

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

July 23, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:19 p.m. on Thursday, July 23, 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, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Members Paul Emilius and Gary Grey were absent.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:19 p.m. Council Member Richard Carson made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Valerie Seufert with all members voting in favor.

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed is:
 - a. Real Property/Contract matter regarding the Offer to Acquire Property for Open Space [Rinker Property]. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
 - b. Attorney-Client matter regarding Main Street Associates issues. No anticipated date of release of Executive Session Minutes.
 - c. Contract matter regarding the UAW and AFSME Collective Bargaining Agreements. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
 - d. Litigation matter regarding the Ameripay Bankruptcy matter. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
 - e. Litigation matter regarding the Thompson v. Township of Vernon, et al. matter. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
 - f. Litigation matter regarding the Herring Lawsuit and Settlement Offer. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
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 6:21 p.m.

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The meeting was reopened to the public at 7:31 p.m. Present were Council Members Richard Carson, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Members Paul Emilius and Gary Grey were absent.

SALUTE TO THE FLAG

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

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Tom McClachrie, Vernon Taxpayers Association, questioned the status of the public employee union contracts and questioned the purpose of Resolution #09-124 regarding a property currently located in Vernon and Hardyston Townships.

Gary Martinsen, Vernon Resident and Small Business Owner, questioned why the governing body gives directives to the Township Engineer regarding the Town Center water and sewer system and commented that Council directives should only be directed to the Township Manager, who in turn oversees the municipal department heads. Mr. Martinsen also questioned if a referendum question will be put on the November ballot for the purchase of United Water’s Sewer and Water System for the Town Center.

Mary Ellen Vischiconti, Nutley Avenue, commented on the “Advisory Recommendation” referenced on page 17 of the *Final report and Recommendations of the Vernon Charter Study Commission*, which recommended that each member of the governing body be assigned certain areas within our Township according to fire districts. Ms. Vischiconti also commented on the Charter Study Commission’s recommendation to establish a League of Women’s Voter’s to help the residents stay well-informed regarding choices and issues.

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

Council Member Richard Carson reported that the Council has been made aware of a flyer circulated in the lobby of the Municipal Center before tonight’s Council meeting which he stated contained inappropriate material. He apologized for the regretful circulation of that material and noted that all copies have since been removed.

PRESENTATIONS AND SPECIAL ITEMS

Fire Prevention Presentation, Thomas Van Gorder, Vernon Township Fire Official
Thomas Van Gorder spoke about the State Uniform Fire Safety Code, which is a life safety code and stated the Fire Prevention Bureau enforces the Uniform Fire Safety Code in Vernon Township. Mr. Van Gorder presented his credentials as a Fire Official and Fire Inspector and stated he is a resident of Barry Lakes in Vernon Township.

Vernon Township’s Fire Prevention Office Mission Statement is, “To ensure that Life Safety and Fire Protection Standards are continuously complied with in all premises throughout Vernon Township for the safety of residents, visitors, tenants, business owners, employees and emergency response personnel.

“Life Hazard Use” properties pose hazards to life and property from fire and explosions arising from the storage, handling and use of hazardous substances. Fees are collected by the State for annual inspections and a percentage is returned to the local enforcement agency.

“Non Life Hazard Use” properties are registered and then re-registered after each new occupancy. Vernon Township does not charge the property owners for this service. Residential Smoke Detector / Carbon Monoxide / Fire Extinguisher inspections are conducted on re-occupancy. The Fire Prevention Office will also conduct home fire safety inspections free of charge to residents. Mr. Van Gorder reported that since May 2007, approximately 70 residential properties have been cited for lack of maintenance that could cause or contribute to fire. Fire Inspectors are on call 24/7 for inspections and investigations and consult with the Police department and Fire department companies at all times.

Mr. Van Gorder answered various questions from the Council and advised that under the State Fire Code, the property owner is responsible for properly stripping or posting signage indicating fire lanes. Further, property inspections can be made with or without notice. Violations are re-inspected 30 days before penalties are issued and extensions are often granted.

Mayor Austin Carew noted that the Township Council is often criticized by the public for Fire Prevention’s rigid inspections and enforcement of the State Fire Codes.

The Township Council appreciated the efforts of the Fire Prevention Office and their vigilance in providing public awareness presentations on the importance of life safety.

Solar Energy Project, Mr. Andrew Mulvihill, Crystal Springs Companies

Mr. Andrew Mulvihill, Crystal Springs, presented an overview of his proposed concept plan for an 8-acre solar farm on the Stanhill Property adjacent to Route 94. The proposed solar farm would generate an estimated one megawatt, enough electricity to supply 100 large homes or 200 medium sized homes. The solar panels have a lifespan of 15 to 25 years and would sit four to eight feet high off the ground. Mr. Mulvihill reported the solar panels would not impact impervious coverage. Transmission lines running adjacent to the solar farm site would allow the potential to sell electricity back into the grid.

Mr. Mulvihill reported that Mountain Creek may be interested in drawing power from the solar farm and questioned if the Township would be interested in leasing a portion or the entirety of the Township-owned property which would allow the solar farm to double its size to a two megawatt generating facility. He reminded the Council that solar farm projects will lessen the dependence on foreign oil and decrease the carbon footprint.

Mr. Mulvihill questioned whether the installation of the solar panels would be considered a taxable property improvement and stated the estimated project cost is approximately \$10 million. If the property is fully taxed, the project may not be financially feasible.

Mayor Austin Carew thanked Mr. Mulvihill for his informative presentation and stated the Township looks forward to further exploring the feasibility and potential of this alternative energy project.

Proposed Bike Path - Next Phase, Vernon Township Environmental Commission

Mr. Craig Williams, Chair, Environmental Commission, introduced fellow Commission members and presented a Power Point presentation highlighting the Township’s proposed open space initiative to continue to acquire additional lands to expand the off-road bike path network for cross country skiing, hiking and biking. The proposed Bike Path and Greenway project would stretch from the New York State border to the Hardyston Township border. The proposed bike path would also connect to school properties, the Legends Hotel property, Black Creek, Maple Grange Park and other venues of scenic interest. A continuous paved surface would be preferable; however, wetland areas may require alternative usable surfaces.

Mr. Williams reported that Vernon Township is blessed with beautiful scenic vistas and natural resources which should be made available to the public for enjoyment and

indicated The Land Conservancy of New Jersey would be retained to handle the acquisition of lands.

The Environmental Commission stated that they look forward to working with the Council and Land Use Board on updating the Township's Open Space Plan.

Mayor Austin Carew applauded the Environmental Commission for their continued efforts and informative presentation.

TOWNSHIP MANAGER'S REPORT

Municipal Building Renovation Project

The Township Engineer reported that the Municipal Building Renovation Project is included in the 2009 – 2010 Capital Improvement Budget. Mr. Kneip reported he emailed updates to the Township Council which included the original Request for Proposals (RFPs), a summary of received proposals, a copy of the contract with the chosen architect, and the project schedule. Mr. Kneip reported the Municipal Building Renovation Project will address the replacement and installation of a new HVAC system, leaking roof problems, mold, bathrooms, public access to multiple departments, lack of proper storage space, poorly functioning office layouts and inadequate office space. Two conceptual floor plan recommendations will first be reviewed by the in-house Municipal Building Renovation Project Committee who will then make its recommendation to the Township Council. The target date for construction is approximately June 2010. The project will last six months.

As a preventative health risk measure, Council Member Richard Carson suggested that the existing grouted tile floor should be removed as a quick and low-cost method to abate mold and bacteria in the Municipal Building.

Municipal Building Energy Audit Grant Program

The Township Engineer reported RFPs were sent out to the five firms pre-qualified by the State for the Energy Audit grant program. The lowest bid was received from Steven Winter Associates at \$11,499, followed by Clough Harbor and Associates at \$12,706. Mr. Kneip is recommending Seven Winter Associates after references are checked. The Township Council recommended contacting the Board of Education to determine if they have already performed background checks on the firms and what vendor they are considering for their Energy Audit. Mr. Kneip recommended doing the Municipal Building Energy Audit as a stand-alone project.

Town Center Sewer System

Mr. Louis Kneip reported The Town Center "To Do List" was updated on July 23, 2009. Meetings have been arranged with representatives of United Water. The Township Attorney is waiting to receive comments from United Water on the draft Developers Agreement. It is anticipated that a resolution will be on the August 13, 2009 Council Meeting Agenda for approval to execute the Developers Agreement. Mr. Kneip also reported that the Sewer Service Area Map has been completed and has been sent to the Sussex County Municipal Utilities Authority. Vernon Township will need to hire a licensed sewer operator for the Sewer Utility, as well as a Public Works assistant for the operation. The Township Attorney will be preparing the required Sewer Ordinance.

Dog Park Project

The Township Engineer reported permits are needed from the Sussex County Engineering and Planning Board and the Sussex County Soil Conservation District for site work to be performed at the proposed Dog Park. The County will inspect the site distance at the proposed driveway opening on August 3rd. Once the required permits are issued, construction can begin. It is anticipated construction will begin in late October with the Dog Park opening in November 2009.

Township Attorney Michael Witt advised that all issues concerning the Board of Education lease have been addressed.

Mr. Kneip informed the Township Council that the D.O.G.S. group will make a presentation to the Vernon Township Land Use Board for the Dog Park Project on August 26th.

Appalachian Trail Parking Lot

Mr. Kneip reported on the progress of the Appalachian Trail Parking Lot project. Regulatory permits required for Highlands's exemption have been filed with the Highlands Council. The Appalachian Trail Commission will obtain the environmental and wetlands permits. Site plans will be finalized once the Highlands exemption permit is received for Sussex County Planning Board approval. Upon approval by the County Planning Board, soil erosion and county Road Opening permits must be obtained. The tentative construction date is scheduled for April 2010 with a 30-day project completion date for May or June 2010.

Forensic Audit

Township Manager Melinda Carlton reported that the draft Forensic Audit has been received and will be finalized after meeting with the auditor. The Forensic Audit will be presented to the Township Council in the coming weeks.

Pension Deferral

Ms. Carlton apologized for a memo she had written in response to an inquiry to the New Jersey Department of Community Affairs by the Vernon Taxpayer's Association regarding the Township's petition for Pension Deferral. The memo may have led some to believe that the Township contracted out for the professional services itemized in the memo, which were not.

APPROVAL OF MINUTES

The June 25, 2009 Regular Meeting minutes, June 25, 2009 Executive Session minutes, and the June 24, 2009 Special Meeting minutes were tabled to the August 13, 2009 Meeting Agenda.

CONSENT AGENDA

RESOLUTION #09-118

AUTHORIZING THE APPROVAL OF THE BILLS LIST

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

Current	ck#	999	to	ck# (wire transfer)
Current	ck#	31966	to	ck# 31973
Current	ck#	31974	to	ck# 32024
Current	ck#	32025	to	ck# 32077
Capital	ck#	999	to	ck (wire transfer)
Capital	ck#	2674	to	ck# 2675
Grant	ck#	32078	to	ck#
Planning & Zoning	ck#	3904	to	ck# 3905
Planning & Zoning	ck#	3906	to	ck#
Recreation Trust	ck#	885	to	ck#
Recreation Trust	ck#	886	to	ck# 903
Dog Trust	ck#		to	ck#
Other Trust	ck#	810	to	ck#
Senior Citizen Trust	ck#		to	ck#
Outside Services	ck#	1541	to	ck#
Outside Services	ck#	1542	to	ck# 1544
Unemployment Trust	ck#		to	ck#
Open Space Trust	ck#		to	ck#
PVL Dam Rehab Asm	ck#	246	to	ck#
PVL Dam Rehab Exp	ck#		to	ck#
COAH	ck#		to	ck#
Sewer Operating	ck#	134	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#	5629	to	ck# 5748 (1 st Pay in July)
Payroll Checks	ck#	28458	to	ck# 28498 (Manual checks)
Payroll Deduction	ck#	1	to	ck# 2
Total Payroll		\$329,370.87		

RESOLUTION #09-119

**RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE BOND
COLONIAL DEVELOPERS, LLC, PB# 8-02-12**

WHEREAS, Colonial Developer, LLC, 7 Cedar St., Ramsey, NJ (“Developer”) applied to the Planning Board of the Township of Vernon for a major subdivision within the Township of Vernon, Planning Board application file number PB# 8-02-12; and

WHEREAS, pursuant to the application it was necessary and required for the Developer to post with the Township of Vernon a Performance Bond in the amount of \$590,353.92; with a cash portion in the amount of \$65,594.88: and

WHEREAS, the Developer has requested a reduction of the Performance Bond for the improvements that have been completed on the major subdivision, as per the Vernon Township Engineer’s report of March 18, 2009, a copy of which is attached hereto; and

WHEREAS, the Vernon Township Land Use Board at its Regular Meeting of March 25, 2009 voted affirmatively to recommend the reduction of the Performance Bond for the Developer, PB # 8-02-12 from \$590,353.92 to \$319,177.80, and the reduction of the cash portion from \$65,594.88 to \$35,464.20.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that, based upon the recommendation of the Vernon Township Land Use Board, and the recommendation of the Township Engineer, the Performance Bond for Colonial Developers, LLC, PB# 8-02-12, posted by Colonial Developers, LLC, is hereby authorized to be reduced from \$590,353.92 to \$319,177.80, and the cash portion reduced from \$65,594.88 to \$35,464.20.

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 reduce the Performance Bond for said application to \$319,177.80 and release the cash portion of the bond in the amount of \$30,130.68 to the applicant and that a copy be forwarded to the Land Use Secretary and the Land Use Board.

RESOLUTION #09-122

TAX OVERPAYMENT

WHEREAS, the Tax Assessor has combined the following Block and Lot for the year 2009;

WHEREAS, this has resulted in the following overpayment of the 2009 Preliminary 1st quarter taxes;

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue check for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

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

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Location</u>	<u>Amount</u>
200.20	13	Dunlap, Maureen & Ruskin, J Et al	7 Saturn Ct.	\$63.42

RESOLUTION #09-123

TAX OVERPAYMENT

WHEREAS, DUPLICATE PAYMENTS were made on the Second quarter 2009 taxes

WHEREAS, such payments created an OVERPAYMENT

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue check for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>LOCATION</u>
221.01	13	Siegrist, William & Kathy Lee	\$ 1,741.93	6 Wood Dale Ct
221.03	26	Castranova, Marion	\$ 1,440.69	2 Hillsdale Terr.

RESOLUTION #09-125

**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 Regular Township Council Meetings from June 11, 2009, and June 25, 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.

Council Member Valerie Seufert made a motion to remove Resolution #09-125, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

Resolution \$09-125 was removed.

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

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-121

**AUTHORIZING PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF
\$12,000.00 WITH THE LAND CONSERVANCY OF NEW JERSEY
FOR AN OPEN SPACE PRESERVATION CONSULTANT**

WHEREAS, the Township Council for the Township of Vernon, County of Sussex, State of New Jersey, has recognized the need to develop an Update to the Open Space and Recreation Plan as a valuable supplement to the Township’s Master Plan; and

WHEREAS, the Association of New Jersey Environmental Commissions(ANJEC) provides fifty (50%) percent matching grants up to twenty thousand (\$20,000) dollars to municipalities for local plans that protect natural resources and establish the land use pattern envisioned in the State Plan; and

WHEREAS, the preparation of an updated Open Space and Recreation Plan is a suitable project under this grant program; and

WHEREAS, the Township Council has approved the application for the grant from the Association of New Jersey Environmental Commissions (ANJEC) Smart Growth Planning Grant as per Resolution # 09-56; and

WHEREAS, Vernon Township is in receipt of a fee proposal, in the amount of \$12,000.00 from the Land Conservancy of New Jersey, to prepare the Updated Open Space and Recreation Plan; and

WHEREAS, the Township of Vernon has been awarded the ANJEC grant award of \$6,000 which will cover fifty percent of the fee to Update the Township's Open Space and Recreation Plan; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose in the Reserve Account for Open Space (# 741200); and

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

WHEREAS, Vernon desires to appoint the Land Conservancy of New Jersey, pursuant to a contract under the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the term of the contract will be from July 1, 2009 to June 30, 2010, with a total contract price not to exceed \$12,000; and

WHEREAS, The Land Conservancy of New Jersey has submitted a Business Entity Disclosure Certification in compliance with applicable law.

NOW THEREFORE BE IT RESOLVED, this 23rd day of July, 2009, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage the Land Conservancy of New Jersey for the purpose of developing and producing an Updated Open Space and Recreation Plan in consultation with the Township of Vernon and the Environmental Commission, and
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Agreement with the Land Conservancy of New Jersey.

This Professional Services Contract is awarded without competitive bidding (1) as a "Professional Service" under the provisions of the Local Public Contracts Law and/or (2) for the provision or performance of goods or services for the purpose of an Updated Open Space and Recreation Plan.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law within ten (10) days of its passage and a true copy of same and the Professional Services Contract shall be available for inspection in the office of the Township Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

Mayor Austin Carew read Resolution #09-121 in full.

Council Member Richard Carson moved to approve Resolution #09-121, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-121 was approved.

RESOLUTION # 09-124

AUTHORIZING THE TOWNSHIP OF VERNON TO PROVIDE ALL MUNICIPAL SERVICES TO THE PROPERTY DESIGNATED AS BLOCK 260.15 LOT 1 IN THE TOWNSHIP OF VERNON AND BLOCK 11 LOT 1 IN THE TOWNSHIP OF HARDYSTON

WHEREAS, a certain lot exists within the Township of Vernon with the lot being identified as Block 260.15 Lot 1 on the Vernon Township Tax Map and otherwise known as 5 Greenhill Road ; and

WHEREAS, the aforementioned lot is bisected by a municipal boundary line with a substantial portion of said lot being also within the municipal boundaries of the Township of Hardyston, which is identified as Block 11, Lot 1 on the Tax Map and is otherwise known as 1 Sandy Hill Road; and

WHEREAS, as a result of the subject lot being located within the boundaries of two (2) municipalities, both the Township of Hardyston and the Township of Vernon must come to a mutual agreement of understanding as to which municipality will be responsible to provide their respective municipal services to the subject lot; and

WHEREAS, the Township of Hardyston has authorized a mutual agreement of understanding to have the Township of Vernon accept the responsibility to provide all municipal services to the subject lot in a Resolution adopted by the Mayor and Council of Hardyston on June 23, 2009; and

WHEREAS, the Township of Vernon desires to reflect such mutual agreement of understanding with the passage of this herein Resolution.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex and State of New Jersey that it hereby recognizes the mutual agreement of understanding with the Township of Hardyston; and

BE IT FURTHER RESOLVED that the Vernon Township Council hereby authorizes the Township of Vernon to be the municipality responsible to provide the subject lot, (Block 11 Lot 1 in the Township of Hardyston and Block 260.15 Lot 1 in the Township of Vernon) with all municipal services which shall include but not be limited to the following: all construction code inspections, issuance of permits, assessment of taxes, providing of police, fire and other emergency services, providing of educational services as well as any other municipal services required to be provided pursuant to local and state regulation and law; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Township of Hardyston for their information and consideration.

Mayor Austin Carew read Resolution #09-124 in full.

Council Member Valerie Seufert moved to approve Resolution #09-124, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-124 was approved.

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #09-14

AN ORDINANCE GRANTING MUNICIPAL HISTORIC DESIGNATION TO THE BOARD OF EDUCATION BUILDING AND PROPERTY KNOWN AS BLOCK 144.01, LOT 7, (FORMERLY BLOCK 144, LOT 31) IN THE TOWNSHIP OF VERNON

WHEREAS, the Vernon Township Historic Preservation Commission (“HPC”) has studied the property known as Block 144.01 Lot 7 (formerly Block 144, Lot 31), Board of Education Building, for inclusion in the Historic Element of the Master Plan pursuant to the Vernon Township Administrative Code §330-148 et seq, and has recommended the property to the Vernon Township Land Use Board for designation as an Historic Landmark; and

WHEREAS, the Land Use Board considered the application filed by the HPC., Block 144.01 Lot 7 (formerly Block 144, Lot 7), Board of Education Building, for designation as a Historic Landmark at its regular meeting held on January 14, 2009, and heard testimony from the Chairman of the Historic Preservation Commission, President of the Vernon Historical Society, and representatives of the Vernon Board of Education; and

WHEREAS, the Land Use Board approved of the designation of said property as a Historic Landmark on January 14, 2009, said approval requiring the Historic Element of the Master Plan to be updated so as to include this property on the list of Historic landmarks.

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

1. The Board of Education Building, Block 144.01 Lot 7 (formerly Block 144, Lot 31), is hereby granted Municipal Historic Designation.
2. The Historic Element of the Master Plan shall be updated so as to include said property on the list of Historic Landmarks.
3. Nothing in either the Vernon Township Land Use Board approval dated January 14, 2009, or in this Ordinance shall be construed in any way to supersede the authority vested in the Vernon Township Board of Education pursuant to N.J.S.A. 18A:20-1, et seq., which governs, amongst other matters, the powers vested in the Board pursuant to the laws of the State of New Jersey, to dispose, by sale or otherwise, of any lands or any rights or interests therein which the Board of Education finds in its discretion necessary to carry out the purposes and functions of the school district servicing the Township of Vernon.
4. A copy of this Ordinance shall be served upon the owners of the properties by certified mail return receipt requested and regular mail after the first reading and prior to final adoption by the Municipal Clerk.
5. The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to NJSA 40:55D-15 and NJSA 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by NJSA 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by NJSA 40:49-2.1.
6. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
7. 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.
8. This Ordinance shall take effect after publication and passage according to law.

Mayor Austin Carew read Ordinance #09-14 by title only and reported that the Historic Preservation Commission had brought this matter before the Land Use Board, which unanimously agreed that property was historical and should be designated a historic property.

Council Member Valerie Seufert made a motion to approve Ordinance #09-14, seconded by Council Member Richard Carson.

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

Ordinance #09-14 was approved.

COUNCIL BUSINESS

Mayor Austin Carew reported that he contacted Mr. Dennis Miranda who organized the local Boy Scout Troop's effort in creating the Butterfly Garden at Memorial Park to thank him and the Boy Scout's for their efforts. Mayor Carew noted that the Boy Scout's are looking to obtain a wheelbarrow to finish some work at the site and that upon completion the Township Council would like to officially recognize the Butterfly Garden as a wonderful addition to Vernon Township's Memorial Park.

Mayor Austin Carew commented on the Small Cities Community Development Block Grant Pre-application package recently received from Great Gorge Terrace. The pre-application process does not require Township obligation, however, questions were raised whether the Township as the co-applicant may also be responsible for the payment of the 40% matching grant in the amount of \$267,000. The Township Manager did not recommend the Township Council act on this grant program as it would establish a new precedent in Township policy of committing taxpayer funds for a private association's capital project and presented the Township's grant writer consultant's comments concerning grant funding opportunities for this matter.

Mayor Carew countered that this project is a health, safety and welfare issue. Mayor Carew also stated that he was not in favor of committing the Township to a 40% funding match, but was in favor of enabling the process to go forward to help identify other grant opportunities that may be available and questioned if the Township can provide assistance other than a financial commitment. Township Attorney Michael Witt clarified that the request is for the Township's co-sponsorship of the Small Cities Community Development Block Grant program and also expressed concern about the Township creating a precedent in co-sponsoring private interest capital projects.

Council Member Richard Carson requested a copy of the Small Cities Community Development Block Grant Pre-application package, the letter request from Great Gorge Terrace, and the opinion letter from the Township's Grant Writer consultant.

The Township Council agreed to table this matter for further discussion at their August 13th Council Meeting.

Mayor Austin Carew commented that the Performance Measures Report prepared by the Township Manager reflects an extensive amount of labor and time by Township employees to address Open Public Records Act (OPRA) requests and noted that the Finance Department alone expended 52 hours in responding to numerous OPRA requests.

Council Member Valerie Seufert read a thank you letter received from Senior Citizens expressing their appreciation for the Senior Luncheon and Christmas Party sponsored by the Township.

The Mayor encouraged all Council Members to review the resumes and proposals received for a COAH legal consultant and asked the Township Manager to schedule interviews as soon as possible.

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 10:22 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: September 10, 2009