

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

February 5, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Thursday, February 5, 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 was provided to the public and the press on December 30, 2008 by delivering to the press and posting notice 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 Richard Carson, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Member Gary Grey arrived shortly after roll call. Council Member Glenn McLaughlin was absent.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:10 p.m. Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Richard Carson with all members 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 matter – McDermott Parking Lot. Minutes will be released upon execution of the contract or conclusion of the matter.
 - b. Contract matter – PBA Collective Bargaining Agreement. Minutes will be released upon execution of the contract or conclusion of the matter.
 - c. Personnel matter – Municipal Court Judge Position Vacancy. There is no anticipated time of release of the Executive Session minutes.
 - d. Attorney-Client Privilege – Medical Facility Land Contract. There is no anticipated time of release of the Executive Session minutes.
 - e. Attorney-Client Privilege – Formation of a Finance Committee. There is no anticipated time of release of the Executive Session minutes.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

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

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Mayor Austin Carew reopened the meeting to the public at 7:09 p.m. Present were Council Members Richard Carson, Gary Grey, and Valerie Seufert. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

PRESENTATIONS AND SPECIAL ITEMS

Sewer System Purchase

Mayor Carew invited Mr. Bill Klein and Mr. Dave Johnson from D.R. Johnson & Associates to speak about their professional experience and knowledge regarding water and sewer systems. United Water is interested in selling the sewer system and approached the Township whether there is interest in purchasing the sewer system. Mr. Klein expressed disbelief and concern that United Water would be interested in selling the sewer system instead of aggressively moving to expand the system, especially with Mountain Creek's proposed expansion. Mr. Klein further commented that municipalities typically do not want to be in the utility business since capital construction costs, equipment and dedicated labor costs involved in maintaining a sewer system could be prohibitive. Mr. Klein stated he did not believe there is a benefit for the Township to purchase and operate the sewer system and strongly recommended the Township not entertain the purchase.

Mayor Austin Carew thanked Mr. Klein and Mr. Johnson for their comments and generous time in presenting their professional position to the Township in this matter.

Outdoor Furnaces/Wood Boilers

Mr. Louis Kneip introduced Mr. Herb Yardley and Mr. Jim McDonald from the Sussex County Health Office, Mr. Tom Pinand, the Township's Construction Official, and Mr. Craig Roland, the Township's Zoning and Code Enforcement Officer, to present information regarding the use and operation of outdoor furnaces/wood boilers in New Jersey. Mr. Yardley informed the Township Council that outdoor furnaces are generating some controversy because of smoke output, which can be excessive in some models. The problem has become large enough throughout the state that a compliance advisory warning has been issued by the State of New Jersey. Mr. Yardley stated the County does not perform enforcement measures, instead complaints are investigated to determine if a smoke output concern exists, and, if so, the complaint is forwarded to the New Jersey Department of Environmental Protection. Mr. Yardley informed the Township Council that individuals purchase these units without knowing the smoke output or air quality concerns associated with their operation. The units become more problematic in small lot-sized neighborhoods. Mr. Kneip reported two complaints have been filed in Vernon Township. The Township Council asked to review the two complaints.

Mr. Roland advised the Township Council that Township zoning laws do not expressly prohibit the installation and use of outdoor furnaces/wood boilers. The units are considered a non-permitted use and variance approvals must first be obtained from the Land Use Board. Mr. Kneip suggested grandfathering the existing units in the Township as long as they are lawfully operated, and going forward, he suggested that variance approvals be given on a case-by-case basis.

Mr. Pinand reported that the Township's Building Department does a good job informing the applicant of the pro's and con's of operating these units at the time the application is submitted for permit approval.

Council member Valerie Seufert questioned if any private lake community associations have had any complaints, and if so, the Township Council would like to be informed of the nature of the complaint and how it was handled. Mayor Austin Carew asked to be provided with the details of the two complaints filed to date for the Council's review before further consideration is given to this issue.

Mayor Carew thanked Mr. Yardley, Mr. McDonald and the Township officials for the informative presentation and discussion.

Plan Endorsement

Mr. Louis Kneip introduced Ms. Jessica Caldwell, an associate with the Engineering firm Harold E. Pellow & Associates, who presented the Municipal Self Assessment Report. Ms. Caldwell advised that the Municipal Self Assessment Report completes Step 3 in the Plan Endorsement process. She further advised that the Plan Endorsement process creates consistent land use planning principals among municipal, county, regional and state agencies to comply with the State Master Plan. Vernon Township's Municipal Self Assessment Report will act as the Township's petition for Plan Endorsement, ensuring that Vernon Township's land use and development plans are consistent with the State of New Jersey Development and Redevelopment Plan. Center Designation can only be approved through Plan Endorsement. Ms. Caldwell reported the Plan Endorsement process should be completed no later than June 2009.

Mr. Kneip thanked the individuals who were part of the Township's Plan Endorsement Advisory Committee and pointed out that Resolution #09-27 on tonight's agenda authorizes the Township to forward the Municipal Self Assessment Report to the New Jersey Office of Smart Growth.

Mayor Austin Carew thanked Ms. Caldwell and Mr. Kneip for their work on Plan Endorsement and noted this work was accomplished through grant funding, not Township funds.

St. Francis Redevelopment Project

Mr. Robert Benecke, Vernon Township's Redevelopment Consultant, and Mr. Tom Collins, legal counsel to the St. Francis Redevelopment project discussed the status of the proposed St. Francis Redevelopment project. In October 2009 the Township Council referred the St. Francis De Sales Redevelopment Plan to the Planning Board for review. The Planning Board questioned the definition of "hotel" and asked that language limiting the number of room stays to no more than 30 days be added to the redevelopment agreement. Mr. Collins informed the Township Council that N.J.S.A. 55:13A defines a hotel and restricts the use as a rooming house or permanent residence. Mr. Collins repeatedly assured the Township Council that his client would not invest significant monies into a 3-story project that would be misused as Section 8 housing or a rooming house.

Mr. Benecke recommended adding language to limit the number of hotel day stays. He also advised the Township Council would have to introduce a Redevelopment Plan ordinance in order to further refer the matter to the Land Use Board.

Mayor Austin Carew questioned the economics that would sustain the hotel project and further asserted the project may become an undesirable "highway hotel" along one of the gateways to the Township. Mayor Carew also expressed concern that 90% of the site would be disturbed by the construction of the project.

Council member Valerie Seufert advised that an average hotel stay is 3 – 5 days and questioned the "no more than thirty days" language in the proposed agreement. Mr. Collins responded that the marketplace for hotels is exclusive for chain-based hotels only and cautioned that overly restricting the property zone and use would render the hotel project unmarketable. Mr. Collins reported the density of the redevelopment plan would be similar to the density of the Mountain Creek Appalachian Hotel.

Council member Richard Carson reminded everyone that the Township is the Redevelopment Authority and questioned what other business strategy is in place should future recreational ski seasons not be as viable. Mr. Collins responded the project would be built based on a four season recreational community.

Mr. Benecke asked the Township Council to consider presenting an ordinance for the St. Francis Redevelopment Project on the February 26, 2009 meeting agenda.

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Al Warrington, Legends Hotel, commented that he is very familiar with the financing complications of hotel and resort projects and offered that Father Boland would not allow the proposed hotel project to be used as affordable housing. Mr. Warrington stated a "sense of arrival" is crucial to stimulating economic development and further informed that if the Township is looking to attract lenders it cannot put too many restrictions on the property.

Mayor Austin Carew thanked Mr. Warrington for his participation in the Township's Beautification Committee and contribution of professional architectural services to beautification efforts throughout the Township.

Gary Martinsen, Vernon, a representative from "Vernon's Own" small business group distributed its first newsletter to the Township Council, which showcases local businesses, includes discount shopping coupons, and a chance to win a gift certificate at one of the featured businesses. Mr. Martinsen questioned whether there is a vision plan for the Township's future. Mr. Martinsen also commented that Vernon Township is a bedroom community of commuters and questioned the need for another hotel in a redevelopment zone. Mayor Austin Carew informed Mr. Martinsen that the Township's Master Plan will be updated this year. Plan Endorsement and Plan Conformance studies and reports are currently being prepared.

Vincent Zinno, Vernon Resident and Land Use Board Member, questioned tonight's discussion on Outdoor Burners/Wood Boilers. Mr. Zinno presented further documentation to the Township Council disputing the County's position. Mr. Zinno urged the Township to ban the use of Outdoor Burners/Wood Boilers and to enact an ordinance similar to that in Sparta Township and Lafayette Borough.

Neil Desmond, Vernon resident, restated his long-held position that public funds not should be used for a dog park in Vernon Township, including the use of Township employees' and/or professionals' time. Secondly, Mr. Desmond encouraged the Township Council to examine a water source for the Town Center. Thirdly, Mr. Desmond implored the Township Council not to repeal Ordinance #08-07 until such time the Township Council has fully researched state and local laws concerning the merits of the ordinance.

Tom McClachrie, Vernon Taxpayers Association, opposed Resolution #09-25, which is for improvements to the Rt. 517 and Maple Grange Road intersection, and questioned how much money will be appropriated for the consultant, Harold E. Pellow Associates. Mr. McClachrie stated the revaluation company has not extended evening hours for residents to better accommodate commuting time. He also suggested a computer be made available for residents to research revaluation information and asked that more information be made available to residents regarding the appeal process.

Mary Ellen Vischiconti, Nutley Avenue, distributed a draft copy of a Township Council Code of Behavior policy.

Lynne Schweighardt, Vernon Township Tax Assessor, addressed Mr. McClachrie's questions. Extended Revaluation meeting times can be arranged by calling and requesting a certain time. A sales book is provided by the Revaluation representatives for the resident's use to view comparables. Appeals must be filed with the County who provides appeal packets; sample appeal packets are available in our Tax Assessor's office for residents to view.

Robert Oliver, Sand Hill Road, Vernon, stated he called the revaluation company for an evening appointment and was scheduled for 5:40 p.m., which they said was the latest appointment time available. The revaluation company did not extend evening hours.

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

Mayor Austin Carew called for a short recess at 10:09 p.m.

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Mayor Austin Carew reconvened the meeting at 10:22 p.m. with all present.

TOWNSHIP MANAGER'S REPORT

There was no Manager's Report.

APPROVAL OF MINUTES

Council Member Valerie Seufert made a motion to approve the January 8, 2009 Township Council Regular and Executive Session Meeting minutes presented for approval. Seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

CONSENT AGENDA

RESOLUTION #09-24

Authorizing the Approval of Bills List

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

Current	ck# 30779	to	ck# 30871
Current	ck# 30873	to	ck# 30904
Current	ck# 30905	to	ck# 30926
Current	ck# 30928	to	ck# 30929
Capital	ck# 2621	to	ck# 2623
Capital	ck# 2624	to	ck# 2626
Capital	ck# 2627	to	ck# 2628
Grant	ck# 30872	to	ck#
Grant	ck# 30927	to	ck#
Planning & Zoning	ck#	to	ck#
Recreation Trust	ck#	to	ck#
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# 243	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# 5000 to ck# 5058 (1st pay in January)		
Payroll Deduction	ck# 3076 to ck# 3083		
Total Payroll	\$358,666.99		
Payroll Checks	ck# 5059 to ck# 5122 (2 nd pay in January)		
Payroll Deduction	ck# 3074 to ck# 3075		
Total Payroll	\$362,732.01		

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

A roll call vote was taken:

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

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-23

AUTHORIZING AND DIRECTING THE MAYOR AND MUNICIPAL CLERK TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH THE LAND CONSERVANCY OF NEW JERSEY FOR AN OPEN SPACE ADVISORY CONSULTANT

WHEREAS, there is a need by Vernon Township to retain a Consultant to provide advisory services for open space acquisition and grant closeout services, and

WHEREAS, the purpose of this agreement is to assist the Township Committee and the Environmental Commission with a variety of open space services, including (but not limited to) landowner negotiations and the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland; and

WHEREAS, The Land Conservancy of New Jersey has submitted a proposal to provide the above mentioned services and to complete an updated Open Space and Recreation Plan for Vernon Township; and

WHEREAS, The Land Conservancy of New Jersey is a non –profit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

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

WHEREAS, the Chief Financial Officer has certified funds in an amount not to exceed \$11,500.00 in the 2009 Budget which are available subject to the final adoption of the 2009 budget; and

WHEREAS, the term of the agreement shall be for a twelve (12) month period commencing on February 1, 2009 and ending on January 31, 2010; and

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

WHEREAS, The Land Conservancy of New Jersey, has submitted a Business Entity Disclosure Certification and Employee Information Report in compliance with the law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AS FOLLOWS:

1. A contract shall be awarded by the Township of Vernon, New Jersey for services herein specified to the Land Conservancy of New Jersey, Boonton, NJ.

2. The cost of said agreement shall not exceed a total of \$11,500.00.

3. That payment for said services pursuant to the schedule, located in the contract, shall be paid to the Land Conservancy of New Jersey, Boonton, NJ.

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. That a copy of the Business Disclosure Entity Certification and the Employee Information Report be filed with this Resolution.

Council Member Valerie Seufert made a motion to approve Resolution #09-23. Seconded by Council Member Gary Grey.

Council Member Richard Carson questioned the cost for an Open Space advisory consultant. The Township Manager confirmed the one-year contract is in the amount of \$11,500. The Open Space consultant will help Vernon Township obtain additional grant funding for Open Space acquisition and will also close out existing grant projects that are pending.

A roll call vote was taken:

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

NAYES: None

Resolution #09-23 was approved.

RESOLUTION #09-25

AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH HAROLD E. PELLOW & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR IMPROVEMENTS TO THE INTERSECTION OF CR 517 AND MAPLE GRANGE ROAD

WHEREAS, Vernon Township entered into a Professional Services contract with Harold E. Pellow and Associates for Professional Engineering services for improvements to the intersection of CR 517 and Maple Grange Road; and

WHEREAS, said contract was in the amount of \$35,000.00, and was approved by the Vernon Township Council by Resolution R08-172; and

WHEREAS, said contract intentionally did not include environmental permitting services for applications to be submitted to the New Jersey Department of Environmental Protection (NJDEP), because the extent and type of permits could not be ascertained until the intersection improvement design was further advanced; and

WHEREAS, the design has now been advanced and the necessary environmental permits have been identified; and

WHEREAS, there is a need to hire a qualified Professional Firm to prepare the necessary permit applications and supporting documentation for acquiring the permits; and

WHEREAS, the Township Engineer obtained quotes from two (2) qualified firms, and negotiated the fees lower than originally proposed; and

WHEREAS, the Township Engineer believes it is in Vernon's best interest to keep this task with the firm preparing the storm water management design, Harold E. Pellow and Associates, in the amount of \$4,250.00; and

WHEREAS, the NJDEP application fees are anticipated to be \$5,372.00, payable to the State of New Jersey; and

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

WHEREAS, Vernon desires to appoint Harold E. Pellow & Associates LLC to complete this work, 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 5th day of February, 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 modify the contract with Harold E. Pellow & Associates, LLC, for the purpose of including Professional Engineering Services in the amount of \$4,250.00 for environmental permitting, and authorizes the anticipated cost of the NJDEP application fees in the amount of \$5,372.00; and

2. The Manager and Township Clerk are hereby authorized and directed to execute a modified Professional Services Contract with the Harold E. Pellow & Associates, LLC, as negotiated by the Township Manager in the amounts above.

3. 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.

4. 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.

Council Member Richard Carson made a motion to approve Resolution #09-25. Seconded by Council Member Gary Grey.

Council Member Valerie Seufert questioned if the County will be moving forward with this project. Township Engineer, Lou Kneip, explained the design contract has been approved by the county and is budgeted for the year 2010. Mr. Kneip further explained this contract is for obtaining the required environmental permitting for the project. The additional \$9,662.00 for consultant fees and NJDEP permits will be charged to the Capital Improvement Project.

A roll call vote was taken:

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

NAYES: None

Resolution #09-25 was approved.

RESOLUTION #09-27

STATEMENT OF INTENT TO PURSUE PLAN ENDORSEMENT AND AUTHORIZATION TO SUBMIT THE MUNICIPAL SELF-ASSESSMENT REPORT TO THE OFFICE OF SMART GROWTH

WHEREAS, the State Planning Act recognizes that New Jersey requires sound and integrated land use planning and coordination of planning at all levels of government in order to conserve the state’s natural resources, revitalize the urban centers, protect the quality of the environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal; and

WHEREAS, Plan Endorsement is a voluntary review process developed by the State Planning Commission to provide the technical assistance and coordination of the State for municipalities, counties, and regional agencies to meet the goals of the State Planning Act and State Development and Redevelopment Plan (State Plan); and

WHEREAS, the purpose of the Plan Endorsement process is to increase the degree of consistency among municipal, county, regional and state agency plans with each other and with the State Plan and to facilitate the implementation of these plans and guide where and how development and redevelopment can be accommodated in accordance with the State Plan; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines incorporate, and expand upon, the principles of the Municipal Land Use Law in order to help Towns plan for a sustainable future; and

WHEREAS, the State Planning Rules and Plan Endorsement Guidelines require the preparation and submission of a Municipal Self-Assessment Report as the means by which a municipality assess the consistence of its existing community vision and planning documents with the State Plan; and

WHEREAS, the Mayor and Council of Vernon Township desire to obtain Plan Endorsement from the State Planning Commission; and

WHEREAS, Vernon Township has prepared a Municipal Self-Assessment Report pursuant to the State Planning Rules and Plan Endorsement Guidelines; and

WHEREAS, The Municipal Plan Endorsement Advisory Committee has reviewed the Municipal Self-Assessment Report and recommends that the Mayor and Council approve it for submission to the State Planning Commission and the Office of Smart Growth towards the Vernon Township's pursuit of Plan Endorsement.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of Vernon Township hereby expressly state the intention of Vernon Township to pursue Plan Endorsement by the State Planning Commission; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Council of Vernon Township approves the Municipal Self-Assessment Report and authorizes it be submitted to the Office of Smart Growth for consideration and review as part of the effort to pursue Plan Endorsement.

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of Vernon Township shall transmit a copy of this Resolution and the Notice as required by the State Planning Rules to the State Planning Commission and Office of Smart Growth.

Council Member Valerie Seufert made a motion to approve Resolution #09-27.
Seconded by Council Member Richard Carson.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Resolution #09-27 was approved.

INTRODUCTION OF ORDINANCES AND FIRST READING

ORDINANCE #09-06

AN ORDINANCE REPEALING TOWNSHIP ORDINANCE # 08-07 PROHIBITING SEX OFFENDERS FROM RESIDING AND/OR LOITERING NEAR CERTAIN FACILITIES WHERE CHILDREN CONGREGATE

WHEREAS, Vernon Township Ordinance #08-07 prohibits convicted sex offenders who are required to register with the State of New Jersey pursuant to N.J.S.A. 2C:7-1, commonly known as "Megan's Law", from residing and/or loitering near certain facilities where children congregate; and

WHEREAS, the New Jersey Superior Court, Appellate Division, ruled in the matter of G.H. v. Township of Galloway, 401 N.J.Super. 392 (App. 2008), that municipal legislation, such as Ordinance #08-07, dealing with residency prohibitions and/or restrictions for convicted sex offenders who are required to register with the State of New Jersey pursuant to N.J.S.A. 2C:7-1, is preempted by Megan's Law and, therefore, invalid and unenforceable.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of Vernon Township, New Jersey, that Vernon Township Ordinance #08-07 is hereby repealed in its entirety.

Mayor Austin Carew read Ordinance #09-06 by title and in full.

Council Member Richard Carson made a motion to introduce Ordinance #09-06 on first reading and so advertise with second reading and public hearing on February 26, 2009. Motion was seconded by Council Member Gary Grey.

Township Attorney Mike Witt briefly summarized the purpose of the Ordinance is to repeal Ordinance #08-07. An Appellate Division decision last year regarding Megan's Law calls to question the validity of Ordinance #08-07.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-06 passed first reading.

COUNCIL BUSINESS

APPOINTMENT TO THE RECREATION ADVISORY BOARD

A motion was made by Council Member Valerie Seufert to nominate Robert Barrett to the Recreation Board, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 10:44 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 Valerie Seufert with all members 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 matter to be discussed is continued discussion of one [1] Attorney-Client Privilege matter concerning the proposed formation of a Finance Advisory Committee.:
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 10:44 p.m.

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Mayor Austin Carew reopened the meeting to the public at 11:06 p.m. Present were Council Members Richard Carson, Gary Grey, and Valerie Seufert. Also present was Township Attorney Michael Witt.

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. Motion 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 11:07 p.m.

Respectfully submitted,

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved February 26, 2009