

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

July 8, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:17 p.m. on Thursday, July 8, 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 Michael Pier, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Andrew Katz and Township Attorney John Ursin. Council Member Richard Carson gave notification that he would be unable to attend.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:18 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session. Council Member Harry Shortway made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Valerie Seufert 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 matters.
2. The general nature of the subject matters to be discussed is:
 - a. Contract matter regarding Mountain Creek. Executive Session minutes will be released to the public upon the conclusion of this matter.
 - b. Personnel matter regarding Department Head. Executive Session minutes will be released to the public upon the conclusion of this matter.
 - c. Contract matter regarding the Open Space purchase. Executive Session minutes will be released to the public upon the conclusion of this matter.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:19 p.m.

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The meeting was reopened to the public at 7:12 p.m. Present were Council Members Michael Pier, 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.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Harold MacPeek, Vernon, stated he never was in favor of the Town Center and felt it was not necessary. Mr. MacPeek made several suggestions regarding the firehouse and the Town garage; referring to the comments made by a developer at a recent Council meeting. Mr. MacPeek also commented on the visual obstruction of traffic by the flowers at the intersection of Routes 515 and 94. Mr. MacPeek suggested the funds that are to be received by the Township in the amount of \$450,000. from the watershed be put into reserve in the case of an emergency.

Janelle Passafaro, Vernon, stated their organization is now called "On Board". Ms. Passafaro reported that another life has been lost due to heroin use. Their organization is holding anonymous-style meetings every Friday evening at 8 p.m. at the Rickey farm. At this time, the Committee is looking for better ways to serve the community. An additional meeting place may be required should the program become too large. Council Member Valerie Seufert asked if the organization reached out to the clergy for assistance. Ms. Passafaro stated that the clergy and those in need of support meet on Monday nights. Council Member Shortway stated, the group met with the County Sheriff's Department, and reviewed the resources that are currently available to help the community. The Council Members thanked the organization for their continuous efforts.

Mary Ellen Vischiconti, [REDACTED] read a formal letter to pass an ordinance to change the form of government. The letter stated, *Shall the Charter of Vernon Township governed by Council Manager form of government be amended as permitted under the Optional Municipal Charter Law to provide for the election of Mayor directly by the voters of the Municipality*, be placed as a question on the November 2010 ballot. She said there needs to be a more proactive, responsible and accountable governing body with reputable representation.

Gary Martinsen, Vernon Resident and Business Owner, commented he objects to Resolution #10-141 for Waiver of the Road Traffic Impact Fee for Land Use Board Application #5-09-09. He said the fees are to offset Township services. At a time where employees are taking furlough days to save the Township money, it is wrong to waive these fees for a business. Mr. Martinsen spoke about Ordinance #10-15, and stated that skateboarding, roller-skating, and bicycling are environmentally friendly and are alternatives for the young people to travel from point A to point B. He stated there are some individuals who may use private property for their own skateboard park. Mr. Martinsen asked if a footnote could be added to the ordinance stating, to prohibit skateboarding, bicycling, and roller-skating on business properties. Mr. Martinsen would like to see referendums be put on the ballot for important items.

Jamie Rickey, Vernon, thanked the Township Council Members and Township Manager for their cooperation with the Recovery Against Heroin Abuse group.

Stephen Wanczowski, Vernon, commented if the Township moves forward with the skate park it would benefit kids by having a place to go. Mr. Wanczowski stated he will meet with Bill Meade, who is employed by California Skatepark and Skaters for Skateparks, this Sunday to discuss the cost and specifications to building a skate park. The information will then be relayed to the Township Manager and Township Council.

Jessi Paladini, [REDACTED], commented she has brought to the Township Council and former Township Manger's attention for the last two years that the HVAC system in the Municipal Building is not functioning properly. The township employees freeze during the winter season, they sustain temperatures greater than 100 degrees in the

summer, and the meeting room is unbearable for the citizens. She asked if the Township Council could provide the status on the HVAC system. Mayor Rinker stated the Council will address the problem.

Ms. Paladini stated there is no real concern to Ordinance #10-16 regarding Property Maintenance except for Section E, *All tarps used to cover such firewood or stored trailers, boats, etc., shall be dark green, brown, black or camouflage tarpaulin or canvas.* These colors are environmentally friendly but will the Code Enforcement Officer be driving through the entire Township to send notices to those citizens who use blue tarps.

Ms. Paladini stated that she used to think 'wards' was a good idea, but is now beginning to think that they are not. Ms. Paladini further stated that non-partisan would be very good for our Town. Ms. Paladini commented that we can't seem to get good people elected because we always have to go with the Regular Republican Committee; which seems to have a stronghold in our Town. A new form of government with an elected Mayor is a great idea for this reason. Ms. Paladini said we have not had good experiences with our managers or acting managers, no offense to Mr. Katz, we are very hopeful and have already seen good things coming from him. The Governing Body needs to be more accountable for the operations of this Township. Ms. Paladini wanted to make everyone aware that the Council could vote on putting it on referendum in November and vote no, and then we'll have to go out and get all the signatures on a petition to put in on referendum. Or, the Council could vote yes, and it goes right to referendum – let the people decide. There is a reason why very few municipalities in New Jersey have Faulker Act governments.

Ms. Paladini asked Council Member Harry Shortway if he receives an income from his use of Township owned fields and/or properties for his sporting activities. Council Member Harry Shortway answered yes, and he probably pays more than the going rate because he is a profit organization. The Ordinance states the cost for using the fields is \$75 without lights and \$125 with lights. Mr. Shortway stated he has been a volunteer lacrosse coach with the PAL club for 12 years and never received income in the past. At this time, he cannot recall hiring any Township employees, only volunteers. Those who are hired are high school coaches and college students. Ms. Paladini questioned Council Member Harry Shortway if he feels it is a conflict of interest for him to discuss or take any action on anything pertaining to Recreation and Open Space in Vernon Township. Township Attorney John Ursin advised Council Member Shortway not to answer that question, as conflict of interests are very fact specific, and the question that Ms. Paladini asked is so broad that he does not feel it is a question that should be answered. Council Member Harry Shortway declined to answer at this time.

Dan Borstad, McAfee, thanked the Township Council for introducing Ordinance #10-15 to control skateboarders and bicyclists from using private property for their personal use. The Township needs to build a park because it is a catalyst needed for the young people to enjoy. Mr. Borstad stated he supports the ordinance to change the form of government from the Faulkner Act. The Township was in better shape prior to changing to this form of government. He has been involved directly and indirectly with the Township Government since the early 1960's. Mr. Borstad said the Vernon residents were promised that the sewers in the Township would be paid by the users not the taxpayers.

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

TOWNSHIP MANAGER'S REPORT

Township Manager Andrew Katz commented the mechanical problems with the heating, ventilation, and air conditioning (HVAC) mentioned this evening is accurate. The Council has appointed Harold Pellow Associates at the last meeting to review the mechanical specifications to get the HVAC repaired, which will not happen before the summer ends. Because the system has not been repaired, additional temporary stand alone units have been purchased.

APPROVAL OF MINUTES

June 10, 2010 Regular Meeting & Executive Session Minutes

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

RESOLUTIONS REQUIRING DISCUSSION AND SEPARATE ACTION

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.

MOVED: Harry Shortway
SECONDED: Valerie Seufert

Mayor Sally Rinker asked that Resolution #10-141 be carried because this issue along with other development issues still need to be discussed at the Land Use Board. Council Member Valerie Seufert agreed the Land Use Board has to review this ordinance and provide their feedback to the Council.

Council Member Valerie Seufert commented to waive something of this nature without obtaining Land Use Board’s input is erroneous. A fee submitted by the applicant is to ensure that development will be completed without impacting the taxpayer to pay the bill. Council Member Harry Shortway agreed, and does not want to setup a dangerous prescient.

A roll call vote was taken:

AYES: None
NAYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
Resolution #10-141 failed.

RESOLUTION # 10-149

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	\$ 929,372.26	Vernon BOE
#2	Current	\$ 260,482.84	Horizon BCBS
#3	Planning & Zoning	\$ 277.50	
#4	Planning & Zoning	\$ 315.00	
#5	Grant	\$ 1,335.00	
#6	Capital	\$ 6,722.55	
#7	Capital	\$ 831.73	
#8	Recreation	\$ 564.65	
#9	Recreation	\$ 342.56	
#10	Outside Services	\$ 139.22	
#11	COAH	\$ 15,000.00	
#12	COAH	\$ 14,960.00	
#13	PVL DAM ASSMT	\$ 4,707.03	
	Payroll	\$ 304,746.35	2 ND Pay in June 2010
	Total	\$1,539,796.69	

MOVED: Valerie Seufert
 SECONDED: Harry Shortway

A roll call vote was taken:
 AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-149 was approved.

RESOLUTION #10-150

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

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

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

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

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

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

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

NOW THEREFORE IT BE RESOLVED that the law firm of Florio, Perrucci, Steinhardt & Fader, LLC is retained as Special Conflict Counsel for the purpose of analyzing and evaluating the 2007 Indemnification Agreement with SCMUA and the Manager is directed to enter into a contract at the rate of \$150.00 per hour not to exceed \$5,000.00; funds being certified by the Chief Finance Officer; and

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

MOVED: Michael Pier
SECONDED:Valerie Seufert

The Township Attorney John Ursin commented the law firm (Courter, Kobert & Cohen) previously represented SCMUA in 2007 on an Indemnification Agreement. A question was raised as to whether another law firm who has no connection with SCMUA should review the Indemnification Agreement. Mr. Ursin stated the attorney who represented SCMUA at that time is no longer with the law firm. He suggested it is a good policy to have a second opinion so as not to draw any claim for conflict of interest. The law offices of Florio, Perrucci, Steinhardt & Fader, LLC are located in Phillipsburg. They have extensive experience with Public Entities, Utility Authorities, and are far enough removed so as not to have any relationship with SCMUA.

Council Member Valerie Seufert commented resolutions require certification of funds. The Township Chief Financial Officer (CFO) signs off that funds are available for various things, but there is no certification signed that the Township has funds available. William Zuckerman, Township Chief Financial Officer, said the funds are available but was not given the certification to sign.

A roll call vote was taken:
AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-150 was approved.



RESOLUTION #10-151

TAX OVERPAYMENTS

WHEREAS, DUPLICATE PAYMENTS were made on the Second quarter 2010 taxes; and

WHEREAS, such payments created an OVERPAYMENT.

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QTR</u>	<u>LOCATION</u>
90.08	20	BAC Tax Services Corp. (Re: Yaworsky, Walter E #568336164)	\$ 1,402.08	2 nd	
192.05	6	Core Logic (Re: Ferrando, Harold #22930315)	\$ 2,693.43	2 nd	

MOVED: Michael Pier
SECONDED:Valerie Seufert

A roll call vote was taken:
AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-151 was approved.

RESOLUTION #10-152

**REFUND TAXES/INTEREST PAID AND PREMIUMS PAID
AT TAX SALE JUNE 16, 2010**

WHEREAS, the Township of Vernon collected taxes and premium payments for the sale of tax certificates; and

WHEREAS, the Property Owners made payment of the 2009 taxes on June 16, 2010;

WHEREAS, such payments created OVERPAYMENTS.

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>PREMIUM</u>
73.07	42	Royal Tax Lien Services LLC	\$3,491.27	\$4,700.00
134	11.07	US Bank cust. for Empire Tax Fund I	\$2,883.66	\$2,200.00
230.16	4	US Bank cust. for CCTS Capital LLC	\$2,200.77	\$3,000.00

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-152 was approved.

RESOLUTION #10-153

**AUTHORIZING TAX SALE PREMIUMS TO ESCHEAT TO THE TOWNSHIP
PURSUANT TO N.J.S.A.54:5-33**

WHEREAS, the 2005 Tax Sale took place on April 11, 2005; and

WHEREAS, the Tax Sale Law requires that after five years if a redemption has not occurred, that the Premium be escheated to the Treasurer of the municipality.

Tax Sale Certificate #05/006, issued 4/11/05 on Block 74.10 Lot 17 Premium in the amount of \$14,700.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that all premiums remaining on Tax Title Liens sold at or prior to the 2005 Tax Sale be hereby Escheated to the Township of Vernon Treasurer, in accordance with N.J.S.A. 54:5-33.

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-153 was approved.

RESOLUTION #10-154

AUTHORIZING THE TOWNSHIP TO REIMBURSE VALLEY VIEW HOMEOWNERS ASSOCIATION, 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 \$3,531.00

WHEREAS, the Valley View Homeowners Association 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, the Director of Public Works has calculated the reimbursement cost for this Community to be \$3,531.00 for the year 2009 which the Community has agreed to per the attached executed letter dated June 23, 2010;

WHEREAS, the Chief Financial Officer has certified the availability of funds for said purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey that the reimbursement be approved to reimburse Valley View Homeowners Association for the year 2009 in the amount of \$3,531.00 per N.J.S.A. 40:67-23.3; and

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

MOVED: Michael Pier
 SECONDED: Valerie Seufert

A roll call vote was taken:
 AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-154 was approved.

RESOLUTION #10-155

AMENDMENT TO THE TEMPORARY BUDGET

APPROPRIATIONS WITHIN "CAPS"

	<u>Account #</u>	<u>Salary & Wages</u>	<u>Account #</u>	<u>Operating Expenses</u>
ENVIRONMENTAL COMM.	10519500		10519520	91.00
HISTORIC PRESERVATION	10519900		10519920	208.00
BEAUTIFICATION COMMITTEE			10531020	416.00
FIRE SAFETY	10534000	8,493.00	10534020	369.00
ECONOMIC DEVELOPMENT			10535020	2,664.00
RECYCLING			10553120	8,333.00
SALARY & WAGE ADJ.			10556220	6,250.00
SOCIAL SECURITY			10563020	42,083.00
DEFINED CONTRIB RETIREMENT			10564120	170.00
EXECUTIVE	10570100	23,234.00	10570120	7,383.00
MAYOR & COUNCIL	10570200	1,333.00	10570220	188.00
PERSONNEL	10570300	9,608.00	10570320	551.00
CLERK	10570400	10,223.00	10570420	3,832.00
FINANCIAL ADMINISTRATION	10570500	27,163.00	10570520	4,075.00
AUDIT			10570620	3,416.00
ASSESSMENT OF TAXES	10571000	13,571.00	10571020	3,291.00
COLLECTION OF TAXES	10570800	12,994.00	10570820	3,789.00
LEGAL SERVICES			10571220	13,875.00
ENGINEERING	10571500	9,393.00	10571520	1,195.00

LAND USE BOARD	10572100	14,766.00	10572120	5,433.00
BUILDING DEPT.	10572510	30,465.00	10572520	1,120.00
TECHNOLOGY			10572620	3,541.00
GROUP INSURANCE			10573320	249,153.00
OTHER INSURANCE			10573520	38,386.00
WORKERS' COMP. INS.			10573620	26,639.00
POLICE DEPARTMENT	10574500	309,056.00	10574520	9,035.00
RADIO COMMUNICATIONS	10574600	25,955.00	10574620	525.00
VOL. EMERG. SERVICES			10575220	16,250.00
MUNICIPAL COURT	10575500	13,513.00	10575520	475.00
TOWNSHIP PROSECUTOR			10575720	2,250.00
ROAD REPAIR & MAINTENANCE	10576500	107,966.00	10576520	29,443.00
FLEET MANAGEMENT	10576700	25,026.00	10576720	19,250.00
BUILDINGS & GROUNDS			10577220	6,387.00
SENIOR CITIZENS	10578200	513.00	10578220	4,861.00
ANIMAL CONTROL	10578800	5,221.00	10578820	747.00
MAINTENANCE OF PARKS	10579400	10,651.00	10579420	2,500.00
RECREATION	10579500	5,557.00	10579520	1,544.00
ACCUMULATED LEAVE COMP.	10580600	4,916.00		
MUNICIPAL SERVICES ACT			10580820	50,000.00
UTILITIES			10582020	41,091.00
	TOTALS:	669,617.00		610,809.00

TOTAL TEMPORARY APPROPRIATIONS WITHIN CAPS: 1,280,426.00

APPROPRIATIONS EXCLUDED FROM "CAPS"

	<u>Account #</u>	<u>Salary & Wages</u>	<u>Account #</u>	<u>Operating Expenses</u>
9-1-1 COMMUNICATIONS	10680100	9,998.00	10680120	770.00
	TOTALS:	9,998.00		770.00

TOTAL TEMPORARY APPROPRIATIONS EXCLUDED FROM CAPS: 10,768.00

TOTAL TEMPORARY APPROPRIATIONS: 1,291,194.00

BE IT RESOLVED by the Township Council of the Township of Vernon that the above Temporary Budget amendment be approved for the year 2010 in accordance with 40A:4-19.

MOVED: Harry Shortway
 SECONDED: Valerie Seufert

A roll call vote was taken:
 AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-155 was approved.

RESOLUTION #10-156

**RENEWAL OF LIQUOR LICENSES FOR DREW'S TAVERN, HV HOSPITALITY, LLC
 SMOKEY'S GLENWOOD GRILL LLC, AND HARRY LAWRENCE MARSH
 FOR THE TERM 2010-2011**

WHEREAS, pursuant to Title 33 of the New Jersey Statutes all liquor licenses to dispose alcoholic beverages must be renewed and reissued no later than July 1, 2010; and

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

WHEREAS, the Tax Clearance Certificates were not received by the New Jersey Division of Taxation's Alcoholic Beverage Control Commission Licensing Unit prior to the July 1, 2010 renewal for the 2010-2011 term from the following applicants: Drew's Tavern, HV Hospitality, LLC., Smokey's Glenwood Grill LLC, and Harry Lawrence Marsh; and

WHEREAS, all of the aforementioned applicants have filed and secured a "Petition for Temporary Permit to Operate Pending Action by Municipal Issuing Authority Upon Petitioner's Application for License Renewal," also known as a Special Ad Interim Permit, with the Division of Alcoholic Beverage Control for temporary permits to operate its licensed business pending municipal action; and

WHEREAS, the Tax Clearance Certificates, for the 2010-2011 term, for Drew's Tavern, HV Hospitality, LLC., Smokey's Glenwood Grill LLC, and Harry Lawrence Marsh have now been received by the Township from the New Jersey Division of Taxation's Alcoholic Beverage Control Commission Licensing Unit.

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 8, 2010:

PLENARY RETAIL CONSUMPTION

Drew's Tavern (The Lamp Post Inn)	1922-33-001-002
HV Hospitality LLC (Hidden Valley)	1922-33-004-005
Smokey's Glenwood Grill, LLC	1922-33-013-002

LIMITED RETAIL DISTRIBUTION

Harry Lawrence Marsh (Lake Wanda Store)	1922-43-005-001
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MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Michael Pier, Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-156 was approved.

RESOLUTION #10-157

AUTHORIZING THE TOWNSHIP TO REIMBURSE WHISPERING WOODS HOMEOWNERS ASSOCIATION, 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 \$2,510.09

WHEREAS, the Whispering Woods Homeowners Association 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, the Director of Public Works has calculated the reimbursement cost for this Community to be \$2,510.09 for the year 2009 which the Community has agreed to per the attached executed letter dated June 23, 2010;

WHEREAS, the Chief Financial Officer has certified the availability of funds for said purpose.

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

approved to reimburse Whispering Woods Homeowners Association for the year 2009 in the amount of \$2,510.09 per N.J.S.A. 40:67-23.3; and

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

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-157 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-15

AN ORDINANCE TO CREATE CHAPTER 160 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING BICYCLES, SKATEBOARDS, AND ROLLER SKATES

BE IT ORDAINED by the Mayor and Council of the Township of Vernon as follows:

Section 1.

The Code of the Township of Vernon is amended to create Chapter 160 as follows:

Chapter 160

Bicycles, skateboards and roller skates.

160-1. Definitions.

For purposes of this section, the following terms shall have the definitions provided for herein:

PUBLIC ACCESS WAY

All sidewalks and parking lots for any private business establishment, including but not limited to, shopping centers, stores, offices or any other places of business.

BICYCLE

A vehicle with two wheels propelled solely by human power and having pedals, handlebars and a saddle-like seat. The term shall include a bicycle for two or more persons having seats and corresponding sets of pedals arranged in tandem.

MUNICIPAL PARKING LOT

Any and all parking lots owned or controlled by the Township of Vernon or any agency thereof.

ROLLER SKATES

A device or devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels and used to glide or propel the user over the ground.

SKATEBOARD

A platform or board with roller-skate wheels or other similar wheels affixed to the underside, designed to be ridden by a person or persons, which has no steering device or mechanism to steer or control the direction thereof while being used or ridden, even though the direction may be controlled to some degree by shifting the feet or weight of the rider during such use.

160-2. Operation prohibited. No person shall use, operate or ride any skateboard, roller skate or bicycle in any municipal parking lot or in any public access way as defined herein. Nothing in this chapter shall be construed to prohibit the use of bicycles as a means of transportation to or from any municipal parking lot or any public access way, as defined herein, nor shall this chapter be construed to prohibit the walking or parking of bicycles by the operator thereof within any municipal parking lot or in any public access way, as defined herein.

160-3. Enforcement. The provisions of this chapter may be enforced by any Township Police Officer and by any owner or tenant of any business establishment with a parking lot or sidewalk or municipal parking lot to which the public is invited; provided, however, that the provisions of this chapter shall not be enforceable on any private or municipal property until such time as the owner or tenant thereof conspicuously posts a sign stating that the use of skateboards, roller skates or bicycles on this property is prohibited by Ordinance #10-15.

Section 2.

Severability: If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3.

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

Mayor Sally Rinker read Ordinance #10-15 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-15 upon introduction, seconded by Council Member Harry Shortway.

Mayor Sally Rinker suggested that the Ordinance be amended to include scooters. Council Michael Pier commented scooters should be included since they are similar to skateboards.

Council member Valerie Seufert amended her motion to include scooters with a definition to be included, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-15 was approved. Public Hearing to be scheduled for August 12, 2010.

ORDINANCE #10-16

AN ORDINANCE TO REPLACE CHAPTER 447 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING PROPERTY MAINTENANCE

BE IT ORDAINED by the Mayor and Council of the Township of Vernon as follows:

Section 1.

The Code of the Township of Vernon, Chapter 447, is hereby amended in its entirety as follows:

Chapter 447

Property Maintenance Code of the Township of Vernon.

447-1 Findings, declaration of policy.

It is hereby found and determined that there exist in the Township of Vernon structures used for residential and nonresidential use which are or may become in the future substandard with respect to structure, equipment or maintenance. It is further found that conditions of the above-described property, including but not limited to structural deterioration, lack of maintenance and appearance of the exterior of premises, infestation, lack of essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, unsanitary conditions, constitute a menace to health, safety, welfare and reasonable comfort of the citizens and inhabitants of the Township of Vernon. The Township Council of the Township of Vernon further finds and declares that, by reason of lack of maintenance and the existence of progressive deterioration, certain properties have the further effect and/or the further potential effect

of creating blighted conditions that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate, in time, the expenditure of public funds to correct and eliminate the same and that, by reason of timely regulation and restrictions as herein contained, the growth of depressed areas, slums and blight may be prevented. It is further found that such prevention will maintain neighborhood and property values, as well as the desirability and amenities of residential and nonresidential uses; and it is further found that such prevention will protect and foster the public health, safety and welfare.

447-2 Purposes.

The purposes of this Property Maintenance Code are as follows:

A. To protect the public health, safety and welfare of the citizens of Vernon by establishing minimum standards governing the maintenance, appearance, conditions and occupancy of property.

B. To authorize and establish procedures for the enforcement of this code.

C. To fix certain responsibilities and duties upon owners and operators and establish distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises.

D. To fix penalties for the violations of this code.

447-3 Effect on other ordinances and regulations.

Nothing in this article shall be construed to abrogate or impair the powers of the Township of Vernon to enforce any provisions of its ordinances or regulations or prevent or punish violations thereof, and the power conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance.

447-4 Property other than multiple dwellings.

A. All structures and premises in the Township of Vernon shall be kept free of all the following conditions:

(1) Broken glass, excessive brush, weeds, stumps and roots, obnoxious growth, filth, garbage, trash, refuse, rubbish and debris.

(2) Dead and dying trees, limbs or other natural growths which by reason of rotting, deteriorating conditions, storm damage or weathering constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions. Naturally wooded areas are exempt from this section which pertains to the vicinity of a residence.

(3) Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

(4) Holes, excavations, breaks, projections, obstructions, icy conditions, and other safety hazards related to walks, driveways, parking lots, parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate safety hazards or unsanitary conditions.

(5) Sources of infestation or potential infestation by rodents, mosquitoes, flies and other harmful vermin.

(6) Runoff drains shall be maintained to eliminate any recurrent or excessive accumulations of storm water.

B. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted and finished where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling of paint or other conditions reflecting weathering, deterioration or inadequate maintenance, to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties in the neighborhood protected from blighting influences. All accessory structures must have functional doors and windows where necessary.

C. Outdoor storage will be allowed in accordance with part 330-192 of the Township Code.

D. Natural vegetation, landscaping, lawns, hedges and bushes shall not be allowed to become overgrown and unsightly where exposed to public view. The length of lawn grass shall not exceed nine inches at any time.

E. All tarps used to cover such firewood or stored trailers, boats, etc., shall be dark green, brown, black or camouflage tarpaulin or canvas.

F. All parts of the premises shall be kept in a clean and sanitary condition, free of nuisances and free from health, safety and fire hazards.

447-5 Enforcement procedure.

A. Where a violation of this article or the regulations hereunder is found to exist, a written notice from the Code Enforcement Officer or County Health Officer shall be served upon the owner responsible for correcting such condition. The notice shall contain the following:

- (1) A description of the property sufficient for identification;
- (2) An identification of the conditions constituting the violation;
- (3) The necessary corrective action;
- (4) A time period not to exceed 10 days after service of the notice upon the owner to correct or abate the violation;
- (5) A statement that the notice shall become an order of the Code Enforcement Officer in 10 days after service; and
- (6) A statement of the penalty for violation of the notice.

B. The notice may be served personally or by certified mail at the last known address of the owner alleged to be in violation. Where it is ascertained that the owner does not reside on the premises and the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the affected building. Service upon any owner may also be achieved by service of any notice upon a member of the family of the owner, provided that such family member is 16 years of age or older and resides with such owner.

C. After 10 days from the date of service of the notice, the notice shall constitute a final order. If the violation is not corrected or abated at the time the notice constitutes a final order, the Code Enforcement Officer shall issue a summons to the owner to appear in municipal court for violation of the final order, pursuant to N.J.S.A. 2B:12-17a.

D. The Code Enforcement Officer or Health Inspector may extend the time for correction and abatement of any violation of this article for an additional period of time not to exceed 30 days, except where major capital improvements or renovations are involved, in which case, the time for completion may be extended for such period of time as the Code Enforcement Officer may deem reasonably adequate.

E. In the event that the Owner of the property does not respond to violation notices, fails to abate the subject of the violation notice, or can not be located after diligent inquiry and effort, the Township may take reasonable steps up to and including demolition of real property to abate or minimize the violations for the health, safety and welfare of the surrounding properties. In the case of failing to maintain a lawn constituting a violation, the Township may, at its sole discretion, cut the grass or hire a contractor to cut the grass. The owner shall be charged \$100.00 per hour for grass cutting and the Township shall record the charges as a lien against the property. The Township may from time to time by resolution adopt a fee schedule to establish the cost charged to the owner for other measures of abatement. The Township is also enabled to hire contractors to accomplish abatement or demolition and lien the cost for the charges against the property.

447-6 Violations and penalties.

A violation of this article by failure to comply with an order entered by the Code Enforcement Officer pursuant to the Property Maintenance Ordinance shall be punishable by a fine not to exceed \$250 for the initial violation, not to exceed \$500 for the second violation and not to exceed \$1,000 for the third violation committed hereunder. Each violation of a different section of this Code shall constitute a separate and distinct violation independent of any other section. Each day of noncompliance with

any provision of this Code, and any subsequent violation, shall constitute a separate violation and shall be subject to a summons without further notification. An owner shall be considered "notified" of the violation for a period of two years after the initial notification.

Section 2.

Severability: If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 3.

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

Mayor Sally Rinker read Ordinance #10-16 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-16 upon introduction, seconded by Council Member Harry Shortway.

Council Member Michael Pier stated he would like to see blue tarps included in the Ordinance. The Township Attorney commented that blue tarps are common, however, this ordinance was drafted for dark colors to blend in with the natural surroundings. Council Member Valerie Seufert commented blue tarps are least expensive and most accessible to use.

Council member Valerie Seufert amended her motion to include blue tarps into Section 447-4E, seconded by Council Member Harry Shortway.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-16 was approved. Public Hearing to be scheduled for August 12, 2010.

COUNCIL BUSINESS

Council Member Harry Shortway thanked Patricia Seger, Director of Community Affairs, and her staff for doing a great job on the Senior Luau. He also thanked Senator Steven Oroho for his efforts to help Vernon receive \$294,000 back from the Watershed Funds. He requested that a formal thank you be sent to Senator Oroho on behalf of the Township Council.

Council Member Harry Shortway stated at the next meeting he is proposing an ordinance for the Open Space Tax. Vernon residents voted for the Open Space Tax referendum back in 2000. During the current economic conditions, the Council needs to ascertain ways for funding to continue to improve our community and remain committed to the preservation of the Open Space for recreation. Council Member Harry Shortway said he would propose a referendum to be put forth on the November ballot that will permit the use of Open Space funds to acquire lands for development, easements, and development rights. The Open Space Fund would be used for improvements and maintenance to municipal properties that are dedicated to open space, parks, recreation, and registered historical properties. Improvements to be targeted are: skate park, lights for baseball, biking and hiking trails, dog park, golf, promote, develop the Black Creek for indigenous people, and add an amphitheater to the Maple Grange Park. The use of this fund will not affect the municipal tax rate but will incorporate the interest of many residents. The offset of the existing cost for maintenance and upkeep of the parks, historical designations, hiking trails, and etc., will give Vernon more value for their money. The Vernon residents should decide how the funds should be used not the Council especially at a time when there is no money to improve what currently exist.

Township Attorney John Ursin stated the proposed Open Space Funds Ordinance is narrow on how the money is spent and would be consistent with the State Statute. He will have that Ordinance ready for the next meeting.

Council Member Michael Pier commented residents have been coming to the Township Council meetings since January saying they do not approve the \$2 million water sewer plan. He said the residents have to understand the impact it will have if the referendum for the sewer plan does not go through. Township Attorney John Ursin clarified that Vernon's obligations to the sewer system start with the Township's Agreements with the Sussex County Municipal Utilities Authority (SCMUA). SCMUA expanded its plans by incurring additional costs, bonded for these costs, and in the contract with SCMUA, Vernon Township guaranteed those costs for expansion. If the sewer and public water project were to cease today Vernon Township would be obligated to continue to pay the amount to the contractual agreement. There are many different ways Vernon can take the allocation that is received from SCMUA to continue the project. The issue here is an Ordinance for the franchise with United Water has been introduced for first reading, and is scheduled for second reading at the next meeting. The Board of Public Utilities granted approval to the United Water Company so that the sewer project can move forward. There is no dollar amount associated with the Board of Public Utilities granting the franchise. United Water gave a brief presentation at a Township Council Meeting where they explained the cost of the sewer system and how the system operates.

Council Member Michael Pier commented there have been newspaper articles that the Deputy Manager is leaving Vernon Township. Residents asked if the Deputy Manager had submitted his resignation. Council Members Michael Pier and Valerie Seufert asked what other options and legal ramifications are available on the Municipal Charters Law.

Mayor Sally Rinker agreed that a thank you letter be sent to Senator Oroho for obtaining the funds from the Watershed. She further thanked Marianne Smith, Hardyston Township Manager; both she and Senator Oroho took the lead to obtain these funds and were able to combine their strengths to make this happen. Mayor Rinker commented the public should be allowed to give their input at open public sessions on any large jobs the township has planned.

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 Harry Shortway. Motion seconded by Council Member Michael Pier with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:23 p.m.

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: August 26, 2010