

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

November 12, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:20 p.m. on Thursday, November 12, 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.

Swearing In of Council Member Sally Rinker.

Council Member-elect Sally Rinker was sworn into office with the presence of her husband and daughter. Deputy Mayor Valerie Seufert read the "Statement of Determination" received from the Board of County Commissioners certifying the election results and then issued the Oath of Office to Council Member-Elect Sally Rinker.

Deputy Mayor Valerie Seufert congratulated Ms. Rinker and welcomed her as a member of the Council.

Council Member Sally Rinker commented how grateful she is to be able to serve the residents of Vernon as an elected official and pledged to work for the betterment of our town. Ms. Rinker stated there are many issues she looks forward to working on with her fellow Council Members and hopes that one day everyone will look back to this time and say that this was our turning point for a brighter future.

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Gary Grey, Sally Rinker, 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 is:
 - a. Real Estate/Attorney-Client matter regarding the proposed relocation of the DPW facility. No anticipated date of release of Executive Session Minutes.
 - b. Contract/Attorney-Client matter regarding Main Street Associates. No anticipated date of release of Executive Session Minutes.
 - c. Attorney-Client matter regarding Old Homestead Road, Highland Lakes. No anticipated date of release of Executive Session Minutes.

- d. Litigation matter regarding the Thompson v. Township of Vernon, et al. matter. Anticipated date of release of Executive Session Minutes will be made available upon final decision
 - e. Personnel matter regarding Township staffing. 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 6:23 p.m.

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The meeting was reopened to the public at 7:11 p.m. Present were Council Members Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

SALUTE TO THE FLAG

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

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Bryan Lynch, Vernon Township Fire Chief, read the following mission statement of the Vernon Township Fire Department:

“The Vernon, Highland Lakes, Pochuck Valley, and McAfee Fire Departments will provide a safe and professional response to all fire and other emergency incidents. We are dedicated to minimizing loss of life, of property, through rescue, fire suppression, public education, investigation, and other innovative programs. The Fire Departments serving our communities will also promote health and safety to all of our firefighters through a critical incident stress debriefing and by adhering to National Fire Protection Association and Occupational Safety and Health Hazards Administration (P.O.S.H.A.) standards, and being team oriented. Our volunteer fire fighters are recognized as valued members of our communities and this will be the main objective of the Vernon Township Fireman’s Association. We are goal oriented and we utilize strategic planning to achieve these objectives through comprehensive budgeting, alternative revenue sources. With these short term and long term goals in mind, we appreciate your financial support as well as your continued confidence in our mission to create a safer Vernon Township.”

Mr. Lynch commented that the Fire Department is in the process of purchasing high-band radios to replace the low-band system currently in use. Mr. Lynch also commented that the McAfee Fire Company’s ladder truck is in need of repair. The pump system is faulty and must be repaired as soon as possible.

Jim Schriener, Chairman of the Economic Development Advisory Committee, presented a brief update of the activities the Economic Development Advisory Committee has engaged in during 2009. Mr. Schriener informed the Council more than 1,000 volunteer hours has been invested by its members. Mr. Schriener requested that the Council consider funding a four-page full-color insert in the Vernon AIM Newspaper encouraging residents to shop our 200 local businesses during the holiday season. Mr. Schriener further requested the Council to support a grassroots effort to allow temporary signage for businesses during the holiday season by sponsoring a \$50 matching grant to the first forty [40] applicants to defray the costs of temporary signage on a “first come, first serve” basis.

Mayor Austin Carew thanked Mr. Schriener and the Economic Development Advisory Committee for all of their outstanding efforts.

Steven Dunlop, Vernon, commented that he has lived and voted as a Vernon citizen for forty years. Mr. Dunlop then reported he witnessed two Department of Public Works workers sitting in their trucks for several hours one day. On a second day, a five-man crew returned to repair a storm drain, again wasting more time. Mr. Dunlop

asserted that taxpayer dollars are being wasted and urged the Township Manager to tour the Township from time to time and to follow-up on work crews.

Marika Bazzone, Glenwood, commented that the environmental movement is taking away the rights of property owners. Ms. Bazzone read a statement from a fellow citizen complaining about mismanagement.

Adam Paladini, Vernon Valley Lake, congratulated Council Member Sally Rinker on her election.

Thomas McClachrie, Vernon Taxpayer's Association, commented that Ordinance #09-26 and Ordinance #09-27 are unconstitutional and supported the approval of Ordinance #09-20 only on the condition that all monies remain in the capital surplus fund. Mr. McClachrie further commented that the Vernon Taxpayer's Association is of the belief, based on public meetings, public records, and actions taken by the Township Manager, that she should resign and, if not, the Township Council should take appropriate action. Mr. McClachrie read 24 counts alleging mismanagement and unlawful actions taken by the Township Manager.

Jessi Paladini, Sunset Ridge, commented that she fully supports the statements made by Mr. McClachrie and asked what the Township Council's response is to Mr. McClachrie's comments. Ms. Paladini urged the Township Council to take the public's comments seriously. Ms. Paladini further commented that the Township Manager has been signing contracts without the Council's approval, which may contribute to the Township's precarious fiscal position. Ms. Paladini specifically questioned a \$10,000 expenditure for an investigation of a former Council Member without the Council's approval.

Robert Oliver, Sand Hill Road, questioned why the Financial Reports for the month of September has not been posted on the website.

Gary Martinsen, Vernon, congratulated newly elected Council Member Sally Rinker and commented that November's election results proved that citizens are demanding change. Mr. Martinsen further commented that the spending must stop and opposed Ordinance #09-20 and any expenditures proposed by the Economic Development Advisory Committee for local businesses. Mr. Martinsen questioned if the Township is hiring an Assistant Animal Control Officer that is posted on the Civil Service Commission website.

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

PRESENTATIONS AND SPECIAL ITEMS

Bruno Associates Grant Writing Update

Mr. John Bruno briefly reported on the progress of grant applications submitted on behalf of the Township since their company was retained. The Township was awarded a \$200,000 Local Aid Grant by the New Jersey Department of Transportation and a Greenhouse Gas Reduction Grant application was recently submitted for the replacement of the Municipal Building HVAC. A \$175,000 Bike Path grant was also applied for. Mr. Bruno commented that his firm routinely canvasses for additional grant funding opportunities and is hopeful that Federal Stimulus Money may be available in the near future.

Mr. Bruno reported that the Township staff has been very cooperative in providing insight and information for grant projects.

Mayor Austin Carew opened the meeting for public comment and questions.

Elaine Colliani, Vernon, questioned if grant programs will be monitored by Bruno Associates.

Doreen Edwards, Vernon, questioned if grant funding can be obtained for the improvement of Canistear Road, which is in poor condition and poses public safety hazards for motorists.

Jessi Paladini, Sunset Ridge, requested a copy of Mr. Bruno's status report.

Gary Martinsen, Vernon, questioned why Vernon was not successful in receiving the Town Center Streetscaping Project grant.

Mary Ellen Vischiconti, Nutley Avenue, questioned if Sussex County's per capita income is greater or less than Bergen County's per capita income.

Mayor Austin Carew thanked Mr. Bruno for his presentation and continued efforts.

Highlands Regional Master Plan

Ms. Jessica Caldwell, a Professional Planner with Harold E. Pellow and Associates, updated the Council on the completion of Modules 1–7 for the Township's Plan Conformance and commented that Resolution #09-182 approves the submission of a Petition for Plan Conformance to the Highlands Water Protection and Planning Council for land in the Preservation Area.

Mayor Austin Carew thanked Ms. Caldwell for updating the Council on the Plan Conformance project.

As a point of information, Council Member Gary Grey noted that Warwick, New York has a significant development project proposed along the Route 94 corridor, yet Vernon is constrained by Highlands's regulations imposed by the state of New Jersey.

Mayor Austin Carew called for a short recess at 8:47 p.m.

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Mayor Austin Carew reconvened the meeting at 9:04 p.m. with all members present.

TOWNSHIP MANAGER'S REPORT

Manager's Responses to Public Comments

1. The Township Manager commented that the Township Council is bound by the State Ethics Law and that an ethics policy will be included in the update of the Personnel Policies Manual.
2. Ms. Carlton reported signature stamps have been destroyed by the Chief Finance Officer as recommended in the 2008 Annual Audit.
3. Ms. Carlton reported that capital surplus funds may be expended for other purposes in certain circumstances as allowed by law and that the Township is waiting for an opinion from the Township Auditor on the use of capital surplus funds.
4. The Township Manager reported the Forensic Audit Report has been forwarded to the County Prosecutor, FBI, and New Jersey State Attorney General.
5. Lastly, the Township Manager commented that she never has involved herself in local politics.

Sussex County Municipal Utilities Authority Landscaping

Louis Kneip informed the Council that he has requested the Sussex County Municipal Utilities Authority to paint the chain-link fencing at the SCUMA recharge facility site black for aesthetic purposes.

Over-the-Limit Police Grant

The Township Manager reported that a resolution authorizing the Township's participation in the Over-the-Limit Policing grant has been added to the agenda for Council approval.

Economic Development Advisory Committee

The Township Manager reported \$2,000.000 have been budgeted for the Economic Development Advisory Committee for publicity of a four-page full-color insert in the Vernon AIM Newspaper. The insert would run two times during the holiday season.

A motion was made by Council Member Richard Carson, seconded by Council Member Gary Grey to approve the expenditure of \$2,000 for a four-page full-color insert in the Vernon AIM Newspaper pending certification of funds from the Chief Finance Officer.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey

NAYES: None

ABSTAIN: Sally Rinker, Valerie Seufert, Austin Carew

The \$2,000.00 expenditure for advertising was approved.

2008 Annual Audit Corrective Action Plan

Mr. Bill Zuckerman presented a Corrective Action Plan for the 13 items presented in the Findings and Recommendations Section of the 2008 Annual Audit Report. Mr. Zuckerman informed the Council that Resolution #09-187 would approve the Corrective Action Plan.

Resignation of Finance Advisory Committee

Township Manager Melinda Carlton stated Mayor Carew had requested a report on why all the members of the Finance Advisory Committee recently resigned. Their resignation letters expressed frustration that committee members felt the Township Council and Management were not utilizing the committee to the best of their ability.

Mayor Carew expressed corrective action should be taken so that the FAC committee is not abandoned.

Council Member Sally Rinker suggested the Council contact the former Finance Advisory Committee members in the next few days. The Municipal Clerk was asked to send a letter to all former members.

Debt Statement Report and Cash Flow Report

Mr. Bill Zuckerman presented financial statements detailing the composition of the Township's \$33 million debt service and payment schedules.

Carson vs. Vernon Township, et al

Township Attorney Michael Witt advised that the Township's insurance carrier has been notified of the lawsuit served upon the Township and five named defendants, and briefly commented on the legal definitions of "duty to defend" versus "duty to indemnify" with respect to coverage under the Township's insurance policy. Should the Township's insurance carrier fail to defend or indemnify, Mr. Witt stated the taxpayers would have to pay all costs. Mr. Witt further advised that Declaratory Judgment actions are often filed against insurance carriers seeking coverage for defense.

Funding of \$351,000 for Ameripay Loss

Mr. Zuckerman recommended the Council use unexpended monies from the 2009 Budget from various operating accounts to offset the \$351,000 lost by Ameripay. Mr. Zuckerman was asked to prepare an authorizing resolution for the next Council meeting.

APPROVAL OF MINUTES

Approval of:

September 24, 2009 Executive Session Minutes

September 24, 2009 Regular Meeting Minutes

September 24, 2009 Special Work Session Meeting Minutes

October 8, 2009 Executive Session Minutes

October 8, 2009 Regular Meeting Minutes

October 8, 2009 Special Work Session Meeting Minutes

Council Member Richard Carson made a motion to approve the September 24, 2009 Executive Session Minutes, seconded by Gary Grey.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

Valerie Seufert on all Regular and Special Work Session Minutes

NAYES: None

ABSTAIN: Sally Rinker; Valerie Seufert on all Executive Session Minutes

CONSENT AGENDA

RESOLUTION #09-172

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	\$ 360.00	
#2	Current	\$ 818,632.16	Vernon BOE
#3	Current	\$ 10,308.07	
#4	Current	\$1,052,609.78	Vernon BOE
#5	Current	\$ 166.00	
#6	Current	\$ 911,140.00	Vernon BOE
#7	Current	\$ 47,094.92	Stonehill Assoc
#8	Current	\$ 926,057.24	Vernon BOE
#9	Current	\$ 850.00	
#10	Current	\$2,066,761.52	Vernon BOE
#11	Capital	\$ 10,000.00	Brite Computers
#12	Capital	\$ 8,296.89	
#13	Capital	\$ 3,930.19	
#14	P & Z	\$ 4,394.95	
#15	P & Z	\$ 1,917.44	
#16	P & Z	\$ 1,154.60	
#17	P & Z	\$ 1,887.00	
#18	Grant	\$ 14,541.92	
#19	Grant	\$ 84,848.67	Marturano Rec
#20	Grant	\$ 1,444.95	
#21	Recreation Trust	\$ 145.00	
#22	Recreation Trust	\$ 2,552.45	
#23	Recreation Trust	\$ 9,267.00	NJ REC & Park
#24	Recreation Trust	\$ 2,622.00	
#25	Outside Services	\$ 202.41	
#26	Outside Services	\$ 3,243.85	
#27	Outside Services	\$ 1,585.55	
#28	Outside Services	\$ 269.88	
#29	Other Trust	\$ 750.00	
#30	Other Trust	\$ 52,203.09	Stonehill Assoc
#31	Other Trust	\$ 78,968.86	Stonehill Assoc
#32	Other Trust	\$ 3,976.00	
#33	Other Trust	\$ 1,500.00	
#34	Other Trust	\$ 2,500.00	
#35	Other Trust	\$ 161.05	
#36	Open Space	\$ 6,000.00	Land Conservancy
#37	Sewer Operating	\$ 358.08	
#38	Sewer Capital	\$ 1,822.15	
Payroll	\$ 4,920.50	1 st Pay in Oct (2 nd Run-Longevity for Police)	
Payroll	\$ 355,675.74	2 nd Pay in Oct (Includes 2009 DPW Retros)	
Payroll	\$ 312,188.55	3 rd Pay in Oct	
Total		\$6,807,308.53	

RESOLUTION #09-186

AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR BRUCE ZARETSKY d/b/a GLENWOOD HOMES, INC. FOR PROPERTY LOCATED AT 14 CHURCH STREET, BLOCK 141.04 LOT 6

WHEREAS, Developer Bruce Zaretsky, d/b/a Glenwood Homes, Inc., constructed a building located at 14 Church Street, Block 141.04 Lot 6, in the Township of Vernon, pursuant to the Zoning Board of Adjustment File #5-07-8; and

WHEREAS, Bruce Zaretsky was required to post a performance guarantee in the amount of \$83,706.48 in October 2007, with a cash portion of \$9,300.72 received on November 7, 2007, for a total performance guarantee in the amount of \$93,007.20, to ensure that all site improvements were properly and fully constructed; and

WHEREAS, Bruce Zaretsky has made a request for the bond to be released in full; and

WHEREAS, the Vernon Township Engineer has reviewed said request and approved the bond release as contained in a memorandum to the Land Use Board, dated October 6, 2009, attached hereto; and

WHEREAS, the Vernon Township Land Use Board has reviewed and approved the bond release request at their regular meeting held on October 15, 2009; and

NOW THEREFORE BE IT RESOLVED, this 12th day of November 2009 by the Township Council of the Township of Vernon, County of Sussex, hereby approves and authorizes that the performance guarantee is to be released in its entirety. The performance guarantee consists of a Letter of Credit issued by the Highlands State Bank in the amount of \$83,706.48 and \$9,300.72 in cash, plus interest as applicable and determined by the Vernon Township Finance Department.

RESOLUTION #09-190

LIMOUSINE LICENSE FOR A PLUS TRANSPORTATION AND COURIER SERVICE LLC

WHEREAS, Joseph P. Nawalany, 34 Butternut Road, Vernon, New Jersey 07462 d/b/a A Plus Transportation and Courtier Service LLC, has made application for a Limousine Operator's License in the Township of Vernon and has submitted the required fee for said application; and

WHEREAS, the Vernon Township Police Department has certified that the limousine was inspected and passed all inspection requirements; and

WHEREAS, the Township Clerk have verified that all documentation and insurance information has been found to be in good order and in full compliance of state laws;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that a Limousine Operator's License for Joseph P. Nawalany, 34 Butternut Road, Vernon, New Jersey 07462 d/b/a A Plus Transportation and Courtier Service LLC is hereby approved.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue a Limousine Operator's License to Joseph P. Nawalany, 34 Butternut Road, Vernon, New Jersey 07462 d/b/a A Plus Transportation and Courtier Service LLC in accordance with N.J.S.A. 48:16-13 et al.

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, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-173

AUTHORIZING THE RELEASE OF EXECUTIVE SESSION MINUTES FROM TOWNSHIP OF VERNON PUBLIC COUNCIL MEETINGS

WHEREAS, the Township of Vernon recognizes the requirement contained in the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., to keep reasonably comprehensive minutes of all meetings, including Executive Sessions, showing the members present,

subjects considered, and any other information required to be shown in the minutes by law; and

WHEREAS, the Open Public Meetings Act further requires that minutes shall be promptly made available to the public to the extent that making such matters public shall not be inconsistent with the need for confidentiality, or the obligation to make the minutes available to the public when the legitimate reason for confidentiality has passed; and

WHEREAS, the Township Council has approved the Executive Session minutes for the Executive Session held on September 10, 2009.

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 September 10, 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 moved to approve Resolution #09-173, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Austin Carew

NAYES: None

ABSTAIN: Sally Rinker, Valerie Seufert

Resolution #09-173 was approved.

RESOLUTION #09-174

RESCINDING RESOLUTION #09-06, WHICH AUTHORIZED THE TOWNSHIP MANAGER TO SIGN PURCHASE ORDERS IN THE ABSENCE OF THE CHIEF FINANCE OFFICER

WHEREAS, the Vernon Township Council approved Resolution #09-06 on January 1, 2009, which resolution authorizes the Township Manager to sign Purchase orders in the absence of the Chief Finance Officer; and

WHEREAS, the Township's Forensic Accounting Services consultant, Schneider & Co., has recommended that Resolution #09-06 be rescinded in its entirety to prevent any one individual from being authorized to execute more than one of the three approvals necessary for a valid purchase order.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that Resolution #09-06 be rescinded in its entirety.

Council Member Gary Grey moved to approve Resolution #09-174, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-174 was approved.

RESOLUTION #09-175

AUTHORIZING AN AWARD OF CONTRACT, TO WEATHERWORKS, LLC IN THE AMOUNT OF \$216.00 TO PROVIDE STORM ALERT AND CONSULTATION SERVICES FOR THE TOWNSHIP OF VERNON FROM NOVEMBER 1, 2009 – DECEMBER 31, 2009

Council Member Richard Carson moved to remove Resolution #09-175 from the agenda. Motion was seconded by Council Member Sally Rinker.

A roll call vote was taken to remove Resolution #09-176 from the agenda:

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

NAYES: None

Resolution #09-175 was removed from the agenda.

RESOLUTION #09-176

AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE PROGRAM, CONTRACT #41, FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT, IN THE AMOUNT OF \$12,550.00 FOR GLENWOOD POCHUCK AMBULANCE SQUAD, FOR USE BY THE VOLUNTEER AMBULANCE SQUAD

WHEREAS, the Township of Vernon has a need to purchase radio communication equipment for Glenwood-Pochuck Ambulance Squad; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, it would be cost effective for the Township to utilize the Cooperative program in lieu of public bidding by private contractors; and

WHEREAS, the cost estimate for the purchase is \$12,550.00 and after rebate the actual cost will be: \$11,350.00; and

WHEREAS, the vendor for the Program for this purchase is Royal Communications.; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Morris County Cooperative Purchasing Program be utilized to purchase radio communication equipment and that it will be purchased from Royal Communication, in the amount not to exceed \$12,550.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution.

Council Member Valerie Seufert moved to approve Resolution #09-176, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-176 was approved.

RESOLUTION #09-177

AUTHORIZING THE USE OF BEAVER RUN FARMS FOR PURCHASE OF ASPHALT, IN THE AMOUNT NOT TO EXCEED \$30,000.00 FOR VERNON TOWNSHIP DEPARTMENT OF PUBLIC WORKS FOR ROAD MAINTENANCE AND IMPROVEMENTS

WHEREAS, the Township of Vernon has a need to purchase ¼"asphalt to be used by the Department of Public Works for Township Road maintenance and improvements; and

WHEREAS, Vernon Township is a member of the Morris and Sussex County Cooperative Pricing Council; and

WHEREAS, prices were received through competitive bidding from the Morris and Sussex County Cooperative Pricing Council; and

WHEREAS, the Morris and Sussex County Co-op has publicly received bids for this asphalt material and the Morris and Sussex County Co-op traditionally receives greater bidder interest and therefore usually lower prices than the Township of Vernon can receive on its own; and

WHEREAS, the Director of Public Works recommends that the Township Council award the contract for this asphalt as stated below; and

WHEREAS, the cost for the purchase will not exceed \$30,000.00 per the attached cost breakdown; and

WHEREAS, the pricing of the asphalt cannot be matched by the Morris and Sussex County Co-Op programs, and

WHEREAS, the cost savings, per ton is \$10.25, distance to and from Beaver Run is less than the one way distance to the Co-Op asphalt site, resulting in less fuel, wear, and time; and

WHEREAS, the vendor for this purchase is Beaver Run Farms, Lafayette, NJ; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendor Beaver Run Farms be utilized to purchase asphalt, and that it will be purchased from Beaver Run Farms, Lafayette, NJ, in accordance with the attached estimate in the amount not to exceed \$30,000.00.

Council Member Valerie Seufert moved to approve Resolution #09-177, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-177 was approved.

RESOLUTION #09-178

AUTHORIZING USE OF A&M INDUSTRIAL SUPPLY FOR THE ANNUAL INSPECTION AND FLOW TESTING OF MSA-2216 AIR PACKS EQUIPMENT, IN THE AMOUNT OF \$4,253.50, FOR THE VOLUNTEER FIRE DEPARTMENTS

WHEREAS, the Township of Vernon has a need to obtain annual inspection and flow testing of MSA-2216 air packs; and

WHEREAS, Vernon Township obtained quotes for this service; and

WHEREAS, prices were received from a sole provider; and

WHEREAS, it would be cost effective for the Township to utilize these services; and

WHEREAS, the cost estimate for the purchase is \$4,253.50; and

WHEREAS, the vendor for the inspection and flow testing is A&M Industrial Supply; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council, of the Township of Vernon, that the services be obtained from A&M Industrial Supply, in the amount not to exceed \$4,253.50; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution.

Council Member Valerie Seufert moved to approve Resolution #09-178, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-178 was approved.

RESOLUTION #09-179

AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE PROGRAM, CONTRACT #41, FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT, IN THE AMOUNT OF \$ 4,470.00, FOR POCHUCK VALLEY FIRE DEPARTMENT FOR USE BY THE VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Township of Vernon has a need to purchase radio communication equipment for Pochuck Valley Fire Department; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, it would be cost effective for the Township to utilize the Cooperative program in lieu of public bidding by private contractors; and

WHEREAS, the cost estimate for the purchase is \$4,470.00; and

WHEREAS, the vendor for the Program for this purchase is Royal Communications.; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Morris County Cooperative Purchasing Program be utilized to purchase radio communication equipment and that it will be purchased from Royal Communication, in the amount not to exceed \$4,470.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution.

Council Member Valerie Seufert moved to approve Resolution #09-179, seconded by Council Member Sally Rinker.

A roll call vote was taken:

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

NAYES: None

Resolution #09-179 was approved.

RESOLUTION #09-180

AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE PROGRAM, CONTRACT #41, FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT, IN THE AMOUNT OF \$11,130.00 FOR VERNON TOWNSHIP AMBULANCE SQUAD FOR USE BY THE VOLUNTEER AMBULANCE SQUAD

WHEREAS, the Township of Vernon has a need to purchase radio communication equipment for Vernon Township ambulance squad; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, it would be cost effective for the Township to utilize the Cooperative program in lieu of public bidding by private contractors; and

WHEREAS, the cost estimate for the purchase is \$11,130.00 and after rebate the actual cost will be: \$9930.00; and

WHEREAS, the vendor for the Program for this purchase is Royal Communications.; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Morris County Cooperative Purchasing Program be utilized to purchase radio communication equipment and that it will be purchased from Royal Communications, in the amount not to exceed \$11,130.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution; and

Council Member Valerie Seufert moved to approve Resolution #09-180, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

ABSTAIN: Richard Carson

Resolution #09-180 was approved.

RESOLUTION #09-181

AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE PROGRAM, CONTRACT #41, FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT, IN THE AMOUNT OF \$3,593.00 FOR HIGHLAND LAKES FIRE DEPARTMENT

WHEREAS, the Township of Vernon has a need to purchase radio communication equipment for Highland Lakes Fire Department; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, it would be cost effective for the Township to utilize the Cooperative program in lieu of public bidding by private contractors; and

WHEREAS, the cost estimate for the purchase is \$3,593.00; and

WHEREAS, the vendor for the Program for this purchase is Royal Communications.; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Morris County Cooperative Purchasing Program be utilized to purchase radio communication equipment and that it will be purchased from Royal Communication, in the amount not to exceed \$3,593.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution; and

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

Council Member Valerie Seufert moved to approve Resolution #09-181, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-181 was approved.

RESOLUTION #09-182

VERNON TOWNSHIP, SUSSEX COUNTY SUBMISSION OF PETITION FOR PLAN CONFORMANCE TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL FOR LAND IN THE PRESERVATION AREA

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 *et seq.*, finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, the Township of Vernon is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines also require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Council Member Gary Grey moved to approve Resolution #09-180, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-182 was approved.

RESOLUTION #09-183

AUTHORIZING SUSSEX COUNTY COOPERATIVE PRICING COUNCIL FOR PURCHASE OF ICE CONTROL MATERIALS, IN THE AMOUNT OF \$125,590.60 TO BE USED BY VERNON TOWNSHIP DEPARTMENT OF PUBLIC WORKS FOR TOWNSHIP ROADS

WHEREAS, the Township of Vernon has a need to purchase Ice Control Materials (Salt and Grits) for the Township of Vernon to be used by the Department of Public Works for Township Road maintenance; and

WHEREAS, Vernon Township is a member of the Sussex County Cooperative Pricing Council; and

WHEREAS, the Sussex County Co-op has publicly received bids for the Salt & Grits material and the Sussex County Co-op traditionally receives greater bidder interest

and therefore usually lower prices than the Township of Vernon can receive on its own; and

WHEREAS, the Director of Public Works recommends that the Township Council award the contract for the Salt & Grits using the Sussex County Co-op as stated below

- 1) Vendor for the purchase of the grits is Diamond Sand & Gravel, Sparta, NJ at a price of \$16.85/ton delivered
- 2) Vendor for the purchase of salt is Atlantic Salt, Inc. Lowell MA at a price of \$62.00 /ton; and

WHEREAS, the total cost for the purchase of the Salt and Grits will not exceed \$125,590.60; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has certified that funds in the amount of \$25,590.60 are available in the 2009 Municipal Operating Budget and \$100,000.00 subject to the approval of the 2010 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon, that the vendors Diamond Sand & Gravel and Atlantic Salt, Inc. be utilized to purchase Ice Control Materials, and that it will be purchased from Diamond Sand & Gravel and Atlantic Salt, Inc. in accordance with the attached estimates in the amount not to exceed \$125,590.60.

Council Member Valerie Seufert moved to approve Resolution #09-183, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-183 was approved.

RESOLUTION #09-184

AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE PURCHASING PROGRAM FOR PURCHASE OF A POLICE VEHICLE, IN THE AMOUNT OF \$30,379.70, FOR USE BY THE VERNON TOWNSHIP POLICE DEPARTMENT

WHEREAS, the Township of Vernon has a need to purchase a police vehicle for the use by the Vernon Township Police Department; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, it would be cost effective for the Township to utilize the Cooperative program in lieu of public bidding by private contractors; and

WHEREAS, the cost for the purchase of the vehicle is \$27,934.70 per the attached cost breakdown and the fee for the four (4) year, 100,000 mile warranty at \$2,445.00 for a total cost of \$30,379.00; and

WHEREAS, the vendor for the Program for this purchase is Warnock Fleet and Leasing, East Hanover, Morris County Co-Op # 15A; and

WHEREAS, the Chief Financial Officer of the Township of Vernon has determined and certified the funds for this purchase, \$30,979.70, are available in Account# 10574586 - Police Department.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Morris County Cooperative Purchasing Program be utilized to purchase a police vehicle with specific options as listed in attached proposal, and that it will be purchased from Warnock Fleet and Leasing, East Hanover, NJ, in accordance with the attached proposal for the amount of \$30,379.70; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution; and

Council Member Valerie Seufert moved to approve Resolution #09-184, seconded by Council Member Gary Grey.

Council Member Valerie Seufert questioned why a rear-wheel vehicle would be purchased for Vernon Township considering the type of roads and driving conditions present, especially during winter months.

A roll call vote was taken:

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

NAYES: None

Resolution #09-184 was approved.

RESOLUTION #09-185

APPOINTMENT OF TAX COLLECTOR AND DESIGNATION OF TAX SEARCH OFFICER

WHEREAS, the Township of Vernon is required to have a certified Tax Collector pursuant to N.J.S.A. 40A:9-141; and

WHEREAS, Township employee Antoinette Izzo has served as the Interim Tax Collector since July 14, 2008 when the former Tax Collector had resigned leaving his term unfinished, which term expires on December 31, 2011; and

WHEREAS, Izzo is licensed by the State of New Jersey as a municipal tax collector and meets all other qualifications for the position, and the Township of Vernon wishes to appoint Antoinette Izzo as Tax Collector to fill the above-referenced unexpired term until December 31, 2011, and Izzo wishes to accept such appointment; and

WHEREAS, pursuant to N.J.S.A. 54:5-11, the governing body of each municipality shall from time to time by resolution, designate an official of the municipality to make examinations of its records as to unpaid municipal liens and to certify the result thereof.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey that Antoinette Izzo is hereby appointed Tax Collector for the Township of Vernon effective November 12, 2009, to fulfill the unexpired term, until December 31, 2011, with a starting salary of \$65,000;

BE IT FURTHER RESOLVED that the Township of Vernon will hold a Public Official Bond in the name of Antoinette Izzo as required by law pursuant to N.J.A.C. 5:30-8.3 for the duties performed as Tax Collector; and

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A.54:5-11, Antoinette Izzo, being a duly bonded Official of the Township of Vernon, is designated as the Tax Search Officer for the Township of Vernon; and

Council Member Valerie Seufert moved to approve Resolution #09-185, seconded by Council Member Sally Rinker.

A roll call vote was taken:

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

NAYES: None

Resolution #09-185 was approved.

RESOLUTION #09-187

CORRECTIVE ACTION PLAN – 2008 AUDIT

WHEREAS, the 2008 Annual Audit Report was delivered in October 2009 and regulations promulgated by the Local Fiscal Affairs Law, N.J.S.A. 40A:5 requires that

the Chief Finance Officer prepare a Corrective Action Plan covering all findings and recommendations in the audit report; and

WHEREAS, N.J.S.A. 40A:5 further requires approval of the Corrective Action Plan within 60 days of audit receipt by the Township Council;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Corrective Action Plan for the 2008 Annual Audit Report prepared by the Township Chief Financial Officer and attached hereto as "Appendix A" be approved.

Council Member Richard Carson moved to approve Resolution #09-187, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-187 was approved.

RESOLUTION #09-188

AUTHORIZES AN AGREEMENT WITH UNITED WATER TO CONNECT TO THE UWVS AND EXPAND THE SEWER FRANCHISE AREA

WHEREAS, the Township of Vernon has entered into an Agreement with the Sussex County Municipal Utilities Authority ("SCMUA"), dated November 2, 2005, said Agreement provides, among other things that the Township of Vernon is required to connect the existing sewer pipes located and installed in the Vernon Town Center to the expanded Sussex County Municipal Authorities ("SCMUA") sewer treatment facilities and related piping, and

WHEREAS, the Township of Vernon has entered into an Agreement with Mountain Creek, in October of 2005, for the purpose of determining the allocation of the capacity, or "flow", of the newly expanded sewer system, among other things; with said expanded sewer system also serving Mountain Creek, which is part of the State endorsed Town Center, and

WHEREAS, of the 265,000 gallons per day ("GPD") of additional (new) sewer flow, Mountain Creek has been allocated 166,000 GPD and the Township of Vernon has been allocated 99,000 GPD to serve the Town Center, and

WHEREAS, Mountain Creek is responsible to construct a final section of pipe so as to complete the local transmission system and allow the sewer system to handle the intended sewer flow (capacity), and

WHEREAS, SCMUA has completed the required upgrades to its system so as to permit the use of the expanded system, and

WHEREAS, the sewer collection system is operated by United Water Vernon Sewage, Inc, which has a duly established sewer utility Franchise Area as approved by the State of New Jersey Board of Public Utilities ("BPU"), which Franchise Area must be expanded if United Water Vernon Sewer, Inc, or a related entity, is to continue to handle the sewer flow through the United Water system, and

WHEREAS, so as to permit the final expansion of the sewer service area, and/or Franchise Area, to the State endorsed Town Center, the Township of Vernon must either: 1-acquire the United Water Vernon Sewer Company, and related entities, or 2-authorize the expansion of the United Water Sewer Franchise Area, and

WHEREAS, in October 2008, the Township Council of the Township of Vernon rejected the acquisition of the United Water Vernon Sewer Company, said acquisition being affirmatively recommended by Cerenzio and Panaro, PC, consulting engineers, in their report dated May 2008, and

WHEREAS, the Township Council hereby recognizes the contractual obligations of the Township of Vernon arising from the aforementioned Agreements, including the

financial obligation to pay the sewer user fees to SCMUA, regardless whether sewer flow has began; said user fees to begin in August of 2010, and

WHEREAS, the Township Council finds that to avoid un-financed long term obligations, specifically to SCMUA, and to permit the final installation of the infrastructure necessary to transmit the necessary sewerage flow, it is in the best interest of the public health and safety to authorize the expansion of the United Water Sewer Franchise Area to cover the Vernon Town Center, including Mountain Creek, and further to have the Township of Vernon enter into an Agreement with United Water to operate the expanded United Water Vernon Sewer System, or related entity.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the expansion of the United Water Vernon Sewer Company (and any related entity) is hereby approved and agreed to by the Township of Vernon, this includes but is not limited to the expansion of the aforementioned United Water Vernon Sewer Franchise Area;

BE IT FURTHER RESOLVED by the Township Council that the Agreement between the Township of Vernon and United Water Vernon Sewer, Inc and/or related entities, including but not limited to United Water, Inc is hereby approved. The final form of Agreement shall be on file in the office of the Township Clerk immediately upon execution by the Mayor;

BE IT FURTHER RESOLVED by the Township Council that to carry out the foregoing Council approvals, the Mayor and/or Deputy Mayor, in the absence of the Mayor, is authorized to execute the Agreement with United Water Vernon Sewer, Inc, or related entity. The Mayor, Manager, Financial Consultant, Attorney, Engineer, and any other duly authorized representative of the Township of Vernon is hereby authorized and shall take any and all steps necessary to complete the sewer system expansion to the Vernon Town Center, including doing those things necessary to expand the Sewer Franchise Area, such as appear before the State Board of Public Utilities, sign all BPU applications, etc.

Council Member Richard Carson moved to approve Resolution #09-188, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Austin Carew

NAYES: Valerie Seufert

Resolution #09-188 was approved.

RESOLUTION #09-189

AMENDING RESOLUTION #09-153, PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OP VERNON AND GLENN KIENZ, ESQ., OF WEINER LESNIAK, LLP

WHEREAS, the Township of Vernon approved a Professional Services Contract with Glenn Kienz, of Weiner Lesniak, LLP as per Resolution #09-153 on September 10, 2009: and

WHEREAS, both parties mutually wish to amend the term of said contract to commence on September 10, 2009 and end on December 31, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey that the agreement between the Township of Vernon and Glenn Kienz of Weiner Lesniak, LLP be amended to reflect the change of term to commence on September 10, 2009 and end on December 31, 2009.

Council Member Gary Grey moved to approve Resolution #09-189, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Resolution #09-189 was approved.

RESOLUTION #09-191

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY

WHEREAS, the federal Fair and Accurate Credit Transactions Act of 2003 (“FACTA”), an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, Those rules become effective November 1, 2009, and require the Township of Vernon to implement an identity theft program and policy for use in dealing with certain accounts covered by FACTA and certain information in general , and

WHEREAS, the Council of the Township of Vernon, County of Sussex has determined that the following policy is in the best interest of the Township and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Vernon Township Council that the Identity Theft Policy annexed here to is hereby approved:

Council Member Richard Carson moved to table Resolution #09-191 (without date). Motion was seconded by Council Member Sally Rinker.

A roll call vote was taken:

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

NAYES: None

Resolution #09-191 was tabled (without date).

RESOLUTION #09-192

AUTHORIZING THE USE OF MITY LITE, INC, FOR THE PURCHASE OF 200 NEW FOLDING CHAIRS AND 3 STORAGE CARTS, FOR POCHUCK VALLEY FIRE DEPARTMENT, IN THE AMOUNT OF \$8,941.00, FOR USE BY THE POCHUCK VALLEY FIRE DEPARTMENT

WHEREAS, the Township of Vernon has a need to obtain new folding chairs for the Pochuck Valley Fire Department Hall; and

WHEREAS, Vernon Township obtained quotes for this service; and

WHEREAS, prices were received from 3 providers; and

WHEREAS, it would be cost effective for the Township to utilize these services; and

WHEREAS, the cost estimate for the purchase is \$8,941.00; and

WHEREAS, the vendor is Mity Lite, INC; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Township Council, of the Township of Vernon, that the purchase from MITY LITE, INC, in the amount not to exceed \$8,941.00; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution.

Council Member Richard Carson moved to approve Resolution #09-192, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: Gary Grey

ABSTAIN: Sally Rinker

Resolution #09-192 was approved.

RESOLUTION #09-193

RESOLUTION SUPPORTING THE OVER THE LIMIT UNDER ARREST 2009 YEAR END
CRACKDOWN DECEMBER 7, 2009 TO JANUARY 3, 2010

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2009 Year End Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2009 through January 3, 2010; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

WHEREAS, this is a Federal program through the National Highway Traffic Safety Administration of which grant money is given to all 50 states;

WHEREAS, the Division of Highway Traffic Safety is prepared to offer our Police Department \$5,000.00 in overtime enforcement grant funding and all monies will be reimbursed to the municipality, and there is no match funding required.

THEREFORE BE IT RESOLVED, that Vernon Township declares its support for the *Over the Limit Under Arrest 2009 Year End Crackdown* impaired driving enforcement detail from December 7, 2009 through January 3, 2010 and pledges to increase awareness of the dangers of drinking and driving.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of the Grant monies between the Township of Vernon and the New Jersey Division of Highway Traffic Safety for the *Over the Limit Under Arrest 2009 Year End Crackdown* speed enforcement program in the amount of \$5,000.

The effective dates for this program will be from December 7, 2009 through January 3, 2010.

Council Member Richard Carson moved to approve Resolution #09-193, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-193 was approved.

RESOLUTION #09-194

ESTABLISHMENT OF \$2000 REBATE FUND FOR QUALIFYING APPLICANTS UNDER
ORDINANCE 09-24, TEMPORARY COMMERCIAL SIGNAGE

WHEREAS, on November 12, 2009, the Vernon Township Council passed Ordinance 09-24 allowing certain temporary commercial signage to be displayed by businesses located in Vernon Township from December 2, 2009 through January 19, 2010; and

WHEREAS, the Township Council wishes to establish a rebate fund in the amount of \$2000, which fund shall be used to encourage and assist local businesses to adopt temporary commercial signage consistent with Ordinance 09-24; and

WHEREAS, the Vernon Township Chief Financial Officer has certified that funds for such purpose are available in Township Account No. 1053023 (Economic Development – Expense).

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 of Vernon shall and hereby does establish a “Temporary Commercial Signage Rebate Fund” (the “Fund”) in the amount of two-thousand dollars (\$2000).
2. The Fund shall be used for the sole purpose of providing a monetary rebate for local business owners who purchase signs in conformance with Township Ordinance 09-124, and in further compliance with this Resolution.
3. Any rebate granted by the Township pursuant to this Resolution shall be subject to the following restrictions:
 - A. A rebate application in the form attached to this Resolution must be submitted to the Township Director of Community Affairs, Township Municipal Building, 21 Church Street, Vernon, New Jersey. Rebate applications may be submitted in person, by fax or by mail, and are available from the same office.
 - B. The applicant must own and operate a business located within the Township of Vernon, at which business the subject temporary sign shall be used.
 - C. A zoning permit must have been issued for the temporary sign for which the rebate application is being submitted, and the temporary sign must conform to all applicable zoning requirements.
 - D. The applicant must provide with the rebate application a proof of purchase for the temporary sign. Rebates will be granted only for temporary signs purchased between October 8, 2009 and December 15, 2009.
 - E. The dollar amount of the rebate shall not exceed fifty dollars (\$50.00) or the actual cost of the temporary sign, whichever amount is less.
4. This rebate program is valid only until authorized funds are exhausted. Rebates shall be distributed on a first-come, first-served distribution, as date-stamped by the Township Department of Community Affairs.
5. All prior resolutions inconsistent with this Resolution are repealed only to the extent of any such inconsistency.

Council Member Valerie Seufert moved to approve Resolution #09-194, seconded by Council Member Sally Rinker.

A roll call vote was taken:

AYES: Richard Carson, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: Gary Grey

Resolution #09-194 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #09-23

AN ORDINANCE REGARDING AN INCREASE IN THE EMPLOYEE HEALTH BENEFITS PLAN ANNUAL PREMIUM CONTRIBUTION RATE AND COPAY AMOUNTS FOR ALL FULL-TIME TOWNSHIP EMPLOYEES NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT

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

Section 1. Commencing January 1, 2010, the employee health benefits plan annual premium contribution rate for all full-time Township of Vernon employees not subject to a collective bargaining agreement shall be increased to six and one-half percent (6½%) of the premium cost, unless otherwise provided by law.

Section 2. Commencing January 1, 2010, the employee health benefits plan Copay amounts for all full-time Township of Vernon employees not subject to a collective bargaining agreement will be as follows, unless otherwise provided by law:

Prescription Copay	
Generic	\$10.00
Brand Name	\$20.00
PPO Copay	
Doctors	\$15.00
Specialists	\$20.00
HMO Copay	
Doctors	\$ 5.00
Specialists	\$10.00
Emergency Room Copay	
PPO	\$50.00
HMO	\$25.00

Section 3. All prior ordinances or resolutions or portions thereof the Township Council of the Township of Vernon inconsistent herewith be and are hereby repealed.

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 Austin Carew read Ordinance #09-23 by title only.

Council Member Valerie Seufert made a motion to amend Section 1 of Ordinance #09-23 to include “unless otherwise provided by the law,” and Section 2 to include “unless otherwise provided by law,” seconded by Council Member Gary Grey.

A roll call vote was taken to amend Ordinance #09-23 as moved:
AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew
NAYES: None
Ordinance #09-23 was amended.

Council Member Valerie Seufert moved to approve Ordinance #09-23, as amended. Seconded by Council Member Richard Carson.

There was no Council discussion.

A roll call vote was taken:
AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew
NAYES: None
Ordinance #09-23 was approved as amended. Public Hearing scheduled for December 10, 2009.

ORDINANCE #09-25

AN ORDINANCE AUTHORIZING THE USE OF THIRD PARTIES FOR ELECTRONIC PAYROLL DISBURSEMENT AND ESTABLISHING CONTROLS FOR THE SAME

WHEREAS, the Township of Vernon, County of Sussex, State of New Jersey desires to use third parties for the purpose of electronic payroll disbursements for municipal employees; and

WHEREAS, N.J.S.A. 52:27D-20.1 and N.J.A.C. 5:30-17.1 et seq., establish electronic disbursement controls to govern such payroll purposes; and

WHEREAS, a municipality desiring to use third parties for the purpose of electronic payroll disbursements for municipal employees must pass an ordinance so stating and adopting such controls as are required by law.

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

Section 1. Purpose; Definitions.

- A. The purpose and intent of this Ordinance is to abide by the requirements of N.J.S.A. 52:27D-20.1 and N.J.A.C. 5:30-17.1 et seq., governing electronic disbursement controls for payroll purposes.
- B. As used in this chapter, the following terms shall have the meanings indicated:
 - APPROVAL OFFICER: Person(s) responsible for authorizing and supervising the activities of the payroll service.
 - PAYROLL SERVICE: Third-party payroll service organization.
 - TOWNSHIP: Township of Vernon.

Section 2. Authorization.

- A. The Township is authorized to use a payroll service:
 - (1) To prepare the necessary payment documentation and execute disbursements from the local unit's bank account on behalf of the local unit;
 - (2) To prepare payment documentation, take possession of local unit funds, and make such disbursements itself on behalf of a local unit; or
 - (3) Any combination of Subsections A (1) and (2) above.
- B. The following payroll service providers shall be required to comply with these regulations:
 - (1) Payroll service providers who use their own customized programming process to execute disbursements for the local unit; and
 - (2) Payroll service providers who use a third-party processor to execute disbursements for the local unit.

Section 3. Local Unit Requirements.

- A. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., N.J.S.A. 52:27D-20.1 and N.J.A.C. 5:30-17.1 et seq., and shall require the contractor to do the following, not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or local unit transfer of funds to contractor's account for subsequent disbursement of payment.
- B. Any renewal or extension of a contract under these regulations shall be by resolution.
- C. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service and shall further be charged with the reconciliation and analysis of all general ledger accounts affected by the activities of the disbursing organization.
- D. If required by the contract between the Township and the payroll service, the payroll service is permitted to hold Township funds pending transmittal

Section 4. Payroll Service Requirements.

- A. A payroll service must meet all of the following requirements:
 - (1) Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer;
 - (2) Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Township.
- B. A payroll service must meet the requirements of N.J.A.C. 5:30-17.5.
- C. All contracts entered into pursuant to Ordinance and the laws authorizing same shall comply with the requirements of N.J.A.C. 5:30-17.6.

Section 5. Establishment of Service.

Upon the adoption of this Ordinance, the Mayor, with the assistance of the Township Manager, Chief Financial Officer and Township Attorney, as necessary, is hereby authorized to enter into a contract for payroll service in accordance with all local public contracting laws and N.J.A.C. 5:30-17. Appointment of the payroll service and award of any contract under this Ordinance shall be by separate resolution of the Township Council.

Section 6. Repealer.

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 7. Severability.

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.

Section 8. Effective Date.

This Ordinance shall take effect after publication and passage according to law.

Mayor Austin Carew read Ordinance #09-25 by title only.

Council Member Richard Carson made a motion to approve Ordinance #09-25 upon introduction, seconded by Council Member Sally Rinker.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-25 was approved as introduced. Public Hearing scheduled for December 10, 2009.

ORDINANCE #09-26

AN ORDINANCE AUTHORIZING THE WAIVER OF FEES CREATED AND IMPOSED BY THE TOWNSHIP OF VERNON FOR LOCAL VOLUNTEER AMBULANCE SQUADS AND LOCAL VOLUNTEER FIRE DEPARTMENTS

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

Section 1. Purpose

The purpose of this ordinance is to permit a waiver of any fees created and imposed by the Township of Vernon for local volunteer ambulance squads and local volunteer fire departments.

Section 2. Definitions

TOWNSHIP FEES means any administrative charge associated with any permitting process or lessening requirement, which charge is created and imposed solely by the Township of Vernon. Fees shall not mean: (1) an administrative charges created and imposed by any governmental authority other than the Township of Vernon, regardless of whether such administrative charges are collected by the Township; (2) an administrative charge required to be created and imposed by the Township pursuant to a federal, state or county law, rule or regulation; or (3) actual costs associated with any permitting process or licensing requirement, exclusive of administrative charges.

LOCAL VOLUNTEER AMBULANCE SQUAD means any duly incorporated volunteer ambulance or rescue squad located within Vernon Township, New Jersey, which provides service generally throughout the Township.

LOCAL VOLUNTEER FIRE DEPARTMENT means any duly incorporated volunteer fire department or volunteer fire company located within Vernon Township, New Jersey, which provides service generally throughout the Township.

Section 3. Exemption from Fees

The Township may by resolution exempt any local volunteer ambulance squad and/or any local volunteer fire department from the payment of any Township fees.

Section 4. Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Severability

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

Section 6. Effective Date.

This Ordinance shall take effect after publication and passage according to law.

Mayor Austin Carew read Ordinance #09-26 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #09-26 upon introduction, seconded by Council Member Gary Grey.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-26 was approved as introduced. Public Hearing scheduled for December 10, 2009.

ORDINANCE #09-27

AN ORDINANCE AUTHORIZING THE WAIVER OF FEES CREATED AND IMPOSED BY THE TOWNSHIP OF VERNON FOR LOCAL QUALIFIED NONPROFIT ORGANIZATIONS

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

Section 1. Purpose

The purpose of this ordinance is to permit a waiver of any fees created and imposed by the Township of Vernon for local qualified nonprofit organizations.

Section 2. Definitions

TOWNSHIP FEES means any administrative charge associated with any permitting process or lessening requirement, which charge is created and imposed solely by the Township of Vernon. Fees shall not mean: (1) an administrative charges created and imposed by any governmental authority other than the Township of Vernon, regardless of whether such administrative charges are collected by the Township; (2) an administrative charge required to be created and imposed by the Township pursuant to a federal, state or county law, rule or regulation; or (3) actual costs associated with any permitting process or licensing requirement, exclusive of administrative charges.

LOCAL QUALIFIED NONPROFIT ORGANIZATION means any duly incorporated organization that qualifies as exempt for federal tax purposes pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, with principal offices and place of business located in the Township of Vernon, New Jersey, and which provide services generally in the Township of Vernon, New Jersey.

Section 3. Exemption from Fees

The Township may by resolution exempt any local qualified nonprofit organization from the payment of any Township fees.

Section 4. Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Severability

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

Section 6. Effective Date

This Ordinance shall take effect after publication and passage according to law.

Mayor Austin Carew read Ordinance #09-27 by title only.

Council Member Gary Grey made a motion to approve Ordinance #09-27 upon introduction, seconded by Council Member Valerie Seufert.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-27 was approved as introduced. Public Hearing scheduled for December 10, 2009.

ORDINANCE #09-28

REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF \$351,000 REFUNDING BONDS (AND NOTES IN ANTICIPATION THEREOF) OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

For the purposes stated in Section 2 of this refunding bond ordinance, negotiable bonds of The Township of Vernon, in the County of Sussex, New Jersey (the "Township"), each to be known as "Refunding Bond" (with such other words incorporated in the title as may hereafter be determined), are hereby authorized to be issued in one or more series in the aggregate principal amount of \$351,000 pursuant to Section 40A:2-51 *et seq.*, of the Local Bond Law of the State of New Jersey (the "Local Bond Law"). In anticipation of the issuance of said refunding bonds, negotiable notes of the Township in a principal amount not exceeding \$351,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

The purposes for which said obligations are authorized are as follows:

Funding an emergency appropriation made by the governing body of the Township on November 12, 2009 for purposes of paying losses incurred by the Township as a result of theft by a third-party payroll service provider and the payment of costs associated therewith.

Paying the costs of issuance of such refunding bonds and notes, including printing, advertising, accounting, financial (including, if applicable, underwriters' discount, original issue discount, bond insurance premium, escrow agent, verification agent and rating agency expenses) and legal expenses, not exceeding approximately \$0.

The following matters are hereby determined, declared, recited and stated:

A certified copy of this refunding bond ordinance was filed before final passage hereof with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, together with a complete statement required by Section 40A:2-55 of the Local Bond Law in form prescribed by said Director of the Division of Local Government Services.

Further provisions as to the refunding bonds or notes authorized by this refunding bond ordinance shall be determined by subsequent resolution of the governing body of the Township, or the determination thereof shall be delegated by such resolution to the Chief Financial Officer or other official of the Township.

The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Township as provided for in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this refunding bond ordinance by \$351,000, and the said obligations authorized by this refunding bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

Said bonds and notes shall recite that they are issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes.

The Township Clerk is hereby authorized and directed to file a certified copy of this refunding bond ordinance after the same shall become effective in the office of the said Director referred to in paragraph (a) of Section 3 hereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this refunding bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this refunding bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this refunding bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

This refunding bond ordinance shall take effect when there is endorsed upon a certified copy hereof the consent referred to in Section 40A:2-55 of Local Bond Law, but not sooner than twenty (20) days after the first publication hereof after final passage.

Council Member Valerie Seufert made a motion to approve Ordinance #09-28 upon introduction, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert

NAYES: Gary Grey, Sally Rinker, Austin Carew

Ordinance #09-28 FAILED.

SECOND READING, PUBLIC HEARING 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, AND APPROPRIATING \$665,233 FROM THE CAPITAL SURPLUS FUND

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 monies available in the Capital Surplus Fund 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 is further identified in Appendix A attached hereto this Ordinance; 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.

Mayor Carew read Ordinance #09-20 by title only. First reading was held on October 8, 2009.

PUBLIC HEARING:

Thomas McClachrie, Vernon Taxpayers Association, commented that all monies should be maintained as capital surplus and not spent.

Gary Martinsen, Vernon, urged the Council not to spend any money authorized in this Ordinance.

Jessi Paladini, Sunset Ridge, reminded the Council that the Township's Budget and fiscal positions are stressed and monies should not be spent on the municipal building renovation at this time.

Doreen Edwards, Highland Lakes, urged the Council not to spend money foolishly.

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

Council Member Richard Carson commented that the items listed in the Ordinance should be prioritized by importance before any funds are appropriated and expended.

Council Member Valerie Seufert stated all funds should be put into surplus and remain in surplus.

Council Member Gary Grey commented that the Ordinance should reflect that the items are to be approved individually.

Council Member Gary Grey made a motion to adopt the above Ordinance, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: None

NAYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

Ordinance #09-20 FAILED.

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 Carew read Ordinance #09-22 in full. First reading was held October 8, 2009.

PUBLIC HEARING:

Harold MacPeck, Vernon, questioned whether the Ordinance considered the United States Postal Service standards for the installation of U.S. Mailboxes.

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

Council Member Valerie Seufert made a motion to adopt the above Ordinance, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

Ordinance #09-22 was adopted.

ORDINANCE #09-24

AN ORDINANCE ALLOWING CERTAIN TEMPORARY COMMERCIAL SIGNAGE TO BE DISPLAYED BY BUSINESSES LOCATED IN COMMERCIAL ZONING DISTRICTS BETWEEN TUESDAY, DECEMBER 1, 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, December 1, 2009 through January 19, 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, December 1, 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 board sign, single post podium sign or a banner, as further defined in this Ordinance.
- B. An allowable sandwich board sign 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 attached.
- 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 Carew read Ordinance #09-24 by title only. First reading was held October 8, 2009.

PUBLIC HEARING:

Gary Martinsen, Vernon, questioned why sandwich board signage has been deleted and strongly opposed the deletion of sandwich board signage.

Jessi Paladini, Sunset Ridge, questioned what type of temporary signage would be permitted under the ordinance and further questioned whether the elimination of sandwich signs is punitive.

Ron Muller, Chair, Sign Review Ordinance Committee, commented that the Sign Review Ordinance Committee was not involved in the drafting of this ordinance at the time of first reading and this was not well received by members of the Committee. Mr.

Muller stated the committee's recommendations were made on the basis of provisions being proposed in a permanent sign ordinance.

Gary Martinsen, Vernon, urged the Council to include sandwich board signage in the Ordinance and commented that several businesses are currently using sandwich board signs.

Marika Bazzone, Glenwood, questioned why businesses would not be allowed to use any type of signage they choose and questioned why government would control signs.

Doreen Edwards, Highlands Lakes, commented that Mr. Martinsen help to draft the ordinance and questioned why sandwich board signs should be banned.

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

Council Member Gary Grey suggested that sandwich board signage should be allowed on a temporary basis to see how they work out.

Council Member Gary Grey made a motion to amend the above Ordinance to state January 19th in the fourth "Whereas" statement, and a commencement date of December 1st, seconded by Council Member Richard Carson.

A roll call vote was taken to amend Ordinance #09-24 as referenced above:

AYES: Richard Carson, Gary Grey, Sally Rinker

NAYES: Valerie Seufert, Austin Carew

Ordinance #09-24 was amended as referenced.

Council Member Gary Grey made a motion to adopt Ordinance #09-24, as amended. Seconded by Council Member Valerie Seufert.

A roll call vote was taken to adopt Ordinance #09-24 as amended:

AYES: Richard Carson, Gary Grey, Sally Rinker

NAYES: Valerie Seufert, Austin Carew

Ordinance #09-24 was adopted as amended.

COUNCIL BUSINESS

Council Member Valerie Seufert questioned the status of payments due and owing to the Vernon Township Board of Education.

Council Member Valerie Seufert further requested an estimate of total dollars still owed to Qualified Private Communities under the Municipal Fair Services Act.

Council Member Valerie Seufert questioned the status of the McDermott land matter.

Council Member Valerie Seufert announced the "Cards for Troops" Program for troops overseas and urged everyone to participate. A drop-off box will be displayed in the Municipal Center lobby.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 12:15 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC

Municipal Clerk

Minutes approved: December 10, 2009