

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
OCTOBER 24, 2022 7:00 PM**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on October 24, 2022 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Patrick Rizzuto presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 14, 2022 and on July 29, 2022 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.

SALUTE TO THE FLAG

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

ROLL CALL

Present were Council Members Natalie Buccieri, Michael Furrey, Brian Lynch, and Council President Patrick Rizzuto. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, Municipal Clerk Marcy Gianattasio and Township Attorney Josh Zielinski.

REVIEW OF BILLS LIST

The Council Reviewed the Bills List

MAYOR COMMENTS

Mayor Burrell commented that eleven days ago, at our last Council meeting, Mr. Harry Shortway announced his resignation from our Municipal Council, and from elective civic service, after serving the people of Vernon in elected positions for almost eight and a half years. During this almost eight and a half years period, Mr. Shortway served the people of Vernon not only as a member of their Municipal Council, but also as their Council President and their Mayor. Mr. Shortway now moves on to fight another, more serious battle, one related to his health. As he begins his intense focus on this battle, I have told him in private, and I do so here again in public, that he enters this battle with my respect, with my friendship, and with my prayers.

Mayor Burrell commented saying Council President Rizzuto, this response relates to Resolution # 22-253 on tonight's agenda. In an August 1, 2022 attorney-client privileged matter I related communications to the Council and our municipal attorney, I offered a compromise proposal to the Council. This compromise was an attempt to work with the Council by offering them some results which they could use as partial justification to the public for authorizing up to \$10,000 of local taxpayer's money to pay for a second investigation that was not at all needed. However, not only did this Council not accept my compromise offer, the leader of this Council never even gave me the respect of even responding to me about my compromise offer. So how in the world could I have ever agreed with this Council on something that we never even talked about? At their September 12 meeting, the Council stated that the resolution they passed on this matter was their final word on this this matter. However, it seems that for some reason, three of the Council members have changed their minds. Now that all of the municipal employees who were interviewed for this report have recently had an opportunity to read a redacted copy of this \$10,000 report, several seriously questioned the accuracy of what this report stated that they said during these interviews. It's important for the public to know that these interviews were not recorded, and are therefore, simply the interviewers' interpretations of what each individual said. I end by asking just two Council members to give more thought to this matter; to question what they have been told or not told. To demonstrate to the residents of Vernon, their reasonableness and their independence from this current Council leadership by abstaining to vote for this resolution that does nothing but continue this unnecessary chaos.

The Council discussed some of the concerns they had about the Mayor's comments regarding resolution #22-253.

PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 3 Minutes Per Person)

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

MOVED: Furrey

SECOND: Buccieri

All members were in favor.

Jessi Paladini – Vernon Township, agrees with the investigative report and resolution regarding the Business Administrator.

Mark Heftler – Vernon Township, hopes that he can receive an unredacted copy of the investigative report.

Ann Larson – Vernon Township, agrees with the investigative report and resolution regarding the Business Administrator. Ms. Larson feels that the bills list has discretionary spending on it.

Seeing no one else from the public wishing to come forward, Council President Rizzuto asked for a motion to close the meeting to Public Comments.

MOVED: Lynch
SECOND: Buccieri

All members were in favor.

RESOLUTION

Resolution #22-253: Resolution of the Council of the Township of Vernon Providing Written Notice to the Business Administrator Of, and an Opportunity to Respond To, Charges Seeking His Removal for Cause Pursuant to N.J.S.A. 40:69A-36(e) and N.J.S.A. 40:69A-37(b)

Council President Rizzuto read resolution #22-253.

Council President Rizzuto ask for a motion to approve resolution #22-253

MOVED: Buccieri
SECOND: Lynch
The Council had a discussion about resolution #22-253.

A roll call vote was taken:
AYES: Buccieri, Lynch, Rizzuto
NAYES:
ABSTAIN: Furrey
ABSENT:

Motion carries to approve resolution #22-253.

RESOLUTION #22-253

RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF VERNON PROVIDING WRITTEN NOTICE TO THE BUSINESS ADMINISTRATOR OF, AND AN OPPORTUNITY TO RESPOND TO, CHARGES SEEKING HIS REMOVAL FOR CAUSE PURSUANT TO N.J.S.A. 40:69A-36(e) AND N.J.S.A. 40:69A-37(b)

WHEREAS, on September 12, 2022, the Township Council (“Council”) unanimously passed Resolution #22-220, which, in part, adopted the independent Investigation Report authored by Lavery, Selvaggi, Abromitis & Cohen, P.C. (“Investigation Report”) finding multiple systemic deficiencies and individual errors in connection with the November 2021 auction of Township owned property (“Municipal Land Sale”) resulting in the sale of property located at 6 Mondamin Road (“Mondamin Tower”) that included a Township owned radio tower and equipment; and

WHEREAS, the Investigation Report determined that the systemic deficiencies that lead to the sale of the Mondamin Tower were attributable to the Business Administrator and that the Business Administrator had also committed a series of individual errors in connection with the Municipal Land Sale; and

WHEREAS, the Council in Resolution #22-220 expressed the following:

- that the Business Administrator failed to adequately supervise, manage and conduct the Municipal Land Sale;
- that the Business Administrator had multiple opportunities to prevent the sale of the Mondamin Tower, but chose not to act on those opportunities, whether by acts of commission or omission;
- that the Business Administrator’s conduct and his failure to adequately supervise, manage and conduct the Municipal Land Sale, as detailed in the Investigate Report, was the primary causal factor in the Mondamin Tower being sold erroneously;
- that it had no confidence in the Business Administrator to perform the tasks required of the Township business administrator;

- that cause exists to justify its removal of the Business Administrator for the reasons set forth in Resolution #22-220 and as contained in the Investigative Report;
- the potential for the disruption to the Township which could ensue if the Council were to effectuate the removal of the Business Administrator and that the Mayor is the person to whom should fall the responsibility of remedying this error;
- that the Township Council provided the Mayor with a copy of the Investigative Report and informed the Mayor of its opinion regarding the Business Administrator, the Business Administrator's conduct that resulted in the sale of the Mondamin Tower and its lack of confidence in the Business Administrator;
- that while the Business Administrator serves at the Mayor's discretion, the Mayor had informed the Township Council that he will not terminate the Business Administrator's employment, but instead offered to discipline the Business Administrator by suspending his pay for thirty-two (32) days;
- that while the Township Council believed that the Mayor's proposed response was inadequate, it would not seek to remove the Business Administrator at that time, fully and completely placing the responsibility and ownership of the matter on the Mayor;

WHEREAS, despite the assurances to the Council by the Mayor that he would impose a thirty-two (32) day suspension on the Business Administrator, the Mayor has since refused to take any action against the Business Administrator in connection with the findings of the Investigative Report, the Municipal Land Sale or the sale of the Mondamin Tower; and

WHEREAS, the Council remains of the opinion that it has no confidence in the Business Administrator to perform the tasks required of him;

WHEREAS, N.J.S.A. 40:69A-36(e) and N.J.S.A. 40:69A-37(b) allow the Township Council to remove any municipal officer for cause;

WHEREAS, The Township Council, based on the findings of the Investigative Report, believes that the Business Administrator has engaged in the following infractions that would constitute cause for his removal pursuant to N.J.S.A. 40:69A-36(e) and N.J.S.A. 40:69A-37(b):

- Failure to perform duties, inefficiency or substandard performance;
- Conduct unbecoming a public employee; and
- Other sufficient cause

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, as follows:

1. The Township Council President or Vice President shall provide the Business Administrator notice in writing of the following charges no later than November 15, 2022 ("Notice"):

- Failure to perform duties, inefficiency or substandard performance;
- Conduct unbecoming a public employee; and
- Other sufficient cause

2. The Notice shall advise the Business Administrator that he shall have the opportunity in Executive Session at the November 21, 2022 Special Township Council meeting to respond to the foregoing charges; and

3. That immediately following the Executive Session, regardless of whether the Business Administrator chooses to respond to the charges, the Township Council shall vote on whether to remove the Business Administrator from his position for cause pursuant to N.J.S.A. 40:69A-36(e), N.J.S.A. 40:69A-37(b) and N.J.S.A. 40A:9-138.

CONSENT AGENDA

Resolution #22-255: Refund Overpayment (Various Block and Lots CORELOGIC)

Resolution #22-256: Refund Overpayment (Various Block and Lots CORELOGIC)

Resolution #22-257: Refund Overpayment (Various Block and Lots CORELOGIC)

Council President Rizzuto asked to place resolutions #22-254 #22-255, #22-256 and #22-257 on the floor.

MOVED: Furrey
SECOND: Buccieri

All members were in favor.

Motion carries to approve resolutions #22-255, #22-256 and #22-257.

RESOLUTION #22-255

**REFUND OVERPAYMENTS
(Various Block and Lots 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 representing refund for overpayment for the following properties:

OWNER	BLOCK	LOT	REFUND AMOUNT
Wolf	492	2	\$1257.37
Klein	536	3	\$2141.67
Antonakos	106	45	\$1645.44
		TOTAL:	\$5044.48

Wolf- refund for overpayment totaling \$1257.37 of 4th qtr. 2017 property taxes for Block 492 Lot 2 also known as [REDACTED]

Klein- refund for overpayment totaling \$2,141.67 of the 2nd qtr. 2017 property taxes for Block 536 Lot 3 also known as [REDACTED]

Antonakos- refund for overpayment totaling \$1645.44 of the 2nd qtr. 2017 property taxes for Block 106 Lot 45 also known as [REDACTED]

RESOLUTION #22-256

**REFUND OVERPAYMENTS
(Various Block and Lots 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 \$10,546.72 representing refund for overpayment for the following properties:

OWNER	BLOCK	LOT	REFUND AMOUNT
Ferrer	484	77	\$177.06
Musielski	510	24	\$1343.28
Allen	526	360	\$1446.55
Schwenke	599	78	\$1486.68
Payton	155	12	\$1891.44
Machin	438	8	\$1973.02
Bhatt	526	334	\$1014.70
Micera	526	183	\$1213.99
		TOTAL:	\$10546.72

Ferrer- refund for overpayment totaling \$177.06 of 3rd qtr. 2022 property taxes for Block 484 Lot 77 also known as [REDACTED]

Musielski- refund for overpayment totaling \$1343.28 of the 3rd qtr. 2022 property taxes for Block 510 Lot 24 also known as [REDACTED]

Allen- refund for overpayment totaling \$1446.55 of the 3rd qtr. 2022 property taxes for Block 526 Lot 360 also known as [REDACTED]

Schwenke- refund for overpayment totaling \$1486.68 of the 3rd qtr. 2022 property taxes for Block 599 Lot 78 also known as [REDACTED]

Payton- refund for overpayment totaling \$1891.44 of the 3rd qtr. 2022 property taxes for Block 155 Lot 12 also known as [REDACTED]

Machin- refund for overpayment totaling \$1973.02 of the 2nd qtr. 2022 property taxes for Block 438 Lot 8 also known as [REDACTED]

Bhatt- refund for overpayment totaling \$1014.70 of the 3rd qtr. 2022 property taxes for Block 526 Lot 334 also known as [REDACTED]

Micera- refund for overpayment totaling \$1213.99 of the 1st Qtr. 2022 property taxes for Block 526 Lot 183 also known as [REDACTED]

RESOLUTION #22-257

**REFUND OVERPAYMENTS
(Various Block and Lots 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 representing refund for overpayment for the following properties:

OWNER	BLOCK	LOT	REFUND AMOUNT
Dehn	538	43	\$2041.41
		TOTAL:	\$2041.41

Dehn- refund for overpayment totaling \$2041.41 of 2nd qtr. 2018 property taxes for Block 538 Lot 43 also known as [REDACTED]

PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 5 Minutes Per Person)

Council President Rizzuto asked for a motion to open the meeting for public comment.

MOVED: Buccieri
SECOND: Furrey

All members were in favor.

Steve Dunlop – Williamsville Estates, feels that the Mayor has lied and told falsehoods in the past.

Jessi Paladini – Vernon Township, expressed concern that the executive session minutes have not been released. Ms. Paladini feels that the regular meeting minutes are not done properly.

Ann Larson – Vernon Township, expressed concern that the Clerk investigated a potential candidate. Ms. Larson feels that the Mayor costs the town a lot of money and perhaps Mr. Voelker his job.

Rich Carson – Vernon Township, feels that the Mayor could have resolved the issue of the Business Administrator if he followed through with a suspension.

Doreen Edwards – Vernon Township, feels that this form of government is not working for the residents.

Walter Marsico – Vernon Township, feels that the Business Administrator and the Mayor should both leave Vernon Township.

Peg Distasi – Vernon Township, commented that the Council’s position is to serve the residents and the residents should be reimbursed.

Seeing no other members of the public wishing to speak, Council President Rizzuto asked for a motion to

close the meeting for Public Comments.

MOVED: Lynch
SECOND: Buccieri

All members were in favor.

Council President Rizzuto asked for a motion of reconsideration for resolution #22-253.

MOVED: Lynch
SECOND: Buccieri

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion carries to reconsider resolution #22-253.

Council Member Lynch made a motion to table resolution #22-253 until November 10, 2022. Seconded by Council Member Buccieri.

MOVED: Lynch
SECOND: Buccieri

A roll call vote was taken:
AYES: Buccieri, Furrey, Lynch, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion carries to table resolution #22-253 until November 10, 2022.

COUNCIL COMMENTS

Council Member Furrey had no comments.

Council Member Buccieri had no comments.

Council Member Lynch was happy that the pump track opening was successful. Going forward, Council Member Lynch would like to see every road in the Township get paved properly. He asked if the Mayor could put together a five-year plan to have every road paved.

COUNCIL PRESIDENT COMMENTS

Council President Rizzuto explained that on any number occasions he spoke to the Mayor about this issue, but he stopped because it became a personal situation. He specifically asked members of the Council and the Attorney to approach him and point out that he alone has the ability to stop this expenditure of funds. The Mayor points to the Council and says that we are wasting money and yet he alone has the ability to call the situation to an end by terminating the employee as the employee serves at the Mayor's pleasure. The mayor mentions protecting his employees, the Council's position is to protect the resident of this township. The people who work in this building work to serve the residents of the township. Council President Rizzuto feels that the investigation clearly shows that there were times where the situation could have been rectified, corrected and stopped but it wasn't. Statements were made in effect that it was not necessary to inspect the individual sites. Council President Rizzuto asked members of the Council if they wanted to proceed and every one of them agreed that they wanted the termination to take place. In order to effectuate this removal, we will need four votes and the Mayor has convinced one member of the Council to abstain or vote no. Council President Rizzuto said if the Council cannot bring forward four positive votes on November 10th, the resolution will die.

ADJOURNMENT

At 8:25pm Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Furrey.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: November 28, 2022