

TOWNSHIP OF VERNON

TOWNSHIP COUNCIL WORK SESSION MEETING

December 6, 2010

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:10 p.m. on Monday, December 6, 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 December 3, 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 Richard Carson, Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney Richard Wenner from Courter Kobert & Cohen.

SALUTE TO THE FLAG

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

Mayor Rinker changed agenda format, delaying discussion and possible appointment of Council vacancy until Township Attorney John Ursin would be present later in the meeting.

ITEMS FOR DISCUSSION

Municipal Recycling Plan

Township Manager Jerry Giaimis outlined three options regarding the Municipal Recycling Plan:

1. Continue with Grinnell contract, as is.
2. Residents responsible for making private arrangements.
3. Takeover by Vernon Department of Public Works.

Costs of the various options were discussed.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for public comment on this issue.

Steve Burns, Vernon, reported Lafayette has a very extensive recycling center that can be utilized by Vernon residents at no cost.

Thomas McClachrie, Vernon, questioned the conditions of the recycling Clean Communities Grant.

Gary Grey, Vernon, questioned the payback for the costs to the Township in taking over recycling.

Robert Oliver, [REDACTED], questioned equipment costs as well as shared services with Hardyston. Mr. Oliver also questioned manpower costs.

Gary Martinson, Vernon, reported that some haulers do not go to Lafayette, but instead go to PA. Mr. Martinson also questioned the accuracy of salary cost estimates, wear and tear on vehicles in addition to fuel costs.

Mayor Rinker questioned Dave Pullis, Director of Public Works regarding the condition of the existing equipment. Mr. Pullis informed Mayor and Council that the equipment is old, but not ready for replacement, yet. Mr. Pullis also stated that he is now a Certified

Recycling Coordinator, having taken the exam and passed it. Mayor Rinker commented that she would like to see cost estimates revised.

Mayor Rinker closed the meeting for public comment.

Snow Removal Plan with Private Communities

Township Manager Jerry Giaimis outlined costs for the snow removal plan of the private communities. Mayor and Council questioned various aspects of the estimated costs of operation, as well as the equipment needed. Mr. Giaimis and DPW Director Dave Pullis spoke about manpower needs and the hiring of 10 full time seasonal employees versus 5 full time and 5 part time seasonal employees. Materials such as 10 mason dumps with plows and sanders, and additional sand and salt would be needed in order for the private lake communities to be plowed by the Township.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for public comment on this issue.

Bill Rixon, President of Scenic Lakes, questioned the number of trucks that would be assigned to Scenic Lakes. Mr. Rixon commented on the difficult terrain in this lake community.

Phyllis Pfeifer, Vernon resident, commented on concerns that the Council does not have a list of current and future equipment needs.

Jack McLaughlin, Highland Lakes, commented on the Township Council's lack of a plan for carrying out snow removal of additional roadways in the private communities. Mr. McLaughlin commented on estimated costs being inaccurate because the private communities have unique circumstances that will drive up costs over current estimates. Mr. McLaughlin questioned if the Financial Advisory Committee had analyzed the cost estimate calculations.

Council Member Shortway suggested tabling the snow removal plan with private communities until the new government takes effect.

Jim Miserere, Hidden Valley Property Owners Assoc., commented on the proposed number of trucks needed to plow additional roadways in the private communities. According to his calculations, this figure is inaccurate.

Linda Fleming, Vernon resident, suggested that DPW Director Dave Pullis consult with a heavy equipment manufacturer to provide information on the best type of equipment for Vernon Township needs.

Robert Oliver, [REDACTED], questioned the average reimbursement to the lake communities over the past five years.

Mayor Sally Rinker commented that she would like to see the Financial Advisory Committee utilized for this matter.

Township Attorney John Ursin replaced Attorney Richard Wenner at 7:59pm.

Council Member Richard Carson questioned if the private communities go out to bid for their snowplow contractors.

Phil Capobianco, Lake Walkkill, commented on the time sensitivity issue regarding reimbursement to Lake Walkkill for 2009.

Gary Grey, questioned if the Township takeover of snowplowing for private communities would include Kelly Bill Communities. Mr. Grey also questioned if there would be enough salt storage capacity considering the increase in roadways to be plowed.

Jack McLaughlin, stated the roads need to be owned by a non-profit qualified homeowner's association in order to be considered under the Kelly Bill.

Township Attorney John Ursin spoke about the laws regarding the Kelly Bill.

Audrey Falgares, Lake Panorama, questioned the proposed number of times plows will pass the roadways during a snowstorm in the Private Communities. Ms. Falgares stated that considering the higher elevations and challenging terrain, one time would not be sufficient to clear roadways.

Marika Bazzone, Glenwood, questioned Council Member Shortway's suggestion to table the issue of the Snow Removal Plan with Private Communities.

Gary Martinsen, commented on the overtime factor for employees hired to conduct additional plowing. Mr. Martinsen also questioned where 10 new trucks would be stored.

Philip Schneider, Barry Lakes, commented on Barry Lakes going out to bid for plowing contractors. Mr. Schneider also commented on the geographical challenge of plowing his community.

Jeanne Jameson, commented on the private communities purchasing salt and grits from the Township, thereby lowering the cost for all concerned.

Jack McLaughlin, Highland Lakes, spoke regarding the purchasing and delivery of salt.

Mayor Rinker closed the meeting for public comment.

Council Member Valerie Seufert motioned to take a five minute break, seconded by Council Member Richard Carson, with all in favor.

Discussion and Possible Appointment of Council Vacancy

Mayor Rinker made a motion to remove this item from the agenda and postpone it until the next Council meeting on December 16, 2010. The reasons stated were that this is a work session meeting and no action may be taken. Mayor Rinker further stated that the Executive Session was advertised for discussion on the water and sewer agreement, and therefore only action can be taken on the water and sewer agreement. A meeting to discuss or take action on a Council Appointment was not legally noticed, as is required, and therefore would violate the Open Public Meetings Act. The public's business must be done at legally noticed public meetings. The Township Attorney advised the Clerk on Friday and she did not have time for adequate public notice, therefore, the matter cannot be on the agenda. The Republican Committee also failed to put forth three names, according to State Statutes.

The Motion was seconded by Council Member Richard Carson.

Council Member Valerie Seufert disagreed and stated three names were brought forward by the Republican Committee even though one person later took their name out of the running.

Township Attorney John Ursin stated the Statute is very clear in saying that the municipal political committee must submit three names. In this case, it appears three names were provided within the 15 days, and one withdrew. Mr. Ursin further stated that the Council is entitled to choose from the remaining two names. Whether or not the Council is obligated to choose from the remaining two names is a gray area.

Council Member Richard Carson questioned John Ursin regarding the proper legal noticing and whether the Council could vote on the appointment tonight or if consideration of the appointment could be delayed until the next Council meeting on December 16, 2010. Mr. Ursin stated that, technically, the agenda was sufficiently noticed and that the Council could consider what is on the agenda tonight. Mr. Ursin further stated that consideration of the appointment could also be delayed until the next Council meeting on December 16, 2010, if the Council so decides.

A roll call vote was taken.

AYES: Richard Carson, Mayor Sally Rinker

NAYES: Valerie Seufert, Harry Shortway
John Ursin stated that with a 2 to 2 vote, the motion did not pass.
Council Member Harry Shortway made a motion to nominate Mr. Lynch to fill the Council vacancy; seconded by Council Member Valerie Seufert.

A roll call vote was taken.

AYES: Richard Carson, Valerie Seufert, Harry Shortway

NAYES: Mayor Sally Rinker

Motion to appoint Mr. Lynch to the Council vacancy passed 3 to 1.

Mayor Sally Rinker stated that Deputy Mayor Harry Shortway will now swear in Mr. Brian Lynch as Council Member. Mr. Brian Lynch was sworn in by Deputy Mayor Harry Shortway.

Council Member Brian Lynch made a statement thanking the Mayor and Council for the opportunity to usher in a new year with cooperation and respect. Mr. Lynch added that the issues needing immediate attention are economic development and the bonding process.

Mayor Sally Rinker welcomed Council Member Brian Lynch and also stated the process was improper.

PUBLIC COMMENTS

Mayor Rinker opened the meeting for public comment

Jessi Paladini, [REDACTED] stated that Council Member Brian Lynch was appointed illegally. Ms. Paladini commented that there was no vote on any nominations brought forth from the Republican Committee. Ms. Paladini further stated that there is no voting allowed in a work session meeting and also that the meeting was ill noticed.

Gary Martinsen, Vernon, questioned John Ursin if voting during a work session is legal. Mr. Martinsen further stated that he feels the Township Council needs to set a better example.

Gary Grey, thanked the Council for taking steps to accomplish the goal of having a full Council so the Township can move forward with future action.

Robert Oliver, Vernon resident, stated the referendum passed.

Phyllis Pfeifer, Vernon resident, stated her disappointment in the Township Council voting when there was a gray area that needed clarification.

Thomas McClachrie, Vernon Taxpayer's Association, stated that he agreed with Phyllis Pfeifer. Mr. McClachrie also spoke regarding BANS and Bonds as well as budgeting for lake community plowing.

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

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 9:25 p.m. Mayor Sally Rinker called for a motion to go into Executive Session Council Member Harry Shortway 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:

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. Contract Negotiation matter - United Water Sewer Agreement
 - b. Litigation matter – Tax Appeal Litigation
 - c. Personnel matters regarding Township Manager, Clerk’s position and Tax Assessor position.
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 9:25 p.m.

Council Member Richard Carson left Executive Session at 10:00 p.m.

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A motion was made to come out of closed Session by Council Member Valerie Seufert, seconded by Council Member Harry Shortway, with all in favor.

The meeting was reopened to the public at 11:10 p.m. Present were Council Members Richard Carson, Brian Lynch Valerie Seufert, Harry Shortway, and Mayor Sally Rinker. Also present were Township Manager Jerry Giaimis and Township Attorney John Ursin.

COUNCIL BUSINESS

Mayor Sally Rinker made a motion to hire consultant Joe Golden, not to exceed \$12,000 to help the Township with assessment and analysis for Municipal Services Act reimbursement, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Valerie Seufert, Harry Shortway, Sally Rinker

NAYES: None

ABSENT: Richard Carson

ABSTAIN: Brian Lynch

ADJOURNMENT

There being no further items of business to be conducted on the Work Session Meeting agenda, a motion for Adjournment was made by Council Member Harry Shortway. 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 11:12 p.m.

Respectfully submitted,

Andrea Bates
Acting Municipal Clerk

Minutes approved: December 28, 2010