

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**June 24, 2010**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:07 p.m. on Thursday, June 24, 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, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Andrew Katz and Township Attorney John Ursin. Council Member Michael Pier gave notification that he would be unable to attend.

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

At 6:16 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session. Council Member Shortway made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Carson with all members voting in favor.

The Acting 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. Personnel/Contract matters regarding interviews with Engineers and Planners. Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an employment agreement.
  - b. Possible Litigation matter. Executive Session minutes will be released to the public upon the conclusion of this matter.
  - c. Legal matter regarding litigation discussion. Executive Session minutes will be released to the public upon the conclusion of this matter.
  - d. Personnel matters regarding two issues. Executive Session minutes will be released to the public upon the conclusion of this matter.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:17 p.m.

The meeting was reopened to the public at 7:17 p.m. Present were Council Members Richard Carson, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Andrew Katz and Township Attorney John Ursin.

### **SALUTE TO THE FLAG**

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

### **PROCLAMATION**

#### **Proclamation for Recreation Month**

Mayor Sally Rinker read the Proclamation that the Township Council recognizes July to be designated as Park and Recreation Month in the Township of Vernon. Mayor Rinker presented the Proclamation to Mary Bradley and Mary Ellen Vischiconti, members of the Board of Recreation.

### **ADDED BY ADDENDUM**

#### **Beautification Committee Presentation**

Samuel Lewin commented that he discussed, at a prior Council meeting, what the Beautification Committee's goals and objectives were, and asked for the Council's support. Tourism is a major industry and is important to the Township. The Beautification Committee has established three areas of focus: support, ordinances, and code enforcements against blighted structures. There are several "Welcome to Vernon" signs that require fixing, painting, and repositioning. Mr. Lewin stated the definition of support is to create influence with tasteful direction. He explained that the intersection of Routes 94 and 515 is the place where Aspen Landscapers volunteered to beautify. Mr. Lewin asked the Council to review the ordinance so the code is enforced. There are multiple signs at a major intersection that should be removed; and buildings that do not comply with the Township's code should be repaired.

The Township Council thanked the Beautification Committee for their efforts to make Vernon a wonderful place to live and visit.

Mr. Katz commented that the Township would be reviewing its Property Maintenance Code. This code will be the most effective and efficient way to maintain the value of properties in Vernon Township and to encourage people to build within the community. The Township has the capability to enforce the code through the Building Department, Fire Prevention, and Zoning Departments.

### **PUBLIC COMMENTS**

Mayor Rinker opened the meeting for Public Comments.

*Phyllis MacPeek, Vernon*, commented Vernon has changed over the years with new developments and stores. She would like the people of Vernon to remember what it used to be.

*Marika Bezzone, Glenwood*, gave a media presentation on "Taking Liberty" which is a comprehensive look at 48 states showing, region by region, how the Environmental Movement is rapidly abolishing private property in America.

*Steven Wanczowski, Barry Lakes, Timmy Grinnis, Maryland, and Joshua Guareno*, commented they participated in the March against Heroin. They are recovering from drugs and alcohol. Students in Sussex County who are under the influence of dangerous substances have increased dramatically since 1999. Numerous teenagers have died in the last two months from heroin opiates. Further, they know where the dealer is located, advised the local police, but yet still see the alleged dealer on the streets. Towns need to have support meetings for those who are addicted to intoxicating drugs and alcohol. He further commented that boredom is the biggest issue for young people in Vernon. Many teenagers are tired of seeing their friends die. Mayor Rinker commented that some of the Township Council members attended the march. The addicts would need to obtain professional guidance and help from certified

counselors, and acquire a meeting room. Mayor Rinker suggested that they speak to the Township Manager for some direction. Mr. Wanczowski stated a skate board park needs to be created here in Vernon to help keep the kids active and out of juvenile court. They are a tax-exempt non-profit organization and would like to setup a meeting with an engineer to build a skate park. He spoke with Patricia Seger, Director of Community Affairs, regarding land that could be available for the skate park. The land is located on Maple Grange Road. He is waiting for grant money so the funds can be used towards this project; and asked if the Township would be willing to commit some funds towards this project. Mayor Rinker and Council Member Seifert commended Joshua Guareno for his powerful support to reaching out to other addicts.

*Tom McClachrie, Vernon Taxpayers Association*, questioned Resolution #10-143, Renewal of Liquor Licenses. He suggested that a passage be added to this resolution that liquor licenses cannot be issued unless the property taxes are current. Mr. McClachrie stated Ordinance #10-12 salary range for the new title Confidential Administrative Assistant is relatively high. The salary range should exemplify the minimum and maximum step increases to arrive at the maximum step. There are many employees in the Township that do not have salary step increases. He supports Resolution #10-146 for the contract to repair the HVAC system in the Municipal Building.

*John Curry, Glenwood*, commented he had a prior conversation with former Mayor Ira Weiner as to who would be responsible for paying for the sewers. Mr. Curry said that it would be those who are connected to the sewers, but now finds out if these people who are not paying for the sewers the Township would have to pickup the bill. United Water Company was present a few months ago at the Township meeting and indicated water would be available for those who are on the sewers with one exception that there was a caveat that the Township might have to pay that bill. Mr. Curry stated these sewers should be paid by the people who are building this system not the Township residents.

*Mary Ellen Vischiconti* commented the Faline Building should be considered for rehabilitation use.

*Gary Martinsen* commented that Resolution #10-141 should not be waived unless it is for the fire department. He stated the wording in the resolution awarding the contract for the Professional Planner needs to specify a name. He suggested that additional items placed on the addendum should also be placed on the website a day sooner so the public has time to comment. Mr. Martinsen commented that as a resident and business owner in the Township, he publicly wanted to thank Robin Kline for the work she has done for the Township.

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

#### **TOWNSHIP MANAGER'S REPORT**

Andrew Katz reported the Township will be implementing a Comprehensive Development/Redevelopment Plan, which will come in the form of recommendations and staff structure. He asked each of the Department Heads to prepare a 30-day review to where they see their budget and department will be in the next three years. He reviewed the budget and what is being presented is within reason. The State has identified transitional Aid, which was previously called Extraordinary Aid, and he does not believe Vernon will be eligible for this aid. He added the Township would be better off applying for a grant. Mr. Katz commented the employees of Vernon Township are an extremely capable and motivated group of people who will keep the process moving smoothly during these difficult economic times.

#### **TOWNSHIP ATTORNEY'S REPORT**

John Ursin reported the Council authorized him to negotiate a separation agreement for Robin Kline, the former Municipal Clerk.

Council Member Harry Shortway made a motion to allow Mr. Ursin to prepare the separation agreement, and was seconded by Valerie Seufert.

A roll call vote was taken:

Ayes: Richard Carson, Valerie Seufert, Harry Shortway

Nays: None

Abstain: Sally Rinker

## APPROVAL OF MINUTES

May 27, 2010 Regular Meeting & Executive Session Minutes

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

## RESOLUTIONS REQUIRING SEPARATE ACTION

### RESOLUTION #10-138

#### 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	\$ 880,727.10	Vernon BOE
#2	Planning & Zoning	\$ 405.75	
#3	Grant	\$ 2,500.00	
#4	Capital	\$ 2,900.00	
#5	Other Trust	\$ 1,718.93	
#6	Sewer Operating	\$ 363.80	
	Payroll	\$ 333,251.96	1st Pay in June 2010
	Total	\$1,221,867.54	

MOVED: Richard Carson

SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #10-138 was approved.

### RESOLUTION #10-139

#### AUTHORIZING ELECTRONIC TAX RECEIPTS PROGRAM THROUGH CIT-E-NET, VITAL COMMUNICATIONS AND LAKELAND BANK

**WHEREAS**, pursuant to the Government Electronic Payment Assistance Act, N.J.S.A.40A 5:30-9 et seq., a municipality is authorized to accept payment by electronic means for certain local government obligations which are owed to the municipality; and

**WHEREAS**, the Council of the Township of Vernon is of the opinion that allowing property owners to pay real estate taxes by electronic transactions conducted over the worldwide web or using the Internet provided to taxpayers of the Township a needed convenience and is in the best interest of the taxpayers.

**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 Tax Collector of the Township is hereby authorized to take all actions as may be deemed necessary or desirable to enable taxpayers of the Township to use electronic means for the payment of real estate taxes using the worldwide web or the Internet, and as needed to further implement the purposes and intent of this Resolution.
2. The proper officials are hereby authorized and directed to execute agreements with CIT-E-Net, Vital Communications and Lakeland Bank, for the term of one year.
  - (a) CIT-E-NET: One time Set-Up fee \$1,500.00 and Annual application fee of \$1,500.00
  - (b) Vital Communications: Annual fee of \$600.00
3. A copy of this Resolution, certified by the Township Clerk to be a true copy; be forwarded to each of the following:
  - (a) Township Tax Collector
  - (b) Director, Division of Local Government Services
  - (c) The Township's official newspaper
  - (d) Chief Financial Officer

MOVED: Harry Shortway

SECONDED: Valerie Seufert

Council Member Seufert questioned the amount of money that will be spent on the CIT-E-NET program and how much revenue the Township will receive within a time frame. Andrew Katz reported the cost will be \$3,000.

A roll call vote was taken:

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

NAYES: None

Resolution #10-139 was approved.

### **RESOLUTION #10-140**

#### **APPROVING A SOLICITORS PERMIT FOR CHRIST COMMUNITY CHURCH 79 BREAKNECK ROAD, HIGHLAND LAKES**

**WHEREAS**, Christ Community Church, 72 Breakneck Road, Highland Lakes, has made application for a Solicitors Permit for person-to-person outreach to distribute church welcome baskets to new residents within the Township of Vernon by its members; and

**WHEREAS**, upon receipt of the application for a Solicitors Permit, the Vernon Township Police Department investigated the applicant's business responsibility and moral character and found same to be satisfactory and in good order for the protection of the public good;

**NOW, THEREFORE, BE IT RESOLVED**, that the Solicitors application of Christ Community Church, is hereby approved by the Township Council; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to issue a Solicitors Permit to the aforesaid applicant for the person-to-person outreach to distribute church welcome baskets to new residents within the Township of Vernon by its members in accordance with provisions of Chapter 428, Article III §428-18 of the Code of Vernon Township.

MOVED: Richard Carson  
SECONDED: Harry Shortway

It was noted the street number is incorrect, should be #72 not #79 Breakneck Road.

A roll call vote was taken:

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

NAYES: None

Resolution #10-140 was approved.

### **RESOLUTION #10-141**

#### **AUTHORIZING THE WAIVER OF THE ROAD TRAFFIC IMPACT FEE FOR LAND USE BOARD APPLICATION #5-09-09, BLOCK 144.01 LOT 3**

**WHEREAS**, the Vernon Township Land Use Board approved Final Major Site Plan Application #5-09-09 for Red Oak Properties, LLC for Block 144.01 Lot 3 on June 24, 2009; and

**WHEREAS**, after receiving all other necessary approvals from NJ Department of Transportation and Sussex County, the site plan project may begin; and

**WHEREAS**, the Township of Vernon requires a Traffic Impact Fee of \$2,000.00 be submitted prior to construction as per the Township Code of Vernon; and

**WHEREAS**, the applicant had requested a waiver of the Traffic Impact Fee and the Vernon Township Land Use Board recommended the fee be waived with Council approval; and

**WHEREAS**, the applicant is now requesting approval of the Township Council to waive the Traffic Impact Fee for Application #5-09-09 in the amount of \$2,000.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the Vernon Township Council that they hereby approve the waiver of the Township's Traffic Impact Fee of \$2,000.00 for the Land Use Board Application #5-09-09 for Block 144.01 Lot 3 for Red Oak Properties and further authorize copies of this resolution be forwarded to the Land Use Board Secretary and the Township Chief Finance Officer.

This Resolution shall take effect immediately upon approval according to law.

Council Member Valerie Seufert commented this particular business located in Vernon is requesting a waiver from the Traffic Impact Fee as well as relief from providing a bond. The purpose of this Traffic Impact Fee was put in place to help offset the extra costs; and the bond is to assure that any infrastructures and/or improvements made to the property are completed. In the past, the Council has waived fees for non-profit organizations. Mayor Rinker commented the Land Use Board will be discussing development in the Township. Mayor Rinker asked the Council to consider tabling this resolution.

Council Member Valerie Seufert made a motion to table Resolution #10-141 and requested the Land Use Board to have some discussion on the Impact Fee, seconded by Council Member Harry Shortway, with a voice vote of all in favor, no one opposed.

Resolution #10-141 was tabled.

### **RESOLUTION #10-142**

#### **AUTHORIZING THE WAIVER OF THE RE-APPLICATION FEE FOR LAND USE BOARD APPLICATION #6-10-04, BLOCK 207.16 LOT 5**

**WHEREAS**, the Vernon Township Land Use Board approved Variance Application ZB#3-08-2 for Block 207.16 Lot 5, 405 Cherry Ridge Road, on June 4, 2008 for James and Carol Giroux, (applicant); and

**WHEREAS**, a building permit needed to be obtained by the applicant within a year as per the Resolution of the approved application which the applicant neglected to obtain; and

**WHEREAS**, the applicant requested an extension of time from the Land Use Board on May 12, 2010 but was denied because the resolution had expired June 4, 2009;

**WHEREAS**, the Land Use Board approved a motion at the May 12, 2010 meeting that if the applicant filed a new application for the same purpose the Land Use Board would recommend the application fee of \$100.00 be waived subject to Township Council approval; and

**WHEREAS**, the applicant has submitted a new variance application LU#6-10-4 on June 10, 2010, has submitted the required fee of \$100.00 and is now requesting approval of the Township Council to refund the Land Use Board Application fee of \$100.00 as per the Land Use Board's recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Vernon Township Council that the refund of the Application Fee of \$100.00 be refunded to Applicant James and Carol Giroux for the Land Use Board Application #6-10-4 for Block 207.16 Lot 5 and further authorize copies of this resolution be forwarded to the Land Use Board Secretary and the Township Chief Finance Officer.

This Resolution shall take effect immediately upon approval according to law.

MOVED: Richard Carson

SECONDED: Harry Shortway

Council Member Harry Shortway questioned if a building permit was obtained. Council Member Valerie Seufert stated she served as Zoning Board Chair prior to her election to the Township Council. When the applicant received their approval they were given one (1) year to obtain their building permit, which it states in the resolution. The applicant built the deck before obtaining a variance approval. The extension of approvals has to be granted by the Land Use Board. Council Members Seufert and Shortway agreed it is setting precedence.

A roll call vote was taken:

AYES: None

NAYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker

Resolution #10-142 failed.

### **RESOLUTION #10-143**

#### **RENEWAL OF LIQUOR LICENSES FOR VERNON TOWNSHIP FOR THE 2010-2011 LICENSING TERM**

**WHEREAS**, all licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2010; and

**WHEREAS**, pursuant to R.S. 33:1, the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

**WHEREAS**, all of the licenses have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2010-2011 licensing period effective as of July 1, 2010:

<b>CLUB LICENSE</b>	
Walkkill Valley VFW Memorial Post #8441	1922-31-010-002
<b>PLENARY RETAIL CONSUMPTION</b>	
Great Gorge Country Club Inc. (Golf course)	1922-33-003-006
Mountain Creek Resort Inc.	1922-33-007-012
FLME, Inc. (George Inn)	1922-33-008-003
JD Vernon Lodge & Inn	1922-33-009-002
Legends Liquors, Inc.	1922-33-006-010
<b>HOTEL EXCEPTION</b>	
Mountain Creek Resort, Inc. – Appalachian Hotel	1922-36-014-001
Stonehill Recreation Corp.	1922-36-011-001
<b>PLENARY RETAIL DISTRIBUTION</b>	
Highland General Store Inc.	1922-44-002-002
Mac & Lindy's LLC	1922-44-012-001

MOVED: Valerie Seufert  
 SECONDED: Harry Shortway

John Ursin commented the following four liquor licenses need to be removed from this resolution. Drew's Tavern, HB Hospitality, Harry Lawrence Marsh (Lake Wanda Store), and Smokey Glenwood Grill as the Township has not yet received their Tax Clearance Certificates from the State.

A roll call vote was taken:  
 AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker  
 NAYES: None  
 Resolution #10-143 was approved.

**RESOLUTION #10-144**

**AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL PLANNER SERVICES FOR THE TOWNSHIP OF VERNON**

**WHEREAS**, there is a need for Professional Planner Services for 2010 in the Township of Vernon; 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**, said specified professional services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

**WHEREAS**, the Township of Vernon has issued Requests for Qualifications for Professional Township Planner Services to be awarded as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended, and the Township Council and Township Manager has received, reviewed and considered all responses; and

**WHEREAS**, the Chief Finance Officer has determined and certified in writing that the value of the contract may exceed \$17,500.00 has certified that funds are available for this purpose subject to the adoption of the 2010 Municipal Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of contract of a Professional Service Contract to Benecke Economics located at 250 Moonachie Road, Moonachie, New Jersey, 07074, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Township Planner Services in accordance to the attached Contract for Professional Services.

**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: Richard Carson  
 SECONDED: Valerie Seufert

John Ursin commented this appointment would be subject to all terms and conditions of the RFP and all information contained in the proposal.

A roll call vote was taken:

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

NAYES: None

Resolution #10-144 was approved.

#### **RESOLUTION #10-145**

##### **AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE TOWNSHIP OF VERNON**

**WHEREAS**, there is a need for Professional Engineering Services for 2010 in the Township of Vernon; 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**, said specified professional services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

**WHEREAS**, the Township of Vernon has issued Requests for Qualifications for Professional Township Engineering Services to be awarded as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended, and the Township Council and Township Manager has received, reviewed and considered all responses; and

**WHEREAS**, the Chief Finance Officer has certified that funds are available for this purpose subject to the adoption of the 2010 Municipal Budget; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of contract of a Professional Service Contract to Harold E. Pellow & Associates located at 17 Plains Road, Augusta, New Jersey, 07822, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Township Engineering Services in accordance to the attached Contract for Professional Services.

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

5. 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
6. Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.;
7. New Jersey Business Registration Certificate; and
8. 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: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-145 was approved.

Cory Stoner thanked the Town Council for the appointment. He further stated the firm looks forward to working with the Township. John Ursin commented the first assignment is the HVAC system.

#### **ADDED BY ADDENDUM**

#### **RESOLUTION #10-146**

##### **RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON REGARDING THE CONTRACT FOR HVAC WORK IN THE MUNICIPAL BUILDING**

**WHEREAS**, the Township of Vernon published a Request for Proposal and Specifications for work on the HVAC system in the municipal building;

**WHEREAS**, C. Dougherty & Co., Inc. was the lowest responsive bidder;

**WHEREAS**, by Resolution #10-127 dated May 27, 2010, the governing body of the Township of Vernon awarded a contract for a portion of the base bid and one of the alternatives to C. Dougherty & Co.;

**WHEREAS**, C. Dougherty & Co., thereafter, was issued a Notice to Proceed;

**WHEREAS**, C. Dougherty & Co. has protested the partial award of the base bid;

**WHEREAS**, the Municipal Attorney has reviewed the relevant documents and recommended that the award of the contract be rescinded.

**NOW THEREFORE IT BE RESOLVED** by the Mayor and Council of the Township of Vernon that the award of contract to C. Dougherty & Co., Inc. by Resolution #10-127 on May 27, 2010 date is hereby rescinded and the Manager's Office is directed to re-bid the work immediately.

MOVED: Valerie Seufert  
SECONDED: Harry Shortway

John Ursin commented that the HVAC system did go out for bid but it produced different variations. Only part of the base bid was awarded where the contractor protested. The Township went back and reviewed the bid. Mr. Ursin's recommendation is that the Council rescind their previously award of the contract, and have the new engineer look at the bid specifications and re-issue that bid. By taking this action the Township Council would be rescinding the award of the contract, releasing the contract to whom it was previously awarded, and directing the Manager's office, with the help of the new engineer, to reissue the bid specifications to get that project underway.

A roll call vote was taken:

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

NAYES: None

Resolution #10-146 was approved.

### **RESOLUTION #10-147**

#### **RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF VERNON APPOINTING AN ACTING TOWNSHIP CLERK**

**WHEREAS**, Township Clerk, Robin R. Kline, resigned on June 17, 2010; and

**WHEREAS**, Township Clerk Robin R. Kline's last official day is June 30<sup>th</sup> and she is taking benefit time until that date; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-135, it is necessary that the Township appoint the Deputy Township Clerk, Andrea Bates as Acting Township Clerk until the position of Township Clerk is filled.

**NOW THEREFORE IT BE RESOLVED** that until further Resolution of the governing body of the Township of Vernon, Deputy Clerk Andrea Bates shall be appointed Acting Township Clerk at a salary of \$70,000.00 per year pro-rated for the time she serves as Acting Township Clerk; and

**NOW THEREFORE IT BE FURTHER RESOLVED** that upon the hiring of a permanent Clerk, Deputy Clerk Angie Bates shall return to her role as Deputy Clerk at her previous salary.

Council Member Valerie Seufert thanked Andrea Bates for filling in as Acting Municipal Clerk; it is greatly appreciated.

MOVED: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-147 was approved.

### **RESOLUTION #10-148**

#### **AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR UTILITY PURPOSES FOR THE TOWNSHIP OF VERNON**

**WHEREAS**, there is a need for Professional Engineering Services for Utility Purposes for 2010 in the Township of Vernon; 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**, said specified professional services are to be rendered or performed by a person or persons licensed to practice a recognized profession; and

**WHEREAS**, the Township of Vernon has issued Requests for Qualifications for Professional Township Engineering Services to be awarded as a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended, and the Township Council and Township Manager has received, reviewed and considered all responses; and

**WHEREAS**, the Chief Finance Officer has certified that funds are available for this purpose subject to the adoption of the 2010 Municipal Budget; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize and approve the award of contract of a Professional Service Contract to Hatch Mott MacDonald located at Perryville III, 53 Frontage Road, Suite 170, Hampton, New Jersey, 08827, pursuant to a fair and open contract pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:20-1 et seq. to provide Township Engineering Services for Utility Purposes in accordance to the attached Contract for Professional Services.

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

9. 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
10. Receipt of all statutorily mandated "pay to play" political contribution forms pursuant to N.J.S.A. 19:44A-20.4 et seq.;
11. New Jersey Business Registration Certificate; and
12. 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: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-148 was approved.

## **SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES**

### **ORDINANCE #10-06**

AN ORDINANCE GRANTING MUNICIPAL HISTORIC DESIGNATION TO THE HIGH BREEZE FARM AND PROPERTY KNOWN AS BLOCK 42 LOT 12 AND BLOCK 43 LOT 4, IN THE TOWNSHIP OF VERNON

**WHEREAS**, the National Register of Historic Places has registered the High Breeze Farm, 177-224 Barrett Road, Block 42 Lot 12 and Block 43 Lot 4, as a Historic Landmark; and

**WHEREAS**, the Vernon Township Historic Preservation Commission ("HPC") has studied the property known as Block 42 Lot 12 and Block 43 Lot 4, for inclusion in the Historic Element of the Master Plan pursuant to the Vernon Township Administrative Code §330-148 et seq, and has recommended the property to the Vernon Township Land Use Board for designation as an Historic Landmark; and

**WHEREAS**, the Land Use Board considered the application filed by the HPC., Block 42 Lot 12 and Block 43 Lot 4, High Breeze Farm, for designation as a Historic Landmark at its regular meeting held on March 24, 2010; and

**WHEREAS**, the Land Use Board approved of the designation of said property as a Historic Landmark on March 24 2010, said approval requiring the Historic Element of the Master Plan to be updated so as to include this property on the list of Historic landmarks.

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

1. High Breeze Farm, Block 42 Lot 12 and Block 43 Lot 4 is hereby granted Municipal Historic Designation.
2. The Historic Element of the Master Plan shall be updated so as to include said property on the list of Historic Landmarks.
3. A copy of this Ordinance shall be served upon the owners of the properties by certified mail return receipt requested and regular mail after the first reading and prior to final adoption by the Municipal Clerk.
4. The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.
5. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
6. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
7. This Ordinance shall take effect after publication and passage according to law.

Mayor Rinker read Ordinance #10-06 by title only. First reading was held on May 13, 2010.

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

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

Council Member Valerie Seufert stated she is pleased this property is placed on the National Register of Historic places, and should be placed on the Township's Historic Register.

MOTION: Valerie Seufert  
 SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Ordinance #10-06 was approved.

### **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 Rinker read Ordinance #10-08 by title only. First reading was held on May 27, 2010.

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

*Tom McClachrie, Vernon Taxpayers Association*, commented that these designated positions mentioned in this ordinance have been approved for the deferred compensation plan. He asked if there is any difference in verbiage between this ordinance and the original ordinance that designated those positions. John Ursin commented that these positions that were set forth in this ordinance are the positions specified by the Statute. The position of Township Engineer was removed, and the position of a qualified Purchasing Agent was added. When the ordinance was passed no one was serving as a Qualified Purchasing Agent.

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

There was no Council discussion.

MOTION: Valerie Seufert

SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Ordinance #10-08 was approved.

**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 Rinker read Ordinance #10-09 by title only. First reading was held on May 27, 2010.

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

*Jessi Paladini*, [REDACTED] asked for an explanation of this ordinance. John Ursin commented this ordinance requires that the Municipal Clerk take all of the minutes in closed session. At the time of the interview for a new manager the council requested someone other than an employee take the minutes.

*Gary Martinsen, Vernon*, commented the concern he has with the Township Council may designate the Township Attorney. There were problems in the past where the attorney was part of the issue with the minutes, and there could be a conflict of interest. Andrew Katz explained that every municipality has a provision like this and he has never seen where it was not the Township Attorney. The Township Attorney is the alternative to other steps in closed session. Mr. Martinsen suggested that the executive minutes be recorded in the event something needs to be done and covers where everyone is basically held accountable.

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

There was no Council discussion.

MOTION: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Ordinance #10-09 was approved.

**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 Rinker read Ordinance #10-10 by title only. First reading was held on May 27, 2010.

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

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

There was no Council discussion.

MOTION: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:

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



NAYES: None  
Ordinance #10-10 was approved.

## **FIRST READING ON PROPOSED ORDINANCES**

### **ORDINANCE #10-11**

AN ORDINANCE GRANTING A FRANCHISE EXPANSION AND PERMISSION FOR UNITED WATER VERNON SEWAGE INC. AND UNITED WATER GREAT GORGE INC., TO LAY THEIR SEWER PIPES BENEATH SUCH PUBLIC ROADS, STREETS AND ALLEYS AS MAY BE NECESSARY FOR THEIR CORPORATE PURPOSES AND TO CONSTRUCT AND MAINTAIN SEWER PIPES AND MANHOLES ON AND ALONG PUBLIC STREETS IN THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

**WHEREAS**, United Water Vernon Sewage Inc. and United Water Great Gorge Inc., New Jersey public utility corporations having their principal offices at 200 Old Hook Road, Harrington Park, New Jersey, (the "Sewer Company"), desire to expand the Vernon Sewer Franchise area and lay and otherwise own and maintain sewer pipes beneath such public roads, streets, alleys and places as they may deem necessary for their purposes and to construct and maintain sewer pipes and manholes in and along such roads, streets, alleys and places, and desire to obtain the consent of the Township of Vernon for the same pursuant to N.J.S.A. 48:19-17, N.J.S.A. 40:67-1 and such pertinent statutes of the State of New Jersey; and

**WHEREAS**, the Sewer Company owns and operates a sewer franchise collection and transmission system (the "System") granted by Vernon and approved by the New Jersey Board of Public Utilities ("BPU"), located in Vernon, Sussex County, New Jersey; and

**WHEREAS**, the Township and the Sewer Company entered into a Sewer Extension Agreement in December, 2009 to permit sewer connections in the Vernon Town Center, including a portion of Mountain Creek. A copy of the 2009 Sewer Extension Agreement is attached hereto; and

**WHEREAS**, so as to implement the provisions of the aforesaid Sewer Extension Agreement, including but not limited to Article 2.1, it is necessary to expand the sewer franchise area to include the geographic region of Vernon known as the Town Center, as hereinafter described; and

**WHEREAS**, granting consent for said purpose is necessary and proper for the public convenience and properly serves the public interest; and

**WHEREAS**, United Water Vernon Sewage Inc. and United Water Great Gorge Inc., are public utilities created and organized under the laws of the State of New Jersey to operate and maintain facilities for the provision of wastewater collection and transmission for residential and commercial use.

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

Section 1. United Water Vernon Sewage Inc. and United Water Great Gorge Inc., are hereby given the consent and permission of the Township of Vernon to expand the Sewer Franchise area, subject to BPU approval, and to own, install/lay, maintain and relay sewer pipes and manholes beneath such public roads, streets, alleys and places as they may deem necessary for their corporate purposes, subject to such additional approvals or consents as the law may require, and to construct and maintain sewer mains and manholes in and along such roads, streets, alleys and places within the lands and premises hereinafter designated and under all public roads, streets, alleys and places abutting same, viz;

**As to United Water Vernon Sewage Inc. which will furnish only sewage transmission service applicable to a municipal exempt utility:**

Those tracts or parcels of land, generally located in the Vernon Town Center, shown on the Tax Map of the Township of Vernon and designated as follows:

Block 141, Lots: 2, 10, 10.01-10.05, 12, 12.04-12.07, 13, 13.01, 15.03-15.05, 16.02, 18; Block 141.01; Block 141.02; Block 141.03; Block 141.04; Block 141.05; Block 142, Lots: 1-3, 6-8, 8.01, 9, 9.01, 9.02, 10, 11; Block 142.01; Block 143, Lot 19; Block 144, Lots: 11, 16-24, 28.01, 32, 32.01, 36, 37; Block 144.01; Block 145, Lots: 1, 1.01-1.05, 2-5, 5.01, 6-8; Block 146, Lots: 3, 4, 6; Block 147, Lots: 1, 2, 2.01, 2.03, 3; Block 148.

Vernon Township will furnish collection sewer services to all the above-referenced tracts or parcels of land.

**As to United Water Great Gorge Inc. (collection sewer service) and United Water Vernon Sewage Inc. (transmission sewer service) which will furnish sewage collection and transmission services applicable to non-exempt utilities:**

Those tracts or parcels of land shown on the Tax Map of the Township of Vernon and designated as follows:

Block 183, Lots: 12-13; Block 184, Lot 13; Block 190, Lots: 9, 10, 10.01.

Section 2. The consent and permission granted by this Ordinance is made expressly subject to the following conditions: in the event of any disturbance of pavement, sidewalk, driveway or other surfacing of any public street, road, highway or other public place, caused by United Water Vernon Sewage Inc. and/or United Water Great Gorge Inc., the Sewer Company shall at its own cost and expense, replace and restore all paving, sidewalks, driveway and other surface of any street, road, highway or other public place disturbed, in as good a condition as before said work was commenced, and shall maintain the restoration for a period of six months.

Section 3. The Sewer Company shall accept this Ordinance in writing within thirty (30) days after the final passage hereof.

Section 4. The consent and permission granted herein is unlimited in time. However, both the Township of Vernon and the Sewer Company may exercise their respective rights under the 2009 Sewer Extension Agreement.

Section 5. This Ordinance shall take effect immediately upon its final passage and publication according to law subject only to the approval of the New Jersey Board of Public Utilities as required by law.

Section 6. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Mayor Sally Rinker read Ordinance #10-11 by title only.

Council Member Valerie Seufert asked for an explanation since she thought all the sewer lines were already in place. John Ursin commented that in order for United Water to make an application to the Board of Public Utilities they need the municipality to give them the authorization to have the franchise to have sewer customers to collect the wastewater in those areas. This ordinance expands the franchise area for United Water in order for them to make their application.

Council Member Harry Shortway commented the Township has to move forward with the sewers. This issue has been lingering on for too many years, and it is time to get businesses to come to this town along with the revenue.

There was no other Council discussion.

Council Member Valerie Seufert made a motion to approve Ordinance #10-11 upon introduction, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-11 was approved as introduced. Public Hearing to be scheduled for July 22, 2010.

### **ORDINANCE #10-12**

AN ORDINANCE AMENDING THE TOWNSHIP OF VERNON SALARY ORDINANCE TO ADD SALARY RANGES FOR THE NEW TITLE OF CONFIDENTIAL ADMINISTRATIVE ASSISTANT TO THE TOWNSHIP MANAGER

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

**Section 1.** Pursuant to the provisions of N.J.S.A. 40A:9-165, the Township of Vernon hereby adds the following unclassified title to the Township's Salary Ordinance:

Title:	Salary
Confidential Administrative Assistant to the Township Manager	\$46,500

**Section 2.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**Section 3.** This ordinance shall take effect after publication and passage according to law.

Mayor Sally Rinker read Ordinance #10-12 by title only.

Council Member Harry Shortway made a motion to approve Ordinance #10-12 upon introduction, seconded by Council Member Richard Carson.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-12 was approved as introduced. Public Hearing to be scheduled for July 22, 2010.

### **ORDINANCE #10-13**

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 250 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING LIQUOR LICENSE FEES

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

**SECTION I**

Section 250-17(G) of Chapter 250, Article II entitled "Fees and Escrows Enumerated" of the Code of the Township of Vernon shall be modified as follows:

**§250-17. Township Clerk.**

**G. Alcohol beverage licenses:**

**(1) Plenary retail consumption:**

Effective January 1, 2010 \$ 712.80  
Effective January 1, 2011 \$ 855.36  
Effective January 1, 2012 \$1,026.43  
Effective January 1, 2013 \$1,231.71  
Effective January 1, 2014 \$1,478.05  
Effective January 1, 2015 \$1,773.66  
Effective January 1, 2016 \$2,128.39  
Effective January 1, 2017 \$2,500.00

**(2) Club license:** \$ 188.00

**(3) Plenary retail distribution:**

Effective January 1, 2010 \$ 296.40  
Effective January 1, 2011 \$ 355.68  
Effective January 1, 2012 \$ 426.81  
Effective January 1, 2013 \$ 512.17  
Effective January 1, 2014 \$ 614.60  
Effective January 1, 2015 \$ 737.52  
Effective January 1, 2016 \$ 885.02  
Effective January 1, 2017 \$1,062.02  
Effective January 1, 2018 \$1,274.42  
Effective January 1, 2019 \$1,529.30  
Effective January 1, 2020 \$1,835.16  
Effective January 1, 2021 \$2,202.19  
Effective January 1, 2022 \$2,500.00

**(4) Limited retail distribution:** \$ 63.00

**(5) Hotel/Motel:**

Effective January 1, 2010 \$ 594.00  
Effective January 1, 2011 \$ 712.80  
Effective January 1, 2012 \$ 855.36  
Effective January 1, 2013 \$1,026.43  
Effective January 1, 2014 \$1,231.71  
Effective January 1, 2015 \$1,478.05  
Effective January 1, 2016 \$1,773.66  
Effective January 1, 2017 \$2,128.39  
Effective January 1, 2018 \$2,500.00

**SECTION II**

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 competence jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION III**

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 immediately upon final publication as provided by law.

Mayor Sally Rinker read Ordinance #10-13 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-13 upon introduction, seconded by Council Member Harry Shortway.

Mayor Sally Rinker commented that wording should be added to this ordinance that all taxes be paid on the premises in which the liquor license applies before the issuance of their licenses. John Ursin said the State Statute prohibits adding that restriction to liquor license renewals. At this time, Mayor Rinker withdrew that point.

There was no further Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-13 was approved as introduced. Public Hearing to be scheduled for July 22, 2010.

### **COUNCIL BUSINESS**

Mayor Sally Rinker commented there are four vacancies that have become available to the Board of Recreation. Mayor Rinker stated she had a conflict of interest on one appointment. At this time, she recused herself from these appointments. John Ursin commented that the Deputy Mayor would read the appointments.

### **Board of Recreation**

Deputy Mayor Harry Shortway made a motion to appoint the following members:

Jason Rinker moved from Alternate #1 to Full Member with an unexpired five (5) year term expiring December 31, 2012

Joseph Gallo as a Full Member with an unexpired five (5) year term expiring December 31, 2012

James John Bianco as Alternate #2 with an unexpired five (5) year term ending December 31, 2010

Adam Paladini as Alternate #1 with an unexpired five (5) year term ending December 31, 2014.

MOTION: Council Member Richard Carson made a motion and seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Harry Shortway

NAYES: none

ABSTAIN: Sally Rinker

Council Member Valerie Seufert stated a committee was formed to discuss and review all the sign ordinances for the Township. She met with the Sign Ordinance Chairperson and both would like to setup a meeting with John Ursin to go over the particulars. The Sign Ordinance Committee met with the Business Community approximately a year ago to receive input from them, and before this ordinance went before the Council the Business Community asked to review it. In the past the Township has had a lot of concerns regarding the sign ordinances. The Township tried allowing temporary signs and found it was not easy to allow the business owner to follow through. After many meetings the Sign Committee forwarded proposals to John Ursin for him to prepare an ordinance.

The public can gain access to Wawayanda State Park either through Barry Lakes or from Warwick, New York. The park is open during the summer but after the season it is locked. Some of the people in that vicinity are making an effort to get the park opened all year. Council Member Seufert stated at the senior luncheon she was asked

why the park could not be open all year. Valerie Seufert explained once the Township has a Manager on board, she would do all she can to get this park opened.

Great Gorge Terrace is a community of condominiums located in McAfee. The residents have had water issues regarding contamination. The condominium residents would like to have United Water Company as their water supplier rather than receiving water from the main pump well that serves the area. Council Member Valerie Seufert said she has not heard anymore about this issue. Andrew Katz commented that he would look into this matter and let the Council know.

Mayor Sally Rinker commented one of the beneficial efforts made by the Economic Development Committee, spearheaded by Jean Murphy, is in collaboration with a billboard company to advertise businesses, farms, farmers markets, and other businesses in town. It is going to get the public from outside of Vernon to come and visit this area. The Economical Development Committee will receive a reduced rate from the company. The cost is \$350 for half a billboard to advertise for a period of one month. The Township needs a banner to be placed in a central location when local events (i.e. Vernon Day, Special Olympics) are happening.

Mayor Rinker stated at the next meeting, the Council will address a concern from one of the citizens who has come forward many times with trepidation and protection for a nuisance occurring on a constant basis regarding skateboarding and biking on private properties. She would like to see renewed energy for a skateboard park to be put in place to reduce boredom and drug problems that are occurring on our streets.

#### **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 Richard Carson. Motion seconded by Council Member Harry Shortway with all members voting in favor, no one opposed.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:25 p.m.

Respectfully submitted,

Andrea Bates  
Acting Municipal Clerk

Minutes approved: July 22, 2010