

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

November 15, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Monday, November 15, 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 Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin. Council Members Richard Carson and Michael Pier were absent.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:03 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 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. Personnel matter – Municipal Clerk Vacancy – 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. Contract matter - Attorney Contract – Executive Session Minutes will be released to the public upon the conclusion of this matter or upon the execution of an employment agreement.
 - c. Contract Negotiations - PBA Contract – Executive Session Minutes will be released to the public upon the conclusion of this matter or upon the execution of an agreement.
 - d. Contract Negotiations - Stanhill Property – Executive Session Minutes will be released to the public upon the conclusion of this matter or upon the execution of an agreement.
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 6:03p.m.

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The meeting was reopened to the public at 7:07 p.m. Present were Council Members Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin. Council Members Richard Carson and Michael Pier were absent.

SALUTE TO THE FLAG

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

PRESENTATION

Vernon Area Shuttle Bus - TransOptions

As of November 1st the Vernon area shuttle bus has been up and running. It took approximately two years to complete the process. There are two options to the transportation, a commuter loop that takes people into New York City or a local loop that runs during the day throughout the Vernon community. The cost of a ride is only \$1.00.

The first year there is no monetary match required, in year two a 25% match and in year three a 50% match is required. After meeting with the County and Local Government officials it is believed that the monetary match will be received from the funds that the riders pay for the service. TransOptions is hoping that if the service helps the local resorts that they will help pay for the service.

The schedule and additional information has been posted on the Township’s website and on TransOption’s website.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for Public Comment.

Colleen Krol, she thanked Mayor Rinker for allowing her to use her cell phone a few weeks ago. Ms. Krol stated that there are residents in the Highland Lakes area that are burning household items in their fireplaces and stoves. She asked the Council to pass an ordinance to stop this action from occurring because of the health risks it poses to the public. Mayor Rinker asked Ms. Krol to contract the Township Manager to provide him with some additional information.

Brian Lynch, Barry Lakes, addressed his concern that there has been no effort made limiting trucks over a certain gross vehicle weight on Route 515. He is concerned that with all the construction going on in Highland Lakes due to the Tennessee Gas Pipeline project that something should be done so that a tragic accident does not occur again. Mr. Lynch suggested an ordinance be passed to limit this and also notify the company of the history of the accidents on the road.

Mr. Lynch’s second concern is the Appalachian Hotel advertising long term condo units. He stated that an ordinance was passed back in July 2003 (Ordinance #03-46) regarding the Hotel/Motel Occupancy Tax. He asked if the tax was still going to be levied on these rooms that are being rented. Township Attorney John Ursin stated that he will look into it.

Council Member Valerie Seufert asked that the Township Manager write a letter to the County to see what can be done and also a letter to the Tennessee Gas Company. Township manager Jerry Giaimis agreed to discuss the issue on Route 515 with both the County administrator and the main contact at the pipeline company.

Gary Grey, Vernon, commented that he believed, per state code, that garbage is not allowed to be burned in the outdoor furnaces. Mr. Grey read a statement regarding the Open Public Meetings Act. Mr. Grey stated that on October 28th Mayor Rinker would not allow Mike Furrey or himself to finish their statements. He believed the Mayor to be

biased on what she allowed people to speak about and that she is in violation of the Open Public Meetings Act. He believes that no member of the public should be stopped from speaking for their 5 minutes, as long as it is in a respectful way.

Gary Martinsen, Vernon, stated that the Township still does not have a sign ordinance and the holidays are approaching. He asked if there could be an extension of the sign ordinance. Mayor Rinker stated that it will be discussed during Council Discussion later in the meeting.

Chris Wyman, Barry Lakes, stated that within the last 10 days that he made formal requests to the Township Manager's Office and the Clerk's Office and no one has returned his calls or emails; he stated that it is unacceptable. Mr. Wyman stated that it is time that someone from the middle of the two sides that have polarized this Town come together for the betterment of this Town. Mr. Wyman is not in favor of bonding again.

Jessi Paladini, [REDACTED] asked the Council to enforce that no one put chairs along the walls in the council room. She does not want to see the walls damaged since a significant amount of money was spent on the chair-rail.

Ms. Paladini stated that it has been 6 months since the Township has had a full time certified Municipal Clerk. She believes that it is cruel that Angie Bates is doing all the work alone. She asked why we don't have someone to help out in that office. She stated that the Township is almost 4 months behind in the minutes; one person can not keep up with the workload. Ms. Paladini stated that the Township was sued because meeting minutes were not done on time; a Superior Court Judge ruled that minutes must be released by the next council meeting which is stated in the Township's Code, which needs to be enforced. She has also been asking since March for a replacement for the Environmental Commission secretary; which she took on a temporary basis. Township Manager Jerry Giaimis stated the position has been filled.

Ms. Paladini stated that in March on the urging of Mayor Sally Rinker she went to Township Attorney John Ursin and gave what she believed to be evidence about official misconduct. Last week Ms. Paladini emailed the entire Council and Mr. Ursin and no one responded to her; she asked if an official investigation had been conducted. She asked Mr. Ursin if the information/evidence that she provided him was brought to the full Council and if there was an investigation. Mr. Ursin stated the situation with Robin Kline and her employment was discussed in closed session and he can not share that information. Ms. Paladini thought that Mr. Ursin was exposing the town to another liability.

Mary Ellen Vichiconti, [REDACTED], asked about a federal cemetery in town. Township Manager Jerry Giaimis stated that the Vietnam Veteran's organization asked for available land for a cemetery within the Township; he stated that properties are being reviewed. Ms. Vichiconti expressed her concern about the trucks in town driving with the timber from the Pipeline Project; she asked the Township Manager to also ask the company to slow down. She asked about the repair work on Canistear Road and the Township Manager stated that the Township applied for the grant but no response has been received yet.

Tom McClacherie, Vernon Taxpayers Association, questioned why the Township is paying for the Lake Conway Dam inspection. The Township Attorney stated that there is a deed from 1974 from Lake Conway to the Township. The question is whether or not the Township took ownership of the portion which is being looked into. Mr. Ursin stated that conversations need to be held with Lake Conway for the future of the dam. It is important that the Department of Environmental Protection is shown that the Township is doing something about the situation or else there may be a significant fine assessed.

Mr. Ursin addressed Mr. McClacherie's question regarding the Mayor's term that was discussed at the last meeting. He stated that the Mayor and Deputy Mayor under the current form of government are entitled to a 2 year term.

Mr. McClachie thanked the voters of Vernon Township for voting in the last election.

Joe Brown, [REDACTED], stated the he has a drainage issue in front of his home that he has been cleaning. He believes that the cleaning should be the responsibility of the Township's Department of Public Works. Mr. Brown stated that a DPW employee was sent out and that the employee gave several excuses as to why he should not clean out that drain. The employee left and the drain is still clogged. Mr. Brown stated that if he personally fixed the problem that it would cost him about \$15,000. The Township Manager stated the he would discuss the situation with the DPW Director Dave Pullis. The Township Attorney suggested to Mr. Brown that he give a copy of his survey to the Manager to review with the DPW Director.

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

APPROVAL OF MINUTES

August 26, 2010 Regular Meeting & Executive Session Minutes

Council Member Valerie Seufert made a motion to table the minutes. Council Member Harry Shortway seconded.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

ABSTAIN:

TOWNSHIP MANAGER'S REPORT

Capital Budget: a work session was recommended for early in the year to discuss possible items for 2011.

Budget Process: all Department Heads have provided their 2011 Budget Requests, which are in review and adjustments are being made. Mr. Giaimis, the CFO Bill Zuckerman and Financial Consultant Bob Benecke are working on the complete budget document and he will have it to the Council as soon as possible. Mayor Rinker asked for a timeframe for the budget, the Manager stated that by the end of December he will give the Council a draft.

Mayor Rinker is concerned about conflicting information she has received about the Police Department fire suppression system. Mr. Giaimis explained that it was in the capital budget in 2010 but the Township did not choose to move forward because of the issue of bonding.

Highland Lakes Municipal Services Reimbursement: the first payment has been made.

Tennessee Gas Pipeline: Mr. Giaimis and Council Member Richard Carson visited the site and he spoke with the County and the representative from Tennessee Gas and is pleased with the status. Mr. Giaimis stated that the permitting process is federal and state, the Township has very little involvement.

Municipal Services Reimbursements: the communities have requested a meeting with the full Council. This requested meeting will be held at 5:00 p.m. on November 29th.

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #10-214

AUTHORIZING IN REM FORECLOSURE PROCEEDINGS

WHEREAS, the Township of Vernon holds a Tax Certificate more specifically set forth in the Tax Foreclosure List here in below, which pertains to property within Vernon Township; and

WHEREAS, the Municipal Council of the Township of Vernon has determined that said Tax Certificate shall be foreclosed by summary proceedings In Rem.

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

That the Tax Certificate, as shown on the Tax Foreclosure List below, now held by the Township of Vernon, be foreclosed by summary process In Rem as described in N.J.S.A. 54:5-104.29, et.seq., as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

TAX FORECLOSURE LIST				
Certificate No.	Block	Lots	Assessed to	Amount to redeem as of 11/15/10
08/044	159.02	26	Velde, Leonia	\$15,900.68

MOVED: Valerie Seufert
SECONDED: Harry Shortway

Per John this property was moved up on the list of foreclosures because it was brought to his and the Township Manager's attention that there are significant property maintenance issues there.

A roll call vote was taken:
AYES: Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-214 was approved.

RESOLUTION #10-215

A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT FOR THE PREPARTION OF COMPLETE APPRAISALS TO GREEN ACRES STANDARDS OF PROPERTY LOCATED AT BLOCK 141, LOT 16 IN THE TOWNSHIP OF VERNON

WHEREAS, there exists a need for appraisal services to be rendered to the Township of Vernon associated with the possible acquisition of certain real property located within the Township of Vernon; and

WHEREAS, funds are available for this purpose; and

WHEREAS, The Land Conservancy of New Jersey has recommended to conduct the appraisal in accordance with the specifications of the New Jersey Green Acres program; and

WHEREAS, The Township wishes to retain the services of; Landmark I Appraisal, LLC in accordance with their proposal letter dated June 7, 2010;

WHEREAS, the Council wishes to award a contract in an amount not to exceed \$2,850.00 and the Chief Financial Officer has certified that funds are available for this purpose.

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

1. The Township of Vernon hereby awards and authorizes The Land Conservancy of New Jersey to obtain a complete Appraisal report that is compliant with Green Acres standards from a Green Acres certified appraiser for the above referenced property for an amount not to exceed \$ 2,850.00.
2. The Township Clerk is hereby authorized and directed to publish a copy of this resolution in the Township's official newspaper and to provide a copy of this resolution to the Chief Financial Officer and The Land Conservancy of New Jersey.

Council Member Valerie Seufert made a motion to table this resolution. She believed that they should wait to see if the township receives the County and State grants before a decision is made. Council Member Harry Shortway seconded.

A roll call vote was taken:
AYES: Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-215 was tabled.


RESOLUTION #10-216

REFUND OF OVERPAYMENT TAX COURT JUDGMENT

WHEREAS, a Tax Court Judgment has been favorably awarded for the year 2010; and,

WHEREAS, such judgment has resulted in an overpayment of the 2010 taxes;

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

BLOCK	LOT	NAME	AMOUNT	LOCATION
33.01	21	Malinowski, Robert	\$ 379.64	

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-216 was approved.


RESOLUTION #10-217

TAX REFUND FOR OVERBILLING

WHEREAS, the assessment for the year 2010 were lowered creating an overbilling; and

WHEREAS, lowering the assessment, created an overpayment of the 2010 taxes.

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

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>LOCATION</u>
92.01	10	Corbett, Mary E & Jeddis, Randi	\$3,082.85	

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-217 was approved.

RESOLUTION #10-218

REFUND OF OVERPAYMENT COUNTY BOARD JUDGMENT

WHEREAS, County Board Judgments has been favorably awarded for the year 2010; and,

WHEREAS, such judgments have resulted in overpayments of the 2010 taxes;

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

BLOCK	LOT	NAME	AMOUNT	LOCATION
103.05	5	Bothner, Herbert % Ryan Bothner	\$282.12	[REDACTED]
145	8	Anthony, Peter J & Mary E	\$256.70	[REDACTED]
200.06	5	Moradi, Isaac	\$282.12	[REDACTED]

MOVED: Harry Shortway
 SECONDED: Valerie Seufert

A roll call vote was taken:
 AYES: Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-218 was approved.

RESOLUTION # 10-219

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	\$1,652,815.07	Vernon BOE
#2	Current	\$ 23,850.00	MJNA Mining, Gravel
#3	Current	\$ 857,950.20	Vernon BOE
#4	Current	\$5,126,737.24	Sussex Co Treasurer
#5	Planning & Zoning	\$ 321.75	
#6	Planning & Zoning	\$ 1,934.50	
#7	Grant	\$ 450.00	
#8	Grant	\$ 400.00	
#9	Other Trust	\$ 141.82	
#10	Other Trust	\$ 107.40	
#11	Recreation	\$ 500.00	
#12	Recreation	\$ 500.00	
#13	Outside Services	\$ 671.57	
#14	Outside Services	\$ 3,132.45	
#15	Outside Services	\$ 11,694.48	
#16	Outside Services	\$ 753.24	
			Payroll
		\$ 251,870.94	2 nd pay in Oct
	Payroll	\$ 372,945.89	1 st pay in Nov
	Total	\$8,306,776.55	

Council Member Valerie Seufert made a motion to approve the bill's list with the exclusion of item 2386. Council Member Harry Shortway seconded.

The Mayor is concerned about item 2405, for \$20.00 which is a reimbursement for a dinner for the Chief Financial Officer. She would like to discuss how to handle this in the future. She stated that this dinner is not required as part of a certification, seminar, etc. She asked what the policy should be as to who should be allowed to go and be reimbursed. Mayor Rinker asked going forward that the Township not reimburse for this type of dinner.

Mayor Rinker motioned to approve the bills list with the exclusion of item 2386 and 2405. Council Member Shortway seconded.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Resolution #10-219 was approved.

A motion to approve item 2386 was made by Council Member Valerie Seufert. Mayor Rinker seconded.

A roll call vote was taken:

AYES: Valerie Seufert, Sally Rinker

NAYES: None

ABSTAINED: Harry Shortway

Resolution #10-219 was approved.

RESOLUTION #10-220

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR REGULAR INSPECTION OF LAKE CONWAY DAM IN THE AMOUNT OF \$3,500.00

WHEREAS, the Lake Conway Dam, located in the Township of Vernon has been classified as a Class II Dam, Significant Hazard Classification, as per NJDEP File No. 22-285; and

WHEREAS, the NJDEP Dam Safety Bureau notified the Township of Vernon that the Lake Conway Dam is an active enforcement case for failure to conduct visual inspections; and

WHEREAS, the Township of Vernon is in need of a professional service contractor for inspection services for Lake Conway Dam; and

WHEREAS, Maser Consulting, P.A, Red Bank, NJ, is a New Jersey licensed Professional Engineering firm experienced in the design and construction of dams; and

WHEREAS, Maser Consulting, P.A has submitted a proposal to inspect and report on the current existing dam conditions along with a compliance schedule as per NJDEP regulations for a sum not to exceed \$3,500.00; and

WHEREAS, N.J.S.A. 40A:11-5 specifically exempts professional services from provisions of public bidding as provided in the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified these funds are available for this purpose.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to enter into a Professional Services Contract with Maser Consulting, P.A for engineering services for the Inspection and Report of Lake Conway Dam to satisfy the NJDEP enforcement case File No. 22-285 for an amount not to exceed \$3,500.00.

This resolution will take effect immediately according to law.

MOVED: Harry Shortway
 SECONDED: Valerie Seufert

A roll call vote was taken:
 AYES: Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-220 was approved.

RESOLUTION #10-221

TRANSFER RESOLUTION – 2010 BUDGET

WHEREAS , the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget.						
NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2010 Municipal Budget) in accordance with N.J.S.A. 40A-58 be and are hereby approved.						
Dept.	Account		Add to	Take From		
Social Security	10563048	Social Security	120,000.00			
				10570401	Clerk S&W	4,000.00
				10570301	Personnel S & W	6,000.00
				10571001	Assessor S & W	10,000.00
				10571501	Engineering S&W	10,000.00
				10572501	Building S & W	8,000.00
				10574502	Police O/T	30,000.00
				10576501	Road S & W	52,000.00
Unemployment	10573777	Unemploy.Ins	88,000.00			
				10556221	Sal. & Wage Adj.	67,000.00
				10570401	Clerk-S & W	21,000.00
Sewer Operating Budget						
Sewer Oper.	78515028	Int. on Bonds	531.25			
				78511521	Electrical	531.25
Totals			208,531.25			208,531.25

MOVED: Valerie Seufert
 SECONDED: Harry Shortway

Council Member Valerie Seufert questioned why there was not enough money budgeted in Social Security and Unemployment; this should be a question for the CFO. Ms. Seufert requested that the CFO be in attendance at the next public meeting to explain.

A roll call vote was taken:
 AYES: Valerie Seufert, Harry Shortway, Sally Rinker
 NAYES: None
 Resolution #10-221 was approved.

RESOLUTION #10-222

AUTHORIZING AN AGREEMENT BETWEEN SPACE FARMS ZOO & MUSEUM FOR THE REMOVAL OF DEER CARCASSES ON TOWNSHIP ROADS FOR THE PERIOD NOVEMBER 1, 2010 THROUGH OCTOBER 31, 2011

WHEREAS, the Township of Vernon has a need to contract for services to remove deer carcasses on Township Roads; and

WHEREAS, Vernon Township is a member of the Morris County Contract Cooperative Purchasing Program and prices were received through competitive bidding from the said program as well as a local provider; and

WHEREAS, the Director of Public Works has reviewed the Cooperative prices and also prices submitted by Space Farms Zoo & Museum, a local provider, and determined it would be cost effective for the Township to utilize Space Farms; and

WHEREAS, the cost estimate for the contract for 2011 is \$40.00 per deer payable monthly with a budgeted amount not to exceed \$1,500.00 and

WHEREAS, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds of this agreement in the 2010 Municipal budget and subject to the approval of the 2011 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Vernon that the contract between Space Farms Zoo & Museum be approved for 2011 at \$40.00 per deer payable monthly with a budgeted amount not to exceed \$1,500.00.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute such documents as necessary to effectuate the purpose of this Resolution.

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

MOVED: Valerie Seufert
SECONDED: Harry Shortway

A roll call vote was taken:
AYES: Valerie Seufert, Harry Shortway, Sally Rinker
NAYES: None
Resolution #10-221 was approved.

FIRST READING ON PROPOSED ORDINANCES

ORDINANCE #10-23

AN ORDINANCE OF THE TOWNSHIP OF VERNON, SUSSEX COUNTY, STATE OF NEW JERSEY REPEALING ARTICLE XIX SECTIONS 330-229 THROUGH 330-239, STREAM BUFFER CONSERVATION OVERLAY ZONE, OF THE CODE OF THE TOWNSHIP OF VERNON

WHEREAS, the Vernon Township Land Use Board was requested to research the modification of an existing ordinance concerning the Stream Buffer Conservation Overlay zone; and

WHEREAS, on August 25, 2010 the Land Use Board discussed the request to review and modify the above ordinance so that Vernon Township's Ordinance is not more restrictive than the New Jersey Department of Environmental Protection (DEP) Stream Buffer regulations; and

WHEREAS, the Land Use Board professionals explained either modification to the existing ordinance could be made to meet the State's regulations or it may repealed entirely and the Township would then refer entirely to the DEP rules and regulations; and

WHEREAS, on October 27, 2010, by means of resolution, the Land Use Board favorably approved the recommendation to the Township Council to repeal the Township Code Article XIX Sections 330-229 through 330-239 Stream Buffer Conservation Overlay Zone in its entirety.

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 hereby amended as follows:

Article XIX Stream Buffer Conservation Overlay Zone §330-229 through 330-239 of the Vernon Township Administrative Code Land Use Ordinances is hereby repealed in its entirety.

Section 2.

Any Ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 3.

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

Mayor Sally Rinker read Ordinance #10-23 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-23 upon introduction, seconded by Council Member Harry Shortway.

The Mayor stated that this ordinance is being introduced because it was brought up at a LUB Meeting. Vernon's regulation was tougher than the state's regulation. Per John Ursin this will repeal the Towns regulation and will automatically go back to the state regulations. This ordinance will go back to the LUB prior to the second reading.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-23 was approved as introduced. Public Hearing to be scheduled for December 16, 2010.

ORDINANCE #10-24

AN ORDINANCE OF THE TOWNSHIP OF VERNON, SUSSEX COUNTY,
STATE OF NEW JERSEY, TO MODIFY CHAPTER 258 OF THE CODE OF THE
TOWNSHIP OF VERNON REGARDING FIRE INSURANCE CLAIMS

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

WHEREAS, Section 258-3 and Section 258-4 of the Code of the Township of Vernon refer to N.J.S.A.17:38-12 and N.J.S.A. 17:38-10, respectively; and

WHEREAS, N.J.S.A.17:38-12 and N.J.S.A. 17:38-10 are not valid sections of the New Jersey Statutes; and

WHEREAS, Section 258-3 and Section 258-4 of the Code of the Township of Vernon should refer to N.J.S.A.17:36-12 and N.J.S.A. 17:36-10, respectively; and

NOW THEREFORE IT BE RESOLVED by the governing body of the Township of Vernon that the Code of the Township of Vernon is hereby modified as follows:

Section 1

Section 258-3 of the Code of the Township of Vernon is hereby replaced as follows:

Section 258-3 Priority of municipal claim

The Township's claim made in accordance with the provisions of this chapter shall be paramount to any other claims on the proceeds of the fire insurance policy, except as provided in N.J.S.A. 17:36-12, as it may be amended from time to time.

Section 2

Section 258-4 of the Code of the Township of Vernon is hereby replaced as follows:

Section 258-4 Appeals

In the event that an appeal is taken on the amount of any lien or charge, other than an appeal based upon the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall comply with the procedures set forth in N.J.S.A. 17:36-10 as it may be amended from time to time.

Section 3:

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

Section 4. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5. Effective Date.

This Ordinance shall take effect upon final passage and publication.

Mayor Sally Rinker read Ordinance #10-24 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-24 upon introduction, seconded by Council Member Harry Shortway.

Township Attorney John Ursin stated that this ordinance is needs to be changed to reflect the proper state statues being referenced.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-24 was approved as introduced. Public Hearing to be scheduled for December 16, 2010.

Mayor Sally Rinker read Ordinance #10-25 by title only.

ORDINANCE #10-25

ORDINANCE OF THE TOWNSHIP OF VERNON, SUSSEX COUNTY, NEW JERSEY
TO ADD CHAPTER 190 TO THE CODE OF THE TOWNSHIP OF VERNON
TO REGULATE DONATION CLOTHING BINS.

WHEREAS, the Governing Body of the Township of Vernon has determined that the Code of the Township of Vernon should be supplemented to regulate donation clothing bins;

WHEREAS, N.J.S.A. 40:48-2.60 et seq. sets forth the regulations for the placement and use of clothing bin for solicitation purposes.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Vernon:

Section 1.

The Code of the Township of Vernon shall be supplemented to add Chapter 190 as follows:

CHAPTER 190

CLOTHING BINS

190-1. Clothing Bin Permit Requirements.

A. No person shall place, use, or employ a donation clothing bin, for solicitation purposes, within the Township of Vernon, unless they have obtained a permit from the Township of Vernon.

B. No Permit shall be issued for a Clothing Bin until:

1. The applicant has complied with all of the requirements set forth in N.J.S.A. 40:48-2.61;
2. The applicant demonstrates that the proposed location is commercial property with an active principal use;
3. The zoning officer certifies that the placement of the Clothing Bins does not violate the property's site plan and will not create a safety hazard;
4. The applicant certifies that the Clothing Bin will be marked with the Owner's name, physical address, and phone number; and
5. The applicant agrees to provide the Township with a quarterly report on the amount of textiles collected to be included in the Township's recycling report. Failure to provide the report shall be a basis for suspending the license.

190-2. Clothing Bin Permit Application, Duration and Fee.

A. The zoning official shall be the municipal agency as referenced in N.J.S.A. 40:48-2.61 to accept applications, process them and issue Clothing Bin Permits.

B. The permit fee shall be \$25.00 for the first bin and \$10.00 for each additional bin owned by the same applicant for the initial application as well as any renewals.

C. Permits issued by the Zoning Official shall be valid for one (1) years.

190-3. Penalty for Violations.

Any person or entity violating this Ordinance or any provision of N.J.S.A. 40:48-2.60 et seq. shall be subject to the penalties set forth in N.J.S.A. 40:48-2.63.

Section 2. Severability.

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

Section 3. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4: Effective Date.

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

Council Member Valerie Seufert made a motion to approve Ordinance #10-25 upon introduction, seconded by Council Member Harry Shortway.

Council Member Shortway asked if the \$25 fee can be waived for non-profit organizations. Township Attorney John Ursin stated that it is the Township's ordinance and the Council can waive any ordinance at any time. He stated that most times there will be a non-profit organization making the request however there is a private organization providing them with the bins. Mr. Ursin stated that it will be some work for the Zoning Officer to make sure the bins are monitored and sight plans are not violated.

Mr. Ursin spoke with the Zoning Officer regarding this ordinance. He stated the Zoning Officer's concern is the violation of the site plan which will remove some parking spaces. This would be somewhat restrictive because not many commercial properties have extra parking spaces.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-25 was approved as introduced. Public Hearing to be scheduled for December 16, 2010.

ORDINANCE #10-26

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, TO MODIFY CHAPTER 250 OF THE CODE OF THE TOWNSHIP OF VERNON REGARDING RECORDS FEES

WHEREAS, N.J.S.A. 47:1A-5B, which sets forth the copy fee schedule applicable to the duplication of government records requested pursuant to Open Public Records Act (OPRA), was recently amended; and

WHEREAS, N.J.S.A. 47:1A-5B provides in part that “[e]xcept as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger”; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the Code of the Township of Vernon is hereby modified as follows:

SECTION I

Section 250-9(C) of the Code of the Township of Vernon is hereby replaced as follows:

§250-9 (C). Receptionist and Township Miscellaneous; Copies.

A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. A special service charge shall be imposed, in addition to the actual cost of duplicating the record, with the nature, format matter, collation, or volume of printed matter is such that it cannot be produced by ordinary document copying equipment in ordinary business size or where such record involves an extraordinary expenditure of time and effort to accommodate the request. The requester shall have the opportunity to review and object to this special service charge prior to it being incurred.

SECTION II

Section 250-9(D) of the Code of the Township of Vernon pertaining to facsimile copy fees is hereby deleted in its entirety.

SECTION III

Sections 250-11 (4-9) of the Code of the Township of Vernon are hereby deleted in their entirety and replaced as follows:

§250-11 (4). Police.

- (a) Except in the case of a request for a motor vehicle accident report not made in person, the fee assessed for the duplication of government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger.

- (b) In the event a citizen of this State requests a copy of a motor vehicle accident report in any manner other than in person, an additional fee of up to \$5.00 may be added to cover the administrative costs of the report in addition to the cost of copying the report as set forth in subsection (a).

SECTION IV

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

SECTION V

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION VI

This Ordinance shall take effect upon final passage and publication.

Mayor Sally Rinker read Ordinance #10-26 by title only.

Council Member Valerie Seufert made a motion to approve Ordinance #10-26 upon introduction, seconded by Council Member Harry Shortway.

Township Attorney John Ursin stated this ordinance is to make our ordinance conform to the new regulations on OPRA.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Ordinance #10-26 was approved as introduced. Public Hearing to be scheduled for December 16, 2010.

COUNCIL BUSINESS

Council Member Harry Shortway stated that the Red Ribbon Run was a success with approximately 150 people in attendance. He encouraged the community to support the organization.

Mayor Rinker addressed a comment by the member of the public regarding sandwich board signs. She stated that she is in favor of allowing the sandwich boards for the holiday season.

Mayor Rinker made a motion to allow the local businesses to use the sandwich board signs. Council Member Valerie Seufert seconded.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Mayor Rinker stated that she received an application for a member of the Environmental commission from Mr. Michael Cheski, for the Alternate 1 position. Mayor Rinker made a motion to appoint Michael Cheski to the Alternate 1 position. Council Member Shortway seconded.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

Mayor Rinker addressed the topic of changing Township Council meeting nights starting January 1, 2011. She stated that the Township's code calls for Monday night Council meetings. Mr. Ursin stated that he is available for Monday night meetings.

The Township Manager addressed the date of the reorganization meeting; he stated that the meeting can be pushed to January 3, 2011 due to scheduling conflicts.

Mayor Rinker made a motion to make have the Reorganization Meeting on January 3, 2011. Council Member Seufert seconded. There is will be no Executive Session that evening; the meeting will start at 7:00 p.m.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 8:27p.m.

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: December 16, 2010