

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

April 13, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:15 p.m. on Monday, April 13, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

STATEMENT OF COMPLIANCE

Pursuant to the Open Public Meetings Act, adequate notice of this meeting had been provided to the public and the press on December 30, 2008 and notice of this meeting was posted at the Municipal Building and on the Township's Website.

ROLL CALL OF MEMBERS

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:21 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 is:
 - a. Contract – Metarie Redevelopment Agreement. Anticipated time of release of Executive Session minutes will be at the time a contract is fully executed.
 - b. Contract – Mountain Creek Redevelopment Agreement. Anticipated time of release of Executive Session minutes will be at the time a contract is fully executed
 - c. Attorney-Client Privilege matter. 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 6:21p.m.

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The meeting was reopened to the public at 7:00 p.m. Present were Council Members Richard Carson, Gary Grey, Valerie Seufert, and Mayor Austin Carew. Council Member Glenn McLaughlin was absent. 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 OF CERTIFICATES OF APPRECIATION

Mayor Austin Carew presented a framed Certificate of Appreciation to the Police Department and Department of Public Works for their extraordinary 24-hour round-the-clock response efforts taken during and after the December 2008 ice storm. The Mayor also commended everyone for their diligent efforts in helping to keep our neighborhoods safe and accessible. Mayor Carew presented a framed Certificate of Appreciation to the Department of Recreation and Leisure for helping to establish a community shelter in conjunction with the Sussex County Chapter of the American Red Cross, which provided relief for our residents in a safe, warm and welcoming place

Mayor Austin Carew also recognized Highland Lakes Country Club and Community Association Security Manager, Allison LaRocca, and Maintenance Supervisor, Jim Zabrieski, for their tireless efforts to the Highland Lakes community during and after the December 2008 ice storm.

At the conclusion of the presentation of the Certificates of Appreciation, Mayor Austin Carew called for a short recess at 7:09 p.m.

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Mayor Austin Carew reconvened the meeting at 7:39 p.m. with all present.

PRESENTATIONS

Presentation by the Economic Development Advisory Committee

Jim Shriner, Chair and member of the Economic Development Committee asked each member to introduce themselves to the public. The Committee meets the 2nd and 4th Monday of each month. Mr. Shriner read the mission statement of the Committee and briefly discussed their goals. The Economic Development Committee has been working closely with other Township Committees and the Vernon Chamber of Commerce. Through the assistance of Council Member Richard Carson, the Committee is targeting medical sector opportunities.

The Committee's top goal is to create jobs and investments in Vernon. This will be accomplished by welcoming new and expanding businesses, developing marketing materials, developing a strategic plan for the Township, and most importantly, developing measurable targets for activities carried out by the Economic Development Committee.

Mr. Shriner invited questions from the audience and welcomed the public to attend its meetings. Mr. Shriner also mentioned that the Committee will have a website in the near future.

Ms. Mary Emilius, Vice Chair and member of the Economic Development Committee commented that the one significant trait of smart growth towns in Sussex County is that they all have a solid, internal marketing program. Future economic sustainability for Vernon Township property owners rests on bringing in business ratables.

Mayor Carew applauded the hard work of the Economic Development Committee.

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Mary Ellen Vischiconti, 17 Nutley Avenue, questioned the status of the reverse 9-1-1 program and Vernon Township's participation in that program.

Jessi Paladini, Sunset Ridge, questioned if the Township is about to lose a \$1.2 million grant for Open Space and requested a follow up email for the Township Manager.

Neil Desmond, Carol Drive, commented that a Community Oriented Policing Services (C.O.P.S.) grant is now available to address local law enforcement agency needs and the hiring of approved entry-level police officers for a maximum of three years. Mr. Desmond strongly encouraged the Township Council to pursue this grant.

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

TOWNSHIP CLERK'S REPORT

The Township Clerk reported the Clerk's Office has been busy verifying candidate petitions for the Primary Election and informed the Council and public that the Ballot Draw for candidates will be held Thursday, April 16th at 3:00 p.m. in the Clerk's Office.

The Township Clerk also reported liquor licensing renewal applications for the 2009-2010 licensing period have been sent to the 14 licensees in Vernon Township. In addition, the licensee of a Pocket License has begun the process of transferring the liquor license to activate it.

The Township Clerk informed the Council that all quarterly Registrar reports have been submitted to the State.

TOWNSHIP MANAGER'S REPORT

Melinda Carlton, Township Manager, explained that a Community Emergency Response Team (C.E.R.T.) training program will be available to Vernon Township residents. Training will be provided by the County. Ms. Carlton will scan the information and send it to Council.

Regarding the Gypsy Moth spraying program, the Township Manager said that the State has been unavailable to make a presentation to the Council, and that the County Health Department does not get involved with spraying. Ms. Carlton asked for direction on this matter. The Council is interested in the type of chemical or biological agents to be used so that the public can be noticed. The Township Manager will obtain additional information, and a Material Safety Data Sheet (MSDS) will be obtained.

The Township Manager reported a meeting is scheduled with Mr. Dennis Miranda and the Boy Scout troop regarding the development of a butterfly garden. Funding of about \$1,500 - \$2,000 has been requested from the Township. The Township Council agreed to budget for this project.

Ms. Carlton informed the Township Council that there is \$25,000 budgeted for mini streetscape improvements in the Town Center. The Township Council requested this project be discussed with the grant writer, Bruno Associates.

The Township Manager reported the Township will need to replace a Police Dispatcher who is resigning. The municipality can either (i) use overtime costing approximately \$35,000 until the end of the year; (ii) hire a full time replacement costing approximately \$80,000 with benefits; or (iii) hire two part-time individuals without benefits. The Township currently employs six dispatchers in the Police Department.

The Township Manager is meeting with the Council on an individual basis to help keep open lines of communication. A question recently occurred regarding the hiring freeze and whether a promotion or lateral reclassification of a job interferes with the hiring freeze. The Council deferred to the Township Manager who will send a memo out immediately on the issue.

APPROVAL OF MINUTES

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

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Valerie Seufert, as to the 3/26/09 Executive Session Minutes

CONSENT AGENDA

RESOLUTION #09-66

AUTHORIZING THE APPROVAL OF BILLS LIST

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

Current	ck#	31272	to	ck#	31299
Current	ck#	31302	to	ck#	31348
Current	ck#	31349	to	ck#	
Current	ck#	31350	to	ck#	31384
Capital	ck#	2653	to	ck#	2654
Capital	ck#	2655	to	ck#	
Grant	ck#	31300	to	ck#	31301
Planning & Zoning	ck#	3859	to	ck#	3860
Planning & Zoning	ck#	3861	to	ck#	3862
Recreation Trust	ck	870	to	ck#	
Recreation Trust	ck#	871	to	ck#	
Recreation Trust	ck#	872	to	ck#	
Dog Trust	ck#		to	ck#	
Other Trust	ck#	797	to	ck#	
Senior Citizen Trust	ck#		to	ck#	
Outside Services	ck#	1524	to	ck#	1525
Outside Services	ck#	1526	to	ck#	1527
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#	130	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#	5303 to ck# 5348 (1 st pay in April)			
Payroll Checks	ck#	5349 to ck# 5360 (Police Retro's for 2008)			
Payroll Deduction	ck#	3109 to ck# 3110			
Total Payroll		\$311,267.61			
Total Payroll		\$112,085.92 (Police Retro's for 2008)			

RESOLUTION #09-67

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK 269.03 LOTS 42 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 269.03 Lot 42 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 269.03 Lot 42 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 269.03 Lot 42 due and owing under the referenced special assessment.
3. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #09-69

ENDORING THE SUBMISSION OF THE 2008 RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987 c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Vernon Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Township of Vernon hereby endorses the submission of the 2008 Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates David Pullis, Director of Public Works, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Council Member Valerie Seufert moved to approve the Consent Agenda, 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

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-70

AWARDING A PROPOSAL TO PROVIDE FOR FORENSIC ACCOUNTING SERVICES REGARDING THE TOWN CENTER PROJECT

WHEREAS, there exists a need for the Township of Vernon for Forensic Accounting Services regarding the Town Center Project (the "Project") pursuant to the provisions of N.J.S.A. 19:44A 20.4 and/or N.J.S.A. 19:44A 20.5;

WHEREAS, the Township has received two proposals from companies authorized to perform such services: 1) The Forensic Accounting Group, Inc. dated December 29, 2008 and 2); Sobel & Co., LLC dated January 5, 2009; and

WHEREAS, the Township has compared the proposals for cost and quality of work to be performed, and has determined that the total cost for these services, taking into account all possible expenditures, is lowest on the proposal of The Forensic Accounting Group, Inc., Parsippany, NJ, for an amount not to exceed \$50,000.00; and

WHEREAS, the Township recommends to award the proposal and enter into contract with The Forensic Accounting Group for Forensic Accounting Services regarding the Town Center Project; and

WHEREAS, the Chief Financial Officer has certified funds are available for this purpose subject to the adoption of the 2009 Municipal Budget.

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 proposal of The Forensic Accounting Group is hereby accepted in order to provide for the Forensic Accounting Services for the Township of Vernon to be implemented in the year 2009, subject to the execution of a contract between the parties and the availability of funds for said purpose.
2. This Resolution shall take effect immediately according to law.

Council Member Richard Carson moved to approve Resolution #09-70, seconded by Council Member Valerie Seufert.

Council Member Richard Carson and Council Member Valerie Seufert recognized the need for an in-depth forensic auditing of the Town's Center Project and encouraged the passage of this resolution. Council Member Gary Grey cautioned that the forensic audit should be monitored so that it does not escalate beyond its scope. Mayor Austin Carew commented that the Request for Proposal was well-written and that the Township must get an understanding of the baseline of monies that were spent for the Town Center project.

A roll call vote was taken:

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

NAYES: None

Resolution #09-70 was approved.

RESOLUTION #09-71

RESOLUTION OF THE TOWNSHIP OF VERNON MAKING AN APPLICATION TO THE LOCAL FINANCE BOARD FOR A REDUCED PENSION CONTRIBUTION PURSUANT TO N.J.S.A. 43:15A-24 (c) AND/OR N.J.S.A. 43:16A-15 (9)

WHEREAS, the Township Council of the Township of Vernon in the County of Sussex desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution

pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the sum of:

- Police and Fire Retirement System in the amount of \$357,640
- Public Employee Retirement System in the amount of \$215,408; and,

WHEREAS, the Township Council has determined that any cost savings and expense deferral(s) in these difficult economic times are warranted concerning this application as required by statute and the Chief Financial Officer has completed the required Attachment that documents said determinations; and,

WHEREAS, the normal contribution without the deferral is,

- Police and Fire Retirement Systems \$688,102
- Public Employee Retirement System \$387,926

The deferred contribution is,

- Police and Fire Retirement Systems \$357,640
- Public Employee Retirement System \$215,408

For a cost savings of,

- Police and Fire Retirement Systems \$330,463
- Public Employee Retirement System \$172,519

WHEREAS, the Township Council determined that it needs to pay the reduced contribution and said need is in the public interest; and, the easing of the onerous property tax burden in 2009 imposed on New Jersey municipalities in 2009 by state mandates, limited state-aid, restrictive development opportunities, and increases in other taxes outside the control of the Township Council but which impact all Vernon residents and businesses.

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

- Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated into this Resolution as if contained herein.
- Section 2. The reduced pension contribution for PFRS in the sum of \$357,640 and PERS in the sum of \$215,408, pursuant to *N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. seq.* have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.
- Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, is hereby authorized to submit such application and to represent the Township of Vernon in matters pertaining thereto.
- Section 4. The Certification of the Chief Financial Officer of the Township of Vernon is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.
- Section 5. The Clerk of the Township of Vernon shall file a copy of this resolution as part of the application with the Local Finance Board.
- Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law.

Melinda Carlton commented that this resolution would approve the pension deferral with a 15-year payback. The unpaid, or deferred amount, would be repaid over a 15-year period beginning April 2012. Ms. Carlton informed the Township Council that Mr. Robert Benecke, the Interim CFO, recommended passage of Resolution #09-71.

Council Member Valerie Seufert stated it is imperative that the municipality set aside monies each year into a surplus account as a prudent measure in being able to pay back the deferred pension amounts.

The Township Council asked the CFO to present this issue to the Council in more detail.

Council Member Gary Grey moved to approve Resolution #09-71, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-71 was approved.

RESOLUTION #09-72

RESOLUTION CREATING THE VERNON TOWNSHIP FINANCIAL ADVISORY COMMITTEE

WHEREAS, the Vernon Township Council desires to establish the Vernon Township Financial Advisory Committee for the purpose of reviewing and analyzing Township financial information and advising the Council regarding the same;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Vernon Township Financial Advisory Committee is hereby established for the purpose of reviewing and advising the Township Council with regard to financial matters including, but not limited to, the Town's strategic financial plan, annual property tax decisions, proposals requiring capital and other expenditures of Township funds, the annual budget, investment policies/practices and reviews the annual financial audit. The Financial Advisory Committee shall be an advisory committee only, shall not have authority to make any decisions for the Township or any part thereof, and shall not be authorized to expend any public funds.

BE IT FURTHER RESOLVED that the Vernon Township Financial Advisory Committee shall consist of five members, as follows:

1. Township Manager (Chair)
2. Township Chief Financial Officer
3. Member of Public
4. Member of Public
5. Member of Public

The Township Council shall appoint members of the public to serve on the Committee. Members of the public appointed to the Committee shall serve for a term of one (1) year, are eligible to be reappointed, and shall serve at all times at the pleasure of the Township Council. Any person desiring to serve on the Committee shall submit to the Township Manger a resume and/or statement demonstrating qualifications including, but not limited to, past experience in financial management.

BE IT FURTHER RESOLVED that all persons appointed to the Committee who are not already required to do so shall submit to the Township Clerk a Local Government Ethics Law Financial Disclosure Statement prior to participating on the Committee.

Mayor Austin Carew commented that this Finance Committee will be staffed by members of the public as an advisory committee to the Township Council. The Township Manager supported the idea and encouraged that members selected for the Finance Committee be staffed by individuals having expertise in the financial area. Mayor Carew read Resolution #09-72 in full to the audience and asked that a Confidentiality Agreement be made a requirement of all Finance Committee members.

Richard Carson moved to amend Resolution #09-72 to include a confidentiality clause requirement for members appointed to the Finance Committee. The motion to amend was seconded by Valerie Seufert. Attorney Mike Witt amended Resolution #09-72.

A roll call vote was taken to amend Resolution #09-72 to include a confidentiality clause requirement for members appointed to the Finance Committee:

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

NAYES: None

Amendment to Resolution #09-72 was approved.

Valerie Seufert moved to adopt Resolution #09-72 as amended. The motion was seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-72 was approved, as amended.

RESOLUTION #09-73

AGREEMENT TO ACT AS CO-APPLICANT WITH THE LAKE PANORAMA COMMUNITY ASSOCIATION FOR DAM REHABILITATION LOAN PURSUANT TO THE DAM, LAKE, STREAM, FLOOD CONTROL, WATER RESOURCES, AND WASTEWATER TREATMENT PROJECT BOND ACT OF 2003, P.L., 2003, CHAPTER 162, SECTIONS 5 AND 17

WHEREAS, Lake Panorama Community Association, Inc., is the private owner of the Lake Panorama Dam, which is subject to the applicable requirements as to construction, safety and maintenance as promulgated and enforced by the New Jersey department of Environmental Protection (“NJDEP”), pursuant to N.J.S.A. 58:4-11 et seq., and the Dam Safety Standards, N.J.A.C. 7:30 et seq.; and

WHEREAS, based on engineering investigations, NJDEP has determined that this dam is in need of repair, improvements and rehabilitation in order to bring it into compliance with applicable standards promulgated by the NJDEP in order to render these dams suitably safe and functional; and

WHEREAS, the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003, P.L., 2003, Chapter 162, Sections 5 and 17 (“2003 Bond Act”) established a revolving loan fund known as the “2003 Dam, Lake, Stream Project Revolving Loan Fund”(“Fund”) and authorized the issuance of loans at a maximum interest rate of two percent (2%) per annum to meet the costs and expenses of dam restoration projects such as that required for the Lake Panorama Dam; and

WHEREAS, the implementing regulations provide that a private dam owner must include, as part of its loan application, a Resolution from the Municipality, agreeing to serve as Co-applicant under the Act; and

WHEREAS, the Town Council has reviewed the matter and has agreed in principal to apply, along with the lake association for said rehabilitation loan monies from the Fund, to insure that the Lake Panorama Dam is brought into compliance with the NJDEP dam safety standards.

NOW THEREFORE, it is hereby resolved by the Vernon Township Council that Vernon Township consents to act as Co-Applicant with Lake Panorama Community Association, Inc. for a loan through the NJDEP for rehabilitation for the Lake Panorama Dam, subject to final Council approval of any proposed loan agreement.

Mayor Carew read Resolution #09-73 in full to the audience.

Council Member Valerie Seufert moved to approve Resolution #09-73, seconded by Council Member Richard Carson.

Mayor Carew recognized Lake Panorama Community's Attorney, Ms. Ilene Borne. Ms. Borne commented that the Lake Panorama dam is in need of significant rehabilitation. The loan agreement in the amount of \$250,000 has been granted by the Department of Environmental Protection. Resolution #09-73, if approved, would include Vernon Township as a co-applicant for the New Jersey Department of Environmental Protection grant monies.

A roll call vote was taken:

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

NAYES: None

Resolution #09-73 was approved.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

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 Carew read Ordinance #09-08 by title only. First reading was held on March 12, 2009.

Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Richard Carson.

Mayor Carew opened the meeting for Public Hearing on this ordinance.

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

There was no Council Discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-08 was approved.

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 sub code.
 - (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: \$65.
 - (6) Minimum: \$75.
- D. Electric sub code.
 - (1) Receptacles and fixtures:
 - (a) First to 25: \$60.
 - (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: \$75.
 - (c) Up to 100 hp: \$200.
 - (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: \$60.
- E. Plumbing sub code.
 - (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: \$60.
- F. Fire protection sub code.
 - (1) Suppression system.
 - (a) Sprinkler heads.
 - [1] One to 6 sprinkler heads: \$100.
 - [2] 7 to 100 sprinkler heads: \$175.
 - [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 12 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 \$40.

- (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: \$150.
 - (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 sub code of original permit: \$50.00
 - (j) Change of contractor fee per sub code: \$25.
 - (k) Installation of Park Model Trailers, flat fee: \$200.
- I. Application for variation.
- (1) Class II and III structure: \$150; resubmission: \$65.
 - (2) Class I structure: \$700; 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. First reading was held on March 26, 2009.

Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Gary Grey.

Mayor Austin Carew recognized Mr. Tom Pinand, Vernon Township Sub-code Official, who addressed questions presented by the Township Council.

Mayor Carew opened the meeting for Public Hearing on this ordinance.

Tom McClachrie, Vernon Taxpayers Association, commented that the Vernon Taxpayers Association opposes any increase in fees or fines.

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

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert

NAYES: Austin Carew

Ordinance #09-09 was approved.

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 Carew read Ordinance #09-10 by title only. First reading was held on March 12, 2009.

Council Member Valerie Seufert requested that Ordinance #09-10 be postponed pending further information on the pro's and con's of limiting consecutive term limits to a three-year period. Mayor Austin Carew commented that the rationale for the Ordinance is to provide for greater financial transparency and stated he too would be interested in understanding the pro's and con's.

Council Member Valerie Seufert moved to postpone Ordinance #09-10. Seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-10 was postponed.

There was no Public Hearing on this ordinance at this time.

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. First reading was held on March 12, 2009.

Council Member Richard Carson made a motion to approve the above Ordinance, seconded by Council Member Valerie Seufert.

Mayor Carew opened the meeting for Public Hearing on this ordinance.

Thomas McClachrie, Vernon Taxpayers Association, opposes any increase in fees or fines.

Jessi Paladini, Sunset Ridge, questioned if the Clean Communities Grant covers the cost of bulk waste collection Township-wide.

Jim Shriner, Vernon, cautioned against imposing a fee for bulk waste collection since it may hinder the proper disposal of discarded items.

Sally Rinker, Vernon, commented that roadside dumping and construction site dumping may increase if a fee is imposed.

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

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert

NAYES: Austin Carew

Ordinance #09-11 was approved.

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 Carew read Ordinance #09-12 by title only. First reading was held on March 12, 2009.

Attorney Mike Witt briefed the audience on the purpose of #09-12.

Council Member Valerie Seufert made a motion to approve the above Ordinance, seconded by Council Member Gary Grey.

Mayor Carew opened the meeting for public discussion on this Ordinance.

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

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-12 was approved.

COUNCIL BUSINESS

Council Member Valerie Seufert asked the Township Manager if she is evaluating the cost-savings of the four-day work week.

Mayor Austin Carew questioned the status of completing the construction of the final segment to the sewer pipe line in the Town Center. Mr. Louis Kneip reported the ownership of the sewer pipe must first be determined before the Treatment Works Approval (TWA) permit can be submitted. The Township Attorney will be scheduling a meeting with United Water to resolve the issue. The Treatment Works Approval permit could take 90 days or more, and construction of the pipe line could take one to two months. The United Water franchise area would need to be expanded through the Board of Public Utilities (BPU).

Mayor Carew requested a report on all outstanding Town Center projects needing to be addressed.

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 Richard Carson. 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 10:32 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: May 14, 2009