

# **TOWNSHIP OF VERNON**

## **TOWNSHIP COUNCIL SPECIAL EMERGENCY MEETING**

**DECEMBER 15, 2008, 4:00 PM**

The Special Emergency Meeting of the Township Council of the Township of Vernon was convened at 4:00 p.m. on Monday, December 15, 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 this emergency meeting is being held pursuant to N.J.S.A. 10:9-4 upon affirmative vote of three quarters of the members of the Council. Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest. Notice of this emergency meeting is to be provided as soon as possible pursuant to the Open Public Meetings Act by providing notice to the newspapers and posting such notice at the Municipal Building. The purpose of the emergency meeting is to discuss the Office of Emergency Management actions and clean up operations concerning the winter ice storm event.

### **ROLL CALL OF MEMBERS**

Present were Council Members Richard Carson, Gary Grey (via telephone), Valerie Seufert (via telephone) and Mayor Austin Carew (via telephone). Council member Glenn McLaughlin was absent.

Also present were Township Manager Melinda Carlton, Fiscal Analyst Kerrie Scott, Dave Pullis, DPW Superintendent, Louis Kneip, Director of Planning & Development, Chief of Police Roy Wherry and Township Attorney Michael Witt (via telephone).

### **COUNCIL DISCUSSION**

Township Manager Melinda Carlton provided updates on Township and County Office of Emergency Management actions and Township clean up efforts in the Highland Lakes, Barry Lake, and Panoramic Lake communities. Ms. Carlton reported 8-9 municipalities have offered a variety of volunteer services to assist the Township's clean up efforts. An additional umbrella policy for general liability insurance has been put in place for the storm clean up operations.

The Township Manager further reported DPW employees have been working round-the-clock and are on over-time pay since Thursday night. Ms. Carlton asked Mr. Pullis to briefly update the Council on the status of the clean up operations.

DPW Superintendent Dave Pullis reported all Township roads have been cleared and are safe. DPW crews are currently clearing private roads in the Highland Lakes community and are also clearing limbs and branches within a five foot right-of-way along the roads; however, residents are continuing to pile additional limbs and branches at the roadside. He informed everyone that the DPW crews will have to back track and remove the additional debris. Mr. Pullis further reported as crews cleaned Breakneck Road and right-of-ways of all fallen limbs and branches, residents continued to pile additional debris along the road, which will have to be removed.

Mayor Carew stated the Township is the lead authority in making sure roads are cleared and safe, therefore, the Township should be responsible for the clean up operations for all roads, including private roads, as part of the storm disaster clean up. The Mayor urged that aggressive clearing of road right-of ways should be done in anticipation of snow plowing operations. Mayor Carew stated the Council never intended the Township to send its DPW crews to go back over roadways previously cleaned and cleared.

Mayor Carew stated the Township must do whatever needs to be done in clean up operations and worry about the costs at later. The Mayor stated after the disaster emergency is over, the Township must exhaust all cost recovery resources to pay for the ice storm cleaning efforts. The Mayor asked members of the Council for their comments concerning the extent of clean up services the Township should provide at this time.

Council member Valerie Seufert agreed that all roads and road right-of-ways should be cleared of fallen trees and branches for public safety; however, the Township should not go onto private property or have to remove limbs and branches which fell on private property.

Council member Richard Carson stated the Township should clear all roads and right-of-ways as a matter of public safety.

Council member Gary Grey stated it was his understanding that the Township's commitment was to make the roads passable and safe. It did not include private property clean up or clearing right-of-ways along private roads. Mr. Grey expressed his concern regarding costs associated with the storm clean up and stated the private communities must be responsible for clearing the right-of-ways along their roadways.

The Township Manager reported the county's Office of Emergency Management coordinator, Skip Danielson, confirmed there are no county or

state emergency funding sources available to the Township. Additionally, he believes FEMA criteria have not been satisfied to qualify the Township for federal emergency funding.

Council member Gary Grey inquired if private communities are entitled to the same clean up efforts and support as other Township areas. Michael Witt, Township Attorney, stated that to the extent the Township is clearing roads for emergency purposes; the same should be done for private roads. Mr. Witt further stated Kelly Service agreements entered into with private community associations should be specific in addressing what municipal services are reimbursable. Mr. Gray questioned if community associations that have completed their clean up operations can back bill the Township for reimbursement of their clean up costs. Mr. Witt responded he will draft a resolution for Council action which will protect the Township from additional back billing costs.

The Township Manager asked for clarification on the extent of clean up the Township Council wants to commit to. Ms. Carlton reported estimates for all cleanup efforts of the Highland Lakes, Barry Lake, and Panorama Lake community roads could total \$210,000 - \$260,000 collectively.

Ms. Carlton stated initial clean up cost estimates for the immediate chipping and removal of limbs and brush, curb-to-curb, and within the five foot right-of-way for Highland Lakes may cost up to \$160,000. Afterward, final clean up work would be performed, which would include Arial trimming of damaged trees within the road right-of-ways, additional clearing and chipping of tree limbs and branches along a five foot right-of-way of the private roads, and street sweeping operations. The final clean up operations for the Highland Lakes community may cost between \$50,000 and \$100,000.

The Township Council agreed that the Township Manager should contract with outside services for the immediate clearing and chipping of material along five feet of road right-of-ways in the Highland Lakes, Barry Lake and Panoramic Lake communities.

Mayor Carew questioned the Township Attorney about whether or not a conflict of interest existed for those members of the Council who reside in any of the impacted private communities. Mr. Witt responded that there is a likelihood a conflict of interest exists; however, because of the urgency and emergent nature of the situation, Mr. Witt did not believe a true conflict of interest existed. The Council asked Mr. Witt to forward a written legal opinion on the subject before tomorrow's scheduled Special Emergency Meeting. The Township Attorney will also draft a resolution which includes specific parameters regarding the Township's aid and assistance for storm damage clean up operations in the private communities.

A follow up Special Emergency Meeting was scheduled for 3:00 p.m. Tuesday, December 16, 2008.

## **ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion for Adjournment was made by Council member Richard Carson, seconded by Council member Gary Grey, with all members voting in favor.

The Special Emergency Meeting of the Township Council of the Township of Vernon was adjourned at 5:05p.m.

Respectfully submitted,

*Robin R. Kline*

Robin R, Kline, MAS, RMC  
Municipal Clerk

Minutes approved: 01/08/2009