

VERNON TOWNSHIP COUNCIL REGULAR MEETING

June 12, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:10 p.m. on Thursday, June 12, 2008, in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey. There were approximately 35 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, Valerie Seufert, Glenn McLaughlin, and Austin Carew answered the call. Mayor Carew stated that Councilmember Neil Desmond would not attend tonight's meeting due to work commitments. Also present were Melinda Carlton, Township Manager, and Michael Witt, Township Attorney.

PUBLIC COMMENTS

Gary Martinsen, Vernon resident and small-business owner. Mr. Martinsen said that six months ago he informed the township about new ethics legislation signed by Governor Corzine on Sept. 4, 2007. He read a portion of the legislation to the council with regard to "open, transparent, and accountable" government that "serves the public trust." Mr. Martinsen said these were important guidelines that the council needs to keep in the back of their minds. He further read directly and extensively from New Jersey statutes with regard to "crime and corruption of public resources," for the benefit of the council and public.

Donna Skettini, Highland Lakes. Ms. Skettini spoke on behalf of the Animal Control department. On April 5, she brought her four cats and golden retriever to the shelter to receive free rabies shots. One of the cats bolted and went missing for weeks. Ms. Skettini said the people in Animal Control looked for her cat and kept her informed. Finally, on June 11, the cat was found—more than two months later. Ms. Skettini said she can't thank the people in Animal Control enough. She said we shouldn't cut back on resources for this important department, and that we shouldn't instead be spending more money on parks in Vernon. Mayor Carew explained that the capital funds targeted for parks can't be used to cover the township's operating costs.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie talked about issues connected to the Town Center project: Main Street Associates, developers' fees, storm sewer improvements, and the water line. Melinda Carlton said that the size of the developers' fees vary depending on the size of the project. The township has collected \$210,000 to date. Mr. McClachrie discussed the storm sewer excess capacity that he said was "given" to Main Street Associates by the prior township manager. He wanted to know the dollar value of that excess sewer capacity. Ms. Carlton said this is a legal issue that needs to be discussed internally before she can give Mr. McClachrie an answer. Mr. McClachrie described many of the Town Center issues as "chronic problems."

Mr. McClachrie said his organization objected to Section 4d of Ordinance 08-12. Ms. Carlton said this *not* a new bond, and not a new down payment; it is a re-appropriation of a previous bond. In response to further questions from Mr. McClachrie, she said we cannot prepay this debt, and we need this money to pay for capital improvements that are desperately needed.

Mr. McClachrie said shared parking would likely not work in the Town Center if businesses turn over frequently and the new business has different operating hours than the old one. He feared a large parking lot would be a potential “blight” in the Town Center. Mr. McClachrie asked again about liquor-license fees in the township, which he says should be increased.

Jeanne Jameson, Highland Lakes. Ms. Jameson acknowledged the hard work that the township engineer and road department superintendent have done in working with the Highland Lakes general manager on designing the intersection of Breakneck Road and Highland Lakes Road, so that it will be safer for people crossing the road. She also thanked the council for its help.

Craig Williams, Glenwood. Mr. Williams asked questions about the health department resolution on this evening’s agenda (08-116). He suggested the township may be able to get grant money to facilitate sharing of services. Melinda Carlton said the money she knows of would pay for feasibility studies to *investigate* sharing services, not salaries or any expenses. Mr. Williams asked if the county would absorb the current municipal employees at the same salary, so that “no one gets fired as a result of this machination.” Ms. Carlton said it is all contingent upon the negotiations. Mr. Williams said in any arrangement with the county, Vernon is likely to end up subsidizing the smaller towns. “We’ve wound up on the short end of the stick virtually every time,” he said. Mayor Carew said we can’t afford not to look at this option, however, because of the level of debt in the township. He added that the township is trying to do this as painlessly as possible, with a minimal amount of disruption. Mr. Williams said he was only trying to make the council aware of the issues involved with a decision of this magnitude.

Sally Rinker, Vernon builder and contractor. Ms. Rinker said that if the health department moves to the county, she expects longer turnaround times on inspections. There may also be additional fees for new septic system installations, which weren’t present when the inspections were handled by the municipal staff. Mayor Carew said that these are the types of concerns that could be addressed in any agreement with the county, and Ms. Rinker said she would appreciate being able to have some input, so that these concerns are conveyed properly.

Ms. Rinker also asked about some of the specific numbers and projections in the Health Department presentation that Kerrie Scott gave on May 29th. Mayor Carew and Ms. Carlton addressed Ms. Rinker’s concerns. Despite their guidance, Ms. Rinker said she was having a hard time understanding Ms. Scott’s report with regard to the potential savings to the township versus the degree to which services would be different or diminished.

Mayor Carew stated that the council, as well as the township manager and township attorney, are not taking the decision to move the health department to the county lightly. They’re trying to examine every aspect of it and will do so in negotiations with the county.

Vincent Zinno, 10 Jenny Lane, Vernon, and member of the Vernon Rotary Club. On behalf of the Rotary, Mr. Zinno asked the council if the township would be interested in having the Rotary purchase four recycling containers to put at Maple Grange and/or Veterans Park. Mr. Zinno then handed out fliers giving details of the containers.

Mr. Zinno also spoke to a proposed township ordinance that would regulate the use of outdoor wood furnaces. These furnaces, he said, vary by size depending on the BTUs they put out. Mr. Williams, the Environmental Commission Chairman, said there are no regulations in terms of what these furnaces can burn or how high the exhaust stack has to be. There is also concern, Mr. Zinno said, about taking these outdoor furnaces and placing them indoors, in a garage. This could be a problem for the Health Department, and, moreover, a potentially difficult one for the County to address “right on the spot,” Mr. Zinno added. Mayor Carew asked Mr. Williams and Mr. Zinno to provide information on outdoor furnaces to Ms. Carlton, which they agreed to do.

Bruce Zaretsky, 7 Brandywine Drive, Vernon. Mr. Zaretsky said he would like to see the township do an independent feasibility study before a decision is made to move the Health Department to the County. “With the kind of money involved, I think the investment is well worth hiring an independent consultant,” he said.

Craig Williams added that grant money might be available to hire such a consultant, and he would support that.

ITEMS FOR DISCUSSION

Presentations and Special Items

There were no presentations and special items this evening.

MANAGER’S REPORT

Melinda Carlton passed out a first draft of a timeline for completing tasks related to the Town Center. A final timeline is expected to be available for the June 26th Town Council meeting. In the meantime, she said she would encourage questions and comments from the council. Township Engineer Lou Kneip, who worked on the timeline with Ms. Carlton, offered guidance on how the council members should interpret it in reference to “critical paths” and other assignments/tasks that need to be handled, by whom, and by which date. Mayor Carew asked how the critical paths would be affected by a re-developer who offers to handle the water distribution system, and Melinda Carlton said the timeline would likely stay the same.

Ms. Carlton said that representatives from the township and Sussex County Municipal Utilities Authority (SCMUA) met with the Local Finance Board concerning the bonds for the Walkkill Treatment Plant expansion. It was a short, successful hearing: SCMUA now has approval to go forward with that project.

The seniors had a Hawaiian luau on June 11, which was attended by 104 people. The family of a deceased Vernon senior—Guiseppe “Joe” Vizzini—donated a plasma TV to the Senior Center. Ms. Carlton read the text of a plaque that accompanied the television and thanked Pat Seger, Director of Recreation, for her work on this event and for her dedication to the seniors of Vernon Township.

Mayor Carew added that Ms. Carlton recently gave a well-received speech at the Vernon Chamber of Commerce luncheon. He thanked her for reaching out to the community despite her very busy schedule.

ATTORNEY’S REPORT

There was no attorney’s report this evening.

DISCUSSION OF NEW ORDINANCES

ORDINANCE #08-12

BOND ORDINANCE APPROPRIATING \$1,329,683.69, AND AUTHORIZING THE ISSUANCE OF \$1,266,500 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

ORDINANCE #08-13

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A LEASE AGREEMENT WITH CATHOLIC FAMILY AND COMMUNITY SERVICES.

ITEMS FOR ACTION

APPROVAL OF MINUTES

Regular Meetings: The following minutes were presented for approval: Regular Meeting of May 29, 2008.

Executive Sessions: The following minutes were presented for approval: Executive Session for May 29, 2008.

A motion was made by Councilmember McLaughlin to approve the above minutes, which was seconded by Councilmember Carson.

Councilmember McLaughlin said the Clerk’s Office did a great job of catching up with the backlog of minutes.

A roll call vote was taken. Rich Carson, yes; Valerie Seufert; abstain (not present on May 29); Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

CONSENT AGENDA

RESOLUTION # 08-114

Resolution – Authorizing the Approval of Bills List

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

Current	ck# 29159	to	ck# 29197
Current	ck# 29198	to	ck#
Current	ck# 29199	to	ck#
Current	ck# 29200	to	ck# 29223
Capital	ck# 2507	to	ck# 2510
Capital	ck# 2511	to	ck# 2512
Grant	ck# 29196	to	ck#
Planning & Zoning	ck# 3735	to	ck#
Recreation Trust	ck# 752	to	ck# 754
Recreation Trust	ck# 755	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck# 748	to	ck#
Senior Citizen Trust	ck# 1018	to	ck#
Outside Services	ck# 1443	to	ck# 1444
Outside Services	ck# 1445	to	ck# 1446
Unemployment Trust	ck#	to	ck#
Open Space Trust	ck# 216	to	ck#
PVL Dam Rehab Asm	ck# 236	to	ck#
PVL Dam Rehab Exp	ck#	to	ck#
COAH	ck# 220	to	ck#
Sewer Operating	ck#	to	ck#
Sewer Capital	ck#	to	ck#
Developer’s Bonds	ck# 101	to	ck#
Road Assessment	ck# 1006	to	ck#
Payroll Deduction	ck#	to	ck#
Payroll Checks	ck# 32304	thru	ck# 32359 (3 rd pay in May)
Payroll Deduction	ck# 2932	thru	ck# 2940
Total Payroll	\$331,474.31		
Payroll Checks	ck# 32360 thru ck#32362		
	(3 rd pay in May-police sgt pay)		
Total Payroll	\$963.39		

RESOLUTION # 08-115

**RENEWAL OF LIQUOR LICENSES FOR VERNON TOWNSHIP
2008-2009**

WHEREAS, all licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2008 and

WHEREAS, pursuant to R.S. 33:1, the Police Chief has made the necessary inspections and reported same to the Township Council; and

WHEREAS, all of the licenses have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following licenses shall be reissued effective as of July 1, 2008:

PLENARY RETAIL CONSUMPTION

Drew's Tavern (The Lamp Post Inn)	1922-33-001-002
Great Gorge Country Club Inc. (Golf course)	1922-33-003-006
Mountain Creek Resort Inc.	1922-33-007-012
FLME, Inc. (George Inn)	1922-33-008-003
Legends Resort and Country Club	1922-33-006-010
Hidden Valley Inc. (HV Hospitality)	1922-33-004-004
Bruce Zaretsky	1922-33-013-001
Mountain Creek Resort, Inc. – Appalachian Hotel	1922-36-014-001

CLUB LICENSE

Walkkill Valley Memorial Post #8441 1922-31-010-002

PLENARY RETAIL DISTRIBUTION

Highland General Store Inc.	1922-44-002-002
Mac & Lindy's LLC	1922-44-012-001

LIMITED RETAIL DISTRIBUTION

Lake Wanda Store 1922-43-005-001

RESOLUTION # 08-117

**PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE #1922-33-004-004
HIDDEN VALLEY INC. TO HV HOSPITALITY, LLC**

WHEREAS, an application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License Number 1922-33-004-004, heretofore issued to Hidden Valley Inc., for premises located at 44 Breakneck Road, Vernon, New Jersey;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid; and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the business license;

NOW THEREFORE BE IT RESOLVED, that the Vernon Township Council does hereby approve, effective June 12, 2008, the transfer of the aforesaid Plenary Retail Consumption License to HV Hospitality, LLC, and does hereby direct the Acting Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to HV Hospitality, LLC, effective June 12, 2008."

A motion was made by Councilmember Seufert to approve the Consent Agenda, which was seconded by Councilmember McLaughlin.

Councilmember McLaughlin asked if the township is considering increasing the liquor-license fees, and Melinda Carlton said her office is working on a spreadsheet that will show all current fees within the township, in preparation for an ordinance that will be presented to revise the fees. The council will be informed of the recommendations and the reasoning behind them.

Councilmember Carson asked if the council could decline to approve liquor licenses for establishments that are behind on their taxes. He was informed by the township attorney, Michael Witt, that a township ordinance adopted in 1988, as well the provisions of the Alcoholic Beverage Control Act, does not allow for that. Councilmember McLaughlin asked if the local ordinance can be amended, and Mr. Witt said he would look into it to see if it conflicts with the ABC law. The resolution on for tonight could not be tabled in the meantime, the council was informed.

Mayor Carew inquired about the bills list. Ms. Carlton said she asked the Finance Department to prepare answers to each one of the council member's questions.

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

RESOLUTIONS FOR SEPARATE ACTION

Resolution #08-116

A RESOLUTION TO COMMENCE NEGOTIATIONS WITH THE COUNTY OF SUSSEX FOR THE PROVISION OF HEALTH SERVICES TO THE TOWNSHIP OF VERNON

WHEREAS, the Council of the Township of Vernon is in the process of exploring the potential benefits, if any, to the Township of having certain health services currently performed by the Township of Vernon Department of Health and Human Services instead be provided pursuant to an inter-local government agreement by the Sussex County, New Jersey Department of Environmental and Public Health Services;

WHEREAS, to that end, the Council has entertained presentations from both Sussex County and Township staff and heard extensive public comment regarding the provision of such services;

WHEREAS, the Council believes it is the best interest of the Township's residents to continue to explore having health services provided by Sussex County by having the Township Manager commence negotiations with Sussex County for the provision of such services.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon, New Jersey that the Township Manager, together with such other staff and/or professional consultants as the Township Manager may deem necessary or convenient, shall commence negotiations with Sussex County for the provision of health services to the Township's residents, provided that no agreement shall be entered into by or on behalf of the Township without the final approval of the Council, as provided by law.

A motion was made by Councilmember McLaughlin to approve the above resolution, which was seconded by Councilmember Carson.

Councilmember Seufert asked if the township manager could look into the possibility of getting grant money to do a feasibility study, and Ms. Carlton said yes.

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

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #08-12

BOND ORDINANCE APPROPRIATING \$1,329,683.69, AND AUTHORIZING THE ISSUANCE OF \$1,266,500 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

The above ordinance was read by title only. A motion was made by Councilmember McLaughlin to introduce the above ordinance on first reading. The motion was seconded by Councilmember Carson.

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

ORDINANCE #08-13

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO SIGN A LEASE AGREEMENT WITH CATHOLIC FAMILY AND COMMUNITY SERVICES.

The above ordinance was read by title only. A motion was made by Councilmember Seufert to introduce the above ordinance on first reading. The motion was seconded by Councilmember McLaughlin.

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

SECOND READING AND PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE # 08-10

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$889,537.31 THEREFOR FROM THE CAPITAL SURPLUS OF THE TOWNSHIP.

The above ordinance was read by title only. First reading was held on May 29, 2008.

At 8:35 p.m., Mayor Carew opened comment on this ordinance to the public.

Gary Martinsen, Vernon resident and small-business owner. Mr. Martinsen asked if this money really needed to be spent, or could the township instead hold it and earn interest on it. Mayor Carew said the money was going in part to emergency-services equipment, so it would indeed need to be spent soon.

Tom McClachrie, Vernon Taxpayers Association. Mr. McClachrie said his association is against bonding, given the township's current debt levels.

A motion was made by Glenn McLaughlin to adopt the above ordinance, which was seconded by Rich Carson. Councilmember Carson requested that the township require that the four defibrillators in the purchase order be compatible with those currently in use, including pediatric compatibility.

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

APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments this evening.

OLD BUSINESS

Mayor Carew said the township is still looking for members for the Economic Development Committee and has been actively soliciting potential candidates. Councilmember Seufert said there could be economic-development assistance available from the Sussex County Chamber of Commerce, and she would look into it.

Mayor Carew discussed a resident's proposal at the May 29th Town Council meeting that the council consider passing an ordinance to amend the Township Code to provide for the election of the Mayor directly by voters, as permitted under the Faulkner Act. Mayor Carew asked the council if there "is a desire to create a motion that would ask our township attorney to draw up an ordinance to elect a mayor for Vernon Township by the population and not by the council." A motion was not forthcoming.

NEW BUSINESS

The Beautification Committee met with the County, as well as with Mr. Kneip and Dave Pullis, Director of the Department of Public Works. Mayor Carew updated the council and public on the recommendations that resulted from that meeting, including the status of plantings around the detention basin.

Mayor Carew and Councilmember Seufert met with the organizers of a motorcycle rally scheduled for the end of July in Vernon, to be attended by approximately 600 to 1,000 people. The Vernon Chamber of Commerce is also active in the discussions, due to the need for accommodations, restaurants, etc. Councilmember McLaughlin asked Police Chief Roy Wherry about the possible need for additional security, and Chief Wherry said the situation would be monitored "very closely" but that he doesn't anticipate any problems or the need for extra officers to be on duty for this event.

The Environmental Commission spearheaded a "streams clean-up" on Saturday, June 7, from early morning to around 6:30 p.m., to open up portions of the streams for kayaking and canoeing. Mayor Carew said it involved a lot of

work in difficult conditions, and he said the Commission should be proud of its efforts.

Also on Saturday, June 7, Councilmembers Desmond and Seufert, Melinda Carlton, and township staff attended a ribbon-cutting ceremony for a new Little League field at Veterans Park.

Mayor Carew also talked about creating a “Green Task Force” to promote environmentally friendly initiatives in the community, including investigating the possibility of securing grants related to this purpose.

Councilmember McLaughlin asked if Ms. Carlton has had a chance to look into the possibility of trash pick-up in the township, and she said it would be addressed soon.

Councilmember Carson asked Mr. Kneip about the traffic signal at Church Street and Route 94. He said the device that controls the timing of the signal appears to be malfunctioning. Mr. Kneip explained that it’s a camera-activated traffic signal designed to detect motion at the intersection. Even if the camera acknowledges the presence of a vehicle on Church Street, the timing on Route 94 takes precedence, so it could be a wait of one to two minutes before the signal changes.

EXECUTIVE SESSION

At 8:58 p.m., Councilmember Carson made a motion to close the meeting to the public and enter Executive Session for reason of attorney-client privilege and contract negotiations. The motion was seconded by Councilmember Seufert, 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 and 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 9:32 p.m. Mayor Carew stated that the Council went into Executive Session for the reason of attorney-client privilege and contract negotiations.

Mayor Carew discussed a recent proposal from the D.O.G.S. organization to use a parcel of township land for their dog park. The council believes the ultimate goal of this organization is for it to become part of the Vernon Township Recreation Department. This would merit further discussion and input from the township attorney, because of the liability issues involved. The council and township manager also discussed a parcel adjacent to the one the D.O.G.S. group is interested in, a Christmas tree farm which was bought with Open Space funds to provide the township with a supply of trees for transplanting. Councilmember Seufert suggested that the township carefully consider which parcel it will let the D.O.G.S. group have access to—if it will grant access at all—so as not to limit the township’s options with regard to usage of the rest of the

property. The council agreed that it needed more detail from the D.O.G.S. group before making a decision on offering a permanent place for its activities.

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 9:43 p.m.

Respectfully submitted,

Dennis G. Murray
Acting Municipal Clerk

Presiding Officer