

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING**

April 24, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:16 p.m. on Thursday, April 24, 2008 in the Vernon Municipal Center, Church Street, Vernon, New Jersey. There were 26 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

See note below.

ROLL CALL OF COUNCIL

The roll call of council was called and Richard Carson, Valerie Seufert, and Austin Carew answered the call. Also present were Melinda Carlton, Township Manager, and Michael Witt, Township Attorney. Councilmembers Neil Desmond and Glenn McLaughlin previously told the council that they would not be in attendance.

CHANGES TO THE AGENDA

Mayor Carew entertained a motion to move the appointments to boards and commissions before the rest of the agenda. Councilmember Rich Carson made a motion, which was seconded by Councilmember Valerie Seufert.

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

A further motion was then made by Councilmember Seufert to appoint Rev. Robert F. Solon, Jr. to the Historic Preservation Commission. The motion was seconded by Councilmember Carson, who endorsed Rev. Solon's application to the Commission.

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

Mayor Carew then administered the oath of office to Rev. Solon.

PUBLIC COMMENTS

Roger W. Thomas, with the law firm of Dolan and Dolan. Mr. Thomas addressed the council regarding the acceptance of some open space on Lake Walkkill Rd. He said it is a matter that has been going on for the "better part of a year and a half to two years." He is appearing before the council to get something moving on a final site plan to bring before the Zoning Board of Adjustment. The second issue he brought up was in regard to detention facilities, which he said has been brought before the council in the past. At this time, Councilmember Seufert stated that Mr. Thomas' client, Ms. Sally Rinker, is a business client of hers, at her employer. As advised by Township Attorney Michael Witt, Ms. Seufert recused herself from any further discussion and left the courtroom. Mr. Witt then informed the council that he will be setting up a meeting, to be held as soon as possible, between himself and Mr. Thomas, Ms. Rinker, Township Manager Melinda Carlton, and Township Engineer Louis Kneip. Mr. Thomas emphasized that he would like to have a meeting within two weeks so that progress can be made and the situation resolved. Mayor Carew apologized to Mr. Thomas for any inconvenience to him or his client.

Salute to the Flag: At this time, it was brought to the attention of Mayor Carew that he had not led the assemblage in a salute to the flag, so this was done when Councilmember Seufert returned to the courtroom.

Rich Casper, 40 Curtis Drive. Mr. Casper asked whether Resolution 08-87 (Woodmont Homes) would be open for comment, and Mayor Carew said he would have an opportunity to speak before the taking of the roll call vote.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie asked questions about the fees involved with Resolution 08-91 (Risk Management contract). Ms. Carlton said there was not a cost to the township, and that the costs are part of the broker's fee. Mr. McClachrie also asked about the group insurance figure in Resolution 08-93 (Temporary Budget) in relation to the portion that is excluded from the non-cap portion of the budget. Ms. Carlton said she would also get this information for Mr. McClachrie.

Mr. McClachrie also talked about the letter Mayor Carew received from the Division of Community Affairs, which stated the DCA would not do an audit of the township's finances. In addressing the council, Mr. McClachrie disagreed with the DCA's position, adding, "You're going to be coming back to us this year, asking for money at the same time we're paying more for gas, bread, milk, eggs. Our costs are going up and yet you folks are not justifying the money that we (taxpayers) send down here." Mayor Carew explained that the township does indeed have a severe shortage of money combined with a lot of ongoing, fixed expenses—salaries, pensions, insurance, etc. He thanked Mr. McClachrie for the information, and for the challenges he has presented to the council over the years, and pledged the council's commitment to putting things back on track. "Unfortunately, we're going to have to cut services," Mayor Carew said. "We don't have any choice." Mr. McClachrie said if there have been cost-cutting strategies, the public has not been aware of them. Mayor Carew pledged more accountability and transparency in the future. Mr. McClachrie asked the council to ask the state Comptroller's Office to do an audit of the township's finances and Mayor Carew thanked him for his suggestion.

ITEMS FOR DISCUSSION

Presentations and Special Items

Cerenzio & Panero – United Water Sewer Acquisition. Township Engineer Louis Kneip said that Cerenzio & Panero was hired to do a detailed, in-depth study of the system, including both its financial viability and its physical condition, for presentation to the council. Mr. Cerenzio stated that his firm also looked at the viability of the Town Center sewer system and program, in terms of self-sustainment. Mr. Cerenzio added that, on the previous evening, the Sussex County Board of Freeholders approved the financing and bonding for the Phase III Upper Wallkill Treatment Plant expansion and upgrade to serve the Town Center. That leaves one more approval to secure—from the Local Finance Board on May 14—but Mr. Cerenzio does not anticipate a problem. "Once we get that approval, if Vernon authorizes us to proceed with awarding the bids, we're on our way," he said.

Edward Enright and Robert Collins from Cerenzio and Panero then gave a complete presentation on the condition of the United Water system, including the areas it serves and the location of various pump stations. They also shared with the council photos showing several damaged manholes (of a total of 286 manholes in the system) and the details of lift stations and lift-station control panels. Mr. Enright and Mr. Collins spoke to the extent of the manhole damages and how, if not addressed, they could lead to higher costs for the township and, in turn, for customers on the system. Mr. Collins said United Water's operator has been made aware of these issues, so they can be remedied. Despite the system's deficiencies, the physical assets are in very good condition overall, Mr. Collins added.

Mr. Enright discussed his firm's independent analysis of United Water revenues in 2007, which included new connections to the system. Specifically, the revenue breakdown was \$692,000 from metered residences, and \$145,000 from commercial establishments. Mr. Enright discussed other details of the system's revenues and expenses, the figures of which he provided to the council in a spreadsheet handout. He emphasized that the projections were intentionally on the conservative side: "We erred on the high side on expenses and on the low side on revenues," Mr. Cerenzio explained.

Councilmember Seufert asked what the cost of replacing an entire pump station would be if one of them failed, and the answer was “about \$250,000.” She asked about the expected longevity of the existing stations and was told that none of them would likely have to be replaced in the next five to 10 years, though they may need upgrades (alarm systems, piping, electrical, etc.), which would cost far less than a total replacement. “The system should give you a long life with normal remedial measures and maintenance,” Mr. Cerenzio reported. “It appears from an economic standpoint that it is self-sustaining and can support itself without a subsidy from the town.”

Mr. Cerenzio followed his associates’ presentation with a highly detailed discussion of the financing mechanisms for sewer system improvements, to provide the capacity to serve the Town Center, and how those costs “get relayed back to Vernon to wind up as a user charge.” He also presented projections from 2010 to 2025, for new connections. Again, he emphasized that the figures for billing purposes were on the conservative side. Mr. Cerenzio also discussed transmission fees that would be charged to the township if the United Water system was *not* acquired.

Mr. Cerenzio also talked about the types of bonds that would be issued to finance the Town Center sewer system—capital appreciation bonds, which would allow the township to slowly increase the level of debt service as the build-out occurs. He mentioned, too, that if at any time there’s a deficiency of revenues vs. expenses, “Mountain Creek has to subsidize that differential.” Mr. Cerenzio added that there would be some economies of scale if the township managed both the Town Center sewer system and the United Water system, though “either one is self-sufficient on its own.”

Mr. Cerenzio said he would be willing to go over the numbers in more detail with Lou Kneip, Melinda Carlton, and others before finalizing a report on the United Water acquisition. He would do the same for the Town Center as a stand-alone system, and a third report could cover the pros and cons to the township of owning both systems. In closing, Mr. Cerenzio asked if the council has made a decision regarding a resolution authorizing the awarding of bids, and Melinda Carlton said that the resolution would appear on the agenda for May 8.

Lou Kneip handed out a memo outlining the sewer system costs, with a map of the sites that have been built to date. He then briefly went through the costs, and timetable for further construction, for the benefit of the council. Again, these costs will be paid for by Mountain Creek, Mr. Kneip reiterated.

Ira Weiner, 7 Curtis Drive. First, Mr. Weiner explained that the township is entitled to keep any surplus funds from the United Water system, even if Mountain Creek ran deficits for several years in a row. There is no adjustment to Mountain Creek, Mr. Weiner said, based on earlier negotiations he was involved in. Second, if the town owns both systems and there’s a deficit in the operating costs on the United Water system, Mountain Creek is still obligated to cover it. Mr. Weiner also mentioned that if something breaks and needs to be fixed, the users will be the ones to ultimately bear the cost of the repairs. Nevertheless, he said the council should seriously consider purchasing the system not only because it gives the township more control, but because there is an obligation to go forward under the agreement with Mountain Creek.

MANAGER’S COMMENTS

Melinda Carlton said the township normally receives a \$150,000 grant from the New Jersey Department of Transportation and the township contributes \$50,000-\$100,000 of its funds to it. For 2009, Ms. Carlton said Mr. Kneip is suggesting we submit an application for \$150,000 to offset our portion of the reconstruction costs of the intersection of Route 517 and Maple Grange Road. The township has budgeted for its portion for 2009 in the amount of \$348,000, Ms. Carlton said. If the township receives the grant, it would reduce Vernon’s obligation to \$198,000. The council agreed this grant was worth pursuing. A second grant, covering a bike path, was applied for but was denied. Ms. Carlton suggested forgoing that grant this year because of the related cost of purchasing right-of-ways, etc., and the time it would take to apply for the grant. That would postpone plans for the bike path for the time being. Mr. Kneip then provided the council

with details of the present and proposed route of the bike path. In his opinion, the state seems to be awarding bike-path grants to more-urban areas rather than more-rural areas.

Ms. Carlton then handed out a draft copy of a fee ordinance to the council. She explained that she would like the council to pass this new initiative as soon as possible to "increase revenue and make our fees commensurate with those of surrounding communities." Ms. Carlton also circulated copies of a report requested by the council and prepared by Mr. Kneip, which provided a comparison of the contracts from Hatch Mott McDonald and Cerenzio & Panero.

Ms. Carlton also mentioned that she has identified employees/positions among the municipal staff that could potentially be subject to layoffs. "I've been a public administrator for 26 years, and I've never been through a budget any more difficult than this one," she said. Many of the proposed cuts are now in the realm of "community policy," Ms. Carlton stated, meaning they will have to go before the council for its decision. (The township's recycling program is one example of this.) Ms. Carlton added that it was imperative to have a Budget Work Session, which she suggested be held on May 8 at 4 p.m., prior to the scheduled Town Council meeting. The council members who were present agreed to this date and time. Moreover, Councilmember Seufert suggested that *all* special meetings be held on the same day as regular council meetings, to avoid possible personal conflicts with other dates.

ATTORNEYS COMMENTS

There was no attorney's report this evening.

APPROVAL OF MINUTES

The following minutes were presented for approval: Regular Meetings of Nov. 15, 2007, Nov. 26, 2007, Dec. 10, 2007, and April 10, 2008; the Special Meeting of Jan. 31, 2008; and Executive Sessions for Nov. 15, 2007 and April 10, 2008.

A motion was made by Councilmember Carson and seconded by Councilmember Seufert to table the approval of minutes until the May 8th meeting, when a vote could be taken by the full council.

A roll call vote was taken to table the minutes to May 8, 2008. Rich Carson, yes; Valerie Seufert, yes; Austin Carew, yes. Motion carried.

CONSENT AGENDA

RESOLUTION # R08-92

Resolution –Authorizing the Approval of Bills List

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

Current	ck# 28792	to	ck# 28831
Current	ck# 28833	to	ck#
Current	ck# 28834	to	ck# 28890
Capital	ck# 2483	to	ck# 2484
Capital	ck# 2485	to	ck# 2488
Grant	ck# 28832	to	ck#
Grant	ck# 28891	to	ck#
Planning & Zoning	ck# 3698	to	ck# 3703
Recreation Trust	ck# 745	to	ck#
Recreation Trust	ck# 746	to	ck#
Recreation Trust	ck# 747	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck# 741	to	ck# 743
Other Trust	ck# 744	to	ck#
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck# 1429	to	ck# 1430
Unemployment Trust	ck#	to	ck#
Open Space Trust	ck#	to	ck#
PVL Dam Rehab Asm	ck#	to	ck#

PVL Dam Rehab Exp	ck# 1002	to	ck#
COAH	ck# 218	to	ck#
Sewer Operating	ck#	to	ck#
Sewer Capital	ck# 1019	to	ck#
Developer's Bonds	ck#	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#
Payroll Checks	ck# 32135 thru	ck#32189	(2nd pay in April)
Payroll Deduction	ck# 2897 thru	ck#2910	
Total Payroll	\$368,588.28		

RESOLUTION #R08-95

**AUTHORIZING THE CANCELLATION
OF OUTSTANDING CHECKS OVER SIX MONTHS OLD
TO MUNICIPAL CASH BALANCES**

WHEREAS, the Chief Financial Officer has determined that the following township checks have been outstanding for a period in excess of six months:

<u>Check #</u>	<u>Amount</u>	<u>Date of Issue</u>
MUNICIPAL COURT		
1190	\$ 10.00	5/9/07
1220	\$ 2.00	8/9/07
1230	\$ 1.00	9/12/07
1231	\$ 1.00	9/12/07
1243	\$ 1.00	10/11/07
PLANNING AND ZONING		
3434	\$ 10.00	6/29/07
CURRENT		
25992	\$ 5.00	4/10/07
26926	\$ <u>135.00</u>	8/8/07
TOTAL	\$ 165.00	

THEREFORE, be it resolved that the above outstanding checks be restored to the township cash balances.

A motion was made by Councilmember Carson to approve the Consent Agenda, and the motion was seconded by Councilmember Seufert.

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

RESOLUTIONS FOR SEPARATE ACTION

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.

A motion was made by Councilmember Carson to adopt the above resolution and the motion was seconded by Councilmember Seufert. Prior to a roll call vote, Councilmember Carson asked about what safeguards are in place for further protection of the lake. Mr. Kneip explained that a third detention basin has been required before the next phase of construction can begin. The functionality of the other two basins has also been reviewed, by Mr. Kneip in conjunction with the builder's engineer. Councilmember Carson asked for further clarification on the contract, and attorney Mike Witt said this discussion should be saved for executive session. Councilmember Seufert asked questions about the bonding of the project and the maintenance guarantee mentioned in the agreement, which Mr. Kneip addressed.

Mayor Carew opened the meeting to the public before entering executive session.

Jerry Levy and Rich Casper, residents of Curtis Drive. Mr. Levy and Mr. Casper thanked the council for a copy of the developer's agreement. They questioned various aspects of the agreement, page by page and line by line, in terms of monitoring and enforceability, as well as the performance and maintenance guarantees. Mr. Levy said the agreement needs "more teeth in it." Mr. Casper said they would like to see a copy of the final site plan, which Mr. Kneip said was filed in his office. He offered to let Mr. Levy and Mr. Casper view those documents. Mr. Kneip also mentioned that the township is planning to hire a consulting engineering firm to help it manage some of the larger projects, including the Woodmont Homes site. Payment for these consulting services would be billed to the developer's escrow.

Mr. Levy suggested that the agreement cover private property owners for damage to their parcels. Mr. Witt asked Mr. Levy and Mr. Casper if they anticipated that the township would be responsible for enforcing the contract at the township's expense. Mr. Levy responded "yes," to which Mr. Witt stated he was only clarifying this for the council's benefit.

Further discussion concerned the old logging road that exists on the property. Mr. Kneip says he has been in discussion with the state DEP on this. Mr. Levy and Mr. Casper contend that the road in question has never been a paved road.

Mr. Levy and Mr. Casper said they would welcome a meeting with Mr. Witt and Bernd Hefele, attorney for Woodmont Homes, to help reach an agreement and avoid taking up any further public-comment time on this.

Joan Broadhead, 19 Upper Plateau Drive. Ms. Broadhead said she believes this is a "personal issue" between Mr. Levy and Mr. Casper with the

developer, and that they want the council to represent them and enforce their concerns. “If anybody is going to be affected by this construction, it’s me,” Ms. Broadhead said. “We live right next door to it.” She said she wants the construction finished and for Mr. Levy to take his issues elsewhere: “If they want to sue Woodmont Homes, let them sue Woodmont Homes. I don’t want my tax dollars fighting that battle.”

Mayor Carew said he understood Ms. Broadhead’s position, but said it’s the council’s responsibility to the taxpayers to do due diligence. However, Ms. Broadhead said this issue is being dragged out far too long and she is of the opinion that everyone involved with this project “wants to do things right.” She feels confident that the DEP, the county, and Mr. Kneip can properly monitor the ongoing work at the site without it having to be “micromanaged.”

Ira Weiner, 7 Curtis Drive. Mr. Weiner stated that the issues of the dam and the roadway need to be addressed in the agreement, so that the township Building Department knows exactly when to issue, or not issue, a permit.

Hugh Broadhead, Upper Plateau Drive. Mr. Broadhead said the problem with the silt will stop when the construction is finished, the road is paved, and the grass and other vegetation have a chance to take root and grow.

Bernd Hefele, attorney for Woodmont Homes. Mr. Hefele said it was “inappropriate and somewhat offensive” for Mr. Levy and Mr. Casper to ask the town council to “basically second-guess the Planning Board, which has jurisdiction on this.” Mr. Hefele said the Board’s resolution of approval was very detailed and took all concerns into consideration. If Mr. Levy and Mr. Casper had a problem with the resolution of approval, they had 45 days in which to appeal it. No one appealed it, Mr. Hefele said. “Yet they come here tonight and are attempting to appeal the resolution of approval—not to the court, but to the town council. It’s improper.” Mr. Hefele then read multiple reports from Sussex County Soil that found no sediment leaving the site and the water to be running clear. He also refuted, in detail, the earlier comments and contentions from Mr. Levy and Mr. Casper. Mr. Hefele said he started requesting this developer’s agreement 10 months ago, and that Mr. Witt has been helpful in moving it along, despite coming in at the tail end of things.

EXECUTIVE SESSION

At 10:09 p.m., Councilmember Valerie Seufert made a motion to close the meeting to the public and enter Executive Session for reason of contract negotiations. The motion was seconded by Councilmember 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 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: contract negotiations.
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 10:40 p.m. Dennis Murray, the Acting Municipal Clerk, stated that the executive session is closed and that it concerned contract negotiations. At the request of the council, Michael Witt stated he would give a legal opinion as to whether the developer's agreement adequately addressed the concerns that were raised earlier by the public in the public meeting, on the condition that the council waives the attorney-client privilege. Mr. Witt then called for a vote. Councilmember Carson made a motion, which was seconded by Councilmember Seufert. All in favor.

Mr. Witt said he reviewed the agreement and helped develop it in association with the developer's council, Bernd Hefele. Mr. Witt concurred with Mr. Hefele that the agreement addresses the concerns raised by the public. Moreover, Mr. Witt does not think it's appropriate for the township to be in the position of an "enforcer" for potential damage to private property, as it would create a precedent. He reiterated that the final site plans are available for inspection in Mr. Kneip's office, upon request. Mr. Witt read for the record the specific contract amendments agreed to with Mr. Hefele, and recommended that the agreement be signed.

A motion was made by Councilmember Carson to approve Resolution #08-87, and the motion was seconded by Valerie Seufert.

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

Resolution #08-90

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

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

WHEREAS, the Vernon Township Council has reviewed the application and has approved the request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Applicant Local Unit of Government for the purpose described in the application; and

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

1. As a matter of public policy the Township wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for the funds.
4. The Division of Criminal Justice shall initiate allocations to the applicant in the amount of \$55,478.00 as authorized by law.

Melinda Carlton said this is a grant that Vernon Township has received every year since 2002, to pay for community crime prevention (neighborhood watch, narcotics and safety-check enforcement, etc.).

Tom Zabriskie, state delegate for PBA Local #285, Vernon Township. Officer Zabriskie stated that a substantial portion of the monies for this grant come from fines and penalties imposed on persons convicted of offenses like disorderly conduct and drunk driving.

A motion was made by Councilmember Carson to approve the above resolution, and the motion was seconded by Councilmember Seufert.

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

Resolution # 08-91

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH A RISK MANAGEMENT CONSULTANT

WHEREAS, there exists a need for consulting services provided by an insurance consultant for the Township of Vernon; and

WHEREAS, the Township of Vernon (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A: 10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position; and

WHEREAS, Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires that a Resolution authorizing employment for Professional Services without competitive bids must be publicly advertised.

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

1. The Township of Vernon hereby appoints HRH Agency its local Risk Management Consultant.
2. A contract is hereby awarded by the Township of Vernon, NJ for a period of one year commencing January 1, 2008 and terminating January 1, 2009 to HRH Agency for services herein specified.
3. This contract is awarded without competitive bid as a Professional Services Contract under the provisions of NJSA 40A:11-5(1)(a).
4. The cost of said agreement shall be borne by the "Fund",
5. 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.
6. The Township Manager is hereby authorized to execute the Risk Management Consultant's Agreement for the year 2008 in the form attached hereto.
7. This Resolution shall take effect immediately upon adoption according to law.

A motion was made by Councilmember Carson to approve the above resolution, and the motion was seconded by Councilmember Seufert.

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

Resolution # 08-93

AMENDING 2008 TEMPORARY BUDGET

A copy of this spreadsheet is available for inspection in the Clerk's Office, 21 Church Street, Vernon Township.

A motion was made by Councilmember Carson to approve the above resolution, and the motion was seconded by Councilmember Seufert.

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

RESOLUTION # 08-94

AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$840,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Pursuant to an ordinance of The Township of Vernon, in the County of Sussex (herein called "local unit") authorizing a special emergency appropriation in the amount of \$1,050,000, finally adopted on December 10, 2007 and entitled: "An ordinance authorizing an emergency appropriation N.J.S.A. 40A:4-53" (#07-50), Special Emergency Notes of the local unit are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S. 40A:4-1 *et seq.*) in a principal amount not exceeding \$840,000 for the purpose of financing the improvement or purpose described in said ordinance, including (to any extent necessary) the renewal of any Special Emergency Notes heretofore issued therefor.

The following matters in connection with said Special Emergency Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the local unit, provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) one year from the date of the first note issued pursuant to the ordinance referred to in Section 1 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Special Emergency Notes issued pursuant to the Local Budget Law, and any such notes shall be signed or sealed by the Township Chief Financial Officer, Mayor and Township Clerk in any

manner permitted by law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Special Emergency Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and

Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Township officials with respect to the sale, issuance and delivery of said notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

A motion was made by Councilmember Seufert to approve the above resolution, and the motion was seconded by Councilmember Carson.

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

RESOLUTION #R08-96

AUTHORIZING CREATION OF VERNON TOWNSHIP TREE, PARK BENCH AND PICNIC TABLE MEMORIAL DONATION PROGRAM (Amending Resolution #08-21)

WHEREAS, Vernon Township is located within the Highlands Region of the State and provides many beautiful public outdoor recreational areas for the use of its residents and visitors; and

WHEREAS, the maintenance of the Township's outdoor recreational areas in a good and safe condition is a matter of public concern; and

WHEREAS, many residents have expressed the desire to enhance the enjoyment of public outdoor recreational areas through the donation of memorials in the form of trees, park benches and/or picnic tables; and

WHEREAS, the Township Council finds that such memorial donations will enhance the public's enjoyment of public outdoor recreation areas and desires to facilitate such memorial donations by adopting a uniform policy pursuant to which such memorial donations shall be processed; and

WHEREAS, the Township Manager and Staff have developed the attached “Vernon Township Tree, Park Bench and Picnic Table Memorial Donation Program” in order to provide for such a policy.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby establishes the “Vernon Township Tree, Park Bench and Picnic Table Memorial Donation Program,” to be administered as dictated by the policy attached to this Resolution.

A motion was made by Councilmember Seufert to approve the above resolution, and the motion was seconded by Councilmember Carson.

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

Resolution #08-97

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 Councilmember Seufert to approve the above resolution, and the motion was seconded by Councilmember Carson.

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

SECOND READING AND PUBLIC COMMENTS

ORDINANCE #08-02

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, SECTION 330, OF THE TOWNSHIP OF VERNON CODE AND ESTABLISHING THE VERNON TOWN CENTER ZONING DISTRICT AND FIVE SUB-DISTRICTS, INCLUDING THE MAIN STREET SUB-DISTRICT, IN THE TOWNSHIP OF VERNON.

The above ordinance was read by title only. A motion was made by Councilmember Carson to table the above ordinance. The motion was seconded by Councilmember Seufert.

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

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 REDEVELOPING 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. Mayor Carew stated that this ordinance has been adjourned to May 8, 2008. A motion was made by Councilmember Seufert to adjourn the above ordinance. The motion was seconded by Councilmember Carson.

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

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 above ordinance was read by title only. A motion was made by Councilmember Seufert to adopt the above ordinance and the motion was seconded by Councilmember Carson. First reading was held on April 10, 2008.

Mayor Carew explained that this is the property that Vernon Township has to re-purchase to be in compliance with Green Acres. Mr. Witt mentioned that the price of the property will be adjusted to reflect the interest calculated to the actual date of closing, which is anticipated to be May 14, 2008.

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

OLD BUSINESS

Mayor Carew stated that there was no old business to discuss.

NEW BUSINESS

Mayor Carew and Melinda Carlton attended a breakfast held by the Sussex County Chamber of Commerce's Economic Development Committee. They enjoyed their visit and came away with a lot of valuable information. Mayor Carew also mentioned a resolution from Ocean County that enacted a tax on tourists who use Point Pleasant Beach (on short-term rentals, parking facilities, an extension of the hotel/motel tax, etc). Something similar in Vernon might be a way to raise revenues, Mayor Carew said.

The Beautification Committee took a field trip to various locations throughout the township. Mayor Carew went with the committee. "I have to admit, it wasn't pretty," he said. "I guess I've lived here so long I never realized how ugly things are." The committee is identifying what it can do on a short-term basis and a long-term basis to make things look better. Councilmember Seufert said the committee saw a lot of signs (some garish, some weathered, etc.), as well as Dumpsters in front of some properties rather than in back. The remedy may involve enforcing some of the ordinances already on the books, to help clean things up. Mayor Carew said we need to make things look as best as they can to help attract investors to town.

Mayor Carew mentioned that the township received a grant from the National Parks system to help establish canoe access point in Vernon and surrounding towns.

Councilmember Seufert mentioned Earthfest on Sunday and a related 30-minute program that will air on radio station WSUS. She encouraged Vernon residents and residents of other communities to support Earthfest.

ADJOURNMENT

There being no further items of business on the agenda, a motion was made by Councilmember Carson to adjourn the meeting and the motion was seconded by Councilmember Seufert.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 11:03 p.m.

Respectfully submitted,

Dennis G. Murray
Acting Municipal Clerk