

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

**October 8, 2009**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Thursday, October 8, 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 Valerie Seufert made a motion to close the meeting to the public and enter into Executive Session. Motion seconded by Council Member Richard Carson with all members voting in favor.

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
  - a. Contract/Attorney-Client matter regarding the status update of the Town Center Sewer System Project. No anticipated date of release of Executive Session Minutes.
  - b. Real Estate/Attorney-Client matter regarding the proposed relocation of the DPW facility. No anticipated date of release of Executive Session Minutes.
  - c. Real Estate/Contract matter regarding an update on the Redevelopment projects. No anticipated date of release of Executive Session Minutes.
  - d. Contract/Attorney-Client matter regarding Main Street Associates. No anticipated date of release of Executive Session Minutes.
  - d. Attorney-Client matter regarding Old Homestead Road, Highland Lakes. No anticipated date 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 7:02 p.m.

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The meeting was reopened to the public at 7:08 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.

### **CHANGES TO THE AGENDA**

Mayor Austin Carew advised the Council and audience of the following changes to the Council Meeting Agenda:

1. Minor typographical changes made to Ordinance #09-18.
2. Added Resolution #09-170: Highland Lakes Association Municipal Services Act 2008 Agreement.
3. Added Resolution #09-171: Highland Lakes Association Municipal Services Act 2008 Agreement.
4. Added Introduction of Ordinance #09-24: An Ordinance Allowing Certain Temporary Commercial Signage to be displayed by Businesses Located in Commercial Zoning Districts between Tuesday November 22, 2009 through January 1, 2009.

### **PUBLIC COMMENTS**

Mayor Carew opened the meeting for Public Comment.

*Greg Carter, Vernon Fire Department*, asked if the Council received the Vernon Fire Department's letter requesting a zoning waiver for their annual Christmas Tree and Flower Sale.

*Thomas McClachrie, Vernon Taxpayer's Association*, questioned Items #4 and #6 in the Comments and Recommendation section of the 2008 Annual Audit Report. Mr. McClachrie also commented on the auditor's similar findings and recommendations in the Forensic Audit Report and the 2008 Annual Audit Report.

*Dorothy LeFebvre, Pleasant Valley Lake*, commented that conclusions asserting mismanagement or negligence by Township officials concerning the Ameripay payroll matter and the mishandling of Third-Party Payroll Procurement Guidelines should not be summarily made. Ms. LeFebvre further commented that the many good things accomplished by Township officials should also be mentioned, and are often not.

*Jessi Paladini, Sunset Ridge*, commented on additional documents she received under the Open Public Records Act (OPRA) that confirm facts regarding the mismanagement of the Ameripay matter by Township officials. Ms. Paladini commented that several Township officials knew yet continued to engage Ameripay for Township payroll services regardless of the repeated warnings from the New Jersey League of Municipalities for public agencies to terminate services with Ameripay.

*Mary Ellen Vichiconti, Nutley Avenue*, commented that the form of government should be changed and greater accountability of the performance of Township officials must be established. Ms. Vichiconti questioned if the Township Council is considering her suggestion to create a Township Board of Ethics.

*Robert Oliver, Sand Hill Road, Vernon*, questioned how many signature stamps are currently in use by the Township and stated misuse of signature stamps breach internal financial controls and cautioned signature stamps should not be used if possible.

*Manika Bazzone, Vernon resident*, reminded officials of the Oath of Office they take before taking public office and commented that all public officials pledge to uphold the Constitution of the United States and the Constitution of the State of New Jersey. Ms. Bezzone then read a statement regarding the rights of citizens under the Constitution of the United States.

*Gary Martinsen, Vernon resident,* opposed the appropriation of any expenditures detailed in Ordinance #09-20. Mr. Martinsen also commented that small businesses are currently collaborating on a town-wide “Home for the Holidays” shopping promotion for the holiday season.

*Pat Rizzuto, Glenwood resident,* questioned the amount of money cancelled from past bond ordinances and further questioned whether any of the expenditures detailed in Ordinance #09-20 are necessary during this historic period that is termed the “Greatest Recession” and urged the Council to allocate all funds to the surplus account. Mr. Rizzuto further commented that the Council must exercise fiscal control and fiduciary responsibility more than ever.

*Dave LeFebvre, Pleasant Valley Lake,* commented that he would like to hear positive comments about Vernon Township.

*Ira Weiner, Vernon resident and former Mayor,* commented on the findings of the Town Center Project Forensic Audit Report. Mr. Weiner distributed a detailed letter to the Council, Manager, and Clerk, providing further history and background of the Township’s designation and development of the Town Center.

*Dan Boltz, Basswood Drive,* commented that Republicans, Democrats, and Independents should all work together for what is in the best interest of the community regardless of political party affiliation.

*Doreen Edwards, Highland Lakes, respectfully* asked the Township Council to review Ms. Paladini’s written comments and timeline regarding the Township’s handling of the Ameripay matter and further requested that the Council give their comments and thoughts to the public. Ms. Edwards also questioned the perceived absence of the checks and balances in government.

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 – Breast Cancer Awareness Month**

Mayor Carew read the Proclamation for Breast Cancer Awareness Month and announced that pink ribbons are proudly displayed throughout Vernon Township to increase public awareness that early detection of breast cancer can save lives.

### **Proclamation – Domestic Violence Awareness Month**

Deputy Mayor Valerie Seufert read the Proclamation for Domestic Violence Awareness Month and announced that purple ribbons are displayed throughout the Township to increase public awareness to the hidden tragedies of domestic violence and to promote the goal that every home in Vernon should be a safe home.

### **Presentation – Bud Jones, Principal, Nisivoccia & Company Municipal Auditors**

Mayor Austin Carew introduced Mr. Francis “Bud” Jones, Auditor for Nisivoccia and Company, and asked that he briefly report on the findings and recommendations of the three completed audits performed for the Township over the past year.

### **Evaluation of Records of the Finance Office**

Mr. Jones advised that Nisivoccia & Company was engaged by the Township to perform an evaluation of the Finance Office records as of August 2008 and September 2008. The following findings were reported:

1. The preparation of bank reconciliations should be separated from individuals involved in the purchasing and cash disbursements function. The preparation of reconciliations should be given priority over other duties as this process is a vital internal control within the Township’s internal control structure.
2. The Recreation and Animal Control collections should be remitted to the Finance office on a timely basis.
3. Upon completion of an improvement authorization, the related general ledger account should be eliminated from the rollover of accounts into the subsequent fiscal year.

## **Evaluation of Internal Controls Over the Purchasing and Cash Disbursements Function**

Mr. Jones advised that Nisivoccia & Company performed an evaluation of the internal controls over the purchasing and cash disbursements functions. The following findings were noted:

1. The Personnel Office should prepare a complete policies and procedures manual for the sections related to personnel and payroll.
2. The Township should prepare a policy and procedures manual for the purchasing and cash disbursements function for areas outside of personnel and payroll. The manual should fully describe the Township's policies and the entire process relating to purchasing and cash disbursements.
3. Sections within the policies and procedures manual should "sunset" after a period of time, thus requiring a periodic review of the sections for continued applicability with current laws, regulations, and practices.
4. The Township should review and make changes to improve segregation of duties in the following areas:
  - a. In a department where one person controls the entire cash disbursement and reconciliation process, an independent review of the bank reconciliations should be performed as a minimum procedure for a compensating control.
  - b. Signed accounts payable should not be returned to an accounts payable clerk for mailing to vendors. The mailing of checks needs to be performed by someone completely removed from the purchasing and cash disbursement function.
  - c. Preparation of bank reconciliations should be separated from individuals involved in the purchasing and cash disbursements function.
5. Signature stamps, although they do not appear to be used regularly, should be under the control of the individual whose signature appears on the stamp.
6. The Township should utilize a central purchasing function for the acquisition of goods and services.
7. Purchases to be charged to certain trust funds should follow the same requirements as most of the other Township purchases.
8. The Township should be making full use of available technology. Electronic authorizations and approvals, electronic imaging of documents, and the electronic payment of vendors are areas in which the Township should explore technology for operation efficiencies.
9. The Township should have a system of rotation of work or cross training of functions in order to minimize interruptions of the Township's operations and improve oversight and internal controls.

## **2008 Annual Audit Report**

Mr. Jones presented the following findings and recommendations regarding the Township's 2008 Annual Audit report:

1. Adequate segregation of duties be maintained with respect to the recording and treasury functions.
2. All State contracts and co-op contracts utilized by the Township be formally approved in the minutes.
3. All means provided by statute be utilized to liquidate tax title liens and assessment items in order to set such properties back on a taxpaying basis.
4. A dedication by rider be obtained for all applicable Trust Fund reserves from the State of New Jersey according to New Jersey Statute 40A:4-39.
5. The Township obtain surety bond coverage for the Interim Chief Financial Officer and increase the actual surety bond coverage for the Tax Collector to adequately cover the statutorily required amount.
6. Signature stamps be under the control of the individual whose signature appears on the stamp.
7. All purchases follow the same requirements as all other Township purchases and that a central purchasing program be implemented.
8. Monthly financial reports be submitted to the governing body for review.
9. The unallocated miscellaneous balance in the Municipal Court General Account be investigated and turned over to the appropriate agency of the Township, as applicable.
10. A detailed cash ledger be maintained by the Police Department and the Clerk's Office and that all fees collected by the departments be posted into the detailed

cash ledger. It is also recommended that the cash ledger be reconciled to the general ledger maintained by the Finance office on a monthly basis.

11. All funds collected by the Police Department be turned over to the Finance Office on a daily basis and be deposited within forty eight hours of receipt.
12. Funds held in the Reserve for Public Assistance in the Current Fund be investigated and remitted to the property entity.
13. Older grant reserves be investigated to ensure that they are valid reserves of the Township or if they need to be cancelled.

Mr. Jones commented that the Township has room for improvement in the management of fiscal affairs and internal controls. Mr. Jones further recommended that additional resources should be directed to the Finance operations to properly address the necessary internal financial controls.

Mayor Austin Carew thanked Mr. Jones for his very informative and well-prepared presentation and stated the Township Council will further review the audit reports. Mayor Carew invited the Council to ask any questions they may have.

Council Member Valerie Seufert questioned why the Annual Audit Report was received so late in the year. Mr. Jones responded the annual audit draft was completed in April/May 2009 and did not know why the Audit Report was delayed.

Council Member Richard Carson made an official request from Mr. Bud Jones seeking a summary of the total number of contracts executed and contract amounts that were not authorized by Council approval according to the 2008 Annual Audit Report.

#### **TOWNSHIP MANAGER'S REPORT**

##### **Manager's Comments Responding to Issues Raised by the Public at the September 24, 2009 Council Meeting**

- a. The Township Manager reported that the recent cancellation of capital ordinances was done to prevent having to issue new bonds for capital projects.
- b. The Township Manager commented that all Fire Companies have the appropriate equipment needed.
- c. The Township Manager advised that she works under the Council and within the provisions of the Faulkner Act.
- d. The Township Manager commented that the additional \$91,000 paid to Ameripay was paid to a federally-secured entity and it was not anticipated that the monies would be lost.
- e. The Township Manager further commented that it became a difficult process for the impacted public agencies to engage in a new payroll provider once Ameripay closed its doors, which is why a payroll agreement with ADS was immediately engaged in. The Township Attorney stated that Resolution #09-150 approving an award of contract to ADS Payroll Services will be tabled until such time the proper procurement procedures are in place.
- f. The Township Manager assured the public that Mr. Kepnes, Business Administrator for the Vernon Board of Education, did not offer to process the Township's payroll as was incorrectly reported in the local paper.
- g. The Township Manager commented on the anticipated amount due for the pension deferral payments for the years 2009 and 2010 and defended the proposed salary increase for the Administrative non-union employees for the years 2008, 2009 and 2010.

##### **Proposed Road Projects with Sussex County**

Lou Kneip, Director of Planning and Development, reported on the Maple Grange Road/CR 517 intersection improvement project, which is in the design stage. Three other road intersection projects are proposed with Sussex County and include Lake Pochung Road/ CR 517, Old Homestead Road/CR 638, and Glenwood Mountain Road/CR 656.

Mayor Austin Carew questioned Mr. Kneip on whether the County has budgeted funds for any of the proposed road intersection projects. Mr. Kneip will confirm with the County what projects are funded for 2009/2010.

### **SCUMA Recharge Facility Landscaping**

Lou Kneip reported that a landscaping plan has been received by SCUMA for the Township's review to improve the landscaping of the SCUMA Recharge Facility site.

### **Build-Out Study for COAH Evaluation**

Lou Kneip reported the Township's COAH attorney recommended that a parcel-based map be prepared for the COAH Build-Out Study. The Township Council requested that the parcel map be prepared in-house to save costs.

Jessica Caldwell, Harold E. Pellow & Associates, advised that the Township's Plan Conformance paperwork will be due December 8, 2009 and there is no requirement at this time for the Township to decide to opt in or opt out of COAH. Ms. Caldwell reassured the Council that the Township has time to review its data before a decision is made.

Ms. Caldwell also briefly explained the purpose of Resolutions #09-164, #09-165, #09-166, and #09-167, amending Highlands Council grant awards received this year.

### **McAfee Fire Department Request for Construction Permit Fee Waiver**

The Township Manager advised she does not recommend waiving the construction permit fees for the McAfee Fire Department since Township employees must dedicate much time and resources in performing the required construction inspections and reports.

The Council briefly discussed this matter and agreed that a waiver of construction permit fees would help defray costs to the Volunteer Fire Company. A motion was made by Council Member Richard Carson to waive construction permit fees. Motion seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Construction permit fees were waived for the McAfee Fire Department.

### **International Property Maintenance Codes**

The Township Manager asked if the Council would be interested in scheduling a Work Session Meeting to discuss the International Property Maintenance Code. Mayor Austin Carew suggested that a consolidated version of the information be presented at a Regular Council Meeting.

### **Forensic Accounting Investigation Recommendations**

Mr. Bill Zuckerman, the Township's Chief Finance Officer, briefly reported on the Corrective Action Plan his office prepared for the Forensic Audit Report. Mr. Zuckerman advised that his office prepared a Corrective Action Report for items "c", "d", "e", "f", "g", and "h" in the Forensic Audit Report and noted that items "a" and "b" concerning the anomalies for the mentioned land purchases and the planning process protocols for long-term planning goals are not addressed by the Finance Department. Mr. Zuckerman suggested another Township department should prepare a Corrective Action Plan to address items "a" and "b"

### **2008 Annual Audit Corrective Action Plan**

Bill Zuckerman, Chief Finance Officer, reported he is preparing the Corrective Action Plan required for the 2008 Annual Audit and anticipates its' completion for Council review at the November 12, 2009 Council Meeting.

### **Bruno & Associates Grant Writer Status Report**

The Township Manager reported that the grant writer has submitted several grants this year; however, to date the Township has not been awarded grant funding for any of the grant project applications submitted.

Mayor Austin Carew called for a short recess at 9:46 p.m.

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Mayor Austin Carew reconvened the meeting at 10:04 p.m. with all members present as before.

**APPROVAL OF MINUTES**

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

Council Member Gary Gray made a motion to approve the July 9, 2009 Executive Session Minutes, seconded by Mayor Austin Carew.

A roll call vote was taken:

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

**Approval of the July 23, 2009 Executive Session Minutes**

Council Member Richard Carson made a motion to approve the July 23, 2009 Executive Session Minutes, seconded by Mayor Austin Carew.

A roll call vote was taken:

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

**Approval of the August 13, 2009 Executive Session Minutes**

Council Member Richard Carson made a motion to approve the August 13, 2009 Executive Session Minutes, seconded by Mayor Austin Carew.

A roll call vote was taken:

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

**Approval of the September 10, 2009 Regular Meeting Minutes**

Council Member Valerie Seufert made a motion to approve the September 10, 2009 Regular 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

**Approval of the September 10, 2009 Executive Session Minutes**

Council Member Richard Carson made a motion to approve the September 10, 2009 Executive Session Minutes, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

**Approval of the September 14, 2009 Special Emergency Meeting Minutes**

Council Member Richard Carson made a motion to approve the September 14, 2009 Emergency Meeting Minutes, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

**CONSENT AGENDA**

**RESOLUTION #09-162**

**AUTHORIZING THE APPROVAL OF BILLS LIST**

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

Disbursement Journal	Fund	Amount	Major Vendor
#1	Current	\$ 107,091.77	Chasan (Atty)
#2	Current	\$ 820,822.06	Vernon BOE
#3	Capital	\$ 96.78	
#4	Capital	\$ 120,000.00	Money Transfer
#5	P & Z	\$ 335.45	
#6	P & Z	\$ 320.00	
#7	Grant	\$ 2,669.00	
#8	Grant	\$ 900.00	
#9	Recreation Trust	\$ 185.00	
#10	Recreation Trust	\$ 3,270.00	
#11	Outside Services	\$ 4,161.77	
#12	Outside Services	\$ 5,633.75	
#13	PVL Dam Rehab Assessment	\$ 10,000.00	Money Transfer
	Payroll	\$ 343,608.85	1 <sup>st</sup> Pay in Oct (includes 2008 retros for DPW)
	<b>TOTAL</b>	<b>\$1,419,094.43</b>	

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 #09-150**

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

Resolution #09-150 was tabled to the October 22, 2009 meeting.

**RESOLUTION #09-161**

**2008 ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the



Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon, hereby states that is has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Council Member Valerie Seufert moved to approve Resolution #09-161, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-161 was approved.

### **RESOLUTION #09-163**

**AUTHORIZING THE APPLICATION TO THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE THROUGH THE COUNTY OF SUSSEX FOR THE MUNICIPAL ALLIANCE GRANT FOR 2010 IN THE AMOUNT OF \$20,467.00**

WHEREAS, The Township of Vernon Council of the Township of Vernon, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages: and

WHEREAS, the Township of Vernon Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township of Vernon Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Vernon, County of Sussex, and State of New Jersey hereby recognizes the following:

1. The Township of Vernon Council does hereby authorize submission of an application for the Municipal Alliance grant for calendar year 2010 in the amount of \$20,467.00.

2. The Township of Vernon Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Council Member Valerie Seufert moved to approve Resolution #09-163, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-163 was approved.

## **RESOLUTION #09-164**

### **CHAPTER 159 RESOLUTION NEW JERSEY HIGHLANDS REGIONAL MASTER PLAN GRANT INITIAL ASSESSMENT FOR HIGHLANDS COUNCIL REGULATIONS AMENDING THE 2009 BUDGET AS A REVENUE AND APPROPRIATION OF \$17,512.53**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$17,512.53 from the State of New Jersey Highlands Regional Master Plan Compliance Aid Grant and wishes to amend its 2009 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$17,512.53 which is now available as a revenue from the Highlands Regional Master Plan; and

BE IT FURTHER RESOLVED that a like sum of \$17,512.53 is hereby appropriated under the caption Highlands Regional Master Plan Grant.

Council Member Gary Grey moved to approve #09-164, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-164 was approved.

## **RESOLUTION #09-165**

### **CHAPTER 159 RESOLUTION NEW JERSEY HIGHLANDS REGIONAL MASTER PLAN GRANT MODULES 1 THROUGH 7 FOR HIGHLANDS COUNCIL PLAN CONFORMANCE AMENDING THE 2009 BUDGET AS A REVENUE & APPROPRIATION OF \$35,326.27**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$35,326.27 from the State of New Jersey Highlands Regional Master Plan Compliance Aid Grant and wishes to amend its 2009 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$35,326.27 which is now available as a revenue from the Highlands Regional Master Plan; and

BE IT FURTHER RESOLVED that a like sum of \$35,326.27 is hereby appropriated under the caption Highlands Regional Master Plan Grant.

Council Member Gary Grey moved to approve Resolution #09-165, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-165 was approved.

### **RESOLUTION #09-166**

#### **AMENDING AND REVISING RESOLUTION #08-213 INCREASING THE GRANT AWARD BY \$2,637.66**

WHEREAS, the Township of Vernon authorized the consulting firm of Harold Pellow and Associates (HPA) to apply for and administer a \$15,000.00 grant from the Highlands Council for the Initial Assessment of Conformance to the Highlands Regional Master Plan via Resolution 08-213, and

WHEREAS, the Highlands Council did award the grant to Vernon Township in the amount of \$15,000.00; and

WHEREAS, HPA proceeded to complete the Planning study in accordance with the grant; and

WHEREAS, HPA encountered discrepancies with the mapping received from the Highlands Council, and sought permission from the Highlands Council to amend the mapping as necessary to ensure accuracy for proper fulfillment of the grant; and

WHEREAS, the Highlands Council agreed to the additional expense, and amended the grant award to \$17,637.66 in a letter dated May 29, 2009; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that Resolution R08-213 is hereby amended and revised so that Vernon Township can accept a total of \$17,637.66 from the Highlands Council for Initial Assessment, and that Vernon Township's contract with HPA is increased accordingly to \$17,637.66 for execution of said grant.

Council Member Valerie Seufert moved to approve Resolution #09-166, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-166 was approved.

**RESOLUTION #09-167**

**AMENDING AND REVISING RESOLUTION #09-21  
INCREASING GRANT AWARD NOT TO EXCEED \$100,000**

WHEREAS, the Township of Vernon authorized the consulting firm of Harold Pellow and Associates (HPA) to apply for and administer a \$50,000.00 grant from the Highlands Council to analyze Plan Conformance to the Highlands Regional Master Plan via Resolution 09-21, and

WHEREAS, the Highlands Council did award the grant to Vernon Township in the base amount of \$50,000.00, and not to exceed amount of \$100,000.00; and

WHEREAS, HPA proceeded to complete the Planning study in accordance with the grant; and

WHEREAS, HPA encountered discrepancies with the parcel mapping received from the Highlands Council, requiring substantial modification to the geodatabase; and

WHEREAS, Vernon Township sought permission to increase the grant award in a letter dated March 9, 2009, so as to correct the mapping and ensure the accuracy of grant deliverables; and

WHEREAS, the Highlands Council Grant Administrator has advised in writing that Vernon Township is entitled to an amount not to exceed \$100,000.00 per Highlands Council Resolution 2008-73 and per the grant award, provided proper invoices are submitted justifying the work performed; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that Resolution R09-21 is hereby amended and revised so that Vernon Township can accept grant monies up to but not exceeding \$100,000.00 from the Highlands Council for Plan Conformance, and that the Vernon Township's contract with HPA is increased accordingly to an amount not to exceed \$100,000.00 for execution of said grant.

Council Member Valerie Seufert moved to approve Resolution #09-167, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-167 was approved.

**RESOLUTION #09-168**

**DECLINING TO OPT IN TO THE HIGHLANDS REGIONAL MASTER PLAN FOR  
PLANNING AREAS**

Resolution #09-168 was removed from the Agenda.

**RESOLUTION #09-169**

**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, July 23, 2009, and August 13, 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.

Mayor Austin Carew moved to approve Resolution #09-169, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-169 was approved.

### **RESOLUTION #09-170**

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO SIGN A REIMBURSEMENT AGREEMENT FOR THE TOTAL AMOUNT OF \$256,812.75 FOR 2007 WITH HIGHLAND LAKES COUNTRY CLUB & COMMUNITY ASSOCIATION 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, and all other services 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 Highland Lakes Country Club & Community Association for the Year 2007; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for the total amount of \$256,812.75 for 2007; and

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

Attorney Mike Witt explained that in the third "Whereas" clause, the resolution should be amended to read, "said services include the removal of snow and ice, and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3."

Council Member Gary Grey moved to amend the third "Whereas" clause in Resolution #09-170 to read, "said services include the removal of snow and ice, and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3." Seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-170 was amended to amend the third "Whereas" clause in Resolution #09-170 to read, "said services include the removal of snow and ice, and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3."

Council Member Gary Grey moved to approve Resolution #09-170 as amended. Seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-170 was approved as amended.

**RESOLUTION #09-171**

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO SIGN A REIMBURSEMENT AGREEMENT FOR THE FOR 2008 WITH HIGHLAND LAKES COUNTRY CLUB & COMMUNITY ASSOCIATION 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, and all other services 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 an Agreement between the Township of Vernon and Highland Lakes Country Club & Community Association for the Year 2008, a copy of which shall be kept on file with the Township Clerk's Office with a copy of this Resolution; and

BE IT FURTHER RESOLVED, that upon presentation and review of all invoices for 2008 from Highland Lakes Country Club & Association, certification of available funding by the Township Chief Financial Officer and Council approval of payment by further resolution, the Township will process reimbursement due; and

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

Attorney Mike Witt explained that in the third "Whereas" clause, the resolution should be amended to read, "WHEREAS, said services include the removal of snow and ice, and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3."

Council Member Gary Grey moved to amend the third "Whereas" clause in Resolution #09-171 to read , "WHEREAS, said services include the removal of snow and ice, and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3." Seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-171 was amended to amend the third "Whereas" clause in Resolution #09-171 to read , "WHEREAS, said services include the removal of snow and ice, and all other services provided by the Township pursuant to N.J.S.A. 40:67-23.3".

Council Member Valerie Seufert moved to approve Resolution #09-171 as amended, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-171 was approved as amended.

**FIRST READING ON PROPOSED ORDINANCES**

**ORDINANCE #09-20**

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$665,233 THEREFOR FROM THE CAPITAL SURPLUS FUND OF THE TOWNSHIP

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

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$665,233 from moneys available in the Capital Surplus of the Township.

Section 2. The improvements hereby authorized and the several purposes for which said appropriation is made are as follows: the acquisition of new and additional equipment including Resurfacing Lake Walkkill Road , plows and sanders for the Department of Public Works, Municipal Building Renovations, various Engineering projects, Police purchases, Recreation projects and computer equipment and software for various Township Departments; including, for all of the foregoing, all necessary and appurtenant equipment, accessories, attachments, work and materials, and all engineering, legal, advertising and other costs associated therewith, and all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final adoption, as provided by law.

**Ordinance #09-20  
Capital Improvement Program**

<b>Project #</b>	<b>Project Title</b>	<b>Category</b>	<b>Amount</b>
09-01	Phase 1 Resurface Lake Walkkill Rd	Construction	200,000
09-02	Hopper Sanders	Equipment	5,500
09-03	Park Utility Vehicle	Equipment	32,000
09-04	Sign Post Puller	Equipment	5,000
09-05	Municipal Building Renovation	Design	80,000
09-06	Eric Trail Safety Improvements	Construction	6,000
09-07	Rte 517 & Maple Grange Intersection Improvement	Equipment	10,000
		Right of Way	25,000
09-08	Appalachian Trail Parking Lot	Construction	35,000
		Contingency	5,000
	McDermott Parking Lot Improvements	Construction	42,000
09-09			
09-10	Town Center Signage	Construction	8,000
09-11	Bike Path-Phase 3	Construction	80,000
		Contingency	8,000

09-12	Old Homestead Rd Realignment	Engineering	15,000
		Right of Way	25,000
09-13	File Cabinets	Equipment	10,680
09-14	Time & Attendance	Equipment	14,000
	Police		
09-15	GE Radio Repeater	Equipment	15,183
09-16	Stalker Radar Units	Equipment	7,900
09-17	Mobile Radios	Equipment	5,970
	Recreation		
09-18	Emergency Lighting for sheds	Equipment	5,000
09-19	Fencing Maple Grange Park	Equipment	10,000
09-20	Bleachers	Equipment	15,000
	Total		665,233

Mayor Austin Carew read Ordinance #09-20 by title.

Township Manager Melinda Carlton advised the Council that passing this ordinance does not mean all monies will be spent.

There was Council discussion.

Council Member Richard Carson commented that he would support passage of this ordinance provided the Council first approves any and all appropriations prior to monies being encumbered and spent.

Council Member Valerie Seufert stated she was opposed to the passage of this ordinance and commented that all funds should be directed to the surplus account.

Attorney Mike Witt clarified that the third paragraph in the proposed ordinance should state, "as further identified in Appendix A attached to this Ordinance," and to label Appendix A.

Council Member Gary Grey made a motion to amend Ordinance #09-20 upon introduction to state in the third paragraph, "as further identified in Appendix A attached to this Ordinance" and to label Appendix "A" Seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: Valerie Seufert

Ordinance #09-20 was amended upon introduction to state in the third paragraph, "as further identified in Appendix A to this Ordinance," and to label the Appendix as Appendix "A".

Council Member Gary Grey made a motion to approve Ordinance #09-20 upon introduction, as amended. Seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: Valerie Seufert

Ordinance #09-20 was approved as amended. The Public Hearing scheduled for November 12, 2009.

### **ORDINANCE #09-21**

AN ORDINANCE FIXING THE SALARIES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY FOR THE YEAR 2010



Ordinance #09-21 was removed from the Agenda.

## **ORDINANCE # 09-22**

### **AN ORDINANCE REGARDING PLACEMENT OF MAILBOXES AND BASKETBALL EQUIPMENT ON TOWNSHIP-OWNED RIGHTS-OF-WAY**

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

Section 1. The intent of this Ordinance is to require that all mailboxes placed upon Township-owned rights-of-way be placed in such a manner that allows for efficient snow and/or ice removal from and maintenance of the rights-of-way. It is the further intent of this Ordinance to require that all basketball equipment, including, but not limited to, posts, backboards and rims, are located a safe distance from Township-owned roads and rights-of-way so as to allow for the efficient snow and/or ice removal from and maintenance of the rights-of-way.

Section 2. Any mailbox placed upon a Township-owned right-of-way shall be installed at a height of 41 to 45 inches from the road surface to inside floor of the mailbox or point of mail entry (locked designs) and shall be set back at least 8 inches from front face of curb or road edge to the mailbox door.

Section 3. For any mailbox located in a Township-owned right-of-way, the Township of Vernon will make repairs to or replace a mailboxes and/or post damaged due to snow and/or ice removal and/or maintenance operations only under the following circumstances:

- A. Physical damage is caused by actual contact with Township-owned and operated equipment, which damage and contact can be proven and documented by the owner;
- B. The mailbox and/or post is of standard design and placed in conformance with this Ordinance, and
- C. The existing installation, mailbox, and mailbox post were in good condition and repair prior to the alleged event causing damage.

Nothing in this Section or in this Ordinance shall be construed in any way to waive any or all defenses available to the Township under Title 59 of the New Jersey Statutes.

Section 4. The Township shall not be liable and shall not repair or replace mailboxes or posts located in Township rights-of-way where the Township determines that:

- A. The mailbox was not of standard design and/or not placed in conformance with this Ordinance; or
- B. The mailbox, post, and installation were not in good condition and repair; or
- C. The mailbox and/or post was damaged due to plowed snow and/or ice.

Section 5. In the event that actual physical contact with Township-owned equipment damages a mailbox installed in accordance with Ordinance, the Township will install a new, green-treated post and/or standard black mailbox. If the property owner desires a non-standard mailbox, the Township will reimburse the property owner up to \$50 towards replacement costs. If any damage exceeds \$50, the property owner shall be responsible for any costs above the \$50 approved reimbursement by the Township for materials only; no reimbursement for labor shall be given.

Section 6. The Township shall have no obligation to ensure that during snow and/or ice removal operations, snow and/or ice is plowed in such a manner as to permit access to any mailbox. It shall be the obligation of the owner of such mailbox to remove any necessary snow and/or ice to permit postal service access to the mailbox.

Section 7. In no event shall the Township of Vernon be responsible for damage to a mailbox when such damage is caused by snow or ice thrown during snow and/or ice removal operations.

Section 8. All basketball equipment, including, but not limited to, posts, backboards and rims, shall be located at least 10 feet from the edge of a Township-owned

roadway. In no event shall any basketball equipment be located in a Township-owned right of way. A property owner shall be responsible for any damage incurred to Township equipment due to the failure to locate any basketball equipment in accordance with this ordinance.

Section 9. This Ordinance shall be effective after adoption by the Town Council and publication and/or posting as provided by law.

Section 10. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Section 11. If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 12. This Ordinance shall take effect upon notice, publication, and adoption as required by law.

Mayor Austin Carew read Ordinance #09-22 by title.

Council Member Valerie Seufert made a motion to approve Ordinance #09-22 upon introduction, 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 #09-22 was approved as introduced. Public Hearing scheduled for November 12, 2009.

#### **ORDINANCE #09-24**

AN ORDINANCE ALLOWING CERTAIN TEMPORARY COMMERCIAL SIGNAGE TO BE DISPLAYED BY BUSINESSES LOCATED IN COMMERCIAL ZONING DISTRICTS NOVEMBER 22, 2009 THROUGH JANUARY 19, 2010

WHEREAS, the national and local economy persists in a state of recession; and

WHEREAS, local merchants are experiencing the effects of the recessed economy and have reported the lowest sales figures in the past 10 years; and

WHEREAS, local merchants are projecting the same or a weaker sales outlook for the upcoming holiday season; and

WHEREAS, in an effort to promote the local economy, the Township Council desires to temporarily allow local business located in commercial zoning districts to display additional commercial sign advertising, subject to certain restrictions, during the Thanksgiving to New Year's Day holiday shopping season, running from Tuesday, November 22, 2009 through January 1, 2010.

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

Section 1. This ordinance shall be in effect only during on Tuesday, November 22, 2009, through January 19, 2010 (the "Effective Period").

Section 2. The provisions of Township Code Section 330-18(G) notwithstanding, during the Effective Period, businesses located in Vernon Township in C-1, C-2, C-3, CR and TC (and the five TC sub-districts) zoning districts shall be allowed to display one (1) item of temporary commercial signage, subject to the following restrictions:

- A. Allowable temporary signage items shall be limited to a sandwich sign, single post podium sign, or a banner, as further defined in this Ordinance.
- B. An allowable sandwich is defined as an "A" frame style board of no greater area dimensions than twenty-eight inches wide by thirty-six inches high (28" W x 36"

- H) and shall have interchangeable lettering or be professionally printed and shall be securely anchored.
- C. An single post podium sign is defined as sign of no greater area dimensions than twenty-eight inches wide by thirty-six inches high (28" W x 36" H) attached to a single center support post and shall have interchangeable lettering or be professionally printed and shall be securely anchored.
  - D. An allowable banner is defined as a banner of no greater area dimensions of three feet wide by six feet in length (3' W x 6' L). All such banners shall be professionally printed and shall be securely attached to the face of the business premises.
  - E. Allowable temporary signage may be double sided to allow for viewing from two directions.
  - F. Allowable temporary signage may be displayed only during such times as the business displaying such signage is open to the public and, further, shall be removed from view and use during non-business hours.
  - G. Allowable temporary signage shall not be placed in a manner that may or does obstruct vision so as to present a safety hazard.
  - H. Allowable temporary signage shall not be illuminated.
  - I. A no-fee permit shall be required for each allowable temporary sign under this Ordinance. Such permits shall be obtained by application to the Township Zoning Officer. A rendition of the sign shall be submitted at the time of permit application.
  - J. Temporary Signage deemed inappropriate and/or inconsistent with this Ordinance by the Township Zoning Officer or Township Land Use Board may be subject to modification and/or removal by the Township.
  - K. All temporary allowable signage shall comply in all aspects with all other Township ordinance provisions related to commercial signage to the extent that such other Township ordinance provisions are not inconsistent with this Ordinance.

Section 3. All Township ordinances or parts or ordinances inconsistent with this Ordinance are shall not be enforced with regard to allowable signage used during the Effective Period.

Section 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon notice, publication, and adoption as required by law.

Mayor Austin Carew read Ordinance #09-24 in full and commented that introduction of this Ordinance does not circumvent the work and efforts of the Sign Ordinance Review Committee in any way and that provisions contained in this ordinance may be incorporated in a future sign ordinance.

Council Member Richard Carson made a motion to amend the effective date to January 19, 2010, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-24 was amended to change the effective date to January 19, 2010.

Council Member Richard Carson made a motion to approve Ordinance #09-22 as amended upon introduction, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-24 was approved as amended. Public Hearing scheduled for November 12, 2009.

**SECOND READING, PUBLIC HEARING ON 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 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 and maintained by DOGS, at its sole expense, pursuant to the terms and

conditions of the lease and sublease attached as 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. This ordinance shall become effective upon adoption and publication as required by law.

Section 5. 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 #09-17 by title and stated first reading was held on September 10, 2009.

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

*Gary Martinsen, Vernon resident,* commented that he was concerned about the use of Township professionals and Township employee time for the Dog Park project and question whether Section 4 of the proposed ordinance is compatible with out-of-town dog license requirements. Mr. Martinsen also questioned if the Township may be too involved with the project jeopardizing the 501(c) 3 status of the D.O.G.S. organization.

*Dr. Mike Ramieri, Veterinarian for the Vernon Animal Clinic,* spoke in favor of the Dog Park.

*Leslie Weizner, Sussex County Business Owner,* gave her support for the off leash Dog Park.

*Mary Bradley, Vernon resident,* thanked Township officials for their support of the Dog Park project.

*Phyllis MacPeck, Vernon resident, and former Animal Control employee,* commented that the Animal Control Department is not adequately staffed to handle current needs and requested that the Township allocate additional resources.

*Doreen Edwards, Vernon resident,* questioned if dogs of a vicious nature or dogs that are not vaccinated will be allowed to use the Dog Park.

The Mayor closed the Public Hearing.

Township Attorney Mike Witt responded that the Township will not be responsible for the operation or maintenance of the Dog Park, and that Section 4 can be taken out even though it is not inconsistent with other Ordinances.

There was additional Council discussion.

Mayor Carew asked that the Ordinance be amended to remove Section 4 in its entirety and to replace the phrase "wholly paid," with "at its sole expense".

Council Member Richard Carson made a motion to amend Ordinance #09-17 upon introduction by removing Section 4 in its entirety and replacing the phrase "wholly paid," with "at its sole expense". Seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-17 was amended to remove Section 4 in its entirety and replace the phrase "wholly paid," with "at its sole expense".

Council Member Valerie Seufert made a motion to approve Ordinance #09-17 upon introduction 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  
 Ordinance #09-17 was approved as amended.

**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)	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)	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)	24.65	25.51	26.41
Fire Safety Specialist (Part Time)	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)	12.51	12.95	13.40
Senior Account Clerk (Part Time)	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 and stated first reading was held on September 10, 2009.

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

*Thomas McClachrie, Vernon Taxpayers Association*, questioned why the administrative employees will receive a 3.5% salary increase at a time when the economy is at a low.

*Robert Oliver, Sand Hill Road, Vernon*, questioned why the salary increase is 3.5% across the board regardless of performance.

*Gary Martinsen, Vernon resident*, commented that private sector salaries have been frozen and questioned why 3.5% salary increases are given to public employees.

*Jessi Paladini, Vernon resident*, questioned why the Ordinance was changed, removing salary increases for 2010.

*Christine Davy and Adam Boltz, former Vernon Township Health Department employees*, advised that the Salary Ordinance does not include former Vernon Township Health Department employees who were employed until October 1, 2008. Ms. Davy advised three former Vernon Township Health Department employees transferred to the County Health Department would be affected by this Salary Ordinance.

The Mayor closed the Public Hearing.

There was Council discussion. Council Member Valerie Seufert questioned why the Tax Collector is not included in the Salary Ordinance.

Council Member Gary Grey made a motion to approve Ordinance #09-18 upon introduction as presented. Seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: Valerie Seufert

Ordinance #09-18 was approved.

## **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 and stated first reading was held on September 10, 2009.

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

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

There was no Council discussion.

Council Member Valerie Seufert made a motion to approve Ordinance #09-19 upon introduction, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-19 was approved.

### **COUNCIL BUSINESS**

Council Member Valerie Seufert questioned if the Municipal Building HVAC will be evaluated and repaired before the heating season begins. Township Manager Melinda Carlton responded that several HVAC contractors will be contacted for repair quotes.

Pat Seger, Recreation Director, reported the County is moving forward with local bus service to Vernon Township. County bus service is anticipated to begin sometime in January 2010. The Township Manager thanked Ms. Seger for her enthusiasm and commitment in serving the residents of Vernon Township.

Mayor Austin Carew requested the Township Attorney provide an appointing resolution to appoint Mr. Leyton Bergman to the Senior Citizen Committee at the next Council Meeting.

Council Member Valerie Seufert made a motion to approve the appointment of Mr. Bergman to the Senior Citizen Committee, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None



## ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 11:50 p.m.

Respectfully submitted,

*Robin R. Kline*

Robin R. Kline, MAS, RMC  
Municipal Clerk

Minutes approved: November 12, 2009