

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

January 22, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Thursday, January 22, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on December 30, 2008 by delivering to the press and posting same at the Municipal Building.

SALUTE TO THE FLAG

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

ROLL CALL OF MEMBERS

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:09 p.m., Council Member Gary Grey 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. Contract Negotiation, New Jersey Land Conservancy Agreement. Anticipated time of release of Executive Session minutes would be at the time the contract is fully executed.
 - b. Contract Negotiations, PBA Collective Bargaining Agreement. Anticipated time of release of Executive Session minutes would be at the time the contract is fully executed.
 - c. Attorney-Client Privilege, Ordinance #09-02. No anticipated time of release of Executive Session minutes.
 - d. Personnel Matter, Township Manager Performance Evaluation. No anticipated time of release of Executive Session minutes.
3. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:10 p.m.

Mayor Austin Carew reconvened the meeting in Open Session at 7:09 p.m. Present were Council Members Gary Grey, Glenn McLaughlin, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Member Richard Carson was absent.

PRESENTATIONS

The Highlands Council

Eileen Swan, Executive Director for the Highlands Council, and Thomas Borden, Deputy Executive Director & Chief Counsel for the Highlands Council, presented a PowerPoint presentation summarizing the history of the Highlands legislation in New Jersey. Hydrological, topographical, open space and natural resource digital mapping of lands in Vernon Township was also presented with overlays showing current areas of development in the Township. 34.5% of lands in Vernon Township lie within the Highlands Planning Area; 65.5% of lands lie within the Highlands Preservation Area.

Ms. Swan reported the Highlands Act was enacted in January 2004 primarily to protect the state's groundwater and surface waters for potable use and to establish land use policies to protect and maintain natural resources. In October 2008, the Highlands Council entered into a Memorandum of Understanding with the state's Council on Affordable Housing to allow the 88 municipalities in the Highlands Region an extension of time to conform to Round Three affordable housing obligations. Ms. Swan noted that Vernon Township filed its Notice of Intent to file an extension of time for Plan Conformance and was granted an extension until December 2009.

Ms. Swan encouraged Vernon Township to apply for a Plan Conformance Grant with the Highlands Council to begin work on Module I, Current Municipal Conditions and Build Out Analysis, of the Plan Conformance process. Grant funding up to \$100,000 is available to municipalities with no matching funds requirement.

Mayor Austin Carew questioned if the Highlands Act will impact the Township's redevelopment projects. Both Ms. Swan and Mr. Borden answered that the Highlands Act will not impede redevelopment of properties that have already been disturbed. Mr. Borden pointed out that golf courses are also considered disturbed lands and would qualify as redevelopment opportunities within the Highlands legislation.

Township Manger Melinda Carlton welcomed the opportunity to work with the Highlands Council and especially welcome any grant funding which would help the Township achieve Plan Conformance.

The Township Engineer, Louisis Kneip, briefly discussed the Township's plans to construct a parking lot at the Appalachian Trail and stated that project will need to obtain a Highlands exemption. Mr. Borden requested the Township send a copy of its application to the Highlands Council for initial review, which will help move the application forward with the New Jersey Department of Environmental Protection.

Mayor Carew opened the meeting to the public inviting them to address questions to the Highlands Council representatives.

Marika Bezzone, Glenwood, read a statement opposing the State of New Jersey's initiatives to protect open space and farmland, which she asserted comes at a great cost to both property owners and taxpayers. Ms. Bezzone invited the Township Council and public to view a free video presentation at the Dorothy Henry Library on Tuesday January 27th at 7:00 pm.

Seeing no one else from the public wishing to speak, Mayor Carew closed the public comment period and thanked Ms. Swan and Mr. Borden for attending the Township Council meeting and presenting a very informative presentation.

Status of Revaluation

The Township Tax Assessor, Lynne Schweighardt, presented an update on the Revaluation project to the Township Council and public. Ms. Schweighardt stated property inspections have been completed and property revaluations are substantially completed. Letters are being sent to property owners notifying them of their new property revaluation. Informal hearings will begin Tuesday January 26th by

appointment. Ms. Schweighardt encouraged all property owners to call the revaluation company to schedule an appointment to review their property record cards. The Tax Assessors Office will not schedule appointments.

Ms. Schweighardt informed everyone that October 1, 2008 is the place and value date. Typically three years of property sales data are reviewed; however, because of the decline in market conditions over the past months, slightly lower property values have been used.

Ms. Schweighardt further informed everyone that property appeals must be filed before May 1, 2009. The Tax Assessor's Office will be available during regular business hours to assist property owners with the appeal process and local realtors can be used to help identify house sales comparable information.

Lastly, Ms. Schweighardt notified the Township Council and audience that until all assessments are certified by the Count Tax Board, the property revaluations are not public record. Property owners or their agents will be able to review only their own property cards.

Mayor Carew opened the meeting to the public inviting them to address any questions they may have to the Tax Assessor

Robert Oliver, Sandhill Road, Vernon, stated he was left with many questions and concerns after the Township's 1994 revaluation process. Mr. Oliver stated he looks forward to a very transparent revaluation process this year and hoped that full explanations of how properties are valued will be offered.

Thomas McClachrie, Vernon Taxpayers Association, questioned whether home sales analysis are evaluated on a neighborhood-to-neighborhood basis and asked if there are websites which can be used as a resource for home sales comparable data. Mr. McClachrie also questioned if the revaluation company can schedule evening hours to accommodate residents who commute home at a later hour.

Jean Murphy, Coldwell Banker Realty, commented that homes which have been abandoned by their owners due to a foreclosure situation may not have been inspected by the revaluation company and questioned if realtors can schedule inspections of homes which they have listed and are currently vacant.

Mayor Austin Carew thanked Lynne Schweighardt for presenting a very clear and understandable update on the Township's revaluation.

Open Space Discussion

Craig Williams, Chairman of the Environmental Commission, along with Environmental Commission members Dan Boltz and Dennis Downey presented an update on the Township's open space acquisitions to date and visioning plans for future open space acquisitions.

Mr. Williams informed the Township Council that the Township's Open Space fund account has a balance of approximately \$900,000. He stated the Township continues to be highly desirable to the New Jersey Department of Environmental Protection for Green Acres land acquisition initiatives, which have not required Township monies. Mr. Williams reported that the Environmental Commission has identified several project areas in the Township which would connect a large network of bike paths and hiking trails with several access points to public places throughout the Township. To use the Township's Open Space funds efficiently, the Environmental Commission proposed to use the money to acquire rights-of-ways strategically located in Prices Switch, Maple Grange, Black Creek, Walnut Ridge, Drew Road, Louisnsberry Road, MacPeek Road, and the railroad bed leading to the Legends Hotel property and further onto Crystal Springs.

Mayor Carew opened the meeting to the public inviting them to address any questions they may have to the Environmental Commission members.

Bruce Zaretsky, Vernon, cautioned that the type of surface material used to construct the future bike paths and trails must comply with the Department of Transportation and Department of Environmental Protection regulations.

Mayor Austin Carew thanked Mr. Williams and the Environmental Commission for their insightful presentation and further thanked the members for their time and commitment in serving on the Environmental Commission.

Mayor Austin Carew called for a short recess at 9:20 p.m.

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Mayor Austin Carew reconvened the meeting at 9:32 p.m. will all members present as before.

PUBLIC COMMENT

Mayor Carew opened the meeting for Public Comment.

Ed Hill, 16 Thistle Avenue, Glenwood, spoke about the ordinance which regulates the parking of recreational vehicles, boats and trailers on residential properties. Mr. Hill asked that the ordinance should be reviewed and amended to better balance the rights of property owners with land use and zoning laws. Mr. Hill suggested a vehicle registration requirement could be added to the ordinance to ensure vehicles are actively used and not abandoned on residential properties. Council Member Glenn McLaughlin suggested that the Township Council refer the ordinance to the Land Use Board for review and revision.

Sally Rinker, Vernon Township resident and business owner, commented that the Township has delayed the approval of her subdivision for over a year and a half and faulted a township employee for giving misleading and biased information, which she asserted has caused this delay. Ms. Rinker asserted planning and engineering decisions are being made based on erroneous information and suggested the Township should retain the services of a professional planner and engineering firm that has the broad expertise to carry through the necessary planning and development requirements. To that end, Ms. Rinker suggested the Township Council schedule an informal roundtable discussion with interested parties regarding engineering matters in the Township. The Township Attorney, Michael Witt, informed the Township Council that this matter has been forwarded to the Land Use Board attorney, Mr. Patrick McNamara, for his review.

Mary Ellen Vichiconti, 17 Nutley Avenue, presented the Township Council with a copy of a suggested Code of Conduct for elected officials and urged the Township Council to consider adopting such a Code of Conduct to ensure fair, ethical and accountable practices by elected officials.

Jessi Paladini, Sunset Ridge, questioned why members of the Township Council have not inquired whether comments publicly made by a Council Member concerning a zoning matter were true and substantiated and stated she supports the adoption of a Code of Conduct for elected officials. Ms. Paladini asked what criteria the Township Council uses to select individuals for the "Friends of Vernon Award" and questioned if it is appropriate to spend taxpayer monies on the awards.

Gary Martinsen, Vernon, thanked the Township Manager for holding the Township's Budget Work Sessions for the public to attend and requested that the Township's 2009 budget, as presented, be further cut knowing the economic condition of the country and state appears to be worsening. Mr. Martinsen opposed the proposed McAfee Village Redevelopment Plan and instead supported the restoration of the existing structure on the property as a historic landmark and possible Township museum.

Thomas McClachrie, Vernon Taxpayers Association, questioned Resolution #09-15 authorizing an Energy Audit and Resolution #09-21 authorizing a professional service contract with Harold E. Pellow Associates. Mr. McClachrie opposed Ordinance #09-03 amending certain Township fees. Lastly, Mr. McClachrie suggested the Township Council convene a special budget meeting on a Saturday morning or afternoon to make it convenient for the public to attend.

Seeing no one else from the public wishing to speak, Mayor Austin Carew closed the public portion of the meeting.

TOWNSHIP CLERK'S REPORT

Township Clerk Robin Kline reported Oaths of Office have been forwarded to all new appointees on the Township's Boards and Commissions. Financial Disclosure Statements will be distributed to the Township Officials next week.

The Clerk also reported the review of the Township Ordinances for the years 2006, 2007 and 2008 for the Township Code Book codification project is near completion. Quotes will be obtained for the codification and printing of Township Code Book supplements.

Ms. Kline stated Open Public Records Act requests to date total twenty three received of which twenty two have been completed and one pending. The Clerk's office remains diligent in responding to Open Public Records Act requests in a timely and professional manner.

Lastly, regarding Vital Statistics, the Township Clerk reported the Clerk's office has implemented a weekly reporting procedure to the State's Registrars Office via fax, which will greatly reduce mailing costs and time required to prepare monthly reports.

TOWNSHIP MANAGER'S REPORT

Township Manager Melinda Carlton reported she will give the Council an update at each Council Meeting regarding the Building Renovation Project. The Building Committee has narrowed the architectural firms down to two with interviews to be held next week.

Melinda Carlton informed the Council the Township retirement benefits package will be amended to save taxpayer costs. The current cost to the Township is approximately \$500,000 per year.

The Township Manager informed the Council of a possible change in the location of the Appalachian Trail parking lot due to the Historic Preservation Committee's concerns of the historic significance of the Captain Daniel Bailey farm property. The Township Council asked Township Engineer Louis Kneip to further investigate the authentication of the historic designation of the Bailey farm site. In light of this, the parking lot site will probably be located to the original proposed location across the street from the Appalachian Trail on Route 517.

Township Engineer Louis Kneip gave an update on the Waywayanda Road drainage project. The Township filed a post-construction permit to legitimize the catch basins that were installed by the Township's Road Department several years ago. A Wetlands Investigation and Delineation report has been prepared and the application package will be sent next week to the Department of Environmental Protection.

The Township Manager informed the Council the Stormwater Management Report for the Vernon Township Fire Department property on Main Street was completed and sent to the Department of Environmental Protection. The Department of Environmental Protection advised the Township a more in depth Stormwater Management Report is required. Township Engineer Louis Kneip and Township Manager Melinda Carlton recommended that the Township not proceed any further since it is not Township owned property.

Ms. Carlton reported the Manager's Office will be preparing legislative analysis reports for all introduced resolutions and ordinances, which will put into plain language a summary of the purpose and costs, if any, of the proposed legislation.

The Township Manager reported Municipal Judge resumes have been received; interviews will be scheduled with the Interview Committee.

Lastly, Ms. Carlton informed the Township Council that the Sussex County Freeholders forwarded a letter regretting County funds are not available to the Township for disaster recovery costs expended during December's ice storm event.

TOWNSHIP ATTORNEY'S REPORT

Mr. Witt had no report to present.

APPROVAL OF MINUTES

Council Member Valerie Seufert made a motion to approve the following minutes presented for approval. Seconded by Council Member Gary Grey.

December 18, 2008	Special Emergency Meeting
January 1, 2009	Reorganization Meeting

A roll call vote was taken.

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Glenn McLaughlin ABSTAINED from voting on the December 18, 2008 minutes.

CONSENT AGENDA

RESOLUTION #09-17

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK 268.22 LOT 37 PURSUANT TO N.J.S.A. 40:56-35(b)

WHEREAS, the Township Council confirmed the Special Assessment of the Pleasant Valley Lake Dam Restoration Project by Resolution #03-131 dated November 10, 2003; and

WHEREAS, Block 268.22 Lot 37 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 N.J.S.A. 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 268.22 Lot 37 of any and all delinquent payments for the Pleasant Valley Lake Special 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 268.22 Lot 37 due and owing under the referenced special assessment.

3. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #09-18

TOWNSHIP OWNED PROPERTY CANCELLATION OF TAXES

WHEREAS. N.J.S.A. 54:4.3.3 allows property acquired by Municipal Government to become tax exempt, and,

WHEREAS, the Township of Vernon has acquired Block 184.02 Lot 7; 10 Commerce Street on April 24th, 2008, and,

WHEREAS, the Township of Vernon is claiming effective for the 2008, 2nd, 3rd, & 4th quarter taxes, tax exempt,

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 Tax Collector to cancel the 2008 taxes in the amount of \$2,245.00 as deem necessary.

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

RESOLUTION #09-20

Authorizing the Approval of Bills List

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

Current	ck#	30775	to	ck#	30778
Capital	ck#	2618	to	ck#	
Grant	ck#		to	ck#	
Planning & Zoning	ck#	3816	to	ck#	3830
Recreation Trust	ck#	864	to	ck#	
Dog Trust	ck#		to	ck#	
Other Trust	ck#	790	to	ck#	
Senior Citizen Trust	ck#		to	ck#	
Outside Services	ck#	1507	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#	1031	to	ck#	
Developer's Bonds	ck#	104	to	ck#	
Road Assessment	ck#	1007	to	ck#	1008
Payroll Deduction	ck#		to	ck#	

Council Member Valerie Seufert moved to approve the Consent Agenda, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-15

RESOLUTION FOR LOCAL GOVERNMENT ENERGY AUDIT

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (the "Program"), an incentive program to assist local government agencies to conduct energy audits and to encourage implantation of energy conservation measures; and

WHEREAS, the Township of Vernon Municipal Council has decided to apply to participate in Program; and

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Township of Vernon, are served by a New Jersey regulated public utility, and the Township of Vernon has not already reserved \$100,000 in the Program this year as of this application: and

WHEREAS, it is acknowledged that acceptance into the Program is dependent on a Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and

WHEREAS, upon acceptance into the Program, the Township of Vernon will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and

WHEREAS, the Township of Vernon understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program; and

WHEREAS, the Township of Vernon has created a Green Advisory Committee for the express purposes of supporting energy efficiency, greenhouse gas reduction, sustainable/green design or high performance buildings.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

Council Member Valerie Seufert made a motion to approve Resolution #09-15. Seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-15 was approved.

RESOLUTION #09-16

AUTHORIZATION TO PROVIDE MUNICIPAL CONSENT TO REACTIVATE A TREATMENT WORKS APPROVAL (TWA) APPLICATION #08-0047 TO THE NJDEP FOR THE CONSTRUCTION OF AN INDIVIDUAL SUBSURFACE SEPTIC SYSTEM ON BLOCK 192.04 Lot 14, 28 HIDDEN VALLEY DR.

WHEREAS, a septic system application has been submitted to the Vernon Township Health Department which proposes to elevate disposal trenches in an area where the slope of the ground is greater than 10%; and

WHEREAS, the disposal trenches need to be elevated to provide sufficient separation between the bottom of the trenches and the seasonal high ground water table; and

WHEREAS, Jeffery Careaga, the design engineer, has performed a ground water mounding analysis to demonstrate that the sewage effluent will not breakout onto the surface of the ground; and

WHEREAS, the design engineer has provided a report which states “the [computer modeling] program shows that there will be no effluent breakout to the surface. The septic system should function as designed”; and

WHEREAS, Richard Unhoch, Vernon Health Department, has determined the regulations require the ground water mounding analysis and placement of elevated trenches when the slope is greater than 10% be approved by the NJDEP; and

WHEREAS, prior to the submission to the NJDEP; the Health Department reviewed the application to ensure the design complies with all aspects of the regulations except for the alternate testing methods which require NJDEP approval, and

WHEREAS, Richard Unhoch has reviewed the application and determined that all other aspects of the design meet the NJDEP regulations for septic system design, and

WHEREAS, Richard Unhoch has reviewed the Engineer’s Report, Supplement to TWA-1 Application and determined it correctly states what aspects of the design meet the regulations and which ones need NJDEP approval, and

WHEREAS, the design engineer has revised his report to state that in his professional opinion the system will function properly; and

WHEREAS, the Township Council approved Resolution # 07-250 approving the submission of the initial TWA application to the NJDEP on November 26, 2007; and

WHEREAS, the NJDEP denied the initial application in letter dated May 20, 2008; and

WHEREAS, Careaga Engineering would like to submit a TWA Application Reactivation to the NJDEP for the above captioned site; and

WHEREAS, on July 7, 2008, Rich Unhoch, Principal Sanitary Inspector from the former Vernon Township Health Department, had determined that the TWA Application Reactivation to the NJDEP is complete and the design is appropriate to the site conditions.

WHEREAS, the Township must again provide Municipal Consent before the NJDEP will review the application.

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

1. The Township issues municipal consent for the submission of this TWA application Reactivation to the NJDEP for Block 192.04 Lot 14, 28 Hidden Valley Drive.
2. The Township Manager is hereby authorized to sign the TWA application Reactivation, Section A-1, Statement of Consent, on behalf of the Township.
3. This resolution shall be made part of the application and submitted to the NJDEP.
4. This resolution shall take effect immediately upon adoption to law.

Council Member Gary Grey made a motion to approve Resolution #09-14. Seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-16 was approved.

RESOLUTION #09-19

**AUTHORIZING THE SUBMISSION OF A \$50,000.00 GRANT APPLICATION
TO THE NEW JERSEY HIGHLANDS COUNCIL FOR
VARIOUS PLAN CONFORMANCE MODULES**

WHEREAS, Vernon Township has received a \$15,000 grant from the New Jersey Highlands Council (NJHC) for the purpose of analyzing the impacts of conformance to the Highlands Regional Master Plan (HRMP); and

WHEREAS, the NJHC has requested that Vernon Township proceed with additional Planning studies in furtherance of Highlands Plan Conformance; and

WHEREAS, the NJHC is offering additional grant monies for certain Highlands Plan Conformance modules, as follows:

1. Current Municipal Conditions and Build-Out Analysis Module - \$15,000
2. Land Use and Resource Capacity Analysis Module - \$10,000
3. Housing Element & Fair Share Plan Module - \$7,500
4. Highlands Environmental Resource Inventory Module - \$2,000
5. Highlands Master Plan Element Module - \$2,500
6. Highlands Regulations Module - \$5,000
7. Municipal Self Assessment, Implementation Plan & Petition Module - \$8,000

Total Initial Grant Money available: \$50,000

WHEREAS, this grant funding will be utilized to hire a Professional Planner to perform the services specified in the modules described herein; and

WHEREAS, the NJHC has indicated that acceptance of this grant money does not obligate Vernon Township to accept conformance to the HRMP for planning areas within Vernon, and this grant money shall only be accepted with that condition; and

NOW THEREFORE BE IT RESOLVED, this 22nd day of January, 2009 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Director of Planning and Development is hereby authorized to complete and submit the grant application.
2. The Township Clerk is hereby authorized to sign the grant application.

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.

Council Member Glenn McLaughlin made a motion to approve Resolution #09-19. Seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-19 was approved.

RESOLUTION #09-21

**AUTHORIZING A PROFESSIONAL SERVICES CONTRACT
WITH HAROLD E. PELLOW & ASSOCIATES, INC. FOR PLANNING SERVICES**

WHEREAS, Vernon Township has received a \$15,000 grant from the New Jersey Highlands Council (NJHC) for the purpose of analyzing the impacts of conformance to the Highlands Regional Master Plan (HRMP); and

WHEREAS, the NJHC has requested that Vernon Township proceed with additional Planning studies in furtherance of Highlands Plan Conformance; and

WHEREAS, the NJHC is offering additional grant monies for certain Highlands Plan Conformance modules, as follows:

1. Current Municipal Conditions and Build-Out Analysis Module - \$15,000
2. Land Use and Resource Capacity Analysis Module - \$10,000
3. Housing Element & Fair Share Plan Module - \$7,500
4. Highlands Environmental Resource Inventory Module - \$2,000
5. Highlands Master Plan Element Module - \$2,500
6. Highlands Regulations Module - \$5,000
7. Municipal Self Assessment, Implementation Plan & Petition Module - \$8,000

Total Initial Grant Money available: \$50,000

WHEREAS, there exists a need for Professional Planning services for the Township of Vernon to implement these modules; and

WHEREAS, the Township Manager and Director of Planning and Development have determined that Harold E. Pellow & Associates, Inc, has submitted a Proposal for Planning Services dated January 15, 2009 and are qualified to provide the following services:

- Apply for the grant described herein
- Upon receipt of said grant, provide the research and Planning necessary to fulfill the Planning Modules described herein to the satisfaction of Vernon and the NJHC

WHEREAS, the total price of the contract will not exceed \$50,000.00 and

WHEREAS, the Chief Financial Officer has not certified that funds are available for this purpose; as performance of this work is contingent upon receipt of the grant, and the work shall not be performed without receipt of said grant; and

WHEREAS, Vernon desires to appoint Harold E. Pellow & Associates, LLC, pursuant to a contract under the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5; and

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

WHEREAS, Harold E. Pellow & Associates, LLC has submitted a Business Entity Disclosure Certification in compliance with applicable law.

NOW THEREFORE BE IT RESOLVED, this 22nd day of January, 2009 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 Harold E. Pellow & Associates, LLC, for the purpose of Professional Planning Services; and
2. The Manager and Township Clerk are hereby authorized and directed to execute a Professional Services Contract with the Harold E. Pellow & Associates, LLC, as negotiated by the Township Manager.

This Professional Services Contract is awarded without competitive bidding (1) as a "Professional Service" under the provisions of the Local Public Contracts Law and/or (2) for the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software.

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 and the Professional Services Contract 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 questioned if grant monies will cover all costs associated with the professional services as stated in this resolution. Township Engineer Louis Kneip answered the grant will cover the professional service fees.

Council Member Valerie Seufert made a motion to approve Resolution #09-21. Seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-21 was approved.

RESOLUTION #09-22

AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND FOR THE WOODMONT HOMES SUBDIVISION, A.K.A. WHISPERING WOODS

WHEREAS, Developer Woodmont Homes Inc. owns a 21-lot subdivision in the Township of Vernon, New Jersey, Planning Board File # 10-06-14; and

WHEREAS, Woodmont Homes Inc. was required to post a performance guarantee in the amount of \$803,980.50, to ensure that the site improvements are constructed ; and

WHEREAS, Woodmont Homes Inc. has made a written request to reduce the bond amount because a substantial amount of the site improvements have been completed to date; and

WHEREAS, the Vernon Township Engineer has reviewed said request, and approved of a bond reduction as contained in a memorandum to the Land Use technical Assistant, dated January 5, 2009, attached hereto; and

WHEREAS, the Vernon Township Land Use Board has reviewed and approved of the bond reduction request at the regular meeting held on January 14, 2009; and

NOW THEREFORE BE IT RESOLVED, this 22nd day of January, 2009 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The performance bond is hereby authorized to be reduced to \$129,724.80.
2. The Chief Finance Officer is hereby authorized to reduce the cash portion of the bond from \$80,398.05 to \$12,972.48.

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.

Council Member Valerie Seufert made a motion to approve Resolution #09-22. Seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-22 was approved.

INTRODUCTION OF ORDINANCES AND FIRST READING

ORDINANCE #09-02

**AN ORDINANCE REPEALING VERNON TOWNSHIP CODE CHAPTER 110
PUBLIC ACCESS TO RECORDS**

BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that Vernon Township Code Chapter 110 – Public Access to Records, is hereby repealed in its entirety.

Mayor Austin Carew read Ordinance #09-02 by title and in full.

Township Attorney Mike Witt explained this chapter serves only to confuse the public and is not necessary in the Township Code. The township continues to adhere to the procedures of N.J.S.A. 47:1A-1, commonly known as the Open Public Records Act.

Council Member Glenn McLaughlin made a motion to introduce Ordinance #09-02 on first reading and so advertise with second reading and public hearing on February 26, 2009. Motion was seconded by Council Member Gary Grey. Council Member Valerie Seufert was not present for the roll call vote.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Ordinance #09-02 passed first reading.

ORDINANCE #09-03

**AN ORDINANCE AMENDING SECTIONS 330-7(D) AND 330-8(A) OF
THE VERNON TOWNSHIP MUNICIPAL CODE**

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

Section 1.

Section 330-7(D) of the Vernon Township Municipal Code, as amended by Township Ordinance 08-19, shall be amended as follows:

- D. The term of appointment of any class of member of the Board appointed pursuant to this section shall commence on January 1, 2009.

Section 2.

Section 330-8(A) of the Vernon Township Municipal Code, as amended by Township Ordinance 08-19, shall be amended as follows:

- A. There shall be four (4) alternate members of the Municipal Land Use Board, each of whom shall be municipal residents. Alternate members shall be appointed by the appointing authority for Class IV members and shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment as "Alternate No. 1", "Alternate No. 2", "Alternate No. 3", and "Alternate No. 4", respectively. The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

Mayor Austin Carew read Ordinance #09-03 by title and in full.

Mayor Carew explained the purpose of this ordinance is to create two additional Alternate seats on the Land Use Board to ensure a quorum is present at all Land Use Board meetings.

Council Member Valerie Seufert made a motion to introduce Ordinance #09-03 on first reading and so advertise with second reading and public hearing on February 26, 2009. Motion was seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Ordinance #09-03 passed first reading.

ORDINANCE #09-04

AN ORDINANCE AMENDING ORDINANCE # 01-02, ESTABLISHING AN OFFICIAL ZONING MAP PURSUANT TO NJSA 40:55D-32

WHEREAS, the Township Council passed ordinance # 01-02 on May 12, 2001, establishing the Official Zoning Map for the Township of Vernon,; and

WHEREAS, the Official Map was prepared by Heyer, Gruel & Associates, last revised May 8, 2000;

WHEREAS, numerous zone changes have been approved by the Township Council since the map was adopted, and said map has not been officially revised; and

WHEREAS, the office of the Director of Planning and Development has reviewed all approved Zoning Amendments since the last plan adoption, and prepared a new digital zoning map to reflect all such amendments ; and

WHEREAS, said map is dated January 22, 2009, prepared by the Vernon Township Engineering Department ; and

NOW THEREFORE BE IT RESOLVED, this 22nd day of January, 2009 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

- 1 The zoning map, attached hereto, prepared by the Vernon Township Engineering Department, dated January 22, 2009, is hereby adopted as the Official Zoning Map of the Township of Vernon, New Jersey.
- 2 This ordinance shall be sent to the Vernon Land Use Board by the Township Clerk for review and approval prior to final passage.
- 3 The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to NJSA 40:55D-15 and NJSA 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by NJSA 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by NJSA 40:49-2.1.
- 4 All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
- 5 If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
- 6 This ordinance shall take effect after publication and final passage according to law,

Mayor Austin Carew read Ordinance #09-04 by title only.

Township Engineer Louis Kneip introduced Township Surveyor John Hanlon who prepared the Township's updated Zoning Map. The Zoning Map also includes a schedule of bulk requirements for easy reference. Mr. Kneip stated the new Zoning Map will be posted on the Township's Website.

Council Member Valerie Seufert made a motion to introduce Ordinance #09-04 on first reading and so advertise with second reading and public hearing on February 26, 2009. Motion was seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Ordinance #09-04 passed first reading.

ORDINANCE #09-05

AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE CHAPTER 250, FEES AND ESCROWS §SECTION 250-14 HEALTH & HUMAN SERVICES DEPARTMENT

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

1. Section 250-14 is hereby amended to read as follows:
 - A. Foods.
 - (1) Annual fee for license due before February 1 of each year:
 - (a) 5,000 – 10,000 square feet: \$300
 - (b) 2,000 -5,000 square feet: \$150
 - (c) 0 – 2,000 square feet: \$100
 - (2) Prepackaged foods: \$50
 - (3) Mobile food and beverage license: \$30
 - (4) Temporary (less than one week): \$20
 - (5) School Cafeteria: \$30
 - B. Sewage Disposal System
 - (1) New application: \$265
 - (2) Alteration application fee: \$120
 - (3) Repair application fee: \$100
 - (4) Issuance of permit: no fee.
 - (5) Renewals, new (per year): \$125
 - (6) Renewals, alteration and repairs (per year): \$60
 - (7) Revisions, new: \$60
 - (8) Revisions, alteration: \$35
 - (9) Revisions, repairs: \$10
 - (10) Re-inspection fee: no fee.
 - C. Soil Logs, per lot.
 - (1) New: \$125
 - (2) Alteration: \$85
 - D. Wells
 - (1) New: \$170
 - (2) Alteration: \$100
 - E. Public non-community and nonpublic water systems.
 - (1) Monitoring well: \$25
 - (2) Geothermal well: \$75
 - (3) Issuance of permit: no fee.
 - (4) Permit renewal: \$25
 - F. Campground annual fee
 - (1) Under 50 sites: \$100
 - (2) Fifty-one to 100 sites: \$200
 - (3) One hundred one sites and above: \$1.25 per site plus \$250

- G. Commercial pools, commercial hot tubs and bathing beaches, annual licensing due June 30th of each year.
- (1) Pools: \$160
 - (2) Wading pools: \$35
 - (3) Hot tubs: \$110
 - (4) Private lake communities: no fee.
- H. Body art facility license: \$200

Mayor Austin Carew read Ordinance #09-05 by title only.

Mayor Carew explained certain fees have been increased to cover Township costs. Township Attorney Mike Witt advised the Township Council that certain Food Licensing fees have changed at the request of the County, so that they are consistent with County fees.

Council Member Valerie Seufert made a motion to introduce Ordinance #09-05 on first reading and so advertise with second reading and public hearing on February 26, 2009. Motion was seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew

NAYES: None

Ordinance #09-05 passed first reading.

NEW BUSINESS

Mayor Carew noted that if federal or state stimulus package projects are funded, the Township should be prepared to submit projects.

The Mayor asked that a meeting be scheduled with the Vernon Township Board of Education to discuss potential shared services and the school budget.

Mayor Austin Carew reported the Township Manager is researching qualifications for Community Emergency Response Team (C.E.R.T.) membership and will schedule a de-briefing meeting with the Sussex County Office of Emergency Management Coordinator.

Mayor Carew asked the Township Clerk to coordinate and schedule a Saturday meeting with the Township Council for the Township Manager's performance evaluation.

The Township Council requested the Township Manager to inquire if the Legend's generator is installed and operational.

Mayor Austin Carew requested the Township to advertise for two members of the public to serve on the Budget Finance Committee.

Mayor Carew commented that traffic controls on Breakneck Road in Highland Lakes do not appear to be working. The Township Manager stated spring loaded stanchions will be installed in the spring. The Mayor also suggested painting cross walks in the roadway for increased public safety.

A letter was received by Mayor Carew from Robert Barrett who wishes to be considered a Recreation Board appointment. Mr. Barrett's letter will be distributed to the Township Council for review and consideration for appointment at the Township Council meeting on February 5th.

The Mayor reported the Health Advisory Board nor the Senior Citizen Committee have met this month. The Township Clerk advised letters were sent to all appointed individuals informing them of their appointments.

Council Member Gary Grey reported members of the Environmental Commission expressed an interest in incorporating the Green Committee's initiatives into their

Commission's goals and objectives. The Township Council approved the request. Mayor Carew will notify the Environmental Commission.

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 Glenn McLaughlin, seconded by Council Member Valerie Seufert, with all members present voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 11:46 p.m.

Respectfully submitted,

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved February 26, 2009