

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL REGULAR MEETING

September 25, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:05 p.m. on Thursday, September 25, 2008 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

STATEMENT OF COMPLIANCE

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, was provided to the press on September 8, 2008 and a copy was posted at the Municipal Building.

SALUTE TO THE FLAG

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

ROLL CALL OF MEMBERS

Present were Council members Richard Carson, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Neil Desmond entered at 6:25 p.m. Glenn McLaughlin notified the Clerk he would not be able to attend tonight's meeting.

PUBLIC COMMENT

Mayor Carew opened the meeting to the public for Public Comment.

Martin O'Shea, 10 Lakeshore Road East, Stockholm, NJ introduced himself as an Open Public Records Act advocate. He delivered a letter to the Township Clerk asking that it be distributed to the attention of the governing body, Township Attorney, Township Manager and Township Clerk. Mr. O'Shea expressed concern regarding the announcement changing the "Council Regular Meeting Time Change" and suggested the Township consider changing the notice so there is no misunderstanding by the public as to whether the meeting begins at 6:00 p.m. or 7:00 p.m. He noted the announcement posted on the Township Website is faulty. Mr. O'Shea also questioned procedures being used by the Township Council to go in to Executive Session. The Open Public Meetings Act requires that resolutions allowing a public body to exclude the public from a meeting should state the general nature of the subject to be discussed as precisely as possible and should contain as much information as is consistent with full public knowledge without doing harm to the public interest.

There being no one else from the public wishing to speak, Mayor Carew closed the public comment period.

At 6:23 p.m., Valerie Seufert made a motion to close the meeting to the public for the purpose of entering in to Executive Session, seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None.

RESOLUTION TO GO IN TO EXECUTIVE SESSION

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:
 1. Contract – Laganello Land Acquisition. Executive Session minutes will be released to the public record upon final decision of this matter.
 2. Contract – Agreement re Transfer of Health Department Service to Sussex County. Executive Session minutes will be released to the public record upon execution of the Agreement.
 3. Attorney-Client – Referendum on limiting bonding authority and to require voter approval of any increase over 2.5% from the previous budget. It is unknown at this time when the Executive Session minutes will be released to the public record.
 4. Personnel matter. Will not be released to the public record
 5. Personnel matter. Will not be released to the public record
 6. Attorney-Client – In re Heaven Hill. It is unknown at this time when the Executive Session minutes will be released to the public record.
 7. Attorney- Client – In re Mountain Creek. It is unknown at this time when the Executive Session minutes will be released to the public record.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

At 7:10 p.m. Valerie Seufert made a motion to return to Open Session, seconded by Neil Desmond. Motion carried upon a voice vote and the meeting was reopened to the public.

Mayor Carew recognized Neil Desmond who wished to address the public regarding his decision to resign from his Township Council position effective October 1, 2008.

Mr. Desmond stated he served as a Councilman for seven years, acting in the best interest of the community at all times. He promised residents he would support the building of the Maple Grange Park, which was completed and recently dedicated to the Vernon Township community. Mr. Desmond further stated he recently learned his father is terminally ill and wishes to spend time with him. He thanked many people, and said that he has served with great Council people, thanking them for always allowing a lively debate when making hard decisions that impacted the Vernon community. In his closing remarks, Mr. Desmond stated that he considered it an honor to be elected and re-elected by the people and it was a privilege to serve the community. Mr. Desmond stated what makes Vernon great is community - and people make the community.

Mayor Carew opened the meeting for Public Comment.

PUBLIC COMMENT

Maria Pesone, 28 Terra North, questioned why the building was locked before the Council meeting. She also requested the Vernon forum be posted on the Township's Website to facilitate interaction between Township officials and the public.

Josephine Prisco, Vernon Township resident, read N.J.S.A. 40A:9-140.10 and stated the Chief Finance Officer position cannot be out-sourced.

Father Boland, Our Lady of Fatima Church, acknowledged the work performed by Neil Desmond and credited him for putting God first, then family and community.

Joe Edore, Highland Lakes, expressed concern that Breakneck Road is very dangerous and in need of stripping. The Township Manager noted the road stripping project is scheduled to be completed in October.

Thomas McClachrie, representing Vernon Taxpayers' Association, stated his organization opposes Resolutions 08-181, 08-180, and 08-178. He reported the State Comptroller's Office issued an August 12, 2008 statement stating municipal auditors should be awarded by competitive bidding. He noted the Township's current auditor has been retained for the past 25 years. Mr. McClachrie read an excerpt from President Bush's September 24, 2008 Address to the Nation regarding the nation's financial institution crisis and commented that the NJ public supports the establishment of an ethics task force to investigate and uncover unethical behavior concerning public officials. Mr. McClachrie commented the Township's 2007 Audit is overdue and inquired if the Township followed any recommendations made in the 2006 Audit Report. He also questioned the need for a Close-Out Audit, stating it is duplicative of the 2007 Audit. The Township Manager clarified that a Close-Out Audit is a sound fiscal practice used in instances when the Chief Financial Officer leaves office.

Jessi Paladini, Highland Lakes, Thanked Councilman Desmond for his service to the Vernon Township community. Mrs. Paladini alleged Glenn McLaughlin, while a member on the Planning Board, violated zoning laws when building his home, and as a Councilman ignored Township requests requiring compliance according to information she found in the Building Department's file and asked for his resignation. Mrs. Paladini then asked for Richard Carson's apology and resignation for writing what she asserted was an intimidating and inappropriate written comment, and which she alleged was written at the time she addressed the Council at a recent Township Council meeting.

Mary Ellen Vichiconti, Highland Lakes, thanked Neil Desmond for serving the Vernon community. Ms. Vichiconti voiced concern that the public's input was not sought before the Township Council made its decision to consolidate health services with the county. She stated people should have the right of self-government and believes consolidation of services does not necessarily save money. She also stated she supports close monitoring of the municipal budget. Further, she stated black bears are becoming more aggressive and a public nuisance. She noted Vernon Township has an Ordinance prohibiting the feeding of bears and urged the public to report the feeding of bears to the police.

Joe Edore, Highland Lakes, expressed support for the resignation of Mr. McLaughlin and Mr. Carson.

Doreen Edwards, Vernon Township, stated she is disappointed with what she is hearing about Vernon Township and said the Township should closely watch how money is being spent, especially with the increasing economic concerns. Mrs. Edwards stated she did not support the recent lay-offs in Animal Control, which have impacted the animal shelter, and asked that the Township hire employees at market rate.

Debie Collins, Highland Lakes, stated no employees were brought back to Animal Control.

Gary Martinsen, Vernon Township resident, wished Neil Desmond and his family best wishes. He questioned Glenn McLaughlin's role in the consolidation of health services with the county and expressed support for his resignation.

Ira Weiner, Curtis Drive, thanked Neil Desmond for his hard work on the Township Council. Mr. Weiner stated Vernon Township is the 23rd municipality out of 24 in Sussex County to consolidate health services with the county and supports the consolidation as a way of cost savings to the taxpayers.

Michelle Danzis, Highland Lakes, stated she feels the public does not get answers to their questions.

Seeing and hearing no one else from the public wishing to speak, Mayor Carew closed the Public Comment period of the meeting.

Mayor Carew recognized Richard Carson, who wished to address the public with respect to a request calling for his resignation.

Mr. Carson expressed regret for having jotted a private note during a recent Council meeting and stated he intended no harm other than venting personal frustration. He asked the public for understanding and to keep a human perspective in this regrettable matter.

At 8:15 p.m., Mayor Carew called for a brief recess and reconvened the meeting at 8:35 p.m.

PRESENTATIONS

Mayor Carew presented Certificates of Appreciation to former employees for their years of service to the Vernon Township community.

Valerie Seufert read a Proclamation celebrating the 50th Anniversary of the Walnut Ridge Primary School.

Richard Carson read a Proclamation announcing September as “Ovarian Cancer Awareness” month and which recognized the North Jersey Ovarian Cancer Coalition for its work on public awareness and education concerning ovarian cancer.

CHANGES TO THE AGENDA

Mayor Carew reported the presentation for the proposed St. Francis Redevelopment project will be carried to the October 10, 2008 Council Meeting.

TOWNSHIP MANAGER’S REPORT

The Township Manager indicated she had no report.

TOWNSHIP ATTORNEY’S REPORT

The Township Attorney indicated he had no report.

APPROVAL OF MINUTES

Valerie Seufert made a motion to accept and approve the August 28, 2008 Township Council Regular Meeting minutes and Executive Session minutes, seconded by Richard Carson. Motion passed with all members voting in favor.

CONSENT AGENDA

Resolution # 08-179 AUTHORIZING THE APPROVAL OF BILLS LIST

Be it resolved that the following bills lists are hereby approved:

Current	ck# 29871	to ck# 29911
Current	ck# 29912	to ck# 29955
Current	ck# 29957	to ck#
Capital	ck# 2543	to ck# 2549
Capital	ck# 2550	to ck# 2554
Grant	ck# 29956	to ck#
Planning & Zoning	ck# 3778	to ck# 3781
Planning & Zoning	ck# 3782	to ck# 3784
Recreation Trust	ck# 833	to ck# 834
Recreation Trust	ck# 835	to ck# 837
Dog Trust	ck#	to ck#
Other Trust	ck# 761	to ck# 764
Other Trust	ck# 765	to ck#
Senior Citizen Trust	ck#	to ck#
Outside Services	ck# 1476	to ck#
Outside Services	ck# 1477	to ck# 1479
Outside Services	ck# 1480	to ck# 1481
Unemployment Trust	ck#	to ck#
Open Space Trust	ck#	to ck#
PVL Dam Rehab Asm	ck# 239	to ck#
PVL Dam Rehab Exp	ck#	to ck#
COAH	ck#	to ck#

Sewer Operating	ck# 123	to ck#
Sewer Operating	ck# 124	to ck#
Sewer Capital	ck# 1028	to ck# 1029
Developer's Bonds	ck# 102	to ck#
Road Assessment	ck#	to ck#
Payroll Deduction	ck#	to ck#
Payroll Checks	ck# 32758	to ck# 32806 (2nd pay in Sept)
Payroll Deduction	ck# 3009	to ck# 3018
Total Payroll	\$313,446.30	

Valerie Seufert moved to approve the Consent Agenda, seconded by Richard Carson

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Neil Desmond, Austin Carew

NAYES: None.

RESOLUTIONS REQUIRING SEPARATE ACTION

Resolution #08-177

AUTHORIZING APPOINTMENT OF INTERIM MUNICIPAL TAX COLLECTOR

WHEREAS, the Vernon Township Municipal Tax Collector, Terrence Whalen, resigned as of July 11, 2008; and

WHEREAS, the Township requires the appointment of an Interim Tax Collector to perform tax collection duties until a new Tax Collector can be appointed;

WHEREAS, Township employee Antoinette Izzo is licensed by the State of New Jersey to perform the duties of a municipal tax collector and has been performing such duties for the Township on an as-needed basis since July 14, 2008.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that Antoinette Izzo is hereby appointed to the position of Interim Tax Collector and shall serve in such position until a Tax Collector has been appointed by this Council.

BE IT FURTHER RESOLVED that this appointment shall take effect immediately and shall be considered retroactive to July 14, 2008, and all actions taken by Izzo in the capacity of Interim Tax Collector to date are hereby ratified as to authority.

Valerie Seufert moved to approve this Resolution, seconded by Richard Carson.

There was no Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Neil Desmond, Austin Carew

NAYES: None.

Resolution #R08-178
AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH
NISOVOCCIA & COMPANY, LLP FOR CLOSE OUT AUDIT

WHEREAS, there exists a need for professional services for the Township of Vernon for the purpose of municipal auditing for specific financial procedures for a Close Out Audit; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Vernon desires to appoint Nisovoccia & Company, LLP pursuant to a contract under the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that the value of the Close Out Audit shall not exceed \$17,500.00; and

WHEREAS, the services of the contract will be completed within the year 2008; and

WHEREAS, Nisovoccia & Company, LLP has submitted a Business Entity Disclosure Certification in compliance with law.

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

NOW THEREFORE BE IT RESOLVED, this 25^h day of September, 2008, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

The Mayor and Township Clerk are hereby authorized and directed to execute the Professional Services Contract with Nisovoccia & Company, LLP for the purpose of municipal auditing for specific financial procedures including but not limited to:

1. Review of the August 2008 bank reconciliations
2. Trace and agree August 2008 bank reconciliations to the Township's various fund general ledgers
3. Review deposit records for the month of September and agree to the collection records of the Township on a test basis
4. Review the budget status reports and improvement authorization reports for August 2008
5. Review the various fund general ledgers and agree balances to printouts and other financial records/reports of the Township
6. Review expense reimbursements on a test basis

Said Professional shall be engaged pursuant to contract to be entered into by and between the Professional and the Township and for such periods of time as permitted by law and for such compensation as agreed.

This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Township Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

Valerie Seufert moved to approve this Resolution, seconded by Richard Carson.

Mayor Carew noted a Close-out Audit was requested due to the resignation of the Chief Finance Officer. The Township Manager stated Nisovoccia agreed to perform the Close-Out Audit for \$17,500.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Neil Desmond, Austin Carew

NAYES: None.

Resolution #08-180

AUTHORIZING APPOINTMENT OF INTERIM CHIEF FINANCIAL OFFICER

WHEREAS, the Vernon Township Municipal Chief Financial Officer, Monica Goscicki, has submitted her resignation, effective as of the close of business on September 30, 2008; and

WHEREAS, the Township has need of a Interim Chief Financial Officer until a permanent replacement can be hired; and

WHEREAS, Robert Benecke, holds a municipal finance officer certificate from the State of New Jersey and desires to serve as Interim Municipal Chief Finance Officer and the Township desires to hire Robert Benecke for that position;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that Robert Benecke is appointed to serve as Interim Chief Financial Officer for the Township of Vernon for a term not to exceed one (1) year commencing on October 1, 2008 and ending September 30, 2009, unless such employment is ended earlier by the Township at its sole discretion, at a rate of \$500.00 per month, not to exceed \$6000.00 over the course of the appointment, funds for which have been certified by the Chief Financial Officer.

Valerie Seufert moved to approve this Resolution, seconded by Richard Carson.

Valerie Seufert questioned if this resolution hires Mr. Benecke as the CFO. The Township Manager clarified this resolution serves to appoint Mr. Benecke as the interim a CFO for a 1-year term. The salary is slightly less than the compensation given the former CFO.

Valerie Seufert asked the Township Manager what plans, if any, were being considered in the hiring of a permanent CFO. Melinda Carlton responded she is actively working with the county to potentially out-source the financial services as a shared service. As an alternative, a permanent CFO would be hired. Mr. Witt further clarified that state law requires every municipality to have a CFO regardless of where financial services may be performed.

Mayor Carew questioned if Mr. Benecke holds the proper certifications, which Mr. Witt stated he does.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Neil Desmond, Austin Carew

NAYES: None.

Resolution #R08-181
AUTHORIZING A PROFESSIONAL SERVICE CONTRACT
WITH BENECKE ECONOMICS

WHEREAS, there exists a need for professional services for the Township of Vernon in the matter of Financial Consulting Services; and

WHEREAS, Benecke Economics is qualified for this position; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq) requires that the resolution authorizing these "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Vernon desires to appoint Benecke Economics pursuant to a contract under the provisions of NJSA 19:44A-20.4 and/or NJSA 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has certified that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the term of the contract will be from October 1, 2008 through September 30, 2009; and

WHEREAS, Robert L. Benecke, has submitted a Business Entity Disclosure Certification in compliance with law.

NOW THEREFORE BE IT RESOLVED, this 25th day of September, 2008, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage Benecke Economics for the purpose of financial consulting services.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Professional Services Contract with Benecke Economics.

Said Professional shall be engaged pursuant to contract to be entered by and between the Professional and the Township and for such periods of time as permitted by law and for such compensation as agreed to in the contract attached hereto.

This appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because these services are rendered by members of recognized professions.

A copy of this Resolution shall be published in the New Jersey Herald by the Township Clerk as required by law within ten (10) days of its passage and a true copy of same shall be available for inspection in the office of the Township Clerk.

A copy of the Business Entity Disclosure Certification and the Certification of Value shall be filed with this Resolution.

Mr. Witt stated this resolution is an award of contract to perform financial services for the Township. Mayor Carew questioned the recommendation of appointing the same individual who is contracted as the Township's redevelopment consultant as the interim CFO, and also awarding a contract to him for financial services. The Township Manager responded Mr. Benecke has been instrumental in the budget process and will be able to separate duties as redevelopment consultant and financial consultant. He will be paid a \$500 per month salary as interim CFO and will be a Township employee but will not receive a pension or other benefits from the Township.

Richard Carson moved to approve this Resolution, seconded by Valerie Seufert.

There was no further Council discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Neil Desmond, Austin Carew

NAYES: None.

OLD BUSINESS

Valerie Seufert announced Flu shots are scheduled for November 1. She asked the Township Manager to inquire if evening hours could be scheduled in addition to the 1:00 p.m. to 3:00 p.m. time period. She encouraged the Township Manager to monitor the level of health services being provided by Sussex County.

Mayor Carew requested the Township Council present the "Friends of Vernon" awards at their next meeting.

Mayor Carew reported the former Township Manager has remitted his first restitution check to Vernon Township in the amount of \$3,000.00.

Mayor Carew stated the Green Task Force Committee held its first meeting on September 30, 2008 and invited anyone interested in sitting on the committee to submit a letter of interest.

Mayor Carew reported the dedication of the new Maple Grange Park was held on Saturday and thanked everyone who was involved in the park project. Mayor Carew recognized Pat Segar, the Township's Recreation director, for her efforts in securing a \$10,000 grant for the park. Mayor Carew mentioned the Township has received many accolades for this magnificent park.

The Request for Proposal [RFP] for the Town Center Forensic Audit has been drafted and is under final review. It is anticipated the RFP will be advertised within the week.

Mayor Carew asked the Township Engineer for an update on the Town Center sewer acquisition issue. Township Engineer Lou Kneip reported he will be meeting with United Water regarding their Treatment Works Permit. He is currently working with the Township Attorney to draft a sewer ordinance for consideration by the Township Council in the month of October or November.

NEW BUSINESS

Valerie Seufert reported that the state’s School Board Association has named Vernon Township Board of Education member Cynthia Altberger as “School Board Member of the Year” and asked that a Proclamation be prepared to acknowledge and honor her nomination. The Township Council agreed to honor Mr. Altberger with a Proclamation.

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:05 p.m.

Respectfully submitted,

Robin R, Kline, MAS, RMC
Municipal Clerk

Minutes approved: ____ / ____/ ____