

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

September 10, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:18 p.m. on Thursday, September 10, 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, Gary Grey, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:20 p.m. Mayor Austin Carew asked for a motion to go into Executive Session 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 Deputy 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 Estate/Contract matter regarding redevelopment proposals for Terra Compass and Excelsior Holdings Group. No anticipated date of release of Executive Session Minutes
 - b. 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.
 - c. 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.
 - d. Real Estate matter regarding options for moving the DPW and Animal Control facilities. No anticipated date of release of Executive Session Minutes.
 - e. Real Estate matter regarding the proposed Solar Farm Concept Plan. No anticipated date of release of Executive Session Minutes.
 - f. Attorney-Client matter regarding Main Street Associates issues. No anticipated date of release of Executive Session Minutes.
 - g. Potential litigation/Attorney-Client privilege matter regarding drainage issues within the Township. No anticipated date of release of Executive Session Minutes.

- h. Real Estate/Contract matter regarding the appraisal of property adjacent to the Van Blarcom property. Anticipated date of release of Executive Session Minutes will be upon conclusion of the contract.
 - i. Litigation/Attorney/Client privilege matter regarding Desmond v. Beebe lawsuit. No anticipated time of release of Executive Session Minutes.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
 4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:24 p.m.

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The meeting was reopened to the public at 7:22 p.m. Present were Council Members Richard Carson, Gary Grey, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

SALUTE TO THE FLAG

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

Mayor Carew called for a minute of silence in observance and reflection of 9/11.

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Tom McClachrie, Vernon Taxpayers Association, stated his objections to the 2009 Municipal Budget and various provisions in the AFSME and UAW collective bargaining contracts. Mr. McClachrie opposed Salary Ordinance #09-18 and Resolution #09-143.

Pat Lang, 307 Marsh Place, member of the D.O.G.S. Organization, commented on the benefits of having a Dog Park in Vernon Township. Ms. Lang thanked the Township Council and stated without their support the Dog Park would not be possible.

Sally Rinker, Vernon resident, expressed concerns of the uncomfortable, unhealthy and unsightly conditions in the Municipal Building and commented that cosmetic repairs could be achieved at a small budget if wisely spent. Ms. Rinker asked an HVAC expert, Dan Chmielowiec, to assess the conditions of the heating and ventilation system in the Municipal Building and offer an opinion to the Council. Further, Ms. Rinker described a room in the Police Department where a complete data system, phone lines and police records are maintained under a sprinkler system that, if activated, could possibly destroy a number of records, equipment and information. Ms. Rinker asked the Council to give both issues immediate attention. Ms. Rinker distributed her letter and recommendations from Mr. Chmielowiec to the Council.

Dan Chmielowiec, Indoor Climate Systems, presented his professional assessment of the current condition of the Municipal Building HVAC system having examined the numerous components of the HVAC recently. Mr. Chmielowiec stated the current system is repairable and recommended the Township contact a reputable firm to repair the system. Mr. Chmielowiec presented his credentials as a HVAC professional for over 40 years.

Andy Pitsker, 1707 CR565, commented on a property maintenance nuisance matter at 3 Silver Spruce Drive and asserted there are numerous property maintenance violations on this property which he Township must address and enforce.

Jessi Paladini, Sunset Ridge, questioned if the Mayor would allow public comment on the Town Center Forensic Investigation Report presentation and the Ameripay Update presentation listed on the agenda. Ms. Paladini also questioned why the new Deputy Manager, Brian Palaia, was copied by email on confidential Township documents prior to his date of hire and questioned if that was appropriate.

Phyllis MacPeck, Vernon resident and former employee, questioned money spent on certain purchases in the Township and stated those funds could have been budgeted to reinstate and pay for a part-time position eliminated last year due to budget cuts.

Gary Martinsen, Vernon, questioned the use of grant funding awarded for the Community Center building at Maple Grange Park. Mr. Martinsen expressed concern that the Township will be having local contractors work for free, and grant funding will be used to pay for work performed by non-local contractors.

Debbie Collins, Certified Animal Control and ASPCA Officer, and former employee, Highlands Lakes, commented that the Dog Park is not a Township project. Ms. Collins further commented that she has been assisting at Rabies Clinics since being laid-off by the Township and asked the Council to consider rehiring her.

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

PRESENTATIONS AND SPECIAL ITEMS

Proclamation – September 2009 Ovarian Cancer Awareness Month

Mayor Carew read the Proclamation for 2009 Ovarian Cancer Awareness Month and asked that it be forwarded to the Ovarian Cancer Coalition.

9-1-1 Regionalization Update – Keith Armstrong, Shared Services Coordinator for Sussex County

In attendance were Keith Armstrong, Shared Services Coordinator of Sussex County, John Drake, Chairman of the Sussex County 9-1-1 Working Group, and Sussex County Administrator John Eskilson.

John Drake reviewed the background of 9-1-1 communications in Sussex County and stated that 9-1-1 has to incorporate better technology and participate in a multi-municipal group. Sussex County received a State grant in order to setup a 9-1-1 research study. A recommendation draft will be given out within the next week. Mr. Eskilson stated there are many gaps in the local emergency communication system, and the goal is to have a County wide base for first responders.

Police Chief Roy Wherry commented that initially he was opposed to joining the regional 9-1-1 system and thought Vernon residents would be better served with the Township's present 9-1-1 system in place. However, he also stated that getting on board with this new system at its inception could be beneficial for Vernon Township. The State has made it very clear that grant funds would be issued to regional centers.

Mayor Carew thanked Mr. Drake, Mr. Armstrong and Mr. Eskilson for their presentation.

Forensic Audit – Warren M. Schneider, The Forensic Accounting Group, Inc.

Township Manager Melinda Carlton distributed a 23-page Forensic Investigation Report Mr. Schneider's company prepared. The report will be available to the public on the Township's Website.

Mr. Schneider briefly reviewed the analysis in the report and noted that certain additional Town Center project costs should have been included in the total amount of the project. He noted that Tomco change order overruns added up to 23% more to the original contract for the Town Center project. Mr. Schneider further reported former Township Manager Don Teolis likely masked the magnitude of cost overrides in order to avoid additional disclosure to the Township Council.

Mr. Schneider recommended the Township further investigate the land purchases and land acquisition costs.

To prevent costly overruns for future planning and development projects, Mr. Schneider recommended the Township implement a planning process and budget procedures to be incorporated for each project.

Mayor Carew thanked Mr. Schneider and urged the Council to fully review the report.

H1N1 Flu Virus Update

Council Member Richard Carson discussed the H1N1 flu virus, also known as the swine flu, and its potential impact this upcoming flu season. It is anticipated that there will be an increase in swine flu clusters earlier than normal this year and there will also be mutations of the virus. Two vaccines may be needed but the long-term effect of the swine flu vaccine is yet unknown. Council Member Carson recommended that First Responders should be vaccinated free of charge by the County Health Services Department.

Mayor Austin Carew called for a short recess at 9:16 p.m.

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Mayor Austin Carew reconvened the meeting at 9:24 p.m. with all members present as before.

Pat Seger, Director of Community Affairs, discussed a County meeting centering on how the municipality will operate if employees contract the H1N1 virus and are unable to come into work. A committee including the Township Manager, Personnel, Police and Department of Public Works will be formed with Ms. Seger as the lead. Council Member Valerie Seufert stated that special needs residents should be registered with Register Ready in case of emergencies.

Ameripay Payroll Service

Township Manager Melinda Carlton wanted to resolve any unanswered questions regarding the Township's former payroll service, Ameripay. Ms. Carlton distributed a report from Pennie Roland, Director of Personnel, and requested Ms. Roland give an overview of the report, which included the time line of actions taken by the Personnel/Payroll Department. Ms. Roland stated the Township's Personnel and Payroll Staff are continuing to do everything possible to reclaim the money Ameripay has used. Council Member Richard Carson stated there should have been a mechanism in place whereby municipalities could be forewarned of any wrong-doings by these payroll companies.

Mayor Carew asked if there were any questions from the public.

Jessi Paladini, Vernon resident stated that she was puzzled as to why the Township would continue to pay taxes to Ameripay after the Township was notified about problems with the company. Ms. Paladini questioned if there is a procurement process the Township must go through when changing payroll companies. Ms. Paladini expressed concerns about costs to taxpayers.

Mayor Carew and the Council thanked Pennie Roland for her report.

TOWNSHIP MANAGER'S REPORT

Tax Collector's Report

Township Manager Melinda Carlton distributed the Tax Collector's report to the Council, which was presented by Chief Finance Officer Mr. Bill Zuckerman.

Pleasant Valley Lake Dam Inspection

Ms. Carlton reported she had been working with the Department of Environmental Protection (DEP) in recent months regarding the Pleasant Valley Lake Association not completing their dam inspection. The Department of Environmental Protection advised Ms. Carlton it is not up to the Township to intervene, however, if the Pleasant Valley Lake Association does not get their dam inspected, it could lead to a disaster. The Council requested Melinda Carlton to send a letter to the Pleasant Valley Lake Association advising them of the Township Council's awareness of the Association not being in compliance with the State.

Energy Audit Grant Application Update

Lou Kneip, Township Engineer, attempted to reach out to Steve Kepnes, Board of Education Business Administrator, at the request of Council to ascertain if the Board will be performing an energy audit. Mr. Kneip has not yet received a response and will follow up.

Municipal Building Renovation Project

The Township Manager handed out a spreadsheet regarding the Municipal Building renovation project.

Scenic Lakes Police Patrol

Chief Wherry met with members of the Scenic Lakes Association to address Police presence in that area. Chief Wherry commented that Vernon needs more officers. The Township Council commended the work of the Police Department.

Hiring of New Deputy Manager

Melinda Carlton stated that newly-hired Deputy Manager, Brian Palaia, will be starting September 14th. Council Member Valerie Seufert requested that a copy of his resume be provided to Council.

Marotta Lawsuit

Township Attorney Mike Witt spoke in regard to the lawsuit of Marotta v. Vernon Township which resulted in the removal of Council Member Paul Emilius who was appointed to replace the vacancy left by the resignation of former Council Member Glenn McLaughlin. Sussex County Superior Court Judge Gannon ruled that the appointment was out of time and invalid. Attorney Witt stated that this decision may affect the Township when handling future resignations. The Township has to decide whether or not to contest this decision because of the time and cost involved. Mr. Witt added that it will be difficult now to obtain quorum with only four Council Members.

APPROVAL OF MINUTES

Approval of the June 25, 2009 Executive Session Minutes

Council Member Gary Grey made a motion to approve the June 25, 2009 Executive Session Minutes, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: None

ABSTAIN: Valerie Seufert

Approval of the July 9, 2009 Executive Session Minutes

The July 9, 2009 Executive Session Minutes were tabled until the September 24, 2009 meeting.

Approval of the July 15, 2009 Special Meeting Minutes

Council Member Valerie Seufert made a motion to approve the July 15, 2009 Special Meeting Minutes, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

ABSTAIN:

Approval of the July 23, 2009 Regular Meeting Minutes

Council Member Valerie Seufert made a motion to approve the July 23, 2009 Regular Meeting Minutes, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

ABSTAIN: Gary Grey

Approval of the July 23, 2009 Executive Session Minutes

The July 23, 2009 Executive Session Minutes were tabled until the September 24, 2009 meeting.

Approval of the August 13, 2009 Regular Meeting Minutes

Council Member Valerie Seufert made a motion to approve the August 13, 2009 Regular 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 August 13, 2009 Executive Session Minutes

The August 13, 2009 Executive Session Minutes were tabled until the September 24, 2009 meeting.

CONSENT AGENDA

RESOLUTION #09-140

APPROVING A PEDDLER’S PERMIT FOR LISA DURGIN

WHEREAS, Lisa Durgin has made application for a Peddler’s License for the sale of ice cream within the Township of Vernon by a mobile ice cream truck; and

WHEREAS, Lisa Durgin has been investigated the Vernon Township Police Department and her application, photographs, and fingerprints were found to be in good order; and

NOW, THEREFORE, BE IT RESOLVED, that the Peddler’s License application of Lisa Durgin be, and hereby is, approved by the Township Council; and

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

RESOLUTION #09-141

APPROVING A PEDDLER’S PERMIT FOR THOMAS MACKINNON

WHEREAS, Thomas MacKinnon has made application for a Peddler’s License for the sale of ice cream within the Township of Vernon by a mobile ice cream truck; and

WHEREAS, Thomas MacKinnon has been investigated by the Vernon Township Police Department and her application, photographs, and fingerprints were found to be in good order; and

NOW, THEREFORE, BE IT RESOLVED, that the Peddler’s License application of Thomas MacKinnon be, and hereby is, approved by the Township Council; and

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

RESOLUTION # 09-142

AUTHORIZING THE APPROVAL OF BILLS LIST

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

Current	ck#	32206	to	ck#	32208
Current	ck#	32209	to	ck#	32266
Capital	ck#	2680	to	ck#	2681
Grant	ck#	32267	to	ck#	

Planning & Zoning	ck#	3920	to	ck#	3922
Recreation Trust	ck#	936	to	ck#	947
Recreation Trust	ck#	948	to	ck#	
Recreation Trust	ck#	949	to	ck#	
Dog Trust	ck#		to	ck#	
Other Trust	ck#	814	to	ck#	
Senior Citizen Trust	ck#	1033	to	ck#	
Senior Citizen Trust	ck#	1034	to	ck#	
Senior Citizen Trust	ck#	1035	to	ck#	
Outside Services	ck#	1545	to	ck#	
Outside Services	ck#	1546	to	ck#	1547
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#	107	to	ck#	108
Road Assessment	ck#		to	ck#	
Payroll Deduction	ck#		to	ck#	
Payroll Checks	ck#	7043	to	ck#	7083 (2 nd Pay in Aug)
Payroll Deduction	ck#	3212	to	ck#	3219
Total Payroll		\$309,625.53			

RESOLUTION #09-143

AUTHORIZING SIGNATURES ON TOWNSHIP CHECKS
PURSUANT TO N.J.S.A. 40A:5-16

BE IT RESOLVED by the Council of the Township of Vernon that the following Township Officials are hereby authorized to sign checks, withdrawal slips or other bank related items with two out of the four below listed principal signatures being required:

- Township Manager
- Chief Financial Officer
- Township Clerk
- Deputy Township Clerk

BE IT FURTHER RESOLVED that signature cards with the signatures of the persons authorized to sign be on file at all banks that presently have Township accounts.

RESOLUTION # 09-145

RESOLUTION TO SUPPORT AND PARTICIPATE IN THE
VOLUNTEER TUITION CREDIT PROGRAM (P.L.1998, c.145)

WHEREAS, the Township Council of the Township of Vernon, in the County of Sussex, deems it appropriate to enhance the recruitment and retention of volunteer firefighters and emergency medical volunteer in the Township of Vernon, and

WHEREAS, the State of New Jersey has enacted P.L. 1998, c.145 which permits municipal governments to allow firefighting and emergency medical volunteers to take advantage of the Volunteer Tuition Credit Program at no cost to the municipal government.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon in the County of Sussex that the Volunteer Tuition Credit Program as set forth in P.L. 1998, c.145 is herewith adopted for the volunteer firefighters and emergency medical volunteers in the municipality; and

BE IT FURTHER RESOLVED, that the Township Manager is herewith delegated the responsibility to administer the program and is authorized to enter into all agreements and to maintain files of all documents as may be required under P.L.1998, c.145, a copy of which is herewith made part of this resolution.

RESOLUTION # 09-144
ADOPTION OF THE 2009 MUNICIPAL BUDGET

RESOLUTION #09-144
ADOPTION OF THE 2009 MUNICIPAL BUDGET

BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex that the budget herein set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 15,386,770.75 (item 2 below) for municipal purposes and
 (b) \$ _____ (item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
 (c) \$ _____ (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
 Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of
 the following summary of general revenues and appropriations.
 (d) \$ _____ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE
 (insert last name)

AYES

Nays

Abstained

Absent

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	08-100	\$ 415,000.00
Miscellaneous Revenues Anticipated	13-099	\$ 4,614,453.39
Receipts from Delinquent Taxes	15-499	\$ 1,570,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$ 15,386,770.75
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: Item 6, Sheet 11		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-195	\$
	07-191	\$
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY: Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$
Total Revenues	13-299	\$ 21,986,224.14

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		
Within "CAPS"	xxxxxxx	xxxxxxxxxxxxx
(a&b) Operations Including Contingent	30001-00	\$ 14,931,914.88
(e) Deferred Charges and Statutory Expenditures - Municipal	30004-00	\$ 1,163,067.54
(g) Cash Deficit	46-885	
Excluded from "CAPS"	xxxxxxx	xxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	60023-00	\$ 299,699.44
(c) Capital Improvements	60002-00	\$ 391,761.65
(d) Municipal Debt Service	60003-00	\$ 2,962,733.63
(e) Deferred Charges - Municipal	60024-00	\$ 217,000.00
(f) Judgements	37-480	\$
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$
(g) Cash Deficit	46-885	\$
(k) For Local District School Purposes	60008-00	\$
(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)	50-899	\$ 2,020,047.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)	60010-00	\$

RESOLUTION #09-148

AUTHORIZING SUPPORT FOR THE WELDED RAIL – SPARTA AND NYS LINE

WHEREAS, the State Rail Line Plan Agreement approved a grant for the Welded Rail – Sparta and NYS Line in the amount of \$1,986,975 to The New York, Susquehanna and Western Railway Corporation, and;

WHEREAS, the project will include rehabilitation of NYSW Southern Division Main Line between Sparta, NJ and New York State Line; and

WHEREAS, the Township of Vernon would realize increased rail safety with said project.

WHEREAS, the work will be done in the following municipalities: Sparta Township, Hardyston Township, Franklin Borough, Hamburg Borough, and Vernon Township.

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that Vernon Township does hereby support the rehabilitation of the Welded Rail – Sparta and NYS Line.

RESOLUTION #09-149

TAX OVERPAYMENTS

WHEREAS, DUPLICATE PAYMENTS were made on the Third 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 overpayments 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>QTR</u>	<u>LOCATION</u>
201.02	19	Calkin, Bruce & Erin	\$2,496.93	3 rd	5 Higgins Dr
230.01	1.01	Martin, Robert J & Jean E	\$127.94	3 rd	Rt. 517
230.20	19	Martin, Robert J & Jean E	\$1,559.53	3 rd	445 Rt 517

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, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-120

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

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

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

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

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds of \$10,835.00.

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

Council Member Gary Grey moved to approve Resolution #09-120, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-120 was approved.

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.

Council Member Richard Carson moved to approve Resolution #09-125, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: None

ABSTAIN: Valerie Seufert

Resolution #09-125 was approved.

RESOLUTION #09-146

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

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

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

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

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

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds of \$6,776.00.

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

Council Member Valerie Seufert moved to amend Resolution #09-146 to correctly state the dollar amount of available funds to \$6,776.00, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: None

Resolution #09-146 was amended to correctly state the dollar amount of available funds to \$6,776.00.

Council Member Valerie Seufert then made a motion to approve Resolution #09-146 as amended, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-146 was approved as amended.

RESOLUTION # 09-147

AUTHORIZING AGREEMENT TO EXTEND CONTRACT TO ACQUIRE REAL PROPERTY BETWEEN THE TOWNSHIP OF VERNON AND MAIN STREET ASSOCIATES, INC., FOR ONE (1) ADDITIONAL YEAR

WHEREAS, the Township of Vernon, a municipal corporation of the State of New Jersey with offices located at 21 Church Street, Vernon, New Jersey 07462 (the "Township") and Main Street Associates, Inc., a corporation of the State of New Jersey with offices located at 15 Church Street, Vernon, New Jersey 07462 ("MSA"), entered into a contract to acquire real property dated September 8, 2003, a copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, the contract provided for each party to perform certain obligations concerning the Town Center Project; and

WHEREAS, many of the obligations are ongoing and not yet complete; and

WHEREAS, both the Township and MSA wish to mutually extend the term of the contract for one (1) additional year pursuant to the terms and conditions as substantially set forth in the Agreement to Extend Contract to Acquire Real Property attached to this Resolution as Exhibit B.

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

1. The Township Manager is hereby authorized to execute the Agreement to Extend Contract to Acquire Real Property between the Township and Main Street Associates, Inc., substantially in the form as attached to the Resolution as Exhibit B.
2. Notice of this Resolution shall be published in accordance with law as necessary.
3. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Borough Clerk.
4. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

Resolution #09-147 was removed from the agenda.

RESOLUTION # 09-150

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND ACTION DATA SERVICES FOR AN AMOUNT NOT TO EXCEED \$19,000.00

WHEREAS, the Township of Vernon ("Township") has a need to acquire professional payroll services for the processing of employee payroll; and

WHEREAS, Action Data Services has submitted a 16 month proposal (annexed) for the provision of said professional services; 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 10570591 and the payroll processing funds provided by Lakeland Bank contain 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, 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 Action Data Services 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.

Council Member Richard Carson made a motion to table Resolution #09-150 to the September 24, 2009 Council Meeting, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-150 was tabled to the September 24, 2009 Council Meeting.

RESOLUTION #09-151

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 July 9, 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.

Council Member Valerie Seufert made a motion to table Resolution #09-151 to the September 24, 2009 Council Meeting, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-151 was tabled to the September 24, 2009 Council Meeting.

RESOLUTION #09-152

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 July

23, 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.

Council Member Gary Grey made a motion to table Resolution #09-152 to the September 24, 2009 Council Meeting, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-152 was tabled to the September 24, 2009 Council Meeting.

RESOLUTION # 09-153

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND GLENN KIENZ, ESQ., OF WEINER LESNIAK, LLP, FOR AN AMOUNT NOT TO EXCEED \$15,000.00

WHEREAS, the Township of Vernon ("Township") has a need to acquire professional legal services for COAH (Council on Affordable Housing) Consultant for 2009; and

WHEREAS, Glenn Kienz of the firm of Weiner Lesniak, LLP has submitted a proposal for the provision of said professional services at an hourly rate not to exceed One Hundred Fifty (\$150.00) Dollars per hour and a council meeting rate of \$500 per meeting with a total contract price not to exceed \$15,000.00; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.5, the subject Contract does not have an anticipated value in excess of \$17,500.00, and therefore is not 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 #10571540: COAH General Consultant, 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, 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 Glenn Kienz of the firm Weiner Lesniak, LLP 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.

Council Member Valerie Seufert moved to approve Resolution #09-153, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-153 was approved.

INTRODUCTION OF PROPOSED ORDINANCES

ORDINANCE #09-17

AN ORDINANCE AUTHORIZING EXECUTION OF A LEASE BETWEEN THE VERNON TOWNSHIP BOARD OF EDUCATION AND THE TOWNSHIP OF VERNON FOR CERTAIN UNIMPROVED REAL PROPERTY IDENTIFIED ON THE TOWNSHIP OF VERNON TAX MAP AS LOT 2, BLOCK 133, LOCATED AT THE CORNER OF COUNTY HIGHWAY 517 AND DORFRED TERRACE AND AUTHORIZING EXECUTION OF A SUBLEASE BETWEEN THE TOWNSHIP OF VERNON AND THE DOG OWNERS GATHERING SOCIETY OF VERNON TOWNSHIP, INC., FOR THE SAME PROPERTY.

WHEREAS, the Vernon Township Board of Education (the "BOE") is the owner of certain unimproved property is the owner of certain unimproved real property identified on the Township of Vernon Tax Map as Lot 2, Block 133, located at the corner of County Highway 517 and Dorfired Terrace, comprising approximately 46.1729 acres, more or less (the "Premises"); and

WHEREAS, pursuant to N.J.S.A. 18A:20-8.2(a), the BOE has, by Resolution (Lease #Xb-4,11), passed on May 26, 2009, determined that the Premises is not necessary for school purposes at the current time but may, at some future time, again be required for school purposes; and

WHEREAS, the BOE wishes to lease the Premises to the Township of Vernon, New Jersey (the "Township"), for the sole and express purpose of having the Township sublet the Premises to the Dog Owners Gathering Society of Vernon Township, Inc. ("DOGS"), a tax-exempt organization pursuant to Section 501(c) (3) of the Internal Revenue Code of 1986, as amended, to be used as a free, open-to-the-public, off-leash dog park operated and maintained by DOGS, pursuant to the terms and conditions of the lease and sublease attached and Exhibit A and Exhibit B to this Ordinance; and

WHEREAS, there are numerous dogs and dog owners residing within the Township, which has issued 4,875 dog licenses to date in 2009; and

WHEREAS, the Township Council is of the opinion that having a free, open-to-the-public, off-leash dog park will be beneficial to the residents of Vernon in that dog parks, in general, promote responsible pet ownership; give dogs a place to exercise safely, thus reducing barking and other problem behaviors; provide seniors and disabled owners with an accessible place to exercise their companions; and provide an area for community-building socializing; and

WHEREAS, the Township shall in no event be responsible for the operation and/or maintenance of the dog park created pursuant to the lease and sublease authorized by this Ordinance, including, but not limited to, any costs associated therewith.

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

Section 1. The Mayor and Township Manager are hereby authorized to enter into a lease agreement with the Vernon Township Board of Education substantially in the form of Exhibit A as attached hereto for the sole and express purpose of having the Township sublet the Premises as defined in Exhibit A to the Dog Owners Gathering Society of Vernon Township, Inc. ("D.O.G.S. of Vernon"), a tax-exempt organization pursuant to Section 501(c) (3) of the Internal Revenue Code of 1986, as amended, to be used as a free, open-to-the-public, off-leash dog park operated and maintained by D.O.G.S. of Vernon, pursuant to the terms and conditions of the lease and sublease attached and Exhibit A and Exhibit B to this Ordinance.

Section 2. The Mayor and Township Manager are hereby authorized to enter into a sublease agreement with the Dog Owners Gathering Society of Vernon Township, Inc. ("DOGS"), a tax-exempt organization pursuant to Section 501(c) (3) of the Internal Revenue Code of 1986, as amended substantially in the form of Exhibit B

as attached hereto for the sole and express purpose of having the Township sublet the Premises as defined in Exhibit A to DOGS, to be used as a free, open-to-the-public, off-leash dog park operated, maintained, and wholly paid for by DOGS, pursuant to the terms and conditions of the lease and sublease attached and Exhibit A and Exhibit B to this Ordinance.

Section 3. Township Ordinance §148-26(C), requiring a leash for any dog in a public place within the Township, shall not apply to any dog located during normal operation hours within the confines of the dog park created by DOGS pursuant to the lease and sublease authorized by this Ordinance and attached hereto as Exhibits A and B.

Section 4. All prior ordinances or resolutions or portions thereof the Township Council of the Township of Vernon inconsistent herewith be and are hereby repealed.

Section 5. This ordinance shall become effective upon adoption and publication as required by law.

Section 6. If any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

Mayor Austin Carew read Ordinance #09-17 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #09-17 upon introduction, seconded by Council Member Richard Carson.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-17 was approved as introduced. Public Hearing to be scheduled for October 8, 2009.

ORDINANCE #09-18

AN ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEARS OF 2008 AND 2009

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

Section 1. Pursuant to the provisions of N.J.S.A. 40A:9-165, the Township of Vernon's shall pay the Administrative Group of its municipal employees for services rendered as shown below. Figures shown represent annual salary, unless otherwise indicated.

<u>Title</u>	<u>2007 Current Salary</u>	<u>2008</u>	<u>2009</u>
Administrative Clerk	46,940	48,583	50,283
Administrative Clerk		30,000	31,050
Animal Control Officer	53,742	55,623	57,570
Assistant Animal Control Officer (Part Time) per hour rate	15.49	16.03	16.59
Assistant Public Works Supervisor	67,132	69,482	71,913
Assistant Public Works Supervisor	58,927	60,989	63,124
Assistant Public Works Supervisor	67,132	69,482	71,913
Building Sub-code Official	56,125	58,089	60,123
Chief Financial Officer			90,000
Clerk Typist (Part Time) per hour rate	14.41	14.91	15.44
Construction Code Official	75,361	77,999	80,729
Deputy Clerk	46,890	48,531	50,230

Deputy Manager			70,000
Director of Community Affairs	56,501	58,479	60,525
Director of Planning and Development**	98,077	101,510	105,063
Electrical Sub-code Official	56,788	58,776	60,833
Fire Official (Part Time) per hour rate	24.65	25.51	26.41
Fire Safety Specialist (Part Time) per hour	22.72	23.52	24.34
Municipal Clerk		70,000	72,450
Municipal Court Administrator	66,940	69,283	71,708
Municipal Surveyor**	74,624	77,236	79,939
Personnel Director**	66,334	68,656	71,059
Plumbing Sub-code Official	61,950	64,118	66,362
Police Chief	112,729	116,675	120,758
Principal Employee Benefits Clerk	41,300	42,746	44,242
Principal Fiscal Analyst	41,300	42,746	44,242
Public Works Director	91,000	94,185	97,481
Public Works Supervisor	68,730	71,136	73,625
Recreation Aide (Part Time) per hour rate	12.51	12.95	13.40
Senior Account Clerk (Part Time) per hour	22.12	22.89	23.70
Senior Stock Clerk	61,600	63,755	65,987
Supervising Mechanic	58,927	60,989	63,124
Tax Assessor	60,825	62,954	65,157
Township Manager*	133,000	137,655	142,473
Zoning Officer/Code Enforcement Officer	60,185	62,291	64,472

NOTES:

*Rate established by the 2007 Vernon/Carlton Employment Contract.

**Salary increase pending verification by professional salary survey.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall take effect after publication and passage according to law.

Mayor Carew read Ordinance #09-18 by title only.

Council Member Richard Carson made a motion to approve Ordinance #09-18 as introduced, seconded by Council Member Gary Grey.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-18 was approved as introduced. Public Hearing to be scheduled for October 8, 2009.

ORDINANCE #09-19

AN ORDINANCE REGARDING HEALTH BENEFITS UPON RETIREMENT FROM TOWNSHIP EMPLOYMENT FOR FULL-TIME EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex, New Jersey, that for all full-time Township employees hired on or after January 1, 2010, and who are not subject to a collective bargaining agreement between the Township and a recognized collective bargaining unit, and who retire within the meaning of the New Jersey Public Employees' Retirement System and/or the New Jersey Police and Fireman's Retirement System:

Section 1. The employee will continue to be eligible to receive single health insurance coverage under the Township's health insurance plan upon contribution to the same amount of premium percentage as that contributed by current non-union

Township employees, and, further, subject to the same co-pay amounts as that paid by current non-union Township employees. Any insurance obtained under this section is subject to changes in, benefits provided, premium contribution and/or co-pay amounts.

Section 2. The Township will provide coverage for the employee's spouse, same-sex partner and/or dependents upon contribution by the employee of the then-current Township group premium rate for insurance and applicable co-pay amounts until the employee is age 65 and to age 25 for dependents, at which times coverage for the spouse, same-sex partner and/or dependents shall cease. Any insurance obtained under this section is subject to changes in benefits provided, premium contribution and/or co-pay amounts.

Section 3. Upon reaching age 65 and/or qualification for Medicare, the Township's health insurance coverage for the employee will be to provide the employee with single coverage Basic AARP Medicare Supplemental Insurance until the death of the employee. The Township will not provide any other health insurance benefits.

Section 4. All prior ordinances or resolutions or portions thereof the Township Council of the Township of Vernon inconsistent herewith be and are hereby repealed.

Section 5. This ordinance shall become effective upon adoption and publication as required by law.

Section 6. If any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

Mayor Carew read Ordinance #09-19 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #09-19 as introduced, seconded by Council Member Richard Carson.

Township Manager Melinda Carlton was asked by the Council to give a brief synopsis of this ordinance.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-19 was approved as introduced. Public Hearing to be scheduled for October 8, 2009.

SECOND READING, PUBLIC HEARING ON 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 an 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 Carew read Ordinance #09-14 by title only. First reading was held on July 23, 2009.

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

Mayor Carew opened the meeting for Public Hearing on this ordinance. There being no comments from the Public, the Mayor closed the Public Hearing.

Mayor Carew gave credit to the Historical Society for this historic designation.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-14 was approved.

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. First reading was held on August 13, 2009.

Council Member Valerie Seufert made a motion to approve Ordinance #09-15, seconded by Council Member Gary Grey.

Mayor Carew opened the meeting for Public Hearing on this ordinance. There being no comments from the public, the Mayor closed the Public Hearing.

Mayor Carew commented this would save the Township money instead of the usual method of paving.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-15 was approved.

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. First reading was held on August 13, 2009.

Council Member Richard Carson made a motion to approve Ordinance #09-16, seconded by Council Member Valerie Seufert.

Mayor Carew opened the meeting for Public Hearing on this ordinance. There being no comments from the Public, the Mayor closed the Public Hearing.

Mayor Carew stated the Director of the Department of Public Works gave the Council a description of the drainage area improvements in the Township.

Council Member Richard Carson stated that Ordinances #15 and #16 are paramount safety issues in the Township.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-16 was approved.

COUNCIL BUSINESS

Council Member Valerie Seufert requested the Finance Department to detail the actual dollar amounts expended on all Bill List Resolutions.

Council Member Valerie Seufert questioned how much money is outstanding from prior years regarding reimbursements mandated under the Kelly Bill (Municipal Services Reimbursement Act) to qualified private communities in the township and also questioned the current balance of the account. Mayor Austin Carew commented that the Finance Committee was formed to assist the Council with understanding this information.

Council Member Gary Grey commented on the hazardous design and construction of Old Homestead Road in Highland Lakes. Township Manager Melinda Carlton placed the issue under executive session for discussion.

Mayor Austin Carew asked if the Council has given any thought to creating an Ethics Board. All Council Members had not yet reviewed the material and suggested discussing the topic at a later date. Attorney Mike Witt cautioned the Council to fully review the packet of information he forwarded to them and to fully understand the statute before making any decisions.

Mayor Austin Carew commented that someone from the Environmental Commission should attend the Shade Tree Seminar on October 24th because of Community Forestry Grant funds which may be available from the state and the potential opportunity to plant shade trees throughout the Town Center.

Mayor Austin Carew commented on an opening on the Land Use Board. Letters of interest have been received from residents Craig Benda and Sally Rinker. Attorney Mike Witt advised that a resolution should be drafted for Council appointment to the Land Use Board. Township Manager Melinda Carlton stated she will advertise the opening on the Township website and reach out to Dr. Langer, who she stated, also showed an interest.

Mayor Austin Carew commented on waiving all municipal fees for non-profit organizations in the Township. Attorney Mike Witt explained that some fees are statutory and cannot be waived by local government. The issue will be further discussed at the September 24, 2009 Council Meeting.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 11:17 p.m. Mayor Austin Carew asked for a motion to go into Executive Session. 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 Deputy 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. Continuation of the 6:00 p.m. Executive Session discussions.
 - b. Attorney-Client/Potential Litigation matter regarding Old Homestead Road, Highland Lakes. No anticipated date of release of Executive Session Minutes.
 - c. Personnel matter regarding appointment of a Tax Collector. No anticipated release of Executive Session Minutes.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 11:19 p.m.

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

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 12:36 a.m.

Respectfully submitted,

Angie Bates
Andrea Bates
Deputy Clerk

Minutes approved: October 8, 2009