

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

May 28, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:15 p.m. on Thursday, May 28, 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. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

A Motion was made by Council Member Seufert to change the change the order business presented on the Agenda and to move action on Resolution #09-95 to the public portion of the meeting after coming out of the Executive Session. Motion seconded by Council Member Carson, with all Council Members voting in favor.

EXECUTIVE SESSION

At 6:16 p.m. Council Member Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Carson with all members voting in favor.

The Municipal Clerk read the following resolution to go into executive session:

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. Potential litigation/Attorney-Client matter regarding the Council vacancy. There is no anticipated time of release of the minutes.
 - b. Real Property/Contract matter regarding acquisition of Open Space lands. The anticipated time of release of the Minutes will be at the conclusion of the contract.
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 6:17 p.m.

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The meeting was reopened to the public at 7:29 p.m. Present were Council Members Richard Carson, Gary Grey, 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.

RESOLUTION FOR TEMPORARY APPOINTMENT TO FILL COUNCIL VACANCY

**AUTHORIZING A TEMPORARY APPOINTMENT TO FILL
VERNON TOWNSHIP COUNCIL VACANCY**

WHEREAS, Vernon Township Council Member Glenn McLaughlin was elected to office in the November 6, 2007 General Election, with his 4-year term commencing on January 1, 2008 and ending on December 31, 2011; and

WHEREAS, Council Member McLaughlin resigned his Council position effective May 5, 2009, which resignation constitutes a vacancy of office pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-3; and

WHEREAS, pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-5, the Township Council desires to fill the vacancy temporarily until a permanent successor to Councilman McLaughlin is duly elected; and

WHEREAS, pursuant to Municipal Vacancy Law, N.J.S.A. 40A:16-11, the governing body received the names of three nominees for the selection of a temporary successor to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that Paul Emilius is hereby temporarily appointed to the position of Township of Vernon Council Member to fill the seat vacated by Glenn McLaughlin, effective immediately upon administration and acceptance of the oath of office.

BE IT FURTHER RESOLVED that the temporary appointment of Paul Emilius shall automatically terminate upon the election of a successor pursuant to the Municipal Vacancy Law.

Mayor Carew asked for a motion to nominate one of the three nominees presented to the Township Council from the Vernon Township Republican County Committee to temporarily fill the Council vacancy. The nominees presented were: Mr. Paul Emilius, Mr. Joe DeYoung or Mrs. Bunny Cocula.

Council Member Gary Grey moved to nominate Mr. Paul Emilius to temporarily fill the Council seat. Mayor Austin Carew seconded the motion.

Council Member Richard Carson commented that members of the public have seriously questioned the validity of the selection process concerning filling the Council seat vacated by Council Member Glenn McLaughlin and stated he will not support any nomination presented and will vote no.

A roll call vote was taken.
AYES: Gary Grey, Austin Carew
NAYES: Richard Carson
ABSTAIN: Valerie Seufert

Township Attorney Michael Witt clarified that two yes votes, one no vote, and one abstention vote did not have enough affirmative votes to approve the motion to nominate Mr. Paul Emilius. Resolution #09-95 did not pass.

Mayor Austin Carew commented that the public has an obligation to come forward if they feel there was any wrongdoing in the selection process of a nominee to fill the Council vacancy and stated he felt nothing illegal or unethical has been done.

Council Member Gary Grey commented that he voted in favor of the nomination to fill the Council vacancy because the selection of the nominee would otherwise default to the Township Republican County Committee.

Mayor Carew asked if there was other motion to appoint a nominee to fill the Council vacancy. Hearing no other motions, Mayor Carew closed further action on Resolution #09-95.

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Mary Ellen Vischiconti, Nutley Ave, questioned if the Township is participating in the Click It or Ticket program. Ms. Vischiconti also questioned if the Charter Commission Study is posted on the website. Ms. Vischiconti then asked if the Grant Writer can assist the Lake Wanda Homeowners Association in applying for grant funding for a Dam Restoration project. The Lake Wanda Homeowners Association is not a private organization.

Sam Lewin, Highland Lakes, spoke about the natural beauty of Vernon Township and further commented about some eyesores prominent along Vernon Town Center roadways including abandoned structures, abandoned cars, the malfunctioning detention basin on CR515 and the DPW Recycling Depot. Mr. Lewin distributed photographs of these eyesores and stated that they affect the economics of Vernon Township. Mr. Lewin appealed to the Council to work together to begin to clean up these areas, to allocate additional personnel and to fund resources if necessary.

Eleanor Campbell, Lake Wanda, spoke about 14 Pine Street, Block 159.02 Lot 26, and questioned when the abandoned structure will be taken down. The structure has been abandoned over ten years and has become a neighborhood hazard.

Laura Sidler, Spruce Street, worried not only about the safety issues concerning 14 Pine Street, but also the impact the property has on the property valuations of the neighborhood.

Melinda Carlton, Township Manager, invited Mr. Lou Kneip, Director of Planning and Development to present a brief status report on the 14 Pine Street property. The owner is deceased and there are no apparent heirs. The Tax Collector reported that four liens have been filed against the property. Mr. Kneip reported that in the short term the Township can take certain steps to secure the property to help make it safe. In the long-term, the Township can begin to take steps to raze the building. Mr. Kneip also suggested that Ms. Carlton ask the Chief of Police to increase patrols in the area and for residents to contact the Police when teenagers are sighted at the property.

Phyllis MacPeck, Vernon, commented that the shiny aluminum poles along the roadways in the Town Center are eye sores and are offensive to the beautiful natural surroundings.

Thomas McClachrie, Vernon Taxpayers Association, commented that he brought to the Township's attention six weeks ago the abandoned house on 14 Pine Street and questioned if the Township intends to initiate foreclosure proceedings on the property as a way to address the blighted property. Mr. McClachrie also questioned the detail and cost of streetscaping amenities included in Resolution #09-81.

Gary Martinsen, Vernon Resident and Small Business Owner, read an excerpt from the Star Ledger newspaper stating the tax increase levied in Vernon Township was more than Newton, Hardyston, Franklin and Ogdensburg municipalities combined, and once again urged the Township Council to stop all unnecessary spending. Mr. Martinsen commented on Resolution #09-83 which would approve the purchase of a Community Building at Maple Grange Park and questioned the on-going costs for maintenance and other associated costs that the Township cannot afford. Mr. Martinsen urged the Council to choose local contractors whenever possible to help local businesses. Mr. Martinsen opposed increasing the Economic Development Committee membership and

suggested abolishing the committee since the Chamber of Commerce and Rotary Club could fulfill those roles.

Jesse Paladini, Sunset Ridge, questioned if the New Jersey Local Public Contracts Law allows a vendor to perform work or provide services without an executed contract in place. Ms. Paladini also questioned the Municipal Budget process and why the municipality has two budgets for 2009. Ms. Paladini questioned if property maintenance codes address realtor signs stockpiled at the Weichert Realty Sales office and the Prudential Realty office properties on CR515.

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

PRESENTATIONS AND SPECIAL ITEMS

Proclamation for Myasthenia Gravis Awareness Month

Mayor Austin Carew presented a Proclamation proclaiming the Month of June as Myasthenia Gravis Awareness Month.

Sign Ordinance Review Committee Update

Ron Muller, Chairman of the Sign Ordinance Review Committee presented the Committee's proposed revisions to the Township's current Sign Ordinance. Mr. Muller reported the five sub-districts in the Town Center have a defined sign ordinance, which is more restrictive than the rest of the Township, and asked for direction from the Council if they would like a consistent Township-wide approach to signage.

Sign design concepts were presented for multiple-unit buildings and stand-alone buildings, as well as, properties with setbacks versus properties without setbacks. The committee presented suggested signage design concepts with changeable marquis, which they commented would eliminate the need for businesses to use banners to advertise promotions. The Committee, however, stated exceptions should be made for the use of banners and pennants during Grand Opening events.

The Committee commented that this is a very complex process due to the various differences in building locations and configurations.

Mayor Carew opened the meeting for public comment.

Marika Bozzone, Glenwood, requested a copy of materials distributed to the Township Council.

Gary Martinsen, Vernon resident and small business owner, questioned whether the Committee will be contacting those business owners who signed-up to participate in the process and give further input on revising the Township's sign ordinance.

The Township Council thanked the members of the Sign Ordinance Review Committee for their informative presentation and the hard work that has been devoted to this important project. The Township Manager also thanked the members of committee for their diligent work and efforts.

Mayor Austin Carew called for a short recess at 8:45 p.m.

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Mayor Austin Carew reconvened the meeting at 9:05 p.m. with all members present as before.

Austin Carew asked for a motion to change the order business on the Agenda in order to move into the Budget Hearing. Council Member Valerie Seufert made a motion to change the order of the Agenda, seconded by Council Member Carson with all Council Members voting in favor.

PUBLIC HEARING OF 2009 MUNICIPAL BUDGET

Mr. Robert Benecke, Interim Chief Financial Officer, reported the 2009 Municipal Budget was introduced on April 23, 2009 and the budget summary was advertised in the newspaper on May 18, 2009. Mr. Benecke commented the State of New Jersey has not completed its review of the Township's Budget and has not yet forwarded its approval, therefore the Township Council cannot adopt the budget until such time Trenton has affixed its stamped approval and forwarded it to the Township.

Mr. Benecke stated that the Township Council would need to read the 2009 Municipal Budget Resolution by title only in order to properly commence the public hearing.

Council Member Seufert motioned the approval to read the 2009 Municipal Budget Resolution by title only, and commence the public hearing, seconded by Council Member Carson.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

Mr. Benecke opened the Public Hearing by reporting that the 2009 Municipal Budget increased approximately 3.5%. This increase included costs for all the Township's municipal services including emergency services such as a full-time Police Department, four Fire Departments, two Ambulance Squads, and the Department of Public Works. Mr. Benecke noted that the local School Budget was passed by the voters in April and questioned the continued increase in the School Budget in light of declining student enrollment of approximately 900 students over the last seven years.

Mr. Benecke reported that Township wages and salaries decreased approximately 10%, or \$645,000, from 2008 salaries due to the elimination of 20 positions; however, wages and salaries the Police Benevolent Association (PBA) police employees have increased considerably with the recent Arbitration settlement. Mr. Benecke noted the Township has a substantial balance of monies currently in the Open Space Fund, which can only be used for the acquisition of open space. Mr. Benecke also reported on the amount of funds appropriated for the municipal building renovation, and amount of funding appropriated for other capital improvement projects.

Mr. Benecke reported that last year's tax rate was approximately 50% of true assessed property value. After the revaluation process, the total tax rate decreased from \$4.23 to approximately \$2.41. Mr. Benecke informed the public that an average home in Vernon Township valued at \$200,000 would have a residential tax bill of approximately \$5,500 and reminded the public that the School Budget comprises approximately two-thirds of the average Township tax bill.

The anticipated date of the 2009 Municipal Budget adoption is June 25, 2009.

The Members of the Township Council commented that the Council worked very hard and diligently to keep the 2009 Budget increase as minimal as possible. All municipal departments were instructed to cut their budgets by 10%. The Members of the Township Council commented that it is a difficult process to maintain the same delivery of services the public expects and enjoys while holding down costs.

Mayor Carew opened the 2009 Municipal Budget Public Hearing for public comment.

Tom McClachrie, Vernon Taxpayers Association, questioned the percent increase in the municipal tax levy portion of the 2009 Municipal Budget. Mr. McClachrie also questioned if the School and County budgets have been passed, and if so, why those tax levy numbers have not been included in the introduced 2009 Municipal Budget document. Mr. McClachrie questioned the dollar amount reported for debt service. Mr. McClachrie also commented on the municipal employee salary range increases contained in the 2009 Manager's line item budget document and stated the Township Council should consider a salary freeze or institute furloughs to control salary and wage costs.

Mr. McClachrie urged the Township Council to cut and eliminate all unnecessary spending. He commented that current economic conditions are creating true hardships for many taxpayers and requested the Township Council to identify essential services and cut all other spending in order to avoid a double-digit tax increase next year.

Gary Martinsen, Vernon resident and small business owner, questioned if the Township has included any new hires in the 2009 Budget and questioned if salary increases for non-union employees is included. Mr. Martinsen questioned many expenditures presented in the 2009 Municipal Budget.

Mary Ellen Vischiconti, Nutley Avenue, commented that more and more Vernon residents are using the food bank in Franklin, and the Salvation Army, for assistance and questioned who would want increases in municipal spending during these challenging economic times.

Jesse Paladini, Sunset Ridge, questioned why there were no budget documents, or a Budget summary, made available for the public to review and reference for the 2009 Municipal Budget public hearing. Ms. Paladini also questioned if there have been any municipal employee job title changes and whether desk audits or civil service exams are required for job title changes.

Margaret Scheahan, Vernon, questioned the new tax rate and how it differs from 2008's tax rate. Ms. Scheahan commented that taxpayers have a reasonable expectation to keep services in place and the public has seen wasteful spending, which must be controlled.

Doreen Edwards, Highland Lakes, questioned how much money The Township has saved with shared services and the implementation of the four day work week for Township employees.

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

Council Member Valerie Seufert asked that the Budget Summary be made available to the public in the Municipal Building and also that it be posted on the Township's Website.

Council Member Seufert asked Mr. Benecke for clarification on the state's pension deferral program, the amount of interest to be charged to the municipality on the deferred amount, and when the interest needs to be paid. Council Member Seufert asked Mr. Benecke if the Township can set aside funds immediately on an on-going basis to pay back the pension amounts deferred plus interest when payments become due in 2012.

Mayor Carew commented on foreclosure patterns and the impact on tax collection rates and questioned whether the Township will have appropriate levels of revenues available to pay its obligations. Mr. Benecke stated that the Township's tax collection rate remains strong at 96.5% and stated that a spreadsheet will be prepared, which details differences between the 2008 and 2009 tax collection rates.

TOWNSHIP MANAGER'S REPORT

The Township Manager distributed the 2009 Township Goals Implementation Plan to the Council. The three goals identified for 2009 are "Economic Development", "Financial Accountability" and "Strengthening the Foundation." Tasks and objectives were identified for each goal with an anticipated date of completion. The Township Council suggested that a Special Council Meeting be scheduled to further discuss the 2009 Township Goals Implementation Plan in further detail. Meanwhile, the Council agreed to preliminarily review and prioritize tasks prior to the June 11, 2009 Council meeting.

Melinda Carlton reported eight candidates will be interviewed in the next two weeks for the Chief Financial Officer position and informed the Council that Mr. Benecke has given a release date of June 30, 2009.

Ms. Carlton informed the Council fifty-five applications have been received for the Deputy Township Manager position. Resumes will be ranked by the Manager's Review Committee with a target date of hire August 1, 2009.

The Township Manager recommended the hiring of a Tax Collector and Police Sergeant. Ms. Carlton informed the Council the Acting Tax Collector will return to her previous position upon the hiring of a Tax Collector. The Township Manager will be asking the Acting Tax Collector to report on the number of staff required in the Tax Collector's Office to be properly staffed. The Township Council requested a written report justifying the new hires before any further consideration is given to the hiring additional Township personnel. The Township Council also requested that additional information be provided to determine what the impact to the municipal budget would be.

Ms. Carlton reported she and the Mayor met with representatives of Highland Lakes to discuss several issues important to their lake community. Mr. Kneip gave a brief report of the issues discussed. Issues included understanding the impacts of the Highland Council Regional Master Plan; Township zoning property maintenance code enforcement initiatives to address repeat offenders; traffic calming measures to control speeding; and, replacement of the median stanchions and crosswalk at the intersection of Breakneck Road and Highland Lakes.

Ms. Jeanne Jameson, President of the Highlands Lakes Country Club and Community Association, was invited to comment on the issues discussed with the Township Manager and Mayor. Ms. Jameson urged the Township better enforce current zoning and property maintenance laws and suggested adding warning signage for motor vehicles at the intersection of Canistear Road and East Lake Side Drive.

The Township Manager asked Mr. Louis Kneip to present a brief status report on the "To-do" list concerning completion of the Town Center sewer system. Mr. Witt stated a meeting has been scheduled with Mountain Creek to discuss construction of the remaining section of gravity sewer through the Mountain Creek property and to discuss the Mountain Creek Redevelopment Agreement.

The Manager reported the forensic audit is ongoing and proceeding as scheduled.

The Township Manager distributed a status report prepared by the grant writer firm, Bruno Associates. The Township Council inquired if the Lake Wanda community and the Great Gorge Terrace Condominiums water issue could be presented to the grant writer for inclusion of potential grant funding projects.

Ms. Carlton reported the ICMA Citizen Survey will be presented at the June 11th Council meeting.

The Township Manager distributed an article regarding improvements to nighttime visibility of signage and reported the Township's Department of Public Works has upgraded and replaced much traffic signage throughout the Township's local roads to improve nighttime visibility and safety.

The Township Manager distributed a memo prepared by Patricia Seger, Director of Community Affairs, which presents an update on the Sussex County annual maintenance program of the CR515 retention basin.

Ms. Carlton informed the Council and public that the Sussex County Health Department will give a presentation on the Swine Flu at the June 11, 2009 Township Council meeting and a press release will be issued to encourage public attendance.

The Township Manager invited Mr. Frank DeBerry, President and Chief Operations Officer for Mountain Creek Resort, was invited to comment on the status of the Temporary Structure Permits at Mountain Creek and the implementation of a new Business and Management Plan. Mr. DeBerry commented that he anticipates Mountain Creek's new Business and Management Plan to be completed in July 2009 and would be implemented over the next three years. Mr. DeBerry offered to make the

plan available to Township officials once it is completed. Mr. DeBerry asked the Township Council to consider granting additional time to replace the temporary structures and offered to have the structures inspected by "Sprung" technicians.

The Township Manager distributed her office's analysis report on the Four Day Work Week for Council's review.

Mayor Austin Carew called for a short recess at 11:36 p.m.

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Mayor Austin Carew reconvened the meeting at 11:46 p.m. will all members present as before.

APPROVAL OF MINUTES

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

- April 13, 2009 Executive Session Minutes
- April 23, 2009 Executive Session Minutes
- May 14, 2009 Executive Session Minutes

A roll call vote was taken:

- AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew
- NAYES: None
- ABSTAIN: Valerie Seufert abstained from voting on the April 23, 2009 Executive Session minutes and the May 14, 2009 First Session Executive Session minutes.

CONSENT AGENDA

RESOLUTION #09-79

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: April 13, 2009 and April 23, 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.

RESOLUTION #09-80

AUTHORIZING THE APPROVAL OF BILLS LIST

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

- | | | | | | |
|---------|-----|-------|----|-----|-------|
| Current | ck# | 31401 | to | ck# | 31440 |
| Current | ck# | 31441 | to | ck# | 31483 |
| Current | ck# | 31484 | to | ck# | |
| Current | ck# | 31485 | to | ck# | 31517 |
| Current | ck# | 31518 | to | ck# | 31533 |
| Current | ck# | 31534 | to | ck# | |
| Current | ck# | 31535 | to | ck# | 31653 |
| Current | ck# | 31654 | to | ck# | 31655 |

Current	ck# 31656	to	ck#
Capital	ck# 2657	to	ck#
Capital	ck# 2658	to	ck# 2659
Capital	ck# 2660	to	ck# 2662
Grant	ck#	to	ck#
Planning & Zoning	ck# 3864	to	ck# 3875
Recreation Trust	ck# 874	to	ck#
Recreation Trust	ck# 875	to	ck# 876
Recreation Trust	ck# 877	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck# 800	to	ck# 801
Other Trust	ck# 802	to	ck#
Other Trust	ck# 803	to	ck#
Senior Citizen Trust	ck# 1027	to	ck#
Outside Services	ck# 1529	to	ck#
Outside Services	ck# 1530	to	ck# 1533
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# 131	to	ck#
Sewer Operating	ck# 132	to	ck#
Sewer Capital	ck#	to	ck#
Developer's Bonds	ck#	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#
Payroll Deduction	ck# 3119 to ck# 3120	(2 nd pay in April)	
Payroll Checks	ck# 5411 to ck# 5453	(3 rd Pay in April)	
Payroll Deduction	ck# 3121 to ck# 3123		
Total Payroll	\$306,333.73		
Payroll Checks	ck# 5454 to ck# 5495	(1 st pay in May)	
Payroll Deduction	ck# 3124 to ck# 3125		
Total Payroll	\$304,159.02		

RESOLUTION #09-82

AUTHORIZATION TO ENDORSE A TREATMENT WORKS APPROVAL (TWA) APPLICATION TO THE NJDEP FOR SANITARY SEWER IMPROVEMENTS FOR THE SAMMIS FARM HOTEL AND RECREATION CENTER BLOCK 231, LOTS 9 & 11, BLOCK 233.05, LOTS 5 & 6

WHEREAS, Sussex National Development, Inc. has the need to apply for a Treatment Works Approval from the NJDEP for sanitary sewer system improvements for the proposed Sammis Farm Hotel and Recreation Center project; and

WHEREAS, the Vernon Township Planning Board has given Preliminary Major Site Plan approval for the construction of a Hotel and Recreation Center on said property; and

WHEREAS, Sussex National Development Inc. has requested that Vernon Township endorse the Treatment Works Approval (TWA) application to be submitted to the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, Sussex National Development Inc. will pay for the entire cost of the Sanitary Sewer Improvements for the proposed Hotel and Recreation Center; and

WHEREAS, Sussex National Development Inc. has indicated that it will require 15,250 gallons per day (g.p.d.) of sewer allocation for the project; and

WHEREAS, Sussex National Development Inc. has indicated that it will utilize sewer allocation from existing sources which they currently own or have rights to; and

WHEREAS, the Township of Vernon is specifically not approving of utilization of any gallonage from the 264,000 g.p.d. from the Vernon Township agreement with Mountain Creek for this project, which agreement provides for 99,000 g.p.d. for the Vernon Town Center and 165,000 g.p.d. for the Mountain Creek Development; and

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

1. The Township will endorse the Treatment Works Approval (TWA) application for this project on the NJDEP WQM-003 form.
2. The Township Manager is hereby authorized to sign the TWA application on behalf of the Township.
3. This resolution shall be made part of the application and submitted to the NJDEP.
4. This resolution shall take effect immediately upon adoption according to law.

RESOLUTION #09-88

RESOLUTION TO EXPAND THE NUMBER OF MEMBERS ON THE VERNON TOWNSHIP ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Vernon Township Economic Development Advisory Committee created by Resolution #08-79 on March 29, 2008, shall be expanded to include two (2) additional members, which persons shall be members of the public. The Committee shall consist of seven to eleven members.

RESOLUTION #09-89

RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE BOND FOR WILLIAM VAN ALTHIUS MAJOR SUBDIVISION PB #11-02-22

WHEREAS, William Van Althius, 1559 Route 565, Sussex, NJ ("Developer") was the applicant before the Planning Board of the Township of Vernon incidental to a site plan within the Township of Vernon, Planning Board application filed number PB# 11-02-22; and

WHEREAS, pursuant to said application it was necessary and required for the Developer to post with the Township of Vernon a Maintenance Bond in the amount of \$52,719.84; and

WHEREAS, the site plan has been completed in a satisfactory manner, said completion being documented via Vernon Township Engineer's report of April 15, 2009; and

WHEREAS, the Planning Board at its Regular Meeting of April 22, 2009 voted affirmatively to recommend the release of said Maintenance Bond said application for William Van Althius.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Vernon that based upon the recommendation of the Planning Board, and the recommendation of the Township Engineer, that the Maintenance Bond for William Van Althius posted by William Van Althius is hereby authorized to be released and returned to the applicant; and

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded by the Clerk of the Township of Vernon to the Treasurer's Office of the Township of Vernon authorizing said Treasurer's Office to release the Maintenance Bond in the amount of \$52,719.84 and that a copy be forwarded to the Land Use Office and the Planning Board.

RESOLUTION #09-90

APPROVING ACTIVE VOLUNTEER FIREMAN
FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMAN'S ASSOCIATION

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Terri VanderHey, an active firefighter and member of the Vernon Township Volunteer Fire Department, Pochuck Valley Company #4, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Terri VanderHey for membership in the New Jersey State Firemen's Association.

RESOLUTION #09-91

APPROVING ACTIVE VOLUNTEER FIREMAN
FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMAN'S ASSOCIATION

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Heather Gensinger, an active firefighter and member of the Vernon Township Volunteer Fire Department Company #,1 is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Heather Gensinger for membership in the New Jersey State Firemen's Association.

RESOLUTION #09-92

APPROVING ACTIVE VOLUNTEER FIREMAN
FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMAN'S ASSOCIATION

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Kyle Kapusta, an active firefighter and member of the Vernon Township Volunteer Fire Department Company #1 is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Kyle Kapusta for membership in the New Jersey State Firemen's Association.

RESOLUTION #09-94

APPROVING A PEDDLER'S PERMIT FOR RICHARD C. DURGIN, JR.

WHEREAS, Richard C. Durgin, Jr. has made application for a Peddler's License for the sale of ice cream within the Township of Vernon by a mobile ice cream truck; and

WHEREAS, Richard C. Durgin, Jr. has been investigated the Vernon Township Police Department and his application, photographs, and fingerprints were found to be in good order; and

NOW, THEREFORE, BE IT RESOLVED, that the Peddler's License application of Richard C. Durgin, Jr. be, and hereby is, approved by the Township Council; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue a Solicitor's License to the aforesaid applicant for the sale of ice cream during daytime hours only for the year of 2009 pursuant to Chapter 428 Article I of the Code of Vernon Township.

RESOLUTION #09-96

APPROVING ACTIVE VOLUNTEER FIREMAN FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMAN'S ASSOCIATION

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Tina Marie Sanchez, an active firefighter and member of the Vernon Township Volunteer Fire Department Company #1 is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Tina Marie Sanchez for membership in the New Jersey State Firemen's Association.

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

A roll call vote was taken:

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

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-81

RESOLUTION TO ENDORSE THE VERNON TOWNSHIP APPLICATION FOR A GRANT FROM THE NJDOT TRANSPORTATION ENHANCEMENT PROGRAM

WHEREAS, the Township of Vernon has a Town Center designation as established by the New Jersey Office of Smart Growth (O.S.G.); and

WHEREAS, the Township of Vernon is currently pursuing Plan Endorsement from the O.S.G. in order to extend the Town Center designation; and

WHEREAS, the Township of Vernon has invested considerable funds in the development of a Town Center; and

WHEREAS, the Township of Vernon desires to continue with the development of the Town Center, specifically for streetscape improvements to Main Street, Church Street, Route 515 and Route 94 within the Town Center; and

WHEREAS, the streetscape improvements would consist of decorative street lighting, shade trees, benches and sidewalks; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) has implemented a grant program for Transportation Enhancement; and

WHEREAS, the Town Center Streetscape project is a qualifying project; and

WHEREAS, the total estimated cost of the project is \$730,000.00; and

WHEREAS, no matching funds are required for this grant by Vernon Township; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the Mayor and Council hereby endorse the Transportation Enhancement Program grant application to the NJDOT for streetscape improvements to the Vernon Town Center in the amount of \$730,000.00.

Council Member Richard Carson made a motion to approve Resolution #09-81, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-81 was approved.

RESOLUTION #09-83

AUTHORIZING THE USE OF THE NEW JERSEY STATE CONTRACT PROGRAM FOR THE PURCHASE OF COMMUNITY BUILDING FOR MAPLE GRANGE PARK

WHEREAS, the Township of Vernon has a need to purchase a community building for Maple Grange Park for the recreational needs of Vernon Township; and

WHEREAS, Vernon Township is a member of the New Jersey State Contract Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, the Recreation Director has reviewed the Cooperative prices, and determined it would be cost effective for the Township to utilize the State Contract program in lieu of public bidding by private contractors; and

WHEREAS, the Recreation Director recommends that the Township Council pass this resolution authorizing use of the State Contract program for the purchase of the Community Building and required certified drawings for Maple Grange Park for the recreational needs of the Township; and

WHEREAS, the cost for the purchase is \$ 81,775.00; and

WHEREAS, the vendor for the Program for this purchase is Marturano Recreation Co., Brook Park, 2130 Route 35, Sea Girt, NJ 08750, vendor # 59052; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the New Jersey State Contract Program be utilized to purchase the Community Building and required certified drawings for Maple Grange Park for the recreational needs of the Township, in the amount not to exceed \$81,775.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption according to law.

Council Member Richard Carson made a motion to approve Resolution #09-83, seconded by Council Member Gary Grey.

Council Member Richard Carson questioned if the Township's Department of Public Works personnel will be able to properly address the on-going maintenance needs of the new Community Building at Maple Grange Park. The Township Manager estimated it would cost the Township an additional \$16,000 per year in personnel costs to maintain the new Community Building.

A roll call vote was taken:

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

NAYES: None

Resolution #09-83 was approved.

RESOLUTION #09-84

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO SIGN A REIMBURSEMENT AGREEMENT WITH WHISPERING WOODS HOMEOWNERS ASSOCIATION FOR THE YEAR 2008, A QUALIFIED PRIVATE COMMUNITY AS DEFINED BY N.J.S.A. 40:67-23.2.

WHEREAS, the Whispering Woods Homeowners Association is a qualified community pursuant to the definitions established in N.J.S.A. 40:67-23.2 (e), in which there exists private roads; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services as the Township provides on public streets and roads; and

WHEREAS, said services include lighting services, pursuant to N.J.S.A. 40:67-23.3; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Agreement between the Township of Vernon and Whispering Woods Homeowners Association for the year 2008; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds of \$3952.67.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption according to law.

Council Member Valerie Seufert made a motion to approve Resolution #09-84, seconded by Council Member Gary Grey.

Council Member Richard Carson questioned the number of linear road miles covered in Whispering Woods under the reimbursement agreement.

A roll call vote was taken:

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

NAYES: None

Resolution #09-84 was approved.

RESOLUTION #09-85

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO SIGN A REIMBURSEMENT AGREEMENT WITH SCENIC LAKES COMMUNITY ASSOCIATION FOR THE YEAR 2008, A QUALIFIED PRIVATE COMMUNITY AS DEFINED BY N.J.S.A. 40:67-23.2.

WHEREAS, the Community is a qualified community pursuant to the definitions established in N.J.S.A. 40:67-23.2 (e), in which there exists private roads; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services as the Township provides on public streets and roads; and

WHEREAS, said services include lighting services, pursuant to N.J.S.A. 40:67-23.3; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Agreement between the Township of Vernon and Scenic Lakes Community Association for the reimbursement of lighting services on public streets and roads for the year 2008 pursuant to N.J.S.A. 40:67-23.3; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds of \$514.36.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption according to law.

Council Member Valerie Seufert made a motion to approve Resolution #09-85, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-85 was approved.

RESOLUTION #09-86

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO SIGN A REIMBURSEMENT AGREEMENT WITH LAKE PANORAMA COMMUNITY ASSOCIATION FOR THE YEAR 2008, A QUALIFIED PRIVATE COMMUNITY AS DEFINED BY N.J.S.A. 40:67-23.2.

WHEREAS, the Community is a qualified community pursuant to the definitions established in N.J.S.A. 40:67-23.2 (e), in which there exists private roads; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services as the Township provides on public streets and roads; and

WHEREAS, said services include the removal of snow and ice, which service is the only service provided by the Township pursuant to N.J.S.A. 40:67-23.3; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Agreement between the Township of Vernon and Lake Panorama Community Association for the year 2008;

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds of \$53,078.70.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption according to law.

Council Member Valerie Seufert made a motion to approve Resolution #09-86, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-86 was approved.

RESOLUTION #09-87

AUTHORIZING THE APPLICATION FOR NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS 2010 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT

WHEREAS, the Township of Vernon desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000.00 State share with \$2,000.00 local share for a total contract of \$12,000.00 for 2010 to provide therapeutic horse back riding recreational opportunities for people with disabilities.

NOW THEREFORE BE IT RESOLVED, that the Township of Vernon does hereby authorize the application for such a grant; therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said Agreement between the Township of Vernon and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith:

SIGNED: _____
Melinda Carlton, Township Manger

SIGNED: _____
Austin Carew, Mayor

Council Member Valerie Seufert made a motion to approve Resolution #09-87, seconded by Council Member Richard Carson.

Richard Carson commented that therapeutic horseback riding has proven to be extremely beneficial to disabled persons and fully supports this grant program.

A roll call vote was taken:

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

NAYES: None

Resolution #09-87 was approved.

RESOLUTION #09-93

AMENDING RESOLUTION #09-70 TO CORRECT THE NAME OF THE CONTRACTOR FOR FORENSIC ACCOUNTING SERVICES REGARDING THE TOWN CENTER PROJECT

WHEREAS, the Township Council passed Resolution #09-70 on April 13, 2009, accepting the proposal of the Forensic Accounting Group to perform Forensic Accounting Services regarding the Town Center Project; and

WHEREAS, the Forensic Accounting Group is also known as Schneider & Company, Certified Public Accountants, P.C. 9 Sylvan Way, Parsippany, NJ 07054; and

WHEREAS, funds were certified by the Chief Financial Officer for the purpose of this contract in Resolution #09-70; and

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 Schneider & Company 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 Valerie Seufert made a motion to approve Resolution #09-93, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-93 was approved.

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #09-13

AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO SIGN A LEASE AGREEMENT WITH THE COUNTY OF SUSSEX FOR NUTRITION SITE PREMISES FOR SENIOR CITIZENS

WHEREAS, Vernon Township has available space in the Senior Citizen Center; and

WHEREAS, there is a continuing need for space to offer meals to accommodate approximately 75 senior citizens per day; and

WHEREAS, the Township of Vernon has offered, for appropriate compensation, to allow the County of Sussex to utilize a portion of the Senior Citizen facility for the Vernon Nutrition Site Operation project as per attached lease agreement; and

WHEREAS, the lease agreement is attached hereto and made a part hereof; and

WHEREAS, the compensatory amount for the use of this facility is \$2,400.00 for the agreement year.

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

1. That the Township Council of the Township of Vernon hereby authorizes and directs the Mayor and Township Clerk to execute the attached lease agreement between Vernon Township and the County of Sussex for use of the Vernon Township Senior Citizen Center for the Vernon Nutrition Site Project.
2. That the parties shall comply with the reporting requirements of NJSA 40A:12-14(c).
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
5. This Ordinance shall take effect after publication and passage according to law.

Mayor Carew read Ordinance #09-13 by title only.

Council Member Valerie Seufert made a motion to approve Resolution #09-13, 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

Ordinance #09-13 was approved.

COUNCIL BUSINESS

Council Member Valerie Seufert questioned when interview will be scheduled for the Finance Advisory Committee. The Township Clerk responded her office will begin scheduling interviews with those individuals who have expressed interest and submitted resumes.

Council Member Seufert also requested a status report from the Township Attorney regarding pending Township matters he is working on.

Council Member Richard Carson reported that the Highland Lakes Ambulance Squad responded to a record number of calls over the Memorial Day weekend and applauded the efforts of all Ambulance Squad volunteers.

Mayor Austin Carew requested the Township Council to consider the appointments of Ms. Jean Murphy and Ms. Janet O'Neill to the Economic Development Committee at the next Council Meeting to be held June 11, 2009.

Mayor Austin Carew reported that a petition was circulated by residents of the Lake Wanda and Highland Lakes communities requesting the construction of an additional entrance into Waywaywanda State Park to allow local residents access to the lake within the State Park year round. Mayor Carew commented that the Park Superintendent expressed interest in holding a public meeting concerning this matter.

Mayor Austin Carew inquired if the Township's Department of Public Works can mow and maintain the 2-acre field at the Black Creek site, which is owned by the State. The property is and is adjacent to Maple Grange Park and is used frequently throughout the year by the Township for events. The Township Council requested the Township Manager to explore insurance liability issues regarding Township employees mowing the site since it is state property.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 12:15 a.m., Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Richard Carson with all members voting in favor.

The Municipal Clerk read the following resolution to go into executive session:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. Real Property matter regarding the Faline Building. No anticipated time of release of these minutes.
 - b. Real Property matter regarding the Township Department of Public Works Facility. No anticipated time of release of these minutes.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 12:15 a.m.

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The meeting was reopened to the public at 12:36 a.m. Present were Council Members Richard Carson, Gary Grey, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 12:37 a.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: June 25, 2009