

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL EMERGENCY MEETING

September 14, 2009

An Emergency Meeting of the Township Council of the Township of Vernon was convened at 12:00 p.m. on Monday, September 14, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

Deputy Clerk Andrea Bates recorded the minutes of this meeting.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq., has been not provided. This meeting is being held for the purpose of acting upon the grant of further specific authority for Special Township Counsel to file a Motion to Reconsider with the Trial Court in the currently pending lawsuit captioned, Marotta v. Township of Vernon, et al., Docket No. SSX-L-473-09. Pursuant to the Rules for the Courts for the State of New Jersey, such motion must be filed no later than today, September 14, 2009. If such motion is not filed in a timely manner, the Township will likely be barred from doing so after today's date, thus substantially harming the public interest in obtaining a fair and correct adjudication of the above-captioned action.

This meeting will be strictly limited to discussion of and action upon the above-stated matter only. Notice of the time, place and date of this meeting was provided on September 14, 2009, in the following manner: (1) posting on the Township website; posting on the Township bulletin board and in the Township Municipal Building; and (3) by telephone and written notice to the New Jersey Herald. The need for this meeting could not have been reasonably been foreseen at time when adequate notice could have been provided as the issue of whether such a meeting is necessary did not arise until such time had passed and at such a time when Township offices were closed on consecutive days. Alternatively, the need for this meeting could reasonably have been foreseen at a time when adequate notice could have been provided, but such notice was not provided due to inadvertent oversight.

ROLL CALL OF MEMBERS

Present were Council Members Valerie Seufert, and Mayor Austin Carew. Council Members Richard Carson and Gary Grey were present via telephonic communication. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

VOTE TO HOLD EMERGENCY MEETING

Pursuant to N.J.S.A. 10:4-9, a roll call vote was taken to determine whether to hold the Emergency Meeting. The results of the vote were:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew
NAYES: None
ABSTAIN: None

SALUTE TO THE FLAG

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

ITEM FOR ACTION

RESOLUTION #09-156

RESOLUTION GRANTING FURTHER, SPECIFIC AUTHORITY TO SPECIAL COUNSEL TO FILE A MOTION FOR RECONSIDERATION IN THE MATTER OF MAROTTA V. TOWNSHIP OF VERNON, SSX-L-473-09

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, that Special Counsel is further and specifically authorized to file on behalf of the Township defendants a

Motion for Reconsideration of the August 24, 2009, decision and Order entered in the pending matter of Marotta v. Township of Vernon, et al., SSX-L-473-09.

MOTION: Council Member Gary Grey moved to approve Resolution #09-156.
SECOND: Council Member Valerie Seufert.

Council Member Richard Carson expressed his concern regarding the added expenditure for legal fees and that there is no guarantee the Judge's order will come out in the Township's favor.

Council Member Valerie Seufert questioned whether the Township could recoup attorney fees. Township Attorney Mike Witt responded that a Notice of Frivolous Litigation was not filed by the Township.

Township Attorney Mike Witt stated the reason for this Motion for Reconsideration is that he believes Judge Gannon's ruling on several items were factually flawed.

Regarding today's Emergency Meeting, Council Member Richard Carson questioned if the Township was in compliance with the Open Public Meetings Act. Township Attorney Mike Witt stated that the Township was in compliance.

Council Member Valerie Seufert stated the Township should not exceed the attorney fee cap of \$10,000. previously agreed to.

A roll call vote was taken:

AYES: Gary Grey, Valerie Seufert, Austin Carew

NAYES: Richard Carson

ABSTAIN: None

Resolution #09-156 was approved.

PUBLIC COMMENTS

Mayor Carew opened the meeting for Public Comment.

Thomas McClachrie, Vernon Taxpayers Association, questioned the reasoning for having this emergency meeting. Mr. McClachrie is against spending more money on this matter and stated it is punitive going against the same judge with this matter. Mr. McClachrie suggested the Council look into Sally Rinker's Engineering report regarding the Municipal Building's cooling system, further; the Township does not have the money to spend on a new heating and ventilation system.

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

ADJOURNMENT

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

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 12:42 p.m.

Respectfully submitted,

Angie Bates

Andrea Bates
Deputy Clerk

Minutes approved: October 8, 2009