

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL REGULAR MEETING

DECEMBER 11, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:13 p.m. on Monday, December 11, 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 was provided to the newspapers on September 30, 2008 and a copy of the notice was posted at the Municipal Building.

ROLL CALL OF MEMBERS

Present were Council members Richard Carson and Glenn McLaughlin. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council members Gary Grey and Valerie Seufert were absent.

As a courtesy, Mayor Carew opened the meeting to the public for an early public comment period.

PUBLIC COMMENT

Gene Mulvihill, Great Gorge, spoke about the role of private and public partnerships in creating viable communities. He asked that the Township do more to help recreation-based businesses in the Township during these tough economic times. Specifically, Mr. Mulvihill asked that the Township Council and Planning Board reduce application and building permit fees wherever possible to help local business in the area expand facilities or operations. He suggested the Township reinvest revenues received from hotels into tourism and recreation initiatives.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:30 p.m., Council Member Richard Carson made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Glenn McLaughlin, with all members present voting in favor.

The Municipal Clerk read the following 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. Three Personnel Matters. No anticipated time for release of Executive Session minutes.
 - b. Contract Negotiations, Main Street Associates. Anticipated time of release of Executive Session minutes would be at the time the contract is fully executed.
 - c. Attorney-Client Privilege, Sussex County Municipal Utilities Authority Litigation. No anticipated time of release of Executive Session minutes.

- d. Contract Negotiations, Mt. Creek Redevelopment Agreement. Anticipated time of release of Executive Session minutes would be at the time the contract is fully executed.
3. This resolution shall take effect immediately.

The meeting was reopened to the public at 7:03 p.m. with all members present as before. Council Members Gary Grey and Valerie Seufert were absent.

SALUTE TO THE FLAG

The Mayor led the assemblage in the salute to the flag and then opened the meeting for Public Comment.

PUBLIC COMMENT

Bruce Zaretsky, Vernon, informed the Council that his senior housing project is no longer viable and that he would like to change the 134-unit senior housing project to a market rate housing project. He further informed the Township Council that the Planning Board application fees, escrow fees and other miscellaneous fees would be approximately \$52,000 for Planning Board review. Mr. Zaretsky requested a waiver of all or some of the fees. He informed the Council that the proposed 134-unit market rate housing project would provide 30 COAH units for the Township. The Township Council asked the Township Manager, Engineer, and Attorney to review what fees are required and to make a recommendation to the Council regarding what fees might be waived.

Mr. Zaretsky then informed the Township Council that his building on Church Street will be completed in January. He further informed the Council that he recently learned from a tenant interested in leasing professional office space that a zoning permit to allow a "no use" to "office use" condition is required. Mr. Zaretsky asked for the Township's assistance in waiving zoning permit fees.

Thomas McClachrie, Vernon Taxpayers Association, objected to resolutions 08-224 and 08-222 and asked how much is the contract, which is referenced in resolution 08-222. Mr. McClachrie stated he has been asked by the Vernon Taxpayers Association membership to read the following statement into the record:

"We're living in a time that a lot of people never expected to see. Prudent people are being asked to pay for imprudent actions of others, speaking specifically about the financial turmoil in the markets currently concerning Fannie Mae, Freddy Mac, AIG, Lehman Brothers, and Citicorp. All of this seems to have come about mainly from people not asking questions or people not asking the appropriate questions at the appropriate times, as well as, people that were serving in chief executive offices of these companies not representing the truth to their stockholders and to their board members and to their clientele."

Lastly, on behalf of the Vernon Taxpayers Association, Mr. McClachrie asked for Council member McLaughlin's resignation on the Vernon Township Council, stating the Vernon Taxpayers Association calls for an honest, ethical government in Vernon Township,

Gary Martinsen, Vernon, questioned why the Council called for an executive session to discuss the Township's sign ordinance on December 1st. Mr. Martinsen was informed advice from the Township Attorney invoked the attorney-client privilege. Mr. Martinsen commented he was disappointed that his email communications to Township officials have not been responded to.

Mark Nelson, Vernon, thanked Council member Glenn McLaughlin for the time and effort he has given as a Councilman.

PRESENTATIONS AND SPECIAL ITEMS

COAH Rehabilitation Program: Mr. Louis Kneip, Director of Planning and Development, introduced Mr. Steve Weinberg of Community Action Services. Mr. Weinberg discussed his previous role in Vernon Township regarding the Township's Housing Rehabilitation Program. At the time, 160 residents responded and seven housing units were completed. The COAH Rehabilitation Program helps homeowners repair heating and cooling systems, plumbing, electrical, roofing, weatherization and major structural issues. Four years ago the maximum loan amount under the program was \$15,000. Loans are no interest 15-year deferred payment loans. Mr. Weinberg reported ten more units have been authorized for rehabilitation funding in Vernon Township through this program. Mr. Weinberg did not recommend publicizing the program at this time since there are many applicants on the waiting list. He informed the Council that applicants are qualified by current gross income requirements established by the COAH Rehabilitation Program guidelines.

Mr. Kneip reported Resolution 08-222 is on tonight's agenda for Council consideration. If approved, Mr. Kneip will authorize Mr. Weinberg to begin administering the Township's COAH Rehabilitation Program.

El Paso/Tennessee Gas Pipeline Expansion Project: The Township Manager introduced Mr. Mark Hemerich, Project Director for The Tennessee Gas Pipeline 300 Line Expansion Project. Mr. Hemerich presented an informational power point presentation on the 300 Line Expansion Project. The 300 Line Expansion Project will add an additional loop line to the existing 10-mile pipeline and will include several new compressor stations. Mr. Hemerich stated Federal Energy Regulatory Commission [FERC] approvals should be received by March 2010 with construction beginning approximately in June 2010. It is anticipated the project will be completed by November 2011. El Paso is a publicly-traded company and pays taxes on the pipeline infrastructure in Vernon Township. An Open House will be held January 5, 2009, 6:00 to 8:00 p.m., at the Walnut Ridge Primary School, at which time detailed information will be provided to the public regarding the expansion of approximately 10 miles of gas pipeline through Vernon and Wantage Townships in Sussex County.

TOWNSHIP CLERK'S REPORT

Robin Kline presented the Clerk's 2008 Year-end Report, which she stated will be made available for the public's review. Ms. Kline reported she looks forward to the January Reorganization Meeting and looks forward to serving the Township's residents and business community in the coming year.

TOWNSHIP MANAGER'S REPORT

The Township Manager informed the Council that the Sign Ordinance Review Committee has been meeting and working on recommendations to the Township's sign ordinance. Ms. Carlton asked Louis Kneip and members of the Sign Ordinance Review Committee to come forward and introduce themselves. Lou Kneip, Gary Hayes, and Ron Muller reported their committee has been reviewing sign ordinances from neighboring towns and are especially interested in regulations concerning marquis and sandwich board signs. Mr. Hayes and Mr. Muller reported the Committee is taking an overall comprehensive approach to signage throughout the Township and are sensitive to the business community needs. Because of the complex nature and challenges in creating signage uniformity, they feel this matter should not be rushed. The Committee will report back to the Council with recommendations sometime during the first quarter of 2009. Mr. Kneip briefly reported the Committee is also working on a design concept for a new sign to replace the existing business installed at the Route 94 and Church Street intersection. Mayor Carew thanked the Committee for their efforts.

The Township Manager reported Request for Proposals for the Town Center Forensic Audit have been advertised and are returnable January 5, 2009.

Township Manager Melinda Carlton discussed the Administrative Consent Order issued by the Department of Environmental Protection regarding a sewage effluent spill into the Black Creek by the Legends Hotel. A third generator must be installed to provide back up power in instances of power loss. The Township requires a building permit for the installation of the generator; however Township policy provides that all property taxes must be current before building permits can be issued.

Council member Glenn McLaughlin made a motion to allow a one-time waiver of the Township's requirement that all property tax obligations must be current before a building permit can be issued. Seconded by Council member Richard Carson.

Mayor Carew expressed concern that the Township was not informed of the seriousness of the matter. Council member Richard Carson reported this has been a problem since 2004 and was concerned why Metairie Corporation did not disclose this situation to the Township during the recent redevelopment discussions.

There was no further Council discussion. A roll call vote was taken:

AYES: Richard Carson, Glenn McLaughlin, Austin Carew

NAYES: None

Motion passed.

Mr. Al Warrington, of Legends, requested the privilege to respond on this matter

Mr. Warrington reported a back up generator is in place and a third generator will be installed. Mr. Warrington reported lightning strikes caused the power failures and apologized for the misfortune. Mr. Warrington commented there was no evidence of sewage spillage. Legends was required to provide a spillage estimate to the Department of Environmental Protection [DEP] based on the number of hotel rooms. Mr. Warrington further commented that Legends operates one of the best sewer systems, having the fewest number of violations in the state, according to DEP records,. Mayor Carew asked Mr. Warrington to notify the Township of any future incidents.

The Township Manager asked Mr. Robert Benecke to briefly report on the status of the Mountain Creek redevelopment agreement. Mr. Benecke advised the Council that Item #30 in the Planning Board's March 18, 2007 resolution requires Mountain Creek to execute a redevelopment agreement with the Township. Failure to do so violates their General Development Plan. If the redevelopment agreement is not executed soon, the project timing schedule and financial approvals will be questionable. Mr. Benecke offered to again provide members of the Council with a copy of his April 19, 2008 email itemizing all issues and points regarding the timing schedule; and copies of the two proposed agreements. Mr. Benecke advised that further discussion of this matter should be held in executive session. Mayor Carew requested Township officials to meet with Mountain Creek representatives to open up dialogue regarding the Mountain Creek Redevelopment Agreement.

Lastly, Mr. Benecke informed the Council the budget transfer resolution on the agenda will need a full majority of members to take action on and cannot be approved tonight. The Township Attorney advised the Council to hold a continuation of this meeting at a later date and time so that the full membership of the Council may be present to approve the budget transfer resolution.

TOWNSHIP ATTORNEY'S REPORT

Mr. Witt had no report.

APPROVAL OF MINUTES

Mayor Austin Carew recommended that the approval of minutes should be tabled until the next Regular Council Meeting due to the absence of two Council members

at tonight's meeting. Council member Glenn McLaughlin made a motion to table the November 13, 2008 Regular and Executive Session minutes. Motion seconded by Council Member Richard Carson, with all members present voting in favor.

CONSENT AGENDA

RESOLUTION #08-219

AUTHORIZING THE APPROVAL OF BILLS LIST

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

Current	ck# 30506	to	ck# 30524
Current	ck# 30526	to	ck# 30547
Capital	ck# 2590	to	ck# 2592
Capital	ck# 2593	to	ck# 2594
Grant	ck# 30525	to	ck#
Planning & Zoning	ck#	to	ck#
Recreation Trust	ck# 859	to	ck# 861
Dog Trust	ck#	to	ck#
Other Trust	ck#	to	ck#
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck#	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#	to	ck#
Sewer Capital	ck#	to	ck#
Developer's Bonds	ck#	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#
Payroll Checks	ck# 33005 to ck# 33036 (1 st transfer for 2 nd Pay in Nov) (Does Not include Police Dept)		
Total Payroll	\$148,154.90		
Payroll Checks	ck# 33037 to ck# 33048 (2 nd transfer for 2 nd pay in Nov) (Police Dept)		
Payroll Deduction	ck# 3044 thru ck# 3052		
Total Payroll	\$143,430.19		

RESOLUTION #08-221

TRANSFER RESOLUTION – 2008 BUDGET

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2008 Municipal Budget) in accordance with N.J.S.A. 40A 4-58 be and are hereby approved.

From:		TO:	
Health Department S&W	\$56,000.00	Police S&W	\$40,000.00
Administrative Adjustments	55,300.00	Health O E	61,300.00
		Fleet Management	8,000.00
		Defined Contribution Retirement Program	2,000.00
TOTAL	\$111,300.00		\$111,300.00

RESOLUTION #08-223

AUTHORIZING THE RELEASE OF EXECUTIVE SESSION MINUTES FROM TOWNSHIP OF VERNON PUBLIC COUNCIL MEETINGS

BE IT RESOLVED by the Township Council of the Township of Vernon that minutes from Executive Sessions of Township Council Meetings from January 6, 2003 through August 14, 2008, are approved for release to the public, subject to redaction where appropriate; and

BE IT FURTHER RESOLVED, that the release of any Executive Session minutes shall not constitute any waiver of confidentiality where such release was made in error.

Mayor Austin Carew requested Resolution #08-221 be removed from the Consent Agenda for further discussion.

Council Member Glenn McLaughlin moved to approve the Consent Agenda, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Council members Richard Carson, Glenn McLaughlin, Mayor Austin Carew

NAYES: None

Motion Passed.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #08-220

DESIGNATING MEETING DATES OF THE TOWNSHIP COUNCIL FOR THE 2009 CALENDAR YEAR

BE IT RESOLVED, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et. seq., the Reorganization Meeting of the Township Council of the Township of Vernon shall convene at 12:00 noon at the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey. Formal action will be taken at the Reorganization Meeting.

BE IT FURTHER RESOLVED, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et. seq., the Regular Meetings of the Township Council of the Township of Vernon shall convene at 6:00 p.m. at the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey for the following meeting dates:

January 8 and 22	July 9 and 23
February 5 and 26	August 13 and 27
March 12 and 26	September 10 and 24
April 13 and 23	October 8 and 22
May 14 and 28	November 12
June 11 and 25	December 1 and 10

BE IT FURTHER RESOLVED immediately after the Regular Meeting is opened, the Township Council shall take up all matters requiring executive session, from which the public shall be excluded. At 7:00 p.m., or as soon thereafter, the public portion of the meeting will recommence. Formal action may be taken at any Regular Business Meeting.

BE IT FURTHER RESOLVED that all meetings shall be opened to the public and public participation will be entertained at all meetings but limited to five

(5) minutes for each speaker to provide the Governing Body sufficient time to complete its work.

BE IT FURTHER RESOLVED that the newspapers to which all Notices required by the Open Public Meetings Act shall be published in *The New Jersey Herald* and shall be posted on the bulletin board in the Municipal Building.

Council Member Richard Carson moved to approve the above resolution, seconded by Council Member Glenn McLaughlin.

There was no Council discussion. A roll call vote was taken:

AYES: Council member Richard Carson, Glenn McLaughlin, Mayor Austin Carew

NAYES: None

Motion carried.

RESOLUTION #08-222

AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH STEVEN J. WEINBERG T/A COMMUNITY ACTION SERVICES FOR REHABILITATION PROGRAM ADMINISTRATIVE SERVICES

WHEREAS, the Township Council approved Ordinance #05-04 which created the Affordable Housing Rehabilitation Program intended to establish and facilitate how housing rehabilitation and new construction can be provided for low- and moderate-income households within the Township of Vernon in order for the Township to meet its housing obligations as determined by the New Jersey Council on Affordable Housing (COAH).

WHEREAS, the Township desires to secure professional rehabilitation program planning and administrative services relative to its implementation of a rehabilitation program in compliance with the regulations of the New Jersey Council of Affordable Housing (COAH); and

WHEREAS, the Consultant's principal members have heretofore satisfactorily provided professional services to municipalities in these and related matters; and

WHEREAS, the Consultant is qualified to provide such professional rehabilitation program planning and administrative services; and

WHEREAS, the Township agrees to engage the Consultant and the Consultant agrees to perform the services hereinafter set forth subject to the terms and conditions of the Agreement, attached and made part hereof; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON THAT:

1. A contract is awarded by the Township of Vernon, NJ for the period commencing January 1, 2009 and terminating December 31, 2009 to Community Action Services for services herein specified.
2. The cost of said agreement shall not exceed \$34,000 which includes \$5,000 in administrative fees and completed unit fees of 10 units @ \$2,900 per unit.
3. That payment for said services pursuant to the contract is paid to the firm of Community Action Services, P.O. Box 6025, East Brunswick, New Jersey 08816.

4. This contract is awarded without competitive bid as a Professional Services Contract under the provisions of NJSA 40A:11-5(1)(a).
5. That a notice of this action shall be published once in the official Newspaper in accordance with law, and said notice to provide that the contract awarded and the Resolution authorizing same are available for public inspection in the office of the Township Clerk.
6. Performance of services under the terms of the agreement, and payment for services is subject to the certification of availability of funds by the Chief Finance Officer.

Council Member Glenn McLaughlin moved to approve the above resolution, seconded by Council Member Richard Carson.

There was no Council discussion. A roll call vote was taken:
 AYES: Council members Richard Carson, Glenn McLaughlin, Mayor Austin Carew
 NAYES: None
 Motion carried.

RESOLUTION #08-224

APPROVING THE MANAGER’S YEAR 2009 MUNICIPAL BUDGET

WHEREAS, the Township Manager began the municipal budget process for the year 2009 in September 2008 to inform the public and Township Council as to the challenges facing the Township in these difficult economic times, and

WHEREAS, on October 23, 2008 and November 13, 2008 the Township Council held public meetings regarding departmental performance measures and services, as well as a detailed review of each budget line item; and

WHEREAS, on December 3, 2008 the Council reviewed the 2009 Budget and is hereby approving same.

BE IT RESOLVED by the Township Council of the Township of Vernon, New Jersey, that the following appropriations and revenues in the Municipal Budget for the year 2009 are hereby approved.

<u>General Appropriations and all Revenues (Including Tax Revenues)</u>	
Total Estimated Appropriations	\$22,506,747.00
Capital Improvement Program	\$ 1,735,233.00
<u>General Revenue</u>	
Total Estimated Municipal Tax Revenues	\$14,628,660.00
Total General Revenue	\$21,748,948.00

BE IT FURTHER RESOLVED by the Township Council that it may be necessary to modify the above stated numbers.

Council Member Richard Carson moved to approve the above resolution, seconded by Council Member Glenn McLaughlin.

There was no Council discussion. A roll call vote was taken:
 AYES: Council members Richard Carson, Glenn McLaughlin, Mayor Austin Carew
 NAYES: None
 Motion carried.

NEW BUSINESS

Mayor Austin Carew stated since Council Member Gary Grey could not be present at tonight’s meeting, Mr.Grey requested that his following statement be read into the record:

“Mayor Carew, please accept my apologies for not being able to attend tonight’s Town Council meeting. I want to express my appreciation to the Town Manager,

the administrative staff, the department managers and to you and Councilwoman Seufert for the diligent efforts put into developing the 2009 proposed Municipal Budget. Being part of this process gave me an appreciation of the challenges of trying to maintain services in a fiscally responsible manner. I have been very impressed with the dedication of all involved in working toward that goal and I believe the proposed budget being considered at tonight's meeting goes a long way towards meeting that challenge. I especially want to thank the department managers for their important participation in the budget process. I was impressed with how the Manager's office, the Departments and the Council worked together to craft a budget that strives to work within the limits of today's economic challenges. Please express my support for the 2009 proposed budget and again, my apologies for not being able to attend tonight's meeting.
Thank you, Gary Grey."

Mayor Carew echoed Council Member Grey's comments and thanked the Township Manager and all department heads for their participation and professionalism. Mayor Carew thanked Council Member Valerie Seufert for her additional efforts in the Budget review process. Mayor Carew further reported deeper budget cuts would certainly impact delivery of services to the taxpayers and stated the Municipal Budget represents only 20% of property tax dollars collected in Vernon Township.

Mayor Carew called for a brief recess.

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Mayor Carew reconvened the meeting at 8:53 p.m. with all members of the Council present as before. Council Members Gary Grey and Valerie Seufert were absent.

Upon consultation with the Township Attorney, Mayor Carew announced this meeting will be recessed until further notice so that the Township Council may reconvene at an agreed to date, time and place to take action on Budget Transfer Resolution 08-221.

RECESS OF MEETING

Council Member Glenn McLaughlin made a motion to recess this meeting until further notice so that the Township Council may reconvene at an agreed to date, time and place to take action on the Budget Transfer Resolution 08-221. Seconded by Council Member Glenn McLaughlin, with all members present voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was recessed at 8:54 p.m.

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**CONTINUATION OF THE DECEMBER 11, 2008 TOWNSHIP COUNCIL
REGULAR MEETING**

The continuation of the Regular Meeting of the Township Council of the Township of Vernon was reconvened at 4:30 p.m. on Saturday, December 13, 2008 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Carew presiding.

Present were Council members Richard Carson, Gary Grey, Glenn McLaughlin, and Valerie Seufert. Also present was Township Manager Melinda Carlton.

RESOLUTIONS REQUIRING SEPARATE ACTION

Mayor Carew asked for a motion to approve Budget Transfer Resolution 08-221.

RESOLUTION #08-221

TRANSFER RESOLUTION – 2008 BUDGET

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2008 Municipal Budget) in accordance with N.J.S.A. 40A 4-58 be and are hereby approved.

From:		TO:	
Health Department S&W	\$56,000.00	Police S&W	\$40,000.00
Administrative Adjustments	55,300.00	Health O E	61,300.00
		Fleet Management	8,000.00
		Defined Contribution Retirement Program	2,000.00
TOTAL	\$111,300.00		\$111,300.00

Council member Richard Carson made a motion to approve Resolution 08-221. Motion seconded by Glenn McLaughlin.

There was no Council discussion. A roll call vote was taken.
AYES: Council members Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert, Mayor Austin Carew

NAYES: None
Motion passed. Budget Transfer Resolution 08-221 was approved unanimously.

ADJOURNMENT

A motion for Adjournment was made by Council member Glenn McLaughlin, seconded by Council member Valerie Seufert, will all members present voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 4:41 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: 01/08/2009