

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

May 27, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:10 p.m. on Thursday, May 27, 2010 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 5, 2010, 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, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present was Township Attorney John Ursin.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:12 p.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 Harry Shortway with all members voting in favor.

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. Contract matter regarding the proposed Stanhill Conservation Open Space acquisition project. Executive Session minutes will be release to the public upon the conclusion of this matter or upon the execution of an agreement.
 - b. Contract matter regarding the SCMUA Indemnification Agreement. Executive Session minutes will be release to the public upon the conclusion of this matter or upon the execution of an agreement.
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 6:12 p.m.

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The meeting was reopened to the public at 7:10 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present was Township Attorney John Ursin.

SALUTE TO THE FLAG

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

ADDED TO AGENDA BY ADDENDUM:

Mayor Rinker asked for a motion to change the order of the business on the agenda to address Resolution #10-129.

Council Member Valerie Seufert made a motion to change the order of business on the agenda to address Resolution #10-129. Motion seconded by Council Member Richard Carson with all members voting in favor.

RESOLUTION REQUIRING SEPARATE ACTION

RESOLUTION #10-129

**APPOINTING A TOWNSHIP MANAGER OF VERNON, NEW JERSEY
PURSUANT TO N.J.S.A. 40:69A-93 AND AUTHORIZING THE MAYOR AND
TOWNSHIP CLERK TO EXECUTE AN EMPLOYMENT CONTRACT**

WHEREAS, the Township Council has engaged in a thorough application and selection process to identify the best qualified candidates for the position of Township Manager of the Township of Vernon; and

WHEREAS, Andrew Katz has emerged as the most qualified and best candidate from that process; and

WHEREAS, the Township Council has offered the aforesaid position to Andrew Katz and he has agreed to accept employment as the Township Manager of the Township of Vernon, New Jersey, pursuant to the terms and conditions of a written employment agreement; and

WHEREAS, the Township Council is of the collective opinion that the general interest and welfare of the Township will be best served by appointing Andrew Katz to the position of Township Manager.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey that Andrew Katz is hereby appointed as the Township Manager of the Township of Vernon in accordance with N.J.S.A. 40:69A-81 et seq and the Township of Vernon Administrative Code and in accordance with the terms and conditions of the aforementioned employment agreement; and

BE IT FURTHER RESOLVED that:

1. The Mayor and Township Clerk are hereby authorized to execute the employment agreement and any other required documents to effect this action of the Council.
2. This Resolution shall take effect immediately upon adoption according to law.

Township Attorney John Ursin read Resolution #10-129 in full. Resolution #10-129 appoints Mr. Andrew Katz as Township Manager and Qualified Purchasing Agent for Vernon Township.

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-129 was approved.

Mayor Rinker introduced Mr. Andrew Katz to the public and informed everyone that Mr. Katz has years of experience in New Jersey municipal government, formerly serving as the Administrator in Wantage Township and, most recently, West Caldwell Borough.

Mr. Katz thanked the Council and public for the opportunity to serve the Vernon Township community.

PRESENTATIONS

Police Chief Roy Wherry introduced Police Officer Daniel Young and noted his many accomplishments as a police officer. P/O Young was sworn in as Vernon Township Police Sergeant by Mayor Rinker and was accompanied by his wife and infant son for the Oath of Office. P/O Young's wife pinned the Sergeant Badge on his uniform.

Police Chief Roy Wherry introduced Police Detective Brian Jernick and noted his many accomplishments and awards as a police officer and detective. Detective Jernick sworn in as Vernon Township Police Sergeant Department by Mayor Rinker and was accompanied by his wife and family. Detective Jernick's wife pinned the Sergeant Badge on his uniform.

Police Chief Roy Wherry introduced Police Sergeant Randy Mills, noting Sgt. Mills many accomplishments as a police officer. Sgt. Mills was sworn in as Lieutenant for the Vernon Township Police Department by Mayor Rinker and was accompanied by his wife and family. His wife pinned the Lieutenant Badge on his uniform.

Mayor Rinker called for a brief recess at 7:15 p.m.

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The meeting was reopened to the public at 7:38 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present was Township Attorney John Ursin.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Dan Borstad, McAfee, urged the Council to pass an Ordinance, which would prevent trespassing of skateboarders using parking lots of commercial properties. Mr. Borstad commented that skateboarders are causing vandalism and create a public safety concern for motorists.

Dave Kretschmar, Department of Public Works Employee and President of the American Federation of State, County, and Municipal Employees Union (A.F.S.C.M.E.), commented on Resolution #10-123, the Township's furlough plan. He stated the A.F.S.C.M.E. Union agreed to six [6] furlough days scheduled to take place on Fridays preceeding a Holiday Monday and questioned why the furlough days were changed to mid-week on Wednesdays. Mr. Kretschmar asked the Council and management to honor their previous agreement, keeping scheduled furlough days to Friday's. Mr. Kretschmar brought to the Council's attention that unfinished roadway projects begun on a Monday or Tuesday may have to be left open midweek because of a scheduled furlough day, creating a potential public safety hazard.

Mayor Rinker responded that the Council was unaware that a furlough plan consisting of Fridays was agreed to by the union members and questioned Ms. Kline why she did not inform the Council of this agreement. Ms. Kline informed the Council that the scheduling of furlough days were not discussed while she was the Acting Manager. Mr. Kretschmar confirmed that Ms. Kline was not involved with union discussions concerning furlough days.

Mayor Rinker asked for a motion to table Resolution #10-123.

MOVED: Harry Shortway

SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-123 was tabled.

Jessi Paladini, [REDACTED] spoke as the President of the Vernon Historical Society. Ms. Paladini read a statement and then commented that the Vernon Historical Society donated \$2,700.00 in topsoil for a township ball field in exchange for the township maintaining the Black Creek site. Ms. Paladini further commented on the many activities the Historical Society has sponsored over the years and questioned why the Interim Manager directed the DPW to end the Township's maintenance of the site. Should the Township no longer mow the field, the Historic Society will let the fields grow to hay. Ms. Paladini presented facts regarding the Township's agreement to maintain the Black Creek site and commented that many residents use the site for passive recreation. Ms. Paladini asked for consensus from the governing body on whether the Township will honor the agreement. If not, she asked that the Township return the topsoil.

The Township Attorney responded that members of the Council do not have the necessary facts and information before them to make a decision and commented that the thrust of the issue concerns whether an agreement is in place with the property owner.

Council Member Harry Shortway questioned why the Township maintains property that is not township-owned and commented that the Township should not dedicate resources to maintain state property, especially in light of the budget cuts by the municipality. Council Member Shortway stated it is his opinion that the state should maintain its property.

Until the Council has had an opportunity to fully review the details and facts of the agreement, the Council agreed it would be in the best interest for the Department of Public Works to continue to mow the site.

Motion:

Mayor Sally Rinker asked for a motion to direct the Manager to have the DPW continue the mowing of the Black Creek Site for Vernon Day. Council Member Valerie Seufert made a motion, seconded by Council Member Richard Carson with all members voting in favor.

Gary Martinsen, resident and business owner, questioned what the grant amount of \$34,013.14 listed in the Bills List Resolution is for. Mr. Martinsen also questioned Resolution #10-127 and suggested the Faline Building could be used for municipal offices as an alternative to spending money to replace the air conditioning system in the Municipal Center. Mr. Martinsen questioned Resolution #10-128 and further questioned the Ordinance authorizing the public sale of the McEwan Property.

Mary Ellen Vichiconti questioned when the Township would be taking down the holiday lights from the telephone poles in the Town Center.

Gary Martinsen presented himself a second time and questioned if the Township has a viable development plan for the Town Center before spending \$2-3 million on a water system. Mr. Martinsen also questioned the cost impact on businesses located within the Town Center, which will be paying for the water system.

Dan Borstad presented himself a second time and commented that Vernon Township residents were told that costs of the sewer system would be paid by the users, not by the taxpayers, and stated his frustration with the actions taken by the Council to date on the water and sewer project.

Harold MacPeck, Vernon, commented that the Vernon Fire Department never intended to move their firehouse, which was built in 1994, and informed the Council that it has been the Township's intention to move the firehouse when the Town Center was planned.

Mary Ellen Vichiconti commented that Robert's Rules should be followed for Council Meetings.

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

APPROVAL OF MINUTES

May 13, 2010 Regular Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Michael Pier

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None

May 13, 2010 Special Executive Session and Executive Session Minutes

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Sally Rinker
NAYES: None
ABSTAIN: Harry Shortway

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #10-109

APPROVING PAYMENT TO CLASSIC REMODELING CORP., IN THE AMOUNT OF \$14,960.00, FOR A REHABILITATION PROJECT LOCATED AT 15 PAUTUCK ROAD, HIGHLAND LAKES, NJ, BLOCK 154.08 LOT 57, THROUGH THE TOWNSHIP OF VERNON HOUSING REHABILITATION PROGRAM

WHEREAS, the Township Council approved Ordinance # 05-04 which created the Affordable Housing Rehabilitation Program; and

WHEREAS, the Township Council approved Resolution # 08-222 which authorized Community Action Services to provide administrative services for the Township of Vernon Housing Rehabilitation Program for up to ten (10) qualified units; and

WHEREAS, Classic Remodeling Corp., has completed the rehabilitation project at 15 Pautuck Road, Highland Lakes NJ, Block 154.08 Lot 57; and

WHEREAS, Vernon Township Building Department has approved the work completed on the roof, electric & water softener; and

WHEREAS, Community Action Services has verified and approved the work completed on the Rehabilitation Project; and

WHEREAS, the Township Municipal Housing Liaison and the Director of Planning & Development recommends payment be made Classic Remodeling Corp.; and

NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon that the payment in the amount of \$14,960.00 be made to Classic Remodeling Corp., for the completed rehabilitation project, said funds have been certified by the Chief Finance Officer from the Affordable Housing Trust Fund.

MOVED: Valerie Seufert
SECONDED: Michael Pier

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-109 was approved.

RESOLUTION # 10-120

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	\$ 642,285.00	Emerg Note + Int
#2	Current	\$ 817,004.25	Vernon BOE
#3	Current	\$ 380,648.46	Horizon BCBS
#4	Current	\$ 817,614.55	Vernon BOE
#5	Capital	\$ 3,772.05	
#6	Planning & Zoning	\$ 1,118.70	
#7	Grant	\$ 34,013.14	
#8	Grant	\$ 116.62	
#9	Outside Services	\$ 556.88	
#10	Sewer Operating	\$ 363.76	
#11	Recreation	\$ 134.65	
#12	Recreation	\$ 5,200.00	
#13	Other Trust	\$ 508.48	
#14	Other Trust	\$ 5,100.69	
#15	Other Trust	\$ 36.11	
#16	PVL Dam Assm	\$ 1,843.57	
	Payroll	\$ 333,544.62	1st Pay in May 2010
	Total	\$3,043,861.53	

MOVED: Richard Carson

SECONDED: Valerie Seufert

Council Member Richard Carson questioned item #1034 for \$346.02 regarding MDT
airtime.

Council Member Valerie Seufert questioned the electric charges for the Jersey Central
Power & Light billing and asked what the peak vs. off-peak billing rates were electric
usage.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-120 was approved.

RESOLUTION #10-121

AUTHORIZING THE APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY
AFFAIRS FOR THE 2011 RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH
DISABILITIES GRANT AND FURTHER AUTHORIZE EXECUTION OF AGREEMENT

WHEREAS, the Township of Vernon desires to apply for and obtain a grant from the
New Jersey Department of Community Affairs, for approximately \$10,000.00 State
share with \$2,000.00 local share for a total contract of \$12,000.00 for 2011 to provide
therapeutic horse back riding recreational opportunities for people with disabilities; and

WHEREAS, the funds for this purpose have been certified by the Chief Finance Officer
subject to the approval of the 2011 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, that the Township of Vernon does hereby
authorize the application for such a grant; therefore, upon receipt of the grant
agreement from the New Jersey Department of Community Affairs, does further
authorize the execution of the agreement; and also, upon receipt of the fully executed
agreement from the Department, does further authorize the expenditure of such funds

pursuant to the terms of said Agreement between the Township of Vernon and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Clerk whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith:

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-121 was approved.

RESOLUTION #10-122

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO REIMBURSE STONEHILL PROPERTY OWNERS ASSOCIATION, A QUALIFIED PRIVATE COMMUNITY, FOR CERTAIN ROAD SERVICES, AS DEFINED BY N.J.S.A.40:67-23.2, FOR THE YEARS 2007 & 2008 IN THE AMOUNT OF \$138,200.13

WHEREAS, the Community is a qualified community pursuant to the definitions established in N.J.S.A. 40:67-23.2 (e), in which there exists private roads; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services as the Township provides on public streets and roads; and

WHEREAS, said services include the removal of snow and ice, and other services provided by the Township pursuant to N.J.S.A. 40:67-23.3; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Agreement to Stonehill Property Owner's Association and reimburse the Community for the years 2007 & 2008; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for the total amount of \$60,139.99 for 2007 and \$78,060.14 for 2008; and

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

Resolution #10-122 was removed from the Agenda pending Attorney review.

RESOLUTION #10-123

AUTHORIZING THE SUBMISSION AND IMPLEMENTATION OF THE MAY 27, 2010 TEMPORARY LAYOFF PLAN PROVIDING FOR FIVE (5) FURLOUGH DAYS FOR ALL EMPLOYEES OUTSIDE THE DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the Township of Vernon has been adversely affected by the ongoing economic downturn and dramatic cuts in State aid, forcing drastic reductions in the Township's 2010 Budget; and

WHEREAS, the Township Council of the Township of Vernon continues to take all necessary steps to address these fiscal difficulties, including the authorization for the Acting Township Manager to submit the March 12, 2010 Layoff Plan to the New Jersey Civil Service Commission; and

WHEREAS, following submission of the March 12, 2010 Layoff Plan, various affected employees and bargaining units engaged in negotiations with the Township and

proposed reasonable alternatives that allowed several positions to be saved from layoff; and

WHEREAS, the Township now confirms the May 27, 2010 Temporary Layoff Plan for five (5) furlough days for all employees outside the Department of Public Safety.

NOW THEREFORE BE IT RESOLVED, this 27th day of May, 2010, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

The Township Council hereby authorizes submission and implementation of the attached May 14, 2010 Temporary Layoff Plan, calling for five (5) unpaid furlough days on the following dates:

Friday, July 30, 2010
Wednesday, August 18, 2010
Wednesday, September 1, 2010
Wednesday, September 29, 2010
Friday, October 29, 2010

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

Council Member Harry Shortway made a motion to table Resolution #10-123, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-123 was tabled.

RESOLUTION #10-124

AUTHORIZATION TO AMEND THE VERNON TOWNSHIP PERSONNEL POLICY AND PROCEDURE MANUAL

WHEREAS, Vernon Township had adopted a Personnel Policy and Procedure Manual on January 1, 1996; and

WHEREAS, the manual, defines and clarifies the personnel policies and procedures of the Township of Vernon; and

WHEREAS, provisions of collective bargaining agreements will take precedence over any contradictory policies and procedures described in the aforesaid manual; and

WHEREAS, there exists a need to amend the Personnel Policy Procedure Manual in relation to Article VII Leaves of Absence, Section 3, Bereavement Leave.

NOW THEREFORE BE IT RESOLVED, by the Township Council of Vernon the Personnel Policy Procedure Manual shall be amended as follows:

Article VII

LEAVES OF ABSENCE SECTION 3 BEREAVEMENT LEAVE

In the event of the death of an employee's spouse or child the employee shall be granted time off without loss of pay from the day of the death or the day of the funeral, but in no event shall said leave exceed five working days.

Up to three working days leave may be granted without loss of pay for the death of a parent or sibling.

One day may be granted without loss of pay for the death of an aunt, uncle, niece, nephew, or grandparent.

An employee may make a request of their Supervisor for time off to attend a funeral separate and distinct from bereavement leave. Such request, if granted by the Supervisor shall be charged, at the option of the employee, either as a personal day or a vacation day.

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

MOVED: Richard Carson
SECONDED: Valerie Seufert

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-124 was approved.

RESOLUTION #10-125

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO REIMBURSE SCENIC LAKES COMMUNITY ASSOCIATION, INC., A QUALIFIED PRIVATE COMMUNITY, FOR CERTAIN ROAD SERVICES, AS DEFINED BY N.J.S.A.40:67-23.2, FOR THE YEAR 2009 IN THE AMOUNT OF \$34,065.50

WHEREAS, the Community is a qualified community pursuant to the definitions established in N.J.S.A. 40:67-23.2 (e), in which there exists private roads; and

WHEREAS, N.J.S.A. 40:67-23.3 requires the Township to provide for or reimburse the Community for certain services as the Township provides on public streets and roads; and

WHEREAS, said services include the removal of snow and ice, and other services provided by the Township pursuant to N.J.S.A. 40:67-23.3; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Agreement to Scenic Lakes Community Association, Inc. and reimburse the Community for the year 2009; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds for the total amount of \$34,065.50 for the year 2009; and

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

Resolution #10-125 was removed from the Agenda pending Attorney review.

RESOLUTION #10-126

AUTHORIZATION TO PROVIDE MUNICIPAL CONSENT TO REACTIVATE A TREATMENT WORKS APPROVAL (TWA) APPLICATION #08-0047 TO THE NJDEP FOR THE CONSTRUCTION OF AN INDIVIDUAL SUBSURFACE SEPTIC SYSTEM ON BLOCK 192.04 Lot 14, 28 HIDDEN VALLEY DR.

WHEREAS, a septic system application has been submitted to the Sussex County Health Department for a property in Vernon Township which proposes to construct a peat filtering system and drip dispersal system in an area where the slope of the ground is greater than 10%; and

WHEREAS, an application to the NJDEP for a Treatment Works approval is required because the design of construction of one or more components of the system will not be in conformance with N.J.A.C. 7:9A; and

WHEREAS, the drip dispersal system is the preferred method of effluent disposal by NJDEP in areas greater than 10% slopes; and

WHEREAS, Jeffrey Careaga, the design engineer, has performed soil tests to demonstrate that the sewage effluent can be absorbed into the ground; and

WHEREAS, Emrick Seabold, Sussex County Health Department, has determined the regulations require the peat filters and drip dispersal system, when the slope is greater than 10% ,be approved by the NJDEP; and

WHEREAS, prior to the submission to the NJDEP; the Sussex County Health Department reviewed the application to ensure the design complies with all aspects of the regulations except for the alternate treating and disposal methods which require NJDEP approval, and

WHEREAS, Emrick Seabold, has reviewed the application and determined that all other aspects of the design meet the NJDEP regulations for septic system design, and

WHEREAS, Emrick Seabold, has reviewed the Engineer's Report, Supplement to TWA-1 Application and determined it correctly states what aspects of the design meet the regulations and which ones need NJDEP approval, and

WHEREAS, the design engineer has revised his report to state that in his professional opinion the system will function properly; and

WHEREAS, the Township Council approved Resolution # 07-250 on November 26, 2007 and subsequently approved Resolution #09-16 on January 22, 2009 approving the submission of the initial TWA application to the NJDEP; and

WHEREAS, the NJDEP denied the both of the applications and Careaga Engineering would like to submit a TWA Application Reactivation to the NJDEP for the above captioned site; and

WHEREAS, on May 6, 2010, Emrick Seabold, Sussex County Health Department, has determined that the TWA Application Reactivation to the NJDEP is complete and the design is appropriate to the site conditions.

WHEREAS, the Township must again provide Municipal Consent before the NJDEP will review the application.

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

1. The Township issues municipal consent for the submission of this TWA application Reactivation to the NJDEP for Block 192.04 Lot 14, 28 Hidden Valley Drive.
2. The Mayor is hereby authorized to sign the TWA application Reactivation, Section A-1, Statement of Consent, on behalf of the Township.
3. This resolution shall be made part of the application and submitted to the NJDEP.
4. This resolution shall take effect immediately upon adoption to law.

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-126 was approved.

RESOLUTION #10-127

AUTHORIZING THE AWARD OF CONTRACT FOR THE HVAC SYSTEM REPAIRS IN THE VERNON TOWNSHIP MUNICIPAL BUILDING

WHEREAS, there is a need for repairs and replacements to the HVAC systems in the Vernon Township Municipal Building;

WHEREAS, these issues have been evaluated and analyzed by both the Township Engineer and outside consultants;

WHEREAS, the Township has issued specifications and contract documents soliciting formal bids for the necessary work;

WHEREAS, the bids were due and opened on April 14, 2010 at 10 a.m.;

WHEREAS, the Manager's office and the Township Engineer recommend the award of the items B1, B2 and A2-1 in the Bid Specifications and they further recommend the rejection of all other alternates at this time;

WHEREAS, the Township Engineer and the Township Attorney have reviewed the bids and determined that C. Dougherty & Company, Inc. was the lowest responsive bidder.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to enter into a contract with C. Dougherty & Company, Inc. for the work specified in the bid proposals as items B-1, B-2, and A2-1 in the total amount of \$190,000.00. All other alternates on the bid proposal are rejected and not awarded at this time.

MOVED: Richard Carson
SECONDED: Harry Shortway

Council Member Valerie Seufert questioned if the contract with C. Dougherty & Company, Inc. has a construction timeline and date of completion and commented that the air conditioning systems should be operational before the summer months.

A roll call vote was taken:
AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-127 was approved.

RESOLUTION #10-128

AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR THE PREPARATION OF COMPLETE APPRAISALS TO GREEN ACRES STANDARDS OF PROPERTY LOCATED AT BLOCK 141, LOT 16 IN THE TOWNSHIP OF VERNON

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Vernon in the possible acquisition of certain real property located within the Township of Vernon; and

WHEREAS, The Land Conservancy of New Jersey has recommended to conduct the appraisals in accordance with the specifications of Green Acres; and

WHEREAS, The Township wishes to retain the services of _____ in accordance with his proposal letter dated May ____, 2010; and

WHEREAS, the Council wishes to award a contract in an amount not to exceed \$_____ and the Chief Financial Officer has certified that funds are available for this purpose;

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

1. The Township of Vernon hereby awards and authorizes The Land Conservancy of New Jersey to execute an agreement with certified Green Acres appraisers to perform an appraisal report on the above-referenced property in accordance with an amount not to exceed \$_____.
2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

Council Member Valerie Seufert made a motion to table Resolution #10-128, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-128 was tabled.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-08

AN ORDINANCE OF THE TOWNSHIP OF VERNON MODIFYING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the State Legislature adopted N.J.S.A. 43:15C-1, et seq. to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and

WHEREAS, N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and

WHEREAS the Council of the Township of Vernon, has considered the guidelines issues by the Local Finance Board.

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

- 1 Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
 - A. Township Council Members;
 - B. Township Manager
2. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed exempt from participation in the Defined Contribution Retirement Program membership:
 - A. Certified Health Officer;
 - B. Tax Collector;
 - C. Chief Financial Officer;
 - D. Construction Code Official;
 - E. Tax Assessor;
 - F. Registered Municipal Clerk;
 - G. Licensed Uniform Subcode Inspector;
 - H. Principal Public Works Manager;
 - I. Qualified Purchasing Agent.
3. This ordinance shall be implemented, construed and subject to the aforesaid N.J.S.A. 43:15C-1 et seq. as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

4. Should any part or parts of this ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
5. A copy of this ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
6. This ordinance shall take effect in accordance with law.

Mayor Sally Rinker read Ordinance #10-08 by title only.

Motion: Valerie Seufert made a motion to approve Ordinance #10-08 upon introduction, seconded by Council Member Michael Pier.

Township Attorney John Ursin stated this Ordinance removes the position of Township Engineer and includes the position of a Qualified Purchasing Agent.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-08 was approved as introduced. Public Hearing scheduled for June 24, 2010.

ADDED TO AGENDA BY ADDENDUM

ORDINANCE #10-09

AN ORDINANCE AMENDING TOWNSHIP ADMINISTRATIVE CODE PART I, CHAPTER 5, ARTICLE II, SECTION 5-6 REGARDING MEETING MINUTES

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Vernon, County of Sussex, New Jersey, that Township Administrative Code Part I, Chapter 5, Article II, Section 5-6 shall be amended to read as follows:

F. Release of Executive Session Minutes from Regular and Special Council Meetings.

1. The Township Clerk shall attend all executive session meetings of the Vernon Township Council and shall prepare a confidential set of draft minutes of each executive session meeting, with proposed redactions as appropriate, for approval by the Township Council at the next regularly scheduled Council meeting unless exigent circumstances delay the preparation of such minutes, in which case the minutes shall be presented at the next regularly scheduled Council meeting following the delay. In the event that the Township Council is discussing any subject where the Township Clerk should not attend executive session due to a conflict or confidentiality issues, the Township council may designate the Township Attorney or other person to take the minutes.

2-4. [No Change]

Mayor Sally Rinker read Ordinance #10-09 by title only.

Motion: Council Member Richard Carson made a motion to approve Ordinance #10-09 upon introduction, seconded by Council Member Valerie Seufert.

Township Attorney John Ursin advised the change allows the Council to have another person attend meetings of the Council to record the minutes.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-09 was approved as introduced. Public Hearing scheduled for June 24, 2010.

ADDED TO AGENDA BY ADDENDUM

ORDINANCE #10-10

ORDINANCE AMENDING AN APPROPRIATION ORDINANCE OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, HERETOFORE ADOPTED ON JUNE 12, 2008 (#08-10)

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

The appropriation ordinance of The Township of Vernon, in the County of Sussex, New Jersey (the "Township"), heretofore adopted by the governing body thereof on June 12, 2008 and entitled: "Ordinance providing for various improvements or purposes to be undertaken in and by the Township of Vernon, in the County of Sussex, New Jersey, and appropriating \$889,537.31 therefor from the Capital Surplus of the Township" (#08-10), is hereby amended to the extent and with the effect that Section 2 thereof shall read as follows (additional text is underscored):

"Section 2. The improvements hereby authorized and the several purposes for the financing of which the appropriation is made are as follows: the acquisition of new and additional equipment including one (1) ambulance for the Vernon Township Ambulance Squad, plows and sanders for the Department of Public Works, emergency equipment for the Ambulance Squads and Fire Departments, four (4) defibrillators, evidence analysis equipment and fingerprinting equipment for the Police Department, computer equipment and software for various Township Departments; the renovation of the Municipal Building in and by the Township including the upgrade of the heating, ventilation and air conditioning system therein; and improvement of the water supply and distribution system, including, for all of the foregoing, all necessary and appurtenant equipment, accessories, attachments, work and materials, and all engineering, legal, advertising and other costs associated therewith, and all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved."

Section 2. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 3. This ordinance shall take effect after publication after final passage as provided by law.

Mayor Sally Rinker read Ordinance #10-10 by title only.

Motion: Council Member Michael Pier made a motion to approve Ordinance #10-10 upon introduction, seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-10 was approved as introduced. Public Hearing scheduled for June 24, 2010.

COUNCIL BUSINESS

Appointment to the Land Use Board

Motion: Council Member Valerie Seufert made a motion to appoint:

1. Joe Tadrack - Class IV Member, 4-year term expiring 12/31/13
2. Ed Rolando, Jr. - Alternate #4 Member, 2-year term expiring 12/31/10

Motion seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Council Member Michael Pier thanked the Finance Department for preparing and distributing the Year-to-Date municipal department budget account expense worksheets.

Mayor Rinker reported that the Environmental Commission offered recommendations to the Land Use Board regarding the Master Plan update.

Mayor Rinker thanked the Recreation Board for planning and sponsoring Vernon Day, which is scheduled to take place on Saturday, June 5, 2010; raindate Sunday, June 6.

Mayor Rinker commented that she hoped the Council could have had a zero tax increase in 2010 Municipal Budget asked the new Township Manager, Mr. Andrew Katz, to review the introduced 2010 Municipal Budget with fresh eyes to ascertain if further budget cuts could be made.

Council Member Valerie Seufert thanked the Historic Preservation Commission and Vernon Historical Society for bringing 13 properties to the Master Plan for Historic Designation and thanked all volunteers for their contributions.

Mayor Rinker reported that Vernon resident and artist, Everett Paladini, offered to donate a sculpture he created as a memorial to those who lost their lives on September 11, 2001 and asked the Council to endorse the acceptance and placement of the sculpture at the Municipal Center.

Motion: Council Member Valerie Seufert motioned to accept the donation of the sculpture and to allow the artist the courtesy of determining its location and placement in the Municipal Center building. Motion seconded by Council Member Harry Shortway, with all members voting in favor.

Council Member Richard Carson welcomed Mr. Andrew Katz as the new Township Manager.

Council Member Valerie Seufert reported Mr. Katz has extensive New Jersey municipal experience and was enthusiastic that he would be great fit for Vernon Township.

All members of the Township Council welcomed Mr. Andrew Katz as the new Township Manager.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:00 p.m.

Minutes prepared by
Robin R. Kline, MAS, RMC

Respectfully submitted by:

Andrea Bates
Acting Municipal Clerk

Minutes approved: June 24, 2010