

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

July 22, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Thursday, July 22, 2010 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting had been provided to the public and the press on January 5, 2010, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, and Mayor Sally Rinker. Also present were Township Manager Andrew Katz and Township Attorney Lawrence Cohen. Council Member Harry Shortway gave notification that he was unable to attend.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:05 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Michael Pier 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 matter.
2. The general nature of the subject matters to be discussed are:
 - a. Personnel matter regarding two candidate interviews for the position of Municipal Clerk. Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an employment agreement for the Municipal Clerk position.
 - b. Personnel matter regarding potential discipline. Due to the confidential nature of this personnel matter, Executive Session minutes will not be released to the public.
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 6:07 p.m.

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The meeting was reopened to the public at 7:10 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, and Mayor Sally Rinker. Also present were Township Manager Andrew Katz and Township Attorney Lawrence Cohen.

SALUTE TO THE FLAG

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

The Township Attorney Lawrence Cohen commented Council Member Harry Shortway would be participating by telephone conference at this time. Mr. Cohen asked that another roll call taken to include Council Member Harry Shortway.

ROLL CALL OF MEMBERS

Council Member Richard Carson, present; Council Member Michael Pier, present; Council Member Valerie Seufert, present; Council Member Harry Shortway, present via telephone; and Mayor Sally Rinker, present.

PRESENTATIONS AND SPECIAL ITEMS

Environmental Commission – Open Space

Jessica Paladini, Secretary for the Environmental Commission, commented that Dennis Miranda, Chairman, was unable to attend this evening's meeting, because he is at the Sussex County Agricultural meeting giving a presentation on the scenic byways. Ms. Paladini gave a power point presentation on the Vernon Township Dedicated Open Space Fund. She said the Open Space Parks Law, formerly known as Open Space Recreation Farmland and Historic Preservation Trust Fund, sets forth the procedures for establishing a dedicated Tax for more broad projects, and a County or Municipality often incurs payment of debt service for any of the purposes. The Open Space Tax is for establishing a dedicated tax program. The original Ordinance was dedicated to preserve the Open Space and Farmland Preservation, and to provide passive recreation opportunities to the community. Ms. Paladini said in the five years, Vernon Township collected the Dedicated Open Space Tax, which the State of New Jersey would provide \$300,000. to the Municipality, totaling approximately 1.5 million dollars. The Township did not take advantage of that funding and if it is not spent, stands to lose that money. At the time the Open Space Tax was approved, another referendum was put forth to the residents to construct an athletic complex at the Maple Grange Park. The residents vetoed to spending \$1,999,000,000. on the sports complex. The improvements to the sports complex totaled \$4,969,141,000. with additional costs incurred for engineering and other studies. The current debt on these bonds is \$3,649,615., and does not include the costs for the Town Center sewers. Vernon Township has been planning and creating a Town Center for the last decade. The Land Use Board has been working on updating the Master Plan, Open Space Plan, Bike Path, and Greenway of Open Space for passive recreation. The Four Seasons Greenway, which remains as Open Space and Bike Path, will bring revenue to the Township. To promote ecotourism and bring revenue to Vernon Township the residents must honor our binding referendum on the Open Space Tax.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Mike Furrey, Vice President of the Environmental Commission, distributed the Environmental Commission's Resolution opposing Vernon Township's Ordinance #10-18 authorizing to modify Ordinance #00-16 for creation of the Open Space Trust Fund. The Environmental Commission did not have the opportunity to give their feedback on this Ordinance.

Dan Boltz, Member of the Environmental Commission and Historic Society, commented the current Township Council's concerns are handled on a sensible level. He anticipates that the "power play" does not signal several more years of a return to the empire building. Mr. Boltz wished this Township Council the best.

Craig Williams, Glenwood, commented he is a former Chairman of the Environmental Commission, and has served several years on the County and Municipal level for the Open Space Committee. He asked if the debt service addressed in the Ordinance

under Section 2F is a new debt service or is it already in existence. Mayor Rinker said it does not specify. Mr. Williams commented that the new debt funds be utilized for the Recreation Committee. He questioned that the Ordinance has open-ended issues as to how the money is spent.

Michele Danzis, Highland Lakes, questioned if the Ordinance placed on the November ballot is to determine if the voters will consent to the money used for other projects. The Township Attorney Lawrence Cohen said the Ordinance placed as referendum on the November ballot is to determine if the majority of the residents want to expand the use of monies. Currently, the money is used for purchase of Open Space, conservation purposes, and Farmland Preservation and for maintenance only, not to develop any lands. If the Ordinance is passed by the voters in November, then the Open Space and Recreational Committee can make recommendations to use the money for purposes other than Conservation or Farmland Preservation.

Steven Wanczowski, Vernon Resident, commented he is involved with the Vernon Skate Park Organization. He questioned if Ordinance #10-18 is modified for recreational purposes and could the money be used to assist the Vernon Skate Park Memorial Organization, which is a non-profit organization. The Township Attorney Lawrence Cohen said the money would be available for that purpose; however, it is up to the Township Council to agree upon how that money is used.

Janelle Pasafaro, Vernon, commented she is a co-founder of the anti-heroin movement, known as *On Board*. Heroin use is on the rise and many teenagers have died this year from using it. Vernon needs to do whatever it takes to keep drugs out of the community.

Mary Bradley, Board of Recreation, read a letter from the Recreation Board opposing Ordinance #10-18, and the Bylaws set forth by the Township Council. She stated that the proposed Ordinance jeopardizes the future of the Board of Recreation. Ms. Bradley asked that the Ordinance be tabled until all Commissions and Boards have completed their deliberations. Ordinance #10-18 incorrectly lists that there is one member from the Recreation Commission; Ms. Bradley further stated there is a Board of Recreation not Commission.

Dorothy LeFavre, Pleasant Valley Lake, asked if the State Statutes allows the Township to amend the previous Ordinance for Open Space Funds. The Township Attorney commented that the Council has the right to adopt an Ordinance to place it on the ballot for referendum. Ms. LeFavre asked that the Township Council be objective when considering this Ordinance and let the taxpayers decide how the money should be spent.

Adam Paladini, Board of Recreation, asked what steps the Township Council takes to modify an Ordinance. The Township Attorney Lawrence Cohen commented the Ordinance has a two-step process by introduction, public notice, date set for public hearing, and adoption by majority vote. Mr. Paladini asked if all aspects and parameters written in the ordinance are legal and consistent with the Local and State Tax Laws. The Township Attorney commented this drafted Ordinance is in accordance with State Law permitting it to go to referendum on the November ballot. Mr. Paladini asked if the funds distributed for Open Space is the taxpayer's money. Mr. Cohen stated the previous ordinance was to allow a certain portion of the tax dollars be used for Open Space. Mr. Paladini asked if the taxpayers' money will be spent on the list of items set forth by Mr. Shortway. Mayor Sally Rinker said the list of items set forth by Mr. Shortway is a hypothetical list of potential possibilities.

Bill Benneyan, Representative of Mountain Creek and Crystal Springs, commented the Greenway Zone, Multi use areas, and Bike Path needs to connect with the community's services, and recreation areas, including Skate Parks. The representatives of Mountain Creek and Crystal Springs are ready to participate with time and planning, to see that all involved achieve this objective. Mountain Creek supports the construction of a new Township skate park. It is a huge project, and they are willing to work along with the Skate Park Coalition and Township to make it happen.

Carol Gunn Kadish, Vernon, asked if taxpayer funds will be used to purchase land, to build structures, or make improvements for a non-profit organization existing in Vernon Township. The Township Attorney Lawrence Cohen commented Taxpayers money could not be used towards a non-profit skateboard organization. In the event the voters agree to this Ordinance, the money from the Open Space Trust Fund could be used to build a skate park, because it would be for recreational purposes. He further explained volunteer firefighters and/or rescue ambulance squads can be financially supported by the taxes raised.

Jessi Paladini thanked Carol Kadish for asking the question if taxpayers dollars could be given to a non-profit organization for a skate park. Ms. Paladini commented she supports whole-heartedly having a skate park in Vernon. The Skate Park Coalition group is misled into believing that the Ordinance will pass to build a skate park. She said it is illegal to spend taxpayers money on non-profit organizations.

Brian Lynch, Barry Lakes, agreed that taxpayer money should be used towards something where everyone can get pleasure. It cannot be used towards non-profit organizations. The code does not reflect that the purchase of Open Space be eliminated.

Kevin Whitehead, owner of business in town, commented that this Ordinance should not be passed at this time.

Patrick Tyler, Trustee for the Vernon Skate Park Organization, suggested that the current Open Space proposal is to keep a percentage for the farms, \$800,000 for the purchase of Open Space land, and to allocate some of the money towards recreational projects. He commented the Ordinance should be more specific as to how the money could be spent.

Tom McClachrie, Vernon Tax Payer's Association, commented the Taxpayer's Association does not support the proposed Open Space Ordinance. The residents have been paying out this tax since 2000 as well as the \$10 million spent for recreation. The Council has to decide what the cost services will be for land use, greenway, and recreation infrastructures. Property taxes have increased in the last two years. Mr. McClachrie stated that there are people in this town who are losing their homes, jobs, and getting their work hours cut. The Township has spent millions of dollars on risky projects but never disclosed them to the taxpayers. He said the taxpayers put their trust in the Council and now demands their honesty.

Robert Oliver, [REDACTED], commented Ordinance #10-18 necessitates further input from different Boards and Commissions.

Jamie Rickey, Vernon, asked if there are any percentages of farmland tied to the Open Space Fund. The Township Attorney Lawrence Cohen said no. Mr. Rickey asked if any money has been spent on Farmland Preservation. Craig Williams explained that Sussex County has established a Farmland Preservation Fund. The Sussex County Board of Chosen Freeholders allocated 10% of the Trust to Open Space preservation, and 90% to farmland preservation. The 10% (currently \$200,000) of the Trust dedicated to open space preservation distributed is through a competitive grant program open only to Sussex County and the other municipalities in Sussex County.

Elaine Miranda, Highland Lakes, asked the Council to take into consideration amending the Open Space referendum because it is a betrayal of her vote and trust.

Bonnie Ruben, Highland Lakes, commented there was a hiring freeze when the previous Township Manager, Melinda Carlton, hired Brian Palaia. Ms. Ruben said the money received by the State of New Jersey for \$292,000 for the Watershed Aid; and with the hiring freeze the Township would have saved an additional savings of \$100,000 if a Deputy Manager was not hired. These monies would balance the budget gap of \$500,000 and lower the increase of taxes. The Township should reinstate the hiring freeze and eliminate the Deputy Manager position.

John Curry, Glenwood, thanked the Council for having the public address system fixed in the meeting room. Mr. Curry said the public needs to hear what is being said at the meetings.

Ann Rovector, commented that the youth need involvement to eliminate boredom. They are asking adults to what types of activities they can get involved.

Mary Ellen Vichiconti, read into the record why the Vernon residents should elect a Mayor. She asked the Township Council to pass an Ordinance, which will give the residents the right to elect their Mayor.

Phyllis MacPeek, Vernon, commented Vernon Township has licensed over 5,400 dogs in 2009, and to feed and medicate these animals it cost \$6.30 per day. The Animal Shelter's budget allows \$950 annually for veterinarian care. Ms. MacPeek thanked the Hamburg Veterinarian and Vernon Veterinarian Clinics who have donated many items to the Vernon Animal Shelter. In addition, she thanked the Vernon Animal Welfare League, for over 35 years, has offered clinic services with the low-cost of spaying and neutering for animals whose owners are on a limited income. The League contributes to the community and ensures the quality of life for the animals.

Gerry Levy, [REDACTED], commented that the Municipal Government Officials have unilaterally and arbitrarily reduced snow removal funds for private communities received in previous years. These funds were to assist the private community residents eliminating double payment for these services. Being eliminated it became a burden and hardship for all twelve private communities. The residents residing in the private communities have to face an increase in their association dues, because the Township reneged on a policy that has been in effect for many years under the Kelly Law. Mr. Levy urged the Township Council Members and Township Manager seriously reconsider by reinstating the difficulty factor of snow removal for 2009 and subsequent years, as well.

Gary Martinsen, Vernon, commented he does not feel the Open Space Ordinance is ready for referendum. The Township Council appointed people to sit on the different Boards and Commissions to perform the various roles for that specific board. However, not given the opportunity to give their input is disrespectful. Mr. Martinsen asked if the Sign Ordinance was discussed with different businesses in the township, and did they provide their feedback. Council Member Valerie Seufert commented she has worked with the Sign Committee, and the Committee promised to bring it back to the businesses to receive their input. Council Member Seufert asked the Council to table this Ordinance until September.

Trudy Casper, Vernon, commented the people at the rally were happy to see that Mayor Sally Rinker is in favor of the Skate Board Park.

Dennis Miranda, Chairman of Environmental Commission, commented the Environmental Commission approved an Open Space Plan where they conducted mailings to prospective landowners in the Four-Season Greenway to see if the landowners would be willing to sell their land for preservation. The Environmental Commission has also conducted a Vernon Destination Speaker Bureaus where the meetings are opened to the public for question and answer. In addition, the Commission will be improving the community by helping to create a green infrastructure, spearheading environmental education, and helping residents to understand the value of a pleasant, healthy, and beautiful place to live. The Open Space Plan is a component of Vernon's Master Plan providing benefits for implementation of the four-season greenway to the community. The goal implementing an internal open space network includes bicycle paths, pedestrian access from Warwick, New York to Hamburg, New Jersey. The Environmental Commission is working to achieving these goals, and without the partnership of the Township Council it cannot be done.

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

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-18

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX COUNTY, STATE OF NEW JERSEY, REGARDING AUTHORIZING A REFERENDUM TO MODIFY THE ORDINANCE RESTRICTING EXPENDITURES FROM THE OPEN SPACE TRUST FUND

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

WHEREAS, Vernon Township created an Open Space Trust Fund by Ordinance #00-16, which authorized a municipal tax to fund an Open Space Trust Fund;

WHEREAS, Ordinance #00-16 limited expenditures from the Open Space Trust Fund to be dedicated to farmland preservation and to preserving open space;

WHEREAS, the current Open Space Trust Fund has a balance of \$889,349.34 as of July 16, 2010;

WHEREAS, the renewal of the Open Space municipal tax was presented to the voters by Ordinance #06-29 and by Ordinance #07-18 and was defeated both times;

WHEREAS, there is no current municipal tax to fund the Open Space Trust Fund;

WHEREAS, there have been no recent purchases of land or easements using funds from the Open Space Trust Fund;

WHEREAS, the governing body of the Township of Vernon has proposed modifying the limitations on expenditures from the Open Space Trust Fund;

WHEREAS, since the Open Space Trust Fund was created by voter referendum and the limitation on the Open Space Trust Fund were linked to that referendum, it is appropriate to seek voter approval to change the restrictions on expenditures from the Open Space Trust Fund;

WHEREAS, a majority of the governing body seeks to amend the restrictions on the Open Space Trust Fund to make Vernon Township's Ordinances more similar to the applicable state statute;

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that:

1. A copy of this Ordinance should be immediately forwarded to the County Clerk.
2. That the County Clerk should be requested to put the following question on the ballot for the November 2, 2010 general election:

“Should Vernon Township's Ordinances govern the Open Space Trust Fund, which had a balance of approximately \$889,349.34 as of July 16, 2010, be changed to allow funds in the Open Space Trust to be used for the following purposes:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands acquired for recreation and conservation purposes;
- (c) maintenance of lands acquired for recreation and conservation purposes;
- (d) acquisition of farmland for farmland preservation purposes;
- (e) historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes; or
- (f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d) or (e) of this paragraph.”

3. In the event that the above referendum question is certified by the Board of Elections to have been approved by a majority, then the following Ordinances adopted replace Chapter 244 in its entirety as follows:

§ 244-1. Establishment of Open Space and Recreation Committee.
There is hereby established an Open Space and Recreation Committee which shall consist of nine members whose terms and powers are set forth below.

§ 244-2. Membership.

The Open Space and Recreation Committee shall be comprised of the following persons to be appointed by the Township Council:

- A. The Mayor of the Township of Vernon.
- B. One member of the Township Council.
- C. One member from the Township Land Use Board.
- D. One member of the Township Environmental Commission.
- E. One member of the Township Recreation Commission.
- F. Four citizens of the Township holding no other elected, appointed or employment position, one to be appointed by the Mayor and three to be appointed by the Township Council.

§ 244-3. Terms of office.

All members of the Open Space and Recreation Committee shall have a term of office of two years (or, term of Mayor and Councilperson would coincide with their respective term of office).

§ 244-4. Power and functions.

A. The Open Space and Recreation Committee shall select from among its members a Chairman and a Vice Chairman to serve as the presiding officer in the absence of the Chairman. In the event of a tie vote, the Chairman's vote shall be counted twice to break the tie. The Committee shall also select a Secretary, whose function shall be to maintain minutes of the Committee's meetings and records of the proceedings of the Committee.

B. The Open Space and Recreation Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings and the Committee shall give appropriate notification of said meetings.

C. The Open Space and Recreation Committee shall prepare an Open Space and Recreation Plan (the "plan") to be used by the Township Council in prioritizing expenditures and in conjunction with applications for participation in the green trust planning incentive funding category and submitted to other sources of funding to fulfill the purposes for which the Open Space and Recreation Trust Fund was created.

D. The Open Space and Recreation Committee shall also make a determination of properties which it recommends that the Township acquire and/or properties for which it recommends that development rights should be acquired, developed and/or maintained for open space and/or recreation purposes.

E. The Open Space and Recreation Committee shall submit a prioritized list of those properties to the Township Council, which shall review the list and make a determination as to which properties are to be acquired and shall state the amount of funds that the Committee shall make available for such acquisition, development, maintenance and/or preservation.

F. After selection of the properties referred to in Subsections D and above, the Township may proceed to acquire by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., the identified parcels within the financial constraints established by the Township Council.

§ 244-5. Organization meeting.

The Open Space and Recreation Committee shall hold its initial organization meeting within 30 days of the effective date of this article or appointment of the Committee, whichever occurs last.

§ 244-6. Fund for open space acquisition.

There is hereby established an account to be known and designated as the "Open Space and Recreation Fund" (the "fund") which shall be maintained in accordance with N.J.S.A. 40A:4-1 and N.J.S.A. 40A:5-1. Funds from the fund may, as directed by the Township Council, be utilized to acquire or develop vacant land, as well as land which has improvements upon it at the time of acquisition, or to acquire development rights, where the principal purpose of the acquisition is to preserve open space and recreation.

§ 244-7. Funding.

A. The fund shall be funded with the funds collected and maintained in the previous Farmland and Open Space Tax, which was authorized by Ordinance 00-16 and resulted in a tax for 5 years beginning in 2001. [A historical note: subsequent Ordinances 6-29 and 7-18 failed to obtain voter approval to continue the tax.]

B. The funds accumulated within the fund may be utilized for any of the purposes set forth in N.J.S.A. 40:12-15.7. Any and all interest that accrues shall remain in the fund and may be utilized for the above-described purposes.

C. If the Township Council determines that additional funds are needed, it may seek approval for future taxation to support the fund by adopting an ordinance to put the question to the voters by referendum.

§ 244-8. Sale of property.

A. Property acquired with funds from the fund may not be leased or sold, until and unless the sale or lease has been authorized by the Township Council in the manner prescribed by law.

B. The Mayor and Township Council, after at least one public hearing, and upon a finding that the purposes of this article will be better served, or that any land acquired by the Township pursuant to this article is required for another public use, may by ordinance convey, through sale, exchange, transfer or other disposition, title to or a lesser interest in that land, provided that the Township shall replace any land conveyed under this section with land of at least equal fair market value and reasonably equivalent usefulness, size, quality and location. Any money derived from the conveyance shall be deposited into the fund.

C. Any conveyance made pursuant to this section shall be made in strict accordance with the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.). In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonably equivalent usefulness, size, quality and location to the land or improvements transferred from the fund.

4. In the event that the Board of Elections certifies that the referendum question set forth above is not approved by a majority, then this Ordinance shall be null and void and Chapter 244 of the Vernon Township Code shall remain as currently written.

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

Mayor Sally Rinker read Ordinance #10-18 by title only.

Council Member Michael Pier made a motion to approve Ordinance #10-18. Seconded by Council Member Valerie Seufert.

Council Member Harry Shortway commented, via telephone, the purpose of this Ordinance is to expand the purposes for which Vernon could spend its open space funds and re-establish an Open Space Committee.

Council Member Michael Pier commented the original Ordinance #00-16 was dedicated to Farmland Preservation and Preservation of Open Space, with an advisory committee, for selecting and purchasing properties. The goals for Preservation of Open Space are for hiking, bicycling, paddling, cross country skiing, fishing, and recreational pursuits. Council Member Pier stated additional hiking trails are needed because the current trails (namely, Appalachian Trails) are heavily traveled and becoming damaged. Township Attorney Lawrence Cohen stated the 2000 adopted Ordinance allows the money to be used for dedicated Farmland Preservation and to preserve the Open Space. The money is not to be used for constructing bike paths or anything of that nature. Mr. Cohen further stated this Ordinance leaves a loophole as to whether or not a piece of property purchased from the Open Space fund could improve bike paths. Mayor Rinker commented that Vernon Township was obligated to have an Open Space and Recreation Committee as stated in the Ordinance if the Open Space Tax exists. Council Member Valerie Seufert commented the Open Space Committee was formed when the voters approved the Open Space Tax. Council Member Pier said Ordinance 10-18 allows the Council to follow the Master Plan to moving forward with bike trails and bringing in tourists. There is a 20-acre tract being appraised at the request of the Township for open space and passive recreation. He said the committee would oversee the use of the funds where a dog park and skate park could be in place. Council Member Pier said there was no promise of property made to Steve Wanczowski.

Council Member Valerie Seufert commented the taxpayers should decide what the funds should be used for. The Township Council would have to decide if the money can be spent. Any item placed for referendum has to be in by August or wait until the

following year unless the Township has a special election, which could be a costly factor.

Council Member Richard Carson commented it is a difficult decision to make regarding this Ordinance. He read the six points to this Ordinance. First, there has been no purchase of farmland or open space. Second, the voters said they defeated the subsequent Open Space Tax referendums # 06-26 & 07-18 because the township was not purchasing Open Space with the money it already had. Third, the proposed ordinance is misleading since there is nothing to modify to be in line with the State Statute. Fourth, the Open Space Recreation Farmland and Historic Preservation law is clear and was quoted earlier in the presentation. Fifth, the Ordinance will provide hiring more staff to maintain the fields. This would result in more taxpayer expenses for lighting, electricity, maintenance, etc. Sixth, an item overlooked on this Ordinance referenced the point of eminent domain.

Mayor Rinker commented the Ordinance does not contain enough facts without definitive parameters, and what the voters are voting on. She said that Ordinance #10-18 introduced tonight to modify Ordinance #10-16 is a very curious attempt to overturn the binding referendum. Mayor Rinker commented the majority of the voters already voted on the original Ordinance regarding the use of the Open Space Funds. She is not in favor of referendums to overturn referendums. Mayor Rinker commented that she and Dennis Miranda, Chair of the Environmental Commission, met with the Hardyston Township Council last month where Mr. Miranda appealed to the Manager and Council to join Vernon by approving a resolution for the scenic by-way. The Hardyston Council and Manager were pleased and eager to join hands with Vernon and agreed to approve the resolution. They were excited and stated how great it would be to combine the two towns by walkways, bike paths, and the scenic by-way. Mayor Rinker stated that this Ordinance had no proper time for inquiries, discussion, investigation, and information felt she could not support it as an elected official. This Ordinance should have involved all committees to obtain their input.

A roll call vote was taken:

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

Mayor Sally Rinker stated Council Member Harry Shortway ended his participation by phone call at the meeting at 9:35 p.m.

A short recess was held at this time.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #10-161

2009 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing

body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon, hereby states that is has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

MOVED: Richard Carson
SECONDED: Valerie Seufert

Mr. Bud Jones, Auditor for Vernon Township, of the firm Nisivoccia and Company, LLP was available to answer any questions.

Council Member Richard Carson asked if improvements were made to the comments and recommendations in the annual audit since they appeared to be a replicate of last years. Mr. Jones said the report was presented in September of last year, which did not give ample time to resolve those recommendations; and he is hopeful that all recommendations will be resolved this year.

A roll call vote was taken:

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

NAYES: None

Resolution #10-161 was approved.

Presentation

Sustainable Communities Regional Planning Grant Program

Marcia Lynn, retired from the New York City Department of Environmental Protection, commented she has worked at the September 11 cleanup; and with hazardous waste and noise pollution. Both she and Hal Pugach, Executive Director of Camp Louemma, want to convert the 160-acre property into a viable eco-friendly green campus. Vernon Township High School does not have a pool of their own for their students who are involved in the swimming program. Mr. Pugach has graciously agreed to allow the students to use Camp Louemma's pool all year long providing the high school pays the insurance. Ms. Lynn stated she learned that the high school pays over a million dollars annually for utilities. The Township and Taxpayers would save millions of dollars annually by installing solar panels that is unobtrusive and

environmentally friendly. Ms. Lynn and Mr. Pugach are willing to work with the Township, from the money saved, to provide a skateboard park and other recreational facilities for young adults and children. Ms. Lynn said that they are applying for a federal grant to redo and enclose the pool.

Hal Pugach, Executor of Camp Louemma, stated the camp is a non-profit 501c3 organization that has a long affiliation with Vernon Township. Next year the camp celebrates their 75th anniversary in Vernon. The Camp serves to under-privileged population. There are Federal Sustainable Grants available, which require collaboration between Townships, Communities, and Non-Profit Organizations. Mr. Pugach stated he is willing to collaborate with the Township toward constructing several facilities that would help Camp Louemma as well as the citizens of Vernon Township. There is a need for an Olympic size swimming pool. Right now, Vernon High School students have to travel to Sussex Vocational Technical School or another facility for their swim team. Camp Louemma is in the process over the next year or two to replace the pool. In doing so, they would like to collaborate with the Township possibly build a winterized facility where the students and residents can use year round, and the campers use seasonally. Mr. Pugach asked that Camp Louemma and the Township work together to obtain a sustainable community grant so everyone comes out a “winner.” Mayor Rinker said that he contact Township Manager Andrew Katz to discuss this further.

APPROVAL OF MINUTES

June 24, 2010 Regular Meeting Minutes

MOVED: Valerie Seufert
 SECONDED: Richard Carson

A roll call vote was taken:

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

June 24, 2010 Executive Session Minutes

Mayor Sally Rinker motioned to table the June 24, 2010 Executive Session minutes to the next Council Meeting; seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION # 10-158

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	\$1,019,621.30	Vernon BOE
#2	Current	\$ 4,529.94	
#3	Current	\$1,053,353.64	Vernon BOE
#4	Grant	\$ 2,155.63	
#5	Capital	\$ 236,000.00	Transfer of Funds
#6	Recreation	\$ 3,575.00	

#7	Outside Services	\$	6,056.07	
#8	Other Trust	\$	8,255.94	
#9	Other Trust	\$	209.19	
#10	Sewer Operating	\$	363.47	
#11	PVL Dam Assmt	\$	70,817.15	Print & Int
#12	PVL Dam Assmt	\$	2,453.21	
#13	Dog Trust	\$	21,657.72	
#14	Dog Trust	\$	80,000.00	Transfer of Funds
	Payroll	\$	311,732.03	1st Pay in July 2010
	Total		\$2,820,780.29	

MOVED: Valerie Seufert
 SECONDED: Richard Carson

A roll call vote was taken:
 AYES: Richard Carson, Michael Pier, Valerie Seufert, Sally Rinker
 NAYES: None
 Resolution #10-158 was approved.

RESOLUTION #10-159

AUTHORIZING THE TOWNSHIP TO REIMBURSE BLACK CREEK SANCTUARY CONDOMINIUM 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 \$4,303.01

WHEREAS, the Black Creek Sanctuary Condominium 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 \$4,303.01 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 Black Creek Sanctuary Condominium Association for the year 2009 in the amount of \$4,303.01 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: Michael Pier

A roll call vote was taken:
 AYES: Richard Carson, Michael Pier, Valerie Seufert, Sally Rinker
 NAYES: None
 Resolution #10-159 was approved.

RESOLUTION #10-160

AUTHORIZING THE TOWNSHIP TO REIMBURSE LAKE POCHUNG OUTING 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 \$10,757.53

WHEREAS, the Lake Pochung Outing 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 \$10,757.53 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 Lake Pochung Outing Association for the year 2009 in the amount of \$10,757.53 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: Michael Pier

A roll call vote was taken:

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

NAYES: None

Resolution #10-160 was approved.

RESOLUTION #10-162

AUTHORIZING PLACEMENT OF TEMPORARY SIGNAGE

WHEREAS, Christ Community Church in Highland Lakes, New Jersey has requested permission from the Township Council to place temporary signage across Breakneck Road from the church property and a residential property for the Vacation Bible School to be held August 16 – 20, 2010;

WHEREAS, approval has been received from the property owner, Ms. Laura Branigan;

WHEREAS, the temporary signage requested to be displayed will be one (1) banner displayed measuring 3' by 18' from July 23, 2010- August 16, 2010.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, that Christ Community Church in Highland Lakes, New Jersey is granted permission to place temporary signage, as described above, across Breakneck Road, from July 23, 2010- August 16, 2010, in association with the Church's Vacation Bible School event to be held August 16-20, 2010.

BE IT FURTHER RESOLVED that any and all signage placed pursuant to this Resolution shall be removed on the day following the event.

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-162 was approved.

RESOLUTION #10-163

AUTHORIZING THE TOWNSHIP MANAGER TO SUBMIT AN APPLICATION AND EXECUTE AN AGREEMENT AND ANY AMENDMENT THERETO WITH THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM, FOR THE STANHILL CONSERVATION PROJECT, BLOCK 141 LOT 16

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Vernon desires to further the public interest by obtaining funding in the amount of \$125,000 from the State to fund the following project: Stanhill Conservation, Block 141 Lot 16, at a cost of \$500,000; and

NOW, THEREFORE, the governing body resolves that Andrew Katz or the successor to the office of the Township Manager is hereby authorized to:

- (a) Make application for such a loan and/or such a grant,
- (b) Provide additional application information and furnish such documents as may be required, and
- (c) Act as the authorized correspondent of the above name applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Council,

1. That the Manager of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State know as Stanhill Conservation;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$375,000;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

MOVED: Richard Carson
SECONDED: Valerie Seufert

Council Member Valerie Seufert asked if the appraisal was completed. Township Manager Andrew Katz said that it was and he has the appraisal report. Council Member Seufert asked if the Council could receive a copy of the appraisal; she also asked how Vernon arrived at the amount of \$500,000. Dennis Miranda commented that is the maximum amount the Township is applying for the project. The Township is applying for a grant of \$125,000. and the cost of the property is \$500,000. where the remaining balance from the Township's funds is \$375,000. The Township is seeking funds from the County grant to reduce the cost.

A roll call vote was taken:
AYES: Richard Carson, Michael Pier, Valerie Seufert, Sally Rinker
NAYES: None
Resolution #10-163 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-17

ORDINANCE MODIFYING THE CODE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY REGARDING SIGNS

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 1:

The Code of the Township of Vernon is here by supplemented to add Chapter 470, SIGNS.

CHAPTER 470.

470-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BANNER SIGN

A temporary sign of cloth, plastic, fabric, or similar material that celebrates an event, season, community, neighborhood or district and is sponsored by a recognized community agency or organization, or a business to call attention to a grand opening, owner or management change, or the advertising of special events.

PORTABLE SIGN

A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs to be transported on wheels. The term "portable sign" includes a sign affixed to a vehicle and/or trailer which is parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity located on the same or other property.

SANDWICH BOARD SIGN

A portable sign easily moved from place to place on a stand or A-type frame and having no permanent attachment to the ground.

TEMPORARY SIGN

A sign or advertising display constructed of cloth, canvas, fabric, plywood, plastic or other light material and designed or intended to be displayed for a short period of time.

WINDOW SIGN

A sign that is painted or mounted onto a windowpane or hung directly inside a window solely for the purpose or effect of advertising or identifying any premises. For purposes of calculating the size of window signs, a window shall be considered the glazed area.

470-2. Portable signs.

Portable signs are prohibited except as specifically permitted in this Chapter 470. For the purposes of this Section:

A. Distinguishable objects; exempt signs. The definition of "sign" in § 330-2 notwithstanding, the following objects or structures shall not be considered "signs" or, alternatively, shall nevertheless not be subject to this section:

(1) Customary holiday decorations displayed for a normal duration; provided, however, that white or clear lights evoking candle flames or miniature candle flames shall be permitted from mid-November through the end of March in the C-1, C-2, C-3, CR and TC Districts.*

(2) Residential nameplates.

(3) Traffic control signs, the face of which meets the standards of the Department of Transportation and which contains no commercial message.

(4) Directional and informational signs for nonresidential uses, provided the area of such sign is not more than three square feet, and provided the number of such signs on-site is limited to that which is

reasonably necessary and appropriate for safety, circulation, information or other noncommercial purposes.

(5) Signs for official, governmental or quasi-governmental business, including signs or banners advertising public or quasi-public events that are posted or displayed with the permission of the Zoning Official or the governing body.

(6) Signs for community associations, places of worship, nonprofit, charitable, institutional and similar noncommercial uses, provided that no freestanding or ground sign for such use shall exceed 24 square feet and it is located on the property owned by the organization displaying it.

(7) Political signs of four square feet in area or less, from May 1 through the period ending 48 hours after the first Tuesday in June and from October 1 through the period ending 48 hours after the first Tuesday in November, provided that no campaign or candidate shall allow any one such sign to be nearer than 100 feet to another sign belonging to such campaign or candidate(s).

(8) Sign for the sale of single-family residential real estate of four square feet or less, limited to one per property, or for sale or lease of nonresidential real estate, having an area of eight square feet or less.

(9) Flags of the United States, State of New Jersey, Township of Vernon, foreign nations having diplomatic relations with the United States, other flags adopted or sanctioned by any elective legislative body of competent jurisdiction and flags flown in conjunction with the flag of the United States, provided that no such flag shall exceed 60 square feet in area, nor shall any such flag be flown from a pole in excess of 35 feet in height. The flag's area shall be in reasonable proportion to the height of the pole from which it is displayed. Not more than three flags may be flown from any one pole. Statutory requirements associated with flags and the generally accepted standards of flag display protocol shall be observed.

(10) Decorative, noncommercial flags, banners and pennants.

(11) Flags honoring and remembering military and service men and women of the United States.

(12) Public safety signs.

(13) Signs displayed by places of worship.

(14) Any public notice or warning or safety sign required by a valid and applicable federal, state or local law, regulation or ordinance.

(15) Any sign indicating the name of a building and/or date of construction and/or other incidental information about its construction, which sign is made an integral part of a stone or masonry surface, or made of bronze or similar permanent material, including historic tablets, cornerstones, memorial plaques, monuments and emblems which do not exceed four square feet in area from a single viewpoint.

(16) Signs forbidding trespassing, hunting, fishing or trapping as authorized by state laws and regulations concerning fish, game and wildlife, but not to exceed one square foot in size and further provided that no such sign shall be located less than 50 feet from another.

(17) Pump-mounted fuel price informational signs subject to the following:

(a) Only one fuel price informational sign shall be permitted per fuel pump; each such sign shall be limited in size to an area of 260 square inches; each such sign shall be affixed directly and firmly to a fuel pump, and shall be stationary.

(18) Regulation mailboxes of the US Postal Service.

(19) Awning signs in the C-1, C-2, C-3 and TC Districts, restricted to lettering on the vertical surface or edge of a typical window awning or canopy.

470-3. Sandwich board signs.

A. Upon securing a yearly permit as set forth in Section 470-8 a business establishment in the B, HC or Upper ZM Zone shall be permitted one sandwich board sign subject to the following limitations and requirements:

(1) The sign shall be located on the applicant's property and at least four feet from the paved surface of the road. The sign shall be located in front of the principal entrance to the business to which it relates. The sign shall be placed so as not to cause the width of the sidewalk on which it is placed to be reduced to less than four feet in width.

(2) Each of the two sides of the sign shall be less than seven square feet in area.

(3) The maximum height shall not exceed 42 inches.

(4) The support legs for the sign extending from the bottom of the sign to the ground shall be 12 inches or less. The height of the support legs may increase the maximum height to 48 inches, inclusive of the support legs.

(5) The sign shall not obstruct site distance visibility, or ingress and egress from the site, or other passage of vehicles or pedestrians.

(6) The signs may be displayed outside only during business hours and only between sunrise and sunset and shall be stored in an indoor area when not in use.

(7) The sign shall be kept in good condition and properly secured.

(8) Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants or similar adornment attached to them.

B. Where a commercial property has more than one business or commercial tenant, one sandwich board sign permit for each business establishment shall be allowed.

C. An application for a sandwich board permit shall be accompanied by a certificate of insurance providing at least \$500,000 of comprehensive general liability coverage to sandwich boards and listing the Borough of Franklin as an additional insured with respect to the sandwich board.

470-4. Banner signs.

A. Upon securing a permit as set forth in Section 470-8, a business establishment in any non-residential Zone shall be permitted to display one banner sign of up to 36 square feet in sign area for grand openings, owner or management change, or the advertising of special events.

B. Each business on the site may utilize a banner sign for a maximum period of 35 consecutive days per event, four times per year.

C. A banner sign shall be installed no more than 30 days prior to the event and removed within five days of the completion of the event.

D. The banner sign shall not obstruct sight distance visibility, ingress and egress from the site, or other passage of vehicles or pedestrians.

E. The banner sign shall be located on the applicant's property and at least twelve feet from the paved surface of the road.

F. The banner sign shall be kept in good condition and properly secured.

470-5. Window signs.

A. Window signs shall be permitted in the [Commercial] Zones only.

B. Window signs shall not require a permit.

C. The area of each window sign shall not exceed 80% of the window in which it is placed or, in the case of a storefront, the total glazed area of the facade on which the sign is being displayed.

D. Neon signs as regulated in _____ shall be deemed to be a window sign and included in the calculation of the total window sign area.

E. No televised advertising in a window shall be allowed.

470-6. Temporary signs.

A. A temporary sign advertising the prospective sale or rental of the premises upon which it is located, not exceeding eight square feet in area in the [Commercial] Zones and four square feet in all residential zones, shall be permitted, provided that the sign shall be maintained in good condition and removed within seven days after consummation of lease or sale transaction.

B. A non-illuminated temporary sign on a new construction site, not exceeding 75 square feet in sign area, is permitted in any zone, provided that the sign shall be maintained in good condition and removed within seven days after completion of the construction work.

C. A non-illuminated temporary sign, not exceeding four square feet in area, erected by a business (e.g., architects, contractors) performing construction work or repairs on a lot that is already improved may be displayed on such lot in any zone for a period not to exceed the duration of the project or one year, whichever is less.

D. A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or an event sponsored by a nonprofit organization shall be permitted to be displayed in any zone for a period of not more than 30 days prior to the election or event and not more than three days following the election or event.

E. Banner-type signs shall be permitted in any location in the Borough in celebration of public events or to call attention to dates of holidays of public significance when erected by the Borough itself or otherwise authorized by the governing body.

470-7. Public safety signs.

A. Temporary safety, traffic, directional and warning signs approved by the governing body shall be permitted in all zones and shall not count in the measurement of sign area.

B. Signs which are required by any provision of law and signs deemed necessary to the public welfare by the governing body may be located in any zone and shall not count in the measurement of sign area.

§ 470-8. Sign permits.

A. A sandwich board sign permit pursuant to Section 470-3 will be issued by the Borough Zoning Officer upon approval of a completed application submitted with applicable fees and is valid for the balance of the calendar year.

B. A banner sign permit pursuant to Section 470-4 will be issued by the Borough Zoning Officer upon approval of a completed application submitted with applicable fees and is valid for 35 days.

C. All rights and privileges acquired under the provisions of this chapter or any amendment thereto are revocable at any time by the Borough Zoning Officer if the applicant fails to accurately depict the sign erected or to be erected or if the sign which is erected fails to meet the details or the detailed drawing submitted by the applicant. All such permits shall contain this provision.

D. No permit shall be issued to any business establishment that, within the twelve-month period prior to the date on which the permit application is made, failed to comply with the requirements of this Chapter 470 as to the display of any banner or sandwich board sign, within 30 days after notice from the Borough as to such noncompliance.

E. The fees for permits established by this section shall include a nonrefundable application processing fee of \$15 and can be found in Chapter 250, entitled "Fees."

470-9. Construction.

In the event of any inconsistency between the provisions of this Chapter 470 and Chapter 330, the provisions of Chapter 470 shall control.

470-10. Violations and penalties.

Anyone violating the provisions of this chapter shall be subject to fine of up to \$50 for first offense and \$200 for second offense. The Borough Zoning Officer shall have authority to enforce the requirements of this chapter.

SECTION 2

Section 330-180 of the Code of the Township of Vernon is hereby deleted and reserved for future use.

SECTION 3

Section 330-18 of the Code of the Township of Vernon is hereby replaced as follows:

330-80. Lighting/Signs.

A. Lighting Standards.

(1) A lighting plan prepared by a qualified individual shall be provided with major subdivision and site plan applications. The lighting plan shall show limits of the isolux/isocandela trace where the minimum foot-candles occur and shall be in compliance with minimum illumination levels in Subsection C(5). Dimensioned manufacturer's light details and specifications, including foot-candle distributions, shall be provided.

(2) Street lighting of a type supplied by a local utility and of a type and number approved by the Planning Board or Township Engineer shall be provided where deemed necessary for safety purposes. Wherever electric utility installations are required to be underground, the applicant shall provide for underground service for street lighting.

(3) Design.

(a) The fixture spacing, illumination type, mounting height, wattage, and photometric pattern shall be shown and calculated for each type of fixture used. The lighting for off-street parking shall be designed to direct light downward towards the parking areas. Shield or cutoffs when necessary shall be installed to prevent spillover of light onto residential areas and public streets.

(b) Any outdoor lighting such as building or sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan, in the form of manufacturer's details and specifications to allow a determination of effects upon adjacent properties, traffic safety and sky-glow.

(c) Illumination shall be designed to minimize undesirable off-site effects. Lighting shall be designed to respect and protect the use and enjoyment of neighboring properties and in such a manner as to avoid distraction of motorists. The intensity of all light sources proposed in connection with the development, together with all proposed light shielding and similar features, shall be subject to Planning Board approval.

(d) Light intensity shall not exceed 0.3 foot-candle along any property line and shall be arranged and shielded to reflect the light away from adjoining streets or properties. This regulation shall not apply to lights that are used solely for the illumination of entrances or exits or driveways leading to a parking lot.

(e) Lighting shall be provided by fixtures with a mounting height not more than 25 feet or the height of a building, whichever is less, unless said standard is located within 250 feet of a residential zone, in which case the mounting height shall not exceed 15 feet. Mounting height shall be measured from the ground level to the center line of the light source. Light source other than pedestrian walkway lighting shall be spaced at a distance not to exceed five times the mounting height.

(f) Minimum levels of illumination (lux/footcandles).

[Need chart from ordinance]

The uses in the following table shall be illuminated at the levels of the stated zone regardless of the zone the use is located in.

[need chart from ordinance]

Lux/foot-candles. The levels shown are measured in lux/foot-candles. The minimum standards are based on the level of light that will be available for new lamps and clean luminaries. When by test or other means it has been determined that less than 80% of the light specified in the minimum standards is attained, or a significant number of burnouts are evident, the owner shall be notified and he will have 30 days in which to correct the lighting level to the minimum standards.

(g) Freestanding lights at the perimeter of parking lots shall be aligned with parking stall striping and located a minimum of 2 1/2 feet from the edge of curb. Exposed concrete pedestrian or bollard light foundations shall not exceed two inches above grade or four inches above grade when located within a lawn area.

(h) The style of any light or light standard within nonresidential and multifamily developments shall be consistent with the architectural style for the principal building and, where appropriate, the architectural character of the surrounding area.

(i) No outdoor floodlight or spotlight and no light beam or emission from any light, whether indoors or outdoors, shall be directed toward any point off the premises.

(j) The following types of outdoor lighting are prohibited: any search light, flashing light, blinking light, moving light, rotating light, oscillating light, shuttered light or similar device, strobe light, fluttering light or any other light of which the intensity and color is not maintained constant, as perceived by the human eye, when in use.

(k) The Planning Board shall have the power to reduce or eliminate street lighting where prevailing conditions, including but not limited to visual resource lands, lands in the AET Districts, open and rural locations, and the like, warrant the same. In residential subdivisions, street lighting shall be limited to ornamental lamppost lighting unless utility standards are necessary or appropriate under Subsection A.

[start renumbering] Signs

B. Sign Regulations.

(1) Purposes. These regulations regarding permanent signs and the regulations of Chapter 470 regarding temporary signs are designed to achieve the following objectives:

(a) Promotion of safety on highways and roadways

(i) Establishment of a clear and orderly pattern of signs that are appropriately designed to be compatible and not competitive with other signs.

- (ii) Reduction of obstructions, distractions and other conditions which cause confusion or otherwise threaten to compromise pedestrian and vehicular safety.
 - (iii) Promotion of ready identification of governmental and institutional sites and events.
 - (iv) Coordination of signs with prevailing speed limits and highway or roadway conditions.
- (b) Promotion and protection of the Township's visual resources by:
- (i) Creation of a pleasing streetscape which reflects the Township's rural heritage and extraordinary landscape.
 - (ii) Encouragement of artistic, creative, expressive and distinctive signs of unusual appeal and quality, and which are appropriate to respective environs.
 - (iii) Encouragement of signage which is compatible and reflective of desirable architectural and historic buildings and features, and which evoke Vernon's heritage and distinctive character.
 - (iv) Eradication and prevention of visual clutter caused by competitive proliferation of signs; disorderly placement; excessive height, size and illumination; and redundancy.
- (c) Promotion of commerce in Vernon by:
- (i) Affording each Township profession, business, industry and service a fair and protected opportunity to communicate, identify, and safely and effectively direct traffic to the site of the enterprise of such profession, business, industry or service, by means which are expressive of identity and appropriate to the nature of the enterprise and the surroundings.
 - (ii) Creating a distinctive commercial environment in collective effect which attracts business because of the heightened visual quality and image such effect would impart.

C. Prohibited signs. All signs not expressly permitted pursuant to this section shall be prohibited. Without limitation thereto, the following shall be prohibited:

- (1) Attaching a sign to, or painting or otherwise marking letters, logos or other expressions on a utility pole, tree, rock, or natural feature of any kind.
- (2) Obstructing the vision of pedestrian or vehicular traffic.
- (3) Causing confusion by the use of signs or objects which simulate authorized traffic signs, signals or devices.
- (4) Erecting a sign less or more distant from the lot line or edge of pavement than prescribed by this section.
- (5) Allowing the projection of a sign over a public right-of-way for pedestrian or vehicular traffic whereby the bottom of the sign is less than eight feet above ground level.
- (6) Allowing a sign to be less than entirely safe and secure.
- (7) Allowing a sign associated with an abandoned, dilapidated or nonexistent business to be displayed more than 30 days after the inception of such condition.
- (8) The use of moving devices of a predominantly commercial nature, such as commercial pennants, banners, ribbons, streamers, sheets and spinners.
- (9) The use of strings of lights having a blinking, flashing or fluttering quality, or the use of illumining devices which have a changing light intensity, brightness or color; excepting, however, holiday lights as aforesaid and white or clear lights for a duration as aforesaid.
- (10) Illumination by unsteady or glaring light.
- (11) Signs painted, placed or constructed directly on or projecting from a roof, except when a roofline on a building facade is so steeply sloped or otherwise architecturally integral to the facade that placement (but not painting) of a sign on a roofline would be necessary or clearly appropriate in order to reasonably accomplish the purpose of an otherwise permitted wall sign.
- (12) Unless otherwise provided in Chapter 470, movable or portable signs, including any surface containing material and content in the nature of a sign, whether or not located on the same premises as a business or service which is the subject of such sign, including advertising on trucks or motor vehicles, the apparent primary purpose of which is to provide a display to broadly attract the attention of the public rather than to directly serve and identify the business of the owner thereof in the manner which is customary for such vehicles, signs on wheels or which may be moved by hand such as but not limited to A-frame signs, or signs which may be temporarily placed on or hung from any portable support of any

kind, any sign which is designed to be or capable of being towed behind a vehicle or which is an integral, predominant, or substantial part of a vehicle or mounted on a trailer.

(13) Use of visible moving parts or components which blink or cause variable or glaring illuminations.

(14) Exhibiting statements, words, pictures or images of an obscene or pornographic nature.

(15) Emitting a sound, odor or visible matter such as smoke or vapor.

(16) Causing or allowing a sign to extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less.

D. Restrictions on area, type, number and combination of signs.

(1) Wherever a site is or shall be improved by a single commercial use in a district zoned for such use, the following permanent signs may be erected or installed thereon:

(a) One freestanding or ground sign of not more than 24 square feet in area in the C-1 and AET Districts or 32 square feet in the C-2, C-3, and CR Districts; and*

(b) One wall sign of not more than 12 square feet in area; and

(2) Wherever a site is or shall be improved by a single office, professional, service or industrial use or establishment, in a district zoned for such use, the following permanent signs may be erected or installed thereon:

(a) One ground sign of not more than 24 square feet in area; and

(b) One wall sign of not more than 12 square feet in area; or

(c) One window sign of not more than six square feet in area or 20% of the window area to which the sign is to be affixed, whichever is less, or one wall sign of not more than six square feet.

(3) Wherever a site is or shall be permissibly improved by more than one commercial use, unit, or enterprise (or for mixed use, excepting residential and industrial uses), including such uses as but not limited to shopping centers, shopping malls, specialty shopping centers and shopping plazas, the following permanent signs may be erected or installed thereon:

(a) One freestanding or one ground sign having an area of not more than 32 square feet or 10% of the area of the facade of the principal building, whichever is less, for each yard, other than a rear yard, which faces a public roadway, each of which freestanding or ground signs may include beneath it one component sign of not more than 12 square feet for each individual commercial use or establishment on site; and

(b) One wall sign of not more than 12 square feet in area, facing each yard, other than a rear yard, which faces a public roadway, for each component commercial use or establishment; and

(c) A single directory sign of not more than 42 square feet in area nor more than eight feet in height.

(d) A projecting or suspended sign for each individual use, unit or enterprise of not more than six square feet (projecting) or 10 square feet (suspended) nor more than 10 feet high or less than eight feet above ground level.

(4) Wherever a site is or shall be improved by more than one light industrial use, unit or enterprise, including light industrial complexes, the following permanent sign may be erected or installed thereon:

(a) One freestanding or one ground sign having an area of not more than 32 square feet or 10% of the area of the facade of the principal building, whichever is less, for each yard, other than a rear yard, which faces a public roadway, each of which freestanding or ground signs may include beneath it one component sign of not more than 12 square feet for each component commercial use or establishment; and

(b) One wall sign of not more than 12 square feet in area, facing each yard, other than a rear yard, which faces a public roadway, for each component commercial use or establishment; and

(c) A single directory sign of not more than 42 square feet in area nor more than eight feet in height.

(5) Wherever a site or lot is or shall be improved by a single-family dwelling, including a home which is used for a home professional office, the following permanent signs may be erected or installed thereon:

(a) Nameplate as per Subsection B(2) of this section; and

(b) One on-site wall sign of not more than three square feet for a home professional office; or

(c) One on-site ground sign of not more than three square feet for a home professional office; and

(d) Directional and informational sign(s) as per Subsection B(4) of this section.

E. Restrictions on certain signs, including nonconforming signs.

(1) Any vehicle sign larger than one square foot where the sign projects beyond the manufacturer's profile of the vehicle and is displayed in public view under such circumstances as to indicate that the primary purpose of said display is to broadly attract the attention of the public rather than to directly serve and identify the business of the owner thereof in the manner which is customary for such vehicles, is prohibited.

(2) No billboard, off-premises sign or other off-site commercial sign shall be erected, used or maintained in the Township of Vernon. Any sign within the contemplation of this section must be located on the premises on which the business, profession, industry or service is located, except that one off-site sign may be erected on the previous site of a business, profession, industry or service which has relocated for reason of an unforeseen disaster, but for not longer than six months. Any business, profession, industry or service which has relocated for elective reasons may continue to use a sign on a previous site for not more than 30 days. This subsection restriction shall not apply to temporary signs as otherwise permitted pursuant to this section that advertise special events sponsored by nonprofit social, religious, political or cultural organizations or institutions, or by a governmental entity, provided the sign is the property of the organization, institution or entity.

(3) One on-site wall or ground sign not exceeding three square feet shall be permitted to identify a home professional office.

(4) Two on-site seasonal signs not to exceed 24 square feet each (where the speed is 40 mph or greater) or 12 square feet (where the speed limit is less than 40 mph) shall be permitted in connection with the sale of seasonal farm produce.

(5) Two neighborhood or subdivision entrance ground signs shall be permitted, one on each side of such entrance, provided each sign does not exceed 16 square feet in area.

(6) One non-illuminated temporary sign not exceeding 24 square feet in area shall be permitted on a site of new construction, provided such sign is removed upon completion of construction.

(7) One ground sign may be erected to identify a development site, provided that such sign does not exceed 24 square feet in area and is not less than 20 feet from any front or side lot line. In a subdivision, such sign shall be removed as soon as 80% of the lots are sold or developed.

F. Restrictions on illumination.

(1) No sign shall be illuminated so as to violate Subsections [C(9), (10) or (13)].

(2) Commercial signs which are attractively painted, or signs of carved or simulated carved construction, are required in the TC Districts and may be suitably but not glaringly spotlighted. Such signs are permitted and encouraged in all other districts in which commercial signs are permitted. Internally illuminated signs, particularly lightbox signs, are generally prohibited except for good cause shown. A showing of good cause shall include proof that denial of an internally illuminated sign will substantially and irreparably deprive the owner or applicant of a private commercial interest within the contemplation of Subsection A(3) of this section, or, alternatively, that relief is likely to promote public safety and/or the Township's visual resources within the contemplation of Subsection A(1) and (2) of this section, or that illuminated signage bearing a particular mark, symbol, logo, lettering or composition is critical to the applicant's economic interests. Relief from the requirements of this subsection shall be pursuant to N.J.S.A. 40:55D-70c.

(3) If permitted for good cause shown, internally illuminated signs shall be further limited as follows:

(a) Not more than one such sign of conforming area, height and setback per lot or site shall be permitted.

(b) The use of opaque letters against an illuminated white or light-colored background is prohibited; an opaque background shall be required.

(c) Not more than 25% of total sign area shall consist of white or light-colored letters or logos.

(4) Sources of sign illumination on all signs shall be shielded from the view of vehicular traffic.

(5) Floodlights or spotlights used for the illumination of a commercial premises or any sign thereon shall not project light above the highest elevation of the illuminated wall of the building.

(6) Neon and other illuminated tube lighting is prohibited when the same is in the nature of a sign is used as ornamentation associated with fenestration or building architecture; provided, however, that a single neon sign suspended in a window shall be permitted to display the word "open" and/or not more than three words to identify the goods or services of the establishment.

G. Measurement of sign area.

(1) Measurement of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle,

rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, graphic illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign and used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself. No sign shall have more than two display faces. The sign area for a sign with two faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign having two faces is such that both faces cannot be viewed from any point at the same time, the sign area shall be computed by the measurement of the larger of the two faces. For purposes of calculating window signs, a window shall be considered the glazed area.

(2) Measurement of height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding or excavation solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

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

Mayor Sally Rinker read Ordinance #10-17 by title only.

Council Member Valerie Seufert asked the Council to table this Ordinance until September. She said that the Sign Committee has not had the opportunity to review the ordinance with the Township Manager, Township Attorney, and with the business owners.

MOTION: Valerie Seufert
SECONDED: Sally Rinker

A roll call vote was taken:

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

PUBLIC HEARING AND ADOPTION OF 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 Rinker read Ordinance #10-11 by title only. First reading was held on June 24, 2010.

Council Member Valerie Seufert made a motion to approve Ordinance #10-11. Seconded by Council Member Richard Carson.

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

Gary Martinsen, Vernon, asked Mayor Rinker if she owns property where it has connection to the sewer system. Mayor Rinker said she did not. Mr. Martinsen stated the list he has contains the blocks and lots indicating properties connected to the water system. Council Member Seufert recused herself since her employer owns property on Church Street. Township Attorney Lawrence Cohen commented this Ordinance is to grant franchise to extend the water and sewer lines. Mayor Rinker stated none of her properties are listed in this Ordinance.

Mr. Martinsen stated this Ordinance should go to referendum because it will have a large impact to the residents. The project could cost the township \$2.2 million, if not more. He stated the performance measure on this project has to prove Return on Investment (ROI), and if it does not have a positive ROI than it will fall upon the taxpayers who will have to subsidize that money until all customers are connected to the system.

Thomas McClachrie, Vernon Taxpayers Association, stated any project costing over \$500,000. in debt for one year should go to referendum. The Vernon Taxpayers Association is against this \$500,000. debt.

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

Council Member Michael Pier stated he resides in the condominiums and uncertain if his property is affected by this Ordinance. Council Member Valerie Seufert recused herself since her employer has property located on Church Street.

Council Member Richard Carson made a motion to table this Ordinance for further discussion, which was seconded by Mayor Rinker.

A roll call vote was taken:

AYES: Richard Carson, Michael Pier, Sally Rinker

NAYES: None

ABSTAIN: Valerie Seufert

The Township Attorney commented this Ordinance will be tabled and does not have to be placed back on the agenda. The Ordinance does not have to be reopened for public hearing unless there is new information and the Council could reopen it for public hearing, if so desired.

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 Rinker read Ordinance #10-12 by title only. First reading was held on June 24, 2010.

Council Member Richard Carson made a motion to approve Ordinance #10-12. Seconded by Council Member Valerie Seufert.

Council Member Valerie Seufert asked why the Ordinance states salary ranges when it is a specific amount. Township Attorney Lawrence Cohen commented a salary sets forth the salary range established by the employer. The actual salary set is by resolution.

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

Robert Oliver asked if the township has salary ranges for different positions. If not, why not. Township Manager Andrew Katz commented Vernon does not have salary ranges only Collective Bargaining Units. Mr. Oliver asked if Vernon Township would consider salary ranges for all non-collective bargaining employees.

Bonnie Rubin, Highland Lakes, asked what is a Confidential Administrative Assistant, and when did the Township Council determine this new title. The Township Manager stated he was not part of the process, but there is a position within the Manager's

Office to have a Confidential Administrative Assistant. Civil Service conducted the desk audit where they recommended that there be a Confidential Administrative Assistant. Ms. Rubin asked if there is an employee in the office that fits this position. Mr. Katz said yes, and this will result in a reclassification of the employee.

Thomas McClachrie, Vernon Taxpayers Association, commented it is understandable for a desk audit to achieve a higher pay raise. At this juncture, the Township cannot afford to pay non-contractual employees pay raises. He said both the Police and the Contractual Municipal Employees have to negotiate a new contract, and set the standard of not giving employees pay raises. Secondly, later in the year professionals and non-contractual employees will request pay raises. The Vernon Taxpayers Association asked that this position be excluded.

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

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

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. First reading was held June 24, 2010.

Council Member Valerie Seufert made a motion to approve Ordinance #10-12. Seconded by Council Member Richard Carson.

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

Thomas McClachrie, Vernon Taxpayers Association, commented in the last five years there have been higher fees for electrical inspections, deck installations, driveway cuts, and liquor licenses have never been increased. He thanked the Council for the increases.

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

A roll call vote was taken:

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

NAYES: None

ABSTAIN: None

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 Valerie Seufert with all members voting in favor, no one opposed.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:25 p.m.

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: October 14, 2010