

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**August 13, 2009**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:07 p.m. on Monday, August 13, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting was provided to the public and the press on December 30, 2008 in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7. Notice of this meeting was sent to the New Jersey Herald and was posted on the bulletin board in the Municipal Center and posted on the Township's Website.

**ROLL CALL OF MEMBERS**

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

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

At 6:15 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. Real Property/Contract matter regarding an Offer to Acquire Property for Open Space. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
  - b. Attorney-Client matter regarding the Town Center update. No anticipated date of release of Executive Session Minutes.
  - c. Real Estate matter regarding options for moving the DPW and Animal Control facilities. No anticipated date of release of Executive Session Minutes.
  - d. Real Estate matter regarding the proposed Solar Farm Concept Plan. No anticipated date of release of Executive Session Minutes.
  - e. Attorney-Client matter regarding Main Street Associates issues. No anticipated date of release of Executive Session Minutes.
  - f. 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.
  - g. Litigation matter regarding the Ameripay Bankruptcy matter. Anticipated date of release of Executive Session Minutes will be made available upon final decision.
  - h. 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.
  - i. Litigation matter regarding the Hering Lawsuit and Settlement Offer. Anticipated date of release of Executive Session Minutes will be made available upon final decision.

- j. Real Estate/Contract matter regarding redevelopment proposals for Terra Compass and Excelsior Holdings Group. No anticipated date of release of Executive Session Minutes
  - k. Real Estate matter. A presentation by the Economic Development Advisory Committee regarding potential land sites for an interested business. No anticipated date of release of Executive Session Minutes.
  - l. Litigation matter regarding the Marotta v. Township of Vernon, et al. matter. 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 6:19 p.m.

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The meeting was reopened to the public at 7:20 p.m. Present were Council Members Richard Carson, Paul Emilius, 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.

**PUBLIC COMMENTS**

Mayor Carew opened the meeting for Public Comment.

*Tom McClachrie, Vernon Taxpayers Association*, questioned why the Township Manager stated municipal tax levy must increase a minimum of \$300 per taxpayer in order for the Township to qualify for State Extraordinary Aid. Mr. McClachrie stated that information is incorrect and commented that applications for Extraordinary Aid were due to the state in April.

*Jessi Paladini, Sunset Ridge*, confirmed that this year's Municipal Budget was a self-examination budget for Vernon Township and therefore the Municipal Budget did not need to be formally reviewed and approved by the state. Ms. Paladini then distributed information regarding statements made by the Township Manager at a prior Council Meeting concerning how much it cost the Township for officials to attend a meeting with the New Jersey Department of Community Affairs (DCA) regarding the Township's participation in the Pension Deferral Program and alleged that the Township Manager misrepresented the information she had presented to the public.

*Doreen Edwards, resident*, questioned how much money the Township is saving by implementing the four-day work week and asked when the report that was issued by the Manager's Office will be made available to the public on the Township Website.

*Derek Elkenson, Trustee, Scenic Lakes Association*, commented that police officers have told him they do not have enough personnel to patrol their 360-home lake association community on a regular basis. Mr. Elkenson also commented that police officers have told him they hesitate to file Police Reports unless a trustee from the lake association contacts them to do so.

*Unknown Resident, Scenic Lakes Association*, commented that \$1.852 million is collected each year in property taxes from the 360 homes in Scenic Lakes and stated their community deserves a greater Police presence. He further stated Vernon Township is obligated to provide policing to all communities and neighborhoods as part of the serves provided by property taxes in the Township.

*Janet Pizar, Director, Bear Education and Resource Group*, presented educational materials to educate the public on bear awareness. Ms. Pizar commented that the over

development of New Jersey has created close co-existence of bears and people. Ms. Pizar also discussed the state's Black Bear Feeding Ban and presented photographs of businesses and public places with unsecured garbage dumpsters that create an attractive nuisance for black bears to feed and rummage.

*Eddie Stegmein, Concerned Citizen*, commented on the killing of three bears allegedly at the same property in Highland Lakes over the past year and questioned why Vernon Township is not enforcing the Black Bear Feeding Ban, which could prevent the killing of black bears.

*Mike Magonia, Biologist with New Jersey Fish and Game*, confirmed that three black bears were euthanized this year in Vernon Township; however, they were not in the same location. Mr. Magonia stated that bears must first be positively identified by the resident before they are euthanized. Mr. Magonia thanked the Vernon Township Police Department for their full cooperation and support, and strongly encouraged the use of bear-proof garbage cans and dumpsters throughout Vernon Township. He noted that a trial residential program using new bear-proof garbage cans is currently in place in Vernon Valley Lake.

*Patrick DiStasi, Silver Spruce Drive*, commented on the efforts of the Coalition to Stop the Cell Tower in their residential neighborhood. Mr. DiStasi complained about soil removal operations at 3 Silver Spruce Drive, which has been ongoing without permits. Mr. DiStasi questioned why the Sussex County Soil Conservation District has not been notified, and why no enforcement action has been taken or violations issued by the Township with respect to 3 Silver Spruce Drive.

*Andrew Pitsker, member of the group against the cell tower*, questioned why heavy equipment and soil removal equipment remains on the property at 3 Silver Spruce Drive despite complaints presented to the Zoning Officer in May of 2009. Mr. Pitsker asked that proper enforcement to be carried out by Township Officials.

*Dan Boltz, Basswood Drive*, commented that unlike Council Members who have their full-time jobs outside of their Township Council positions, the Township Manager is hired to be fully responsible for the way and manner the Township handles the running of the municipality. Mr. Boltz was concerned that the Council does not seem to have the ability to monitor the decisions of the Township Manager.

*Cathy McCartney, a Concerned Citizen*, encouraged the Township to enforce the Black Bear Feeding Ban law.

*Carol Gramoia, Lake Wanda*, suggested that the Township provide bear-proof garbage cans for residents and encouraged residents and businesses to better manage the disposal of their garbage to prevent creating a public safety issue with a growing population of black bears.

*Gary Martinsen, Resident and Small Business Owner*, commented that the Township is misusing and misdirecting the use of Township professional services and taxpayer funds on the D.O.G.S. Dog Park project. He noted that the D.O.G.S. organization is a private entity and their Dog Park project is not a Township project.

*Mary Ellen Vischiconti, representing the Vernon Free Summer Arts Group*, informed the Council and audience that a short film entitled "Scarecrow" will be shown at a Mini Film Festival at the Senior Center, the Sussex County Library, Hidden Valley, the Nordic House and other locations throughout Vernon Township in August. She commented that the Arts promote economic development and are important to the viability of communities.

*Phyllis MacPeck, Resident*, commented that the Township cut money out of the Municipal Budget which was used by the Vernon Animal Welfare League to help care for the health and welfare of homeless dogs, yet the Township is now helping to fund the Dog Park project.

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

**PRESENTATIONS AND SPECIAL ITEMS**

**Vernon Township Tax Appeals Update – Jordan Freidman, Esq. and Lynne Schweighardt, CTA**

Mr. Jordan Freidman, Vernon Township’s legal counsel in tax appeal matters, and Ms. Lynne Schweighardt, Vernon Township Tax Assessor, presented an update to the Council and public regarding the status of the Township’s Revaluation and Tax Appeals. Mr. Freidman stated Vernon Township has 14,029 ratable line items totaling over \$2.8 billion in assessed property value. This year, 434 property tax appeal petitions were filed, slightly more than 3% of the total ratables, totaling approximately \$90.6 million in assessed value. To date, reductions awarded by the County Tax Board totaled \$4,723,620 or approximately 5% of the value of all appeals filed. In State Tax Court, 126 appeals have been filed, which Mr. Freidman noted were mostly from condominium complexes and totaled \$74,077,600 in assessed value.

Mr. Freidman reported that he anticipates more property tax appeal petitions will be filed in 2010 and answered questions from the Council.

Ms. Lynne Schweighardt applauded her staff for their excellent customer service they provide to our public everyday and thanked Mr. Freidman for his work.

**Highlands Plan Conformance, Plan Endorsement and Highlands Water Deficit Updates - Jessica Caldwell, Planning Consultant, Pellow & Associates.**

Jessica Caldwell, Professional Planning Consultant, gave a PowerPoint presentation highlighting the status of the Township’s progress on the Highlands Conformance Plan, State Plan Endorsement, and briefly discussed the Highlands water deficit issues.

Ms. Caldwell reported the COAH Round Two Certification deadline has been extended six months and is due June 18, 2010. Plan Conformance Modules 1, 2, 3 and 4 have been completed. Module 5 is under review by the Land Use Board. Module 6 is awaiting Council review and approval and Module 7 is due at the end of the year.

Ms. Caldwell noted that the water deficit issues will have an impact on the Township being able to meet its COAH obligations; however, she stated water issues will also limit development opportunities in the Township as a whole. Ms. Caldwell also presented some pros and cons to the Council to help determine whether it is in the best interest of the Township to conform, or not conform, to the Highlands Plan Conformance standards.

Ms. Caldwell lastly reported that a Plan Development petition has been submitted to the New Jersey Office of Smart Growth. A report is due back to the Township in the next three to six months. Planning incentive grants are available from the New Jersey Department of Environmental Protection and applications are due in September.

Jessica Caldwell answered questions from the Council.

Mayor Austin Carew thanked Ms. Caldwell for an informative presentation and reported to the Council and audience that the Land Use Board selected Ms. Caldwell’s company, Harold Pellow & Associates, to move forward with the Master Plan.

Mayor Austin Carew called for a short recess at 9:11 p.m.

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Mayor Austin Carew reconvened the meeting at 9:25 p.m. will all members present as before.

The Order of Business on the Agenda was changed. The Township Manager's Report and Approval of Minutes will be entertained after Council action on all Resolutions and Ordinances.

## **CONSENT AGENDA**

### **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 the Executive Session Minutes of Township Council Meetings held on June 11, 2009, and June 25, 2009, are hereby 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.

### **RESOLUTION # 09-130**

#### **AUTHORIZING THE CREATION OF A MUNICIPAL RECORDS MANAGEMENT COMMITTEE**

**WHEREAS**, a viable Municipal Records Management Committee helps ensure that all municipal government departments have a voice in the planning of government-wide records management programs, especially those with heavy records management duties and functions, and

**WHEREAS**, a Municipal Records Management Committee allows for discussion of records management issues, which can lead to:

1. Identifying records management problems shared by numerous departments, so that a common solution may be sought;
2. Specific departments offering experience and solutions for problems that arise in other departments that may have already been solved in theirs;
3. Creating a unified front for seeking records management funding and support from the governing body;
4. Sharing records management successes and failures, sharing of data and experience, and opening dialogue relative to records management plans; and
5. Development of projects that have government-wide scope and /or would benefit the most departments within the local government.

**NOW THEREFORE, BE IT RESOLVED**, that the Mayor and Township Council of the Township of Vernon does hereby create the Vernon Township Records Management Committee, which shall be comprised of the following individuals:

1. Township Manager
2. Chief Financial Officer
3. Tax Assessor
4. Tax Collector
5. Public Works Director
6. Community Affairs Director
7. Municipal Clerk

### **RESOLUTION #09-131**

#### **AUTHORIZING THE RELEASE OF THE MAINTENANCE BOND FOR THE APPALACHIAN LODGE, PHASE 'A', AT MOUNTAIN CREEK**

**WHEREAS**, Developer Mountain Creek constructed the Appalachian Lodge, Phase 'A', in the Township of Vernon, New Jersey, Planning Board File # 3-01-5; and

**WHEREAS**, Mountain Creek was required to post a maintenance guarantee in the amount of \$218,305.89 in April 2007 to ensure that the site improvements remained sound; and

**WHEREAS**, Mountain Creek has made a request for the bond to be released in full; and

**WHEREAS**, the Vernon Township Engineer has reviewed said request, and approved of the bond release as contained in a memorandum to the Land Use Board, dated August 4, 2009, attached hereto; and

**WHEREAS**, the Vernon Township Land Use Board has reviewed and approved of the bond release request at the regular meeting held on August 12, 2009; and

**NOW THEREFORE BE IT RESOLVED**, this 13th day of August, 2009 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The maintenance bond is hereby released in its entirety.

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 shall be available for inspection in the office of the Township Clerk.

### **RESOLUTION #09-132**

**AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR THE SITE PLAN AT #244 ROUTE 94, SALLY RINKER**

**WHEREAS**, Developer Sally Rinker rehabilitated a building located at # 244 Route 94, in the Township of Vernon, New Jersey, Planning Board File # 9-06-11; and

**WHEREAS**, Sally Rinker was required to post a performance guarantee in the amount of \$46,908.00 in March 2008 to ensure that the site improvements were constructed; and

**WHEREAS**, Sally Rinker has made a request for the bond to be released in full; and

**WHEREAS**, the Vernon Township Engineer has reviewed said request, and approved of the bond release as contained in a memorandum to the Land Use Board, dated August 4, 2009, attached hereto; and

**WHEREAS**, the Vernon Township Land Use Board has reviewed and approved of the bond release request at the regular meeting held on August 12, 2009; and

**NOW THEREFORE BE IT RESOLVED**, this 13th day of August, 2009 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The performance guarantee is hereby released in its entirety.
2. The performance guarantee consists of a Letter of Credit in the amount of \$42,217.20, and \$4,690.80 cash (plus interest as applicable and determined by the Vernon Finance Department).

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 shall be available for inspection in the office of the Township Clerk.

### **RESOLUTION #09-133**

**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**, Timothy C. Storbeck, an active firefighter and member of the McAfee Volunteer Fire Department Company #2 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 Timothy C. Storbeck for membership in the New Jersey State Firemen's Association.

#### **RESOLUTION #09-134**

##### **APPROVING A CANVASSERS PERMIT FOR THE NEW JERSEY ENVIRONMENTAL FEDERATION, ALSO KNOWN AS CLEAN WATER ACTION**

**WHEREAS**, The New Jersey Environmental Federation, also known as Clean Water Action, has made application for a Canvassers Permit for person-to-person environmental advocacy, outreach, education, and lobbying within the Township of Vernon by its members; and

**WHEREAS**, upon receipt of the application for a Canvassers Permit, the Vernon Township Police Department investigated the applicant's business responsibility and moral character and found same to be satisfactory and in good order for the protection of the public good; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Canvassers application of The New Jersey Environmental Federation, also known as Clean Water Action, is hereby approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a Canvassers License to the aforesaid applicant for the person-to-person environmental advocacy, outreach, education, and lobbying within the Township of Vernon by its members in accordance with provisions of Chapter 428, Article III §428-18 of the Code of Vernon Township.

Council Member Valerie Seufert moved to remove #09-134 from the Consent Agenda, seconded by Council Member Paul Emilius.

A roll call vote was taken:

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

NAYES: None

Resolution #09-134 was removed from the Consent Agenda.

#### **RESOLUTION #09-135**

##### **RENEWAL OF LIQUOR LICENSE FOR LEGENDS LIQUORS INC. FOR THE LICENSING TERM 2009 -2010**

**WHEREAS**, pursuant to Title 33 of the New Jersey Statutes all liquor licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2009; and

**WHEREAS**, pursuant to Title 33:1, the Police Chief has made the necessary inspections and reported same to the Township Clerk; and

**WHEREAS**, the Tax Clearance Certificate was not received by the New Jersey Division of Taxation's Alcoholic Beverage Control Commission Licensing Unit prior to the July 1, 2009 renewal for the 2009 – 2010 license term; and

**WHEREAS**, the applicant, Legends Liquors, Inc., has filed and secured two (2) "Petitions for Temporary Permit to Operate Pending Action by Municipal Issuing Authority Upon Petitioner's Application for License Renewal," also known as a Special

Ad Interim Permit, for the periods July 1, 2009 through July 31, 2009, and August 1, 2009 through August 13, 2009 respectively with the Division of Alcoholic Beverage Control for temporary permit to operate its licensed business pending municipal action.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that Legends Liquors, Inc., Plenary Retail Consumption License #1922-33-006-010, shall be reissued for the 2009 – 2010 licensing period effective as of August 13, 2009:

Council Member Gary Grey moved to remove #09-135 from the Consent Agenda, seconded by Council Member Paul Emilius.

A roll call vote was taken:

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

NAYES: None

Resolution #09-135 was removed from the Consent Agenda.

### RESOLUTION # 09-136

#### AUTHORIZING THE APPROVAL OF BILLS LIST

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

Current	ck#	32079	to	ck#	32081
Current	ck#	32082	to	ck#	32090
Current	ck#	32091	to	ck#	32093
Current	ck#	32094	to	ck#	32163
Current	ck#	32164	to	ck#	32203
Current	ck#	32204	to	ck#	32205
Capital	ck#	2676	to	ck#	
Capital	ck#	2677	to	ck#	2678
Capital	ck#	2679	to	ck#	
Grant	ck#		to	ck#	
Planning & Zoning	ck#	3907	to	ck#	3919
Recreation Trust	ck#	904	to	ck#	917
Recreation Trust	ck#	918	to	ck#	926
Recreation Trust	ck#	927	to	ck#	930
Recreation Trust	ck#	931	to	ck#	935
Dog Trust	ck#		to	ck#	
Other Trust	ck#	811	to	ck#	813
Senior Citizen Trust	ck#	1032	to	ck#	
Outside Services	ck#		to	ck#	
Unemployment Trust	ck#		to	ck#	
Open Space Trust	ck#		to	ck#	
PVL Dam Rehab Asm	ck#		to	ck#	
PVL Dam Rehab Exp	ck#		to	ck#	
COAH	ck#		to	ck#	
Sewer Operating	ck#		to	ck#	
Sewer Capital	ck#		to	ck#	
Developer's Bonds	ck#	106	to	ck#	
Road Assessment	ck#		to	ck#	
Payroll Deduction	ck#	1	to	ck#	
Payroll Checks	ck#	5749	to	ck#	5865 (2 <sup>nd</sup> Pay in July)
Payroll Checks	ck#	28138	to	ck#	28168 (Manual checks)
Payroll Deduction	ck#	3200	to	ck#	3209
Total Payroll		\$312,949.56			
Payroll Checks	ck#	7000	to	ck#	7042 (1 <sup>st</sup> Pay in August)
Payroll Deduction	ck#	3210	to	ck#	3211
Total Payroll		\$310,451.66			



**RESOLUTION # 09-137**

**APPOINTMENT OF A MUNICIPAL HOUSING LIAISON**

**WHEREAS**, Vernon Township was granted substantive certification of its Housing Element and Fair Share Plan by the Council of Affordable Housing (COAH), second round, on December 15, 2004; and

**WHEREAS**, Vernon Township petitioned for third round certification from COAH on December 16, 2005, which is still pending; and

**WHEREAS**, Vernon Township's Fair Share Plan promoted an affordable housing program pursuant to the Fair Housing Act (N.J.S.A.52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5.94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5-94-7 and N.J.A.C. 5:80-26.1 et. seq., Vernon Township is required to appoint a Municipal Housing Administrator and liaison, as per Chapter 130 Section § 133-3 of the Vernon Township Code and COAH requirements, for the administration of Vernon Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5-80-26.1 et. seq.; and

**NOW THEREFORE BE IT RESOLVED**, by the governing body of Vernon Township in the County of Sussex, and the State of New Jersey that John Hanlon, PLS, is hereby appointed by the Governing Body of Vernon Township as the Municipal Housing Administrator and liaison for the administration of the affordable housing program, pursuant to and in accordance with Section § 133-3 of Chapter 130 of the Vernon Township Code.

**Approval of Consent Agenda Items:**

Council Member Gary Grey moved to approve the Consent Agenda, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

**RESOLUTIONS REQUIRING SEPARATE ACTION**

**RESOLUTION # 09-126**

**RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES COUNCIL NO. 52 - VERNON TOWNSHIP AFSCME LOCAL #3181**

**WHEREAS**, certain Township of Vernon employees are represented for collective bargaining purposes by the American Federation of State, County and Municipal Employees, Council No. 52, Vernon Township Local #3181 ("AFSCME"); and

**WHEREAS**, the previous collective bargaining agreement between the Township and AFSCME expired on December 31, 2007; and

**WHEREAS**, the purpose of the collective bargaining agreement was to promote and maintain a harmonious relationship between the Township and its employees; and

**WHEREAS**, the Township and AFSCME have negotiated a new collective bargaining agreement and desire to execute such agreement ("New Agreement"); and

**WHEREAS**, the Township Administration has reviewed the terms of the New Agreement and has recommended approval thereof by the Township Council; and

**WHEREAS**, the provisions of the New Agreement shall be retroactive to January 1, 2008, and expire on December 31, 2011; and

**WHEREAS**, the Township Council desires to approve the New Agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Township Manager are hereby authorized, on behalf of the Township, to execute the collective bargaining agreement between the Township of Vernon and American Federation of State, County and Municipal Employees, Council No. 52, Vernon Township Local #3181, for the term of January 1, 2008 through December 31, 2011.

**BE IT FURTHER RESOLVED** that executed copies of this Resolution and the above-referenced collective bargaining agreement shall be on file and shall be available for the public inspection in the office of the Township Clerk upon final execution of the same.

Council Member Richard Carson moved to approve Resolution #09-126, seconded by Council Member Gary Grey.

Township Manager Melinda Carlton reported the average salary increase for township employees represented by the American Federation of State, County and Municipal Employees (AFSCME) Collective Bargaining Unit is 3.1%. Ms. Carlton also advised that AFSCME agreed to concessions to healthcare benefits.

A roll call vote was taken:

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

NAYES: None

Resolution #09-126 was approved.

#### **RESOLUTION # 09-127**

#### **RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH INTERNATIONAL UNION UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW LOCAL #2326**

**WHEREAS**, certain Township of Vernon employees are represented for collective bargaining purposes by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local #2326 (“UAW”); and

**WHEREAS**, the previous collective bargaining agreement between the Township and UAW expired on December 31, 2007; and

**WHEREAS**, the purpose of the collective bargaining agreement was to promote and maintain a harmonious relationship between the Township and its employees; and

**WHEREAS**, the Township and UAW have negotiated a new collective bargaining agreement and desire to execute such agreement (“New Agreement”); and

**WHEREAS**, the Township Administration has reviewed the terms of the New Agreement and has recommended approval thereof by the Township Council; and

**WHEREAS**, the provisions of the New Agreement shall be retroactive to January 1, 2008, and expire on December 31, 2011; and

**WHEREAS**, the Township Council desires to approve the New Agreement;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Township Manager are hereby authorized, on behalf of the Township, to execute the collective bargaining agreement between the Township of Vernon and the International Union, United

Automobile, Aerospace and Agricultural Implement Workers of America, Local #2326 for the term of January 1, 2008 through December 31, 2011.

**BE IT FURTHER RESOLVED** that executed copies of this Resolution and the above-referenced collective bargaining agreement shall be on file and shall be available for the public inspection in the office of the Township Clerk upon final execution of the same.

Council Member Gary Grey moved to approve Resolution #09-127, seconded by Council Member Richard Carson.

Attorney Mike Witt commented that negotiations for the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) and AFSCME unions were difficult but resulted in very fair settlements. The Township Manager advised that the salary increase is 2.5% for employees in the UAW Collective Bargaining Unit.

A roll call vote was taken:

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

NAYES: None

Resolution #09-127 was approved.

### **RESOLUTION # 09-128**

#### **AUTHORIZING A CHANGE ORDER TO INCREASE CONTRACT PRICE BY \$4,087.00 WITH KME FIRE APPARATUS FOR PURCHASE OF TOP MOUNT CLASS "A" PUMPER FOR MCAFEE FIRE DEPARTMENT**

**WHEREAS**, the Township of Vernon entered into a contract with KME Fire Apparatus for the purchase of a Top Mount Class "A" Pumper for McAfee Fire Department, as per Resolution # 08-140 approved on July 24, 2008 and contract dated July 24, 2009 the contract price of which was \$431,127.00; and

**WHEREAS**, certain additional costs were incurred for added crucial items not included in the original bid, but needed on the fire truck as per memo dated August 4, 2009 by the Director of Public Works; and

**WHEREAS**, KME Fire Apparatus submitted an invoice for the additional items needed in the amount of \$4,087.00; and

**WHEREAS**, the Director of Public Works, Dave Pullis, reviewed the invoice, and found that the additional items and prices are necessary and valid; and

**WHEREAS**, the additional items and their respective charges are summarized below;

1. Six (6) Pac Trac tool mounted boards	\$2,316.00
2. Seven (7) Amdor LED strip lighting for doors	<u>\$1,771.00</u>
TOTAL COST FOR ADDITIONAL ITEMS	\$4,087.00

**WHEREAS**, the current value of the contract of \$431,127.00 will have a cost increase of \$4,087.00 for a total contract price of \$435,214.00; and

**WHEREAS**, the Chief Financial Official has certified the availability of funds for the increase in Capital Improvement Fund, Project Account # 3093502.

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

1. A change Order is hereby authorized in the total amount of a cost increase of \$4,087.00 to be applied to the original contract for the purchase of a fire truck to KME Fire Apparatus dated July 24, 2009.
2. The new contract amount is hereby amended to \$435,214.00.
3. This Resolution shall take effect immediately upon adoption according to law.

Council Member Richard Carson moved to approve Resolution #09-128, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-128 was approved.

## **RESOLUTION # 09-129**

### SELF-EXAMINATION OF THE 2009 TOWNSHIP OF VERNON MUNICIPAL BUDGET

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Vernon has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Township of Vernon that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Council Member Richard Carson moved to approve Resolution #09-129, seconded by Council Member Paul Emilius.

A roll call vote was taken:

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

NAYES: None

Resolution #09-129 was approved.

### **RESOLUTION #09-134**

#### **APPROVING A CANVASSERS PERMIT FOR THE NEW JERSEY ENVIRONMENTAL FEDERATION, ALSO KNOWN AS CLEAN WATER ACTION**

**WHEREAS**, The New Jersey Environmental Federation, also known as Clean Water Action, has made application for a Canvassers Permit for person-to-person environmental advocacy, outreach, education, and lobbying within the Township of Vernon by its members; and

**WHEREAS**, upon receipt of the application for a Canvassers Permit, the Vernon Township Police Department investigated the applicant's business responsibility and moral character and found same to be satisfactory and in good order for the protection of the public good; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Canvassers application of The New Jersey Environmental Federation, also known as Clean Water Action, is hereby approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a Canvassers License to the aforesaid applicant for the person-to-person environmental advocacy, outreach, education, and lobbying within the Township of Vernon by its members in accordance with provisions of Chapter 428, Article III §428-18 of the Code of Vernon Township.

Council Member Richard Carson made a motion to approve #09-134, seconded by Council Member Valerie Seufert.

Mayor Carew questioned Chief Wherry about the background investigation that was performed by the Police Department. Chief Wherry reported the State Police Central Security Unit was contacted as was the Terrorism Task Force. No issues or problems were revealed concerning this non-profit organization.

Council Member Richard Carson commented that he conducted some research of the applicant, New Jersey Environmental Federation, and reported on his findings. Council Member Richard Carson expressed concern on how monies solicited from Township residents would be spent.

Mayor Carew and Council Member Gary Grey questioned if a canvasser can solicit in private communities.

The Township Council unanimously agreed that they do not support fund-raising or solicitation of funds by door-to-door canvassing initiative in our neighborhoods.

A roll call vote was taken:

AYES: None

NAYES: Richard Carson, Paul Emilius, Gary Grey, Valerie Seufert, Austin Carew

Resolution #09-134 was not approved.

### **RESOLUTION #09-135**

#### **RENEWAL OF LIQUOR LICENSE FOR LEGENDS LIQUORS INC. FOR THE TERM 2009 -2010**

**WHEREAS**, pursuant to Title 33 of the New Jersey Statutes all liquor licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2009; and

**WHEREAS**, pursuant to Title 33:1, the Police Chief has made the necessary inspections and reported same to the Township Clerk; and

**WHEREAS**, the Tax Clearance Certificate was not received by the New Jersey Division of Taxation's Alcoholic Beverage Control Commission Licensing Unit prior to the July 1, 2009 renewal for the 2009 – 2010 license term; and

**WHEREAS**, the applicant, Legends Liquors, Inc., has filed and secured two (2) "Petitions for Temporary Permit to Operate Pending Action by Municipal Issuing Authority Upon Petitioner's Application for License Renewal," also known as a Special Ad Interim Permit, for the periods July 1, 2009 through July 31, 2009, and August 1, 2009 through August 13, 2009 respectively with the Division of Alcoholic Beverage Control for temporary permit to operate its licensed business pending municipal action.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that Legends Liquors, Inc., Plenary Retail Consumption License #1922-33-006-010, shall be reissued for the 2009 – 2010 licensing period effective as of August 13, 2009:

Council Member Gary Grey moved to approve #09-135, seconded by Council Member Paul Emilius.

Mayor Carew questioned Police Chief Wherry on the Police Department's approval for the renewal of the Legends Liquor License. Chief Wherry reported on inspections of the premises and operations. The Township Clerk reported that Legends has received all required tax clearances from the State Division of Taxation.

A roll call vote was taken:

AYES: Gary Grey, Valerie Seufert, Austin Carew

NAYES: Richard Carson, Paul Emilius

Resolution #09-135 was approved.

#### **RESOLUTION # 09-138**

##### **RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING PROFESSIONAL SERVICES AGREEMENT WITH STEVEN WINTERS ASSOCIATE, INC. FOR AN AMOUNT NOT TO EXCEED \$11,499.00**

**WHEREAS**, the New Jersey Board of Public Utilities, pursuant to its Clean Energy Program, has instituted a Local Government Energy Audit Program (the "Program") for the purpose of encouraging New Jersey municipalities to evaluate the energy efficiency of municipally-owned facilities and obtaining recommendations on ways to reduce energy operating costs; and

**WHEREAS**, municipalities that are accepted in the Program are eligible to receive 75% of the funding to conduct an energy audit to be completed by a consultant selected by the Program and in the manner specified under the Program's guidelines; and

**WHEREAS**, municipalities that implement or exceed the recommendations contained in the energy audit are eligible to be reimbursed by the Program for the remaining 25% of the cost of the energy audit; and

**WHEREAS**, the Township of Vernon, New Jersey applied to participate in the Program in order to have an energy audit performed on the Township Municipal Building located at 21 Church Street, Vernon, New Jersey; and

**WHEREAS**, on July 28, 2009, the Township was approved by the Board of Public Utilities' Clean Energy Program for participation in the Program; and

**WHEREAS**, the total cost of the proposed energy audit is \$11,499.00. Pursuant to the terms and conditions of the Program, the out-of-pocket cost to the Township is 25% of

the total cost of the energy audit, or \$2874.75; the Program will reimburse the Township for the remaining 75% of the total cost of the energy audit, or \$8,624.25; and

**WHEREAS**, the consultant selected by the Program to conduct the energy audit is Steven Winters Associates, Inc.; and

**WHEREAS**, for the Township to be eligible to receive funding for the energy audit through the Program, the energy audit and all reporting requirements pertaining thereto must be completed on or before January 28, 2010; and

**WHEREAS**, the Township Chief Financial Officer has certified that there are funds available in [account identifier] for the total cost of \$11,499.00 for the purpose set forth in this Resolution; and

**WHEREAS**, the Township Council believes it is in the best interests of the Township to conduct an energy audit to promote the efficient use of energy in municipally-owned facilities and, therefore, desires to retain the services of Steven Winters Associates, Inc., in substantial accordance with the terms and conditions of the Professional Services Agreement attached to this Resolution for that purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Township Manager are authorized to enter into a Professional Services Agreement substantially in the form as attached to this Resolution for the purpose of conducting an energy audit pursuant to the New Jersey Board of Public Utilities Clean Energy Program – Local Government Energy Audit Program, in an amount not to exceed \$11,499.00.

**BE IT FURTHER RESOLVED** that executed copies of this Resolution and the Professional Services Agreement authorized hereby shall be maintained on file in the Township Clerk's Office.

Council Member Valerie Seufert moved to approve #09-138, seconded by Council Member Paul Emilius.

The Energy Audit Grant will cover 75% of the study and the remaining 25% will be reimbursed if the recommendations are implemented and exceeded. The Audit needs to be completed by January 28<sup>th</sup>. Council Member Richard Carson commented that he believed the cost was high for an audit of the municipal building.

A roll call vote was taken:

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

NAYES: None

Resolution #09-138 was approved.

#### **RESOLUTION # 09-139**

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN  
THE TOWNSHIP OF VERNON AND CATHERINE E. YOUNGMAN, ESQ.,  
OF FEITLIN, YOUNGMAN, KARAS & FEITLIN, LLC,  
FOR AN AMOUNT NOT TO EXCEED \$25,000.00

**WHEREAS**, the Township of Vernon ("Township") has a need to acquire professional legal services for the bankruptcy proceedings involving the Township's former employee payroll services provider, Ameripay, Inc.; and

**WHEREAS**, Catherine E. Youngman of the firm of Feitlin, Youngman, Karas, & Youngman, LLC, has submitted a proposal (annexed) for the provision of said professional services at an hourly rate not to exceed One Hundred Forty (\$140.00) Dollars per hour; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5, the subject Contract has an anticipated value in excess of \$17,500.00, and therefore is subject to the provisions of N.J.S.A. 19:44A-20.4 et. seq. (New Jersey Local Unit Pay-to-Play); and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.5 the New Jersey Local Pay-to-Play Law and pursuant to N.J.S.A. 40A:11-5(1)(a)(1) of the New Jersey Local Public Contracts Law, the Township may enter into said Professional Services Agreement without public bidding provided all reporting requirements have been met; and

**WHEREAS**, the Township Chief Financial Officer has certified that [ACCOUNT IDENTIFIER] contains funds sufficient for the purpose stated in this Resolution.

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

1. Upon satisfactory presentation of all materials required under the New Jersey Local Pay-to-Play Law and the Local Public Contracts Law, the Township Manager of the Township of Vernon is hereby authorized to enter into the within Professional Services Agreement with Catherine E. Youngman of the firm of Feitlin, Youngman, Karas, & Youngman, LLC substantially in the form annexed hereto, and subject to the review and approval as to form by the Township Attorney.
2. Notice of the award of the within Contract shall be published in accordance with law.
3. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Municipal Clerk.
4. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

Township Attorney Mike Witt recommended Catherine Youngman, Esq. be retained to handle the Ameripay bankruptcy matter. Ameripay was the Township's former payroll services company. Vernon Township lost approximately \$370,000. Township Attorney Witt suggested that Ms. Youngman jointly represent three governmental entities also seeking claims in the Ameripay matter; namely, the County of Sussex, Kittatiny Regional School District, and the Town of Clinton, in order to hold costs down. Legal services will be provided at a rate of \$140 per hour, which Mr. Witt informed is a much lower rate than what other attorneys that were contacted would charge.

Council Member Valerie Seufert suggested capping legal expenses at \$10,000.

Council Member Richard Carson commented that the Township was informed about the May 14, 2009 United States Securities and Exchange Commission press release and questioned why "red flags" went unnoticed.

The Township Manager commented that the Finance Office has contacted different taxing agencies to confirm that the proper tax withholdings have been received and deposited on behalf of the Township.

Council Member Valerie Seufert made a motion to amend Resolution #09-139 to cap legal expenses at \$10,000, seconded by Council Member Paul Emilius.

A roll call vote was taken:

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

NAYES: None

Resolution #09-139 was amended.

Council Member Richard Carson then made a motion to approve Amended Resolution #09-139, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-139 was approved as amended.



**FIRST READING, PUBLIC HEARING ON PROPOSED ORDINANCES**

**ORDINANCE #09-15**

AN ORDINANCE APPROPRIATING THE SUM OF \$240,000 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF VERNON 2009 OPERATING BUDGET FOR THE REPAIR AND MAINTENANCE OF TOWNSHIP ROADS THROUGH THE OIL AND STONE SCHEDULE

**WHEREAS**, there is currently within the 2009 budget of the Township of Vernon an item entitled Capital Improvement Fund; and

**WHEREAS**, the Township Chief Financial Officer has certified that the fund contains at least \$240,000; and

**WHEREAS**, it is deemed appropriate to make use of the \$240,000 for the repair and maintenance of various township roads through the oil and stone schedule.

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

SECTION 1: There is hereby appropriated from the Capital Improvement Fund contained within the 2009 Budget of the Township of Vernon, the sum of \$240,000 for the repair and maintenance of various township roads through the oil and stone schedule.

SECTION 2: All ordinances or parts of ordinances which as inconsistent with the terms of this ordinance be and then same are hereby repealed to the extent of their inconsistency.

SECTION 3: This ordinance shall take effect immediately upon proper passage and publication in accordance with law.

Mayor Carew read Ordinance #09-15 by title only.

There was no Council discussion.

Council Member Richard Carson made a motion to approve #09-15, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-15 was approved on First Reading.

**ORDINANCE #09-16**

AN ORDINANCE APPROPRIATING THE SUM OF \$65,000 CURRENTLY LOCATED WITHIN THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF VERNON 2009 OPERATING BUDGET FOR DRAINAGE IMPROVEMENTS

**WHEREAS**, there is currently within the 2009 budget of the Township of Vernon an item entitled Capital Improvement Fund; and

**WHEREAS**, the Township Chief Financial Officer has certified that the fund contains at least \$65,000; and

**WHEREAS**, it is deemed appropriate to make use of the \$65,000 for drainage improvements.

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

SECTION 1: There is hereby appropriated from the Capital Improvement Fund contained within the 2009 Budget of the Township of Vernon, the sum of \$65,000 drainage improvements.

SECTION 2: All ordinances or parts of ordinances which as inconsistent with the terms of this ordinance be and then same are hereby repealed to the extent of their inconsistency.

SECTION 3: This ordinance shall take effect immediately upon proper passage and publication in accordance with law.

Mayor Carew read Ordinance #09-16 by title only.

There was no Council discussion.

Council Member Valerie Seufert made a motion to approve #09-16, seconded by Council Member Paul Emilius.

David Pullis, Department of Public Works Superintendent, commented that this will cover funds to be spent on block, piping and other materials to repair existing storm drains throughout the Township.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-16 was approved on First Reading.

### **COUNCIL BUSINESS**

Mayor Austin Carew presented information to the Council on creating an Ethics Board and encouraged the Council to consider discussing this at a future meeting.

Mayor Carew asked the Council to consider waiving all permitting fees for non-profit organizations in Vernon. After some discussion, the Council agreed that the Township Attorney should prepare an Ordinance for Council consideration.

Mayor Carew raised the issue of the Great Gorge Condominium Small Cities Community Development Block Grant and questioned whether the Township should consider co-signing the grant pre-application. The Township Manager suggested that the Council hold a work session to discuss this matter with representatives of the Great Gorge Condominium Association. The Manager will tentatively schedule a meeting for Thursday August 27, 2009 at 5:00 p.m.

Mayor Austin Carew commented that the Sussex County Municipal Utilities Authority (SCMUA) Recharge Facility site landscaping should be enhanced and the chain link fencing replaced with fencing more suitable in style with Vernon Township's rural character.

Council Member Valerie Seufert questioned the status of the county's maintenance of the retention basin on Route 515.

Mayor Austin Carew advised that the Township Clerk's Office has received two letters of interest from residents seeking appointment to the Land Use Board and asked the Council to review their information for consideration.

Mayor Austin Carew asked the Council Members to submit comments regarding what role they would like the Financial Advisory Board to undertake. He asked that they forward their comments to the Township Manager.

Council Member Richard Carson expressed his discontent regarding the Township's handling of the Ameripay issue and questioned why the Township did not terminate payroll services with Ameripay once the SEC press release was released earlier in May 2009 but instead kept using them to process the Township's payroll.

Township Manager Melinda Carlton responded that she had been assured by the Director of Personnel that everything was okay, and the Township pulled out at the first

indication that something was wrong. In mid-May all tax payments were listed as current except for Pennsylvania State tax payments. A full report was prepared on July 15<sup>th</sup> giving the Township's history and background of dealings with Ameripay. The Township Manager further reported that the \$371,000 that was lost as a result of the Ameripay embezzlement will be taken from surplus to pay all federal and state withholding taxes that are delinquent.

Township Attorney Mike Witt commented that the Personnel Department was attempting to get bids from other payroll companies when they were notified that Ameripay will be filing for bankruptcy and are being closed down by the federal government.

Council Member Paul Emilius left the meeting at 11:14 p.m.

## **TOWNSHIP MANAGER'S REPORT**

### **Township Manager Pension**

The Township Manager clarified that the regular state pension program for the Township Manager covers up to \$106,800 after which another pension program kicks in for the additional salary over that amount. Ms. Carlton noted that she will not receive a double pension.

### **Vernon Pumper Truck #404**

Mr. Joe Calabrese, Department of Public Works Supervising Mechanic, and Mr. Dave Pullis, Department of Public Works Superintendent, presented their report regarding the repairs needed to put Vernon Fire Department Pumper Truck #404 back in service. Due to the extensive amount of repairs need, they did not recommend committing monies to repair the damaged motor.

The Township Council requested a listing of all Township fire trucks and apparatus currently in service.

### **Highlands Water Use and Conservation Plan**

Mr. Kneip recommended the Township to seek a hydro-geologist consultant prepare a Water Use and Conservation Plan.

### **Railroad Easement**

Mr. Kneip reported the Township received a request from the New York Susquehanna and Western Railroad Corporation to pass a resolution supporting a construction grant from the Department of Transportation. Mr. Kneip noted that the New York Susquehanna and Western Railroad Corporation is considering allowing the Township to utilize a portion of their right-of-way for canoe launch parking. The Township Manager suggested the Township should further explore this opportunity. Council Member Richard Carson asked for a copy of the information from Mr. Kneip.

### **Lady of Fatima Church Carnival Sign and Fee Waiver Request**

Township Manager Melinda Carlton administratively waived the signage restriction on posting an A-frame sign in front of the A&P. The Lady of Fatima Church has also requested a waiver of permit fees for their carnival event totaling \$208. Council Member Richard Carson asked if there were inspections that needed to be done. The Township Manager explained that the permit fees pay for those inspections. Mayor Carew suggested waiving the fee.

Council Member Richard Carson made a motion to waive the permit fees, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

### **Forensic Audit**

The Forensic Audit is complete. The Township Manager and Township Attorney have thoroughly reviewed the audit report and met with the Forensic Auditor, who will make a presentation August 27<sup>th</sup>. A Special Meeting may also be held if needed.

### **Gypsy Moth Spraying Program**

The Township has been receiving calls from residents asking that their areas be sprayed during the next gypsy moth spraying program. The Manager's Office has been compiling a listing of those areas and will notify the State before they conduct their next egg mass survey.

### **Township Tax Collector Appointment**

Correspondence was received from the Director of the Division of Local Government Services directing that the Township take immediate steps to hire a Certified Tax Collector. The Department of Community Affairs mandate requires that all municipalities have a Certified Tax Collector with a current certification. Council Member Valerie Seufert questioned staffing needs in the Tax Office and commented that the Township's Interim Tax Collector has the CTC certification and has been doing the job over the past year. Ms. Carlton state that Mr. Zuckerman, the new Township CFO, will be interviewing for the position and will have a recommendation at the next Township Council Meeting. Mayor Austin Carew questioned whether the appointment of the Tax Collector is a Council or Manager appointment and suggested including Council Members in the selection process. The Township Attorney advised the Council that the Tax Collector is a Council appointment.

The Township Manager informed the Township Council that a hiring freeze report requested by the Council is almost complete and will be distributed to the Council shortly.

### **Tax Collection Rate**

The Township's Tax Collection Rate is currently 93%. The Chief Financial Officer will closely monitor the tax collection rate.

### **Request for Proposals - Council On Affordable Housing Attorney**

The Interview Committee recommended Glenn Kearns, Esq. to be retained as the Township's COAH Attorney.

Council Member Valerie Seufert made a motion to appoint Jim Kearns, Esq. as the Township's COAH attorney, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Gary Grey, Valerie Seufert, Austin Carew  
NAYES: None  
ABSTAIN: Richard Carson

### **Flu Clinic Schedule 2009**

Flu Clinics will be sponsored by Sussex County Health and Human Services for Township residents. Information and schedules will be posted on the Township website for the public's convenience.

## **APPROVAL OF MINUTES**

### **Approval of the June 24, 2009 Special Meeting Minutes**

Council Member Valerie Seufert made a motion to approve the June 24, 2009 Special Meeting Minutes, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew  
NAYES: None  
ABSTAIN:

### **Approval of the June 25, 2009 Regular Meeting Minutes.**

Council Member Valerie Seufert made a motion to approve the June 25, 2009 Regular Meeting Minutes, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Gary Grey, Valerie Seufert, Austin Carew  
NAYES: None  
ABSTAIN: Richard Carson

**Approval of the June 25, 2009 Executive Session Minutes**

The June 25, 2009 Executive Session Minutes were tabled until the August 27, 2009 meeting.

**Approval of the July 9, 2009 Regular Meeting Minutes.**

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

A roll call vote was taken:

AYES: Gary Grey, Valerie Seufert, Austin Carew

NAYES: None

ABSTAIN: Richard Carson

**Approval of the July 9, 2009 Executive Session Minutes**

The July 9, 2009 Executive Session Minutes were tabled until the August 27, 2009 meeting.

**Approval of the July 15, 2009 Special Meeting Minutes**

The July 15, 2009 Special Meeting Minutes were tabled until August 27, 2009.

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

At 11:50 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:  
Continuation of the 6:00 p.m. Executive Session.
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 11:50 p.m.

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The meeting was reopened to the public at 12:37 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. Council Member Paul Emilius was absent.

**ADJOURNMENT**

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

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

Respectfully submitted,

*Robin R. Kline*

Robin R. Kline, MAS, RMC  
Municipal Clerk

Minutes approved: September 10, 2009