

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING**

April 10, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:25 p.m. on Thursday, April 10, 2008 in the Vernon Municipal Center, Church Street, Vernon, New Jersey. There were 28 interested persons in attendance.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on 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 Thomas Kabin, Esq. (for Michael Witt, Township Attorney). Councilman Glenn McLaughlin previously told the council that he would either be late to the meeting or not in attendance.

COUNCIL COMMENTS

Austin Carew asked for a motion to nominate one of three candidates for Mr. James Oroho's vacancy on the council, to be filled temporarily through Dec. 31, 2008, until a permanent replacement is chosen at the next general election. Councilmember Rich Carson made a motion to nominate Valerie Seufert for the temporary appointment, which was seconded by Neil Desmond. Mayor Carew asked if there was additional discussion and there was none.

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

Ms. Seufert was then sworn in to office by Mayor Carew. Ms. Seufert then took her place among the other council members and Mr. Carew spoke a bit about her background and the skills she would bring to the governing body.

PUBLIC COMMENTS

Jerry Levy, 42 Curtis Drive. Mr. Levy commented on the Woodmont Homes resolution, which Mayor Carew said would probably be tabled for another meeting because the township's regular attorney isn't in attendance and needs more time to review it. Mr. Levy said he would like the contents of the agreement with Woodmont Homes to be made public at a reasonable time prior to when the council reviews it.

Rich Casper, 40 Curtis Drive. Mr. Casper presented photos taken in March, showing the outflow from the Woodmont Homes development. He described the water as being the color of "antifreeze." Mr. Casper said the problem has been going on for three years and he wanted to pose a few questions to council. He asked why the township would enter into an agreement with a developer that's in default of a previous agreement. He said if the town is going to modify the developer's agreement, he hoped the town would consider the environment and put provisions in to protect it, monitor it, and assess the damage. Mr. Casper said Woodmont Homes should fix the damage that's already been done and restore the water to its former, clean state.

Councilmember Desmond stated concerns about how the township should negotiate developers' agreements, vis-à-vis involvement from the council itself, perhaps in the form of a committee. Melinda Carlton said that would be the council's decision to make.

Charlie Blessing, Historic Preservation Commission. Mr. Blessing asked if the council would entertain the possibility of some sort of tax incentive for residents who are willing to obtain municipal historic designation for their property. Mayor Carew asked if that's legal, and Mr. Blessing said it's already being done in other New Jersey towns. If the council is interested at some future point, Mr. Blessing said his group will research the issue and provide draft ordinances.

Mr. Blessing also spoke to the sewer agreement between Intrawest and the township in regards to a rumor of Intrawest not meeting its commitments. Mayor Carew dispelled those rumors, saying that the township manager and attorney are doing an excellent job of monitoring the situation.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie asked if there were any updates on the cost of the town center and sewer projects; he would like to see a summary, to be presented to the public. Melinda Carlton said a special meeting would be scheduled. He also asked about the employee contracts that are due to expire in December of this year. Ms. Carlton said all three contracts are currently in negotiations.

Mr. McClachrie also inquired about the costs associated with #08-08, the acquisition of the Bard property. Mayor Carew said it was piece of property that never should have been sold to begin with and now the Green Acres program wants the town to buy it back.

Mr. McClachrie asked about the bills list and the COAH expenditures in particular. Melinda Carlton requested that questions in terms of the bills list be referred to her personally. She said that all resolutions in the coming months will include specific dollar amounts.

Bernd Hefele, attorney for Woodmont Homes. Mr. Hefele said his client paid for a redesign of the detention basin, which was requested by the Planning Board, prior to the approval. The redesign was done to address the residents' and the township's concerns. Mr. Hefele said the lake is owned by a third party, which has no problem with the condition of the lake. If the third party did have a problem with it, the third party would have a cause of action against the developer, Mr. Hefele said. He added that the degradation of the lake is not the sole result of the development, and that the DEP and the county have agreed with that. Mr. Hefele emphasized that the developer's agreement is not a second round of negotiations or another approval process. Councilmember Neil Desmond said the council understands the distinction, as well as its rights and responsibilities. Mr. Hefele said he would like the council to move on the developer's agreement at the next council meeting, so that construction can begin.

Ira Weiner, 7 Curtis Drive. Mr. Weiner said it's absolutely appropriate for the council to condition the new developer's agreement on cleaning up the lake, regardless of what other studies/reports have shown. He referred the council to the photos that Mr. Casper presented earlier in the meeting. Mr. Weiner said remediating the lake is the fairest course of action for the developer, the town and Vernon residents.

Mayor Carew announced that the council would table the resolution and get advice from the township attorney before taking any action.

Keith Kimkowski, president of PBA Local 285, **and Tom Zabriskie**, state delegate of PBA Local 285. Officers Kimkowski and Zabriskie asked the council why it denied a \$4,000 NJ state grant that would have paid for overtime for Vernon police to enforce the seat belt law, among other traffic enforcement. Mayor Carew felt the grant was redundant in that it would have paid for work the police department should already be doing. Rejecting the grant, Mayor Carew added, would put that money back into the state budget, which is already running

a huge deficit. Officer Kimkowski argued that the program saves lives and brings in revenue to the township, which is more important than returning the money to the state. Councilmember Desmond said he looked at a February report that showed the number of tickets issued to be low, which he said entered into his decision to reject the grant. After Mr. Desmond spoke, Councilmember Rich Carson gave the officers his reasons for supporting the grant.

Mary Ellen Vichiconti, Nutley Avenue, Highland Lakes. Ms. Vichiconti talked about the nuisance-bear problem in her area of the township and around her home in particular, and asked the mayor and the council to consider the severity of it, to protect Vernon residents. She asked if the township would write to Lisa Jackson, the commissioner of the state EPA, to express concern about the situation, which she classified as serious. Mayor Carew said he would ask Township Manager Melinda Carlton to craft a letter to Ms. Jackson. Councilmember Neil Desmond added that it might be worth inviting Ms. Jackson here to see evidence of the wildlife issues and hear the concerns firsthand. Councilmember Rich Carson agreed.

Vincent Zinno, 10 Jenny Lane. Mr. Zinno, a 26-year resident of Vernon and the owner of a home-remodeling business in town, voiced concerns about some of the current zoning ordinances, which he said are unrealistic and very restrictive. He said he's having trouble obtaining permits for decks, porches and additions in established neighborhoods, because of changes in setback distances. This makes it difficult for people who want to stay in their homes and upgrade them to do so, Mr. Zinno explained. By reducing the setbacks and streamlining the documentation process that homeowners have to go through, Vernon could increase its tax revenues and keep people from relocating out of the township. Mr. Zinno offered to discuss with the council the trends and designs that homeowners are currently requesting.

Melinda Carlton asked Mr. Zinno to give her a call, so that she could get his information and flesh things out a little more. Councilmember Seufert verified that what Mr. Zinno said is true: Just about everyone in the township has a problem putting in a deck or a small addition because of the current setbacks, and that it would be nice to be able to make things easier on residents who enjoy their homes and want to stay in Vernon.

Before closing the meeting to the public, Mayor Carew acknowledged newly elected freeholder, Phil Crabb, and current freeholder Glen Vitrano, who had to leave the meeting early for a prior engagement.

CHANGES TO THE AGENDA

Other than the change to swear in Councilmember Valerie Seufert at the beginning of the meeting, there were no further changes to the agenda.

MANAGER'S COMMENTS

Melinda Carlton said the D.O.G.S. group's request for a one-day permit for Earthfest would go through the zoning officer and she would sign off on it. Ms. Carlton said she would schedule a special meeting on the budget for some time after April 21st. She also has a request from the Vernon Fire Dept. to have the Vernon DPW transplant some evergreen trees from township property on Sand Hill Rd., to the Fire Department property, to put a "screen" between Main Street and the back of the firehouse. This request should go to the Planning Board, Ms. Carlton said, to coordinate everything and make it compatible.

Ms. Carlton said she and Councilmember Desmond participated in a discussion updating them on the progress of Maple Grange Park. Construction should be finished within four weeks, Ms. Carlton reported. Mayor Carew said there may be more opportunities, with real estate prices down somewhat, to acquire more land in that area through the Green Acres program.

Ms. Carlton said discussions continue regarding a restructured workweek, which will produce cost savings on utilities, etc. Nothing will be finalized, however, until Ms. Carlton has figures on the projected cost savings.

There was also discussion among Ms. Carlton and the council of recognizing weeks (or months) devoted to domestic-violence prevention, myasthenia gravis, motorcycle safety, etc.

ATTORNEY'S REPORT

There was no attorney's report this evening.

DISCUSSION OF NEW ORDINANCES

ORDINANCE #08-08; AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT BLOCK 184.02 LOT 7 IN THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, FROM GEORGE V. BARD

The council asked Mr. Lou Kneip, Township Engineer, to verify the location of this property. Mr. Kneip said it's off of Route 94 South, just past Black Creek Drive.

APPROVAL OF MINUTES

The following minutes were presented for approval: Regular Meetings of Nov. 15, 2007, Nov. 26, 2007, and March 27, 2008; the Reorganization Meeting of Jan. 1, 2008; and Executive Sessions for Nov. 15, 2007 and March 27, 2008. A motion was made by Neil Desmond to approve the above minutes and the motion was seconded by Rich Carson (for 2008 only). Mr. Carson and Ms. Seufert asked to excuse themselves from the vote for the 2007 minutes because they were not council members at that time.

A roll call vote was taken. Rich Carson, yes (for 2008 only); Neil Desmond, yes; Valerie Seufert (abstain); Austin Carew, yes. Mayor Carew said that the Nov. 15 and Nov. 26 minutes (including Executive Session for Nov. 15) would be carried to the next council meeting.

Melinda Carlton announced that special meetings were upcoming regarding the Town Center, the health department, the sewer project, and the budget. Dates will be forthcoming. The health department and the budget will likely be the first two meetings, Ms. Carlton said.

CONSENT AGENDA

RESOLUTION # R08-80

TAX OVERPAYMENTS

WHEREAS, DUPLICATE PAYMENTS were made on the First quarter **2008** 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>
103.04	25	Homeselect Settlement % First American RETxSr Re: Wellema, Deborah #0257201182	\$ 1,483.20	1 st	55 Cedar Tree Dr
73.06	43	Chase Home Finance LLC % First American RETxSr Re: Storey, Daniel Jr #1101864021	\$ 1,507.92	1 st	9 Evergreen Rd

190.12	7	Vonderhorst, James W & Michele P % Carlos Sanchez Esq.	\$ 2,582.21	1 st	11 Cecilia Ct
268.25	49	Costa, Gary & Jeanine	\$ 1,140.21	1 st	46 Black Oak Dr
173.01	16	Countrywide Home Loans Re: Pulgar, Marta #126747599	\$ 2,354.58	1 st	3 Tompkins Ct
205.18	59	CitiMortgage Inc. % First American RETxSr Re: Fetzner, Curt E & Mary Ellen #0650791595	\$1,254.54	1 st	227 Pohatcong Road
199.08	7 C0352	Chase Home Finance LLC % First American RETxSr Re: Giaquinto, Susan #1990329090	\$602.55	1 st	6 Davos Dr U8

and,

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector and the Township Treasurer.

RESOLUTION #R08-81

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK 269.08 LOT 3 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 269.08 Lot 3 was 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 269.08 Lot 3 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 Block 269.08 Lot 3 due and owing under the referenced special assessment.
3. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #R0-8-82

Resolution –Authorizing the Approval of Bills List

Be it resolved that the following bills lists are hereby approved:

Current	ck# 28700	to	ck# 28731
Current	ck# 999	to	ck# 999 (wire transfer) Pers & Pfrs
Current	ck# 28733	to	ck# 28786
Capital	ck# 2477	to	ck# 2478
Capital	ck# 2479	to	ck# 2481
Capital	ck# 2482	to	ck#
Grant	ck# 28732	to	ck#
Grant	ck# 28787	to	ck# 28791
Planning & Zoning	ck# 3684	to	ck# 3689
Planning & Zoning	ck# 3690	to	ck# 3697

Recreation Trust	ck# 744	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck#	to	ck#
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck# 1428	to	ck#
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# 1016	to	ck# 1017
Sewer Capital	ck# 1018	to	ck#
Developer's Bonds	ck#	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#

Payroll Checks	ck# 32077	thru	ck#32131 (1st pay in April)
Payroll Deduction	ck# 2889	thru	ck#2896
Total Payroll	\$327,694.88		

Payroll Checks	ck#32132	thru	ck#32134 (Dispatch Uniform Allowance)
Total Payroll	\$3,767.75		(Dispatch Uniform Allowance)

RESOLUTION # R08-84

**EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
NJSA 40A:4-20**

WHEREAS, an emergent condition has arisen with respect to unexpected expenses for consulting services for sewer operating and no adequate provision was made in the 2008 sewer operating temporary budget for the aforesaid purpose, and NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned , and

WHEREAS, the total emergency temporary resolutions, adopted in the year 2008, pursuant to the provisions of NJSA 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$ 40,000.00,

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members therefore affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. The following Temporary Emergency Appropriation is hereby made.

Sewer Operating	
Other Expenses	\$40,000.00

2. That said emergency temporary appropriation shall be provided for in full in the 2008 Sewer Operating Budget, under the title of: Operating - Other Expenses
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION #08-89

TAXICAB LICENSE

BE IT RESOLVED by the Township Council of the Township of Vernon that all documentation and insurance information is in order and the necessary inspection of the vehicle has been performed by the Police Department and that approval is hereby granted for a Taxicab License for Anna M. Hagen, 16 Old Coach Road, Vernon, New Jersey 07462.

A motion was made by Rich Carson to approve the Consent Agenda, amended to remove the bills list, and the motion was seconded by Neil Desmond. Mr. Desmond asked to discuss the bills list in Executive Session.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, no; Valerie Seufert, abstain; Austin Carew, yes. Motion carried.

RESOLUTIONS FOR SEPARATE ACTION

Resolution #R08-79

AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH CERENZIO & PANARO, P.C.

WHEREAS, there exists a need for professional services for the Township of Vernon in the matter of Professional Engineering Services for the Evaluation of Purchase of United Water Sewerage Facilities ; and

WHEREAS, Cerenzio & Panaro, P.C., possesses the requisite training, expertise and experience required to provide said services; and

WHEREAS, Vernon desires to appoint Cerenzio & Panaro, P.C. pursuant to a contract under the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

WHEREAS, Cerenzio & Panaro, P.C. has presented a proposed Scope of Services and Fee Schedule attached hereto with respect to consulting engineering services for the period beginning on the date shown above; 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, the value of the contract will exceed \$17,500.00 and shall not exceed \$38,000.00 as per attached agreement; and

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

WHEREAS, Cerenzio & Panaro, P.C., has submitted a Business Entity Disclosure Certification in compliance with law.

NOW THEREFORE BE IT RESOLVED, this 10th day of April, 2008, by the Council of the Township of Vernon, County of Sussex, State of New Jersey as follows:

The Township of Vernon is authorized to engage Cerenzio & Panaro, P.C., for the purpose of Professional Engineering Services for the Evaluation of Purchase of United Water Sewerage Facilities.

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Professional Services Contract with Cerenzio & Panaro, P.C.

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 Neil Desmond to adopt the above resolution and the motion was seconded by Rich Carson. Prior to a roll call vote, Austin Carew voiced a couple of concerns regarding the dollar figures in terms of similar contracts, which Melinda Carlton addressed.

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

Resolution #R08-83

AUTHORIZATION TO ENDORSE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO THE NJDEP FOR SANITARY SEWER IMPROVEMENTS FOR THE DAY LODGE AT MOUNTAIN CREEK RESORT, INC.

WHEREAS, Mountain Creek Resort, Inc., which exists within Vernon Township, has the need to apply for a Treatment Works Approval from the NJDEP for sanitary sewer system improvements for the proposed Day Lodge project; and

WHEREAS, the Vernon Township Planning Board has given Preliminary and Final Site Plan and Amended Preliminary and Final Major Subdivision for the Day Lodge; Block 183, proposed lots 12.01 & 12.02, Block 184, proposed lots 13.01, 13.02 & 13.03 Block 190, proposed lots 9.01 10.03 & 10.04;

WHEREAS, Mountain Creek Resort Inc. has requested that Vernon Township endorse the Treatment Works Approval (TWA) application to be submitted to the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, Mountain Creek will pay for the entire cost of the Sanitary Sewer Improvements for the proposed Day Lodge; and

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

1. The Township will endorse the Treatment Works Approval (TWA) application for this project on the NJDEP WQM-003 form.
2. The Township Manager is hereby authorized to sign the TWA application on behalf of the Township.
3. This resolution shall be made part of the application and submitted to the NJDEP.
4. This resolution shall take effect immediately upon adoption according to law.

A motion was made by Rich Carson to adopt the above resolution and the motion was seconded by Neil Desmond.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, abstain; Austin Carew, yes. Motion carried.

Resolution #R08-85

ENDORSING THE SUBMISSION OF THE 2007 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

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

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

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

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

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

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

A motion was made by Neil Desmond to adopt the above resolution and the motion was seconded by Valerie Seufert. Melinda Carlton explained that this resolution provides for a reimbursement to the township based on the tonnage that it recycles.

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

Resolution #R08-86

AUTHORIZING TEMPORARY APPOINTMENT OF VALERIE SEUFERT TO FILL VERNON TOWNSHIP COUNCIL VACANCY CREATED BY JAMES OROHO

Councilmember Seufert was sworn into office prior to the Public Comments portion of the meeting, as noted earlier in this document.

Resolution #R08-87

AUTHORIZATION TO EXECUTE A DEVELOPER'S AGREEMENT WITH WOODMONT HOMES, INC. BLOCK 192 LOTS 9& 10, BLOCK 192.04 LOT 5

WHEREAS, Woodmont Homes, Inc. received Planning board approval for Preliminary Major Subdivision dated August 28, 1991 and Final Major Subdivision on December 10, 2003 on Block 192 Lots 9 & 10 and Block 192.04 Lot 5; and

WHEREAS, the Planning Board granted an Amended Major Subdivision approval for said property on June 13, 2007; and

WHEREAS, the Township Engineer requires a Developer's Agreement for the remainder of the Site Improvements for the Final Major Subdivision as per the approved Final Plat dated March 23, 2008 prepared by R. Henry Huelsebusch, P.E.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, does hereby authorize the Mayor and Township Clerk to execute a Developer's Agreement with Woodmont Homes, Inc. for property known as Block 192 Lots 9 & 10 Block 192.04 Lot 5 as shown

on the Tax Map of the Township of Vernon pursuant to the Planning Board Resolution adopted on June 13, 2007, a copy of which is on file in the office of the Township Clerk.

This resolution shall take effect immediately upon adoption according to law.

Mayor Carew made a suggestion to table Resolution #08-87 until the township's attorney could be consulted. The council agreed.

Resolution #08-88

AUTHORIZING EXECUTION OF AMENDMENT TO EMPLOYMENT AGREEMENT OF TOWNSHIP MANAGER DATED SEPTEMBER 24, 2007

WHEREAS, on September 24, 2007, the Township of Vernon executed an Employment Agreement with Melinda Carlton for the position of Township Manager (the "Agreement"), which Agreement was executed by Ms. Carlton on October 1, 2007; and

WHEREAS, pursuant to Compensation, Section 5 of the Agreement, and as a material part of Ms. Carlton's agreed-to overall compensation as Township Manager, Ms. Carlton is authorized to participate in the Township's Section 457 Deferred Compensation Plan; and

WHEREAS, at the time the Agreement was executed, the Section 457 Deferred Compensation Plan was administered by the ICMA Retirement Corporation ("ICMA"), and was so specifically referenced in the Agreement; and

WHEREAS, ICMA is no longer the Township's Section 457 Deferred Compensation Plan administrator; and

WHEREAS, pursuant to the terms of the Agreement, as well as to its spirit and intent, the Township and Ms. Carlton wish to amend the Agreement to authorize for Ms. Carlton's participation in the Township's Section 457 Deferred Compensation Plan regardless of that Plan's administrator, as set forth in the proposed Amendment to Employment Agreement of Township Manager Dated September 24, 2007 attached to this Resolution; and

WHEREAS, pursuant to the terms of the Agreement, the Agreement may only be modified by a subsequent writing executed by the parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor is hereby authorized to execute the Amendment to Employment Agreement of Township Manager Dated September 24, 2007, as attached to this Resolution, providing for the participation of Melinda Carlton in the Township's Section 457 Deferred Compensation Plan regardless of that Plan's administrator.

A motion was made by Neil Desmond to adopt the above resolution and the motion was seconded by Rich Carson.

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

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #08-08

AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT BLOCK 184.02 LOT 7 IN THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, FROM GEORGE V. BARD

Mayor Carew opened discussion on this ordinance to the public.

Tom McClachrie, Vernon Taxpayers Association. At Mr. McClachrie's request, Melinda Carlton went over the timeline regarding ownership of the Bard property, including dates and sales prices. Mayor Carew explained that the town had no real right to sell this property and must buy it back if it intends to remain in the Green Acres program.

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

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

SECOND READING AND PUBLIC COMMENTS

ORDINANCE #08-05; ORDINANCE AMENDING A BOND ORDINANCE IN THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, HERETOFORE ADOPTED ON DECEMBER 11, 2000 (#0033)

Mayor Carew opened discussion on this ordinance to the public.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie asked about the amount of money allocated to consultants' fees (i.e., "soft costs"), which was \$500,000 and will now increase to \$800,000. Mayor Carew said that the additional \$300,000 will cover the larger-than-expected consultancy fees, but the \$800,000 is part of the original bond amount and not an expenditure of additional dollars. It is a reallocation of the funds. Moreover, Mayor Carew said that the entire bond is being paid by Mountain Creek and not by the township. Mr. McClachrie contended that the \$800,000 now represents about 30 percent of the total amount of the bond for soft costs, which he said is a bit higher than the customary 25 percent.

A motion was made by Rich Carson to approve the above ordinance and the motion was seconded by Neil Desmond.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, abstain; Austin Carew, yes. Motion carried.

ORDINANCE #08-06; CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Melinda Carlton said this ordinance amends the original ordinance to make sure the figures were correct. A small discrepancy in the figures was discovered by Tom McClachrie, Vernon Taxpayers Association, and this ordinance corrects that.

Mayor Carew opened discussion on this ordinance to the public.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie argued that any rate increases in the budget should be put out to a referendum. The law allows for that, he says. But that will not be possible for this year due to the timing of the budget, he added. However, under normal circumstances, the public should be allowed to vote on it.

A motion was made by Neil Desmond to approve the above ordinance and the motion was seconded by Rich Carson.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, abstain; Austin Carew, yes. Motion carried.

ORDINANCE # 08-07: AN ORDINANCE PROHIBITING SEX OFFENDERS FROM RESIDING AND/OR LOITERING NEAR CERTAIN FACILITIES WHERE CHILDREN CONGREGATE

Mayor Carew opened discussion on this ordinance to the public.

Ira Weiner, 7 Curtis Drive. Mr. Weiner suggested that the ordinance should have a severability clause that will prevent the whole ordinance from being thrown out if one or more portions of it come under challenge and are found to be unenforceable. Township attorney Thomas Kabin said the ordinance could be adopted as amended this evening with a severability clause. It's a pro forma that's generally included in a lot of ordinances, he said. The council discussed some other concerns with regard to how this ordinance impacts employees in the township who may not live in Vernon. Councilmember Desmond said the town may, at some point, want to get the input and expertise of law enforcement (police chief, prosecutor, etc.). However, the council agreed at this stage it would be best to proceed with the ordinance, get it on the books, and tweak it later as necessary to make it more airtight. Mr. Kabin agreed with this strategy.

A motion was made by Neil Desmond to approve the above ordinance and the motion was seconded by Rich Carson.

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

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Carew asked the council for a motion to approve the following appointments to the Plan Endorsement Committee.

A. Plan Endorsement Committee

1. Austin Carew, Mayor
2. David Gornstein, Planning Board Member
3. Melinda Carlton or designee, Township Manager
4. Mary Emilius, Member of Public
5. Kevin Jones, Member of Public
6. Charles Blessing, Historic Commission
7. Mike Furrey, Environmental Commission, optional member
8. Gino Misciagna, Zoning Board, optional member

A motion was made by Valerie Seufert to approve the above appointments and the motion was seconded by Neil Desmond.

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

B. Recreation Board

1. Dave Bower

A motion was made by Neil Desmond to approve the appointment of Mr. Bower and the motion was seconded by Valerie Seufert.

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

C. PAC – Sussex County Water Quality

1. Lou Kneip, Director of Planning & Development

A motion was made by Rich Carson to approve the appointment of Mr. Kneip and the motion was seconded by Valerie Seufert.

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

OLD BUSINESS

Mayor Carew read a letter from the Department of Community Affairs (DCA) regarding change orders for work projects in the township. The DCA declined to do the onsite audit requested by the township, saying it would be best conducted by municipal employees or an independent auditor.

In another discussion, the council agreed to craft a resolution in support of keeping High Point State Park open. (It's scheduled to close this summer because of state budget cuts.)

Mayor Carew talked a bit about the Beautification Committee, which has a meeting scheduled for Monday, April 14th. On that evening, the Committee planned to get a van and take a "road trip" around Vernon, to view the town (and videotape it) as a visitor or tourist would see it. Melinda Carlton said she was excited about this committee from both a municipal and economic-development standpoint, and that the township needs to re-examine the property ordinances in terms of bringing a cleaner, more-cohesive look to the community. Mayor Carew would like to create an action committee to secure more grants that can address the "greening of Vernon."

Mayor Carew also asked Melinda Carlton to send a letter to Senator Oroho's office, to thank the senator for his fiscal responsibility during a very difficult time for the state. The council agreed that Ms. Carlton should craft and send such a letter.

There was also discussion of an Economic Development Committee, drawing on resources from within the community. Mayor Carew said there is a great number of talented people right here in Vernon that the township could call upon to help.

Mayor Carew suggested that the county could keep the council better updated on the progress of the work on County Route 515. The council expressed particular concern in regard to the area near the A&P in terms of deliveries to the store and in terms of how well emergency vehicles will be able to negotiate through the construction. Township Engineer Lou Kneip spoke to those concerns and what he believed to be the county's intentions in that area. There followed a lengthy discussion regarding the history and progress of the project. Councilmember Desmond concluded by saying that what is currently in the area of the A&P on County Route 515 is very different from what the county engineers initially presented to the township. Mr. Desmond noted that he sat on the Planning Board during the time of those initial presentations.

Valerie Seufert suggested that there should be a sign to the effect of "Traffic Signal Ahead" as a warning to out-of-towners coming down County Route 515 in the area of the A&P. Mr. Kneip said this was a valid request, which he would like to discuss with the county engineer's office. Further discussion ensued regarding the southern median across from the A&P and the potential problems it poses. The council was addressed by Sussex County Freeholder Bill Crabb, who said he would relay the council's concerns to the county engineer's office. Mr. Kneip reiterated the fact that the county has been in close contact with the township and that it has not "shut us out."

NEW BUSINESS

Mayor Carew formally introduced new Sussex County Freeholder Bill Crabb to the council and residents, and thanked him for coming to Vernon this evening.

EXECUTIVE SESSION

At 10:10 p.m., Councilmember Neil Desmond made a motion to close the meeting to the public and enter Executive Session for reasons of personnel matters and advice of counsel. The motion was seconded by Rich Carson, with all in favor.

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 as follows: personnel matters and advice of counsel.
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

After coming out of Executive Session, Councilmember Desmond made a motion to approve the bills list. The motion was seconded by Rich Carson, with all in favor.

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 Valerie Seufert.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:50 p.m.

Respectfully submitted,

Dennis G. Murray
Acting Municipal Clerk