hours of 11:00 a.m. and 4:00 p.m., at Mountain Creek South lodge. The Chamber of Commerce, Environmental Commission, and Vernon Recreation Department are sponsoring the event. Valerie Seufert said the chamber put together a budget based on what was spent in 2007. Dennis Downey said the Recreation Commission and PAL took \$4,500 from their budget to help the Environmental Commission pay off their debts. The Environmental Commission now needs an additional \$4,500 to balance their 2008 budget. Mayor Carew said the township manager has the contact information, and she will get back to the council.

Mary Emilius, Director of the Sussex County Economic Development Partnership (SCED). She distributed packets, including the magazine *Vision 20/20*, to the council. Ms. Emilius stated *Vision 20/20* is where volunteers donate hours of their time to develop a plan for the future of Sussex County. The document does not contain the citizen-recommended policies, strategies, and actions that will be incorporated into the final Comprehensive Plan, but it does contain the philosophical foundation for moving forward on those details. She hopes that Vernon will take part in it. Mayor Carew asked if Mary Emilius would be willing to share some comments she made at the Planning Board meeting. She asked the Planning Board to keep their eyes open for any projects that the Sussex County Economic Development Partnership could assist them on. The Sussex County Economic Development Partnership works closely to assist existing and new companies access a wide array of business-assistance programs that include tax

incentive programs and small-business resources. She said they are a non-profit organization with a friendly layer of customer service. The county is aware how challenging it is for anyone trying to develop in New Jersey, especially in the rural areas.

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

PRESENTATIONS AND SPECIAL ITEMS

Neil Rubenstein – Realty Appraisal; Revaluation – Neil Rubenstein said the County Board of Taxation ordered the revaluation where the taxation board performs a study of sales in relation to assessments. Vernon had its last reval 15 years ago. Realty Appraisal received state approval, which allows them to begin the process and to provide a performance bond to the municipality and to the state. Approximately 13,000 letters were mailed to Vernon taxpayers explaining the revaluation and asking them to look for the appraiser's identification. The company will supply as many lists as necessary as to who will be doing the reval. The inspections will commence in two weeks. There will be six or seven inspectors handling the residential properties, and one commercial inspector. Neil Rubenstein said the inspections would continue until dusk during the week and on Saturdays. The revaluation is revenue-neutral in that it redistributes the tax burden.

Tom Spring – Site Coordinator; HOG Rally – Tom Spring, Site Coordinator, and Dan Mathias, Executive Director. Mr. Spring stated he is the site coordinator for a Harley Davidson motorcycle rally that will take place July 25 & 26, 2008. He was advised by Ron Muller, Vernon Chamber of Commerce, to attend a council meeting to explain how this rally would have an impact on the community. Dan Mathias is the executive director for the Harley Davidson New Jersey State rally. He said HOG represents Harley Owners Group, which was created 25 years ago; consists of 1.2 million people worldwide; and is a family oriented group. Vernon residents were apprehensive that this event could turn into a Wildwood situation. Mr. Mathias said Wildwood was never a HOG rally. The intention is to have a venue where cyclists go out, ride, and have fun. Vernon offers beautiful vistas for riding and access to local businesses. Approximately 600-700 cyclists will participate in this rally. Mr. Mathias said Vernon will receive a positive economic impact. In the evening, the riders will have an opportunity to sit back, relax, and listen to a band in an indoor setting and closed to the public. Mr. Mathias explained that an agenda was put together by their committee where cyclists would ride towards West Point, High Point State Park, and Orange County. The riders would be broken up into 20 per road captain and escorted to various locations. The function would be held at the Appalachian Hotel, but the participants would stay overnight at various local motels/hotels.

MANAGER'S COMMENTS

Melinda Carlton said there is nothing to report.

ATTORNEY'S REPORT

Faulkner Act Presentation - Mike Witt asked that this matter be carried to another meeting.

DISCUSSION OF NEW ORDINANCES

FIRST READING TONIGHT:

ORDINANCE #08-03: AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR A PORTION OF THE MCAFEE VILLAGE REDEVELOPMENT AREA AND DESIGNATING THE COUNCIL OF THE TOWNSHIP OF VERNON TO ACT AS THE REDEVELOPMENT AGENCY FOR THE MCAFEE VILLAGE COMMERCIAL/RESORT REDEVELOPMENT AREA AND ESTABLISHING THE MCAFEE VILLAGE COMMERCIAL RESORT ZONING DISTRICT FOR BLOCK 231.01, LOT 1.

Bob Benecke prepared the ordinance for the township at the request of the township Planning Board, which asked that the McAfee Village Area be included in the redevelopment plan. The council determined, in the summer of 2006, that McAfee was an area for redevelopment. Questions were raised to the property owner on their

financing capacity, design, and their willingness to undertake this project in a speedy fashion; they have assured the township that they will move forward with their plans. The redevelopment agreement was executed on July 31, 2008. That agreement will include the time periods/table for which certain things are to be completed. At the last council meeting, the property owner presented their plans for a hotel and water park. In the past, they have had applications brought before the Zoning Board of Adjustment, which are now appealed to the court. Mr. Benecke stated Section 5 Property Rights states *no entity other than the property owner will be appointed as redeveloper of this property provided that the property owner and the Township of Vernon use their best efforts to execute a redevelopment agreement prior to July 31, 2008 setting forth the terms and conditions of the McAfee Village Commercial Resort Redevelopment Agreement*. Mayor Carew asked if the time frame is not met would there be a penalty, and Bob Benecke said unless there is a calamity or catastrophe he does not anticipate any problems. The preexisting condominium units that were previously created as time share units shall be primarily transient in nature provided that hotel units shall be available to guests for consecutive rental periods. The units may be used in a time share system of ownership. Neil Desmond commented that the council needs to take another look at that area in a global and macro nature. To build out on 630+/- acres with two ordinances is a mistake. In addition, Mr. Desmond expressed concern to the language in the ordinance under property rights, implicating the township would take over the property from Metairie. Bob Benecke stated the property owner has gone on record indicating that they are going to make improvements to their property. A lengthy discussion ensued to the different properties located in the McAfee area for redevelopment, eminent domain, etc. Mayor Carew asked if the first paragraph in section 5 could be reworded, and Bob Benecke said it could be changed, but there should be some flexibility. Mr. Benecke stated Metairie and Shinnihon have shown their willingness to invest in the project unless it becomes out of their control due to the financial market. The township can uphold property maintenance issues, health issues, and hold them to their agreement to the site plan application to make sure the property is certified by one of the major exchange companies. Mr. Oroho asked Melinda Carlton if Metairie is up-to-date on their taxes, and Melinda Carlton said no.

OPEN THE MEETING TO THE PUBLIC

John Feterlie, Attorney for Crystal Springs and Shinnihon. He said Shinnihon, USA, is the owner of the remaining land located in the McAfee Village Redevelopment Area. Shinnihon has been a strong proponent for the redevelopment, to promote change and economic development in the McAfee Village area. They are in support of the designation based on the conditions to Legends. Mr. Feterlie stated there is a long history of litigation over title issues with regards to this property. During the process, Shinnihon has advanced and promoted that there be one master developer assigned for the property, if necessary. Mr. Feterlie agreed with Neil Desmond that the McAfee Village needs to be looked at again so there could be one comprehensive, uniform plan for the property. He suggested that the council reconsider their position because it not only affects the two parties involved but also Vernon. Mr. Feterlie stated there is a concern about the wastewater treatment capacity for the Legends project. There are long-standing agreements set in place that a certain amount of wastewater treatment capacity is allocated to Legends based on its current size. Shinnihon, contractually, has all the rights of the wastewater treatment capacity except for the amount required to service Legends. Gene Mulvihill said for legal reasons there should be one coordinated plan. Bob Benecke said that Mr. Mulvihill stated to the Planning Board that his representatives have no problem with the ordinances being separate. With respect to the sewerage disposal facilities it was incorporated into the ordinance *that there shall be a system of storm water and sanitary sewerage disposal facilities, potable water supply, fire protection, solid waste disposal, and appropriate street lighting and traffic safety signage presented to and approved by the Planning Board*.

David Berman, Attorney, and Ms. Catchitori. He received 200 e-mails from angry time share owners. Mr. Berman expressed concern that the time share owners deserve to have their rights protected by the council. He is appalled that the council would consider designating anyone to do future development without express and stringent conditions that protect the time share owners. RCI terminated Ms. Catchitori's ability to transfer or trade her time share. Bob Benecke stated the time share owners acquired the property by deed. He said the intent of this project is to move forward and improve the entire property, including the time share property. Mr. Berman suggested that the ordinance is insufficient.

Dan Harris, Attorney, Tom Collins, and Joe Rather. Mr. Harris invited the council to review the records at their office on time shares that were sold. Mayor Carew asked if Dan Harris could provide the council documentation as to who owns time shares, and Mr. Harris said yes. Mr. Harris stated the owners of the hotel would like the project to be a success. The time share owners would be allowed to use the water park, but the terms have not been established. James Oroho said the council should not make a decision if there are taxes due. Mr. Harris said this property does not have enough cash flow; therefore, the taxes are paid from the Florida operation. The Florida operation is structured to pay their taxes annually. Neil Desmond asked where the records can be reviewed to show the money paid out for improvements, and Mr. Harris said at the hotel. The council suggested to Dan Harris that copies of financial information should have been provided to them prior to tonight's meeting so they would have had a clear, concise understanding of the situation. Mayor Carew asked if Melinda Carlton could coordinate with the time share business associates copies of their financial information, and how they deal with the disgruntled time share owners. Tom Collins said the dispute would be handled only by private parties and private litigation.

Joe Boltz. Mr. Boltz has built several homes in Vernon and has invested in the time share program with Legends Resort, which allows him to use the golf course, pools, and tennis courts. In the past six years, he has never traded in his time share or used any of the amenities. Mr. Boltz stated the purpose of this investment is to have his friends and business associates come to Vernon so they could utilize the amenities as well. Joe Boltz expressed concern about the hotel owners' credibility. In addition, he could not use the RCI program; his friends and business associates could not use the amenities. In the end he lost out and so did Vernon. He requested that the council put more thought into the ordinance.

John Frohling, Attorney for condominium owners. Mr. Frohling has represented the New Jersey ski area, Gene Mulvihill, Metairie, and condominium owners. He said the time share owners have not reached out to the condominium owners to get their input on this ordinance. Tom Collins, Attorney, asked that John Frohling stop speaking because of his representation and conflict of interest. Mr. Collins stated the concern is that Mr. Frohling's statements on behalf of his former clients are inconsistent with the New Jersey rules of Court and New Jersey Ethics rules. Michael Witt asked Tom Collins what is the nature of the information John Frohling has privy to that has to deal with the subject matter before the council. Mr. Frohling stated no information would be revealed if there was a conflict. He is here to deal with information about the condominium owners, defects in the ordinance, and would be willing to volunteer his time to assist with the project. Metairie is in favor of the redevelopment, but do want their rights preserved. The ordinance does not have mechanisms to enforce those rights. Mr. Frohling said the ordinance is not tight enough, eliminates the rights of time share owners, and does not give adequate expression to the way in which the condominium owners will be protected. Mr. Harris stated the condominium owners purchased their units from Gene Mulvihill.

Audrey Harley. She owns a time share at Legends, and another one located out-of-state. Ms. Harley stated the ordinance needs to be cleaned up so there are no loopholes. Ms. Harley stated Legends sold a package to the time share owners, and in return they got nothing. She asked if Legends could show the time share owners where the money was spent for improvements. Improvements have not been made to the building, she said, and it is not fit for the homeless living there. She asked if the township would require Legends to refurbish the existing building before new projects are started, and if the township received a compliance report from the DCA Division of Hotel Multiple Dwellings.

Kevin Newman, resident. Mr. Newman has seen the hotel change hands over the course of years, beginning with the Playboy Club now known as Legends. He said these corporate associates have taken \$17 to \$22 million from the time share owners. Kevin Newman stated that Mr. Meyers, one of the corporate partners, is in debt with different companies. He suggested that the council revisit the ordinance, and look at the quality of the redevelopment plan not those who would be appointed as redeveloper.

Jarvis Hawley, time share owner. Mr. Hawley stated there are so many variables, and as a time share owner they do not understand all the information because Legends owners would not divulge any information to them. Metairie has been trying for over 20 years to get approvals to develop the site, and yet, is still selling time shares with promises. Jarvis

Hawley said Metairie spent \$30 million to do renovations but the sprinkler systems, urinals, and other things are still broken in the hotel. He suggested that the council table this ordinance until all questions are completely answered.

Gary Martinsen, resident. Mr. Martinsen said as a businessman the way to rectify a problem with a customer is to correct it so your customers keep coming back. He suggested that if the council values the thoughts of Bob Benecke and Michael Witt on this ordinance, then go with it.

Father Boland. He has been attending the council meetings on the redevelopment for four years, and owns property in the McAfee Redevelopment Zone. He suggested that for the benefit of everyone who lives in Vernon the town needs to move ahead. Father Boland stated the seniors of his parish discuss daily how much longer will they be able to live in Vernon because of the taxes.

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

EXECUTIVE SESSION

At this time, 10:48 p.m., Rich Carson made a motion to close the meeting to the public and enter executive session to discuss attorney-client privilege. The motion was seconded by Jim Oroho, with all in favor.

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting 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, County of Sussex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows: Attorney-client privileges.
3. It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.
4. This resolution shall take effect immediately.

The meeting was reopened to the public at 11:13 p.m. The Township Attorney said we discussed attorney-client privilege.

APPROVAL OF MINUTES

The following minutes were presented for approval: September 10, 2007 Regular Meeting and September 10, 2007 Executive Session. A motion was made by Neil Desmond, seconded by James Oroho.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Jim Oroho, yes; Austin Carew, yes. Motion carried.

CONSENT AGENDA

RESOLUTION #08-54
TOWNSHIP OF VERNON VOLUNTEER FIRE DEPARTMENT
TRANSFER OF MEMBERSHIP

BE IT RESOLVED by the Township Council of the Township of Vernon, that the following fire department membership transfer is hereby granted for Charles Ross, to Vernon Township Fire Department from McAfee Fire Department.

RESOLUTION #08-55
TOWNSHIP OF VERNON VOLUNTEER
FIRE DEPARTMENT MEMBERSHIP

WHEREAS, the Vernon Township Volunteer Fire Department (Highland Lakes Fire Department) has selected Karen Thomas and Mark Izzo for membership, and

WHEREAS, the Vernon Township Volunteer Fire Department has requested the Township of Vernon to authorize and direct the Township Clerk to execute the N.J. State Firemen’s Association Form 100 Rev. 2/04.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of Vernon, New Jersey that the Township Clerk is hereby authorized and directed to execute N.J. Firemen’s Association Form 100 Rev. 2/04 for Karen Thomas and Mark Izzo as requested by the Vernon Township Volunteer Fire Department.

RESOLUTION #08-57

Transfer Resolution – 2007 Budget

BE IT RESOLVED by the Township Council of the Township of Vernon that the following transfer of Appropriations (2007 Municipal Budget) in accordance with N.J.S.A. 40A 4-58 be and is hereby approved.

Salaries & Wages

From:		TO:	
Fire Safety 10534015	12,000.00	Clerk 10570415	340.00
Executive 10570115	13,000.00	Assessing 10571015	650.00
Tax Collections 10570815	30,000.00		
Engineering 10571515	21,000.00		
Zoning 10572215	10,000.00		
Building 10572515	2,900.00		
Police 10574515	40,000.00		
Radio Comm. 10574615	14,500.00		
Court 10575515	3,500.00		
Animal Control 10578815	15,500.00		
Roads 10576515	65,000.00		

OTHER EXPENSES

FROM:		TO:	
Social Security 10563099	15,000.00	Maint. Of Parks 10579499	6,200.00
		Municipal Services 10580899	235,210.00

TOTAL	<u>242,400.00</u>	<u>242,400.00</u>
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RESOLUTION #08-59

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

Current	Ck# 28348	to	Ck# 28354
Current	Ck# 28355	to	Ck# 28413
Current	Ck# 28417	to	Ck# 28438
Current	Ck# 28441	to	Ck#

Capital	Ck# 2468	to	Ck# 2469
Capital	Ck# 2470	to	Ck#
Grant	Ck# 28414	to	Ck# 28416
Grant	Ck# 28439	to	Ck# 28440
Planning & Zoning	Ck# 3649	to	Ck#
Planning & Zoning	Ck# 3650	to	Ck# 3655
Recreation Trust	Ck# 738	to	Ck#
Dog Trust	Ck#	to	Ck#
Other Trust	Ck# 736	to	Ck#
Senior Citizen Trust	Ck#	to	Ck#
Outside Services	Ck# 1416	to	Ck# 1417
Unemployment Trust	Ck# 1110	to	Ck#
Open Space Trust	Ck#	to	Ck#
PVL Dam Rehab Asm	Ck# 234	to	Ck#
PVL Dam Rehab Exp	Ck#	to	Ck#
COAH	Ck#	to	Ck#
Sewer Operating	Ck# 113	to	Ck#
Sewer Capital	Ck# 1003	to	Ck# 1004
Developer's Bonds	Ck#	to	Ck#
Road Assessment	Ck#	to	Ck#
Payroll Deduction	Ck#	to	Ck#

RESOLUTION #08-60

**SUPPORTING FARMLAND PRESERVATION PROGRAM AND
GIVES FINAL APPROVAL TO APPLICANT FOR FUNDING**

Be it resolved that the Mayor and Committee of the Township of Vernon, in the County of Sussex, State of New Jersey, does hereby express its support for the Farmland Preservation program and gives final approval of the following application(s) for the 2007 Sussex County funding round.

Be it also resolved that approval is given for this application to be submitted to the State Agriculture Development Committee by the Sussex County Agriculture Development Board for county reimbursement consideration when state funding for farmland preservation is available.

Andrew & Sheila Borisuk Jr.

Block 91, Lot 1
22 acres

A motion was made by Rich Carson to approve the Consent Agenda and the motion was seconded by Jim Oroho.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Jim Oroho, yes; Austin Carew, yes. Motion carried.

RESOLUTIONS FOR SEPARATE ACTION

**RESOLUTION #08-36: AUTHORIZING CHANGE ORDER # 5 FOR A
COST INCREASE IN THE AMOUNT OF \$ 3,077.80 TO PACT
CONSTRUCTION FOR VARIOUS CONSTRUCTION ITEMS
RELATED TO THE CONSTRUCTION OF VERNON TOWN SEWERS,
CONTRACT #3**

WHEREAS, the Township of Vernon entered into a contract with Pact Construction for the construction of Sanitary Sewers, Contract #3 pursuant to Resolution #R07-131, which contract provided for an expenditure of \$1,314,280.00; and

WHEREAS, the contract provides for unit prices and estimated construction quantities for each item; and

WHEREAS, the Township Engineer has been made aware that to date quantities of several items has exceeded the estimated bid quantities, as summarized below; and

WHEREAS, field conditions encountered during construction necessitated that the

contract items below be exceeded; and

WHEREAS, Consulting Engineer, Cerenzio and Panaro, anticipates savings in other portions of the project which will largely, if not entirely, offset the cost of this change order; and

WHEREAS, Consulting Engineer, Cerenzio and Panaro, has calculated the cost of change order #5 to be \$3,077.80, and also notes that additional quantities for the items below will likely be required prior to the completion of the project; and

WHEREAS, Township Engineer, Louis Kneip, PE, has reviewed this change order and recommends that it be approved; and

WHEREAS, the current value of the contract, which includes all previous change orders is in the amount of \$1,264,810.50 will have a cost increase of \$ 3,077.80 for a new net current value of \$1,267,888.30, per the summary below; and

Original Contract Amount (Res.# R07-131)	\$ 1,314,280.00
Change Order #1 (Directional Drilling Sub.)(Res #R07-202)	(\$ 58,125.00)
Change Order #2 (Additional Service Lines)(Res #R07-203)	\$ 1,250.00
Change Order #3 (Excavation 8-12 ft. Depth) (Res #R07-253)	\$ 1,249.50
Change Order #4 (Bank Run) (Res. #R07-254)	\$ 6,156.00
Change Order #5 (Various) (Res. #R08-36)	<u>\$ 3,077.80</u>
Adjusted Contract Amount	\$ 1,267,888.30
Increase/Decrease to date	(\$ 46,391.70)

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

1. A change order is hereby authorized in the total amount of a cost increase of \$3,077.00 to be applied to the total contract.
2. The bid items affected by Change Order #5 are as follows:

Item 1b, Excavation 8-12 ft. depth	\$ 217.50
Item 1c, Excavation > than 12 ft. depth	\$ 180.00
Item 4a, Bank run sand & gravel	\$ 456.00
Item14c, Mulching	\$ 14.30
Item15a, Temporary pavement	\$2,010.00
3. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by Neil Desmond to adopt the above resolution and the motion was seconded by James Oroho.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; James Oroho, yes; Austin Carew, yes. Motion carried.

RESOLUTION #08-52: RESOLUTION OF THE TOWNSHIP COUNCIL OF VERNON APPROVING A GREEN INITIATIVE TO REDUCE EMISSIONS AND IMPROVE THE QUALITY OF LIFE WITHIN THE TOWNSHIP

WHEREAS, Vernon Township is located within the Highlands Region of the State and enjoys natural waterways, greenways and other outdoor recreational areas; and

WHEREAS, in order to protect the environment and the health and welfare of all Vernon residents, it is important that all residents contribute towards conserving and preserving natural resources; and

WHEREAS, residents are encouraged to bike, walk, bus or carpool at least one day a week and explore alternative means for transportation to protect air quality; and

WHEREAS, residents are encouraged to recycle wisely and to buy products made of recycled content, which purchases help to maintain the market value of recyclable

materials and reduces waste materials hauled to landfills, thus conserving fuel while also protecting air quality and reducing traffic; and

WHEREAS, residents are encouraged to conserve energy and conduct an energy audit on their homes in order to determine areas for improvement. Energy specialists can identify areas where energy can be saved at little or no cost. The New Jersey Clean Energy website provides a free online energy audit; and

WHEREAS, residents are strongly encouraged to “build green” and reduce the environmental impact from remodeling or new construction by recycling construction waste, using re-claimed building materials, less toxic materials, paints and finishes, and by designing projects to conserve energy. New and renovated buildings should incorporate LEED /GREEN building practices; and

WHEREAS, residents and employees should review their buildings and try to reduce energy use by installing compact fluorescent bulbs, putting timers and/or motion sensors on lights, closing blinds on windows in the summer months, and ensuring a clean filter system in the HVAC units; and

WHEREAS, residents are encouraged to conserve water, by, among other things, checking bathroom and other fixtures for leaks and planning for efficient summer irrigation. Drought resistant landscaping is encouraged and recommended together with use of hose nozzles with automatic shutoffs when handle is released; and

WHEREAS, residents are encouraged to handle hazardous waste properly, reduce or eliminate use of chemicals and pesticides to fertilize lawns and gardens, garden naturally and dispose of all leftover hazardous waste according to directions on product or at an approved local facility; and

WHEREAS, residents are strongly encouraged to volunteer in the community. The tireless efforts of volunteers play a vital role in protecting and conserving the Township’s natural resources, and help maintain and preserve Vernon Township’s greenway, trail, park and lake areas.

NOW THEREFORE, BE IT RESOLVED, by the Township of Vernon Council that it approves of and encourages a continued effort by all its residents and employees to conserve energy by reducing waste and the carbon footprint of the Township of Vernon to the greatest extent practical.

BE IT FURTHER RESOLVED, that the Township Council, Township Manager and administrative staff should continue to investigate the possible implementation of renewable energy resources for all Township buildings wherever possible and also investigate the use of alternative fuel sources for vehicles.

A motion was made by James Oroho to carry this resolution to a date uncertain, and the motion was seconded by Rich Carson.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; James Oroho, yes; Austin Carew, yes. Motion carried.

RESOLUTION #08-56: AUTHORIZING VERNON TOWNSHIP TO PARTICIPATE IN THE PARIS GRANT RECORDS PURGING PROJECT TO BE SPONSORED BY THE COUNTY OF SUSSEX

WHEREAS, the State of New Jersey has made Public Archives and Records Infrastructure Support (“PARIS”) Grant funds available to assist county and municipal governments in their records management, preservation and storage efforts.

WHEREAS, Vernon Township has completed a Needs Assessment and Records Management Strategic Plan that has been approved by the New Jersey State Records Committee and is now eligible to apply for PARIS Grant funding; and

WHEREAS, the County of Sussex is applying for a 2008 PARIS Grant from the State Division of Archives and Records Management to conduct a Records Purging Project as a shared service for participating Municipalities; and

WHEREAS, Vernon Township desires to participate in the shared services to be provided by County of Sussex Records Purging Project;

NOW, THEREFORE, BE IT RESOLVED by the Vernon Township Committee that Vernon Township shall participate in the PARIS Grant Records Purging Project to be sponsored by the County of Sussex, and, further, that the Township Manager is hereby authorized to take all steps necessary for Vernon Township to participate in the Project.

A motion was made by Neil Desmond to adopt the above resolution and the motion was seconded by James Oroho.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; James Oroho, yes; Austin Carew, yes. Motion carried.

RESOLUTION #08-58: AUTHORIZING CHANGE ORDER #1 TO INCREASE CONTRACT PRICE BY \$8,000 FOR MAPLE GRANGE PARK PROJECT PHASE II DESIGN AND INSPECTION SERVICES CONTRACT WITH HAROLD PELLOW & ASSOCIATES

WHEREAS, the Township of Vernon entered into a contract with Harold Pellow & Associates for design and inspection services for Phase II Maple Grange Park Project, dated September 6, 2006, the contract price of which was \$60,000.00; and

WHEREAS, during design and construction, certain additional costs were incurred that were essential for the completion of the project; and

WHEREAS, Harold Pellow & Associates submitted a request for additional compensation in the amount of \$14,000.00; and

WHEREAS, Township Engineer Louis Kneip, PE, reviewed the request, and found that only \$8,000.00 of this claim is valid; and

WHEREAS, the Township Engineer requested that Harold Pellow & Associates document the additional services performed, which can be reviewed by the Township Council and Manager, said backup documentation is attached to this resolution; and

WHEREAS, the additional services and their respective charges are summarized below;

1. Additional Meetings	\$ 2,010.08
2. Increased Wage Rates	\$ 1,730.26
3. Additional Engineering	\$ 1,403.28
4. Additional Engineering for Underground Detention System	\$ 1,403.28
5. Additional Electrical Design for Scoreboards & Booth	\$ 1,040.00
6. Irrigation Pump Problems, Soil Erosion Permitting, Trees	\$ <u>928.28</u>
TOTAL COST FOR ADDITIONAL WORK ACTIVITIES.....	\$8,000.00

WHEREAS, the current value of the contract of \$60,000.00 will have a cost increase of \$8,000.00 for a net current value of \$68,000.00; and

WHEREAS, the Chief Financial Official has certified the availability of funds for the increase in Account #3093301.

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

1. Change Order #1 is hereby authorized in the total amount of a cost increase of \$8,000.00 to be applied to the original contract dated September 6, 2006.
2. The new contract amount is hereby amended to \$68,000.00.
3. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by Neil Desmond to carry this resolution to a date uncertain, and the motion was seconded by James Oroho.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; James Oroho, yes; Austin Carew, yes. Motion carried.

RESOLUTION #08-61: AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE CONTRACT #3 TO PURCHASE ROAD SALT TO BE UTILIZED BY VERNON TOWNSHIP DEPARTMENT OF PUBLIC WORKS FOR TOWNSHIP OWNED ROADS

WHEREAS, the Township of Vernon has a need to purchase road salt to be utilized on Township-owned roads by the Department of Public Works; and

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

WHEREAS, prices were received through competitive bidding from the Morris County Cooperative; and

WHEREAS, the Township Director of Public Works has reviewed the Morris County Cooperative prices and determined it would be cost effective for the Township to utilize Morris County Cooperative Contract #3 in lieu of public bidding by private contractors; and

WHEREAS, the Director of Public Works recommends that the Township Council pass this resolution authorizing use of the Morris County Cooperative for the purchase of the road salt; and

WHEREAS, the cost estimate for the purchase is \$55,000.00 per the attached cost breakdown; and

WHEREAS, the vendor for the Morris County Cooperative for this purchase is International Salt, Clarks Summit, PA; and

WHEREAS, the Chief Financial Officer of the Township of Vernon has certified the availability of funds for the estimated contract price; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that Morris County Cooperative Contract #3 be utilized to purchase the road salt as listed in the proposal, and that it will be purchased from International Salt, Clarks Summit, PA, in accordance with the attached cost breakdown in the amount not to exceed \$55,000.00.

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

A motion was made by Neil Desmond to approve this resolution, and the motion was seconded by James Oroho.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; James Oroho, yes; Austin Carew, yes. Motion carried.

RESOLUTION #08-62: AUTHORIZING THE USE OF THE SUSSEX COUNTY COOPERATIVE PROGRAM FOR PURCHASE OF SAND (ICE CONTROL MATERIAL) FOR VERNON TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Vernon has a need to purchase a sand (ice control material) to be used by the Department of Public Works for Township Road maintenance; and

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

WHEREAS, prices were received through competitive bidding from the Sussex County Cooperative Pricing Council; and

WHEREAS, the Sussex County Co-op has publicly received bids for this sand (ice control material) and the Sussex County Co-op traditionally receives greater bidder interest and therefore lower prices than the Township of Vernon can receive on its own; and

WHEREAS, the Director of Public Works recommends that the Township Council award the contract for this sand as stated below; and

WHEREAS, the cost estimate for the purchase will not exceed \$20,000.00 per the attached cost breakdown; and

WHEREAS, the vendor for the Sussex County Co-Op Program for this purchase is Diamond Sand and Gravel, Inc., Sparta, NJ; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Sussex County Cooperative Pricing Council Program be utilized to purchase sand (ice control material), and that it will be purchased from Diamond Sand and Gravel, Inc., Sparta, NJ, in accordance with the attached estimate in the amount not to exceed \$20,000.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds; and

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

A motion was made by James Oroho to adopt this resolution, and the motion was seconded by Neil Desmond.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; James Oroho, yes; Austin Carew, yes. Motion carried.

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE NO. 08-03: AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR A PORTION OF THE MCAFEE VILLAGE REDEVELOPMENT AREA AND DESIGNATING THE COUNCIL OF THE TOWNSHIP OF VERNON TO ACT AS THE REDEVELOPMENT AGENCY FOR THE MCAFEE VILLAGE COMMERCIAL/RESORT REDEVELOPMENT AREA AND ESTABLISHING THE MCAFEE VILLAGE COMMERCIAL RESORT ZONING DISTRICT FOR BLOCK 231.01, LOT 1.

The above ordinance was read by title only. A motion was made by James Oroho to introduce the above ordinance on first reading and so advertise with second reading and final adoption on April 24, 2008, and the motion was seconded by Rich Carson.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, no; James Oroho, yes; Austin Carew, yes. Motion carried.

OLD BUSINESS

Mayor Carew stated there is nothing to report.

NEW BUSINESS

The council stated they had nothing to report.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 11:39 p.m.

Respectfully submitted,

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

Presiding Officer