

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**November 30, 2009**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:09 p.m. on Monday, November 30, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting was provided to the public and the press on December 30, 2008 in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7. Notice of this meeting was sent to the New Jersey Herald and was posted on the bulletin board in the Municipal Center and posted on the Township's Website.

**ROLL CALL OF MEMBERS**

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

At 6:09 p.m., Mayor Austin Carew asked for a motion to go into Executive Session. Council Member Richard Carson made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Valerie Seufert with all members voting in favor.

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

**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 is:
  - a. Litigation matter regarding the status of the Ameripay bankruptcy. No anticipated date of release of Executive Session Minutes.
  - b. Litigation matter regarding an update in Hering v. Township of Vernon lawsuit. No anticipated date of release of Executive Session Minutes.
  - c. Potential litigation/Attorney-Client matter regarding the McDermott property claim matter. No anticipated date of release of Executive Session Minutes.
  - d. Contract matter regarding the U.A.W., P.B.A., and A.S.C.F.M.E. Collective Bargaining Agreements. No anticipated date of release of Executive Session Minutes.
  - e. Litigation/Attorney-Client matter regarding Carson vs. Township of Vernon, et al. No anticipated date of release of Executive Session Minutes.
  - f. Contract matter regarding Mountain Creek Redevelopment Agreement. No anticipated date of release of Executive Session Minutes.
  - g. Personnel matter regarding the Township Manager Annual Performance Evaluation. No anticipated date of release of Executive Session Minutes.
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 6:12 p.m.

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The meeting was reopened to the public at 7:09 p.m. Present were Council Members Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

**SALUTE TO THE FLAG**

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

**PUBLIC COMMENTS**

Mayor Carew opened the meeting for Public Comment.

*John Currie, Glenwood Mountain*, asked if the microphone volume could be increased.

*Christine Davie, former Vernon Township employee*, commented that no one from the Township contacted her with respect to the 2008 salary ordinance. Ms. Davie urged the Township to expedite this matter so that former Health Department employees employed by the Township in 2008 can receive their retroactive salary increases.

*Gary Martinsen, Vernon*, wished everyone a nice Thanksgiving holiday and questioned why tonight’s meeting was held on a Monday. Mr. Martinsen opposed resolutions #09-195 and #09-196.

*Jessi Paladini, Sunset Ridge*, questioned why salary increases for the former Health Department were not handled at the time all other salary increases were approved. Ms. Paladini further questioned which resolutions on the agenda approve expenditures of goods or services that have already been purchased. Ms. Paladini also questioned whether the Manger’s Report responding to the Vernon Taxpayers Association allegations is a public document and can be accessed under the Open Public Records Act.

*Josephine Currie, Glenwood*, commented that she is very disheartened with the spending that has continued over the last few years, which has led to increased property taxes. Ms. Currie further commented that she is upset with the performance of the Manager and reminded the Council members that they were elected to represent and answer to the people.

*Thomas McClachrie, Vernon Taxpayers Association*, commented that municipal taxes have increased 24% over the last two years and stated that taxpayers want a good value for the costs of services that are provided.

*Phyllis MacPeek, Vernon*, questioned whether the former Animal Control employees employed in 2008 would also be included in the salary ordinance and commented that the Manager forgot to include all former employees.

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

**MAYORS COMMENTS**

Mayor Carew commented that the Township Council is doing everything it can to control costs without cutting services. The Council has taken a balanced approach to managing its budget and services.

**TOWNSHIP MANAGER’S REPORT**

**Vernon Taxpayers Association Allegations**

The Township Manager responded to 24 allegations raised by the Vernon Taxpayers Association at the November 11, 2009 Township Council meeting as follows.

1. Ameripay – The Township Manager admitted that a contract did not exist and apologized for the oversight and accepted full responsibility.

2. ADS Payroll Services – The Township Manager apologized for giving an incorrect answer and stated she did not intend to deceive anyone. Ms. Carlton commented that if the Township failed to process payroll for a pay period, the Township would have been in violation of Federal Labor Laws.
3. Signing of Contracts – The Township Manager stated she signs all purchase orders so that they conform to the budget. The resolution authorizing the Manager to sign in the absence of the Chief Finance Officer has been rescinded in compliance with the 2008 Annual Audit Corrective Action Plan.
4. Signing of Contracts with Multiple Vendors – The Township Manager could not respond because the allegation was not specific enough to identify.
5. Signed and Executed Contract with Potters and Della Pietra to Investigate a Councilman without Council Approval – The Township Manager responded that the Council discussed the investigation in executive session at the September 4, 2008 Council meeting. Ms. Carlton advised the Council that she had met with outside counsel to conduct the investigation and that a professional services agreement would be entered into.
6. The Township Manager stated that this allegation is too vague and could not offer a response.
7. Failing to obtain Bids before Executing Contracts with Various Vendors – The Township Manager responded that it is unclear which of the Local Public Contracts Laws or Township Chief Finance Officer policies and procedures this allegation is referring to.
8. Unfair Labor Practices with Regard to the Four Day Workweek and Training – The Township Manager answered that the four-day workweek was extensively discussed and approved by the affected bargaining unit. Ms. Carlton further stated that she encourages the professional development of staff.
9. Hiring of an Out of State Deputy Manager – The Township Manager answered that the hiring of a Deputy Manager is within the discretion of the Manager and the person hired was the best qualified.
10. Failed to Provide Requested Documentation to the Financial Advisory Committee – The Township Manager was unsure what documentation was being referred to.
11. Use of Email and Memos to communicate with the Council – The Township Manager admitted to using email and memos to communicate with the Council to take action on time-sensitive issues. This action has been corrected.
12. Discussion of Township Employees without Rice Notices – The Township Manager could not respond because she was unsure what employee this refers to.
13. Failure to Hire a Full Time CFO – The Township Manager answered that she was working with Sussex County on a plan to share financial services but it did not go through. Ms. Carlton explained there has been an overall shortage of qualified and licensed municipal Chief Financial Officers in the State of New Jersey, which delayed the hiring of a CFO.
14. Falsified a Document to Mislead the Public – The Township Manager stated she has never falsified any documents but has made errors. Ms. Carlton wanted the public to understand that there is always a cost to the Township for officials to prepare and defend public allegations before a state agency.
15. Dictatorial Style of Management – The Township Manager answered that she has never created an environment of fear and has always encouraged department and division heads to speak up at staff meetings.
16. Failure to Propose a Temporary Budget – The Township Manager responded that the temporary budget was introduced and adopted by the Township Council by Resolution #09-12 at the January 1, 2009 Reorganization Meeting.
17. Failure to Propose an Emergency Temporary Appropriation Budget – The Township Manager responded that she did the best with the resources available in the absence of a full-time CFO and staff knowledgeable about the process.
18. (Item #18 was not reported.)
19. Failure to amend the 2008 and 2009 Budget to Account for Transfers within the Budget – The Township Manager answered that sub-account transfers within a municipal department are not required to be brought before the Township Council for approval. An interdepartmental transfer resolution for 2009 would be submitted to the Council for approval at the December 10, 2009 meeting.
20. Failure to include full annual reimbursement amounts to private communities as required under the Kelly Bill – The Township Manager answered that the

- \$300,000 historically budgeted is under-budget and has been very closely analyzed for a more accurate budget number in the 2010 Budget.
21. Failure to Apply for Extraordinary Aid in 2008 and 2009 – The Township Manager explained that the State has a set of requirements that a municipality must meet in order to apply for Extraordinary Aid. Per the advice of the CFO in 2008, and the Interim CFO in 2009, the Township did not meet those certain requirements and, therefore, the Township did not apply for Aid.
  22. Failure to Budget for the Deferred \$500,000 in Pension Payments – The Township applied for permission to defer a portion of the pension payments in the 2009 budget. The Township was not permitted to budget the full amount since the deferral was applied for and approved. \$391,000 was allocated in the Capital Improvement Fund line item in the 2009 budget per the advice of the Interim CFO.
  23. Failure to Require Competitive Bidding for all Town Contracts – A Request for Qualifications was issued by the Township and Bruno & Associates was awarded the contract by resolution of the Township Council.
  24. Failure to Analyze the Impact of Labor Contract Negotiations - The Township Manager explained that the impact of labor negotiations on the Township's budget, which is derived in part from property taxes, was taken into account during the negotiation of each collective bargaining agreement. Fiscal impact analyses were provided to the Township Council for each agreement prior to approval.

#### **Update on Purchasing Policy Manual**

Mr. Zuckerman prepared a Purchasing Policy Manual for Township use, which will be distributed to all municipal departments.

#### **2010 Budget and Sub-Committees**

The Township Manager asked the Mayor to create a Council Sub-Committee to help oversee the budget process. Mayor Carew asked Council Member Valerie Seufert and Council Member Richard Carson, as senior members of the Council, to sit on the 2010 Budget Sub-Committee.

#### **New Council Member Orientation**

Dates are being tentatively scheduled for presentation of the Council Orientation by Department Heads.

#### **Municipal Service Act (Kelly Bill) Analysis**

2010 cost estimates for twelve qualified private communities total \$800,000 and will be budgeted for in the 2010 Municipal Budget. 2009 year-to-date costs totaled \$495,000.

The Council requested additional information detailing what additional monies would be owed in 2009 and 2010.

#### **Trans-Options Transportation Program**

Patricia Seger, Director of Community Affairs, updated the Council on the Trans-Options Transportation Program. The County Freeholders awarded grant funding to Vernon Township to retain shuttle bus service for residents use for health care and shopping and would connect with the county's "Co-Op" bus service as a public transportation option. The transportation program is to be fully funded for two years.

#### **Hauck Property Acquisition**

Lou Kneip, Director of Planning and Development, reported on the 90-acre Hauck property purchased through Green Acres in 2004. The Recreation and Open Space Inventory report (ROSI) and survey maps have been updated and the grant will be closed out shortly.

#### **COAH Build-Out Map**

Lou Kneip distributed a Build-Out Map for potential major development. Areas delineated in red have the highest potential for future major development in the sewer service area. Delineated Green areas lie outside the sewer service area. The Build-Out Map will be forwarded to the Township's COAH attorney, Mr. Kienz. Mr. Kneip further reported that Vernon Township has been certified for Round Two COAH obligations.

**Retention of a Conflict Engineer**

A conflict engineer would be called upon to review and process Land Use Board applications in the event that the Municipal Engineer has a conflict of interest. The Manager presented an evaluation criteria and qualification summary for Council review.

**Highlands Council Grant Award**

The Highlands Council awarded a \$5,000 grant to Vernon for its participation in a Water Use and Conservation Management Pilot Program. Lou Kniep was asked to analyze the in-house personnel required to perform the scope of work under the grant award versus retaining a consultant.

Mayor Austin Carew called for a short recess at 8:51 p.m.

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Mayor Austin Carew reconvened the meeting at 9:12 p.m. with all present.

**APPROVAL OF MINUTES**

Council Member Valerie Seufert made a motion to carry the October 27, 2009 Special Meeting & Executive Session Minutes presented for approval. Motion seconded by Council Member Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Valerie Seufert, Austin Carew

NAYES: None

ABSTAIN: Sally Rinker

The Minutes were tabled to the December 10, 2009 Regular Council Meeting.

**CONSENT AGENDA**

**RESOLUTION #09-197**

**AUTHORIZING THE APPROVAL OF BILLS LIST**

**BE IT RESOLVED** that the following bills listed are hereby approved:

**Disbursement**

<b>Journal</b>	<b>Fund</b>	<b>Amount</b>	<b>Major Vendor</b>
#1	Current	\$3,366,191.96	County Taxes
#2	Current	\$1,825,634.16	Vernon BOE
#3	Capital	\$ 5,000.00	
#4	P & Z	\$ 2,329.25	
#5	Grant	\$ 1,667.24	
#6	Grant	\$ 1,190.44	
#7	Recreation	\$ 665.00	
#8	Outside Services	\$ 2,901.21	
#9	Outside Services	\$ 1,889.16	
#10	Outside Services	\$ 327.79	
#11	Other Trust	\$ 1,500.00	
#12	Other Trust	\$ 360.00	
#13	Sewer Operating	\$ 360.40	
#14	Dog Trust	\$ 550.00	
#15	Dog Trust	\$ 2,700.00	
#16	Dog Trust	\$ 4,500.00	
	Payroll	\$ 615,729.45	1 <sup>st</sup> Pay in Nov (Includes 2008 & 2009 Admin retros)
	Payroll	\$ 311,036.45	2 <sup>nd</sup> Pay in Nov
	<b>Total</b>	<b>\$6,144,532.51</b>	

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

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

## **RESOLUTIONS REQUIRING SEPARATE ACTION**

### **RESOLUTION #09-195**

AUTHORIZING THE USE OF THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR THE LEASE OF A DM575 WOW MAIL MACHINE FOR 60 MONTHS FOR A TOTAL COST OF \$27,960 OVER FIVE YEARS.

**WHEREAS**, the Township of Vernon has a need to replace its mail machine which present lease with Pitney Bowes, Inc expires on December 30, 2009 to continue to provide for the efficient processing of mail volume to carry on Township business; and

**WHEREAS**, the Township of Vernon is able to use the State of New Jersey's Cooperative Purchasing Program and the Purchasing Agent has reviewed the cooperative prices, and determined it would be cost effective to use the Cooperative Pricing Program which contracts have already been publicly bid; and

**WHEREAS**, the Township of Vernon is able to lease a mail machine which will integrate the electronic return receipt technology which can save the Township up to \$700 monthly based on current mail volume; and

**WHEREAS**, the Vendor for this program is Pitney Bowes, Inc; and

**WHEREAS**, the Township Manager recommends that the Township Council lease the mail machine from Pitney Bowes, Inc to ensure the continuation of routine Township business and provide an opportunity for streamlined workflow and cost savings; and

**WHEREAS**, the total cost of the lease over the five year period is \$27,960; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon, may certify the availability of funds once the 2010 Municipal Operating Budget is approved with an annual appropriation for this purpose of \$5,592;

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor Pitney Bowes, Inc be used to lease the mail machine; and

**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; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon adoption by the Township Council;

Council Member Valerie Seufert made a motion to approve Resolution #09-195, seconded by Council Member Gary Grey. Council Member Sally Rinker requested additional cost estimates for the lease of the Pitney Bowes machine and further questioned the cost to purchase. The Council asked if a one-year lease is an option to control costs.

Upon discussion, the Council agreed to table to the December 10, 2009 meeting.

Council Member Valerie Seufert made a motion to table Resolution #09-195 to December 10, 2009, seconded by Council Member Gary Grey.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

**Resolution #09-195 was tabled.**

**RESOLUTION #09-196**

AUTHORIZING THE USE OF THE NEW JERSEY STATE CONTRACT FOR THE PURCHASE OF A LARGE DOCUMENT SCANNER, IN THE AMOUNT OF \$8,647.23 FOR USE IN THE MUNICIPAL CENTER FOR THE PURPOSE OF RECORDS RETENTION

**WHEREAS**, the Township of Vernon has a need to purchase a Large Document Scanner for use by all Township Departments for the purpose of records retention; and

**WHEREAS**, the Township of Vernon is a member of the State of New Jersey's Cooperative Purchasing Program; and

**WHEREAS**, prices were received through competitive bidding from the said program and the Purchasing Agent has reviewed the cooperative prices, and determined it would be cost effective to use the Cooperative Pricing Program in lieu of public bidding by private contractors; and

**WHEREAS**, the Township Manager and Purchasing Agent recommends that the Township Council pass this resolution authorizing use of the Cooperative Program for the purchase of this Large Document Scanner; and

**WHEREAS**, the cost estimate for the purchase is \$8,647.23; and the vendor for the Cooperative Program for this purchase is CDW Government, Vernon Hills, IL; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon, has determined and certified the funds for this purchase in account # 10570133A – Technology Expenses.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon that the New Jersey State Cooperative Purchasing Program be utilized to purchase a Large Document Scanner and that it will be purchased from CDW Government, in the amount of \$8,647.23 for the purpose of records retention by all Township Departments and that the Mayor and Clerk are authorized to execute such documents as are required to effectuate this purpose; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption according to law.

Council Member Valerie Seufert questioned the cost of the document scanner and whether it is needed at this time. Council Member Valerie Seufert questioned if a lease would be a better option.

Council Member Richard Carson made a motion to table Resolution #09-196, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

**Resolution #09-196 was tabled.**

**RESOLUTION #09-198**

AUTHORIZING THE USE OF THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR THE REPAIR OF THE McAFEE FIRE DEPARTMENT LADDER TRUCK #445 FOR AN ESTIMATED COST OF \$6226.62 FROM G & G DIESEL, INC.

**WHEREAS**, the Township of Vernon and McAfee Fire Department has a need to repair the transmission of its Ladder Truck #445 to continue to provide effective fire response coverage; and

**WHEREAS**, the Township of Vernon is able to use the State of New Jersey's Cooperative Purchasing Program and the Purchasing Agent has reviewed the cooperative prices, and determined it would be cost effective to use the Cooperative Pricing Program which contracts have already been publicly bid; and

**WHEREAS**, the Vendor for this program is G & G Diesel, Inc; and

**WHEREAS**, the Public Works Director has reviewed the cost estimate and recommends that the Township Council authorize the expenditure of \$6226.62 for the transmission repair; and

**WHEREAS**, the Chief Financial Officer of the Township of Vernon, certifies the availability of funds from Account #10576793; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Vernon, that the vendor, G & G Diesel, Inc., be used to repair the transmission of Ladder Truck #445; and

**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; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately upon adoption by the Township Council.

Council Member Valerie Seufert made a motion to approve Resolution #09-198, seconded by Council Member Richard Carson.

Council Member Gary Grey questioned if the Township Manager can be given discretion to have the repairs done instead of going through a bureaucratic process.

The Township Manager suggested that an Emergency Purchasing Policy should be added to the Township's Purchasing Manual. Mr. Bill Zuckerman stated this is not an emergency type repair since the fire truck is a backup truck.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-198 was approved.

### **RESOLUTION #09-199**

**AUTHORIZING CONTRACT WITH MICROSYSTEMS-NJ, LLC FOR THE YEAR 2009  
IN THE AMOUNT NOT TO EXCEED \$4,200.00**

**WHEREAS**, there exists a need for Computer services for the Township of Vernon for the Tax Assessment Computer Assisted Mass Appraisal System (CAMA); and

**WHEREAS**, the Municipal Assessor has determined that Microsystems-NJ, LLC, the Township's current contractor providing Computer services for Tax Assessment/CAMA is qualified and authorized by the State of New Jersey to continue providing the Township with such services; and

**WHEREAS**, Vernon desires to appoint Microsystems-NJ, LLC, pursuant to a contract under the provisions of N.J.S.A. 40A:11-5(1) (dd), which states computer software services are an exception to public bidding; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose in the 2009 Municipal budget and the value of the contract will not exceed \$4,200.00; and

**NOW THEREFORE BE IT RESOLVED**, the 30<sup>th</sup> day of November, 2009, 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 Microsystems-NJ, LLC, for the purpose of Computer Services for Tax Assessment; and
2. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Contract with Microsystems-NJ, LLC



This Professional Services Contract is authorized to engage Microsystems-NJ, LLC, without competitive bidding for the provision of performance of goods or services for the support or maintenance of proprietary computer hardware and software.

Council Member Valerie Seufert made a motion to approve Resolution #09-199, seconded by Council Member Gary Grey.

Council Member Valerie Seufert questioned why the approval resolution is being considered at the end of the year. Mr. Zuckerman reported that the Township has been paying for the service throughout the year.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-199 was approved.

### **RESOLUTION #09-200**

RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING SETTLEMENT AGREEMENT AND RELEASE IN THE MATTER OF O'SHEA V. TOWNSHIP OF VERNON (SUSSEX) CUSTODIAN OF RECORDS, GRC COMPLAINT NO. 2007-207, OAL DOCKET NO.: GRC 13990-2008N IN THE AMOUNT OF \$2008.50

**WHEREAS**, the Township of Vernon is party to an administrative law action entitled O'Shea v. Township of Vernon (Sussex) Custodian of Records, GRC Complaint No. 2007-207, OAL Docket No.: GRC 13990-2008N; and

**WHEREAS**, pursuant to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-6, a requestor who prevails in a denial of access action is entitled to reasonable attorneys fees from the responding public agency; and

**WHEREAS**, by Interim Order dated April 30, 2008, the New Jersey Government Records Council determined that the Complainant in the above-referenced action was the prevailing party and entitled to reasonable attorneys fees in connection with the action, which was subsequently transferred to the New Jersey Office of Administrative Law for further determination of fees; and

**WHEREAS**, Complainant's counsel has submitted fees in the amount of two thousand eight dollars and fifty cents (\$2,008.50) as fees to date, prior to further pleadings and hearings before the Office of Administrative Law; and

**WHEREAS**, the parties wish to resolve the matter amicably and without further cost or expense to either party pursuant to the terms and conditions of the Settlement Agreement and Release attached to this Resolution; and

**WHEREAS**, the Township Attorney has reviewed the proposed fees and terms and conditions of the attached Settlement Agreement and Release and found them to be reasonable under the circumstances; and

**WHEREAS**, further litigation of this matter would not be of benefit to the Township and would only serve to increase the amount of fees for which the Township would ultimately be responsible for paying to Complainant's counsel; and

**WHEREAS**, the Township Chief Financial Officer has certified that there are funds available for this purpose in Township Account No.10571249.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Mayor and Clerk are hereby authorized, on behalf of the Township, to execute the Settlement Agreement and Release substantially in the form as attached to this Resolution for the purpose of resolving the matter of O'Shea v. Township of Vernon (Sussex) Custodian of Records, GRC Complaint No. 2007-207, OAL Docket No.: GRC 13990-2008N

**BE IT FURTHER RESOLVED** that executed copies of this Resolution and the above-referenced Settlement Agreement and Release shall be on file and shall be available for the public inspection in the office of the Township Clerk upon final execution of the same.

Council Member Valerie Seufert made a motion to approve Resolution #09-200, seconded by Council Member Gary Grey.

Attorney Witt briefly summarized the Office of Administrative Law ruled in favor of the plaintiff concerning the Township charging \$35.00 for audio CDs under OPRA.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-200 was approved.

### **RESOLUTION #09-201**

#### **APPOINTMENTS TO THE VERNON TOWNSHIP FINANCE ADVISORY COMMITTEE**

**WHEREAS**, the Vernon Township Council created the Finance Advisory Committee by Resolution #08-191 on October 9, 2008, and as amended by Resolution #09-72 on April 13, 2009 for the purpose of reviewing and analyzing Township financial information and advising the Council regarding financial matters including, but not limited to, the Town's strategic financial plan, annual property tax decisions, proposals requiring capital and other expenditures of Township funds, the annual budget, investment policies/practices and reviews the annual financial audit; and

**WHEREAS**, the Financial Advisory Committee shall be an advisory committee only, and shall not have authority to make any decisions for the Township or any part thereof, and shall not be authorized to expend any public funds.; and

**WHEREAS**, the following individuals, all residents of Vernon Township, have expressed interest and desire in serving on the Finance Advisory Board:

Mark Buruchian	David Gornstein	Thomas McClachrie
Robert Oliver	James Oroho	

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL** of the Township of Vernon, County of Sussex, State of New Jersey, that the individuals herein stated are hereby appointed to the Vernon Township Finance Advisory Committee to fill the open seats designated for Members of the Public:

**BE IT FURTHER RESOLVED** that all persons appointed herein to the Committee shall submit to the Township Clerk an Oath of Office, Local Government Ethics Law Financial Disclosure Statement, and a Vernon Township Financial Advisory Committee Member Confidentiality Agreement prior to participating on the Committee.

Council Member Sally Rinker made a motion to approve Resolution #09-201, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Sally Rinker, Valerie Seufert, Austin Carew

NAYES: None

Resolution #09-201 was approved.

The Township Manager requested clarification from the Council regarding the function of the Finance Advisory Committee.

The Finance Advisory Committee will hold its next meeting Thursday December 3, 2009. Council Member Sally Rinker will attend along with the Township Manager.

## **FINANCIAL REPORTS**

Mr. Bill Zuckerman, the Township's Chief Finance Officer, presented the following monthly financial reports to the Council:

Schedule A, Debt Statement as of December 21, 2008 - Debt Service payments plus interest were detailed. Total debt service for the Township as of 12/31/08 totaled \$33,324,589.73.

Schedule B, Debt Statement year-to-date as of September 30, 2009 – Details \$2,237,771.13 in debt payments paid as of 09/30/09 and debt service balance of \$31,086,818.60.

Schedule C, Summary Report of Cash Position year-to-date as of September 30, 2009 – summarizes a reported \$3,785,538.96 decrease in cash as of 09/30/09.

Schedule D, Detail Report of Cash Position year-to-date as of September 30, 2009 - presents the detail of receipts and disbursements as of 09/30/09, including capital improvement purchases.

Mr. Zuckerman also reported that \$113,000 was collected in today's Tax Sale.

The Council asked several questions concerning the Township's cash position and refinancing options for bond debt.

## **COUNCIL BUSINESS**

Council Member Valerie Seufert applauded Township Clerk Robin Kline for presenting an informative seminar on the licensing of taxis and limousines at the 2009 November's New Jersey State League of Municipalities conference.

Council Member Sally Rinker questioned the Request for Proposals (RFP) process for Land Use Board professional services in 2010 and encouraged the issuance of RFPs. Attorney Michael Witt advised that if a professional service is not reappointed in 2010, they continue to serve until a replacement has been duly appointed. The Council agreed that a Request for Proposals should be issued.

Mayor Austin Carew commented that the Township has benefited in many ways from the performance of the Township Manager, especially concerning the budget process, payments of bills, addressing Council requests, and representing the Township outside of Vernon. Mayor Carew further stated that Melinda Carlton fully keeps the Council apprised of all issues and complimented her for implementing innovative practices.

## **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 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 10:39 p.m.

Respectfully submitted,

*Robin R. Kline*

Robin R. Kline, MAS, RMC  
Municipal Clerk

Minutes approved: January 14, 2010