

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

March 12, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Thursday, March 12, 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.

ROLL CALL OF MEMBERS

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:13 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 Glenn McLaughlin 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 is:
 - a. Contract – Potential business interested in developing in the Town Center. Anticipated time of release of Executive Session minutes would be at the time a contract is fully executed.
 - b. Litigation – Thompson v. Township of Vernon. Executive Session minutes to be released at the conclusion of the litigation.
 - c. Litigation – Wolosky v. Township of Vernon. Executive Session minutes to be released at the conclusion of the litigation.
 - d. Two [2] Personnel matters. No anticipated time of release of 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 6:14 p.m.

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The meeting was reopened to the public at 7:07 p.m. Present were Council Members Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

SALUTE TO THE FLAG

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

PRESENTATION

Proposed RV Ordinance Amendments

Mr. Louis Kneip, Director of Planning & Development, briefed the Council on the proposed amendments to the Land Use Code, Chapter 330 §193, regarding the storage of RV's, boats and equipment. Mr. Kneip reported that the purpose of revisiting the Ordinance is to lift certain restrictions on the storage of recreational vehicles and equipment, allowing property owner's full enjoyment of their property. The recommendations presented were prepared by the Township's Zoning Officer, Craig Roland. Proposed changes that were discussed included [i] vehicles must have valid registration, [ii] two vehicles would be permitted on the lot unless garaged, [iii] permitted storage of vehicles in existing driveways only, [iv] recreational vehicles and equipment is defined, [v] deleted the provision that recreational vehicles must be screen from view; however, this will not include boats or campers. The Council also suggested the revised Ordinance should include the use of green or brown tarps, instead of the highly visible blue plastic tarps.

The Township Council was interested in learning what complaints, if any, have been filed with the Township and asked Mr. Kneip to contact the managers of the lake communities to confirm whether they have handled any complaints presented by their property owners. Mr. Kneip reported that his office is not aware of any resident complaints concerning the storage of RV's, boats and equipment; however, he commented that parking and storage of commercial vehicles has become more problematic in residential areas throughout the Township.

Mayor Carew opened the meeting for Public Comment concerning the proposed revisions to Ordinance Chapter 330 §193.

Thomas McClachrie, Vernon Taxpayers Association, commented that many people elect to cancel the insurance on motorcycles during the winter months in order to save some money.

Jay Deal, Vernon, questioned if a box camper, which fits atop a pickup truck, would be in violation of the proposed revised Ordinance since it is not required to be registered. Mr. Deal also commented that personal residential landscaping equipment should not be restricted under the amended Ordinance.

PUBLIC COMMENTS

Mayor Austin Carew opened the meeting for Public Comment.

Dan Bornstein, Vernon, commented that skateboarders often trespass on his commercial property and posted signage is not an effective deterrent. He asked the Township Council to adopt an Ordinance preventing unsolicited use and trespassing upon commercial property and giving enforcement authority to the Township Police Department.

Vic Marotta, Glenwood, commented that in light of the severe financial restrictions imposed on the Township's budget, he encouraged the Township Council not to pass Resolution #09-36, which authorizes the retention of a for grant writing services. Mr. Marotta urged the Township Council to adopt a strict conservative fiscal approach.

Tom McClachrie, Vernon Taxpayers Association, stated the Vernon Taxpayers Association opposes the four-day work week and also opposes Resolution #09-36 and Ordinance #09-09. Mr. McClachrie questioned whether grant monies will pay for all costs associated with the construction of the concession stand at Maple Grange Park and then questioned the adoption of the Temporary Municipal Budget.

Gary Martinsen, Vernon, spoke about a Vision Plan for Vernon Township and presented a copy of his paper entitled “The Future of Vernon is ... or Money Does Grow on Trees” to the Township Clerk for distribution to the Township Council. After reading excerpts from this paper, Mr. Martinsen suggested the Township consider the development of a biomass cogeneration facility. Mr. Martinsen displayed a T-shirt marketing idea the Vernon’s Own Small Business group has created to promote local businesses, which can be sold as a fundraiser for non-profit organizations.

Jessi Paladini, Sunset Ridge, commented that the right-hand lane on Main Street at the Route 515 intersection traffic signal [facing the A&P Shopping Center] should be a dedicated right-turn only lane to improve traffic flow and reduce the queue of vehicles waiting at the traffic light. Ms. Paladini questioned whether municipal employees are given “comp time” and commented that with respect to a recent OPRA request, had trouble playing the Township’s FTR Gold audio files on her Apple home computer and asked if FTR Gold audio files can be converted into Apple compatible audio files.

Marika Bezzone, Vernon, questioned the aerial spraying program for gypsy moths and presented information to the Township Council and Clerk from the Journal of Pesticide Reform, which discusses the health effects of aerial spraying of the Btk insecticide.

Mary Ellen Vischiconti, Highland Lakes, commented that the locked gate to Waywaywanda State Park must be unlocked and the roadway fully accessible for the Highland Lakes community during emergencies. Ms. Vischiconti further commented that the Waywaywanda State Park gate should be included into the Township’s Emergency Management Plan. Ms. Vischiconti questioned the Reverse 9-1-1 Communication System to be implemented throughout Sussex County and also spoke about revisiting the current form of government, suggesting Vernon Township should amend its form of government to a ward system, which she asserted would foster better representation and communication for residents.

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

PRESENTATION

Retiree Health Benefits

Township Manager Melinda Carlton invited the Director of Personnel, Pennie Roland, and Principal Fiscal Analyst, Kerrie Scott, to present information about the Township’s Retiree Health Benefits and its costs to the Township. Ms. Carlton informed the Township Council that employees currently pay a 5% co-pay for healthcare benefits; a \$10 co-pay for doctor visits; and a \$5 or \$10 co-pay obligation for generic or brand name prescription drugs respectively. Ms. Roland and Ms. Scott presented a PowerPoint presentation, which detailed the methodology used in calculating retiree health benefit options and associated costs. Retiree healthcare benefits cost the Township \$313,760 in 2004; \$808,562 in 2009; and, is expected to cost \$1,464,051 in the year 2014.

Mayor Austin Carew thanked Ms. Roland and Ms. Scott for an informative presentation. The Township Council stated they will review all options presented for further discussion.

TOWNSHIP MANAGER’S REPORT

The Township Manager, Melinda Carlton, presented the Council with a memo update on the progress of the Sign Review Committee and asked the Council if they would like to promote a citizen survey regarding signage. Council Member Valerie Seufert commented that the Economic Development Advisory Committee recently discussed the need to conduct a business survey and agreed to promote a business survey in conjunction with the Vernon Chamber of Commerce in order to better understand and address the business community’s needs.

The Township Manager requested Louis Kneip, Director of Planning and Development, to make recommendations to the Council regarding the Association of New Jersey Environmental Commissions' [ANJEC] Open Space Plan Grant. Mr. Kneip explained that the Land Conservancy of New Jersey [formerly known as the Morris Land Conservancy] presented the Township a quote of \$12,000 to prepare an updated Open Space Plan for Vernon Township. The ANJEC Open Space Grant is a 50/50 matching funds grant. Mr. Kneip reported the Township's current Open Space Plan was prepared in 2003. The Township Manger informed the Council that an updated Open Space Plan would be valuable to the Township considering the vast addition of Highlands Preservation Areas mandated by the State. Mr. Kneip further reported the grant could help offset some of the cost required to prepare an Open Space element as part of the Master Plan update. The Township Manager will provide the Council with more information on the matching portion of the grant. An authorizing resolution for the application of the ANJEC Open Space Grant will be presented at the next meeting.

APPROVAL OF MINUTES

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

February 26, 2009 Special Meeting & Executive Session

A roll call vote was taken.

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

NAYES: None

ABSTAIN: None

CONSENT AGENDA

RESOLUTION #09-45

AUTHORIZING THE APPROVAL OF BILLS LIST

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

Current	ck# 31034	to	ck# 31121
Current	ck# 31122	to	ck# 31171
Capital	ck# 2637	to	ck# 2645
Capital	ck# 2646	to	ck# 2647
Grant	ck#	to	ck#
Planning & Zoning	ck#	to	ck#
Recreation Trust	ck 866	to	ck# 868
Dog Trust	ck#	to	ck#
Other Trust	ck#	to	ck#
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck# 1516	to	ck# 1517
Outside Services	ck# 1518	to	ck#
Outside Services	ck# 1519	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# 5218 to ck# 5260 (1st pay in March)		
Payroll Deduction	ck# 3097 to ck# 3099		
Total Payroll	\$310,138.48		

RESOLUTION #09-47

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT
PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK
268-01 LOT 38 PURSUANT TO NJSA 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 268.01 Lot 38 was assessed pursuant to said Resolution; and

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

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

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

1. Upon payment by the owners of Block 268.01 Lot 38 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 268.01 Lot 38 due and owing under the referenced special assessment.

RESOLUTION #09-48

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT
PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK
268-22 LOT 64 PURSUANT TO NJSA 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 64 was assessed pursuant to said Resolution; and

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

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

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

1. Upon payment by the owners of Block 268.22 Lot 64 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 64 due and owing under the referenced special assessment.

RESOLUTION #09-49

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK 268-25 LOT 36 PURSUANT TO NJSA 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 268.25 Lot 36 was assessed pursuant to said Resolution; and

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

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

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

1. Upon payment by the owners of Block 268.25 Lot 36 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.
3. Nothing herein should be construed to alter, amend or terminate the payments, past or future, owed by the owners of Block 268.25 Lot 36 due and owing under the referenced special assessment.

Council Member Glenn McLaughlin moved to approve the Consent Agenda, seconded by Council Member Valerie Seufert.

A roll call vote was taken:
AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert, Austin Carew
NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-30

AUTHORIZING THE COLLECTIVE BARGAINING AGREEMENT WITH THE NEW JERSEY STATE POLICEMAN'S BENEVOLENT ASSOCIATION LOCAL #285, VERNON TOWNSHIP

WHEREAS, the Township of Vernon has agreed to enter into a Collective Bargaining Agreement with the Policeman's Benevolent Association, Local 285 ("PBA 285"), which shall govern the terms of employment and compensation for police officers for the calendar years 2008 through 2011; and

WHEREAS, PBA 285, has agreed to enter into a Collective Bargaining Agreement with the Township of Vernon and shall be adopting a resolution voted upon by its members adopting said Agreement.

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. The Township Council authorizes a Collective Bargaining Agreement between the Township and PBA Local 285.
2. The Mayor and Township Manager are authorized to sign the Collective Bargaining Agreement on behalf of the Township.
3. This resolution shall take effect immediately.

A copy of this resolution as well as the referenced Collective Bargaining Agreement shall be placed on file with the Clerk of the Township.

Council Member Glenn McLaughlin moved to approve Resolution #09-30, seconded by Council Member Richard Carson.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Resolution #09-30 was approved.

RESOLUTION #09-36

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH BRUNO ASSOCIATES, INC. FOR PROFESSIONAL GRANT CONSULTING SERVICES

WHEREAS, there exists in the Township of Vernon a need for the services of a firm specializing in the investigate, research, planning, preparation and pursuit of programs submitted to various County, State and Federal authorities and foundations for obtaining vital financial and other aid for municipal programs; and

WHEREAS, such services involve professional knowledge and public relations consultants as well as specialized knowledge or available County, State and Federal aid programs and the numerous applications, submissions and actions necessary to obtain and successfully pursue such programs and involve such qualified services and knowledge that specifications cannot reasonably be formulated and public bidding is not feasible; and

WHEREAS, the need for such services is great and immediate and the necessary funds are available; and

WHEREAS, N.J.S.A. 40A:11-5 of the Local Public Contracts Law permits the award of professional service agreements without public bidding.

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

1. The Mayor and Township Manager are hereby authorized to enter into a contract for the performance of all necessary professional consultation and work involved in the study of County, State and Federal aid funds needs of the Township of Vernon, New Jersey, and the related research, planning, preparation, submission and proceeding with all applications and programs for such fund-finding and related aid programs with Bruno Associates, Inc., 1373 Broad Street, Suite 301, Clifton, NJ 07013, without competitive or public bidding.
2. Bruno Associates, Inc. shall be paid for such services the sum of \$4,466.67 per month, commencing on March 1, 2009 and terminating on March 1, 2010, for a total not to exceed \$50,000.00.
3. No programs shall be applied for without Council approval.
4. A copy of this Resolution will be published in the New Jersey Herald within ten (10) days, according to law.
5. A copy of the contract shall be kept on file with the Township Clerk.

Council Member Valerie Seufert moved to carry Resolution #09-36 for the March 26 Council Meeting agenda allowing Mr. Bruno the opportunity to give a presentation to the Township Council. Motion seconded by Council Member Richard Carson.

There was no Council discussion.

Resolution #09-36 was carried to the March 26, 2009 Council Meeting agenda.

RESOLUTION #09-46

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

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that minutes from Executive Sessions of public Township Council Meetings from January 22, 2009 and February 5, 2009, are approved for release to the public, subject to redaction where appropriate.

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

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

Council Member Valerie Seufert moved to approve Resolution #09-46, seconded by Council Member Glenn McLaughlin.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Resolution #09-46 was approved.

INTRODUCTION OF ORDINANCES AND FIRST READING

ORDINANCE #09-08

AN ORDINANCE AMENDING TOWNSHIP ADMINISTRATIVE CODE PART I, CHAPTER 5, ARTICLE II, SECTION 5-6 TO PROVIDE POLICY CONCERNING THE RELEASE OF EXECUTIVE SESSION MINUTES FROM TOWNSHIP COUNCIL MEETINGS

WHEREAS, pursuant to the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., a public body is required to keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with N.J.S.A. 10:4-12; and

WHEREAS, meetings of the Vernon Township Council are subject to the New Jersey Open Public Meetings Act.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex, New Jersey, that Township Administrative Code Part I, Chapter 5, Article II, Section 5-6 shall be amended to read as follows:

F. Release of Executive Session Minutes from Regular and Special Council Meetings.

1. The Township Clerk or her designee shall attend all executive session meetings of the Vernon Township Council and shall prepare a confidential set of draft minutes of each executive session meeting, with proposed redactions as appropriate, for approval by the Township Council at the next regularly scheduled Council meeting unless exigent circumstances delay the preparation of such minutes, in which case the minutes shall be presented at the next regularly scheduled Council meeting following the delay.

2. The Council shall consider for approval the draft executive session minutes and the proposed redactions, and shall vote on the approval of the minutes and release of redacted minutes, if any. The Council may discuss the approval of the draft minutes and redactions in executive session if there are issues concerning the draft minutes which require confidential discussion. Upon approval for public release, the executive session minutes shall be available to the public on the following business day.
3. The Township Clerk will maintain a privilege/redaction log describing the general topic discussed, the date on which the topic was discussed, and the reason for the redaction. The log will be appended to each set of draft executive session minutes presented to the Township Council. The list shall be reviewed by the Township Council as part of the current minute approval process to ascertain if the legitimate reason for confidentiality continues to exist.
4. If the Township Council, by vote at a public meeting, determines that the legitimate reason for confidentiality no longer exists with regard to a particular executive session discussion, the Township Clerk shall make the previously redacted minutes so voted upon available to the public in unredacted form on the following business day.

Mayor Austin Carew read Ordinance #09-08 in full.

Council Member Richard Carson made a motion to introduce Ordinance #09-08 on first reading and so advertise with second reading and public hearing on April 13, 2009. Motion was seconded by Council Member Valerie Seufert.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-08 passed first reading.

ORDINANCE #09-09

AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE CHAPTER 250, FEES AND ESCROWS SECTION 250-12 BUILDING

BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that Chapter 250, §250-12 of the Township Administrative Code shall be amended to read as follows:

- A. The fee for plan review shall be 25% of the construction permit fee.
- B. The basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices and the number of sprinklers, standpipes and detectors at the unit rates provided herein plus any special fees.
- C. Building subcode.
 - (1) New construction.
 - (a) Per cubic foot for all use groups: \$0.05.
 - (b) Per cubic foot for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for the storage of food or grain, or the sheltering of livestock, for such structures on farms with a minimum fee of \$100. \$0.036.
 - (2) Renovations, alterations and repairs. Per \$1,000 of estimated cost of work: \$30.
 - (3) Additions. Fee per cubic foot for the added portion shall be computed on the same basis as for new construction.

- (4) Fee for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with Subsection C(2) and (3) above.
 - (5) Reshingle or re-side R-3, R-4 or R-5 structures: \$75.
 - (6) Minimum: \$75.
- D. Electric subcode.
- (1) Receptacles and fixtures:
 - (a) First to 25: \$70.
 - (b) Each additional 25: \$25.
 - (2) Motors, electrical devices and motor control center:
 - (a) One hp up to 10 hp: \$30.
 - (b) 11hp up to 50 hp: \$120.
 - (c) Up to 100 hp: \$250.
 - (d) Larger than above: \$600.
 - (3) Transformers and generators and Solar Photovoltaic Systems:
 - (a) Over one kw up to 45.0 kw: \$70.
 - (b) Up to 112.5 kw: \$170.
 - (c) Larger than above: \$600.
 - (4) Services panels, entrances, and subpanels:
 - (a) Up to 200 amps: \$75.
 - (b) Up to 1,000 amps: \$170.
 - (c) Larger than above: \$600.
 - (5) Private swimming pool, hot tub or fountain shall be a flat fee of \$125 (includes the inspection of Equipotential Bonding Grid).
 - (6) Minimum: \$70.
- E. Plumbing subcode.
- (1) Per fixture, appliance, condensate, backflow preventer, or stack connected to the plumbing system and for each appliance connected to the gas or oil piping system except as indicated in Subsection (2): \$30.
 - (2) Per special device listed below: \$90.
 - (a) Active solar system.
 - (b) Backflow preventers (equipped with test ports).
 - (c) Condensate line
 - (d) Interceptors (grease, oil, sand, etc.).
 - (e) Refrigeration units
 - (f) Sewer pump.
 - (g) Sewer connection
 - (g) Water service connection
 - (i) Water heater.
 - (j) Water conditioner
 - (k) Swimming pool drains
 - (l) Hydronic Piping
 - (m) Underground Storm Water Piping
 - (3) Water Boilers, Steam Boiler \$100
 - (4) Minimum: \$70.
- F. Fire protection subcode.
- (1) Suppression system.
 - (a) Sprinkler heads.
 - [1] One to 6 sprinkler heads: \$100.
 - [2] 7 to 100 sprinkler heads: \$200.
 - [3] 101 to 200 sprinkler heads: \$300.
 - [4] 201 to 400 sprinkler heads: \$805.
 - [5] 401 to 1,000 sprinkler heads: \$1,000.
 - [6] Over 1,000 sprinkler heads: \$1,400.
 - (b) Fire pump: \$200.
 - (c) Alarm valves: \$50.
 - (d) Pre-action valves: \$50.
 - (e) Standpipes: \$300.
 - (2) Alarm system.
 - (a) One to 10 devices: \$70.
 - (b) Each additional 10 devices: \$25.
 - (3) Gas or oil storage tanks.

- (a) Up to 1,000 gallons: \$100.
 - (b) Over 1,000 gallons: \$200.
 - (4) Each independent pre-engineered system: \$150.
 - (5) Each gas or oil fired appliance not connected to the plumbing system: \$100.
 - (6) Each commercial kitchen exhaust system: \$150.
 - (7) Each incinerator or crematorium: in accordance with N.J.A.C. 5:23-4.20.
 - (8) Minimum: \$70.
- G. Elevators or escalators. Each elevator fee shall be in accordance with N.J.A.C. 5:23-12.
- H. Certificates and other permits.
- (1) Certificate of occupancy.
 - (a) The fee for R-3, R-4 and R-5, U and commercial farm structures shall be 10% of the new construction permit fee with a minimum of \$50.
 - (b) All other structures shall be 10% of the new construction permit fee with a minimum of \$75.
 - (c) Change of use: \$150.
 - (d) Continued certificate of occupancy: \$175.
 - (e) Letter stating that no certificate of continued occupancy is required: \$20.
 - (f) The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be \$45.
 - [1] Exceptions:
 - [a] There shall be no fee for the first issuance of the temporary certificate of occupancy if occupancy fee was paid at the time.
 - [b] Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (i.e., prior approval), no renewal fee shall be charged.
 - (2) Other permits.
 - (a) Demolition or removal permit.
 - [1] Each building or structure: \$150.
 - [2] R-3, R-4 and R-5 less than 5,000 square feet: \$100.
 - [3] Oil tank demolition Class III residential structures: \$75.
 - (b) Swimming pool.
 - [1] All R-3, R-4 and R-5 aboveground pools: \$100.
 - [2] All R-3, R-4 and R-5 in-ground pools: \$150.
 - [3] All other use groups: \$350.
 - (c) Sign permit.
 - (1) Fees for pylon signs shall be \$5.00 per square foot for the first 100 square feet, \$3.75 per square foot for the next 400 square feet and \$2.50 per square foot thereafter;
 - (2) Fees for ground signs or wall signs shall be \$3.00 per square foot for the first 100 square feet, \$2.50 per square foot for the next 400 square feet and \$1.25 per square foot thereafter;
 - (3) The minimum fee shall be \$ 75.00.
 - (d) Fence (over six feet in height): \$50.
 - (e) Tents in excess of 16,800 square feet or more than 140 feet in any direction: \$300.
 - (f) Asbestos abatement in accordance with N.J.A.C. 5:23-8.9.
 - (g) Lead hazard abatement in accordance with N.J.A.C. 5:23-4.20
 - (h) Retaining Walls
 - [1] 550 square feet or less associated with a Class III residential structure: \$200.
 - [2] 551 square feet and over associated with a Class III residential structure: \$300.
 - [3] Other than Class III residential structures shall be based on cost of construction.
 - (i) Reinstatement of lapsed permit per open subcode of original permit: \$50.00

- (j) Change of contractor fee per subcode: \$25.
 - (k) Installation of Park Model Trailers, flat fee: \$200.
- I. Application for variation.
 - (1) Class II and III structure: \$150; resubmission: \$80.
 - (2) Class I structure: \$750; resubmission: \$250.
 - J. Periodic inspections. Fees for periodic reinspection of equipment and facilities granted a certificate of compliance for a specified duration as required by N.J.A.C. 5:23 and shall be:
 - (a) Yearly Public Pool bonding inspection and Certificate: \$75.
 - (b) Yearly testing of backflow preventers, equipped with test ports: \$60.
 - K. Mechanical inspections (replacement).
 - (1) Fees for replacement or new installation of:
 - (a) Wood or gas-fired stove or fireplace, water heater, boiler, furnace, air-conditioning unit, pool heater, oil and propane tanks, oil or gas lines in existing R-3, R-4 and R-5 structures shall be \$100.
 - (b) For each additional appliance on same permit: \$75.
(No additional fee for gas, fuel oil, or water piping connection to appliance.)
 - L. There shall be a fee of \$50 per hour for review of any amendment or change to a plan that has already been released. (rounded up to the hour)
 - M. Hourly charges and fees for development-wide inspections of homes after issuance of a certificate of occupancy to ascertain whether a violation exists or to verify that any work performed has abated the violation, shall be the twice the hourly cost of operations as certified by the Chief Financial Officer using a formula of total expenditures plus 12% for indirect costs divided by employees weekly hours, as per NJAC 5:23-4.17(d).
 - N. Annual permits. Fees shall be in accordance with N.J.A.C. 5:23-4.20.
 - O. Township surcharge for inspections done by private on-site agency: 15%.
 - P. DCA training fee. Fees shall be in accordance with N.J.A.C. 5:23-4.19.
 - Q. All fees can be rounded off to the nearest dollar.

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

The Township Manager informed the Council that the state's Uniform Construction Code requires that permit fees collected by a municipal building department must cover the costs of providing the services. Ms. Carlton reported inequities arise when taxpayer funds must be used to cover the costs of the Building Department. Permit fees have not been increased in six (6) years.

Township Sub-Code Official, Tom Pinand, reported that changes in state regulations have promulgated new mandated fee structures and informed the Council that as of March 2, 2009 the state has increased fees 26%.

In light of challenging economic times, the Township Council asked Mr. Pinand to review the proposed fee increases with an eye to cutting them as much as 50% where possible and provide comparable information from other Sussex County municipalities.

Council Member Glenn McLaughlin made a motion to carry Ordinance #09-09 to the March 26, 2009 Council Meeting agenda. Motion was seconded by Council Member Richard Carson.

A roll call vote was taken on the motion to table Ordinance #09-09:

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

NAYES: None

Ordinance #09-09 was tabled and carried to the March 26, 2009 Council Meeting agenda.

ORDINANCE #09-10

AN ORDINANCE LIMITING THE PERIOD OF TIME A PERSON MAY SERVE AS TOWNSHIP AUDITOR

WHEREAS, Article I, §30-9 of the Township of Vernon Administrative Code provides that the Township Manager shall cause the Township’s financial statements to be audited; and

WHEREAS, the Township appoints an auditor each year for a one-year term under the provisions of a professional service agreement entered into pursuant to N.J.S.A. 40A:11-15, Local Public Contract Law; and

WHEREAS, the Township Council believes that, in order to avoid even the appearance of impropriety, the number of times that a person and/or firm may be consecutively appointed to the position of Township Auditor should be limited.

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

Section 1. No person and/or firm shall be consecutively appointed to serve as Municipal Auditor for more than three (3) one-year terms.

Section 2. Nothing in this Ordinance shall be interpreted as or is intended to limit the total number of one-year terms that a person and/or firm may serve as Municipal Auditor.

Section 3. All Ordinances or parts or Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon notice, publication and adoption as required by law.

Mayor Austin Carew read Ordinance #09-10 in full.

Council Member Richard Carson made a motion to introduce Ordinance #09-10 on first reading and so advertise with second reading and public hearing on April 13, 2009. Motion was seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-10 passed first reading.

ORDINANCE #09-11

**AN ORDINANCE AMENDING THE VERNON TOWNSHIP ADMINISTRATIVE CODE
CHAPTER 250, FEES AND ESCROWS SECTION 250-13
DEPARTMENT OF PUBLIC WORKS**

BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that Chapter 250, §250-13 (D) shall be added to the Township Administrative Code and will read as follows:

- D. Bulky Waste Clean Up
 - (1) Vernon Township Residential Vehicle Load: \$20.00

Mayor Carew read Ordinance #09-11 by title only.

Council Member Valerie Seufert made a motion to introduce Ordinance #09-11 on first reading and so advertise with second reading and public hearing on April 13, 2009. Motion was seconded by Council Member Richard Carson.

After a brief discussion, the Township Council agreed to amend the Ordinance replacing "Residential Vehicle" with "Non-commercial Vehicle."

Council Member Richard Carson made a motion to amend Ordinance #09-11 on first reading to replace section D. (1) "Residential Vehicle" with "Non-commercial Vehicle." and so advertise with second reading and public hearing on April 13, 2009. Motion was seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-11, as amended, passed first reading.

ORDINANCE # 09-12

AN ORDINANCE REPEALING SECTION §413-4(Q) (2) OF THE TOWNSHIP OF VERNON CODE

WHEREAS, §413-4(Q)(2) of the Township of Vernon Code provides in relevant part that no person shall be under the influence of intoxicating beverages or other substances at any time on any property owned or leased by the Township of Vernon which is used for open space and recreation purposes and which is open to the public either without charge or on a fee basis, including, but not limited to, playgrounds, parks, ball fields, athletic fields located at the public schools, swimming areas, beaches, natural education facilities, and any paths, roadways, sidewalks, and parking areas therein or adjacent thereto; and

WHEREAS, §1-19 of the Township of Vernon Code provides in relevant part that the violation of §413-4(Q)(2) shall be punished, as allowed by N.J.S.A. 40:69A-29, as amended, by a fine not exceeding \$2,000, or such maximum penalty as permitted under New Jersey statutes as amended, and/or by imprisonment for a term not exceeding 90 days, and/or a period of community service not exceeding 90 days; and

WHEREAS, N.J.S.A. 26:2B-7 provides in relevant part that "[i]t is the policy of the State of New Jersey that alcoholics and intoxicated persons may not be subject to criminal prosecution because of their consumption of alcoholic beverages;" and

WHEREAS, the Township is currently party to a law suit filed in the United States District Court for the District of New Jersey captioned Obchinetz v. Township of Maple Shade, et al., Civil Action No. 08-3314 (RBK), which suit seeks to invalidate municipal ordinances such as §413-4(Q)(2) in at least 270 other municipalities on the grounds that such ordinances are unconstitutional and violate the New Jersey Alcoholism Treatment and Rehabilitation Act, N.J.S.A.26:2B-6, et seq.; and

WHEREAS, litigation counsel for the Township has determined that it is the best interest of the Township to amend the Township Code to repeal §413-4(Q)(2).

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

- Section 1. Section 413-4(Q)(2) of the Township of Vernon Code is hereby repealed in its entirety.
- Section 2. All Ordinances or parts or Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by

any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect upon notice, publication and adoption as required by law.

Mayor Austin Carew read Ordinance #09-12 by title only.

Council Member Glenn McLaughlin made a motion to introduce Ordinance #09-12 on first reading and so advertise with second reading and public hearing on April 13, 2009. Motion was seconded by Council Member Richard Carson.

There was no Council Discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-12 passed first reading.

COUNCIL DISCUSSION

Township Manager Melinda Carlton informed the Council that the Township can provide 50% of the \$6,000 match for the ANJEC Open Space Grant as in-kind services with the remaining 50% of the \$6,000 being funded by the township.

Council Member Richard Carson reported on the follow up to the Township's response and efforts during the December 2008 Ice Storm. Council Member Carson recommended forming a Community Emergency Response Team (C.E.R.T.) and conducting realistic emergency drills on a quarterly-basis involving all emergency services. Council Member Carson reported the General Manager at WSUS radio station was very receptive to broadcasting emergency events to the public. Lastly, Council Member Carson requested a public summary session with Police Chief Wherry to discuss the Township's response and efforts during the December ice storm and ways Vernon Township can be better prepared for future emergencies.

Mayor Austin Carew reported Legends Hotel presented a site plan to the Land Use Board at the March 11, 2009 Land Use Board meeting.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:54 p.m.

Respectfully submitted,

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved March 26, 2009