

## **VERNON TOWNSHIP COUNCIL**

### **REGULAR MEETING MINUTES**

**APRIL 12, 2021**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on April 12, 2021 via Zoom Webinar in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

#### **STATEMENT OF COMPLIANCE**

Adequate notice of this meeting has been provided to the public and the press on January 6, 2021 and on April 8, 2021 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

#### **ROLL CALL**

Present were Council Members John Auberger, Toni Cilli, Andrew Pitsker, Kelly Weller and Council President Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, CFO Donelle Bright and Township Attorney Josh Zielinski.

#### **SALUTE TO THE FLAG**

Council President Shortway led the assemblage in the salute to the flag.

#### **PUBLIC COMMENTS** *(For Current Agenda Items Only, Limited to 3 minutes per person)*

Council President Shortway asked for a motion to open the meeting to Public Comments.

MOVED: John Auberger

SECOND: Andrew Pitsker

All members present voted in favor.

Al Losco President, Glen Harbor Homeowners Association emailed asking what is being done to ensure the safety of the residents of Glen Harbor after the shooting incident in which a bullet struck one of our resident's garage from the shooting range on Drew Mt Rd? I am sure other residents near us are concerned as well.

Seeing no other members of the public wishing to speak, Council President Shortway asked for a motion to close the meeting for Public Comments.

MOTION: John Auberger

SECOND: Andrew Pitsker

All members were in favor.

#### **DISCUSSION ITEM**

Target Practice on Private Property

Township Administrator Voelker explained that about three weeks ago there was a report of a stray bullet that struck a home in the Glen Harbor Development area. The police were called and went out to the area. The homeowner informed the police that there has been a lot of shooting in the area. The police have received other complaints of shooting in the area. An owner of the home in the area that is on 59 acres did tell neighbors that he planned to do some target practicing on his property. After speaking with the person who owned the property where the target practice was taking place, it appeared that he formed a berm with soil and trees. This was done to prevent the ricochet of bullets from the area the shooting was taking place to anywhere else on the property. However, this berm appeared too not be successful. The owner of the property will be responsible for any damage that was caused and he will personally apologize to the people whose house was struck with the stray bullet. Mr. Voelker said that there is not a State code or Township ordinance that prevents somebody from firing a gun on their own property especially where the size of the property is such that the boundaries are not close to any specific neighborhood.

Council President Shortway received a number of inquiries about this. He said there is nothing in the code that prevents this. There is maintaining a nuisance but it begins with an unlawful act. This was not unlawful and it is the first time it has happened. Council President Shortway has looked at some other towns that

have ordinances prohibiting ranges unless they get a permit and are inspected. West Milford's ordinance defines the hours of shooting that is allowed. This is a discharge of a firearm and we are not questioning Second Amendment rights. We need to look at this and make it safe. Council President Shortway has proposed to administration an ordinance from another town where if a round does leave your property and goes onto another without written permission, causing property damage, injury or death, there would be punitive measures.

Mayor Burrell said he hopes that the public understands that we are taking this very seriously. He applauds the minor detail that Council President Shortway has already done and the information that was sent to him. Mayor Burrell shares the strong concern of the residents. It concerns him and scares him that a round hit someone's backyard patio or building. Mayor Burrell did hear from the police that the owner of the property where the bullet came from was very shaken that he could have hurt somebody. We have someone's legal right and we want to make sure we adhere to those rights while we consider what is proper safety. Right now, there is not a simple solution but we are going to work hard and see if we can find one.

Council Member Pitsker said we are all looking at different laws but it is about safety first. One of the ordinances he looked at said if you have a shooting range you need to have inspections. We need to do our due diligence and have our lawyers do their investigations. Council Member Pitsker said we are not impeding on Second Amendment rights or the property owner's rights to shoot on his property. Council Member Pitsker said the responsibility of ownership of a gun comes down to; if a round leaves your chamber, it is your responsibility where it lands.

Council Member Cilli agrees that there needs to be some sort of inspection. This could have been a child playing and she said it is scary for that neighborhood.

Council Member Weller agrees saying that it could have been a child, a pet or anyone that could have been hit with the bullet. We are lucky that it was just a garage. We definitely need some sort of inspection put into place.

Council President Shortway thinks we need to look at West Milford. Maybe Police Chief Young can contact them and talk about the pros and the cons. The NRA has guidelines for ranges and they would stand right behind us because safety is first.

Administrator Voelker said that safety is the key and he does not know why this incident happened. He thinks it is important that this message was conveyed to the property owner. He does not know what steps if any he has taken to remediate whatever situation may have caused this. Administrator Voelker said that on the administrative end along with the assistance Chief Young we will look at other large towns to see what they do in their particular jurisdiction to make sure nothing like this happens.

## **MINUTES**

March 22, 2021 – Executive Session

March 22, 2021 – Regular Meeting

April 5, 2021 – Special Meeting - Executive Session

Council President Shortway asked for a motion to approve the above minutes.

MOVED: Andrew Pitsker

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Pitsker, Cilli, Shortway

Weller – **March 22, 2021 Executive, March 22, 2021 Regular Only**

NAYES:

ABSTAIN: Weller - **April 5, 2021 Only**

ABSENT:

## **RESOLUTIONS**

**Resolution #21-95:** Resolution Supporting S-3522 Creating Local Part of the Public Employees' Retirement System (PERS)

Council President Shortway asked for a motion to approve resolution #21-95.

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN: Auberger

ABSENT:

Motion passed to approve Resolution #21-95.

**RESOLUTION #21-95**

**Resolution Supporting S-3522 Creating Local Part of the Public Employees' Retirement System (PERS)**

**WHEREAS**, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus created one of the worst publicly funded retirement systems in the entire nation; and,

**WHEREAS**, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and,

**WHEREAS**, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for the Public Employee's Retirement System ("PERS") alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and,

**WHEREAS**, S-3522 would divide PERS into two parts: A State Part for State employees, and a Local Part for all other employees; and

**WHEREAS**, the legislation creates a seven-member board consisting of three labor employee representatives, three management representatives, and one determined by the Board, tasked with operating the retirement system and directing policies and investments to achieve and maintain full funding; and

**WHEREAS**, this legislation is similar to the legislation that separated the Police and Fire Retirement System (P.L. 2018, c. 55) except for the control of investments and that management has an equal representation on the board, which was overwhelmingly supported by the legislature and signed by the Governor; and

**WHEREAS**, S-3522 would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as fiduciary of the system;

**Now, Therefore, be it Resolved** that the governing body of the Township of Vernon does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of PERS to preserve the structure and integrity of the more solvent Local Part.

**Be it Further Resolved** that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, Senator Steven V. Oroho, Assemblyman Parker Space, Assemblyman Harold J. Wirths, and the New Jersey League of Municipalities.

**Resolution #21-96:** Governors Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2022

Council President Shortway asked for a motion to approve resolution #21-96.

MOVED: John Auberger  
SECOND: Kelly Weller

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN:  
ABSENT:

Motion passed to approve Resolution #21-96.

**RESOLUTION #21-96**

**Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2022**

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Vernon, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Vernon, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Vernon Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$ 7,472.00
Cash Match	\$ 1,868.00
In-Kind	\$ 5,604.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**Resolution #21-97:** Refund Overpayment (Block 613 Lot 415 – CoreLogic)

**Resolution #21-98:** Refund Overpayment (Block 526 Lot 141 – Jerry Haug)

**Resolution #21-99:** Refund Overpayment (Various Lots and Block - CoreLogic)

**Resolution #21-100:** Refund Overbilled Tax Account (Block 16 Lot 2 Q-Farm – Siegel Trust)

**Resolution #21-101:** Refund Overpayment Due to State Tax Court Judgement (HM GG, LLC) Block 521 Lot 5

**Resolution #21-102:** Refund Overpayment Due to State Tax Court Judgement (HM GG, LLC) Block 521 Lot 5

**Resolution #21-103:** Refund Overpayment Due to State Tax Court Judgement (HM GG, LLC) Block 546 Lot 1

**Resolution #21-104:** Refund Overpayment Due to State Tax Court Judgement (HM GG, LLC) Block 546 Lot 1

Council President Shortway asked for a motion to approve resolutions #21-97, #21-98, #21-99, #21-100, #21-101, #21-102, #21-103 and #21-104.

MOVED: John Auberger  
SECOND: Andrew Pitsker

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN:  
ABSENT:

Motion passed to approve Resolutions #21-97, #21-98, #21-99, #21-100, #21-101, #21-102, #21-103 and #21-104.

**RESOLUTION # 21-97**

**REFUND OVERPAYMENT  
(Block 613 Lot 415- CoreLogic )**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to CoreLogic in the amount of \$2,179.22 representing refund for overpayment of 4th qtr. 2019 property taxes for Block 613 Lot 15 also known as [REDACTED] [REDACTED] [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Tymon	613	415	\$2179.22
		<b>TOTAL:</b>	<b>\$2179.22</b>

**RESOLUTION # 21-98**

**REFUND OVERPAYMENT  
(Block 526 Lot 141- Jerry Haug)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to **Jerry Haug** in the amount of \$1,277.97 representing refund for overpayment of 4th qtr. 2019 property taxes for Block 526 Lot 141 also known as [REDACTED].

OWNER	BLOCK	LOT	REFUND AMOUNT
Haug	526	141	\$1277.97
		<b>TOTAL:</b>	<b>\$1277.97</b>

**RESOLUTION # 21-99**

**REFUND OVERPAYMENT  
(Various Lots and Blocks-CoreLogic)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to CoreLogic in the amount of \$10,052.97 representing refund for overpayment of the following property taxes:

OWNER	BLOCK	LOT	REFUND AMOUNT
Handelong	252	7	\$2058.89
Houtaling	48	20	\$1935.52
Bellis	541	42	\$2892.33
Zikeki	594	32	\$1757.03
Ouellette	189	11	\$1409.20
		<b>TOTAL:</b>	<b>\$10,052.97</b>

Handelong- refund for overpayment totaling \$2,058.89 of 4th qtr. 2020 property taxes for Block 252 Lot 7 also known as [REDACTED]

Houtaling- refund for overpayment totaling \$1,935.52 of 4th qtr. 2020 property taxes for Block 48 Lot 20 also known as [REDACTED]

Bellis- refund for overpayment totaling \$2,892.33 of 4th qtr. 2020 property taxes for Block 541 Lot 42 also known as [REDACTED]

Zikeki- refund for overpayment totaling \$1,757.03 of 1st qtr. 2020 property taxes for Block 594 Lot 32 also known as [REDACTED]

Ouellette- refund for overpayment totaling \$1,409.02 of 2nd qtr. 2020 property taxes for Block 189 Lot 11 also known as [REDACTED]

**RESOLUTION #21-100  
REFUND OVERBILLED TAX ACCOUNT  
(Block 16 Lot 2 Q-Farm – Siegel Trust)**

**WHEREAS**, property located at NY State Line also known as Block 16 Lot 2 Q-Farm had a reduction in assessed value and,

**WHEREAS**, the assessed value went from 98,1000 down to 4,400 creating an overbill on such property.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon hereby authorize the Tax Collector to refund the property owner the amount of \$1,112.10 for the reduction of said assessment.

**FINALLY, BE IT RESOLVED**, that a certified copy of Resolution be forwarded to the Township Tax Collector.

**CERTIFICATION:** I hereby certify that the above resolution is a true copy of the Resolution adopted by the Township Council of the Township of Vernon at their Regular Meeting held on April 12, 2021 at 7:00 PM in the Vernon Municipal Center.

**RESOLUTION #21-101  
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGMENT  
(HM GG, LLC) Block 521 Lot 5**

**WHEREAS**, a Tax Court Judgment has been favorably awarded for the year 2019: and,  
**WHEREAS**, such Judgment has resulted in an overpayment of 2019 property taxes for Block 521 Lot 5 also known as 414 Rt 517, Vernon, New Jersey.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, to authorize the Tax Collector to refund the 2019 overpayment in the amount of \$15,920.26 to Archer & Greiner, P.C. as Trustee for HM GG, LLC.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Township Treasurer and Tax Collector.

**RESOLUTION #21-102  
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGEMENT  
(HM GG, LLC) BLOCK 521 LOT 5**

**WHEREAS**, a Tax Court Judgement has been favorably awarded for the year 2020: and,  
**WHEREAS**, such Judgement has resulted in an overpayment of 2020 property taxes for Block 521 Lot 5 also known as 414 RT 517 Vernon, New Jersey.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, to authorize the Tax Collector to refund 2020 overpayment in the amount of \$37, 384.72 to Archer & Greiner, P.C. as Trustee for HM GG, LLC.

**RESOLUTION #21-103  
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGEMENT  
(HM GG, LLC) BLOCK 546 LOT 1**

**WHEREAS**, a Tax Court Judgement has been favorably awarded for the year 2020: and,  
**WHEREAS**, such Judgement has resulted in an overpayment of 2020 property taxes for Block 546 Lot 1 also known as 403-421 RT 517 Vernon, New Jersey.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, to authorize the Tax Collector to refund 2020 overpayment in the amount of \$3,565.07 to Archer & Greiner, P.C. as Trustee for HM GG, LLC.

**RESOLUTION #21-104  
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGEMENT  
(HM GG, LLC) BLOCK 546 LOT 1**

**WHEREAS**, a Tax Court Judgement has been favorably awarded for the year 2019: and,  
**WHEREAS**, such Judgement has resulted in an overpayment of 2019 property taxes for Block 546 Lot 1 also known as 403-421 RT 517 Vernon, New Jersey.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, to authorize the Tax Collector to refund 2019 overpayment in the amount of \$1,468.18 to Archer & Greiner, P.C. as Trustee for HM GG, LLC.

**Resolution #21-105:** Resolution of the Township of Vernon Disapproving of the County of Sussex Imposing Additional Staff Overtime Election Fees  
Council President Shortway asked for a motion to approve resolution #21-105.

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-105.

**RESOLUTION #21-105**

**RESOLUTION OF THE TOWNSHIP OF VERNON DISAPPROVING OF THE COUNTY OF  
SUSSEX IMPOSING ADDITIONAL STAFF OVERTIME ELECTION FEES**

**WHEREAS**, the Township of Vernon ("Township") has received a notice from the County of Sussex ("County") concerning election costs; and

**WHEREAS**, the County has indicated that some all-mail election related services/products initiated last year due to the COVID-19 pandemic need to continue given the continued presence of the virus and continued Public Health Emergency; and

**WHEREAS**, the County has taken the position that the municipalities in the County of Sussex should provide reimbursements for some of the costs associated with the upcoming primary elections; and

**WHEREAS**, one of the costs for which the County will be seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests; and

**WHEREAS**, the Township disapproves of the proposed reimbursement and feels that this is a “usual” cost that should be borne by the County in connection with its election duties. The Township further asserts that the County should be using the funds it will receive in connection with the 2021 American Rescue Plan Act to pay its personnel.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Vernon disapproves of the County of Sussex seeking reimbursement for its staff overtime in connection with fulfilling mail-in ballot requests and hereby requests that the County of Sussex utilize its own funds for such expenditures.

**BE IT FURTHER RESOLVED**, that the Township Clerk is directed to send a copy of this Resolution to the Sussex County Freeholders, County Administrator, and the Governing Bodies of all other municipalities in the County of Sussex.

**Resolution #21-106:** Resolution of the Township of Vernon Authorizing an Application to the Office of the Attorney General for the SFY21 Body-Worn Camera Grant Program

Council President Shortway asked for a motion to approve resolution #21-106.

MOVED: Toni Cilli  
SECOND: Kelly Weller

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN:  
ABSENT:

Motion passed to approve Resolution #21-106.

**RESOLUTION #21-106**

**RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING AN APPLICATION TO THE OFFICE OF THE ATTORNEY GENERAL FOR THE SFY21 BODY-WORN CAMERA GRANT PROGRAM**

**WHEREAS**, the Vernon Police Department has been invited to apply for the SFY21 Body-Worn Camera Grant Program (“Grant Program”); and

**WHEREAS**, the grant application deadline for the SFY21 Body-Worn Camera Grant Program is April 30, 2021; and

**WHEREAS**, the Grant Program is for a 60 month period, January 1, 2021 through December 31, 2025; and

**WHEREAS**, the Vernon Police Department wishes to participate in the Grant Program in order to supplement funding for their body worn cameras; and



**WHEREAS**, the SFY21 Body-Worn Camera Grant Program is designed to aid in the purchase of body worn cameras, ancillary equipment and storage utilizing state funding; and

**WHEREAS**, if awarded, the grant would be used to aid the funding of body worn cameras for the Vernon Police Department.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon that:

1. The Township Council hereby authorizes the submission of a grant application for the SFY21 Body-Worn Camera Grant Program.
2. The Mayor, the Business Administrator, or their designee may sign any other documents necessary in connection therewith, on behalf of the Township of Vernon.
3. The Administration is hereby authorized to accept and utilize any funds resulting from this grant application in accordance with the terms of the grant agreement.

### **INTRODUCTION/1<sup>ST</sup> READING OF PROPOSED ORDINANCES**

#### **Ordinance #21-10: Ordinance Approving Town Center Redevelopment Plan**

Council President Shortway read by title Ordinance #21-10.

Council President Shortway asked for a motion to introduce Ordinance #21-10.

MOVED: Kelly Weller

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN: Auberger

ABSENT:

Motion passed to introduce Ordinance #21-10.

#### **Ordinance #21-11: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending and Supplementing Chapter 5 Entitled “Administration of Government” to Update the Structure of the Departments Within the Township**

Council President Shortway read by title Ordinance #21-11.

Council Member Cilli asked with the change in departments will we need additional head counts for any departments that are in the budget?

Mayor Burrell explained that the primary reason for the changes is because for several years the Planning/Development department has not been in compliance with our municipal code. In 2008 due to layoffs we eliminated the in-house Engineer who was the department head for the department. The town code was never updated to reflect this.

Council Member Pitsker asked what kind of efficiencies will we see with these changes.

Mayor Burrell said we may see some efficiencies but he believes most of the organizations have been operating efficiently. The focus for years has been on the building department and this was not an organizational structure issue. It was some things that were being done that were not the most cost effective or efficient. Since we hired a new person in the Building Department there have been some efficiencies and changes. Mayor Burrell feels the new organization should enhance the departments.

Council President Shortway asked for a motion to introduce Ordinance #21-11.

MOVED: Andrew Pitsker  
SECOND: Kelly Weller

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN:  
ABSENT:

Motion passed to introduce Ordinance #21-11.

## **PUBLIC HEARING/2<sup>ND</sup> READING OF ORDINANCE -**

**Ordinance #21-09:** Calendar Year 2021 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

Council President Shortway read by title Ordinance #21-09.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-09.

MOVED: John Auberger  
SECOND: Kelly Weller

All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-09

MOVED: Kelly Weller  
SECOND: Andrew Pitsker  
All Members were in Favor

Council Member Cilli asked in an emergency situation are there any other things that could get cut besides the DPW and police?

Council President Shortway said you would start with other divisions or departments and you don't want to touch public safety. Where you would cut, we just don't know. Back when we were doing the cuts, we did not replace one officer. Cutting the DPW or police would be the extreme.

Council Member Cilli asked if there is an emergency does the Council vote on where the Cap is being used?

Mayor Burrell explained that there always has to be Council approval of how money is spent in the township.

Council President Shortway asked for a motion to adopt Ordinance #21-09.

MOVED: John Auberger  
SECOND: Toni Cilli

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN:  
ABSENT:

Motion carried to adopt Ordinance #21-09.

## **ORDINANCE #21-09**

**CALENDAR YEAR 2021  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it up to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Township of Vernon in the County of Sussex finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and the citizens; and

WHEREAS, the Governing Body hereby determines that a 2.5% increase in the budget for said year, amounting to \$265,411.14 in excess of the increase in final appropriations otherwise permitted by, by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized herein above, that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Vernon, County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Vernon shall ,in accordance with this ordinance and N.J.S.A. 40A:40-45.14, be increased by 2.5% amounting to \$442,351.90, and that the CY 2021 municipal budget for the Township of Vernon be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and;

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote thereon, be filed with said Director within 5 days after such adoption.

**PUBLIC COMMENTS (*Limited to 3 Minutes On Any Topic*)**

Council President Shortway asked for a motion to open the meeting for Public Comments.

MOTION: Andrew Pitsker

SECOND: Kelly Weller

All members were in favor.

Al Losco – Vernon Township, asked if there are any updates on the Wallace property cleanup?

Jessi Paladini – Vernon Township, she said that at a past meeting Council President Shortway said in 2010 the town cut a number of employees and the town never recovered from that. Ms. Paladini said today there are a lot more municipal employees in Vernon then there were in 2010 when they cut a full-time engineer and a full-time surveyor. Tonight Ms. Paladini thought she heard Council President Shortway say they also cut police officers. To her knowledge that has never happened and we have many more police officers today than ever before. To her knowledge Council President Shortway's statements at two meetings was not accurate.

Seeing no other members of the public wishing to speak, Council President Shortway asked for a motion to close the meeting for Public Comments.

MOTION: Andrew Pitsker

SECOND: Kelly Weller  
All members were in favor.

## **MAYOR COMMENTS**

I want to provide some context, and some clarifying facts, to a recent news article which highlighted our town.

The news article to which I refer first appeared in the digital addition of our county's newspaper approximately two weeks ago, and last week was featured in this newspaper's Sunday edition. The article was written by a Mr. Andrew Ford of the Ashbury Park Press, and alleges that Vernon Township was one of 25 towns that paid police officers for sick time in violation of a 2010 NJ statute during the 3-year period from 2017 to 2019.

I understand that the issue that is the subject of this article pertains to events that occurred prior to my time as Mayor. However, the personal standard that I establish for myself, and my commitment to the residents of Vernon, causes me to embrace the point of view that because at this time in the life of our town I am the one who has been entrusted with the responsibility of serving the people of Vernon as their Mayor, I should make myself sufficiently aware of any significant municipal issues that come up on my watch.

And so it is with this attitude that I have proceeded to do my due diligence on this issue. That due diligence produced the following 10 very pertinent, and clarifying, facts that I believe that it's important for the residents of Vernon to know:

Fact # 1: The NJ statute that is the subject of this article is one that went into effect on May 21, 2010. This statute had the two controlling provisions:

Provision 1: Stated that NJ public employees who were hired after the May 21, 2010 date that this NJ statute went into effect, could only be paid for accumulated sick leave when they retired; and ...

Provision 2: Stated that the total amount of accumulated sick leave for which these NJ public employees could be paid, could not exceed 15K\$ per employee.

Fact # 2: Although this NJ statute was in effect in 2016, the then municipal officials negotiated and signed a contract with the police union that allowed sick leave payouts to be made on an annual basis, rather than only at retirement, as the 2010 NJ statute had directed.

Fact # 3: I fully understand the inclination to point the finger of blame at the Mayor, Council and other municipal officials who were in office in 2015 when this contract was negotiated, approved and signed - - even though it was in violation of state law.

However, it should also be noted that our town's then labor attorney; our town's then auditors; plus the NJ Public Employment Relations Commission - - all of which had a responsibility to review this union contract for legal accuracy - - also did not point out the fact that this contract was in violation of state law.

Fact # 4: It was not until September of 2018 when the town hired our current Chief Financial Officer, Ms. Donelle Bright, that this illegal contract provision was brought to the attention of the town by her.

Fact # 5: After this illegal contract provision was brought to the town's attention by Chief Financial Officer Bright, both the town and the police union agreed that this provision was null and void, and would no longer be honored.

Fact # 6: Prior to this illegal contract provision being brought to the attention of the town, the town did make five annual sick leave payouts, to four different individuals, who were hired after the May 21, 2010 date; these payments were in violation of the NJ statute that's the subject of the news article by Mr. Ford.

Fact # 7: In 2017, annual payouts of sick leave were made to two Vernon Township police officers; and in 2018, annual payouts of sick leave were made to three Vernon Township police officers.

Fact # 8: Payments to no single Vernon Township police officer exceeded the 15K\$ limit that was imposed by the 2010 NJ statute; in fact, the total dollar amount of all payments to Vernon Township police officers was \$7,9212.44, or an average of \$1,582 per payment.

Fact # 9: While I don't understand why Mr. Ford chose to lead his article with Vernon Township, and to write this article in a way that could lead a reader to believe that Vernon was a major violator of this NJ statute, the fact is that the total 460K\$ in payouts that Mr. Ford claims to have discovered, was the total amount discovered for all 25 towns - - and not just Vernon Township - - during the 3-year period from 2017 to 2019.

Fact # 10: Just six of those 25 towns - - none of which was Vernon Township - - accounted for approximately 60% of that total 460K\$ that Mr. Ford claims to have discovered, with the largest dollar amount being 59K\$ that was paid out by Washington Township in Warren County.

As it relates to Vernon's current contract with our police union, former Mayor Shortway started the negotiations on this contract in 2019, and I completed those negotiations and signed the contract on behalf of our town in 2020. This contract is 100% consistent with the 2010 NJ statute.

This news article, and perhaps rightly so, points out an error that Vernon and at least 24 other municipalities made during a 3-year period from 2017 to 2019.

While I understand that it would not be as sensational, or perhaps not even as interesting, if the writer had pointed out the fact that Vernon took immediate action to correct this error as soon as it was discovered.

But this Mayor and Council team does not believe in simply pointing fingers - - we believe in making things right. We are guided in part by the wisdom that was expressed by former President John F. Kennedy. President Kennedy said that an error does not become a mistake until you refuse to correct the error; and Vernon took immediate action to correct this error as soon as it was discovered.

Now let's continue to work together to MOVE VERNON FORWARD.

Let me share with the Council and the public some of the key considerations that influence and guide the town's response to a municipal issue that comes up every year at this time.

I address this issue, not only because it comes up every year at this time, but also because Council Member Cilli has communicated to me some of the concerns related to this issue that have been addressed to her.

The issue that I speak of is the issue related to the removal of the gravel that's a by-product of the salt that we use in our winter road safety operations.

We know and understand that the gravel presents some skidding, slipping and falling hazards; and, we therefore, make every attempt to remove this gravel from our neighborhood streets as early in the spring as possible.

The following are six key considerations that influence and guide the rate at which we are able to remove this gravel:

1. The town has only one street sweeper to remove the gravel from the neighborhood streets that's a part of our 70 square mile town.
2. The type of street sweeper that we need and use cost approximately 300K\$; and as part of our efforts to operate a cost effective and efficient municipal government, we have chosen not to at this time purchase a second street sweeper.
3. We normally start the street sweeping process in April, but in an attempt to get to more neighborhoods in the township sooner, this year we started the street sweeping process in March.
4. We start in the neighborhoods where there is the largest buildup, or the greatest potential for danger, from gravel caused skidding, slipping and falling hazards.
5. The street sweeping process is very slow - - the street sweeper travels at a rate of 5-10 MPH. In addition, because the street sweeper vacuums in the gravel, when the sweeper container is full with gravel, we must

stop the sweeping operation and empty the container, which is but just one of several necessary operational tasks that slows down the street sweeping process.

6. The town's street sweeper is always in operation in one of our town's neighborhoods, five days per week, unless the rain or wetness of the gravel makes it not possible for the sweeper to vacuum up the gravel; and, we normally don't complete our street sweeping operation until about August.

We want the residents of Vernon to know that we understand the potential skidding, slipping and falling hazards that they face with the gravel on their streets; and we want to ensure them that we are addressing this issue as soon as we can.

Mr. Council President and other Council Members, the residents of our town continue to reap the benefits of the Mayor and Council's earlier actions supporting our volunteers. We have seen this benefit in the form of a resurgence in the number of individuals who are willing to step forward and, again, serve as volunteers for our town.

That resurgence is reflected, in part, in a new appointment that I make tonight to the Greenway Action Advisory Committee.

On tonight I appoint, and welcome back to the Greenway Action Advisory Committee, Mr. Michael Cheski.

The work of the Greenway Action Advisory Committee will be given a boost by the experience that Mr. Cheski brings back to this committee from his Master of Science in Educational Technology degree, his recent coursework in Ecology and Sustainability, and his experience from working with the NY/NJ Trail Conference, especially his experience on trail building issues.

Welcome back Mr. Cheski!

## **COUNCIL COMMENTS**

Vice President Auberger wanted to make the public aware that the County and the town will be starting litter clean up so when you see signs up, please slow down. If the police department sees them out working and can sit there for a while it would be greatly appreciated.

Vice President Auberger said as far as the street sweeper, when he worked for the town, there were two street sweepers and less roads. We also had tractor brooms to help the sweepers. We are doing more with less. The sweeper we have is a vacuum sweeper that has to come back to the town and dump what is picked up. Vice President Auberger said at some point we will have to budget money to buy another sweeper or rent a sweeper but something has to be done.

Council Member Weller had no comment.

Council Member Pitsker commented that the boxes that have been being worked on for the Beautification Committee have been completed. He said they will need the Mayor, Rotary and Boy Scouts together in the near future. The boxes weigh about 250 pounds each so they will need help lifting them into place.

Council Member Pitsker said as he mentioned before safety first. He said we are all concerned about this and every firearms owner knows the rules. It is part of our right to own the arms but let's make sure we put safety ahead of everything else.

Council Member Cilli thanked Council President Shortway for always answering her questions. Council Member Cilli wanted to make it clear that Council President Shortway did not say we had to get rid of police officers, he said we could not hire a new police officer. She also feels that Mayor Burrell is so transparent and so great at answering all of the residents' questions. She would urge people with questions to go directly to the Council President or the Mayor if they have questions and not get their information from Facebook.

Council Member Cilli welcomed back Mike Cheski saying it is great to have him back on the GAAC.

## **COUNCIL PRESIDENT COMMENTS**

Council President Shortway had no comments.

**ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion for adjournment was made by Council Member Auberger, seconded by Council Member Pitsker with all members voting in favor.

The Meeting of the Township Council of the Township of Vernon was adjourned at 7:58 p.m.

Respectfully submitted,

---

Marcy Gianattasio, RMC, CMR  
Municipal Clerk

---

Harry Shortway,  
Council President

Minutes approved: April 26, 2021