

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL SPECIAL WORKSESSION MEETING

October 8, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 4:44 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

In accordance with the Open Public Meetings Act, N.J.S.A. 10: 4-7, adequate notice of this meeting was provided to the New Jersey Herald newspaper on October 1, 2009 and such notice was posted on the bulletin board in the Municipal Building.

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Valerie Seufert, and Mayor Austin Carew. Council Member Gary Grey arrived shortly after roll call.

Also present were Township Manager Melinda Carlton, Township Attorney Michael Witt, Director of Planning and Development, Lou Kneip, Construction Code Official Thomas Pinand and Zoning and Code Enforcement Officer Craig Roland.

SALUTE TO THE FLAG

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

DISCUSSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

Mayor Austin Carew stated the purpose of the Work Session was to discuss the International Property Maintenance Code and its possible adoption by Vernon Township. Lou Kneip, Thomas Pinand, and Craig Roland were invited to present their review and recommendations regarding provisions the Township might be interested in adopting to enhance the Township's current Property Maintenance Codes.

Lou Kneip, Thomas Pinand, and Craig Roland gave brief introductions and all agreed there is an opportunity to improve the Township's current Property Maintenance Codes by adopting some of the provisions contained in the International Property Maintenance Codes [IPMC].

Mr. Pinand reviewed each of the six (6) Chapters in the IPMC Code Book section by section with the Council and Manager. Following are his comments and recommendations:

Chapter 1

§101.2 – The Township may want to keep light, ventilation, and heat production for all non owner-occupied dwellings or rental properties. Mr. Kneip commented that the Township might want to stay away from the interior of the properties and focus on the outside.

§102.2 – After the word “progress,” add the phrase “in a non owner-occupied dwelling.”

§102.3 – The section should be completely deleted as the Uniform Commercial Code (U.C.C.) covers it.

§102.8 – The word “Construction” should be added to “Code Official.”

§104.3 – The section should be completely deleted as per New Jersey State Law since it includes a legal issue concerning right-of-entry. Attorney Mike Witt agreed that the right-of-entry provision is a concern.

§106.3 – The section should be completely deleted as per New Jersey State Law.

§107.6 – The transfer of ownership provision should be deleted. Attorney Mike Witt stated that this is difficult to enforce and takes away a person's rights.

§108, §109 & §110 – Delete these sections as they are covered by N.J.A.C. 5:23.

§111 – This item is open for further Council discussion and consideration. As an alternative to going to court for a summons, the Township could create a Board of Appeals as part of the appeal process.

Zoning and Code Enforcement Officer Craig Roland commented that there are an increasing number of abandoned foreclosed homes throughout the Township. Mr. Roland pointed out that storm damage is not covered under Township Codes and there is no enforcement provision for cutting grass, overhanging limbs or overgrowth.

Council Member Richard Carson supported the enhancement of Township Property Maintenance Codes in the interest of the safety and welfare of residents. However, he cautioned Property Maintenance Codes should not be too restrictive to property owners.

§112 – Mr. Pinand stated he considered full deletion of this section, but decided to adopt it so that a stop work order could be issued if needed.

Chapter 2

Mr. Pinand suggested adding “Property Maintenance” to “Code Official.”

Chapter 3

§301.1 and §301.2 – Mr. Pinand and Mr. Roland both commented that these two sections were great in enhancing the enforcement of abandoned vehicles, sanitation of exterior premises, drainage, safe repair, overgrowth of weeds and rodents.

§302.3 – This section is open to discussion.

§302.4 – The Township has the option to determine a specific height of grass. The last sentence of this section should be deleted.

§302.6 – Delete in its entirety.

§302.8 – Additional requirements should be reviewed.

§303 – Deleted since it is covered by the U.C.C.

§304.1 – Deleted since it deals with structural and sanitary issues that are already addressed by the U.C.C.

§304.4 – Delete the statement “and shall be capable of supporting loads”.

§304.7 – The Township may want to consider keeping this section in the Code for non owner-occupied homes.

§304.10 – Delete.

§304.11 – The words “structurally safe and sound” should be removed.

§305 – The Town may want to consider keeping this section in the Code regarding interiors for non owner-occupied properties only.

§305.1.1 – §305.2 – Delete.

§306.1.1 – Delete.

§307.1 – After the word “guards” the word “installed” should be added.

§308 & §309 – Mr. Pinand stated that these sections are the most important to keep and incorporate into the Township Code.

Mayor Carew questioned if it is possible for a property owner to be cited and fined by the Township and the County Health Department for the same offense. Mr. Pinand answered that once the matter goes to court, one agency steps down and only one fine would be issued. Violation notices do not automatically result in a summons or fine. If the violation is corrected and compliance has been achieved fines will not be issued.

Chapters 4, 5 & 6

The last three chapters address the interior of the premises and are open for discussion for non owner-occupied dwellings.

In the interest of time, Mayor Austin Carew closed any further discussion of this matter.

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Sally Rinker, Vernon resident, commented on a variety of agreements that can be in place with tenants. Ms. Rinker stated that the Landlord/Tenant Court becomes a remedy for any dispute.

Gary Martinsen, Vernon resident, questioned why create more laws if they are not necessary and commented that the Township should keep the issue in perspective and not be too restrictive for property owners.

Jack McLaughlin, Highland Lakes, commented that it is the expectation of neighbors that puts the municipal staff in a difficult position when having to enforce the code enforcement regulations and laws. Mr. McLaughlin also commented on the condition of abandoned properties that are in the process of foreclosure and noted it can take up to 24 months to pass title to a new owner; meanwhile the property deteriorates. Mr. McLaughlin commented that Middlesex Borough adopted an ordinance that defines property maintenance standards and allows code enforcement on foreclosed properties. The mortgage holder can be held responsible. Mr. McLaughlin stated that if people did the right thing there would not be a need for so many laws.

Council Member Gary Grey asked Mr. McLaughlin what common complaints are received in Highland Lakes. Mr. McLaughlin answered most complaints received are due to the lack of property upkeep causing blighted property conditions.

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

COUNCIL COMMENTS

Council Member Gary Grey questioned what recourse a town might have in forcing a property owner to finish construction of a building or addition. Mr. Roland answered that after three years the property can be demolished if the structure is not completed.

Council Member Valerie Seufert questioned if the outdoor storage of recreational vehicles, boats and trailers are covered under the Codes. Mr. Roland answered that rear and side storage is allowed if not deemed a nuisance, which is subject to interpretation. Further, there is no enforcement in private communities.

The Township Council requested that the Township Manager incorporate the points raised in the Work Session in a memo for further Council discussion.

ADJOURNMENT

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

The Special Work Session Meeting of the Township Council of the Township of Vernon was adjourned at 5:50 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: November 12, 2009