

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

December 10, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:16 p.m. on Thursday, December 10, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting was provided to the public and the press on December 7, 2009 in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7. Notice of this meeting was sent to the New Jersey Herald and was posted on the bulletin board in the Municipal Center and posted on the Township's Website.

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Gary Grey, 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 6:17 p.m., Mayor Austin Carew asked for a motion to go into Executive Session Council Member Sally Rinker 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. Potential litigation/Attorney-Client matter regarding Main Street Associates proposed Developers Agreement. There is no anticipated date of release of Executive Session Minutes.
 - b. Potential litigation/Attorney Client matter regarding the McDermott Parking Lot: Notice of Claim. No anticipated date of release of Executive Session Minutes.
 - c. Contracts/Collective Bargaining matter regarding Township Staffing and U.A.W., P.B.A. and A.S.C.F.M.E. Unions. Executive Session Minutes may be released upon conclusion of negotiations.
 - d. Attorney Client matter regarding 16 Glenwood Lane former COAH Unit. No anticipated date of release of Executive Session Minutes.
 - e. Real Estate/Contract matter regarding the Offer of Open Space Lands. Executive Session Minutes may be released upon conclusion of the contract.
 - f. Personnel matter regarding the Township Manager. No anticipated date of release of Executive Session Minutes.
 - g. Litigation/Attorney Client matter regarding Marotta vs. Township of Vernon, et al... 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 6:19 p.m.

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The meeting was reopened to the public at 7:09 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.

Harold MacPeek, Vernon, questioned the appearance of the new holiday banners and light treatments erected along the Town Center in Vernon.

Gary Martinsen, Vernon, thanked Mayor Carew and Council Member Gary Grey for their service on the Council since their terms will be ending December 31st. Mr. Martinsen then voiced his opposition to Resolution #09-215 and questioned Resolution #09-213.

Jessi Paladini, Sunset Ridge, questioned whether the canoe launch had been constructed. Ms. Paladini also questioned whether the Harold E. Pellow & Associates engineering and planning service contracts had to go through a bidding process due to the aggregate dollar amount of contracts awarded in 2009. Ms. Paladini inquired if the Historical Society can use Township surveying and legal services for an upcoming land project since the Township donated these services to the D.O.G.S. park project. Ms. Paladini then commented on the grant writer, Mr. Bruno, comments presented at a recent Council Meeting, stating that they were misleading regarding the Local Aid grant recently awarded to the Township for the Maple Grange Road / Rt. 515 intersection improvement project. Ms. Paladini questioned why the Township manager is being appointed the Township's Fund Commissioner (Resolution #09-206) and questioned Resolution #09-213. Lastly, Ms. Paladini questioned if the Township or Township Manager have insurance to cover the Ameripay loss.

Josephine Prisco, Vernon, thanked Mayor Carew and Council Member Gary Grey for their service to the Council. Ms. Prisco objected to Resolution #09-215 and commented that it is her understanding the Township Manager has denied Township employees from carrying-over unused vacation time for 2009.

Phyllis MacPeek, Vernon, questioned if the grant writer, Mr. Bruno, received a commission or fees for the \$200,000 Local Aid Grant even though the Township wrote and applied for the grant the previous year.

Thomas McClachrie, Vernon Taxpayers Association, opposed the carry-over of unused vacation days for the Township Manager as referenced in Resolution #09-215.

Mayor Austin Carew clarified the Manager can be appointed a Purchasing Agent and can enter into contracts exceeding \$17,500.00.

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

PRESENTATIONS AND SPECIAL ITEMS

Emergency Management Report

Police Chief Roy Wherry presented a summary report of the Office of Emergency Management (O.E.M.) efforts deployed during the 2008 December ice storm event, lessons learned from that emergency, and best practices that have since been implemented for future emergency situations should they arise.

County Office of Emergency Management Coordinator, Skip Danielson, presented the County's Outbound 9-1-1 community alerting system that will be used to notify

residents of Sussex County in the event of an emergency. In the event of an emergency, public safety personnel identify affected areas in a community and activate the direct dial landline alerting system with appropriate emergency information. Residents can register their cell phones to receive emergency notifications through the website www.registerready.nj.gov.

The Township Council thanked the Vernon Township Police Department, Department of Public Works personnel, and all Fire Department and Ambulance Squad volunteers for their extraordinary efforts. The Township continues to organize a Community Emergency Response Team (C.E.R.T.)

PROCLAMATION PRESENTED TO COUNCIL MEMBER GARY GREY

A Proclamation for Council Member Gary Grey was read and presented by Mayor Austin Carew recognizing Mr. Grey's service to the Township Council.

PROCLAMATION PRESENTED TO MAYOR AUSTIN CAREW

A Proclamation for Mayor Austin Carew was read and presented by Deputy Mayor Valerie Seufert recognizing Mayor Carew's public service to Vernon Township. Deputy Mayor Seufert then presented Mayor Austin Carew with a Clock with an engraved plaque recognizing his efforts and dedicated service as an elected official of Vernon Township for the years 2005 through 2009.

Council Member Valerie Seufert commented that she has known Mayor Carew for many years and throughout that time he has been dedicated to the Township through various Boards and organizations. Council Member Valerie Seufert also thanked Mayor Carew's family for supporting his work in the Township.

TOWNSHIP MANAGER'S REPORT

The Township Manager reported that Council Orientations are to be rescheduled for new Council Members. Rescheduled dates have not been given at this time.

COAH Update

The Township's Council on Affordable Housing (C.O.A.H.) attorney contract expires at the end of the year. The C.O.A.H. Round 3 certification deadline has been extended to June 2010. The Council will address the C.O.A.H. matter in January 2010 in order to determine whether to extend the C.O.A.H. attorney's contract.

2010 Municipal Budget

A 2010 Budget Work Session is scheduled for January 5, 2010. Department Heads will be presenting their respective department budget to the Council.

Build-Out Analysis Mapping

Mr. Lou Kneip distributed a Build-Out Analysis map prepared by the State's Office of Smart Growth for future potential residential growth.

United Water Sewer Extension Agreement

The Township Attorney reported on the status of the United Water Sewer Extension Agreement. The Township Engineer has completed the maps and exhibits to the agreement and it is anticipated the agreement will be executed before the end of the month.

Highlands Council Grant

Lou Kneip briefly reported on the \$5,000 Highlands Council grant for participation in a Water Use and Conservation Plan Pilot Program and recommended the Township authorize and accept grant monies to participate in the pilot program.

Finance Department Report

Bill Zuckerman, Chief Finance Officer, advised that \$10,000 in State Aid is on hold and will keep the Council informed on this matter.

APPROVAL OF MINUTES

Council Member Valerie Seufert made a motion to table October 27, 2009 Special Meeting Minutes and October 27, 2009 Executive Session Minutes to the next Regular Council Meeting. Motion seconded by Council Member Richard Carson.

A roll call vote was taken:

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

Council Member Valerie Seufert made a motion to approve the November 12, 2009 Regular Meeting Minutes, November 12, 2009 Executive Session Minutes, and the November 12, 2009 Work Session Minutes. Motion seconded by Council Member Richard Carson.

A roll call vote was taken:

- AYES: Richard Carson, Gary Grey, Sally Rinker, Austin Carew
- NAYES: None
- ABSTAIN: Valerie Seufert abstained on the Executive Session Minutes

CONSENT AGENDA

RESOLUTION #09-202

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	\$ 102,361.53	
#2	Current	\$1,634,008.50	Vernon BOE
#3	Grant	\$ 4182.48	
#4	Recreation	\$ 500.00	
	Total	\$1,741,052.51	

RESOLUTION #09-203

AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that the following township checks have been outstanding for a period in excess of six months:

	<u>Check #</u>	<u>Amount</u>	<u>Date of Issue</u>
RECREATION TRUST	865	\$19.50	02/03/09

THEREFORE, be it resolved that the above outstanding checks be restored to the township.

RESOLUTION #09-208

AUTHORIZING AND DIRECTING THE REINSTATEMENT OF INSTALLMENT PAYMENTS FOR THE PLEASANT VALLEY LAKE DAM ASSESSMENT ON BLOCK 268.22 LOT 51 PURSUANT TO N.J.S.A. 40:56-35(b)

WHEREAS, the Township Council confirmed the Special Assessment of the Pleasant Valley Lake Dam Restoration Project by Resolution #03-131 dated November 10,2003; and

WHEREAS, Block 268.22 Lot 51 was assessed pursuant to said Resolution; and

WHEREAS, the Township Council is satisfied that the owners of said property failed to make the installment payment due as a result of extenuating circumstances over which they had no control as stated in their letter request; and

WHEREAS, the Township Council is authorized to reinstate the installment payments due under the assessment pursuant to N.J.S.A. 40:56-35 (b).

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

1. Upon payment by the owners of Block 268.22 Lot 51 of any and all delinquent payments for the Pleasant Valley Lake Special Assessment herein referenced together with any interest and/or penalties thereon, the Tax Collector is hereby authorized and instructed to accept said payment, interest and penalties and to restore to said owner the right to make future assessment payments pursuant to and under the installment payment plan established for the said assessment.
2. Nothing herein should be construed to alter, amend, or terminate the payments, past or future, owed by the owners of Block 268.22 Lot 51 due and owing under the referenced special assessment.
3. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #09-212

REFUND FOR OVERPAYMENT OF TAXES FOR BLOCK 199.01 LOT 24 C00AB

WHEREAS, the assessment for Block 199.01 Lot 24 C00AB for the year 2009 was lowered; and

WHEREAS, lowering the assessment, created an overpayment of taxes,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex State of New Jersey, hereby authorize the Township Treasurer to issue check for said overpayment and the Tax Collector refund said overpayment of taxes on the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>LOCATION</u>
199.01.1	24 C00AB	Ashkenazy, Ben	\$3,855.94	1Great Gorge Dr Unit2

Council Member Valerie Seufert moved to approve the Consent Agenda, 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

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-204

TRANSFER RESOLUTION – 2009 BUDGET

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2009 Municipal Budget) in accordance with N.J.S.A. 40A 4-58 be and are hereby approved:

From:		To:	
Dog Trust	\$7,750.00	Animal Control S&W	\$2,700.00
		Animal Control O/E	\$5,050.00
Fire Prevention Trust	\$16,732.00	Fire Prevention O/E	\$16,732.00
Clerk O/E	\$9,260.00	Assmt of Taxes S&W	\$8,000.00
		Mayor & Council O/E	\$1,260.00
Finance O/E	\$1,404.00	Interest on Emergency Note	\$1,404.00
Total	\$35,146.00	Total	\$35,146.00

Council Member Valerie Seufert questioned whether the expenditures itemized in the Council's line item budget are correctly reflected. Ms. Seufert also questioned the amount of funds unspent in the Fire Prevention Trust account and the Clerk's Office O&E account presented in the Transfer Resolution.

Council Member Richard Carson made a motion to amend Resolution #09-204 to remove Mayor & Council O/E \$1,260 and increase Clerk O/E \$1,260. Motion 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 #09-204 was amended.

Council Member Richard Carson made a motion to approve Resolution #09-204 as amended, 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 #09-204 was approved as amended.

RESOLUTION #09-205

ACCEPTING A GRANT IN THE AMOUNT OF \$5,000.00 FROM THE NEW JERSEY HIGHLANDS COUNCIL FOR PARTICIPATION IN A WATER USE AND CONSERVATION PLAN PILOT PROGRAM

WHEREAS, the Township of Vernon is entirely within the Highlands Preservation or Planning areas; and

WHEREAS, the Highlands Council has solicited letters of interest from Municipalities within the Highlands Region for the purpose of participation in a Water Use and Conservation Plan Grant Pilot Program; and

WHEREAS, the Township of Vernon submitted a letter of interest for said program; and

WHEREAS, the Highlands Council has selected the Township of Vernon to participate in said program, and has offered a \$5,000.00 non-matching grant for same; and

WHEREAS, the Vernon Township Engineer/Director of Planning and Development has advised the Council that participation in said program is of benefit to the Township since it will better define, identify, and offer possible solutions to address water deficit areas within Vernon's sub-watersheds; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that the \$5,000.00 grant offered by the Highlands Council for a Water Use Conservation Management Plan Pilot Program is hereby accepted; and

BE IT FURTHER RESOLVED that the Council of the Township of Vernon hereby appoints the Township Engineer as the liaison to the Highlands Council for the purpose of executing said grant, and that the Engineer's time shall be billed at the rate of \$111.00 per hour, consistent with the rate currently billed to the Vernon Township Land Use Board.

Council Member Gary Grey made a motion to approve Resolution #09-205, 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 #09-205 was approved.

RESOLUTION #09-206

RESOLUTION APPOINTING FUND COMMISSIONER

WHEREAS, Township of Vernon (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit that Melinda Carlton, Township Manager, is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund. .

Council Member Richard Carson recused himself from the discussion.

Council Member Valerie Seufert made a motion to table Resolution #09-206, seconded by Council Member Sally Rinker.

A roll call vote was taken:

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

NAYES: None

Resolution #09-206 was tabled to the January 14, 2009 Meeting.

RESOLUTION #09-207

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Township of Vernon (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. The Township of Vernon hereby appoints Willis of New Jersey Inc. /John Moore as its local Risk Management Consultant.
2. The Mayor of the Township of Vernon (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2010 in the form attached hereto.

Council Member Richard Carson made a motion to approve Resolution #09-207, 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 #09-207 was approved.

RESOLUTION #09-209

AUTHORIZING THE USE OF, ON SCENE EMERGENCY EQUIPMENT, LLC, FOR THE PURCHASE OF A "BEAST"-SPREADER/CUTTER COMBINATION TOOL, A 6.5HP HONDA LIGHT SIMO POWER UNIT, FOR VERNON FIRE DEPARTMENT, IN THE AMOUNT OF \$9,634.00, FOR USE BY THE VERNON FIRE DEPARTMENT

WHEREAS, the Township of Vernon has a need to purchase a rescue tool for the Vernon Fire Department; and

WHEREAS, Vernon Township obtained quotes for this tool from three providers; and

WHEREAS, the Purchasing Agent has reviewed the prices, and determined it would be cost effective for the Township to purchase this tool; and

WHEREAS, the Purchasing Agent recommends that the Township Council pass this resolution authorizing this purchase; and

WHEREAS, the cost estimate for the purchase, including shipping, is \$9,634.00; and

WHEREAS, the vendor is On Scene Emergency Equipment, LLC; 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 On Scene Emergency Equipment, LLC, in the amount not to exceed \$9,634.00 be approved; and

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

Council Member Richard Carson made a motion to approve Resolution #09-209, 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 #09-209 was approved.

RESOLUTION #09-211

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$13,487,398 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (herein called "local unit") entitled: "Bond ordinance providing a supplemental appropriation of \$120,000 for improvements to Woodland Hills Drive in and by the Township of Vernon, in the County of Sussex, New Jersey and directing a special assessment of the cost thereof, and authorizing the issuance of \$114,000 bonds or notes of the Township for financing the same", finally adopted on August 9, 2004 (#04-16), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$92,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for various capital improvements by the Township of Vernon, in the County of Sussex, New Jersey appropriating the aggregate amount of \$4,528,200 therefor, including \$934,000 expected to be received from the green acres conservation easement and authorizing the issuance of \$3,420,000 bonds or notes of the Township to finance part of the cost thereof", finally adopted on April 26, 2004 (#04-26), Bond

Anticipation Notes of the local unit in a principal amount not exceeding \$1,956,007.84 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for various improvements to the town center in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$4,750,000 therefor, including a special legislative grant expected to be received in the amount of \$750,000 and authorizing the issuance of \$3,809,000 bonds or notes of the Township to finance part of the cost thereof", finally adopted on March 28, 2005 (#05-09), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$3,404,274.84 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for various improvements by the Township of Vernon, in the County of Sussex, New Jersey, appropriating the aggregate amount of \$1,900,000 therefor, including \$148,000 expected to be received from the State of New Jersey Department of Transportation and \$40,000 received from the State of New Jersey Department of Community Affairs and authorizing the issuance of \$1,666,000 bonds or notes of the Township to finance part of the cost thereof", finally adopted on May 9, 2005 (#05-14), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,472,462.77 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$780,000 and authorizing the issuance of \$742,800 bonds or notes the Township of Vernon, in the County of Sussex, New Jersey, for the provision of affordable housing in the Borough of Ogdensburg and the Borough of Ridgefield pursuant to regional contribution agreements with those municipalities", finally adopted on February 27, 2006 (#6-06), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$587,795.12 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of lands in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$450,000 therefor and authorizing the issuance of \$428,500 bonds or notes of the Township for financing such appropriation" (#5-31), finally adopted on January 9, 2006, Bond Anticipation Notes of the local unit in a principal amount not exceeding \$406,473.50 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$4,100,000 and authorizing the issuance of \$3,780,500 bonds or notes of the Township for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on June 26, 2006 (#6-19), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,424,851.49 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 8. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the improvement of Maple Grange Park in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$2,100,000 therefor and authorizing the issuance of \$2,000,000 bonds or notes of the Township for financing such appropriation", finally adopted on May 31, 2007 (#7-24), Bond Anticipation Notes

of the local unit in a principal amount not exceeding \$1,693,607.28 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 9. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance appropriating \$1,864,579, and authorizing the issuance of \$1,632,900 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey", finally adopted on August 13, 2007 (#7-36), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$1,449,925.16 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 10. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 through 9 described, shall be combined into a single and combined issue of bonds in the principal amount of \$13,487,398.

Section 11. The following matters in connection with said Bond Anticipation Notes are hereby determined:

- (a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the interim chief financial officer (the "chief financial officer") of the local unit, provided that no note issued pursuant to Sections 1 through 9, inclusive, hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;
- (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and
- (c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 12. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

Section 13. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 14. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 15. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 16. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 17. This resolution shall take effect immediately.

Mr. Bill Zuckerman explained that the bonds are currently at 3.85% interest and can be refinanced at a more favorable interest rate.

Council Member Valerie Seufert made a motion to approve Resolution #09-211, 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 #09-211 was approved.

RESOLUTION #09-213

AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY THE PAYROLL AND OTHER BUDGET EXPENSES FOR THE BALANCE OF 2009

WHEREAS, The Township of Vernon's last regular scheduled meeting of the governing body is December 10, 2009.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Chief Financial Officer is authorized to pay the payroll and other budget expenses for the balance of December 2009, with a Bills List to be presented in January, 2010.

Council Member Sally Rinker made a motion to approve Resolution #09-213, 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 #09-213 was approved.

RESOLUTION #09-214

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO CONTRACT BETWEEN THE TOWNSHIP OF VERNON AND BOB BALDWIN TRANSPORTATION, INC.

WHEREAS, following the public advertising and opening of bids, the Township of Vernon, New Jersey and Bob Baldwin Transportation, Inc. ("Contractor") entered into a Contract, dated December 29, 2007, to provide offsite motor fuel; and

WHEREAS, the Agreement and the bid documents and specifications upon which the Township's award of the Agreement was based permits the parties to extend the Agreement's term by up to 90 days following its expiration, which expiration date is December 31, 2009; and

WHEREAS, the Agreement and its associated bid documents and specifications are on file in the Township Clerk's office; and

WHEREAS, the Township, upon the recommendation of the Director of the Department of Public Works, finds that the services are being performed in an effective and efficient manner by the Contractor and, pursuant to N.J.S.A. 40A:11-15, desires to enter into an amended agreement extending the Contract's term pursuant to the Amendment attached hereto and made part of this Resolution; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available for this purpose or will be available upon adoption of a temporary operating budget for 2010.

NOW, THEREFORE, BE IT RESOLVED, Township Council for the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the attached Amendment to Contract between the Township of Vernon and Bob Baldwin Transportation, Inc.

BE IT FURTHER RESOLVED that the Township Clerk shall publish notice of this Amendment pursuant to applicable law.

Council Member Richard Carson made a motion to approve Resolution #09-214, seconded by Council Member Sally Rinker.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Valerie Seufert

Resolution #09-214 was approved.

RESOLUTION #09-215

AUTHORIZING TOWNSHIP MANAGER TO CARRY OVER VACATION TIME ACCRUED IN 2008

WHEREAS, current Township of Vernon personnel policies and practices allow employees to carry over vacation time accrued during one calendar year to the immediately following calendar year; and

WHEREAS, current Township of Vernon personnel policies and practices allow employees to further carry over such accrued time to a second year only with the permission of the Township Manager; and

WHEREAS, the Township Director of Personnel has confirmed that the Township Manager currently has 12 available vacation days accrued to her in 2008 and which days were carried over into 2009; and

WHEREAS, the Township Manager desires to carry all or a portion of the 12 vacation days accrued in 2008 over into 2010 and requests that the Council grant approval to do so; and

WHEREAS, the Township Manager has been given notice that this matter will be discussed by the Council its December 10th, 2009 Regular Meeting.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council for the Township of Vernon, County of Sussex, State of New Jersey, that the Township Manager is hereby authorized to carry over up to 12 vacation days accrued to her in 2008 into the calendar year 2010.

Council Member Richard Carson recused himself from the discussion.

Council Member Valerie Seufert made a motion to table Resolution #09-215, seconded by Council Member Sally Rinker

A roll call vote was taken:

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

NAYES: None

Resolution #09-215 was tabled to the January 14, 2009 Meeting.

RESOLUTION #09-216

AUTHORIZING THE EXECUTION OF QUITCLAIM DEED RELEASING OWNERSHIP UNIT FROM AFFORDABILITY HOUSING CONTROLS FOR 16 GLENWOOD LAND, VERNON, NEW JERSEY 07462

WHEREAS, on or about August 14, 2001, an Affordable Housing Deed containing Fair Housing Act deed restrictions (the "Restrictions") were executed by Vernon Township, and were subsequently recorded in Clerk's Office of Sussex County, State of New Jersey in, respectively, Deed Book 2567 page 121 through 132 in connection with the property being known and designated as Lot 4 block 124.21 in the Municipality of Vernon, County of Sussex, State of New Jersey, and more commonly known as 16 Glenwood Lane, Vernon, New Jersey 07462 (the "Property"); and

WHEREAS, the current owners of the Property have requested that the Township release the Restrictions on the Property by execution of the Quitclaim Deed Releasing Ownership Unit from Affordability Housing Controls attached hereto and made part of this Resolution; and

WHEREAS, the Township's Special Counsel for Affordable Housing has reviewed the request and advised that it is in the best interests of the Township to release the Restrictions on the Property as requested.

NOW, THEREFORE, BE IT RESOLVED, Township Council for the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the Quitclaim Deed Releasing Ownership Unit from Affordability Housing Controls attached hereto on behalf of the Township.

Council Member Richard Carson made a motion to approve Resolution #09-216, 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 #09-216 was approved.

Mayor Austin Carew called for a short recess at 8:39 p.m.

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Mayor Austin Carew reconvened the meeting at 8:58 p.m. with all present as before.

SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES

ORDINANCE #09-23

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, and 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.

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:

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 Carew read Ordinance #09-23 by title only. First reading was held on November 12, 2009. Mayor Carew opened the meeting for Public Hearing on this ordinance.

Jessi Paladini, Sunset Ridge, applauded the Township's administrative employees and cautioned the Council that approval of Ordinance #09-23 may fringe on an unfair labor practice.

Thomas McClachrie, Vernon Taxpayers Association, read an excerpt from the report "The Beat Goes On: Waste and Abuse in Local Government" issued by the State of New Jersey Commission of Investigation (SCI) from December 2009. Mr. McClachrie supported Ordinance #09-23.

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

There was Council discussion.

Council Member Valerie Seufert questioned if an insurance representative has presented the healthcare benefits to the employees so they fully understand the benefits and associated costs.

Council Member Richard Carson questioned if the Township's healthcare plan contains a wellness plan.

Council Member Sally Rinker commented that employees should be given the opportunity to speak with a healthcare representative before the ordinance is approved and finalized.

Council Member Sally Rinker made a motion to table the above Ordinance to allow employees an opportunity to clarify benefits provided under the PPO/HMO healthcare plan and associated costs.

A roll call vote was taken on the motion to table Ordinance #09-23:

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

NAYES: None

Ordinance #09-23 was tabled.

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 Carew read Ordinance #09-25 by title only. First reading was held on November 12, 2009.

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

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

There was no Council discussion. Council Member Richard Carson made a motion to approve the above Ordinance, 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

Ordinance #09-25 was approved.

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, and 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 Carew read Ordinance #09-26 by title only. First reading was held on November 12, 2009.

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

Gary Martinsen, Vernon, commented that the ordinance may be too generous in fees that may be waived, and encouraged the Council to fully understand the extent of fees that could be waived before approving this Ordinance.

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

Mayor Austin Carew commented that he fully supported the services provided by the Fire Department and Ambulance Squads, and therefore supports passage of Ordinance #09-26.

There was no Council discussion. Council Member Richard Carson made a motion to approve the above Ordinance, 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

Ordinance #09-26 was approved.

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, and 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 Carew read Ordinance #09-27 by title only. First reading was held on November 12, 2009. Mayor Carew opened the meeting for Public Hearing on this ordinance.

Thomas McClachrie, Vernon Taxpayers Association, opposed the waiving of sub-code and building permit fees for non-profit organizations, and questioned what would prevent an individual or entity from creating a non-profit to save on construction fees.

Jessi Paladini, Sunset Ridge, questioned if the Council can waive fees for one non-profit organization and not waive fees in other instances.

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

There was Council discussion.

Council Member Richard Carson requested that the proposed Ordinance be drafted with specifics as to how and when fees may be waived for non-profit organizations.

Council Member Sally Rinker commented that a non-profit religious organization may qualify for waiver of fees for large Land Use Board applications.

Township Manager Melinda Carlton agreed that the broad scope of the Ordinance may be problematic in its interpretation and implementation, and may create a large fiscal impact on the municipality.

Council Member Sally Rinker made a motion to table the above Ordinance, seconded by Council Member Richard Carson.

A roll call vote was taken to table Ordinance #09-27:

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

NAYES: None

Ordinance #09-27 was tabled.

COUNCIL BUSINESS

Council Member Valerie Seufert questioned the status of the replacement of the Municipal Building Heating, Ventilating, and Air Conditioning (H.V.A.C.) system and requested the Manager to take immediate steps for the repair or replacement of the mechanical system.

Motion

Council Member Sally Rinker made a motion for the Township Manager to contact Johnson Controls, the manufacturer of the H.V.A.C. system to evaluate the mechanical system and prepare an estimate for repair. Motion 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

Council Member Sally Rinker questioned the status of the Maple Grange Park community building grant project.

Mr. Kneip reported that 85% of the grant project has been completed. The grant must be closed out before the end of the month. Mr. Kneip stated that he would be finalizing all invoices and paperwork in the next two weeks.

Council Member Valerie Seufert questioned if the Township has any other grant projects that will be closed out in the near future.

Mr. Kneip answered that the State pulled money from the Access Management Plan grant without allowing the Township to respond, and Mr. Benecke and Mr. Bruno are trying to have the grant reopened. The Department of Transportation Grant for the Sandhill Road improvements has been closed out and fully reimbursed. The Black Creek Sanctuary Study grant has been closed out. There is \$112,500 due to Vernon Township for the Hauck Property purchase. Survey and Recreation and Open Space Inventory (R.OS.I.) revisions had to be made.

Council Member Valerie Seufert requested an update on the status of Open Space land acquisition projects handled by the Land Conservancy of New Jersey.

Mayor Austin Carew commented on the Vernon Area Bus Shuttle proposed transit service and fully supported the expansion of this transit service for Vernon Township residents. Mayor Austin Carew thanked Sussex County Freeholder Susan Zellman for her support in awarding Vernon with this three-year pilot transit service.

Council Member Gary Grey stated he enjoyed serving on the Township Council and stated he fully respects the efforts an elected official must dedicate to the position.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 10:00 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 matter to be discussed are:
 - a. Real Estate/Contract matter regarding the Offer of Open Space Lands. Executive Session Minutes may be released upon conclusion of the contract.
 - b. Personnel matter regarding the Township Manager. No anticipated date of release of Executive Session Minutes.
 - c. Litigation/Attorney Client matter regarding Marotta vs. Township of Vernon, et al.. 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 10:00 p.m.

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The meeting was reopened to the public at 10:58 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.

ADJOURNMENT

There being no further items of business to be conducted on the Regular Meeting agenda, a motion for Adjournment was made by Council Member Gary Grey. 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 10:58 p.m.

Respectfully submitted,

Robin R. Kline
Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved: January 14, 2010