

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**  
**DECEMBER 1, 2008**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:02 p.m. on Monday, December 1, 2008 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Carew presiding.

**STATEMENT OF COMPLIANCE**

The Township Clerk advised that adequate notice of this meeting as required by the Open Public Meetings Act of 1975 was provided to the newspapers on September 30, 2008 and a copy was posted at the Municipal Building.

**SALUTE TO THE FLAG**

The Mayor said they would do the salute to the flag when they come back into regular session.

**ROLL CALL OF MEMBERS**

Present were Council Members Richard Carson, Valerie Seufert Gary Grey and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Member Glenn McLaughlin was absent.

At 6:09 p.m., Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Richard Carson.

A roll call vote was taken: Valerie Seufert, yes; Richard Carson, yes; Gary Grey, yes; Austin Carew, yes. Motion carried.

The Municipal Clerk read the following resolution to go into executive session:

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
  - a. Two personnel matters. Minutes will not be released to the public record.
3. This resolution shall take effect immediately.

The meeting was reopened to the public at 7:02 p.m. Present were Council Members Richard Carson, Gary Grey, Valerie Seufert and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Member Glenn McLaughlin was absent.

## **SALUTE TO THE FLAG**

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

## **PRESENTATIONS AND SPECIAL ITEMS**

### **Proclamation**

Mayor Carew presented Cynthia Auberger, who was recently recognized by the New Jersey State School Board Member Association as “New Jersey School Board Member of the Year”, with a proclamation recognizing her achievement and proclaiming the month of December 2008 in Vernon Township as Cynthia Auberger Month.

### **Black Creek Conservation Grant Report**

Lou Kneip, Director of Planning and Development for Vernon Township introduced Ernie Hofer, a consultant and President of Process Excel, LLC retained by the Township to finalize submission of the Black Creek Watershed Restoration, Protection, and Regional Stormwater Management Plan grant. Mr. Hofer discussed the history and current status of the \$385,000 Black Creek grant awarded to Vernon Township in August 2005. The scope of work authorized in the grant agreement was to be performed over a 36 month schedule.

Mr. Hofer reported the original consultant retained for the grant project expended \$244,000 in grant funding and the grant schedule increased from 36 months to over 60 months, with much of the scope of work not completed. In July 2008, the DEP issued a notice to terminate the grant unless Vernon Township submitted the required technical work reports with supporting documentation and maps. If no action was taken, the Township was subject to a potential \$42,000 forfeited payment. Mr. Hofer reported, he was able to satisfy the reporting requirements to the DEP and the Township was able to recapture \$33,000.

Mr. Hofer thanked Kerrie Scott and Lou Kneip for their assistance in investigating the status of the grant project.

## **PUBLIC COMMENT**

Mayor Carew opened the meeting for Public Comment.

*Dennis Moran, Lincoln Avenue*, commented on the Black Creek grant project presented tonight and was disappointed by the lack of focus by the original project consultant. Mr. Moran stated Vernon Township is rich in natural resources, which the Township must promote. He supports an eco-tourism based economy and suggested the Township establish a visitor’s center together with signage and infra-structure improvements, which supports eco-tourism. Mayor Austin Carew noted the Township’s Master Plan incorporates eco-tourism. Council member Valerie Seufert invited Mr. Moran to participate on the Economic Development Committee.

*Mary Bradley, 41 Sand Hill Road*, updated the Council on the D.O.G.S. of Vernon dog park initiative. Ms. Bradley commented that the temporary dog park was well received during the Earth Fest event this past spring. The D.O.G.S. of Vernon 501[c]3 non-profit organization has been raising money for fencing and insurance needs and have partnered with many other volunteer organizations and businesses in Vernon Township. D.O.G.S. of Vernon would like to enter into a lease agreement with the Vernon Board of Education for leasing school property off of Route 517 for the dog park. She asked the Township Council for their endorsement. Ms. Bradley indicated the Township’s proposed dog park would be modeled after the dog park in Wantage Township.

Council member Valerie Seufert made a motion to authorize the Township Attorney to work with the Vernon Township Board of Education in preparing

a lease agreement with the school district for the creation and improvement of a dog park. Motion seconded by Council member Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYS: None.

*Thomas McClachrie, Vernon Taxpayers Association*, questioned why the Bike Path grant monies receivable and budget appropriations are to be cancelled as authorized in resolution number #08-201. Mr. McClachrie stated the Vernon Taxpayers Association opposes resolution #08-215 and suggested a segregation of duties be defined for the Interim Chief Finance Officer and the Redevelopment consultant since both positions are held by the same individual. The Vernon Taxpayers Association also opposes resolution #08-216 and bond ordinance #08-22. Mr. McClachrie asked if the public employee contracts have been agreed to and signed. The Township Manager responded the collective bargaining units have not signed the contracts as of this time. Mr. McClachrie questioned why the Township Municipal Center was closed last Wednesday and asked how much money it cost the taxpayers to allow the extra day off for the Township employees. The Township Manager clarified that employees were not given an extra day off; however, since Township offices are closed on Friday, the 2-day Thanksgiving holiday was observed on Wednesday and Thursday. Ms. Carlton agreed to research and determine the costs associated with closing the Municipal Center on Wednesday. Lastly, Mr. McClachrie questioned how much the proposed Energy Audit will cost. Mayor Austin Carew informed him the Township's Green Committee is recommending the Township apply for the state's Energy Audit grant, which, if awarded, would pay for much of the cost.

*Gary Martinsen, Vernon Township resident*, applauded Cynthia Auberger for her years of service on the Board of Education and thanked the Council for televising its meetings. Mr. Martinsen spoke of the good work performed by the local chapter of the Kiwanis's Club and welcomed everyone to attend their meetings. He then asked when the stop sign will be installed on Sand Hill Road. The Township Manager will follow up with the state Department of Transportation. Mr. Martinsen commented that the U.S. economy is in recession and urged the Council to work hard to reduce the municipal budget line by line. He reminded the Council to make sure the county is aware of the stone lining of septic systems in Vernon Township. Lastly, Mr. Martinsen asked the Council to consider a moratorium on the Township's sign ordinance to help promote local businesses during the holiday season. Council member Valerie Seufert invited Mr. Martinsen to join the next meeting of the Economic Development Committee.

*Marika Bazzone, Glenwood resident*, questioned the presentation on obtaining Plan Endorsement tonight. She offered further information concerning sustainable development and its impact on property owner's rights and presented the Council with material regarding U.N. Agenda 21. To raise public awareness on this subject, she also offered to present a public viewing of the DVD *America's Choice, Liberty or Sustainable Development*.

*Jessica Paladini, Sunset Ridge*, commented that she believed the Council could have responded better to Mr. McClachrie concerning costs associated with giving employee's the Wednesday before Thanksgiving off. Ms. Paladini reported that the State Park Superintendent and State Office on Historical Preservation gave permission to the Historical Society to level the soil stock piled at Maple Grange. The Township Manager requested a written agreement be presented to the Township before any action is taken. Ms. Paladini stated she requested to review the contract between Main Street Associates and the Township for the installation of a sewer line along Bank Street through several OPRA requests and to date has not been provided the appropriate contract. She asked that a forensic auditor investigate that matter further. Ms. Paladini reiterated that she does not fault any current

member of the governing body regarding the Town Center project. Ms. Paladini also requested that all resolutions and ordinances be made available on the Township's Website. Further, Ms. Paladini questioned whether the Township has been collecting developer fees pursuant to COAH. Lastly, Ms. Paladini indicated she would be asking for Council Member McLaughlin's resignation at the next meeting since he was not present tonight.

*Ron Muller, President, Vernon Chamber of Commerce*, invited members of the Council and public to attend Friday evenings Annual Tree Lighting event. Mr. Muller also asked for volunteers to help plan and organize next years Earth Fest event to be held in April.

*Harold MacPeek, MacPeek Road*, suggested the Township Council could keep all members of the public informed regarding questions received from the public by reporting their findings and determination at the next Council meeting.

*Neil Desmond, Glenwood resident*, congratulated Council member Gary Grey on his appointment to the Township Council. Mr. Desmond questioned the Township's cancellation of the Bike Path grant and stated he supports the continued progress and planning of a bike path in the Township and offered his assistance and institutional knowledge. Mr. Desmond questioned resolution #08-215 authorizing a professional service contract with Robert Benecke who is currently serving as the Township's Interim Chief Finance Officer. He asked that a segregation of duties be defined and put in place for his roles and responsibilities as Chief Finance Officer and Redevelopment Consultant. The Township Manager stated the positions and responsibilities are well defined and she will continue to monitor performance.

There being no one else from the public wishing to speak, Mayor Carew closed the public comment period.

#### **TOWNSHIP CLERK'S REPORT**

The Township's Municipal Clerk, Robin Kline, tonight's Township Council meeting is being televised tonight by WVT Communications. All Council meetings will be broadcast on Channel 130, the "Government Meetings Channel".

The Clerks office is moving forward with the 2009 Reorganization planning.

Ms. Kline reported that Angie Bates, Deputy Municipal Clerk, has passed the state exam for Certified Municipal Registrar. A letter appointing her as Deputy Registrar has been sent to the State Registrar.

With respect to OPRA, the Clerk's office handled 14 new OPRA requests for the month of November. Establishing better procedures and practices have improved the timely processing of OPRA requests.

Ms. Kline thanked several members of the public for bringing to her attention discrepancies in voter registration numbers she reported on at the last meeting. She indicated she has since spoken to the County Board of Election and clarified the matter.

#### **TOWNSHIP MANAGER'S REPORT**

The Township Manager, Melinda Carlton, reported that the Town Center Forensic Audit RFQ's are to be mailed out this week. She noted the results of the audit will be extensively reviewed and will be made available to the public.

Ms. Carlton reported the Budget Committee reviewed the proposed 2009 Municipal Budget line by line.

The Township Manager reported the Municipal Judge has requested a salary increase, which must be considered if the Township Council desires to reappoint the Judge in 2009. Mayor Austin Carew requested the Township Manager to prepare comparative data for the Council's review.

Ms. Carlton informed the Council that \$32,000 in R.O.I.D. grant revenues were not included in the Recreation and Leisure Department's proposed budget. Ms. Carlton suggested Pat Seger present her revised budget to the Council at the December 3<sup>rd</sup> Budget Meeting for further discussion..

The Township Manager reminded members of the Township Council that the 2009 Municipal Budget will be adopted at the December 11<sup>th</sup> Township Council meeting.

#### **TOWNSHIP ATTORNEY'S REPORT**

Mr. Witt stated he had no report tonight.

#### **APPROVAL OF MINUTES**

Council Member Valerie Seufert made a motion to accept and approve the October 29, 2008 Township Council Special Meeting minutes, seconded by Council Member Richard Carson. A voice vote was taken with all in favor.

Council Member Valerie Seufert made a motion to accept and approve the November 6, 2008 Township Council Special Meeting minutes, seconded by Council Member Richard Carson. A voice vote was taken with all in favor.

Council Member Valerie Seufert made a motion to accept and approve the November 13, 2008 Township Council Special Meeting minutes, seconded by Council Member Richard Carson. A voice vote was taken with all in favor.

#### **CONSENT AGENDA**

##### **RESOLUTION #08-201**

##### **CANCELLATION OF DEPARTMENT OF TRANSPORTATION BIKE PATH GRANT RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, there is a receivable with an offsetting appropriation from the State of New Jersey Department of Transportation Bike Path Grant in the amount of \$14,931.20 and

**WHEREAS**, this receivable is no longer collectible as revenue

**NOW, THEREFORE, BE IT RESOLVED** that the receivable and budget appropriations be cancelled.

Council Member Richard Carson made a motion to remove Resolution #08-201 from the Consent Agenda for discussion. Motion seconded by Council Member Valerie Seufert. A voice vote was taken with all in favor.

##### **RESOLUTION #08-203**

##### **TAX OVERBILL**

**WHEREAS**, the assessment for the year 2008 was lowered creating an over billing; and

**WHEREAS**, lowering the assessment, created an overpayment of taxes,

**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 check for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>LOCATION</u>
74-10	16	Crusader Lien Services (Re: Roesch, Steven A & Theresa J #07/023)	\$98.50	16 Longview Lane
190	28	New Age Homes LLC	\$ 743.28	Rt 515

**RESOLUTION # 08-204**

COUNTY BOARD JUDGMENT

**WHEREAS**, County Board Judgment has been favorably awarded for the year 2008; and,

**WHEREAS**, such judgment have resulted in an overpayment of 2008 taxes on the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>LOCATION</u>
61	2		AMACO (Re: Vega Const. Systems Inc. #06/002)	\$5,737.62	934 Warwick Tpke

**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 a refund for said overpayment of property taxes

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

**RESOLUTION #08-217**

AUTHORIZING THE APPROVAL OF BILLS LIST

**BE IT RESOLVED** that the following bills lists are hereby approved:

Current	ck# 30405	to ck# 30437
Current	ck# 30438	to ck#
Current	ck# 30439	to ck# 30499
Capital	ck# 2578	to ck#
Capital	ck# 2579	to ck# 2589
Grant	ck# 30504	to ck# 30505
Planning & Zoning	ck# 3799	to ck# 3808
Recreation Trust	ck# 849	to ck#
Recreation Trust	ck# 850	to ck# 857
Dog Trust	ck#	to ck#
Other Trust	ck# 779	to ck# 780
Other Trust	ck# 781	to ck# 782
Senior Citizen Trust	ck# 1023	to ck#
Outside Services	ck# 1496	to ck# 1497
Outside Services	ck#1498	to ck#
Unemployment Trust	ck#	to ck#
Open Space Trust	ck#	to ck#
PVL Dam Rehab Asm	ck#	to ck#
PVL Dam Rehab Exp	ck#	to ck#
COAH	ck#	to ck#

Sewer Operating	ck# 127	to ck#
Sewer Capital	ck#	to ck#
Developer's Bonds	ck#	to ck#
Road Assessment	ck#	to ck#
Payroll Deduction	ck# 3040	to ck#
Payroll Checks	ck# 32946	to ck# 33004 (1 <sup>st</sup> Pay in Nov)
Payroll Deduction	ck# 3041	to ck# 3043
Total Payroll	\$451,090.89	

Council Member Richard Carson moved to approve the Consent Agenda, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None

## **RESOLUTIONS REQUIRING SEPARATE ACTION**

Council Member Richard Carson moved to discuss Resolution #08-201, seconded by Council Member Gary Grey.

### **RESOLUTION #08-201**

#### **CANCELLATION OF DEPARTMENT OF TRANSPORTATION BIKE PATH GRANT RECEIVABLE AND APPROPRIATION BALANCES**

**WHEREAS**, there is a receivable with an offsetting appropriation from the State of New Jersey Department of Transportation Bike Path Grant in the amount of \$14,931.20 and

**WHEREAS**, this receivable is no longer collectible as revenue

**NOW, THEREFORE, BE IT RESOLVED** that the receivable and budget appropriations be cancelled.

The Township Manager, Melinda Carlton, explained this Resolution cancels unused grant funds since the scope of work to be performed under the grant had been completed. Ms. Carlton recommended the resolution should be revised to include the language that the scope of work of the grant was completed and satisfied.

Council Member Richard Carson made a motion to amend the language of Resolution #08-201 to state "the scope of work to be performed under the grant has been completed and fulfilled." seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None

Council Member Gary Grey made a motion to approve Resolution #08-201 as amended. Seconded by Council Member Richard Carson.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None

Resolution #08-201 is approved.

**RESOLUTION #08-215**

AUTHORIZING A PROFESSIONAL SERVICE CONTRACT  
WITH BENECKE ECONOMICS, ROBERT BENECKE  
FOR THE TERM FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2010

**WHEREAS**, there exists a need for professional services for the Township of Vernon in the matter of Redevelopment and Financial Consultant; and

**WHEREAS**, Robert L. Benecke, Esq. has emerged as the most qualified and best available candidate; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose and are subject to adoption of the 2009 and 2010 Municipal Budgets; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

**WHEREAS**, Vernon desires to appoint Robert L. Benecke pursuant to a contract under the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has certified that the value of the contract will exceed \$17,500.00 and not exceed \$45,600.00; and

**WHEREAS**, the term of the contract will be from January 1, 2009 to December 31, 2010; and

**WHEREAS**, Robert L. Benecke, t/a Benecke Economics, has submitted a Business Entity Disclosure Certification in compliance with law.

**NOW THEREFORE BE IT RESOLVED**, this 1st day of December, 2008, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage Robert L Benecke, t/a Benecke Economics, for the purpose of Redevelopment and Financial Consultant.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Professional Services Contract with the Robert L. Benecke, t/a Benecke Economics.

Said Professional shall be engaged pursuant to contract to be entered by and between the Professional and the Township and for such periods of time as permitted by law and for such compensation as agreed.

This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Township Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

Council Member Valerie Seufert asked for clarification on the contract amount and confirmation that each party must provide a 30 day written notice to cancel the contract.



Council Member Richard Carson moved to approve this Resolution, seconded by Council Member Valerie Seufert.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

**RESOLUTION #08-216**

SEEKING AN EXTENSION OF THE DEADLINE TO PETITION FOR SUBSTANTIVE  
CERTIFICATION PURSUANT TO EXECUTIVE ORDER 114 AND THE  
MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLANDS COUNCIL  
AND THE COUNCIL ON AFFORDABLE HOUSING

**WHEREAS**, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH) and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU) designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

**WHEREAS**, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

**WHEREAS**, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements, and provisions of the Regional Master Plan; and

**WHEREAS**, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

**WHEREAS**, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008:

- 1) Submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and
- 2) Submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

**WHEREAS**, on November 13, 2008, the governing body of the Township of Vernon adopted a resolution notifying the Highlands Council that Vernon Township agrees to submit a Petition for Plan Conformance no later than December 8, 2009.

**NOW, THEREFORE, BE IT RESOLVED**, that Township of Vernon hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

**BE IT FURTHER RESOLVED** that the governing body of the Township of Vernon hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

**BE IT FURTHER RESOLVED** that the governing body of the Township of Vernon hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of the duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

**BE IT FURTHER RESOLVED** that the governing body of the Township of Vernon intends to submit a petition for substantive certification and a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

Council Member Valerie Seufert moved to approve this Resolution, seconded by Council Member Gary Grey.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

**RESOLUTION #08-218**

AWARD OF BID

DEPARTMENT OF PUBLIC WORKS NEW TYPE III 4 x 4 AMBULANCE

**WHEREAS**, the Municipal Clerk and the Director of Public Works accepted bids, pursuant to the New Jersey Local Public Contracts Law, for a New Type III 4x4 Ambulance on October 28, 2008 at 1:15 p.m.; and

**WHEREAS**, two bids were received; and

**WHEREAS**, the Director of Public Works and the Township Attorney have reviewed the bids submitted and has recommended the bid be awarded to First Priority Emergency Vehicles 2444 Ridgeway Blvd., Bldg 500, Manchester, NJ 08759; and

**NOW THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Vernon hereby awards the bid for a New Type III 4x4 Ambulance to First Priority Emergency Vehicles, for a total amount not to exceed \$129,897.00; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer has certified the availability of funds; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the bidder along with the bid bond. This Resolution shall take effect immediately.

Council Member Valerie Seufert moved to approve this Resolution, seconded by Council Member Gary Grey.

Council Member Richard Carson informed members of the Council and the Township Attorney that he is a member of the Vernon Township Volunteer Ambulance Squad.

Mayor Austin Carew called for a five minute recess so Council Member Richard Carson could consult with the Township Attorney on this matter.

Returning from the 5-minute recess, the Mayor called for a new motion on Resolution #08-218. Council Member Valerie Seufert made a motion to approve Resolution #08-218, seconded by Council Member Gary Grey.

There was no further Council discussion.

A roll call vote was taken:

AYES: Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

ABSTAIN: Richard Carson

Resolution passed.

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

### **ORDINANCE #08-22**

ORDINANCE AMENDING A BOND ORDINANCE OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, HERETOFORE ADOPTED ON AUGUST 13, 2007 (#07-36).

Ordinance #08-22 was read by title only. First reading was held on November 13, 2008. Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Richard Carson.

Mayor Carew opened the Public Hearing for public discussion on Ordinance #08-22.

Thomas McClachrie, Vernon Taxpayers Association, asked the Council to distinguish wants from needs during tight economic times. Mayor Carew reminded Mr. McClachrie that bond ordinance is not a new bond issuance.

Gary Martinson, Vernon resident, commented that although the Township must be diligent with spending money, he supported the repair of the Fire Department tanker truck for public safety reasons.

There being no further comments from the public, the Mayor closed the Public Hearing.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

Ordinance passed.

### **ORDINANCE #08-23**

AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE ARTICLE II FEES AND ESCROWS ENUMERATED CODE SECTION 250-15 RELATING TO ANIMAL CONTROL

Township Attorney Mike Witt stated there was a typographical error in the Ordinance at first reading. The local dog license still reflected old rate of \$6.80, which has been changed to \$9.80.

Mayor Carew opened the Public Hearing for public discussion on Ordinance #08-23.

Thomas McClachrie, Vernon Taxpayers Association, stated the Vernon Taxpayers Association opposes any fee increases.

There being no further comments from the public, the Mayor closed the Public Hearing.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

Ordinance passed.

## **ORDINANCE #08-24**

### AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE CHAPTER 281, FOOD ESTABLISHMENTS, RETAIL §SECTION 281-4 LICENSE REQUIRED

Ordinance #08-24 was read by title only. First reading was held on November 13, 2008. Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Richard Carson.

Mayor Carew opened the Public Hearing for public discussion on this Ordinance #08-24.

Jessi Paladini, Sunset Ridge, questioned why the Township is changing the annual Food Licensing renewal date. Township Attorney, Michael Witt responded that the Township ordinance should parallel the County regulation regarding the renewal period of Food Licensing. Ms. Paladini reminded the Council the earlier licensing date compelled resorts and restaurants to keep current in taxes, otherwise a Food License would not be issued.

Thomas McClachrie, Vernon Taxpayers Association, stated the County should abide by Vernon's protocols.

There being no further comments from the public, the Mayor closed the Public Hearing.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

Ordinance passed.

## **NEW BUSINESS**

Council Member Gary Grey reported that Craig Williams drafted a form to evaluate Open Space requisition activities, which the Environmental Commission reviewed and approved. Council Member Grey requested the Council to review the form and give their feedback.

Council Member Gary Grey supports the moratorium on fines for signage and asked the Council to further discuss this matter for possible action tonight. The Township Attorney recommended the Council discuss this matter in Executive Session.

Council Member Richard Carson asked the Township Manager to provide a strategic plan report at each meeting detailing the first five goals the Council would like to implement at the beginning of the year.

Mayor Carew asked the members of the Township Council to consider a resolution approving the submission of a Local Government Energy Audit grant. He distributed a draft resolution recommended by the Green Committee for consideration at the December 11<sup>th</sup> meeting.

Mayor Carew spoke about reactivating the Health Advisory Board with a liaison from the Council, particularly because health services are now handled by the County. The Township Attorney was asked to advise the Township Council on the powers and duties to be assigned to the Health Advisory Board. Mayor Carew asked interested members of the public to contact the Township Clerk if they are interested in serving on any Boards, Commission or Committees.

At 9:58 p.m., Council Member Richard Carson made a motion to enter into executive session. Motion seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None.

The Municipal Clerk read the following resolution to go into executive session:

### **RESOLUTION TO GO INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
  - a. Attorney-Client Privilege regarding discussion concerning the Township's sign ordinance. There is no anticipated date of release of executive session minutes with regard to this issue.
3. This resolution shall take effect immediately.

Mayor Austin Carew reopened the meeting to the public at 10:35 p.m.

Mayor Carew stated the Township Council will consider an amendment to the sign ordinance at the December 11, 2008 Council meeting.

Mayor Carew cautioned the members of the Council to be mindful when using email for Township business and recommended that they not use their own personal email accounts for Township business. He asked the Township Attorney to prepare a report on this subject at the next Council meeting.

### **ADJOURNMENT**

There being no further items of business to be conducted on the Regular Meeting agenda, a motion for Adjournment was made by Council Member Valerie Seufert. The motion was seconded by Council Member Richard Carson, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:38 p.m.

Respectfully submitted,

*Robin R. Kline*

Robin R. Kline, MAS, RMC  
Municipal Clerk

Minutes approved:01/08/2009