

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

February 14, 2011

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:09 p.m. on Monday, February 14, 2011 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 6, 2011, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Brian Lynch, Valerie Seufert, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin. Council Member Harry Shortway was absent.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:11p.m. Mayor Sally Rinker 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, N.J.S.A. 10:4-6 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. Contract Negotiations – FSD Enterprises. Executive Session minutes will be released to the public upon the execution of an agreement.
 - b. Litigation – Sussex County Municipal Utilities Authority. Executive Session Minutes will be released to the public upon the conclusion of this matter.
 - c. Debt Payment – Mountain Creek. Executive Session minutes will be released to the public upon the conclusion of this matter.
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 6:11 p.m.

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The meeting was reopened to the public at 7:12 p.m. Present were Council Members Richard Carson, Brian Lynch, Valerie Seufert, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

SALUTE TO THE FLAG

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

PRESENTATIONS AND SPECIAL ITEMS

Municipal HVAC System and Energy Efficiency Conservation Block Grant, Cory Stoner, Township Engineer

Cory Stoner of Harold E. Pellow and Associates gave a presentation on the HVAC System & Energy Efficiency Conservation Block Grant. It was explained that the grant, which was applied for before the end of the year, was meant for energy efficiency upgrades of the municipal facilities. Lighting improvements, heating, ventilation and air conditioning were targeted for the energy improvements. Mr. Stoner advised that a \$20,000.00 grant had been received. Mr. Stoner outlined two different improvement packages and the costs involved for each. Mr. Stoner suggested the package would upgrade all of the lighting inside and outside the municipal building along with an upgrade of the HVAC system in the Police Department. Mr. Stoner stated that the work would begin in May, if approved.

RESOLUTION #11-39

AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH THE NEW JERSEY OFFICE OF CLEAN ENERGY – DIRECT INSTALL PROGRAM WITH DONNELLY ENERGY SOLUTIONS FOR THE COMPLETION OF ENERGY SAVING IMPROVEMENTS AT THE VERNON TOWNSHIP MUNICIPAL BUILDING

WHEREAS, the Township of Vernon has made application to the Federal Energy Efficiency and Conservation Block Grant (EECBG) program to obtain grant funding for municipal facility improvements; and

WHEREAS, in conjunction with the EECBG grant, the Township has also submitted application to the NJ Clean Energy Incentive Direct Install Program to receive additional funding for facility improvements; and

WHEREAS, the proposed improvement project includes the replacement of building lights, the installation of lighting sensor controls, and the completion of other improvements that would aid the Township in making the existing municipal building more energy efficient and reduce overall energy consumption; and

WHEREAS, under the Direct Install Program, Donnelly Energy Solutions, 557 Route 23 Wayne, NJ, has submitted a proposal to the Township; and

WHEREAS, the total cost of the proposed project is \$78,245.21 of which the NJ Clean Energy Incentive covers \$46,947.12 and the EECBG Rebate covers \$20,000.00 which leaves a total cost to the Township of \$11,298.09; and

WHEREAS, the Chief Financial Officer has certified the funds available for this purpose subject to the adoption of the 2011 Municipal Budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Vernon, that the Governing Body does hereby agree to enter into an agreement with Donnelly Energy Solutions through the Direct Install Program and accept additional grant funding through the Energy Efficiency and Conservation Block Grant program for the energy improvements for the Municipal Facility.

BE IT FURTHER RESOLVED, that the Mayor of the Township of Vernon is hereby authorized to execute an Agreement with Donnelly Energy Solutions, Wayne NJ on behalf of the Township of Vernon and the Township of Vernon does accept the Terms and Conditions specified in the Agreement in connection with this grant.

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Mayor Rinker

NAYES: None

Resolution #11-39 was approved.

Mr. Stoner continued with his presentation, referencing Phase I of the HVAC repairs and upgrades to the mechanical system which began in 2010. Mr. Stoner also spoke regarding Phase II which concerns replacement of chillers, boilers, air handlers for the Senior Center, and duct work insulation. Council Member Lynch questioned the functionality of the generator and Mr. Stoner stated that he was not aware of any issues with the generator. Mr. Stoner noted difficulties in working on these systems due to their locations and also recommended a maintenance agreement which would provide for professionals to conduct system maintenance. Mayor Rinker expressed concern regarding the approximate \$400,000 involved in this project, and questioned the possibility of a more economic solution. Mr. Stoner stated that there have been many unanticipated costs along the way due to the disrepair of the system. Mayor Rinker questioned if there was enough money to replace parts instead of repairing them. Mr. Giaimis outlined two options for funding. One option was part of the 2011 Capital Budget and the second option was to review reallocation of prior bond monies. Mayor Rinker asked Mr. Giaimis to report back to the next Council meeting on progress made for funding of this project, prior to further discussion.

Discussion of 2011 Proposed Municipal/Capital Budget, Jerry Giaimis, Township Manager

Mr. Giaimis introduced Bob Benecke, Financial Consultant from Benecke Economics and Bill Zuckerman, Chief Financial Officer before beginning his presentation of the 2011 Proposed Municipal Capital Budget Plan. Mr. Giaimis advised that the budget had been updated several times and the Council and Vernon Financial Advisory Committee had received copies with those updates. Mr. Giaimis reported that Vernon's 2011 municipal budget holds approximately \$22.3 million, which is below the state mandated levy and appropriations cap. Mr. Giaimis spoke of contracted salary increases and pension increases, as well as rising health care and retirement obligations.

Mr. Benecke reported on the budget timeline being March 11, 2011, however March 14th or March 28th might be acceptable, as well. Mr. Benecke stated that none of the numbers could be finalized until the State Aid figures are known. Mr. Benecke also spoke of the reserve for uncollected taxes. Mr. Benecke advised that the final State Official Budget will be available in first draft around February 28, 2011. Mr. Benecke urged the Council to find some way to increase the tax base in the municipality to take the pressure off of the residential taxpayers.

Mr. Giaimis requested authorization to develop a bond ordinance for the Council's consideration. Council Member Seufert expressed interest in looking forward and authorizing Mr. Giaimis to start the process. Mayor Rinker suggested putting the issue on the May ballot for voters to decide. Council Member Brian Lynch noted the Council's responsibility to the Department of Public Works and the residents to make sure the roads are plowed properly and the equipment availability to do so. Council Member Carson stated that some of the necessary equipment for emergency services is mandated and therefore unavoidable. Council Member Seufert noted the necessity of keeping the Township volunteers and Township employees safe in their vehicles. Mayor Rinker asked for the issue of a public vote to be put on the agenda for the next Council meeting for further discussion. The Council Members agreed to request that Mr. Giaimis look into development of a bond ordinance.

Council Member Brian Lynch requested time to read a statement given to him by Council Member Harry Shortway. The statement explained Council Member Shortway's absence from tonight's Council meeting. The statement explained that Council Member Shortway and his wife were traveling to North Carolina to spend time with their son who was being deployed to Afghanistan with the US Marine Corps.

Mayor Rinker requested that the Township Clerk, Susan Nelson be the timekeeper for the public portion of the meeting allotting 5 minutes per speaker. Mayor Rinker also asked the Council to consider allocating 15 minutes at the end of Council meetings for

public comment with no more than 2 minutes for each speaker. The Council agreed with this suggestion. Mayor Rinker also suggested distributing a form to residents for the purpose of asking questions or making comments. Council Member Seufert expressed concern regarding the form being only for questions to the Mayor, thereby excluding Council members. Council Member Lynch suggested adding to the Mayor's idea by including the option to contact any or all Council members.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Phyllis Pfeiffer, Glenwood, stated that she agrees with the referendum question, the resident's form and also expressed her feeling that it would improve communication. Ms. Pfeiffer stated a "point person" should be in charge of the forms. Council Member Seufert stated the caption at the top of the form states "Connect with the Mayor" and said it is not conclusive with the whole Council.

Gary Grey, Vernon, stated that the public should feel free to contact any Council member they choose to and it shouldn't be funneled through any one person. Mr. Grey also spoke regarding the 6 mil plus, bond ordinance and felt that the Council has been elected to make difficult decisions and they are more aware of the issues that need attention than the general public is. Mr. Grey stated at the last Council meeting he requested the Council review the meeting minutes of October 28, 2010 and felt they did not properly represent some of the actions taken by Mayor Rinker. Mr. Grey distributed a formal request to the Council to review those minutes.

Michele Danzis, Highland Lakes, read a written statement claiming that she had submitted a formal complaint to the Local Finance Board against Sally Rinker and gave a copy to the Council and Township Manager.

Mary Ellen Vichiconti, [REDACTED] stated she called the Township Manager's office this week and left a message with the secretary, who stated she never got the message. Ms. Vichiconti further stated this is why the public request form is necessary.

Dorothy LeFebvre, [REDACTED], stated that Mayor Sally Rinker should resign for many reasons, including a multitude of behaviors that fall in the categories of blatant bias and violations of freedom of speech. Ms. LeFebvre further stated that we have seen on a regular basis for the past year; Mayor Rinker denying the rights of fellow Council Members and the ethical and possibly legal violations from the e-mails that have recently come to light. If the Mayor will not resign, then it is up to the Council to do the right thing and investigate these ethical and legal concerns.

Gary Martinsen, resident and small business owner, welcomed the new Clerk, Susan Nelson, mentioned previously that bonding should be sent to the public. We have the capacity and issues should be decided by the public especially the big ticket items. Regarding the resident contact form, Mr. Martinsen stated that the public can contact any council member by using their municipal e-mail address, which he has done in the past. A form might be a good idea, but it should not be addressed to one specific person, especially in this form of government. Mr. Martinsen had some major concerns regarding e-mails that were received through OPRA and he discussed reasons for not releasing documents under the OPRA law.

Jean Murphy, Vernon, questioned if there was an update on the Sign Committee. The Mayor asked Council Member Seufert if there was, Ms. Seufert stated that she is meeting with Ron Muller next week and will be getting a meeting together with the business community. Ms. Murphy mentioned a sign on a main road in town that has been spray painted over and is unsightly.

Mary Ellen Vichiconti, [REDACTED], mentioned that three years ago she came before the Township Council and asked if they could put the question on the November ballot to change the form of government and got no response. Ms. Vichiconti stated she understands the public's frustration and said we need to move forward.

Robert Oliver, [REDACTED], Vernon, stated that he is part of the Financial Advisory Committee and regarding the Capital improvement that is required, he doesn't feel the Council is doing a service by saying we are looking for a 5 million dollar bond. Mr. Oliver stated by looking at the expenditure total over the next 4-5 years it is closer to 15 million dollars. Mr. Giaimis stated that a lot of those items that were actually in the 2011 budget got pushed to 2012. Mr. Oliver suggested that the Township needs a long term plan.

Jessi Paladini, [REDACTED], questioned a resolution that is on the agenda tonight for \$10,000. for a conflict attorney, and asked Mr. Ursin if this is because he cannot represent because of SCMUA. Mr. Ursin stated the Council made the decision that they want to consult outside Counsel. Ms. Paladini stated that a former Township Council agreed to issue an indemnification agreement to indemnify the SCMUA of any legal fees that would arise from the sewer project; and asked for an update on the actual cost to tax payers. Mr. Giaimis stated it is somewhere between \$250,000. to \$270,000. Ms. Paladini further questioned some items on the Bills List and also questioned the Township saving money on moving the Health Department to the County, and felt there was no money saved by this move.

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

Mayor Rinker made a comment regarding Ms. Paladini's reference to Resolution #11-38 to hire special counsel. This firm was hired as special counsel and the continuation of their efforts will be to analyze the reasonableness and accuracy of this bill that totals in the vicinity of \$200,000. plus, and the amount of money that is spent for hiring them to go over this bill with a fine tooth comb will definitely benefit the Township.

APPROVAL OF MINUTES

December 16, 2010 Regular Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Sally Rinker

A roll call vote was taken:

AYES: Brian Lynch, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Richard Carson

December 28, 2010 Regular Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Sally Rinker

A roll call vote was taken:

AYES: Brian Lynch, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Richard Carson

January 3, 2011 Reorganization Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Brian Lynch

TOWNSHIP MANAGER'S REPORT

Mr. Giaimis recognized Will Henderson, our Township fire official, for his receiving the 2011 Student Academic Leadership Award from the College of St. Elizabeth, where he is pursuing a Master's Degree.

Mr. Giaimis introduced Dennis Kirwan, our new Land Use Administrator, who comes with experience as a consultant and previously worked for the city of Clifton and is also a licensed planner.

The New Jersey Department of Transportation grant was approved for Canistear Road and we anticipate this being a 3 phase project. The Township will receive \$200,000. from the State for this project.

Mr. Giaimis discussed the Municipal Building design work for cosmetic changes to the walls and floors, with \$15,000. is in the temporary budget for the project. Department of Public Works employees and Sheriff's assistance workers will be used where feasible. The Mayor stressed that clean up is definitely needed in the bathrooms.

The Township was visited by PEOSHA, who submitted a list of items that need to be fixed; all are in progress and compliance is anticipated. The Mayor asked Mr. Giaimis to give a copy of this list to the Council.

Mr. Giaimis mentioned the retirement of the purchasing agent, Jeff Barlow, the ad for this position has been out for several weeks; and hopes to fill this position with a Qualified Purchasing Agent.

The Township Manager and Mayor Rinker served on a committee that helped the school districts help pick some of the best teachers in the district. Mr. Giaimis commented that it was a great honor to be a part of the committee and said it was very difficult to choose, and the results will be announced soon.

Mr. Giaimis reached out to a congressman regarding changing the flight patterns over this area. And Congressman Garrett's office is actively looking into it with the FAA and will get back to him with any progress.

The Township Manager advised that he will be out of the office on Wednesday and will be out of the country for a week on a personal trip, and Chief Roy Wherry will be the contact person in charge in his absence. Chief Wherry has all of his emergency contact information and will be able to get in touch via e-mail and also by phone.

Council Member asked Mr. Giaimis to make a phone call before he leaves to get the Christmas decorations taken down.

Mayor Rinker questioned the status of the Beautification Committee. Mr. Giaimis stated that the Clerk's office was to get in touch with past members; Ms. Nelson stated that e-mails were sent out last week and we have not received any responses at this time. Mayor Rinker asked that we follow up with a second e-mail to the past members.

Mayor Rinker asked for the status on the elevator bid. Mr. Giaimis discussed the initial idea of partnering with a neighboring town for the services of their Qualified Purchasing Agent, but this did not work out. The Township Attorney, John Ursin advised that based on further analysis, the options they were looking at were not working, so the Attorney is looking at the bid and it will be out.

The Mayor discussed an e-mail the Council received from the Township of West Milford which is a resolution to the State asking for attention to the twists and turns and bends on Route 23. One section of S turns may have contributed to higher than average incidences of motor vehicle collisions, including fatal accidents. The Council requested Mr. Giaimis to prepare a resolution in support; so the Council can vote on this and send it to West Milford and the State.

Mayor Rinker also questioned the status of the award of the contract for the laboratory services for the water testing. Mr. Giaimis had conversations with the Township Attorney regarding this being treated as a professional service. Mr. Ursin stated the

contract that was awarded was not as a professional service. The issue that came up with the contract was whether or not in the aggregate it created an issue with the bid threshold; Mr. Ursin is of the opinion that the contract should be revisited by the Council. The Council could award the contract as a professional service then the bid threshold issue and the aggregate issue don't apply. Mayor Rinker stated that maybe this should go out to bid so that it doesn't appear that they are trying to circumvent the reason for which these laws were put into affect. Mayor Rinker suggested this go out to bid. Mr. Ursin advised that is one of the Council's options, but because of the amount of the contract, it would be competitive contracting not an actual formal bid.

Mayor Rinker made a motion for the Township Manager to put it back out there; seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Sally Rinker

NAYES: Valerie Seufert

TOWNSHIP ATTORNEY'S REPORT

Mr. Ursin stated there are a number of items that he will report on this week as we get to them. One in particular is that when the Council goes into closed session, we list the items that are going to be discussed, tonight's closed session finished a little early, and the record should reflect that the Council briefly discussed the possible renewal of the Land Conservancy contract.

Mr. Ursin reported that at the last meeting, the Council directed him to make some efforts to move the possible auction of two pieces of property forward; one was the Faline Building and the other was the Department of Public Works lot. The Faline Building is more straight forward and the Council has a draft of a potential ordinance that would put that property up for auction. The DPW ordinance is more contingent upon other issues that are on-going; but the draft is ready.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION # 11-32

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	\$ 500,084.83	HBCBS
#2	Current	\$ 846,054.67	Vernon B of E
#3	Current	\$4,250,559.88	Sussex County
#4	Grant	\$ 220.00	
#5	Outside Services	\$ 12,957.68	
#6	Outside Services	\$ 3,376.48	
#7	Road Assessment	\$ 390.00	
#8	Road Assessment	\$ 92,000.00	Reimb Gen Cap
#9	Recreation	\$ 275.00	
#10	Other Trust	\$ 10,816.04	
#11	Other Trust	\$ 269.06	
	Payroll	\$ 308,098.38	1st Pay in Feb
	Total	\$6,025,102.02	

MOVED: Valerie Seufert
 SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-32 was approved.

RESOLUTION #11-33

PAYMENT OF RECURRING BILLS RESOLUTION

WHEREAS, all claims of payment by the Township of Vernon, County of Sussex, State of New Jersey, are required to be first submitted to the Township Council for consideration before payment is made, and

WHEREAS, due to the nature of certain claims and timing of the particular meeting involved, certain claims should be paid when presented which are statutory and regular in nature, rather than held for the next meeting of the Township Council due to the nature of said bills.

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

1. This Township does hereby approve of the payment between meetings of the following enumerated claims for payment, when the same are presented to the Township Council and Chief Finance Officer of the Township of Vernon.
 - a. Township of Vernon net payroll and payroll deduction accounts.
 - b. Township of Vernon, Board of Education
 - c. County Treasurer (County taxes only)
 - d. Banks for investment Purposes/Inter-fund transfers/Debt Service payment Bond/Note Payments
 - e. Township Prosecutor
 - f. Standard Life Insurance, Delta-Dental Plan of N.J, Statewide Workers Compensation Fund, Vision Service Plan, and Horizon Blue Cross & Blue Shield of N.J and all other insurance
 - g. Repair of emergency, police and rescue vehicles; parts needed for said vehicles; and critical equipment related to the operations of the DPW/Police or emergency services
 - h. Bond Releases
 - i. All utility payments

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-33 was approved.

RESOLUTION #11-34

AUTHORIZING SUPPORT OF A FUNDRAISING COIN TOSS TO BENEFIT THE SUSSEX COUNTY CHAPTER OF THE AMERICAN RED CROSS

WHEREAS, for nearly a century, the American Red Cross has prepared people to save lives through health & safety education and training; and

WHEREAS, the Red Cross has been engaged in preventing and alleviating human suffering around the world and is there to provide for basic needs including food, shelter and clothing; and

WHEREAS, the Sussex County Chapter of the American Red Cross is not a government agency and receives no funding from county, state or federal sources and solely relies on the donations of the people and local businesses in Sussex County to fund the vital programs and services; and

WHEREAS, the Sussex County Chapter of the American Red Cross is requesting support from the Township of Vernon to hold a semi-annual coin collection on Saturday, May 21, 2011 from 9:00am -1:00 pm at the intersection of Route 94 and County Road 515; and

WHEREAS, upon approval from the Township Council, a certificate of insurance naming Vernon Township as additional insured will be secured and all required approvals from Sussex County and State Department of Transportation will be obtained.

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Vernon hereby grants permission to the Sussex County Chapter of the American Red Cross to hold their semi-annual coin collection fundraiser in Vernon Township on Saturday, May 21, 2011 from 9:00am -1:00 pm at the intersection of Route 94 and County Road 515.

This resolution will take effect immediately according to law.

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-34 was approved.

RESOLUTION #11-35

AWARDING A PROFESSIONAL SERVICES AGREEMENT TO REALTY APPRAISAL COMPANY FOR APPRAISAL SERVICES FOR THE DEFENSE OF 2011 TAX APPEALS FOR THE TOWNSHIP OF VERNON

WHEREAS, the Township of Vernon is in need of an Appraisal company for the Defense of 2011 Tax Appeals; and

WHEREAS, the Township of Vernon has received a proposal for said Appraisal Services from Realty Appraisal Company of West New York, New Jersey, the firm who performed the 2008 Reevaluation of the Township of Vernon; and

WHEREAS, the Township Manager and Tax Assessor recommends that the Township award the proposal to Realty Appraisal Co. to perform the services in accordance with the attached Contract; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, the Chief Finance Officer has determined and certified in writing that the value of the contract will not exceed \$17,500.00 and has certified that funds are available for this purpose subject to the adoption of the 2011 Municipal Budget; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Vernon, County of Sussex and State of New Jersey hereby awards the proposal to Realty Appraisal Co. in order to provide for Appraisal Services for the Defense of 2011 Tax Appeals subject to the execution of the attached contract between the parties.

BE IT FURTHER RESOLVED, that the award of contract shall be contingent upon the completion and receipt of the following:

1. A fully-executed professional services contract detailing the scope of services, established fees for said professional services, mandatory Equal Opportunity Language and Affirmative Action Certificate; and
2. Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.;
3. New Jersey Business Registration Certificate; and
4. Upon the aforementioned professional being a member in good standing in his respective profession.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized and directed to execute, seal and deliver the attached Contract for Professional Services on behalf of and in the name of the Township of Vernon and that the Township Clerk shall publish the award of contract as required by law with ten (10) days of passage of this Resolution.

MOVED: Valerie Seufert
SECONDED: Richard Carson

Mr. Ursin explained that this contract is with the company that did the Township's revaluation and because of their historical knowledge the appraisers can give support to the new temporary Tax Assessor.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-35 was approved – upon the contract not exceeding \$10,000.

RESOLUTION #11-36

**AUTHORIZING THE RENEWAL CONTRACT FOR 2011 RECORDING SECRETARY
FOR THE ENVIRONMENTAL COMMISSION IN THE AMOUNT
NOT TO EXCEED \$1,500.00**

WHEREAS, there exists a need for a Recording Secretary for the Environmental Commission for the year 2011; and

WHEREAS, Aida Cahill is the current Township's Environmental Commission Recording Secretary and desires to continue in this capacity according to the Attached Exhibit 'A'; and

WHEREAS, Vernon Township desires to renew the existing contract with Aida Cahill for the term January 1 – December 31, 2011 with a contract price not to exceed \$1,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2011 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, this 14th day of February, 2011, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to renew the existing contract with Aida Cahill
for 2011 Recording Secretary for the Environmental Commission.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the attached contract with Aida Cahill.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Township Clerk.

MOVED: Brian Lynch
SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-36 was approved.

RESOLUTION #11-37

AUTHORIZING THE RENEWAL CONTRACT FOR 2011 RECORDING SECRETARY FOR THE HISTORIC PRESERVATION COMMISSION AND THE LAND USE BOARD IN THE AMOUNT NOT TO EXCEED \$2,500.00

WHEREAS, there exists a need for a Recording Secretary for the Historic Preservation Commission and the Township's Land Use Board for the year 2011; and

WHEREAS, Cynthia Davis is the Township's current independent contractor for these services and desires to continue in this capacity; and

WHEREAS, Vernon Township desires to renew the existing contracts with Cynthia Davis for the term of the contract renewal will be from January 1, 2011 to December 31, 2011, with a total contract price not to exceed \$2,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose subject to the adoption of the 2010 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, this 14th day of February, 2011, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to renew the existing contract with Cynthia Davis for 2011 Recording Secretary for the Historic Preservation Commission and the Township's Land Use Board.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Contract with Cynthia Davis.

A copy of this Resolution shall be published in the New Jersey Herald by the Municipal Clerk as required by law and a true copy of same and the Contract shall be available for inspection in the office of the Municipal Clerk.

MOVED: Brian Lynch

SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-37 was approved.

RESOLUTION #11-38

AWARD A CONTRACT WITH FLORIO, PERRUCCI, STEINHARDT & FADER, LLC AS SPECIAL CONFLICT COUNSEL

WHEREAS, the municipality is party to an Indemnification Agreement with the Sussex County Municipal Utilities Authority (SCMUA) dated September 5, 2007;

WHEREAS, the municipality has recently been presented with significant bills related to this Agreement;

WHEREAS, an issue of a potential conflict of interest for the Municipal Attorney has arisen by virtue of the fact that the Municipal Attorney's law firm represented SCMUA in 2007;

WHEREAS, the governing body of the Township of Vernon wants to ensure that it investigates all possible defenses to claims under this Agreement and to ensure that it receives fully independent advice on this issue;

WHEREAS, the municipality needs professional advice from a firm that has no ties or any business relationship with SCMUA;

WHEREAS, Florio, Perrucci, Steinhardt & Fader, LLC is a law firm with a specialty in public entity work and experience with respect to utility issues;

NOW THEREFORE IT BE RESOLVED that the law firm of Florio, Perrucci, Steinhardt & Fader, LLC is retained as Special Conflict Counsel for the purpose of Analyzing and Evaluating the Attorney Billing by SCMUA in connection with the SCMUA litigation at the rate of \$150.00 per hour not to exceed \$10,000.00; funds being certified by the Chief Finance Officer subject to the adoption of the 2011 Municipal Budget; and

NOW THEREFORE IT BE FURTHER RESOLVED that all relevant documentation shall be forwarded to the attorneys with the request that a written evaluation report be presented to the Township Council within sixty (60) days of them receiving all of the relevant materials.

MOVED: Brian Lynch
SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-38 was approved.

RESOLUTION #11-40

APPOINTING REGISTRAR OF VITAL STATISTICS AND DEPUTY REGISTRAR OF VITAL STATISTICS

WHEREAS, Vernon Township is required by law, pursuant to N.J.S.A. 26:8-1.1, to appoint a Registrar of Vital Statistics, and a Deputy Registrar of Vital Statistics; and

WHEREAS, New Jersey statutes require and authorize the municipality to appoint such officials; and

WHEREAS, the Manager has offered the name of Susan S. Nelson to serve in the capacity as Registrar of Vital Statistics, and Andrea Bates to serve as Deputy Registrar of Vital Statistics; and

WHEREAS, pursuant to N.J.S.A. 26:8-13, the term of office for a Municipal Clerk serving as Registrar shall be concurrent with the term of office of the Municipal Clerk.

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

1. Susan S. Nelson shall be appointed as Registrar of Vital Statistics, pursuant to N.J.S.A. 26:8-1.1 for the term as prescribed therein, and provided Susan S. Nelson otherwise complies with the applicable educational requirements and license requirements applicable to such position; and

2. Andrea Bates shall be appointed as Deputy Registrar of Vital Statistics, pursuant to N.J.S.A. 26:8-1.1 for the term as prescribed therein, and provided Andrea Bates otherwise complies with the applicable educational requirements and license requirements applicable to such position; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the State Registrar's office.

MOVED: Brian Lynch
SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-40 was approved.

RESOLUTION #11-41

RESOLUTION OF THE TOWNSHIP OF VERNON MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-4

WHEREAS, the Township of Vernon in the County of Sussex, New Jersey (the Township) has a municipal utility designed to handle the future sewerage flow requirements of the Town Center and the existing sewer system (the "System"); and

WHEREAS, the System is owned in large part by the United Water Company, as owner of a utility franchise area, with the sewer treatment facility owned and operated by the Sussex County Municipal Utilities Authority (SCMUA) providing sewer service to residents of a portion of the Township; and

WHEREAS, the Township is a party to a sewer service agreement with SCMUA (the "SCMUA Agreement") which provides for the method of extending sewer service to the State of New Jersey endorsed Vernon Town Center, by increasing and enhancing the sewer treatment facilities to its Upper Walkkill Valley Sewerage System; and

WHEREAS, SCMUA has completed the necessary upgrades to its system, and has issued \$27,498,738 in 2008 bonds to finance the capital improvements. Said bonds being issued in accordance with the Local Authorities Fiscal Control Law C 313, PL 1983 and pursuant to a resolution adopted by the New Jersey Local Finance Board on June 11, 2008; and

WHEREAS, the United Water Company owns the sewer franchise area and certain assets know as the Vernon Sewer Transmission Company, which said SCMUA sewer expansion crosses, and through which the sewerage will flow upon final connection to the System; and

WHEREAS, the Township has entered a separate agreement with the Mountain Creek Resort to pay for the majority of the upgrade, inasmuch as Mountain Creek will be "using" 166,000 gpd of sewerage flow of the total sewerage flow of 265,000 gpd; and

WHEREAS, Mountain Creek is located in the Vernon Town Center; and

WHEREAS, so as to consolidate the sewer utility activities within the Township and to provide a greater degree of control over utility costs and other issues, the Township requests approval from the New Jersey Local Finance Board for the creation of a municipal utilities authority, MUA; and

WHEREAS, the creation of the Vernon MUA requires the approval of the Local Finance Board pursuant to N.J.S.A. 40A:5A-4; and

WHEREAS, the Township desires to make application to the Local Finance Board for its review and approval of a proposed ordinance authorizing the creation of the MUA pursuant to N.J.S.A. 40A:5A-4 and whose powers shall be set forth in accordance with the MUA Law; and

WHEREAS, the Township believes that:

- (a) It is in the public interest to accomplish such purpose;
- (b) Said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township of Vernon;
- (c) The amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) The proposal is an efficient and feasible means of providing sewer service for the needs of the inhabitants of the Township and will avoid an undue financial burden being placed upon the Township;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON AS FOLLOWS:

Section 1. The Township's professionals and staff, including the Township Attorney, Auditor, Planner/Financial Advisor, CFO, Special Engineer, and Manager, are hereby authorized to prepare and submit an application to the Local Finance Board seeking the creation of a municipal utilities authority in the Township of Vernon.

Section 2. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Township Attorney John Ursin explained that in previous Council meetings discussions were held regarding the advantages of creating a Municipal Utility Authority, with the primary advantage being to separate general tax dollars and money generated by the sewer authority. Before an ordinance can be introduced, the Township must apply to the Local Finance Board for approval to create the authority.

MOVED: Richard Carson
SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Resolution #11-41 was approved.

RESOLUTION #11-42

AUTHORIZATION TO ENDORSE A TREATMENT WORKS APPROVAL APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CONSTRUCTION OF A SEWER SERVICE AND THE REALIGNMENT OF AN EXISTING SEWER LINE ON THE MOUNTAIN CREEK PROPERTY FOR THE PURPOSE OF CONSTRUCTING THE NEW DAY LODGE

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") is responsible for administering the Treatment Works Approval ("TWA") program, which establishes and implements minimum standards for building, installing, modifying, and operating treatment works; and

WHEREAS, N.J.A.C. 7:14A-22.2 and 22.3 requires the filing of a TWA permit application with the NJDEP for building or modifying a sewer connection or extension; and

WHEREAS, in accordance with N.J.S.A. 58:10A-1 et seq., a municipality must endorse such application for review by the NJDEP; and

WHEREAS, Mountain Creek Resort, Inc. plans to construct a new Day Lodge on the Block 190 Tax Lot 9 and 10.01 properties located along New Jersey Rt. 94 in Vernon Township; and

WHEREAS, the construction of the new Day Lodge will require the installation of approximately 46 linear feet of sanitary sewer to service the new Day Lodge and the realignment of approximately 559 linear feet of 6-inch sanitary sewer which services the Northwoods Condominium Association which lies on the adjacent Block 190 Lot 10.02 property; and

WHEREAS, the Township Engineer has reviewed the Treatment Works Approval Permit Application and has recommended in a memorandum dated February 11, 2011 that the Township Council authorize the signing of the Statement of Consent supplement to the Treatment Works Approval Permit Application.

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

1. The Township will endorse and recommend for approval the TWA application for the aforesaid project.

2. The Township Mayor is hereby authorized to sign the TWA on behalf of the Township.
3. This Resolution shall be made a part of the application submitted to the NJDEP.
4. This Resolution shall take effect immediately upon adoption according to law.

MOVED: Valerie Seufert
 SECONDED: Brian Lynch

Mr. Ursin explained that Mountain Creek has begun the process of applying through the Planning Board and to some degree that will involve the Township Council for the construction of a new day lodge at the ski area. There are a number of issues to be addressed and requirements that must be met, but if that's approved, one of the things that has to happen is one of the sewer pipes on Mountain Creeks own property has to be relocated.

A roll call vote was taken:
 AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker
 NAYES: None
 Resolution #11-42 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #11-01

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX,
 STATE OF NEW JERSEY, TO MODIFY CHAPTER 142 OF THE CODE
 OF THE TOWNSHIP OF VERNON REGARDING ALCOHOLIC BEVERAGES

WHEREAS, Section 142-10 of the Code of the Township of Vernon subjects a person convicted of violating or failing to comply with the provisions of Chapter 142 to certain penalties; and

WHEREAS, N.J.S.A. 33:1-31 sets forth additional penalties pursuant to the "Alcoholic Beverage Law," N.J.S.A. 33:1-1, *et. seq.*; and

WHEREAS, the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, desire to modify Section 142-10 of the Code of the Township of Vernon to make reference to N.J.S.A. 33:1-31.

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

SECTION I

Section 142-10 of the Code of the Township of Vernon is hereby replaced as follows:

§142-10. Violations and penalties.

Any person violating, or failing to comply with, any of the provisions of this article shall, upon conviction thereof, and in addition to the penalties which may be enforced pursuant to N.J.S.A. 33:1-31, be subject to the penalties set forth in Chapter 1, Article II, § 1-19, "Violations and penalties." The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION II

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION III

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION IV

This Ordinance shall take effect upon final passage and publication.

Mayor Sally Rinker read Ordinance #11-01 by title only.

Mr. Ursin explained this is a clerical ordinance; the incorrect statute was previously referenced in the Township Code book.

Council Member Richard Carson made a motion to approve Ordinance #11-01 upon introduction, seconded by Council Member Brian Lynch.

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Ordinance #11-01 was approved as introduced.

COUNCIL BUSINESS

Mayor Rinker discussed two proposed ordinances. One is authorizing the sale of the property known as the Faline Building and the other known as the DPW parcel location. Council Member Seufert questioned if the low bid price came from appraisals; Mr. Ursin stated it was the assessed value. Mr. Ursin stated that on both ordinances the assessed value was used as a starting point for their determination as to what the minimum bids would be. The Mayor advised that the Faline Building is long overdue to be put on the auction block, however the DPW parcel is not ready to be moved on yet. The purchase price of the Faline Building that the Township paid was approximately \$425,000. Mr. Ursin advised that the primary option to get a fair market price would be to have the reval company be involved and give some comparables. The assessed value of the Faline Building is \$398,000.; the Mayor suggested putting the price at the amount the Township paid for the building. The Council was in agreement to ask the reval company to give the Township some comparables; and have Mr. Giaimis prepare the ordinance for the next meeting.

ORDINANCE #11-xxx

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 141.05 LOT 1

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Township of Vernon is the owner of certain real property known as Block 141.05 Lot 1; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

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

1. The property known as Block 141.05 Lot 1 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on _____, 2011 at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. The said property shall be sold subject to the following terms and conditions:

(a) The said property shall be sold for not less than \$1,859,000.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing the ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not

be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, in case or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(f) A Quit Claim Deed without covenants will be delivered at the office of the Township Clerk on the date of the sale as set forth in (r), at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage and utility systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(h) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale, not to exceed \$5,000.00.

(i) The property will be sold subject to 2011 taxes, pro rated from the date of sale.

(j) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

(k) Any perspective bidder may request an appointment to inspect the property or submit written inquiries regarding the property up to seven (7) days before the auction date. All written inquiries and responses shall be maintained in the Clerk's office and available for public inspection.

(l) The property is sold strictly "as is". The Township makes no representations regarding the buildings, land, environmental condition or development potential. Buyer assumes responsibility for all issues and potential liability related to the property.

(m) Following the auction, the successful bidder shall have a 60 day due diligence period. This time period may be increased up to 120 additional days by governing body Resolution.

(n) During the due diligence period set forth in (m), the successful bidder may cancel the contract by written notice to the Township Clerk and be entitled to a refund of the deposit less the Township's legal, engineering, advertising, and other out-of-pocket costs.

(o) At the conclusion of the due diligence period by the expiration of the time period or by written waiver of further due diligence by Buyer delivered to the Township Clerk, the Buyer shall post an additional \$1,000,000.00 deposit or other collateral acceptable to the Township within 30 days.

(p) Once the deposit set forth in (o) is made, the Township shall have 180 days to vacate the property.

(q) When the Township vacates the property, a notice to proceed shall be issued to the successful bidder.

(r) The successful bidder is responsible for demolishing all structures on the property and all costs associated with demolition.

(s) The closing shall occur within 30 days of the issuance of the notice to proceed.

(t) The Township represents that the property shall have up to 10,000 gallons of sewer allocation provided that all applicable fees are paid. The sewer allocation for this property shall be revoked and no fees refunded if the successful bidder fails to obtain preliminary site plan approval within 12 months and/or initiate construction within 18 months of the closing date.

(u) The Township makes no representations regarding water supply to the property.

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

ORDINANCE #11-02

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS BLOCK 142.01 LOT 1

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements; and

WHEREAS, the Township of Vernon is the owner of certain real property known as the Faline Building, Block 142.01 Lot 1; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to sell the property; and

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

1. The property known as Block 142.01 Lot 1 shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-13. Said auction shall be conducted on _____, 2011 at 7:00 p.m. at the Municipal Building, 21 Church Street, Vernon, New Jersey.

2. The property shall be open for inspection by perspective bidders on:
_____ from ____ to ____; and
_____ from ____ to ____.

Requests for additional inspections may be made up to 7 days before the date of auction and will be honored to the extent possible.

3. The said property shall be sold subject to the following terms and conditions:

(a) The said property shall be sold for not less than \$398,000.00.

(b) The sale shall be made at public auction, after legal advertisement of this Ordinance, and shall be to highest bidder.

(c) The Township does not warrant or certify title to the property and in no event shall the Township of Vernon be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Township. The property shall be conveyed by Quit Claim Deed. The sole remedy being the right to receive a refund prior to closing the

ten percent (10%) deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The purchaser shall be required to pay upon the acceptance of the purchaser's bid ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefore within ninety (90) days after the sale.

(f) A Deed will be delivered at the office of the Township Clerk on or before ninety (90) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or certified check. The Mayor and Clerk are hereby authorized to execute said Deed.

(g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Vernon and reserving an easement for all natural or constructed drainage or utility systems, waterways and water easements on the premises, if any, and the continued right of maintenance and flow thereof.

(h) The purchaser shall also pay to the Township of Vernon the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale, which shall not exceed \$1,500.00.

(i) The property will be sold subject to 2011 taxes, pro rated from the date of sale.

(j) The governing body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

(k) Building is sold strictly "as is". The Township makes no representation regarding the condition of the building, potential use and/or environmental conditions.

(l) The property owner shall comply with all Township Ordinances regarding sewer connections and fees. The Township represents that the subject property has a sewer allocation of _____ gallons provided that applicable fees are paid and the Township sewer main is activated.

(m) The property owner shall be responsible for acquiring a water supply for the building.

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

PUBLIC COMMENTS – limited to 2 minutes per person

Mayor Rinker opened the meeting for Public Comment.

Jessi Paladini, [REDACTED] commended the Council for reversing their decision on the Agra Environmental contract. Ms. Paladini heard the Township Attorney state tonight that whenever there is any grey area or appearance of impropriety, you should go toward bidding. Ms. Paladini mentioned the Council's vote on this at a previous meeting where she said there was an appearance of impropriety.

Phyllis Pfeifer, concerned with the comments by Council Member Seufert that the Mayor is equal to the other Council Members in regard to the resident form that was discussed earlier in the meeting.

Robert Oliver, [REDACTED] Vernon, stated the Township's website has the ability to post issues and log them, and asked why it is not turned on; which could eliminate the need for a resident form.

Mary Ellen Vichiconti, stated that many people, basically seniors do not have e-mail and feels a paper resident form is important and would be very resident friendly.

Gary Grey, was concerned the position being filled by the Land Use Administrator was the position that Louis Kneip had and was laid off from. Mayor Rinker stated that Mr. Kneip was not the Land Use Administrator, that he was the Township Engineer/Director of Planning and Development.

Gary Martinsen, wished the best to Mr. Shortway's son and to all in the military.

Thomas McClachrie, Vernon Taxpayers Association, wanted to clarify that the 2% cap is basically a soft cap; it comes with exemptions for health care, pensions and emergency appropriations and debt. Those four items are excluded from the cap, therefore can go higher than 2%; if you want to go above that, put it in a referendum to the public.

Harold MacPeek, had concerns over moving the Township garage over to where the County garage is and said it is a very dangerous intersection. Mayor Rinker stated that the plans are not solidified.

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

COMMISSIONS AND BOARDS

Mayor Rinker stated that some applications were submitted to fill vacancies on boards and commissions. There are several vacancies on the Environmental Commission as well as on other boards.

ENVIRONMENTAL COMMISSION

A motion was made by Mayor Rinker to appoint Michael Rubin to the Environmental Commission, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

FINANCIAL ADVISORY COMMITTEE

A motion was made by Mayor Rinker to appoint Gloria Frato-Gallo to the Financial Advisory Committee, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Brian Lynch, Valerie Seufert, Sally Rinker

NAYES: None

Council Member Valerie Seufert advised everyone that she will not be able to attend the Council meetings in March due to her having major surgery on her spine in the beginning of March. Ms. Seufert further advised that she can be reached by phone, if needed.

Mayor Rinker stated the Township Attorney drafted an example ordinance on introducing ordinances and asked if the Council would discuss this at the next Council meeting.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:09 p.m.

Respectfully submitted,

Susan S. Nelson, RMC. CMR
Municipal Clerk

Minutes approved: April 28, 2011