

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING**

May 8, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:10 p.m. on Thursday, May 8, 2008 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey. There were approximately 90 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 COUNCIL

The roll call of council was called and Richard Carson, Glenn McLaughlin, Neil Desmond, Valerie Seufert, and Austin Carew answered the call. Also present were Melinda Carlton, Township Manager, and Michael Witt, Township Attorney.

CHANGES TO THE AGENDA

Mayor Carew read a letter from Highland Lakes Fire Department Chief Neil Perrotta, detailing the events on the night of March 20, 2008, during which three first responders saved the life of firefighter Anthony Wallace. Following the reading of the letter, Mr. Wallace's son, Craig, came up front to say a few words to the first responders for their life-saving intervention: "I thank them for their professionalism, their expertise, and their level of skill. If they weren't there that night, maybe we wouldn't be here tonight." Craig Wallace also praised his father's and his family's legacy of service to firefighting. Following this, Mayor Carew presented commendations to EMT Christopher M. Jensen, firefighter Michael Buchney, firefighter Richard Carson III, and firefighter Anthony Wallace. (Councilmember Rich Carson accepted the commendation on behalf of his son.)

Senator Steve Oroho spoke to the assemblage and stated that Tony Wallace was the captain of the Highland Lakes Fire Department many years ago when Senator Oroho joined the HLF. "People don't realize how much training these men and women go through for their community," Senator Oroho said. "They have to put in hours and hours and hours. We could never thank them enough." Senator Oroho then presented a commendation to Tony Wallace from the Senate and General Assembly, attesting to Mr. Wallace's service. Senator Oroho then handed commendations to the three first responders, with Councilmember Rich Carson again accepting on behalf of his son. Mayor Carew then spoke a bit about the incredible commitment of the local volunteers and how they give up so much of their time: "Christmas Eve, New Year's Eve, a 25th wedding anniversary, birthdays—nothing's sacred. You get out of a warm bed and into a cold truck to face something unforeseen and potentially dangerous."

A proclamation was then presented by Mayor Carew to Vernon Fire Department Chief Greg Carter on behalf of the Township Council and the citizens of Vernon, on the 75th anniversary of the Vernon Fire Department. Councilmember Rich Carson then read the proclamation to the assemblage. He was followed by Senator Oroho, who presented a similar proclamation on behalf of the Senate President, Richard Cody, and the Speaker of the General Assembly, Joseph Roberts. The assemblage was then invited to break for cake and coffee, while the Council entered Executive Session.

EXECUTIVE SESSION

At 7:36 p.m., Councilmember Valerie Seufert made a motion to close the meeting to the public and enter Executive Session for reason of attorney-client privilege. 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 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 privilege.
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 8:06 p.m. Mayor Carew stated that the Council went into Executive Session for the reason of attorney-client privilege.

PUBLIC COMMENTS

Jean Jameson, president of Highland Lakes Country Club and Community Association, and **Jack McLaughlin**, general manager of Highland Lakes Country Club and Community Association. Ms. Jameson and Mr. McLaughlin asked if this was the appropriate time to discuss the retirement of the funding for the Old Homestead Drive project. Melinda Carlton said it was an appropriate time to discuss this as it is a budget question. Ms. Carlton stated that part of the funding is a retirement; the other part is a re-appropriation. She explained that the township took a capital project dating back to 1994 (upon which it was paying interest), canceled it and re-appropriated at least part of the remainder of that project in the 2008 capital-improvement program. "This is on our radar and we will get to this as soon as we can," she said. Mr. McLaughlin then gave a brief history of the Homestead Drive project, and added that he looks forward to seeing this being resolved.

Mary Ellen Vichiconti, 17 Nutley Avenue, Highland Lakes. Ms. Vichiconti held up the lid of a "bear-proof" garbage can showing bite damage from a nuisance bear. "I watched as a nuisance bear pulled my garbage into the woods, twisted off the top, and ate all of my garbage like it was honey out of a honey jar." Ms. Vichiconti said the garbage cans are neither bear-proof nor bear-resistant. She also presented to the council a bear-awareness handout from the website of the Hopatcong Police Department, which she suggested would be good information to include on the Vernon Township website or which to link to. The council agreed.

Ms. Vichiconti also asked about whether the council has had time to consider whether it would put a referendum on the November ballot in regard to electing a mayor by popular vote. She said she requested this at the March 13th Town Council meeting. Mayor Carew said he would ask the Council after the public session if they would like to entertain it this evening.

Laura Blank, 32 Lawrence Drive, Highland Lakes. Ms. Blank voiced her objection to the township's possible purchase of the sewers from United Water.

She said that last year's three Democratic candidates for the town council were not in favor of this action. Moreover, she stated that two current council members—Rich Carson and Glenn McLaughlin—said they would not support the sewer purchase when specifically asked at last year's candidates' debate. She questioned why they would be changing their minds now, to consider "an unnecessary purchase," with the township so far into debt. Ms. Blank also voiced displeasure with the rate of progress on the Town Center sewer system, and with the proposed layoffs of municipal workers. "You're putting us more into debt and, on top of that, cutting services at the same time," she said, adding that the council's legacy should not be a legacy of debt. "Be fiscally responsible and realistic."

Ms. Blank also questioned the "potential closing of the Senior Center." Mayor Carew stated that there has been no discussion of that whatsoever among the council, and, further, that there has been no vote yet regarding the purchase of the United Water system.

Jack McLaughlin, general manager of Highland Lakes Country Club and Community Association. Mr. McLaughlin asked if there would be discussion this evening in regard to a crosswalk on Breakneck Rd. Mayor Carew said it wasn't on this evening's agenda, but that Mr. McLaughlin was free to comment. He declined, saying that he would continue to work on this with the township engineer, Louis Kneip.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie asked when the minutes on the website would be updated. He also mentioned that when only three council members are in attendance at a meeting and one asks to be excused from the vote, there is no longer a quorum. Mr. McClachrie then discussed the numbers presented at the 4 p.m. Budget Work Session, in regard to assessed value of homes in the township.

Mr. McClachrie asked how much it would cost to issue and mail the third-quarter tax bills referenced in Resolution #08-101. He stated it cost between \$10,000 and \$15,000 in previous years and Melinda Carlton said that was approximately the correct amount for this year.

Mr. McClachrie concluded by saying that the Vernon Taxpayers Association disagrees with the three ordinances on this evening's agenda (#08-02, 08-03, and 08-04) and does not "buy into the shadow financials that are represented by these redevelopment zones." He also questioned the selection of Mountain Creek Resorts as the redeveloper named in Resolution 08-103, and asked if the council has considered the company's financials. Mayor Carew said the property belongs to Mountain Creek and it is customary to appoint the owner of the property as the redeveloper. If this is not done, and someone else is appointed, the court might overturn it, Mayor Carew added.

Mr. McClachrie expressed frustration at the fact that the pace of development has been extremely slow in the township with regard to big projects. Councilmember Glenn McLaughlin stated that the real estate market is slow now and that "this is a market-driven operation." Mr. McClachrie then asked why there's a "rush" on the redevelopment zones, and township redevelopment consultant Bob Benecke said the Planning Board requires certain conditions to be approved by the Council before anything can happen.

Robin Barron, 18 Up-A-Way Drive. Ms. Barron handed a letter to Melinda Carlton regarding conversations relative to Legends Resort. Ms. Barron said she spoke with the writer of the letter, David Callaghan of Interval International. She says Mr. Callaghan told her that there are ongoing talks between Interval International and Legends, but no affiliation agreement has yet been signed. The council thanked Ms. Barron for the information.

CHANGES TO THE AGENDA

There being no further comment, the mayor closed the meeting to the public and asked if there was a motion to amend the agenda, to allow Barbara Green to be added to the Recreation Committee. Councilmember Carson made a motion, which was seconded by Councilmember Seufert. All in favor. Mayor Carew then

administered the oath of office to Ms. Green and thanked her for her future service to the township.

MANAGER'S REPORT

Melinda Carlton said she passed out a draft of a township-fee ordinance at the previous Town Council meeting and has not yet received any comments on it. To help the council in its decision-making, Ms. Carlton said she would create a spreadsheet showing the old fees, the proposed fees, and any comments from members of the municipal staff. Mayor Carew suggested getting input on the fee schedules from the Chamber of Commerce, as the representative of the business community. Ms. Carlton said she would contact the Chamber, and the council was in agreement on this.

Ms. Carlton also reported on an abandoned and unsafe structure at 14 Pine Street in Barry Lakes. She said a resolution on this structure will be brought to the council for the May 29th meeting.

Ms. Carlton added that there has been no update on the wastewater management plan, but she will keep the council informed. Councilmember Desmond asked if the county was representing Vernon's best interests to the state—that is, to help retain portions of the McAfee sewer-service area that the Department of Environmental Protection wants to remove. Ms. Carlton said her impression is that the county is very much in support of Vernon and what the township wants to do in terms of the redevelopment areas. Mr. Kneip added that it sounded as if the county was going to serve as Vernon's advocate to try to keep these properties within the sewer-service area. Councilmember Desmond suggested that the township should be its own advocate and not rely completely on the county. "If we want something, we've got to stand up for ourselves." He said the council should appoint a subcommittee to meet with DEP officials in Trenton, to make the case for why that area should be left alone. Mayor Carew said that although that might wind up happening, at this stage the county effort should be allowed to go forward and the township can get involved if it later feels it needs to. Bob Benecke said that the Legends property, and/or Shinnihon's property, has a sewer plant on with a potential capacity of 350,000 gallons per day, with a pipe running to the club house on the golf course. "To me, it's a property-taking," Mr. Benecke said. "To me, it's eminent domain. To me, that's going to be our 'cause célèbre,' if the council agrees at some point."

Mr. Benecke further spoke to the relationship between the county and the DEP. Bottom line is that it's *not* a sewer-service area anymore, he added; it's actually a county wastewater management plant. "There are a whole bunch of other things that dovetail into that issue," Mr. Benecke said. However, Councilmember Desmond said he wanted to stay ahead of things and be proactive with Trenton, even if the township is early with that. Mayor Carew preferred that at this point that the township not go over the county's head and acknowledged that Mr. Desmond's point was "well taken."

Ms. Carlton discussed the meeting schedule for the rest of the month of May, and proposed June 5th as the date for a special meeting on the Town Center. Ms. Carlton then passed out copies of photos from the two bulk-trash pickup days in Vernon, held April 27th and May 3rd. "We had a wonderful turnout," Ms. Carlton reported. "These kinds of things really help the community stay cleaned up and have people focused on their properties."

ATTORNEY'S REPORT

There was no attorney's report this evening.

At 8:42 p.m., Mayor Carew asked if there was a motion from the council to ask the township attorney to create an ordinance to have the people of Vernon elect a mayor, in response to a member of the public who requested said motion. There being no motion from the council, Mayor Carew moved forward with the remainder of the agenda.

APPROVAL OF MINUTES

Regular Meetings: The following minutes were presented for approval: Regular Meetings of Nov. 15, 2007, Nov. 26, 2007, Dec. 10, 2007, Feb. 14, 2008, Feb. 28, 2008, April 10, 2008, and April 24, 2008.

A motion was made by Councilmember McLaughlin and seconded by Councilmember Desmond.

A roll call vote was taken. Rich Carson, yes (for 2008 only); Neil Desmond, yes; Valerie Seufert, yes (for April 10, 2008 and April 24, 2008 only); Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

Executive Sessions: The following minutes were presented for approval: Executive Sessions for Nov. 15, 2007 and April 10, 2008.

A motion was made by Councilmember Desmond and seconded by Councilmember McLaughlin.

A roll call vote was taken. Rich Carson, yes (for April 10, 2008 only); Neil Desmond, yes; Valerie Seufert, yes (for April 10, 2008 only); Glenn McLaughlin, yes (for Nov. 15, 2007 only); Austin Carew, yes. Motion carried.

Special Meetings: The following minutes were presented for approval: Special Meetings of Jan. 31, 2008, Feb. 21, 2008, and March 6, 2008.

A motion was made by Councilmember McLaughlin and seconded by Councilmember Desmond.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, abstain (not a member of the council on those dates); Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

CONSENT AGENDA

RESOLUTION # 08- 72

AUTHORIZING RELEASE OF BONDS FOR GLEN HARBOR ESTATES PB# 9-88-44

WHEREAS, Glen Harbor Estates, owner Glenwood Lake Associates, was the applicant before the Planning Board of the Township of Vernon incidental to a site plan within the Township of Vernon, Planning Board application filed number PB# 9-88-44; and

WHEREAS, pursuant to said application it was necessary and required for said applicant to post with the Township of Vernon a cash bond in the amount of \$37,626.00; and a Performance bond in the amount of \$338,604.00 which has been previously reduced to \$40,785.00; and

WHEREAS, the site plan has been completed in a satisfactory manner, said completion being approved by the Planning Board; and

WHEREAS, the Planning Board at its Regular Meeting of February 27, 2008 voted affirmatively to recommend the release of any outstanding Performance and cash bonds plus interest accrued to date for Glen Harbor Estates; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Vernon that based upon the recommendation of the Planning Board, that the bonds for said Glen Harbor Estates posted by Glen Harbor Estates is hereby authorized to be released and returned to the applicant; and

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded by the Clerk of the Township of Vernon to the Treasurer's Office of the Township of Vernon authorizing said Treasurer's Office to release the cash bond in the amount of \$37,626.00 plus interest accrued to date and that a copy be forwarded to the Planning Board Secretary and the Planning Board.

Councilmember Neil Desmond made a motion to remove the above resolution from the consent agenda, which was seconded by Glenn McLaughlin. All in favor.

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

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

RESOLUTION # 08-98

Resolution –Authorizing the Approval of Bills List

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

Current	ck# 28892	to	ck# 28963
Current	ck# 28966	to	ck# 29004
Capital	ck# 2489	to	ck# 2491
Capital	ck# 2492	to	ck# 2493
Grant	ck# 28964	to	ck# 28965
Grant	ck# 29005	to	ck#
Planning & Zoning	ck# 3704	to	ck#
Recreation Trust	ck#	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck#	to	ck#
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck# 1431	to	ck# 1434
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# 219	to	ck#
Sewer Operating	ck#	to	ck#
Sewer Capital	ck# 1020	to	ck#
Developer's Bonds	ck#	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#

Councilmember Desmond asked Melinda Carlton about his request to have vouchers for the bills and stated he has not seen these vouchers. Ms. Carlton apologized for this and said she would provide the vouchers to him. She asked if she could e-mail them to him and Mr. Desmond said this would be his preference.

A motion was then made by Councilmember Desmond to table the above resolution, which was seconded by Councilmember Seufert. All in favor.

RESOLUTION #08-102

RESOLUTION - AUTHORIZING THE CANCELLATION OF CAPITAL APPROPRIATION BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled:

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon, that the following unexpended and dedicated balances of the General Capital Appropriations be cancelled:

ORD NO.	DATE ADOP.	PROJECT DESCRIPTION	AMOUNT CANCELLED	
			FUNDED	UNFUNDED
94-06	8-22-94	Extension of Old Homestead Road	\$ 41,388.46	
99-24	11-22-99	Various Improv.	603.86	
00-19	5-22-00	Various Improv.	37,416.14	
01-16	6-25-01	Various Improv.	6,967.71	
02-07	4-29-02	Various Improv.	193,544.71	
03-22	7-14-03	Various Improv.	203,264.46	
04-26	8-9-04	Various Improv.		\$375,563.64
05-07	3-28-05	Rehab. Low & Mod. Housing	307,313.89	
05-08	3-28-05	Regional Contr. Agreement	99,038.08	
05-09	3-28-05	Var. Improv. To Town Center		244,874.94
05-14	5-9-05	Various Improv.		360,055.95
06-19	6-26-06	Various Improv.		505,000.00
07-36	8-13-07	Various Improv.		<u>400,000.00</u>
		TOTALS	<u>\$889,537.31</u>	<u>\$1,885,494.53</u>

A motion was made by Councilmember Desmond to approve the above resolution, and the motion was seconded by Councilmember McLaughlin.

Melinda Carlton explained to the council that this resolution is to cancel capital-improvement projects that go back many years—some of them have been bonded, some of them haven't—and which are no longer dedicated. Regarding Old Homestead Road, that portion of the capital-project bond is being cancelled but re-appropriated. A total of \$2.6 million was re-appropriated, saving the township a great deal of money in interest. "This is a phenomenal step in the right direction toward getting our financial house in order," Mayor Carew said in thanking Ms. Carlton for her efforts.

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

RESOLUTION # 08-105

VOLUNTEER FIRE DEPARTMENT MEMBERSHIP

WHEREAS, the Vernon Township Volunteer Fire Department (Highland Lakes Co.) has selected Kyle L. Ortell 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 Kyle L. Ortell as requested by the Highland Lakes Volunteer Fire Department.

A motion was made by Councilmember Desmond to approve the above resolution, and the motion was seconded by Councilmember McLaughlin.

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

RESOLUTIONS FOR SEPARATE ACTION

RESOLUTION # 08-99

OPPOSITION TO THE STATE CLOSURE OF HIGH POINT STATE PARK

WHEREAS, due to cost-cutting measures imposed by New Jersey State Governor Jon S. Corzine's austere budget, the Department of Environmental Protection is proposing to close nine State parks entirely, slash services at three more, and reduce off-season hours at all 42 sites; and

WHEREAS, approximately 17 million visitors use New Jersey parks and forest each year for camping, swimming, hiking, boating, picnicking and more; and

WHEREAS, High Point State Park had over 202,000 visitors in 2007 from all over the State and the tri-state area; those visitors utilized High Point State Park's various services, such as the Interpretive Center featuring exhibits about nature along the Ridge, free programs for the public and school groups, swimming, camping, cabins, trails for biking, cross-country skiing, snowshoeing, snowmobiling, picnicking, etc. and houses the High Point Monument, a memorial to New Jersey veterans, which has just undergone a major refurbishing that took many, many hours and millions of dollars to complete; and

WHEREAS, outdoor recreation generates \$3.9 billion yearly for the State's economy; and

WHEREAS, with gas prices continuing to soar, it is likely more people will be staying closer to home for their vacation, utilizing the same State Parks that are scheduled to close, including High Point State Park; and

WHEREAS, the layoffs would affect full-time park rangers and supervisors, historic and natural preservation specialists, clerical and maintenance staff, as well as the seasonal workers who would not be hired for the affected areas; and

WHEREAS, conservation groups and environmentalists are concerned, arguing long-time cuts in maintenance threaten the integrity of land preserved with billions of tax dollars and of services that boost tourism; and

WHEREAS, well maintained, accessible parks, including High Point State Park, wildlife areas and historical sites provide opportunities for recreation, education and economic development, which are essential to the health of communities throughout New Jersey; and

WHEREAS, much of Sussex County's allure is based on tourism activities and environmental and historical resources, which, without the State Parks, would adversely affect the economy of Sussex County and the tri-state area; and

WHEREAS, these historic and environmental recreation facilities help promote and protect the way of life in Sussex County.

NOW THEREFORE BE IT RESOLVED, that the Vernon Township Council strongly opposes the Department of Environmental Protection's proposal to close High Point State Park and the other New Jersey State Parks that are scheduled to be closed, services slashed and reducing off season hours; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Jon S. Corzine, State House, P.O. Box 001, Trenton, NJ 08625; Senator Steven V. Oroho, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; Assemblyman Gary R. Chiusano, 115 Demarest Road, Suite 2B Sparta, NJ 07871; Assemblywoman Alison Littell McHose, 115 Demarest Road, Suite 2B Sparta, NJ 07871; Lisa Jackson, Commissioner, Department of Environmental Protection, 401 E. State Street, P.O. Box 402. Trenton, NJ 08625; all New Jersey counties and all Sussex County municipalities.

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

Councilmember McLaughlin said it was important for the council to address the possible closing of High Point State Park, because parks "are what we're all about up here. We have no choice but to oppose it." Mayor Carew announced that a gathering is scheduled for 5 p.m. on Saturday evening in support of keeping the park open, and mentioned the availability of a phone number that people can call to oppose the projected closing.

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

RESOLUTION # 08-100

AUTHORIZING SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY TO AWARD BIDS FOR THE PHASE III UPPER WALLKILL EXPANSION AND UPGRADE PROJECT

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has completed design of the Phase III Upper Wallkill Treatment Plant Expansion and Upgrade (Contract No. 601A), Vernon Regional Force Main (Contract No. 601B), and Reclaimed Water Recharge Fields (Contract No. 601C), and has receives bids thereon; and

WHEREAS, the SCMUA has obtained the required NJDEP's discharge permit, and all required TWA permits, stream encroachment permits, wetlands related permits, NJDOT permits, and Hamburg Road Opening permits, and reviews of applications for local building permits from Hardyston Township and Vernon Township have been completed, and such permits will be issued upon selection of contractors for the various construction contracts; and

WHEREAS, SCMUA has acquired the property to be utilized for the above referenced Recharge fields, and the required pipeline easement; and

WHEREAS, SCMUA has negotiated an acceptable price and executed an Agreement for the purchase of United Water/VTTC Pumping Station #3 and ten (10") inch diameter force main, to be incorporated in the Phase III Project; and

WHEREAS, Mountain Creek has provided the required security per the SCMUA /Vernon Township Service Contract; and

WHEREAS, paragraph 201 of the SCMUA/ Vernon Township Service Contract requires Vernon Township's concurrence prior to awarding bids; and

WHEREAS, paragraph 201(c) of the SCMUA/Vernon Service Contract requires that the SCMUA shall not initiate construction until the Board of Freeholders and Department of Community Affairs - LFB have approved the necessary Bond issue; and

WHEREAS, the SCMUA is now prepared to proceed to issue Bonds and construct the Phase III project; and

WHEREAS, the bid amounts are within the ceiling established within the Vernon/ Mountain Creek Sewer Agreement, and therefore do not require concurrence by Mountain Creek; and

WHEREAS, it is in the best interests of Vernon Township that these bids be awarded and construction of the project proceed.

NOW THEREFORE BE IT RESOLVED, that SCMUA is hereby authorized to award contract Nos. 601A, B and C to the lowest responsive/responsible bidders as determined by SCMUA, in accordance with SCMUA letter of April 17, 2008, upon receipt of the requisite approvals of the project Revenue Bonds from the Board of Freeholders and the Department of Community Affairs - Local Finance Board; and

BE IT FURTHER RESOLVED, that SCMUA, it's Commissioners, staff, Engineers, Counsel and Consultants are authorized to undertake any and all actions necessary to effect the provisions and intent of this Resolution.

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

Mayor Carew mentioned that the Board of Freeholders is in full support of this project.

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

RESOLUTION #R08-101

AUTHORIZING AND DIRECTING THE TAX COLLECTOR TO ISSUE AND MAIL ESTIMATED 3RD QUARTER TAX BILLS, PURSUANT TO NJSA 54:4-66.2 et seq.

WHEREAS, the Township of Vernon anticipates that the Annual Budget will not be adopted in time to mail the 2008 Tax Bill on a timely basis:

WHEREAS, the Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Vernon, In the County of Sussex and State of New Jersey on the 8th day of May, 2008 as follows:

1. The Township of Vernon Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2008 taxes.
2. The entire estimated tax levy for 2008 is hereby set at \$64,517,858.55.

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

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

RESOLUTION # 08-103

DESIGNATING MOUNTAIN CREEK RESORTS, INC. AS REDEVELOPER FOR THE MOUNTAIN CREEK REDEVELOPMENT AREA

WHEREAS, on June 12, 2006 the Township Council of the Township of Vernon adopted resolution Number R06-105 and subsequently adopted Resolution Number R06-151 establishing and clarifying the Mountain Creek area in need of redevelopment encompassing a portion of the Mountain Creek resort properties located along State Route 94, part of a comprehensive economic development plan as reviewed by the Township Council on March 26, 2006 and pursuant to the Mountain Creek Redevelopment Plan Ordinance Number 06-35 adopted by the Township Council on October 23, 2006 so as to meet the public purpose of creating a Mountain Resort zoning district and to encourage employment and economic growth in the Township of Vernon, and

WHEREAS, the owner of the property lying in the Redevelopment Area, Mountain Creek Resorts Inc, desires to redevelop the Redevelopment Area consistent with the aforesaid Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, Sussex County, New Jersey, pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq., that Mountain Creek Resorts Inc, or a successor corporation, including a renewal company organized for the purposes of carrying out the Redevelopment Project, is hereby designated as the Redeveloper of the Mountain Creek Redevelopment Project,

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40A:12A-8, that the Mayor is hereby authorized to execute on behalf of the Township of Vernon a Redevelopment Agreement between the Township of Vernon and the herein designated redeveloper, Mountain Creek Resorts Inc, or a successor corporation, a copy of said agreement shall be placed on file in the office of the Township Clerk upon execution thereof.

A motion was made by Councilmember Desmond to approve the above resolution, and the motion was seconded by Councilmember McLaughlin.

Mr. Benecke said that the agreement would be amended and a miscellaneous provision will be put into the redevelopment-plan ordinance giving permission to the governing body to enter into a financial agreement if it so chooses. Mayor Carew questioned the amount of insurance associated with this agreement, but Mr. Benecke said there is a unilateral hold-harmless provision that will protect the township.

A roll call vote was taken. Rich Carson, yes (with the provisions mentioned by Mr. Benecke); Neil Desmond, yes; Valerie Seufert, yes (with the provisions mentioned by Mr. Benecke); Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

RESOLUTION #R08-104

A RESOLUTION DESIGNATING MAY 2008 AS "MOTORCYCLE AWARENESS MONTH" IN THE TOWNSHIP OF VERNON

WHEREAS, motorcycle riding is a popular form of recreation and transportation for thousands of people across the State and the nation; and

WHEREAS, a growing number of New Jersey citizens are choosing motorcycles as an alternative mode of transportation; and

WHEREAS, motorcycles are convenient, provide fuel economy benefits to the environment, reduce traffic and parking congestion, and provide enjoyment to their riders; and

WHEREAS, many automobile drivers do not anticipate routine encounters with motorcyclists in traffic; and

WHEREAS, all motorists need to operate with caution near motorcycles as they lack the protective armor of and are less visible than trucks and automobiles, which increases the risk of serious accidental injury and death for motorcyclists; and

WHEREAS, in recent years, more than half of all motorcycle fatalities involved a crash with another type of vehicle; and

WHEREAS, because a motorcyclist is more likely to die in a crash than an automobile driver or passenger, an increased knowledge and awareness of motorcyclists can lessen the occurrence of injuries and fatalities to motorcyclists; and

WHEREAS, due to the increased number of motorcycles on the roads and highways of our State, and because motorcycle awareness and safety is a concern to all, it is appropriate to set aside a time to alert all motorists to the number of motorcyclists on the roads and to help motorists become aware of the safety concerns of motorcyclists; and

WHEREAS, in light of all these factors, it is important to heighten motorcycle awareness.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that May 2008 be designated as "Motorcycle Awareness Month" in the Township of Vernon.

A motion was made by Councilmember Desmond to approve the above resolution, and the motion was seconded by Councilmember McLaughlin.

Councilmember McLaughlin asked if there are any safety courses associated with this resolution, and Mayor Carew said no; it was simply a request by this particular motorcycle group to make the public more aware of the safety issues involved with motorists and motorcycles.

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, 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 Desmond to adopt the above ordinance and the motion was seconded by Councilmember Carson. First reading was held on January 10, 2008.

At 8:56 p.m., Mayor Carew opened comment on this ordinance to the public.

Tom McClachrie, Vernon Taxpayers Association. "We're opposed to this ordinance and the redevelopment zone."

Gary Martinsen, Vernon resident. Mr. Martinsen said he wasn't necessarily opposed to this ordinance, but he questioned whether there was even enough land on which to put all of the projected development, after sidewalks were put in.

There being no further comments, the mayor closed discussion of this ordinance to the public.

Councilmember Carson said it was time to move forward on this ordinance, as it has been "going on long enough."

A roll call vote was taken. Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, abstain. Motion 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 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. Mayor Carew said that certain entities within the zone have not paid their taxes. Mr. Benecke stated that those entities can't submit a site plan application until they've paid their taxes and are current with all interest due. He explained, however, that if this ordinance isn't adopted they have no right to submit a site plan application and the township can't coerce payment from them. "It's a chicken-and-egg type of thing," Mr. Benecke said.

A motion was made by Councilmember McLaughlin to adopt the above ordinance and the motion was seconded by Councilmember Desmond. First reading was held on February 28, 2008.

At 9:00 p.m., Mayor Carew opened comment on this ordinance to the public.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie stated that his association is opposed to this ordinance, because it shifts the unpaid taxes of entities in this zone onto Vernon taxpayers.

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

ORDINANCE #08-04

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 MIXED USE REDEVELOPMENT AREA AND ESTABLISHING THE MCAFEE VILLAGE ZONING DISTRICT OF THE LAND DEVELOPMENT CODE OF THE TOWNSHIP OF VERNON.

The above ordinance was read by title only. A motion was made by Councilmember Desmond to adopt the above ordinance and the motion was seconded by Councilmember McLaughlin. First reading was held on March 13, 2008.

At 9:02 p.m., Mayor Carew opened comment on this ordinance to the public.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie said his association opposes this ordinance specifically because of the tax abatements and the possibility of issuing redevelopment bonds. Councilmember McLaughlin asked Mr. McClachrie if he would be in favor of the ordinance if the township took away the tax breaks and possible redevelopment bonds—and the entities were made to pay their fair share of taxes—and Mr. McClachrie said yes. However, his association opposes the ordinance in its present form.

Gary Martinsen, Vernon resident. Mr. Martinsen questioned the lack of occupancy restrictions on the proposed vacation units, because “then they’re not vacation units—they’re just normal houses.” Mr. Martinsen stated his agreement with Mr. McClachrie in terms of tax abatements. Mr. Martinsen asked specifically about Block 233, Lot 9, which he said is church property. Mr. Benecke addressed this by saying that a couple of properties are being examined but that are not part of the specific zoning element. Mr. Martinsen then expressed doubt that the town can support at least five more hotels. “Can you honestly believe that people are going to come here and fill those hotels?” he asked. He said that part of the tax abatement is predicated on the fact that the township will receive hotel tax on these hotel units. “Well, if they’re empty, you’re not going to (receive the taxes),” Mr. Martinsen said. He voiced concerns that the new, proposed hotels could wind up like Legends.

Mr. Martinsen also expressed concern that the township has not considered its obligations under COAH and has not conveyed these obligations to the public. He acknowledged that the COAH regulations are still proposed regulations, but the township has the existing regulations and the proposed new regulations and can figure it out from there. “You can get a rough guesstimate of what the COAH obligations are going to be,” Mr. Martinsen said. “And that hasn’t been done. So you don’t know what they are, and we as taxpayers don’t know what we’re going to get stuck with.”

Mr. Benecke followed Mr. Martinsen’s comments by discussing the language with regard to tax exemptions; the steep-slope waiver; the Sammis property; the developer’s obligations during the timeframe for build-out; and set-asides that can prevent overbuilding. He added that the water-park hotel is the centerpiece of the development area. If the market is not there for that enterprise, the developers will not be permitted to build three or four more independent hotels. Mr. Benecke added the Planning Board has had five hearings over the past year with regard to these issues.

Mayor Carew said he would like to see this area remain as “forests or pastures,” but the owner has a right to propose that it be developed. Further discussion focused on whether additional hotels would be built, and Mr. Benecke said the first one may not even be built if the developer can’t get adequate financing for it.

Craig Williams, Glenwood resident. Mr. Williams gave a brief history of the proposals and approvals that were necessary before Legends was built. He said the Vernon Environmental Commission is aware of the current issues in that area concerning steep slopes, high water tables, etc. He asked about protections for the steep slopes and the aquifer in particular, and Mr. Benecke and Mayor Carew responded to his questions on these topics. Mr. Benecke added that the McAfee Village ordinance also speaks not only to the aquifer “but to the depiction of rivers, streams, brooks, lakes, ponds, and open waters” in regard to evidence

that they satisfy DEP requirements. Moreover, as new “green” building standards become more prevalent, those standards will be included in the developer’s site-plan application, Mr. Benecke said.

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

OLD BUSINESS

Councilmember McLaughlin said he spoke with concerned citizens and business owners regarding the median on Route 515. He said some of the businesses have complained to him that their business is off because of the construction. Mayor Carew said there are still issues that need to be addressed in this area of the township, in terms of the detention basin and beautification measures. Township Engineer Lou Kneip said that his office met last week with the county engineer’s office about the gas station property on Route 515 (Mr. Singh’s property). Mr. Kneip said the county will be making changes in the near future to improve the ability of tankers to make deliveries to that location. Mayor Carew said he would like closer contact with the county on this “gateway” area of the township, and Mr. Kneip said the county has been very open to our ideas on this project. Mr. Kneip said it also appears as if the county is “backing away” from the chain-link fence it had originally proposed for the top of the detention basin.

NEW BUSINESS

Councilmember Seufert said the township received notification from the Sussex County Economic Development Partnership nominating Earthfest for an award for environmental leadership. There will be an awards luncheon on May 29th at Lake Mohawk County Club.

Mayor Carew spoke about an article regarding a city in the San Francisco Bay Area that, faced with a \$16 million shortfall, declared bankruptcy. He didn’t mean to imply that something so drastic would happen in Vernon; the point was that other towns are experiencing similar, if not worse, deficits. In fact, Mayor Carew was confident that the township would turn things around after getting through its present difficulties. Councilmember Carson added that the Newark Star-Ledger does an excellent job of reporting on towns and businesses, not only locally but nationwide.

Mayor Carew dispelled the rumors that the Senior Center and Animal Shelter are closing.

Mayor Carew said Andover Township has passed an abandoned-buildings ordinance, which Vernon Township should examine. He expressed his frustration with the condition of some areas of Vernon and said he’d like to see better enforcement of the township’s property-maintenance ordinance. The council agreed. Township attorney Mike Witt said the township could take the additional step of passing an “aesthetic-zoning” ordinance. Mayor Carew said the township will have trouble attracting investors if it doesn’t demand more of itself in terms of cleaning itself up.

Councilmember Desmond praised the efforts of Melinda Carlton and her staff for the work they’ve done on the budget. Mr. Desmond said he has heard grumblings in town about possible layoffs and he wanted to make it clear that the manager is “acting on our request.” He added that the township must operate leaner and more efficiently in this climate of hard financial times. “By dealing with the financial issues now, we can then focus on what’s really important—generating revenue for Vernon.” He reiterated the fact that it’s the *council* that must make these difficult decisions on layoffs and budget cuts, not the manager. Councilmember Desmond says this is a vastly different economic climate than three or four years ago, which isn’t limited to Vernon, and people need to be aware of this. Though they may be difficult, “we will make the decisions that we feel are in the best interests of the 26,000 Vernon residents,” he said.

Melinda Carlton discussed a request from William Dressel, the executive director of the New Jersey State League of Municipalities, asking for the township council’s pledge of \$500 toward possibly bringing a lawsuit against the new COAH regulations. The regulations are due out on June 2nd; after that date

the League will decide if any judicial suit will be initiated, Ms. Carlton said. Mayor Carew said the League's action is a step in the right direction. The council then discussed COAH issues, including the township's potential liability exposure. Melinda Carlton said a meeting would be arranged with attorney Stuart Koenig to expand upon these issues in an Executive Session.

Councilmember Carson encouraged those on the council and in the assemblage to take a simple CPR or first-aid course. "As we saw earlier this evening," he said, "it made the difference of life and death in one individual."

ADJOURNMENT

There being no further items of business on the agenda, a motion was made by Councilmember Seufert to adjourn the meeting. All in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:45 p.m.

Respectfully submitted,

Dennis G. Murray
Acting Municipal Clerk

Presiding Officer