

**VERNON TOWNSHIP COUNCIL  
REGULAR MEETING  
June 26, 2008**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:15 p.m. on Thursday, June 26, 2008 in the Vernon Municipal Center, Church Street, Vernon, New Jersey. There were 40 interested persons in attendance.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting has been provided to the public and the press on January 2, 2008, by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant to the provisions of the Open Public Meetings Act.

**SALUTE TO THE FLAG**

The Mayor led the assemblage in the salute to the flag.

**ROLL CALL OF MEMBERS**

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

**PUBLIC COMMENTS**

**Patrick Ashton, President of Local 2326.** He stated if there will be significant amount of layoffs and cutbacks, then how can the township manager put aside \$75,000 to hire an assistant manager. Mayor Carew stated even though there were Assistant Managers in the past, at this time the township is not looking to hire one. Neil Desmond stated he is not in favor of this position being put into the budget. There were nine departments that were not touched, and the expectation is that if one department is hit than every department has to be hit.

**Jeanie Morrissey, Highland Lakes.** She stated Our Lady of Fatima Church will be holding their annual carnival July 9 through July 12th. Ms. Morrissey asked if the church can put a 4 x 3 foot sandwich board sign by the A&P. She spoke to the Zoning Officer and he said it was fine with him as long as the council approved it. Melinda Carlton stated this type of sign is not permitted by the Zoning Ordinance, but it is up to the council to either grant or deny the request. A motion was made by Richard Carson and seconded by Valerie Seufert to grant the temporary signage.

**Thomas McClachrie, Vernon Taxpayers Association.** He stated the Taxpayers Association is opposed to Ordinances 08-14 *Determining Positions Eligible for Defined Contribution Retirement Program*; 08-12 *Bond Ordinance Appropriating \$1,329,683.69 and Authorizing Issuance of \$1,266,500 Bonds or Notes for Various Improvements*; and Resolutions 08-121 *Amendment to 2008 Temporary Budget* and 08-128 *Commence Negotiations with United Water for Purchase of Sewer System within Vernon Township*. He asked what the percentage tax increase will be from last year. Melinda Carlton said it is less than half of 1%. Mr. McClachrie asked what the cost for a liquor license in town is. Dennis Murray, the township clerk, said the local fee is \$594.00 per year, and state fee of \$200 is added on. Mr. McClachrie addressed concerns to the Ordinance on Defined Retirement Contribution. Mr. McClachrie felt the door is being opened for another set of benefits when taxes are being increased by \$100. Melinda Carlton stated the township did not design it, but rather they have to implement it. Mr. McClachrie asked why the township is matching these retirement funds. He also stated Intrawest has indicated that they may not be moving forward with some of their plans for development.

**Joe Edore, Highland Lakes.** He asked how the township can afford a canoe launch, a paved parking lot for a hiking trail, and an announcer booth, when there is going to be layoffs. And he asked why the township is creating a Town Center with no water supply. Mayor Carew stated a water line was installed years ago for potential developers. This water line has to be hooked up to the United Water system. United Water would like to have a general developer's agreement, which goes before the Public Utility Board.

**Patrick Ashton.** He asked if monies from the operating budget could be moved over to the capital budget. Melinda Carlton said yes. He asked if any of the capital money could be put

into the operating budget. Mayor Carew said no, and the township has no plans to acquire new bonds.

**Gary Martinsen, Vernon.** He stated the township has a surplus bond that it does not need to spend. He said don't spend the money, period. Mr. Martinsen stated there is a conflict of interest with one of the Council members who voted on the ordinance for the defibrillator and ambulance equipment.

**Bonnie Rubin, Highland Lakes.** Ms. Rubin asked if the Council proposed to allow a developer to build an additional water park and 10-story hotel that is currently Legends. She asked how this is justifiable when the Appalachian Hotel cannot rent out their commercial properties.

There being no one else, the meeting was closed to the public.

## **ITEMS FOR DISCUSSION**

### **Presentations and Special Items**

#### **Resolution #08-126: Resolution to Read the 2008 Budget by Title only**

Michael Witt suggested that the Council read and vote on resolutions #08-126 and #08-122 by title only.

A motion was made by Glenn McLaughlin and seconded by Valerie Seufert to read the budget by title only. Mayor Carew asked Dennis Murray to read Resolution #08-126. Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

#### **Resolution #08-122: Amendment to the 2008 Introduced Budget Public Hearing of the 2008 Municipal Budget**

A motion was made by Glenn McLaughlin and seconded by Rich Carson. Roll call: Rich Carson, yes; Neil Desmond, no; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes.

Mayor Carew opened the meeting to the public for any comments and/or questions on the presentation of the special items.

**Thomas McClachrie, Vernon Taxpayers Association.** Mr. McClachrie stated the Association is in objection to the budget #08-126 and Resolution #08-122, because of tax increases. He stated four part-timers from Animal Control are being laid off, but the township wants to build a dog park that would create liability. Mayor Carew stated this park is being built by volunteers who have their own insurance. Mr. McClachrie stated the Vernon residents use three services from this town, and they are snow plowing, recycling, and Animal Control. He asked if the township is going to lay off these people who do not receive benefits, how is \$60,000 going to balance the township's budget. Mr. McClachrie stated the township raises the cap portion of the budget from 2.5% to 3.5% annually, and that that portion of the budget contains all the salaries of the individuals. He asked if there are any other items in the cap besides salaries. Melinda Carlton said all operating expenses, which include insurance, gas, office supplies, overhead, etc. Mr. McClachrie stated the Animal Control people are "idealists."

**Mary Ellen Vichiconti.** She asked the Town Council if the meetings could be video taped and put on the internet. It has been previously brought up, and that volunteers are willing to do the video taping at no cost to the town. Ms. Vichiconti stated there are residents who want to participate in the Council meetings, but due to time constraints, it is impossible.

**Joe Edore, Highland Lakes.** He commented that it is his understanding the township is not taking in enough revenue. Mr. Edore asked if the township is in such a deficit, then why are we continuously building. He asked who will come to Vernon to shop.

**Jessi Paladini.** Ms. Paladini stated that over the last four years residents have been asking for the Town Council meetings to be video taped, and they were never given a response. She stated that Warwick Valley Telephone would be willing to air these meetings on cable television for free. Ms. Paladini asked if the township is looking to hire an Assistant Engineer. Ms. Carlton said not at this time. Ms. Paladini said the conversations she had with the former township manager indicated that one day Gary Gardner, Assistant Manager,

would be retiring. And the plan was to hire someone who could serve as an assistant manager in the event that happened. Ms. Paladini stated if the layoffs are affecting very low income employees it does not make any sense to hire very highly paid employees. Ms. Paladini stated that one of her concerns is the starting rate of salary at which Vernon seems to hire certain individuals. Jessi Paladini stated after doing research she has found a starting salary for a clerk in the local municipalities ranges from \$45,000 to \$55,000. She asked if the township is broke, then why is the town spending money on different items for recreation. She asked Lou Kneip, Township Engineer, if he could explain why there is no water in the new Town Center.

**Harold MacPeek.** He stated the newspaper said four part-time animal control officers are being laid off; there are only three. The three part-time employees together earn \$30,000 annually, with no benefits. They work holidays and weekends. The animals need to be fed 365 days. Mr. MacPeek asked who will fill the gap when these employees are gone. He stated one of the women who worked down at the Animal Shelter has been working up at the Municipal Building since March.

**W. James Rickey.** Mr. Rickey asked the Council to reconsider a live broadcast of the Town Council meetings. He stated it is his recollection from a Planning Board meeting that the tent structures at Mountain Creek were only to be up for 1-2 years. He said the township has lost a lot of revenue by leaving these temporary structures in place. He asked why the township has not moved on this.

There being no one else, the meeting was closed to the public.

### **MANAGER'S COMMENTS**

Melinda Carlton stated that Councilman Desmond recommended that a Project Planning/Management Discussion Analysis with training take place. She received a request from the Highland Lakes Fire Department for the fireworks display and would like the council's approval to close Sammis Road between the hours of 5:30 p.m. to 12:00 a.m. on July 5<sup>th</sup> to allow this event take place. Ms. Carlton stated a health insurance team is being put together, which includes the township staff, township attorney, Councilman Carson, and David Gornstein, to look at the health insurance benefits the township currently has. In addition, there is a "911" telecommunications group that is now being spear-headed by Sussex County, which has to do with the regionalization of 911 and dispatching services. Ms. Carlton stated Vernon was not put into the working team, and has asked Mr. Eskilson if they could reconsider that membership so Vernon could have direct membership with that working team. Rich Carson stated "911" regionalization is still in the conceptual phase. It is vital Vernon be involved, considering that it is the largest township and the busiest for emergency services in the county. Messrs. Carson, Carew, and Ms. Carlton have attended the meetings and received a great deal of preliminary information. They have asked the county to keep Vernon in the loop because it is pertinent information to the township. Mr. Carson stated he will be participating in the health insurance discussions but not the negotiations. Austin Carew thanked Rich Carson for being involved with the "911" group since he has much knowledge as an EMT. Mr. Carson said it was not just sharing services, but rather "911" is done with telephone. It is really a cell phone technology tied into the satellites and GPS, rather than the current home phone. Melinda Carlton stated the Planning Board does not support the change of setbacks within the different zoning districts. The Zoning Board discussed it but requested additional information to see what zones would be affected. Mr. Kneip stated has not heard from the Health Advisory Board since they are not active at this time. Melinda Carlton stated the Gant Chart of the Town Center shows the different tasks that needs to be performed, the required timelines, and who or what entity is responsible to get that task done. A draft was presented to the Town Council at the last meeting. An update has been provided to the Council to track the progress. She asked if the Council wants to spend 10-15 minutes at each meeting to discuss it. Mr. Kneip stated the draft outlines all of the various assignments with regard to the Town Center project, and gives an indication as to who is responsible for taking the lead. Some of the items are for the Staff, Manager, and Township Engineer to discuss, and others are policy decisions that need to be made by the Council. He said some of the projects were staggered to dedicate the proper amount of time to them. Some of the tasks cannot be completed until the previous phase has been finished. Mr. Kneip discussed aspects of the water system, including possible upgrades and the option of community wells. Valerie Seufert stated the town has to be pro-active, and have to look at all options.

### **ATTORNEYS COMMENTS**

Mr. Witt stated the matter will be discussed in executive session.

## **PROPOSED ORDINANCES**

### **ORDINANCE # 08-14: DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**

**WHEREAS**, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1, et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

**WHEREAS**, N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

**WHEREAS** the Council of the Township of Vernon, has considered the guidelines issues by the Local Finance Board;

**THEREFORE, BE IT ORDAINED** by the Council of the Township of Vernon as follows:

1. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
  - A. Township Council Members;
  - B. Township Manager;
  - C. Township Engineer;
2. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed exempt from participation in the Defined Contribution Retirement Program membership:
  - A. Certified Health Officer;
  - B. Tax Collector;
  - C. Chief Financial Officer;
  - D. Construction Code Official;
  - E. Tax Assessor;
  - F. Registered Municipal Clerk;
  - G. Licensed Uniform Subcode Inspector;
  - H. Principal Public Works Manager.
3. This ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.
4. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
5. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
6. This ordinance shall take effect in accordance with law.

A motion was made by Glenn McLaughlin and seconded by Rich Carson. Roll call: Rich Carson, yes; Neil Desmond, no; Valerie Seufert, no; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

### **ORDINANCE # 08-15: ORDINANCE TO PROVIDE FOR THE REGULATING OF TOWING SERVICE OPERATORS TO BE USED BY THE VERNON TOWNSHIP POLICE DEPARTMENT FOR WRECKED, DISABLED AND ABANDONED VEHICLES**

Be it ordained by the Township Committee of the Township of Vernon, in the County of Sussex and State of New Jersey:

#### **Section 1:**

This ordinance shall be known as the "Vernon Township Towing and Storage Ordinance."

## **Section 2:**

### DEFINITIONS:

“Absorbent” – a granulated or powdered substance used to soak up fluids used in the operation of motor vehicles, i.e.: Speedy-dry.

“Administrative Charges” – charges for post accident services; included but not limited to services such as inspection, telephone or fax calls, paperwork, etc.

“Cruising” – the operation of a tow truck within the Township of Vernon for the purpose of soliciting business.

“Disabled Vehicle” – a motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle which constitutes a hazard to the motoring public due to its location shall be deemed disabled for the purposes of this ordinance.

“Garage” – a building or property within the Township of Vernon, deemed and zoned a commercial property, where motor vehicles can be sheltered, stored, repaired, and made ready for use, including but not limited to a gasoline station.

“Owned” – for the purpose of this ordinance shall mean owned, rented, or leased.

“Person” – any individual, proprietorship, firm, partnership, corporation or other organization; singular or plural, masculine or feminine, unless the contrary is clearly expressed.

“Recovery” – the procedure in which the tow operator uses the tow vehicle and/or equipment to return a vehicle to the roadway and position it in a manner in which it can be towed.

“Storage Day” – twenty-four hour period or any portion thereof.

“Tow Vehicle” – a vehicle, including a flatbed, wrecker or tow truck, employed for the purpose of towing, transporting, impounding or otherwise removing any and all kinds of vehicles that are unable to be operated under their own power.

“Waiting Time” – additional time that a tow operator spends at the scene other than time required to perform the tow duties. Examples of this may include but are not limited to emergency medical services being provided and/or police investigation.

“Winching” – the use of the tow vehicle’s tow cable to extricate a vehicle. Winching is not pulling a vehicle onto a tilt bed or flatbed, nor lifting a motor vehicle with a conventional tow sling.

## **Section 3:**

### APPLICATIONS FOR POLICE TOWING PERMIT:

Applications for towing approval issued under this Ordinance shall be made upon the forms prepared and made available from the Chief of Police and shall state under oath:

1. The applicant will be available on a twenty-four hour basis, when scheduled, to provide towing and emergency road service and impounding of vehicles.
2. The applicant will provide service according to the police towing rotation schedule as established and provided by the Chief of Police or his designee.
3. The applicant will arrange for another tow service approved by the Township of Vernon to replace him when unable to meet his commitment for any portion of his on-call status or when he does not have the proper equipment to fulfill his duties.
4. The applicant will provide the location and description of the tow trucks owned by the applicant, including the year, make, model, type, color, VIN and registration as well as a list of the operators and copies of their driver’s licenses.
5. The applicant has a commercial property within the Township of Vernon which has been approved and zoned for the storage of motor vehicles and such property can properly accommodate and protect the vehicles stored there.

Furthermore, this location will be the location in which the vehicles are stored when towed under the provisions of this Ordinance.

6. The applicant will comply with the service rates as established and provided by this Ordinance.
7. The applicant will provide, and update when needed, a telephone number(s) to be utilized by the Police Department on a twenty-four hour basis to request towing and/or emergency service.
8. The applicant will sign a statement agreeing to abide by the rules, regulations and provisions governing the towing services.
9. The applicant must have and properly maintain a minimum of one wrecker/conventional tow truck and one flatbed tow truck. At a minimum,
10. The following equipment is required on the responding tow vehicle: emergency warning lights, broom and shovel, minimum of 50 pounds liquid
11. Absorbant, and an ample supply of business cards to provide the owner/operator of the vehicle to be towed.
12. The applicant agrees to provide any further information which the Chief of Police shall deem necessary to effectuate the purpose of this Ordinance.

#### **Section 4:**

##### INVESTIGATION & APPROVAL PROCESS:

In the event of a vacancy on the tow list, the Chief of Police may begin an investigation of the applicant and his proposed business operation to be licensed. The Chief of Police may delegate the operation of the tower to an independent person who may or may not be engaged in business within the Township, who shall be qualified by experience and training to make an inspection of the tow vehicles and storage garage. This person will then report to the Chief of Police whether the tow vehicles are in a safe and sanitary condition and the storage garage is sufficient.

The following requirements must also be met prior to approval:

1. The garage location of the applicant is located within the geographic boundaries of the Township of Vernon and approved by the Zoning Dept.
2. The tow vehicles have been properly licensed and equipped in compliance with Title 39 of the Revised Statutes of New Jersey's Motor Vehicle and Traffic Regulations, including the tow truck decal, as well as the provisions of this Ordinance. No tow vehicle shall be licensed as a tow vehicle that is using dealer license plates.
3. The insurance policies and tow vehicle decals as required by Motor Vehicle Commission have been procured and supplied. The insurance coverage must meet or exceed the limits described in this Ordinance.
4. All tow vehicles will have the business name, town and telephone number permanently affixed on both sides of the vehicle. The letters and numbers shall be a minimum of two inches in height.

With the completion of the inspection and investigation, the Chief of Police shall either approve or deny the application.

#### **Section 5:**

##### INSURANCE COVERAGE:

The following insurance coverage must be maintained:

1. A garage keeper's legal liability policy covering comprehensive and collision in the minimum amount of \$300, 000 per occurrence, with a maximum deductible of \$500.
2. A garage liability policy including business auto covering the operation of the applicant's business, equipment and vehicles for any bodily injury or property damage in the minimum amount of \$750,000.
3. The applicant shall indemnify and hold harmless the Township of Vernon, for liability from any and all obligations, liabilities, judgments, claims, and demands, for personal injuries, including wrongful death. This will also include all claims for damages to property which may arise out of this agreement and the work performed hereunder, provided same results from the negligent actions or omissions of the applicant. The applicant further agrees to save and hold harmless the Township of Vernon and to defend, at

4. its own cost and expense, any such claims or lawsuits instituted by third parties against the Township, provided same results from the negligent actions or omissions of the applicant.
5. Vernon Township shall be named as an additional insured under the liability portion of the policy, and shall provide proof of insurance to the Chief of Police prior to engaging in any towing activities pursuant to this Ordinance.

#### **Section 6:**

##### POWERS AND DUTIES OF THE POLICE

1. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection and operation of tow vehicles as well as the design, construction, maintenance and conditions for the safe conduct of a towing service business, in accordance with the standards outlined in the Ordinance. The Police Department shall maintain due vigilance over all tow vehicles to see that they are kept in a safe condition for transporting and hauling disabled vehicles and shall have the right at all times to inspect all licensed tow vehicles.
2. If, at any time, the Police Department finds the equipment inadequate or unsafe, the Chief of Police shall have the power to demand immediate correction. If the problem is not corrected to the satisfaction of the Chief of Police, he shall have the power to revoke or suspend the permit and schedule a hearing depending upon the nature and the circumstances of the violation.
3. The Chief of Police shall have the power to revoke or suspend his approval of a particular towing company for violation of these rules and regulations, or any conviction of moral turpitude by the towing operator.
4. The Chief of Police is also hereby authorized and empowered to establish, from time to time, additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in carrying out the provisions of this Ordinance.
5. The Chief of Police is hereby authorized to establish a system of rotation in the assignment of tow vehicles on the towing list.
6. The Chief of Police shall keep a record of the following information for tow companies approved under this Ordinance: business name, business owner's name, description and registration number of tow vehicles, date of the last inspection of tow vehicles, ALL tow operators' names and driver license numbers, and proof of insurance.
7. During exigent circumstances, the Police Department has the authority to deviate from existing policy. This deviation and reason for same will be reported to Police Communications and documented. Examples of this may be, but are not limited to, motor vehicle accident next to local wrecker facility, excessive traffic congestion, heavy-duty tow, overwhelming amount of vehicles to be towed all at the same time, extreme weather occurrences, etc.
8. The Chief of Police is hereby authorized to review and amend the service rates on yearly basis, if needed.

An appeal of revocation or suspension by the Chief of Police shall be filed with the Township Council within ten days of the Chief's decision. A hearing may be held within thirty calendar days of the filing, with a ruling forthcoming from the Township Committee within twenty calendar days of the final hearing.

#### **Section 7:**

##### CONDUCT OF OWNERS AND OPERATORS

1. No operator shall respond to the scene of a motor vehicle accident except upon notification by the Vernon Police Department, or upon request of the driver/owner of a disabled vehicle.
2. No operator of a tow vehicle shall engage in cruising.
3. No operator shall solicit, demand or receive from any person any commission or fee except the proper fee for transporting the disabled vehicle in accordance with the regulation.
4. No person shall pay any gratuity, tip or fee to any police department employee for information as to the location of any accident or for soliciting the employment of the operator's services.
5. A vehicle impounded by the police shall not be released without prior permission from the Police Department.

6. It shall be the responsibility of the towing company to obtain proper proof of ownership and identification prior to the release of any vehicle
7. After receipt of notification of an incident by the Police Department, it is the responsibility of the tow operator to be en route to the location within 10 minutes during the day and 20 minutes at night, unless unforeseen circumstances arise. The operator must continue to be accessible via cellular phone in case the operator is needed to be diverted to a more urgent situation or location.

### **Section 8:**

#### ROTATING CALL LIST AND SCHEDULE

A rotating call list of no more than three towing companies shall be maintained, however, the Chief of Police shall have the discretion to set the minimum and maximum towing companies used. Any additional applicants will be put on a waiting list. In the event the on-call tow service is not available, the next tow service in the rotation on the tow list will be used to assure fairness. Substitute operators are acceptable, but only tow services utilized from the established rotation tow list are allowed.

### **Section 9:**

#### SERVICE RATES

Day rate shall be from the hours of 8:00 AM to 5:00 PM Monday thru Friday.

Night rate shall be from the hours of 5:00 PM to 8:00 AM Monday thru Friday and on all weekends and Federally recognized holidays.

Labor rate shall be an added charge when additional services are needed such as: winching, recovery, extensive roadway clean-up of motor vehicle debris, operator waiting time, tree removal, guide rail removal, etc. This rate is chargeable in quarter hour increments with a minimum one half hour allowed.

#### INITIAL TOW:

Day rate tow - \$90

Night rate tow - \$100

#### ADDITIONAL CHARGES:

Mileage rate(one way) - \$4.00 per mile

Labor rate - \$80 per hour (when applicable)

Administrative charge - \$25

DWI tow - \$50 (when applicable)

#### STORAGE PER DAY:

Motor vehicle outside - \$35

Motor vehicle inside - \$45

Motorcycle outside - \$25

Motorcycle inside - \$35

### **Section 10:**

#### IMPOUNDED VEHICLES

All vehicles impounded at Vernon Township impound yard shall not be released until the tow company has been paid in full for their services. If the vehicle was impounded at the tow company's yard, the owner of the vehicle must get a release form from the Vernon Township Police Department and then pay the tow company in full prior to the release of the vehicle.

### **Section 11:**

#### VEHICLE OWNERS REQUEST

Whenever towing or emergency road service is required, the vehicle's owner or operator may request a specific towing service provided the vehicle does not impede the follow of traffic or present a hazard and provided the requested tow service is available within a reasonable period of time. Depending on the circumstances, the

police officer at the scene will make the decision whether to utilize the requested tow service or the on-call tow company.

**Section 12:**

SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase herein shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sub-sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 13:**

All Ordinances inconsistent with this Ordinance are repealed to the extent of said inconsistency or conflict.

**Section 14:**

This Ordinance shall take effect upon final passage, adoption and publication in a manner prescribed by law.

Mr. Desmond asked for clarification on this ordinance. Michael Witt explained it is an ordinance setting up a list of approved companies for towing for township purposes. It sets up a process by which someone owning a tow company can submit an application to the township, get approved by the Chief of Police and be put on the list. The list would rotate as calls come in for disabled vehicles.

**Jason Haw, Vernon Township Police.** Patrolman Haw stated the old ordinance is outdated, towing costs are excessive, and by updating the ordinance the township can standardize and minimize the tolls. He stated not too many towns in the county have a tow ordinance. Patrolman Haw stated if the driver requests AAA it is their prerogative, but should the driver have no towing company in mind than this list would fall into place. Mr. Witt suggested this ordinance can be voted on for the first reading and could be amended for the second reading. Mayor Carew suggested landscaping or some shrubs added to the ordinance, because these vehicles can be an “eyesore” to the town.

A motion was made by Valerie Seufert and seconded by Neil Desmond. Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

**INTRODUCTION OF PROPOSED ORDINANCES  
ITEMS FOR ACTION**

**APPROVAL OF MINUTES**

**Regular Meetings:** The following minutes were presented for approval: Regular Meeting of June 12, 2008.

**Executive Sessions:** The following minutes were presented for approval: Executive Sessions for June 5, 2008 and June 12, 2008.

**Special Meeting(s):** The following minutes were presented for approval: Special Meeting for June 5, 2008.

A motion was made by Valerie Seufert to approve the above minutes, which was seconded by Glenn McLaughlin.

**Resolution # 08- 121**

**Township of Vernon**

**Amendment to Temporary Budget**

**2008**

S/W

O/E

APPROPRIATIONS WITHIN  
"CAPS"

ENVIRONMENTAL COMM.	10519500		10519520	
HISTORIC PRESERVATION	10519900		10519920	
FIRE SAFETY	10534000	50,000.00	10534020	
ECONOMIC DEVELOPMENT			10535020	
RECYCLING			10553120	9,000.00
EXECUTIVE	10570100	8,000.00	10570120	10,000.00
MAYOR & COUNCIL	10570200	600.00	10570220	
PERSONNEL	10570300	6,000.00	10570320	5,000.00
CLERK	10570400	6,000.00	10570420	5,000.00
FINANCIAL ADMINISTRATION	10570500	6,000.00	10570520	
AUDIT			10570620	
ASSESSMENT OF TAXES	10571000	7,000.00	10571020	12,000.00
COLLECTION OF TAXES	10570800		10570820	3,000.00
LEGAL SERVICES			10571220	30,000.00
ENGINEERING	10571500		10571520	
PLANNING BOARD	10572000		10572020	3,000.00
ZONING BOARD	10572200	5,000.00	10572220	
BUILDING DEPT.	10572510	20,000.00	10572520	
TECHNOLOGY			10572620	10,000.00
GROUP INSURANCE			10573320	150,000.00
OTHER INSURANCE			10573520	
WORKERS' COMP. INS.			10573620	28,000.00
UNEMPLOYMENT			10573720	20,000.00
POLICE DEPARTMENT	10574500	300,000.00	10574520	10,000.00
RADIO COMMUNICATIONS	10574600	20,000.00		
VOL. EMERG. SERVICES			10575220	
MUNICIPAL COURT	10575500	10,000.00	10575520	
TOWNSHIP PROSECUTOR			10575720	
ROAD REPAIR & MAINTENANCE	10576500	100,000.00	10576520	
FLEET MANAGEMENT	10576700	30,000.00	10576720	10,000.00
BUILDINGS & GROUNDS	10577200	3,000.00	10577220	10,000.00
SENIOR CITIZENS	10578200	1,000.00	10578220	20,000.00
DEPARTMENT OF HEALTH	10578500	30,000.00	10578520	
ANIMAL CONTROL	10578800	15,000.00	10578820	500.00
MAINTENANCE OF PARKS	10579400	7,500.00	10579420	
RECREATION	10579500	6,000.00	10579520	
MUNICIPAL SERVICES ACT			10580820	
UTILITIES			10582020	50,000.00
SOCIAL SECURITY SYSTEM			10563020	150,000.00
<b>TOTALS</b>		<b>631,100.00</b>		<b>535,500.00</b>
<b>TOTAL TEMPORARY APPROPRIATIONS WITHIN CAPS</b>			<b>1,166,600.00</b>	
APPROPRIATIONS EXCLUDED FROM "CAP"				
9-1-1 COMMUNICATIONS	10680100	10,000.00	10680120	
<b>TOTALS</b>		<b>10,000.00</b>		<b>0.00</b>
<b>TOTAL TEMPORARY APPROPRIATIONS</b>				

EXCLUDED FROM CAPS

10,000.00

TOTAL TEMPORARY APPROPRIATIONS

2008 (40A: 4-19)		1,176,600.00
Add: Bond payment interest	10690220	128,164.50

TOTAL TEMPORARY APPROPRIATIONS - 2008

1,304,764.50

**BE IT RESOLVED** by the Township Council of the Township of Vernon that the above Temporary Budget amendment be approved for the year 2008 in accordance with 40A: 4-19

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

**CONSENT AGENDA**

**Resolution #08-118: TOWNSHIP OF VERNON VOLUNTEER FIRE DEPARTMENT TRANSFER OF MEMBERSHIP**

**BE IT RESOLVED** by the Township Council of the Township of Vernon, that the following fire department membership transfer is hereby granted for Lawrence E. Bono, to Highland Lakes Fire Department from Demarest Fire Department.

**Resolution# 08-120: Authorizing the Approval of Bills List**

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

Current	ck# 29224	to	ck# 29254
Current	ck# 29255	to	ck# 29298
Capital	ck# 2513	to	ck# 2514
Grant	ck# 29299	to	ck#
Planning & Zoning	ck# 3736	to	ck# 3740
Recreation Trust	ck# 756	to	ck# 757
Recreation Trust	ck# 758	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck# 749	to	ck#
Other Trust	ck# 750	to	ck#
Other Trust	ck# 751	to	ck#
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck# 1447	to	ck# 1448
Outside Services	ck# 1449	to	ck#
Outside Services	ck# 1438	to	ck# (stop payment)
Outside Services	ck# 1450	to	ck# 1453
Unemployment Trust	ck#	to	ck#
Open Space Trust	ck# 217	to	ck#
Payroll Checks	ck# 32363 thru		ck# 32431 (1st pay in June-1 <sup>st</sup> run)
Payroll Deduction	ck# 2941 thru		ck# 2949
Total Payroll	\$370,347.78		
Payroll Checks	no check # (direct deposit)		(1 <sup>st</sup> pay in June-2 <sup>nd</sup> run)
Total Payroll	\$3,041.22		
PVL Dam Rehab Asm	ck#	to	ck#
PVL Dam Rehab Exp	ck#	to	ck#
COAH	ck# 221	to	ck#
Sewer Operating	ck# 116	to	ck#
Sewer Operating	ck# 117	to	ck# 118
Sewer Capital	ck# 1023	to	ck#
Sewer Capital	ck# 1024	to	ck#
Developer's Bonds	ck#	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#

**Resolution #R08-124: AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE WOODLAND HILLS ROAD ASSESSMENT ON BLOCK 123 LOT 24 PURSUANT TO**

**NJSA 40:56-35(b)**

WHEREAS, the Township Council confirmed the Special Assessment of the Woodland Hills Road Project by Resolution #06-152 dated October 6, 2006; and

WHEREAS, Block 123 Lot 24 was assessed pursuant to said Resolution; and

WHEREAS, the Township Council is satisfied that the owners of said property failed to make the installment payment due as a result of extenuating circumstances over which they had no control as stated in their letter request; and

WHEREAS, the Township Council is authorized to reinstate the installment payments due under the assessment pursuant to NJSA 40:56-35 (b).

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

1. Upon payment by the owners of Block 123 Lot 24 of any and all delinquent payments for the Woodland Hills Roadway Assessment herein referenced together with any interest and/or penalties thereon, the Tax Collector is hereby authorized and instructed to accept said payment, interest and penalties and to restore to said owner the right to make future assessment payments pursuant to and under the installment payment plan established for the said assessment.
2. Nothing herein should be construed to alter, amend or terminate the payments, past or future, owed by the owners of Block 123 Lot 24 due and owing under the referenced special assessment.
3. This Resolution shall take effect immediately upon adoption according to law.

**Resolution# R08-125: TAX OVERPAYMENTS**

WHEREAS, DUPLICATE PAYMENTS were made on the Second quarter 2008 taxes

WHEREAS, such payments created OVERPAYMENTS,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue checks for said overpayments and the Tax Collector refund said overpayments of taxes on the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QUARTER</u>	<u>LOCATION</u>
73.16	70	Richards, Christopher	\$ 1,068.11	2 <sup>nd</sup>	40 Panorama Dr
192.03	1 C12.6	Brough, Kathleen & Isralowitz, David	\$ 909.49	2 <sup>nd</sup>	4 Village Way Unit6

and,

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

**Resolution # 08-127: RENEWAL OF LIQUOR LICENSE 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**

After some discussion to changing the language in Resolution #08-122, it was determined to vote on it as is.

Mayor Carew asked Melinda Carlton if she could provide the Council with a copy of the letter authorizing the reinstatement of payments for Woodland Hills Road, assessment for the next meeting. Melinda Carlton said yes.

Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

## **RESOLUTIONS FOR SEPARATE ACTION**

### **Resolution #R08-119: AUTHORIZING THE PUBLIC SALE OF MUNICIPALLY OWNED PROPERTY WHICH IS NO LONGER NEEDED FOR PUBLIC USE, PURSUANT TO N.J.S.A. 40A:12-13 et seq.**

**WHEREAS**, the Township Council has determined that the municipally owned property listed in Schedule A is no longer necessary for municipal purposes and as such shall be sold at public auction sale; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., authorizes the sale by municipalities of any real property, capital improvement, or personal property no longer needed for public use by public sale.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, that a public auction sale of municipally owned land listed in Schedule A take place on August 11, 2008 at 7:00pm at the Vernon Township Municipal Center, 21 Church Street, Vernon, New Jersey. The property is being sold by the Township "as is."

**BE IT FURTHER RESOLVED** that the Council reserves the right to reject all bids. The successful bidder shall provide a deposit in the amount of 10% on the day of sale and the balance of the bid shall be paid within sixty (60) days of the sale date. In addition to the bid amount, the bidder is responsible for payment of the Township's document preparation costs and such other costs as set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the sale shall be subject to the terms and conditions as determined by the Township Council:

A. Potential Bidders are advised:

1. A percolation test may be performed at the bidder's expense prior to the date of sale according to the provisions of the Health Code of the Township of Vernon. Anyone wishing to have a test performed shall contact the Township Health Department.
2. The bidders should conduct all necessary title searches prior to the date of sale.
3. The property descriptions are intended as a general guide only and may not be accurate. No representations of any kind are made by the Township of Vernon as to the conditions of the property; the premises are being sold in their present condition "as is."
4. The sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Vernon.
5. No employee, agent or officer of the Township of Vernon has any authority to waive, modify or amend any of the conditions of sale.
6. Offers for any and all of the properties must be made for a sum equal to or greater than the minimum bid price listed in Schedule A, if any.
7. The property will be conveyed by a Quitclaim Deed and such conveyances shall be subject to all covenants, restrictions and easements established of record or by prescription and without representations or guarantees as to the character of title of the property to be conveyed.
8. Some of the properties may be subject to the reservation or retention of an interest in the property by the Township, for example, easements for

drainage, site triangle, or road right of way and are so indicated in Schedule A. Pursuant to N.J.S.A. 40A:12-13, each bidder on property subject to retention of an interest by the Township will bid under two options. The first option is subject to the retention of an interest by the Township and the second is free of any restrictions by the Township. The Township may elect to reject any bid under either option.

9. All sales are subject to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. and all rights reserved to the Township by such law.

In the event that any of the scheduled properties is less than the minimum size required for development under the Municipal Zoning Ordinance and is without any capital improvements, the owner(s) of any real property contiguous to the property offered

10. for sale shall have the right of prior refusal to purchase such land as provided by N.J.S.A. 40A:12-13.2.

B. Additional Terms with which the Successful Bidder must comply:

1. The bidder shall deposit cash, certified or cashiers check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event that the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Township will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between his or her bid and the final sale bid in the event such bid is lower than the bid of the original bidder.
2. In the case of any contiguous undersized parcel of property, the property shall be merged with the bidder's existing property. Two weeks prior to the time of closing, the successful bidder shall present to the Township a copy of the Deed for the contiguous property.
3. At the time of closing the bidder shall pay:
  - (a) The balance of the purchase price; and
  - (b) Legal fees and recording costs incurred by the Township. (\$225.00 plus the recording cost for the Quitclaim Deed, and an additional \$275.00 plus the recording cost for merging deed, if required); and
  - (c) The proportionate cost of advertisement of the sale.
4. The bidder shall pay prorated real estate taxes for the balance of the current year as of the date of closing.
5. The bidder shall abide by appropriate zoning, subdivision, health and building regulations and codes and stipulates that this sale will not be used as grounds to support any variance from or relief from the regulations.
6. The failure to close title as agreed shall forfeit to the Township of Vernon any and all money deposited with the Township.
7. The purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
8. The title shall close within 60 days from the date the Resolution is adopted by the Township Council approving the sale. The 60-day time period shall be considered time of the essence. The Township reserves the right to require that two or more pieces of contiguous property be merged and treated as one piece of property.
9. The Township reserves the right to withdraw the offer of sale and reject any and all bids.
10. All sales are subject to final approval by the Township Council.
11. Parties interested in submitting bids and who require additional information, should contact Terence Whalen, Tax Collector, Township of Vernon, 21 Church Street, Vernon, N.J. 07462

C. The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the successful

bidder if title is found unmarketable for any reason and the successful bidder waives any and all right in damages or by way of liens against the Township. It shall be the obligation of the successful purchaser to examine title to the premises prior to the closing. The sole remedy to the successful bidder is the right to receive a refund prior to

- D. closing of the deposit paid, in the event title is found to be unmarketable. In the event of closing and a later finding of a defect in title, the Township shall not be responsible for the same, shall not be required to refund money or to correct any defect in title or be held liable for damages.
- E. Acceptance of the highest bid on any offer made in Schedule A shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- F. The deed of conveyance will be subject to all matters of record which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage systems or waterways on the premises and the continued right of maintenance and flow thereof.

Executed copies of this Resolution shall be on file and shall be available for the public inspection in the office of the Township Clerk

This Resolution shall take effect immediately upon adoption.

A motion was made by Neil Desmond and seconded by Valerie Seufert to approve this resolution.

Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

**Resolution #08-122: Amendment to the 2008 Introduced Budget Public Hearing of the 2008 Municipal Budget**

TO AMEND 2008 INTRODUCED BUDGET										
<b>Whereas</b> , the local municipal budget for the year 2008 was approved on the 29th day of May, 2008, and										
<b>Whereas</b> , the public hearing on said budget has been held as advertised, and,										
<b>Whereas</b> , it is desired to amend said approved budget,										
<b>Now, Therefore, Be It Resolved</b> by the Governing Body of the Township of Vernon, County of Sussex that the following										
amendments to the approved budget of 2008 be made:										
Recorded Vote										
(insert last names)										
AYES										
NAYS										
ABSTAINES										
D										
ABSENT										
FROM										
TO										
3. Miscellaneous Revenues - Section F: Special Items of General Revenue										
Surplus Anticipated with Prior Written consent of Director of Local										
Anticipated with Prior Written Consent of Director of Local Government Services & Public and Private Revenues Offset with Appropriations										
Appropriations										
Obey the Signs Grant										
\$ 0.00										
\$ 4,000.00										
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues										
148,639.54										
152,639.54										
Total Miscellaneous Revenues										
5,003,598.31										
5,007,598.31										
5. Subtotal General Revenues (Items 1,2,3 and 4)										
7,243,086.67										
7,247,086.67										



Lou Kneip stated the township entered into an agreement with the county to improve the Intersection of Route 517 and Maple Grange Road, to begin in 2009 and completed by 2010. The county will pay 60% and the township will pay 40%. The township will be applying for a grant for \$150,000 to cover part of its \$250,000 obligation, with a remaining balance of approximately \$100,000. Mr. Kneip stated at this time there are no plans to close the road during the construction.

A motion was made by Glenn McLaughlin and seconded by Neil Desmond to approve the above resolution.

Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

**Resolution #08-128: A RESOLUTION TO COMMENCE NEGOTIATIONS WITH UNITED WATER FOR THE PURCHASE OF SEWER SYSTEM LOCATED WITHIN THE TOWNSHIP OF VERNON TO VERNON TOWNSHIP**

**WHEREAS**, the Council of the Township of Vernon is in the process of exploring the potential benefits, if any, to the Township of purchasing the sewer system owned by United Water within the Township of Vernon;

**WHEREAS**, to that end, the Council has entertained presentations from both United Water and Township staff and heard extensive public comment regarding the provision of such purchase;

**WHEREAS**, the Council believes it is the best interest of the Township's residents to continue to explore purchasing United Water's sewer system for existing and/or new development within the Township.

**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 United Water for the purchase of the sewer system owned by United Water within the Township of Vernon, 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.

Valerie Seufert stated this resolution should be put out for referendum. The Council Members asked what the time frame is to put this resolution out for referendum. (Michael Witt said this resolution is to commence negotiations not on purchasing the system.) To put it out for referendum, it would have to be for the November ballot. There followed a lengthy discussion as to whether this resolution should be put on the November ballot for the residents to vote.

A motion was made by Neil Desmond and seconded by Glenn McLaughlin to amend the resolution that the negotiated contract be subject to further action by the council, that action possibly including a submission for a referendum vote.

Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, no; Glenn McLaughlin, yes; Austin Carew, no. Motion carried.

**Resolution #08-129: AUTHORIZING PLACEMENT OF TEMPORARY SIGNAGE**

**WHEREAS**, Our Lady of Fatima Church in Highland Lakes, New Jersey has requested permission from the Township Council to place temporary signage along County Road 515/Stockholm Road in association with the Church's summer festival event to be held July 9th through July 12th, 2008;

**NOW, THEREFORE BE IT RESOLVED**, this 26th day of June, 2008, by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that Our Lady of Fatima Church in Highland Lakes, New Jersey is granted permission from the Township Council to place temporary signage along County Road 515/Stockholm Road in association with the Church's summer festival event to be held July 9th through July 12<sup>th</sup>, 2008; and

**BE IT FURTHER RESOLVED** that any and all signage placed pursuant to this Resolution shall be

done in consultation with and with the approval of the Township Engineer, and all such signage shall be removed on the day following the event.

A motion was made by Valerie Seufert and seconded by Rich Carson to approve the above resolution.

Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

## **SECOND READING AND PUBLIC HEARING ON PROPOSED ORDINANCES**

### **ORDINANCE #08-12**

#### **NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Vernon, in the County of Sussex, New Jersey, on June 12, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Township on June 26, 2008 at 7 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	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
Purpose (s):	Improvement of facilities and property in and by the Township, including, without limitation, the Municipal Building by the renovation thereof, the canoe launch pads by the upgrade thereof, the McDermott site by the upgrade thereof, and the Appalachian Trail Parking Lot by the renovation thereof. Acquisition by purchase and installation, as necessary, of new and additional equipment including, without limitation, one (1) lawn mower, fencing for Veterans Park and an announcer booth for Maple Grange Park. Acquisition by purchase and installation, as necessary, of new and additional computer servers and software for use by various Departments of the Township. Acquisition by purchase of new and additional vehicular equipment, including, without limitation, two (2) dump trucks, two (2) trucks and one (1) brush chipper for use by the Department of Public Works of the Township. Improvement of various streets, locations and properties in and by the Township by the construction, reconstruction or resurfacing thereof, including, without limitation, Meadowburn Road, Sandhill Road, Town Center Road, the intersection of Maple Grange Road and Route 517, Breakneck Road, Old Homestead Road and various other roads and locations in the Township, together with all guard rails, sidewalks, curbing, lighting, crosswalks, structures, crack sealing, drainage improvements, equipment, work and materials necessary therefor or incidental thereto. Improvement of the storm water drainage system in and by the Township by the rehabilitation and upgrade of pipes, catch basins and other structures in and along various roads and locations.
Appropriation:	\$1,329,683.69
Bonds/Notes Authorized:	\$1,266,500
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$300,000
Useful Life:	11.03 years

Dennis G. Murray  
Acting Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

A motion was made by Neil Desmond and seconded by Glenn McLaughlin to approve the above resolution.

The mayor opened the meeting to the public for any comments and/or questions.

**Tom McClachrie, Vernon Taxpayers Association.** He stated that the Association is in opposition to this resolution because it increases the township debt. Mr. McClachrie stated the debt can be paid by using the bond notes. He indicated that the deadline for referendums is August.

**Gary Martinsen.** He stated some of this stuff is bordering on the other end of the scale. The canoe launch pads, announcer booths, additional computers, servers and software were listed in the two different ordinances, which the council passed.

There being no one else, the meeting was closed to the public.

Roll call: Rich Carson, yes; Neil Desmond, 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**

**WHEREAS**, the township has available space in the Senior Citizen Center; and

**WHEREAS**, there is a continuing need for space to offer meals to approximately 75 seniors per day; and

**WHEREAS**, the Township of Vernon has offered, for appropriate compensation, to allow the Catholic Family and Community Services to utilize a portion of the Senior Citizen facility for the Vernon Nutrition Site Operation project; and

**WHEREAS**, the lease agreement is attached hereto and made a part hereof; and

**WHEREAS**, the compensatory amount for the use of this facility is not to exceed \$2,400.00 for the agreement year.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Vernon, New Jersey as follows:

1. That the Township Council of the Township of Vernon hereby authorizes and directs the Mayor and Township Clerk to execute the attached lease agreement between the Township and Catholic Family & Community Services for use of the Vernon Township Senior Citizen Center.
2. That the parties shall comply with the reporting requirements of NJSA 40A:12-14(c).
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

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

The mayor opened the meeting to the public for any comments and/or questions. There being no one, the meeting was closed to the public.

Roll call: Rich Carson, yes; Neil Desmond, yes; Valerie Seufert, yes; Glenn McLaughlin, yes; Austin Carew, yes. Motion carried.

#### **OLD BUSINESS**

Mayor Carew suggested at the last council meeting to combine both the Planning Board and Zoning Board and that this be put out for referendum. Glenn McLaughlin asked if both boards get busy can they go back as two individual boards. Mayor Carew asked Melinda Carlton if there were any savings to the township. Ms. Carlton said yes. Ms. Seufert stated this is the first time in over two years that Zoning Board has cancelled their meeting. The township would save on some costs, but there is no downside. The economy is slow right now. Ms. Seufert stated the council needs to save costs for both the township and taxpayers, as long as the township provides the same services. Mr. Kneip stated the Town Center Development and the Redevelopment projects begin soon and both boards will be busy. The Zoning Board heard five applications at their last meeting. Mr. Kneip expressed concern that if both boards are combined they would be inundated by applications in the future. With regards to savings, there would be one Board Attorney, but that expense is paid out of escrow by the applicant. Neil Desmond asked the Council to be very careful because he does not see a great deal of savings. Again, the Board Attorney expenditures are being paid by the applicants. There was a lengthy discussion that certain properties within the township do not comply with the zoning ordinance bulk standards and setbacks, and the Planning Board is not in favor to changing the setback requirements.

Mayor Carew asked that Melinda Carlton to look at the numbers to determine if it makes sense to combine both Boards.

Mayor Carew stated there is concern about the temporary structures at Mountain Creek. He asked why Mountain Creek is allowed to keep these temporary structures that are still erected on the site. Neil Desmond stated the township is at the triggering point where they need to rearrange their expectations. It is time to find out from the Representatives at Mountain Creek what's going on. Mayor Carew suggested that Melinda Carlton and Township Professionals ask Mountain Creek where their marketing plan is; what is the story with the temporary structures; and what about the liquor licenses. Michael Witt suggested it would be beneficial that Melinda Carlton, Professionals, and two of the Town Council meet with Mountain Creek and find out exactly what their plan is--are they going to build?

Mayor Carew stated the Council needs to create the Design Review Committee. This committee is made up of the Township Planner, Township Engineer, three members of the public (one being Gary Grey), and two additional people. These members should have knowledge in Planning and/or Architectural and cannot serve on the Planning/Zoning Boards. He suggested that the Design Review Committee be formed by July 10. Mayor Carew stated another committee that needs to be formed is the Economic Development Commission. He asked the Council if all were in agreement to create an Economic Development Commission. The Council was in favor with exception to Neil Desmond. He expressed concern about the makeup of the Commission and that there are no conflicts of interest in this area. He suggested possibly a member from the Chamber of Commerce and/or Rotary. Mayor Carew stated two members from the public inquired why Town Council meetings could not be video taped. He asked if the Town Council were in favor of having the meetings video taped. The Council agreed it is a public meeting, and it is a good way of getting the information out to the public. Michael Witt stated a resolution would be drawn up for video taping. A straw poll was taken, and all were in favor.

## **NEW BUSINESS**

Mayor Carew stated there is money available through the State for Green Acres. He asked Melinda Carlton to ask her staff if there are any projects that could possibly receive some of this money.

Mayor Carew thanked the Vernon Animal Control for their impressive report on rabies.

The Council discussed that the County signed a resolution giving the Township a piece of the county's property at the Appalachian Trail Parking Area. Mr. McLaughlin asked if there will be striped walkways. Mr. Kneip said yes, and pedestrian signs would be added. Neil Desmond stated that should the township move forward in constructing this parking lot that adequate notice be provided to the surrounding homeowners in the area.

Rich Carson commended the Vernon Police and Animal Control in responding quickly to his neighbor's aid where a 3-year old child was attacked by a couple of dogs. There was concern to a possible rabid situation. The dogs were quarantined. Mr. Carson stated the child suffered some minor injuries.

## **EXECUTIVE SESSION**

At 10:41 p.m., Councilmember Desmond 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 McLaughlin, 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 12:07 a.m. Mayor Carew stated that the Council went into Executive Session for the reason of attorney-client privilege and contract negotiations.

**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 12:07 a.m.

Respectfully submitted,

Dennis G. Murray  
Acting Municipal Clerk

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Presiding Officer