

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

October 28, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 5:00 p.m. on Thursday, October 28, 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 October 20, 2010, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

ROLL CALL OF MEMBERS

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 5:09 p.m. Mayor Rinker asked for a motion to go into Executive Session. Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Harry Shortway with all members voting in favor.

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

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. Contract matter regarding Water & Sewer. Executive Session Minutes will be released to the public upon the conclusion of this matter.
 - b. Personnel matter regarding the Municipal Clerk's vacancy. Executive Session Minutes only with respect to the successful candidate hired for the position will be released at the conclusion of the matter or upon the offer of employment to the successful candidate.
 - c. Litigation matter regarding Lake Conway. Executive Session Minutes will be released to the public upon the conclusion of this matter.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The Township Council entered into Executive Session at 5:10 p.m.

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The meeting was reopened to the public at 7:21 p.m. Present were Council Members Richard Carson, Michael Pier, 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.

PRESENTATION

John Harrigan, President of the Vietnam Veteran's Chapter 1002, located in Vernon Township. Mr. Harrigan the Council if his organization could place two clothing bins at the Township's Recycling Center for his organization. The items would be collected on a weekly basis and would benefit South American countries.

Township Attorney John Ursin stated that he would look into a clothing bin ordinance; the Council would have to vote on who would be allowed to have their bins there and would need to solicit proposals from organizations, charitable or civic in the Town. He stated that it may be a good to open it to all organizations on January 1st. It will be a form of a lease of municipal property and some form of formality is required. The Township Manager and Township Attorney will work on this between now and the next meeting.

Mr. Harrigan also stated that his organization would like to donate an American flag and a POW flag to the Council at a time convenient for them. Mayor Rinker stated that she would like to couple the donation of the flags with the September 11th memorial at the same meeting when the Council Room renovations are complete.

Mayor Rinker noted there would be some changes to the agenda.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #10-210

AUTHORIZING 2011 BOND SALE IN THE AMOUNT OF OUTSTANDING GENERAL CAPITAL BOND ANTICIPATION NOTES OF \$13,395,398

WHEREAS, the Township of Vernon has \$13,395,398 in outstanding general capital bond anticipation notes (excluding assessment notes) to be renewed for one year, on January 7, 2011, and

WHEREAS, the Township of Vernon must issue bonds by the year 2015 to permanently finance a significant portion of these notes, and

WHEREAS, so as to take advantage of current (low) interest rates on municipal bonds, and to help finance the 2011 SCMUA sewer extension payment which the Township is obligated to pay, it is recommended by the Township's finance team to issue fifteen year bonds in early January, 2011 to fund the outstanding bond anticipation notes.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the 2011 bond sale in the amount of outstanding general capital bond anticipation notes of \$13,395,398 is hereby authorized and that the Township's professionals (Manager, CFO, Bond Counsel, and finance team) are hereby authorized to take the necessary steps to accomplish the bond sale.

BE IT FURTHER RESOLVED by the Township Council that the maturity schedule of the 2011 bonds shall not exceed 15 years and shall conform to state statute.

Mr. Bob Benecke was asked to give an overview of this resolution. Mr. Benecke stated that Bond Anticipation Notes are temporary financing mechanisms to provide cash flow to allow for capital expenditures. These capital expenditures are detailed in nine (9) ordinances from 2004-2008; a series of notes were issued to accomplish the

purposes of those ordinances. The current interest on notes is 2%. The advantage of a bond sale in 2011 versus renewing the notes is that the Township will lock in the rate at this favorable rate, projected at approximately 5%. If the interest rate is 5% the Township can save approximately \$120,000 over the period of time. This will also allow the Township to finance another year the SCMUA issue rolled in; in 2011 it will be \$700,000. This mechanism will save \$600,000 in next year's budget allowing SCMUA to be offset by this new debt schedule and no consequence on the municipal budget with the increased SCMUA costs. Mr. Benecke provided a maturity schedule model to the Township Manager on October 18, 2010 and distributed to the Council. Mr. Benecke stated that upon the third renewal of the bond the Township will pay a certain amount regulated by statute that resembles a principal payment.

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-210 was approved.

The Township Manager asked Mr. Benecke to comment on the Highland Lakes Kelly Bill matter. The Township is obligated to pay Highland Lakes \$339,000 from 2008 reimbursement levels.

Per Mr. Benecke, the same strategy that was used for the ice storm in 2008 will be implemented in this case. \$200,000 will be paid out of the 2009 budget. In early 2011 a budget transfer will be done to move available balances from the 2010 so that the remaining amount can be paid. This is eliminate the need to issue debt or go into next year's CAP balance. An emergency appropriation will not be used.

Council Member Valerie Seufert asked if the Township has the funds to reimburse the other communities for their 2009 and 2010 invoices. The Township Manager stated that the Highland Lakes reimbursement is coming out of a separate account completely; the Municipal Services line items are still fully available. Council Member Seufert stated that each year she has been on the council she never thought that the Township never budgeted enough to cover the full costs.

The Township Manager stated that Highland Lakes will receive \$200,000 no later than November 15, 2010 and the remaining amount no later than February 1, 2011. Township Attorney John Ursin stated that Highland Lakes did compromise on the amount that they stated was due to them and they are the last of the communities in the Township to be reimbursed for 2008.

PRESENTATION

Jim Schriener, Economic Development Advisory Committee Chair

The role of Economic Development Advisory Committee is to advise the Council in attracting new business, supporting existing businesses and enhancing communication with businesses.

Mr. Schriener outlined Vernon Township's new banner sponsorship program. The Township had purchased 17 winter banners that are displayed on telephone poles within the Township. Last year lights were added to the banners and received positive feedback from members of the public. This new program will allow the Township to transfer the cost of the banners to the local businesses. They will expand the program to include spring, summer and fall displays. There is an opportunity for 34 banners. The goal is to generate \$10,000 annually. The money will then be used to pay for an additional season and broaden the number of banners, maintenance of the banners and to fund economic development activities.

Council Member Valerie Seufert asked if it would be available for individuals to purchase in honor/memory of someone. Mr. Schriener stated that the EDAC has not addressed that yet. Complete information on the banner program can be obtained from the Office of Community Affairs.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-20

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, REGARDING A REFERENDUM TO CHANGE THE MUNICIPAL CHARTER OF THE TOWNSHIP OF VERNON TO ALLOW THE VOTERS TO ELECT A MAYOR DIRECTLY

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

WHEREAS, Vernon Township operates under an Optional Municipal Charter governed by N.J.S.A. 40:69A-1 et. seq.;

WHEREAS, under Vernon's current form of government, the voters elect five council persons and the council member choose a Mayor and Deputy Mayor;

WHEREAS, N.J.S.A. 40:69A-25.1 allows a municipality governed by an Optional Municipal Charter to amend its Charter to include alternatives set forth in the statute;

WHEREAS, one of the alternatives is the election of the Mayor directly by voters of the municipality;

WHEREAS, interested members of the public have requested sending a referendum to be voted upon by the residents of Vernon Township to amend the Charter and to allow direct election of the Mayor by the voters;

NOW THEREFORE BE IT RESOLVED that pursuant to N.J.S.A. 40:69A-25.1 the governing body of the Township of Vernon hereby requests the County Clerk to place the referendum question on a ballot to be voted on at a date as required by the applicable statutes and regulations.

"Shall the Charter of the Township of Vernon be amended to provide for the election of the Mayor directly by the voters of the Municipality?"

NOW THEREFORE BE IT FURTHER RESOLVED by the governing body of the Township of Vernon that, upon adoption, a copy of this Ordinance should be sent immediately to the County Clerk.

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

ORDINANCE #10-21

AN ORDINANCE TO REPLACE SECTION 5-3 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING TERM OF MAYOR AND DEPUTY MAYOR

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

Section 1.

The Code of the Township of Vernon is amended to replace Section 5-3 as follows:

§ 5-3. Election of Mayor and Deputy Mayor; term.

A. At the initial organization meeting, and at the next organization meeting after the Mayor and Deputy Mayor's terms expire, the members of the Council shall assemble at the usual place of meeting and organize and elect one of their members as Mayor and

one as Deputy Mayor. In the event the Mayor or Deputy Mayor leaves office prior to the completion of their term, the Council shall select a replacement at the next Council meeting after the vacancy to complete the unexpired term. The Mayor and Deputy Mayor shall each serve a one year term. The Mayor and Deputy Mayor shall be chosen by written ballot by majority vote of all members of the Council. The ballots shall be retained and secured by the Clerk.

B. If the members shall be unable, within five ballots to be taken within two days of the organization meeting, to elect a Mayor, then the member who in the two preceding elections for members of the Council received the greatest number of votes shall be the Mayor. Should such person decline to accept the office, then the member receiving the next highest vote shall be the Mayor, and so on, until the office is filled.

Section 2.

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

Section 3.

Effective Date: This Ordinance shall take effect after publication and passage according to law. More specifically, it is the intention of this Ordinance to modify the existing terms for the Mayor and Deputy Mayor to conform with the one year term set forth in this Ordinance.

Mayor Rinker questioned why these ordinances came in at the eleventh hour.

Council Member Valerie Seufert stated that Ordinance #10-20 was requested by a member of the public earlier in the year and was pulled from the agenda. It is now back on, keeping our form of government the same but allowing the residents to elect a mayor.

Council Member Richard Carson strongly encouraged everyone to vote on Tuesday but thought the timing of these ordinances was peculiar, they are worthy of consideration in the future, but not before Election Day. Mr. Carson stated the Council as a whole should review these ordinances.

Mayor Rinker stated that the two ordinances contradict each other and she was handed a third version of an ordinance changing the term of the mayor from two years to one year. She believed that someone wanted to modify the ordinance to affect her term. She asked what Council Member brought this forward before a general election and the reasons why.

Council Member Michael Pier stated that he asked to put these ordinances on the agenda. He stated that he spoke to members of the Council and members of the public regarding these ordinances and he listed the pros and cons of the referendum question. He considered it a compromise in case the referendum didn't pass.

Mayor Rinker stated that she felt these ordinances disrespected the voters and that introducing them tonight is making a mockery of this Council.

Township Attorney John Ursin stated that if the referendum passes then these two ordinances will have no effect. Mayor Rinker asked why not wait until after the election to deal with these ordinances.

Council Member Pier provided a brief explanation of both ordinances and stated the public should be educated.

Mayor Rinker felt that this is an attempt to compromise the election and if passed by the Council she will not sign them and will allow 10 minutes to every member of the public who wishes to speak about these ordinances.

Mayor Rinker made a motion to table both Ordinances #10-20 and #10-21, Council Member Carson seconded.

A roll call vote was taken:

AYES: Richard Carson, Sally Rinker

NAYES: Michael Pier, Valerie Seufert, Harry Shortway

Mr. Ursin addressed the contradictions Mayor Rinker and Council Member Carson were concerned about in both of these ordinances. Council Member Carson questioned the Township Attorney regarding who drafted the ordinances. Mr. Ursin stated the first ordinance was on the agenda in July as Ordinance #10-19, the second ordinance was drafted at the request of Council Member Pier.

Mayor Rinker stated that since the ordinances were not tabled she will not allow electioneering from the dais and she will now let all members of public speak for 10 minutes. Council Member Shortway stated the Council as a whole can extend the time for the public to speak, not just the Mayor.

Note: During public comments Council Member Pier made a point of order and decided that he would like to table Ordinance #10-20 and #10-21. Motion, second and vote is in Public Comments section.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Giovana Milano, Harvest House, asked permission to put a clothing bin shed to help raise money for the Harvest House on Pochuck Farms property; she has permission from Mr. Harry Vance, the property owner. Ms. Milano will contact the Township Manager. Council Member Shortway complemented her on the great job she did with the Harvest House dinner this year. Ms. Milano also added that the two ordinances discussed should wait until after the election to be addressed.

Vincent Speziale, Resident & DPW Employee, owner of JV Hauling Clean Outs, addressed the three options that the Council has been given for handling the recycling center. Mr. Speziale suggested possibly adding another container for metal drop off and a possible shared service which will make money for the town. He believed the Township would see a positive cash flow if the Department of Public Works took over the recycling center; it would help save jobs and reach the Township's budget goals.

At this time Council Member Pier made a point of order and decided that he would like to table Ordinance #10-20 and #10-21. Council Member Carson said they are both worthy of consideration.

Council Member Pier made a motion to table Ordinance #10-20 and #10-21. Mayor Rinker seconded.

A roll call vote was taken:

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

NAYES: None

Ordinances #10-20 and #10-21 were both tabled.

Phyllis Pfeiffer, Vernon, questioned if an ordinance needs to be discussed in executive session first before it is brought to the council for review. Mr. Ursin said no, consideration of general ordinances must be discussed in public; it does not fit it into one of the topics for closed session. She is concerned that enough time is not being taken by the Council to discuss the ordinances since they have an impact on the residents. Ms. Pfeiffer then asked, if the referendum does not go through and the Council already voted the Mayor in for a two year term, is that grandfathered in or would passing a new ordinance have an impact on that. Per Mr. Ursin there is no real grandfathered concept when it comes to municipal ordinances.

Tom McClachie, Vernon Taxpayers Association, addressed his concerns about Ordinance #10-20 and #10-21. He stated that the term of elected Mayor per statute can only be two (2) years or four (4) years. Mr. Ursin stated that he partially agrees; that under the Council-Manager form of government that if the mayor is elected then the

term four (4) years, yet if chosen from the Council Members the statute does not specify the term of the mayor. Mr. McClachie stated that you can not introduce an ordinance to change the form of government when a petition is pending. Mr. Ursin disagreed; he stated you can not introduce a petition when a petition is pending.

Gary Martinsin, Vernon, stated that he is going to start suggesting and coming back over and over again to ask the Council for an Ordinance to limit spending. He believed that big ticket items should come back to the residents for a vote.

Phyllis MacPeek, Vernon, stated that for the last 45 years Vernon has changed dramatically with more schools, ambulance squads, street lights, etc. She asked if our taxes are high because of the misspending of the former managers or because the town needed these changes. Ms. MacPeek also noted that on November 6th from 10:00 a.m. to 1:00 p.m. Vernon Animal Control will be holding a free rabies clinic.

Mike Furrey, [REDACTED] speaking on behalf of Vote SOS, began discussing the referendum. Mayor Rinker asked him to stick to comments about the agenda. Council Member Shortway asked to make a motion to allow Mr. Furrey to speak on what he would like even though it is not on the agenda. Mr. Ursin stated that the discretion on when to allow people to speak is up to the Council. Mr. Furrey stated that he respects Council Member Pier for bringing up these ordinances tonight and has a lot of courage to let the residents know that there are options.

Elaine Colianni, Lake Conway, stated that she is disappointed because of how the meetings are handled, she can not hear the speakers and she needs to know what is going on. Ms. Colianni further stated that her taxes have gone up 500% since she moved to Vernon.

Gary Grey, Vice-Chair SOS, thanked everyone that attended the forum last week. Mr. Grey apologized to Mr. Giaimis about the letter to the editor he wrote, stating that Mr. Giaimis did not try to control the meeting that was held with the Petitioners Group. Mr. Grey stated that he was corrected by Mr. Furry, that he did try to control the meeting. He also thanked Mr. Giaimis for the suggestion of the format of the forum, it worked well. He mentioned that he was on the council for 14 months and he said they never shut down the public from speaking.

Jessi Paladini, [REDACTED] stated they are making a mockery of the public's referendum. The two ordinances that are on the agenda for this evening are deceptive, misleading and illegal. She stated the process of handing out a new ordinance tonight is in violation of the Township Code. She stated that Council Members Pier, Shortway and Seufert were in violation of the Open Public Meetings Act for conducting public business outside of a public meeting regarding the discussion of these two ordinances. She stated that she will take this matter of conducting business outside of a public meeting to the Attorney General's office. She has already spoken with the Center of Government Services, the ordinances procedurally are incorrect. She also commented on Council Member Shortway's letter to the editor in today's newspaper.

Council Member Shortway made a point of order and motioned to go into Executive Session. Council Member Seufert seconded, for a Personnel Matter regarding a member of the Council; with all in favor, none opposed.

The Council Entered into Executive Session at 8:56 p.m.

The meeting was reopened to the public at 9:01 p.m. Present were Council Members Richard Carson, Michael Pier, Valerie Seufert, Harry Shortway and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

Township Attorney John Ursin stated that the topic to go into Executive Session was not an Executive Session item and was not discussed. Mr. Ursin further stated that he was asked to clarify two things:

1. The section of the Township Code that Ms. Paladini referred to about violating when the Council receives ordinances was done when the Council meetings

were held on Monday's. The issue of changing the day of the Council meetings has been discussed.

2. The Open Public Meetings Act states that discussions of a quorum of Council Members can not be held outside of a public meeting. Individual Council Members discussing matters in person or over the phone does not violate the Open Public Meetings act.

Bonnie Ruben, Highland Lakes, asked to give her 5 minutes to Jessi Paladini to continue her statement. The Mayor stated that she is not going to allow that this evening.

Seeing no one else from the public wishing to speak, Mayor Sally Rinker closed the public portion of the meeting. A motion was made by Council Member Seufert and seconded by Council Member Shortway with all in favor, none opposed.

APPROVAL OF MINUTES

March 11, 2010 Amended Regular Meeting Minutes

MOVED: Valerie Seufert
SECONDED: Richard Carson

A roll call vote was taken:

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

TOWNSHIP MANAGER'S REPORT

Mr. Giaimis discussed additional meetings in December, the Great Gorge Terrace Condominium Association grant application, the award of contract for the HVAC system, the Maple Grange Park Community Center, Tennessee Gas Pipeline permits, and vehicle speaker installation costs. Mr. Giaimis spoke about the bond ordinance, the Canistear Road paving and options for recycling.

Council Member Shortway asked the Township Manager to check into fire department air packs that need to be replaced, the cost and when they need to be done.

Mayor Rinker asked about the fire suppression system for the police, The Township Manager stated that it was included in the capital plan; the Township needs to decide what to do next.

Council Member Seufert asked about the traffic impact fees in a trust fund that should be used to help pay interest, bonds, etc. on the Town Center Road.

The Township Manager also stated that he has received a request for potential veteran's cemetery in town. He is in process of reviewing lands if to see if it is a viable option for them and will bring it to council by end of year.

TOWNSHIP ATTORNEY'S REPORT

Mr. Ursin stated he wanted the record to reflect, due to extra time in Executive Session there were additional items discussed:

1. Tax appeal update
2. Lake Conway Dam and fine situation
3. Woodmont homes
4. Township Manager brief review

Executive Session Minutes will be released upon conclusion or settlement of the matters.

Mt. Creek has filed for a Treatment Works Approval application to get permission from Department of Environmental Protection to construct the final portion of sewer pipe.

Mr. Ursin has been in contact with the developers of Whispering Woods are about the issues of defective roads and possibly defective detention basins; the Township will continue to pursue this.

Discussions have been held about a possible settlement with Main Street Associates regarding the property across the street. The last resolution on the agenda is to extend the agreement with Main Street Associates for another 90 days to continue to allow discussions to occur.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION # 10-200

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	\$1,122,233.95	Vernon BOE
#2	Current	\$ 103,120.49	Vernon BOE
#3	Grant	\$ 540.22	
#4	Sewer Operating	\$ 491.70	
	Payroll	\$ 341,200.61	1 st pay in Oct
	Total	\$ 1,567,586.97	

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-200 was approved.

RESOLUTION #10-201

AUTHORIZING THE USE OF THE MORRIS COUNTY COOPERATIVE PROGRAM, CONTRACT #41, FOR THE PURCHASE OF COMMUNICATIONS EQUIPMENT, IN THE AMOUNT OF \$10,140.00 FOR THE GLENWOOD POUCHUCK AMBULANCE SQUAD, FOR USE BY THE VOLUNTEER AMBULANCE SQUAD

WHEREAS, the Township of Vernon has a need to purchase radio communication equipment for the Glenwood Pouchuck Ambulance Squad; and

WHEREAS, Vernon Township is a member of the Morris County Cooperative Purchasing Program; and

WHEREAS, prices were received through competitive bidding from the said program; and

WHEREAS, the Township of Vernon has reviewed the Cooperative prices, and determined it would be cost effective for the Township to utilize the Cooperative program in lieu of public bidding by private contractors; and

WHEREAS, the Director of Public Works recommends that the Township Council pass this resolution authorizing use of the Cooperative program for the purchase of radio communication equipment; and

WHEREAS, the vendor for the Program for this purchase is Royal Communications, Wharton, NJ and the cost estimate for the purchase is \$10,140.00; and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the Morris County Cooperative Purchasing Program be utilized to purchase radio communication equipment for the Glenwood Pochuck Ambulance Squad and that it will be purchased from Royal Communications, in the amount not to exceed \$10,140.00.

This resolution shall take effect immediately upon adoption according to law.

MOVED: Richard Carson
SECONDED: Valerie Seufert

A roll call vote was taken:

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

NAYES: None

Resolution #10-201 was approved.

RESOLUTION #10-202

CHAPTER 159 NEW JERSEY HIGHLANDS REGIONAL MASTER PLAN GRANT
MODULES 1 THROUGH 7 FOR HIGHLANDS COUNCIL PLAN CONFORMANCE
AMENDING THE 2010 BUDGET AS A REVENUE AND APPROPRIATION OF
\$9,314.80

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$9,314.80 from the State of New Jersey Highlands Regional Master Plan Compliance Aid Grant and wishes to amend its 2010 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$9,314.80 which is now available as a revenue from the Highlands Regional Master Plan; and

BE IT FURTHER RESOLVED that a like sum of \$9,314.80 is hereby appropriated under the caption Highlands Regional Master Plan Grant.

RESOLUTION #10-203

CHAPTER 159 RESOLUTION OVER THE LIMIT UNDER ARREST
AMENDING THE 2010 BUDGET AS A REVENUE FOR \$1,000.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$1,000.00 from the State of New Jersey Division of Highway Traffic Safety and wishes to amend its 2010 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,000.00 which is now available as a revenue from the Division of Highway Traffic Safety; and

BE IT FURTHER RESOLVED that a like sum of \$1,000.00 is hereby appropriated under the caption Over the Limit Under Arrest.

RESOLUTION #10-204

CHAPTER 159 RESOLUTION STATE OF NEW JERSEY BODY ARMOR AMENDING THE 2010 BUDGET AS A REVENUE OF \$1,281.37

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$1,281.37 from the State of New Jersey Body Armor Grant and wishes to amend its 2010 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,281.37 which is now available as a revenue from the Division of Criminal Justice; and

BE IT FURTHER RESOLVED that a like sum of \$1,281.37 is hereby appropriated under the caption State of New Jersey Body Armor.

RESOLUTION #10-205

CHAPTER 159 RESOLUTION CLEAN COMMUNITIES GRANT AMENDING THE 2010 BUDGET AS A REVENUE OF \$42,713.98

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$42,713.98 from the State of New Jersey Clean Communities Grant and wishes to amend its 2010 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$42,713.98 which is now available as a revenue from the Solid Waste Administration; and

BE IT FURTHER RESOLVED that a like sum of \$42,713.98 is hereby appropriated under the caption Clean Communities Grant.

RESOLUTION #10-206

CHAPTER 159 RESOLUTION ALCOHOL ED REHAB GRANT AMENDING THE 2010 BUDGET AS A REVENUE OF \$603.28

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$603.28 from the State of New Jersey Alcohol Ed Rehab Grant and wishes to amend its 2010 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$603.28 which is now available as a revenue from the Administrative Office of the Courts Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund; and

BE IT FURTHER RESOLVED that a like sum of \$603.28 is hereby appropriated under the caption Alcohol Ed Rehab Grant.

RESOLUTION #10-207

CHAPTER 159 RESOLUTION CHILD SAFETY SEAT CHECK EVENTS GRANT AMENDING THE 2010 BUDGET AS A REVENUE OF \$750.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township received \$750.00 from the Community Reinvestment Act: Child Safety Seat Check Events Grant and wishes to amend its 2010 budget for this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$750.00 which is now available as a revenue from the Community Reinvestment Act, State Farm Bank; and

BE IT FURTHER RESOLVED that a like sum of \$750.00 is hereby appropriated under the caption Child Safety Seat Check Events Grant.

Council Member Valerie Seufert made a motion to approve Resolutions #10-202 through #10-207. Council Member Richard Carson seconded.

A roll call vote was taken:

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

NAYES: None

Resolutions #10-202 through #10-207 were approved.

RESOLUTION #10-208

TOTALLY DISABLED VETERAN

WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS on June 3, 2010 awarded Giovene, Robert F. a 100% permanent and total disabled veteran and,

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon authorize the Tax Collector to cancel the taxes for the 4th quarter of 2010 in the amount of \$1,565.15. Re: Block 103.04 Lot 41 Location: [REDACTED]

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector.

THIS RESOLUTION shall take effect immediately upon adoption according to law.

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-208 was approved.

RESOLUTION #10-209

AUTHORIZING AN AGREEMENT WITH GAETA RECYCLING CO., INC. FOR MUNICIPAL SOLID WASTE DISPOSAL FOR THE TERM OCTOBER 15, 2010 THROUGH OCTOBER 31, 2011 IN THE AMOUNT \$14,376.25

WHEREAS, the Township of Vernon is in need of a contractor for Solid Waste Disposal services for all Municipal Facilities; and

WHEREAS, quotes were obtained by the Director of Department of Public Works for this purpose; and

WHEREAS, Gaeta Recycling Co., Inc., 278 West Railway Avenue, Paterson, NJ, was the lowest responsible proposal received for said services.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon hereby authorizes approval of a service agreement with Gaeta Recycling Co., Inc., for a total amount not to exceed \$14,376.25; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified the availability of funds in the 2010 budget and also subject to the adoption of the 2011 Budget.

This Resolution shall take effect immediately according to law.

MOVED: Valerie Seufert

SECONDED: Harry Shortway

A roll call vote was taken:

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

NAYES: None

Resolution #10-209 was approved.

RESOLUTION #10-211

AUTHORIZING AGREEMENT TO EXTEND CONTRACT TO ACQUIRE REAL PROPERTY BETWEEN THE TOWNSHIP OF VERNON AND MAIN STREET ASSOCIATES, INC., FOR AN ADDITIONAL NINETY (90) DAYS

WHEREAS, the Township of Vernon, a municipal corporation of the State of New Jersey with offices located at 21 Church Street, Vernon, New Jersey 07462 (the "Township") and Main Street Associates, Inc., a corporation of the State of New Jersey with offices located at 15 Church Street, Vernon, New Jersey 07462 ("MSA"), entered into a contract to acquire real property dated September 8, 2003, a copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, the contract provided for each party to perform certain obligations concerning the Town Center Project; and

WHEREAS, many of the obligations are ongoing and not yet complete; and

WHEREAS, both the Township and MSA wish to mutually extend the term of the contract for an additional ninety (90) days pursuant to the terms and conditions as substantially set forth in the Agreement to Extend Contract to Acquire Real Property attached to this Resolution as Exhibit B.

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

1. The Mayor is hereby authorized to execute the Agreement to Extend Contract to Acquire Real Property between the Township and Main Street Associates, Inc., substantially in the form as attached to the Resolution as Exhibit B.
2. Notice of this Resolution shall be published in accordance with law as necessary.
3. The within Resolution and subject Contract shall be on file and available for public inspection in the office of the Municipal Clerk.
4. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

MOVED: Harry Shortway

SECONDED: Michael Pier

A roll call vote was taken:

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

NAYES: None

ABSTAINED: Valerie Seufert

Resolution #10-211 was approved.

RESOLUTIONS #10-212 AND #10-213 WERE ADDED BY ADDENDUM

RESOLUTION #10-212

AUTHORIZING THE AWARD OF CONTRACT FOR THE MUNICIPAL BUILDING AUTOMATIC TEMPERATURE CONTROL SYSTEM UPGRADES

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

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

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

WHEREAS, the Township of Vernon opened one bid for Municipal Building Automatic Temperature Control System Upgrades on October 26, 2010 at 10:00 a.m.; and

WHEREAS, one bid was received from ATC Systems, Inc. in the amount of \$58,000.00. This bid was reviewed by Township Engineer Cory Stoner and the Township Attorney and recommended for award.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award the bid to ATC Systems, Inc. for Municipal Building Automatic Temperature Control System Upgrades.

RESOLUTION #10-213

AUTHORIZING THE AWARD OF CONTRACT FOR THE MUNICIPAL BUILDING HVAC SYSTEM MECHANICAL REPAIR AND UPGRADES

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

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

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

WHEREAS, the Township of Vernon opened bids for Municipal Building HVAC System Mechanical Repair and Upgrades on October 26, 2010 at 10:00 a.m.; and

WHEREAS, three (3) bids were received from:

1. Ferraro Construction Corp. in the amount of \$36,200.00
2. Echelon Services, LLC in the amount of \$38,000.00
3. Carrier Corporation in the amount of \$38,300.00

WHEREAS, the low apparent bid for Municipal Building HVAC System Mechanical Repair and Upgrades was submitted by Ferraro Construction Corp. for \$36,200.00. This bid was reviewed by Township Engineer Cory Stoner and the Township Attorney and recommended for award.

NOW, THEREFORE BE IT RESOLVED by the Vernon Township Mayor and Council, County of Sussex, State of New Jersey to award the bid to Ferraro Construction Corp. for Municipal Building HVAC System Mechanical Repair and Upgrades.

Council Member Valerie Seufert made a motion to approve Resolutions #10-212 and #10-213. Council Member Richard Carson seconded.

A roll call vote was taken:

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

NAYES: None

Resolutions #10-212 and #10-213 was approved.

ORDINANCE #10-22 WAS ADDED BY ADDENDUM

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-22

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 TO SERVICE
GREAT GORGE TERRACE CONDOMINIUM ASSOCIATION, INC.

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 in order to service Great Gorge Terrace Condominium Association, Inc., a 44-unit condominium complex located at Block 232.01, Lots 1 through 44 on the tax map of the Township of Vernon and otherwise construct, own and maintain water pipes from the Water Company's water supply facilities at Mountain Creek South in Vernon Township in and along the shoulder of Route 517 to Great Gorge Terrace Condominium Association's system, 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 Great Gorge Terrace Condominium Association, Inc., a 44 condominium unit 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 a pipe or pipes beneath Route 517 from the Water Company's water supply facilities at Mountain Creek South in Vernon Township to service Great Gorge Terrace Condominium Association, Inc., subject to such additional approvals or consents as the law may require, and to construct and /or maintain such pipe(s) in and along Route 517 and to the lands and premises designated as those tracts or parcels of land shown on the Tax Map of the Township of Vernon as follows: Block 232.01, Lots 1 through 44, known as the Great Gorge Terrace Condominiums.

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 (i) the approval of the New Jersey Board of Public Utilities as required by law; and (ii) Great Gorge Terrace Condominium Association, Inc receiving sufficient funding to pay for its obligations to the Water Company pursuant to a Developer's Agreement dated

December 16, 2009 between the Water Company and Great Gorge Terrace Condominium Association, Inc. If said funding is not obtained within the six (6) months from the effective date of this Ordinance, this Ordinance shall become null and void and of no further force or effect.

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 #10-22 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-22 upon introduction, seconded by Council Member Rich Carson.

There was no Council discussion.

A roll call vote was taken:

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

NAYES: None

Ordinance #10-22 was approved as introduced. Public Hearing to be scheduled for November 29, 2010.

COUNCIL BUSINESS

Council Member Shortway announced that the Red Ribbon Run will be held on October 30, 2010 at 9:30 a.m. with a 5K run starting at 10:00 a.m.

Council Member Seufert announced that the new shuttle service in Town will start November 1st. Mayor Rinker asked for a round of applause for Pat Seger for her hard work on the shuttle project.

Council Member Carson, liaison to MAC Committee, provided an update on a new and dangerous alcoholic substance that has been recently in the news and easily purchased called Four Loko which is a combination of caffeine and alcohol drink.

Audrey Falgares, Lake Panorama, asked that the Council hold an additional work session prior to the December 6th meeting in regards to the Kelly Bills to discuss the reimbursement issue. The Township Manager stated that either a work session or a subcommittee meeting will be held, he will reach out to the professionals for a final date and he will be in contact with the lake communities to discuss it.

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 Mayor Sally Rinker with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:39 p.m.

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: December 16, 2010