

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

**September 13, 2010**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Monday, September 13, 2010 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Sally Rinker presiding.

**STATEMENT OF COMPLIANCE**

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

**ROLL CALL OF MEMBERS**

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

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

At 6:01 p.m. Mayor Sally Rinker asked for a motion to go into Executive Session Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Richard Carson with all members voting in favor.

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

WHEREAS, Section 8 of the Open Public Meetings Act, 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 is:
  - a. Contract matter regarding water and sewer issues with Mt. Creek. Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an agreement.
  - b. Arbitration matter with UAW Union. Executive Session minutes will be released to the public upon the conclusion of this matter or upon the execution of an agreement.
  - c. Update on water and sewer issues with John Rushke, Engineer with Hatch Mott MacDonald. Executive Session minutes will be released to the public upon the conclusion of this matter.
  - d. Personnel matters regarding inspectors and clerks position. Executive Session minutes will be released to the public upon the conclusion of this matter.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 6:03 p.m.

. . . . .

The meeting was reopened to the public at 7:16 p.m. Present were Council Members Richard Carson, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

### **SALUTE TO THE FLAG**

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

### **PUBLIC HEARING**

Application to the State of New Jersey Green Acres Program – Stanhill Conservation Project:

Mayor Rinker commented there is an application to the State of New Jersey Green Acres Program and Stanhill Conservation Project.

Sandy Urgo, Land Conservancy, stated the purpose of this public hearing is that Vernon Township has applied to the State of New Jersey Green Acres for funding towards the Open Space Preservation Project. The property is 114 acres accessed via Black Creek Drive.

The property is located in the center of Vernon Township's Four Season Greenway, which lies near where the bike path is proposed. The land has a combination of low-lying wetlands, tributaries to the Black Creek, with scrubbing shrub-lands, deciduous forest, and approximately 20 acres of a high agricultural field. The zoning on the agricultural field requires a residential minimum lot size of 10,000 square feet. The remainder of the property is zoned Agricultural and Ecological Tourism requiring a minimum lot size of 5 acres.

Ms. Urgo stated the significant factor about this property is the view shed which includes a large section of the valley wall. A Jersey Central Power and Light easement crosses the property. The property also lies within the Highlands Planning Area and enjoys Conservation Rank 5 assigned by the NJDEP Landscape Project for Habitat consisting of bog-turtle, timber rattlesnake, and bobcat.

Vernon Township has requested \$151,250.00 from Green Acres for the proposed project.

At this time, Mayor Rinker opened the meeting to the public.

*Robert Oliver, Vernon*, asked what the total price for this project would be. Mr. Ursin stated at this time there is no contract to purchase this particular property. Vernon Township has applied to Green Acres for a grant to purchase the property. At the time when the results of the grant come back to the Township, the Municipality will begin to negotiate with the land owner. The Municipality has one preliminary appraisal on the property, which is not available for public knowledge since negotiations have not begun. Mr. Oliver stated one of the properties purchased from the Grey's is in the area. It consists of 5 acres. Mr. Oliver further stated part of the purchase agreement defines that the Township assume the liability to maintain the property in good order in perpetuity. He asked if there are any clauses like this to the contract. Mr. Ursin stated he would be handling the contract.

Ms. Urgo stated the rule to accessing Green Acres Funding and to preserve it is that it must be held for outdoor recreation.

*Tom McClachrie* questioned the acreage of the property. Ms. Urgo responded that it is 114 acres.

Council Member Harry Shortway questioned if the County would be contributing funds. Ms. Urgo answered that a grant application was made to the County of Sussex and the decision will be made in November.

Council Member Valerie Seufert stated she received a copy of the appraisal today and has not had the opportunity to review. If she has any questions, she will reach out to Ms. Urgo.

Mayor Rinker stated an inquiry came up about the bike path and where it may lie in relation to this parcel. Ms. Urgo stated the Committee formed by Vernon Township developed the bike path map, and it does not cross this parcel which is part of the Greenway. Council Member Seufert asked if the bike path would go through the wetlands. Ms. Urgo stated that she could not be sure of that but there may be some wetlands.

Ms. Urgo stated the property is closer to Route 94. The property has amazing views from all sides, and it is uncertain if there is talk about relocating the bike path. Should the Township want to put some element of the bike path on this proposed property on the uplands area it may be possible. The question becomes the connections if other properties in the Greenway were preserved. Ms. Urgo stated at this time she is not aware of any limitations as to whether wells and septs could be installed on this property. If the property is purchased with Green Acres Funding it can not be developed.

Mayor Rinker asked when the appraisals are completed, to determine a value, one should know how much is developable, and would an LOI (Delineation of the Wetlands) be required. Mayor Rinker also asked if one had already been done for this property. Ms. Urgo stated she is not aware of one, but questions on the application are asked to the applicant to provide if wetlands exist, is property buildable, and etc. To determine developable areas verse the wetlands, information is taken from the State maps. Currently, Stanhill Conservation Corporation owns the property.

Rich Casper, 40 Curtis Drive, questioned who the owner was of this property. Ms Urgo stated that it belongs to Stanhill Conservation Corporation.

The public hearing portion of the meeting ended at 7:31 p.m.

Township Attorney John Ursin made a public statement regarding the process of the Municipality receiving a petition to change the form of government and verifying the signatures. The Township will cooperate in every effort to have this question placed on the ballot at the General election in November.

## **PUBLIC COMMENTS**

Mayor Rinker opened the meeting for Public Comment.

*Eric Wood, Newton, Attorney representing the Committee of Petitioners, Jessica Paladini, Bonnie Rubin, Mary Ellen Vichiconti, Steven Vichiconti, Eddie Dunn.* Mr. Wood thanked the Township for the efforts that were put into reviewing the petitions. County Clerk Counsel, Dennis McConnell and County Clerk Erma Gormley advised Mr. Wood that they required an order from Judge Bozonelis to put this question on the ballot for the November election. Dennis McConnell indicated he is willing to sign a consent order as long as the petition is confirmed today. Mr. Ursin spoke for the Municipal Clerk in stating that the petition, as of this moment, is certified to have sufficient signatures to be placed on referendum to be voted on by members of the public, the Municipality will craft correspondence confirming that and transmit it to the County Clerk's office after the meeting this evening.

*Jessi Wolosky, Sparta,* stated that he had some conflicting information regarding the petition. Mr. Wolosky spoke regarding a telephone conversation he had with the Township Clerk. Mr. Wolosky went on to say that the advice she received from the Township was incorrect and her procedures were incorrect also the petition was incorrect. Mr. Wolosky stated the petition itself was insufficient for many reasons.

*Jessi Paladini*, stated that she is not sure what Mr. Wolosky's motive is for being here, but that he is 100% wrong in everything he said.

*Thomas McClachrie*, *Vernon Taxpayers Association*, disagreed with what Mr. Wolosky said regarding the petition. Mr. McClachrie stated that while changing the form of government will not be the solution to all the Town's problems, it will start the process of accountability. Mr. McClachrie stated the Council should have passed an ordinance requesting a change in government to the elected mayor and non-partisan election, he further asked the Council to get this done so that the taxpayers would not have to pay for a special election.

*Philip Schneider*, *Lake Communities Property Owners Association*, joined by representatives of other Lakes Communities – Jeanne Jameson of Highland Lakes, John McCloud of Village of Lake Glenwood, Bill Rickson of Scenic Lakes, Phil Capobianco of Lake Wallkill, Scott Visel of Barry Lakes, Gene Isoverti Hidden Valley Property Owners, Steve Wenn of Lake Panorama. Mr. Schneider spoke of a serious impasse between these communities and the Township over the reimbursement for snow and ice removal that is required under the Municipal Services Act. Mr. Ursin stated that a meeting will be scheduled to discuss this issue.

*Phyllis MacPeek*, *Vernon*, asked the Council to update the Friends of Vernon plaque.

*Jerry Levy*, [REDACTED], as Secretary and trustee of the Hidden Valley Property Owners Association, questioned why the private associations are not getting their reimbursements from the Township.

*Bonnie Rubin*, *Highland Lakes*, suggested that the Township Council meetings be placed on our website.

*Gary Martinsen*, *Vernon business owner and resident*, offered assistance in converting our Township Council meeting recordings for placement on our website. Mr. Martinsen also thanked and acknowledged the hard work that was done by the Acting Municipal Clerk, Angie Bates, not only with the petitions but also the clerk's work and registrar duties that she performs.

*Harold MacPeek*, *long time Vernon resident*, Spoke regarding the roadside mowing that needs to be done along Breakneck Road and Sand Hill Road.

Seeing no one else from the public wishing to speak, Mayor Rinker closed the public comment portion of the meeting. Council Member Valerie Seufert made a motion to close the public comment portion of the meeting with all in favor.

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

Jerry Giaimis provided a Manager's Report touching on the issues of reimbursements to private communities, the recycling center, shared services with Sussex County and an incident that happened at the Pochuck Valley Fire Department building.

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

Mr. Ursin discussed the sewer agreements with Mt. Creek and their letter of credit. Mr. Ursin stated that there will be public presentations on the options with respect to the water and sewer system and will continue discussions with Mt. Creek.

#### **RESOLUTIONS REQUIRING SEPARATE ACTION**

##### **RESOLUTION #10-182**

##### **DESIGNATING GERALD J. GIAIMIS AS INTERIM MANAGER**

**WHEREAS**, the Governing Body of the Township of Vernon needed to appoint an Interim Manager because of the departure of the previous Township Manager; and

**WHEREAS**, Gerald J. Giaimis and the Township of Vernon agreed to an Interim Manager Agreement for him to serve for two(2) days per week from August 12, 2010 – August 26, 2010 until his full-time employment with Vernon Township is in effect; and

**WHEREAS**, the Agreement requires payment by Vernon Township to Gerald J. Giaimis for each day he has served the Township of Vernon during that period at a rate of \$500/ day per the attached memorandum.

**NOW THEREFORE IT BE RESOLVED** by the governing body of the Township of Vernon that the attached invoice in the amount of \$1,750.00 should be paid.

MOVED: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:  
AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker  
NAYES: None  
Resolution #10-182 was approved.

**RESOLUTION # 10-183**

**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	\$1,381,356.52	Vernon BOE
#2	Current	\$ 848,742.98	Vernon BOE
#3	Current	\$1,021,746.45	Vernon BOE
#4	Grant	\$ 20,918.07	Tilcon
#5	Grant	\$ 5,565.23	
#6	Capital	\$ 12,813.00	
#7	Capital	\$ 2,048.39	
#8	Planning & Zoning	\$ 97.50	
#9	Recreation	\$ 1,105.00	
#10	Outside Services	\$ 4,350.63	
#11	Outside Services	\$ 98.97	
#12	Other Trust	\$ 70,268.08	Warnock Fleet
	Payroll	\$ 283,451.12	1 <sup>st</sup> Pay in Sept 2010
	Total	\$3,652,561.94	

MOVED: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:  
AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker  
NAYES: None  
Resolution #10-183 was approved.

**RESOLUTION #10-184**

**AUTHORIZING THE ADOPTION OF THE AMENDED  
GOVERNMENTAL DEFERRED COMPENSATION PLAN**

**WHEREAS**, the Township of Vernon, (hereinafter referred to as the “Employer”) by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan” for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Economic Growth and Tax Relief Reconciliation Act of 2001, the @2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1:457-4. the Heroes Earning Assistance and Relief Tax Act of 2008 amended sections of the Internal Revenue Code (the “Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”);

**WHEREAS**, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

**WHEREAS**, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

**WHEREAS**, such revised Plan shall supersede the previously adopted Plan.

**NOW THEREFORE BE IT RESOLVED** that the Employer hereby adopts a revised Plan 76-PD-Lincoln-120709

**BE IT FURTHER RESOLVED** that the Lincoln National Life Insurance Company and Lincoln Financial Group, it’s agent, has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

**BE IT FURTHER RESOLVED** that the Lincoln National Life Insurance Company and Lincoln Financial Group it’s agent, will continue to provide, for the benefit of the participants the Multi- Fund Variable Annuity contract; and

**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group it’s agent, in the selection of a provider pursuant to N.J.A.C. 5:37-5.7;

**BE IT FURTHER RESOLVED** that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, it’s agent (12-SA-Lincon-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

**BE IT FURTHER RESOLVED** that the Finance Director or Business Administrator is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

**BE IT FURTHER RESOLVED** by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Director or Business Administrator; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P. O. Box 803, Trenton, NJ 08625-0803.

MOVED: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-184 was approved.

#### **RESOLUTION # 10-185**

#### **CANCELLATION OF 2006 BLACK CREEK WATERSHED RESTORATION GRANT**

**WHEREAS**, there is a receivable with an offsetting appropriation from the State of New Jersey in the amount of \$39,000.00, Titled 2006 Black Creek Watershed Restoration Grant;

**WHEREAS**, this receivable is no longer collectible as revenue and the funds have not be expended;

**NOW THEREFORE BE IT RESOLVED** that the receivable and budget appropriations be cancelled.

MOVED: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:  
AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker  
NAYES: None  
Resolution #10-185 was approved.

**RESOLUTION #10-186**

**AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES**

**WHEREAS**, the Chief Financial Officer has determined that the following Township checks have been outstanding for a period in excess of six months:

Check #	Amount	Date of Issue
<b>OUTSIDE SERVICES</b>		
1545	67.47	8/11/09
1583	53.25	12/15/09
<b>LAND USE BOARD</b>		
3927	335.45	9/22/09
<b>Total</b>	<b>456.17</b>	

**THEREFORE**, be it resolved that the above outstanding checks be restored to the Township cash balances.

MOVED: Valerie Seufert  
SECONDED: Harry Shortway

A roll call vote was taken:  
AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker  
NAYES: None  
Resolution #10-186 was approved.

**RESOLUTION #10-187**

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

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

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

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

**WHEREAS**, the Sussex County Chapter of the American Red Cross is requesting support from the Township of Vernon to hold a semi-annual coin collection on Saturday, September 25, 2010 from 9:00am -1:00 pm at the intersection of Route 94 and County Road 515; and

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

**NOW THEREFORE BE IT RESOLVED** that the Council of the Township of Vernon hereby grants permission to the Sussex County Chapter of the American Red Cross to hold their semi-annual coin collection fundraiser in Vernon Township on September 25, 2010 from 9:00am -1:00 pm at the intersection of Route 94 and County Road 515.

This resolution will take effect immediately according to law.

MOVED: Valerie Seufert  
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-187 was approved.

#### **RESOLUTION #10-188**

##### **CANCELLATION OF 2009 MAC GRANT**

**WHEREAS**, there is a receivable with an offsetting appropriation from the County of Sussex, New Jersey in the amount of \$1,493.99, Titled 2009 MAC Grant;

**WHEREAS**, this receivable is no longer collectible as revenue and the funds have not be expended.

**NOW THEREFORE BE IT RESOLVED** that the receivable and budget appropriations be cancelled.

MOVED: Valerie Seufert  
SECONDED: Richard Carson

A roll call vote was taken:

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

NAYES: None

Resolution #10-188 was approved.

TOWNSHIP OF VERNON															
RESOLUTION #10-170															
ADOPTION OF THE 2010 MUNICIPAL BUDGET															
BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex that the budget herein set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:															
(a) \$	16,160,703.00					(item 2 below) for municipal purposes and									
(b) \$						(item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,									
(c) \$						(item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in									
						Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of									
						the following summary of general revenues and appropriations.									
(d) \$						(Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy									
														Abstained	
RECORDED VOTE															
(insert last name)		AYES					NAYS								
														Absent	
SUMMARY OF REVENUES															
1. General Revenues															
Surplus Anticipated												08-100	\$	210,000.00	
Miscellaneous Revenues Anticipated												13-099	\$	3,840,110.32	
Receipts from Delinquent Taxes												15-499	\$	2,035,000.00	
												07-190	\$	16,160,703.00	
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)															
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:															
Item 6, Sheet 11												07-195	\$		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)												07-191	\$		
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only															
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:															
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)												07-191	\$		
Total Revenues												13-299	\$	22,245,813.32	
Sheet 41															
SUMMARY OF APPROPRIATIONS															
5. GENERAL APPROPRIATIONS:															
Within "CAPS"												xxxxxxx	xxxxxxxxxxxxx		
(a&b) Operations Including Contingent												30001-00	\$	14,269,839.80	
(e) Deferred Charges and Statutory Expenditures - Municipal												30004-00	\$	1,259,382.00	
(g) Cash Deficit												46-885			
Excluded from "CAPS"												xxxxxxx	xxxxxxxxxxxxx		
(a) Operations - Total Operations Excluded from "CAPS"												60023-00	\$	971,442.00	
(c) Capital Improvements												60002-00	\$		
(d) Municipal Debt Service												60003-00	\$	2,940,694.52	
(e) Deferred Charges - Municipal												60024-00	\$	210,000.00	
(f) Judgements												37-480	\$		
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)												29-405	\$		
(g) Cash Deficit												46-885	\$		
(k) For Local District School Purposes												60008-00	\$		
(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)												50-899	\$	2,594,455.00	
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)												60010-00	\$		
Total Appropriations												30000-00	\$	22,245,813.32	
It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 13th day of September, 2010. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2010 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.															
														Certified by me this 13th day of September 2010, _____, Clerk	
														Signature	
Sheet 42															

MOVED: Valerie Seufert  
SECONDED: Harry Shortway

A roll call vote was taken:  
AYES: Richard Carson, Valerie Seufert, Harry Shortway, Sally Rinker  
NAYES: None  
Resolution #10-170 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-19

AN ORDINANCE GRANTING A FRANCHISE EXPANSION AND PERMISSION FOR UNITED WATER NEW JERSEY INC., TO LAY ITS WATER PIPES BENEATH SUCH

PUBLIC ROADS, STREETS AND ALLEYS AS MAY BE NECESSARY FOR ITS  
CORPORATE PURPOSES AND TO CONSTRUCT AND MAINTAIN WATER PIPES  
ON AND ALONG PUBLIC STREETS IN THE TOWNSHIP OF VERNON,  
COUNTY OF SUSSEX, STATE OF NEW JERSEY.

**WHEREAS**, United Water New Jersey Inc., a New Jersey public utility corporation having its principal offices at 200 Old Hook Road, Harrington Park, New Jersey, (the "Water Company"), desires to expand its Vernon water franchise area and lay and otherwise own and maintain water pipes beneath such public roads, streets, alleys and places as it may deem necessary for its purposes and to construct and maintain water pipes in and along such roads, streets, alleys and places, and desires 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 Water Company owns and operates a water franchise 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**, it is necessary to expand the water franchise area to include the geographic region of Vernon known as Valley View Apartments, a 24 unit apartment complex to be served by the Water Company, 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**, the Water Company is a public utility created and organized under the laws of the State of New Jersey to operate and maintain facilities for the provision and transmission of water 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 New Jersey Inc., is hereby given the consent and permission of the Township of Vernon to expand its water franchise area, subject to BPU approval, and to own, install/lay, maintain and relay pipes beneath such public roads, streets, alleys and places as it may deem necessary for its corporate purposes, subject to such additional approvals or consents as the law may require, and to construct and maintain water mains 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;

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

Block 141, Lot 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 the Water Company, the Water 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 Water 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.

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

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

Mayor Sally Rinker read Ordinance #10-19 by title only.

Mr. Ursin explained this Ordinance expands United Water's franchise area to serve one of the condominium communities that has contaminated water; this is at the request of the Department of Environmental Protection.

Council Member Valerie Seufert made a motion to approve Ordinance #10-19 upon introduction, seconded by Council Member Harry Shortway.

Council Member Carson questioned if there was going to be a cost to the Township, Mr. Ursin stated there would not be.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-19 was approved as introduced. Public Hearing to be scheduled for October 14, 2010.

## **COUNCIL BUSINESS**

Mayor Rinker stated that since Council Member Pier was absent, the discussion of Council sub-committees would be moved to the next Council Meeting.

Council Member Carson spoke regarding the MAC Committee and their upcoming programs. Mr. Carson mentioned the Narcotics Anonymous program held at the St. Thomas Episcopal Church every Saturday night at 7:00 p.m. Mr. Carson discussed the Whispering Woods sub division that has had some problems and asked Mr. Giaimis to inspect the area.

Council Member Valerie Seufert acknowledged Pat Seger of the Community Affairs Department, the Historical Society and the Sheriff's Department that actually did the painting of the Court Room and requested that letters be sent thanking them.

Council Member Harry Shortway read a statement regarding his involvement with the PAL and lacrosse.

Mayor Rinker commented that she had attended the annual regatta at Lake Wallkill, an end of summer event that really brings their community together. Another local event was a mini golf charity for Zachary Decker, at Cobblestone Village, which had a good turnout for a great cause. Mayor Rinker asked the public get involved, join a committee, or volunteer your time for the betterment of Vernon.

## **ADJOURNMENT**

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:40 p.m.

Respectfully submitted,

Andrea Bates  
Acting Municipal Clerk

Minutes approved: November 29, 2010