

**VERNON TOWNSHIP COUNCIL
SPECIAL MEETING MINUTES
NOVEMBER 15, 2021**

The Special Meeting of the Township Council of the Township of Vernon was convened at 3:30 p.m. on November 15, 2021 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this special meeting has been provided to the public and the press on November 11, 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. The purpose of this meeting is to conduct the November 8, 2021 scheduled Township Council meeting that was cancelled to due technical difficulties. Action will be taken.

ROLL CALL

Present were Council Members John Auberger, Michael Furrey, Andrew Pitsker and Council President Harry Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, Municipal Clerk Marcy Gianattasio 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 announced that according to the town code, please give us your name and where you live for the record and please address the Council as a whole.

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

MOVED: Michael Furrey

SECOND: John Auberger

***Council Member Cilli entered the meeting at 3:35 PM.

All members present voted in favor.

Steven Dunlop, Vernon Township, was here when Dan Krause approached the Town Council with a 501C3 to build a pump track in town and was looking for the town to possible donate land to do it. Mr. Dunlop is not happy with the pump track project and he feels that the Council is rushing this project through. He feels that the public has been ignored as well as the contract for the pump track. Mr. Dunlop mentioned two public input meetings that were supposed to happen regarding the pump track. He also said the construction period for the pump track is overdue. Mr. Dunlop knows the DPW has been working on this project and this is completely outside of the terms of the contract. He also mentioned the Soil Conservation permit that was not applied for until the work was started. He said the Council has oversight of the Township Engineer and the public is paying attention. Mr. Dunlop said there needs to be some dialog and questions need to be answered. He hopes the new Council will hear the complaints of citizens and try to act in their best interest.

Kirk Steven – [REDACTED] Vernon, Good afternoon. I have some prepared remarks that I would like to read.

Some of you know me already. However, as a matter of introduction, for those who do not, my name is Kirk Stephens. I am a farmer living on [REDACTED]. One of the last in town. My family has been farming in Vernon continuously since the 1700s.

I am here today because you will all be voting on 12 appropriations that pertain to my family, listed under my mother's maiden name of Walker. I recognize that the voting today is merely a formality, and that I do not need to plead my case today. These are legal settlements that are required to be paid out regardless.

Nonetheless, I feel compelled to tell my story and to try and obtain closure on a very upsetting chapter in my life. I ask that those listening to this meeting online be respectful of my wishes and not debate this on social media.

I also respectfully ask that the council allow me to finish my remarks and not cut me off at a pre-determined time limit. I am taking time off of a busy work schedule to be here. I will try and be as succinct as possible, however I feel that this story is important for you all to hear.

It's a commonly held observation that young people leave our more rural communities for the opportunities offered in cities. I am one of the few who went in the opposite direction. I was working in the city and after my grandfather's death decided to move to Vernon to continue the family farming legacy. This came at great personal cost and sacrifice.

I would have thought that the Township of Vernon would have been happy for this decision and the accompanying investment in the community, particularly at a time when foreclosures were widespread and there was much blight. What I was instead confronted with can be described as no less than a nightmare.

It all started when I began to scrutinize the expenses of the farm. Faced with the overwhelming task of breathing life back into the property, I needed to be as efficient as possible with every dollar. One of the larger expenditures was the quarterly tax payment. I knew that New Jersey had high property taxes, but I also understood that Farmers were supposed to be taxed according to lower farm values.

To make sure everything was being done correctly, I hired a professional to help me fill out the annual paperwork that farmers submit to the assessor. We quickly realized there were some issues with how we were being assessed. Far from getting a break, I seemed to be paying more than most. For all intents and purposes, the paperwork that was getting submitted every year seemed to be ignored.

The more we investigated, the more issues we uncovered. For example, a barn was mistakenly being taxed as a house. The assessment on that alone was over \$240,000. Today it is assessed at \$10,000. An undeveloped woodlot was being charged as residential land and assessed at \$250,000 while the neighboring woodlots were being charged at only a few thousand.

Even the parcels that we were getting the better farm assessment confused woodland as cropland and pastureland as cropland. These distinctions, while perhaps ambiguous sounding, are significant... and can move the assessment by 500%. Going even deeper, the farmland in New Jersey is supposed to be taxed according to how good the soils are. Our rocky hills and wetlands in Vernon are not easy to farm. These factors were not taken into consideration as required by the State. We were eventually forced into selling off some of the land to save on taxes.

These issues could have been addressed pretty easily with tax card corrections. I tried to resolve them directly with the assessor's office, with the assistance of professionals. Unfortunately, my inquiries into these matters were met with misinformation, dismissiveness, and even intimidation.

I was told things such as:

"If you are not happy with the taxes, then don't farm here"

"Growing grass isn't farming, go grow some corn or something"

"I haven't seen cows on your property and I don't believe you that you are really farming" When I offered to give a tour, the offer was turned down.

"Be happy we let you be here at all"

"I have the power to revoke your farmland assessment"

These statements were highly offensive to me. To put it mildly. However, I persevered and continued to press the matter over many years, eventually involving the NJ State Department of Agriculture, and other entities. I won the most blatant of these early Agriculture taxation appeals.

However, in retaliation, the assessor at the time, increased my residential taxes for the complaints that I filed against her, essentially netting me back to an unreasonable over-all assessment level. Mind you this was for a 150-year-old house that had no functioning plumbing, limited electricity, and a failing roof and foundation. From that point forward, we graduated from county to state tax court.

Things dragged on for years. And years. And Years More. The Assessor's personal vendetta was allowed to go unchecked. The hired professionals who were charged with helping her to navigate a complex landscape and administrative burden failed to reign her in, happy to collect their billable hours. Not acting in the best interest of our tax payers.

All of this stopped when the new tax assessor joined the township. She was startled by the assessment and told me to my face that I was being screwed. What tens of thousands of dollars and a decade of litigation couldn't fix, she quickly worked through, she opened up the lines of communication and offered reasonable compromises. Thus, we have the settlement before us here today.

Now don't mistake me, this is not a happy ending. This settlement is pennies on the dollar. My grandfather, a veteran, and from a long line of veterans going all the way back to the revolutionary war was squeezed by these taxes and died impoverished because of them. Others in the county and community, lacking perhaps the education or the resources or the will to fight, were taken advantage of as well... unable to cope with the stall tactics employed.

I am still extremely angry that a few bad apples could create so much harm and that the system of checks and balances did not function as it should. Our town spends millions of dollars on discretionary amenities while many of its residents go cold and hungry. This episode has shaken my faith in our system of government. One that my family has fought and died for over centuries. I am asking you all to look into this matter. Investigate why the town's tax attorney and appraisers allowed this situation to occur. They will likely white wash this to you.

I am also asking you all to be conscious of how fragile the farming community is. Not only in Sussex County, but nation-wide. The vast majority of farmers in the United States lose money every year and must keep a second job to keep their farms going to feed us all. How would you like paying taxes that exceed your net income, essentially having your wealth seized?

Further I also ask that you look into the town owned parcels along sand hill road, contiguous with our farm. I would like to purchase these as grasslands for my cattle. They were not included in the upcoming auction.

I am conscious that I have gone over my allotted time. I am happy to make myself available to discuss this matter further.

Patrick Rizzuto – Vernon Township, spoke about the letter received from Soil Conservation dated November 10, 2021. The letter stated that before construction started there was to be 48-hour notification given to the Soil Conservation. Mr. Rizzuto knows for a fact that construction started prior to November 10th so obviously this could not have happened. Mr. Rizzuto asked if there is any reason why this happened.

Council President Shortway explained he just found out about the letter and he is sure administration will answer him.

Mr. Rizzuto said the responsibility of oversight falls to the Council and this should be addressed, if there is a penalty who is going to pay. Mr. Rizzuto mentioned a performance bond and asked if it is valid in view of the fact that Township workers and equipment is on site doing grading and site preparation.

Council President Shortway said he has no answer and perhaps administration can answer.

Steve Dunlop asked if the reason the town went to get the Soil Conservation permit was because of an OPRA request that was issued to the town asking for such documentation.

Peg Distasi – Glenwood, Vernon Township, is concerned that we had Mike Furrey appointed to the Council and last week he commented that the work being done by the DPW was in fact for sewer work on the site. The next day he withdrew that comment and said it was not work for the MUA. Ms. Distasi asked if this is how Mr. Furrey was going to represent us, making comments then withdrawing them because they are not true.

Mr. Distasi asked if Council President Shortway expects the public to think that he doesn't know what is going on with the pump track. Ms. Distasi feels that he knew about the pump track and that they were breaking the law and that no permit was applied for. Ms. Distasi said the Council has been handed their exit cards because the people of the town are tired of being lied to and misled.

Jessi Paladini – Vernon Township, commented about the bicycle pump track and she feels that what was done is completely illegal and blames Mayor Burrell. She said in addition with the contract with Spohn Ranch the DPW did the clearing and grading on overtime and rented equipment, which is an additional expense to taxpayers. You did this completely illegally and without approval from Sussex County Soil Conservation. Ms. Paladini feels that this project should be put on hold until after January 1, 2022. Ms. Paladini asked if Spohn Ranch was going to give a refund for the DPW doing the grading and soil preparation. Ms. Paladini spoke to Eileen Greason of the Sussex County Soil Conservation and she confirmed that the town violated Soil Conservation laws and they were never notified that the project was being started.

Walter Marsico – Vernon Township, read a notice of violation and penalty which said that a \$56,000 fine was warranted. Mr. Marsico feels this was a bogus violation. He feels that the town can do whatever they want but they fine good honest citizens. He asked why a \$56,000 fine is warranted when the town can do whatever they want.

Stephanie Vecharello – Barry Lakes, Vernon Township, agrees with all of the comments tonight because she is beyond disgusted how the pump track is being handled. She said she has obtained a lot of information, and she has proof that she will present when necessary to show that the people have been lied to.

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: Michael Furrey
SECOND: Andrew Pitsker
All members present were in favor.

ITEMS FOR DISCUSSION

2021 Best Practices Inventory

Council President Shortway asked if the Council reviewed the Best Practice Inventory.

Council Member Pitsker asked if all of the municipal departments reviewed the Best Practice Inventory.

CFO Donelle Bright responded saying that the Best Practices Inventory is filled out by the CFO and Administrator. If there are any questions for the unnumbered questions, which you do not get points for, she would reach out to individual departments.

Council Member Pitsker asked are the records handled after speaking to the individual departments.

CFO Bright explained that questions are answered online in the FAST program.

Council President Shortway asked what the overall purpose of the Best Practice Inventory is.

CFO Bright explained that the Best Practice Inventory was created by the State as a way to audit what the best practices are and what we should be following as a municipality. The State gives points for a number of questions and it is stated that it is their way of determining if you are going to get 100% State aide or a reduced amount. Vernon Township is within the 100% State aide category. This is a positive and shows that we are following the best practices that have been set forth by the State. Ms. Bright added that the Best Practice Inventory has been submitted to the State and copies are available upon request.

Status Update/Discussion Town Center Pump Track

Mayor Burrell commented saying, as I have previously said, while a Bicycle Pump Track will, without a doubt, be one more amenity that will:

1. Make Vernon a more enjoyable and recreational healthy town in which to live;
2. Enhance Vernon's status as the premier four seasons municipality in northwest New Jersey in which individuals can enjoy a host of outdoor activities . . .

While all of these things are true, the motivating factor to me is that this special amenity is an investment in our Town Center area, that will serve as a magnet to attract a host of individuals to our Town Center area, which enterprising business owners will view as potential new customers; and, that these potentially new customers will be a motivation to these enterprising business owners to develop new businesses in our Town Center.

The following are six summary update points which reveal where we stand at this time with moving forward with this investment:

1. The award-winning design and build firm, Spohn Ranch, that has earned a contract from our town to build this investment in our Town Center, started their work on the Pump Track on Monday, 11.8.
2. Within these first six workdays, Spohn Ranch's progress includes having used the cost saving millings, that originated from our township road paving projects, to form out the foundation of the Pump Track.
3. Other work, such as putting down the asphalt and installing the Pump Track's drainage and border areas, will be constructed as the winter weather permits.
4. Any needed work items that overlap into the new year will be completed as soon as the spring weather returns.
5. At this point in time, we anticipate a spring time opening for this Town Center investment.

Township Engineer Cory Stoner commented explaining that the silt fencing has been installed and the and has been in place for several weeks when they started the grading for the track itself. Mr. Stoner said it is correct that we did not receive the Soil Conservation permit until November 10th. He explained that there was a miscommunication between himself and Spohn Ranch as to who was actually going to apply for the application. We started putting the application together in October and we missed the October meeting with Upper Delaware Soil Conservation District, Sussex County Soil Conservation does not exist anymore. We did start the grading without the permit and Mr. Stoner was constantly in touch with Sandy Meyers to let her know we were starting so they were aware of the project. We corrected the situation and we now have the permit in hand and there will not be any fines associated with the permit. Mr. Stoner explained that as a township we have worked with the Soil Conservation for many years. Mr. Stoner mentioned that it was decided that the DPW was going to do some grading work before Spohn Ranch with rental equipment to get some work done before the Nor'easter came through in order not to delay the project any further and make a larger and better project with more options. Mr. Stoner explained that the Performance Bond is in place and there is no penalty date. With weather issues Mr. Stoner does not believe the project will be done until the spring because of the cold weather coming. Millings are being reused from road projects and they are being delivered.

Council Member Pitsker asked where we were as far as the budget for this project.

Mr. Stoner answered saying we are pretty close to budget itself other than the rental equipment and the DPW overtime.

Council Member Pitsker asked if the delay in blacktop impact any of the cost as far as Spohn Ranch.

Mr. Stoner replied no. There is no penalty in the contract for going into the spring.

Council Member Furrey asked Mr. Stoner what is the cost savings to using recycled asphalt and what else was done to keep the costs down.

Mr. Stoner answered saying asphalt is a more economic product than a dirt produce. Once paved it is very low maintenance. Right now, the design is to have a paved asphalt trail and inside the trail proper will most likely be mulched and the outside will be top soiled and seeded. Initially, the asphalt is more expensive but over time there is less maintenance and it is also safer with less liability.

Council President Shortway asked what the lifespan is for an asphalt track.

Mr. Stoner said possibly in about 10 years you may need to seal the surface for some cracks but the asphalt surface will last for many years.

Council Member Cilli asked if there will be maintenance costs over the years.

Mr. Stoner explained that he does not think there will be maintenance to the track itself but for the areas around the track. Because it is going to be a park like setting, you will have to maintain the grass and weeds.

Council Member Furrey explained that the reason he mentioned the DPW involvement is, as the MUA Chairman, he believed that the DPW was clearing an easement that has to be cleared twice a year. He did not realize that the DPW was involved in clearing the area for the pump track he was wrong about this and he corrected himself.

Status Update/Discussion Town Center Trail

Mayor Burrell explained that in previous comments by me as well as members of the Council, we have repeatedly made it clear that we view the Town Center Walking & Biking Trail as an investment in our town, and have provided evidence and comments to support our logic that a Town Center Walking & Biking Trail will be a key economic driver for the business development that we want and need in our Town Center area.

Because I believe that it will be quite helpful in us gaining a shared understanding of where we currently find ourselves, that is as it relates to the municipality's movement towards finally building the Town Center portion of the Municipal Walking & Biking Trail, I will provide a brief summary of:

POINT 1: The events that have resulted in us not being able to move forward with the construction of the Town Center portion of the Municipal Walking & Biking Trail; and ...

POINT 2: Where we are at this time, plus our plan of actions to close the loop on the remaining outstanding issues, and finally get the Town Center portion of the Municipal Walking & Biking Trail completed.

Relative to POINT 1, as you may remember, I had previously communicated to both the Council and the public, that we had planned to construct the Trail through an easement that had been promised the town by HR II Development Corp, one of Mr. Andy Mulvihill's companies.

Based on the belief that the gaining of this easement was the last hurdle to getting the Trail construction started, in late October of last year, I authorized the publication of a Notice for Bids for the construction of the Trail.

In mid-November of last year, the town received six good bids - - three of which were actually under our Municipal Engineer Cory Stoner's cost estimate to build the Trail.

In my 1.13.21 update to the Council on the status of our efforts to move forward with the construction of the Trail, I advised that prior to awarding the bid for the construction of the Trail, we discovered two issues that had to be resolved relative to the easement from HR II Development Corp.

Both issues related to other existing easements and/or covenants on the HR II Development Corp property that could conflict with the current route of the Trail as it was designed.

Business Administrator Chuck Voelker, Municipal Engineer Stoner and myself spent a considerable amount of time and effort, and some funds, trying to resolve the conflicting issues related to the other existing easements and/or covenants on the HR II Development Corp property.

After the three of us reviewed and evaluated:

- a. The considerable amount of time and effort, plus the funds, that we had spent on trying to resolve the conflicting issues; and ...
- b. The likelihood that we would be able to ever fully resolve the complex issues related to these other existing easements and/or covenants ...

I made the decision to move away from the HR II Development Corp property, and redirect the construction of the Trail through the Baldwin property, which the Council had authorized me to purchase via their passage of Ordinance # 21-06.

The Council's authorization for me to purchase the Baldwin property was conditioned on the town obtaining a clean Phase I Environmental Study.

The Phase I Environmental Study conducted at the Baldwin property identified an old "55-gallon drum and other refuse" as items of environmental concern that needed additional investigation.

This additional investigation was done in the form of a Phase II Environmental Study conducted at the property.

The Phase II Environmental Study revealed some lead contaminated soil in the immediately area surrounding the 55-gallon drum and other refuse.

The Phase II Environmental Study, conducted by ADR Environmental, a New Jersey DEP Licensed Site Remediation Professional, evaluated the soil in this immediately area and concluded that (1) the lead contamination came from the lead in the glass bottles and metal food containers found at this site, (2) these glass bottles and metal food containers were decades old, and (3) this was not an unusual discovery because lead was commonly used in many containers in the decades past.

The amount of lead found in the soil was measured at 530 ppm. While this level is 470 ppm, or 47%, below the New Jersey DEP's allowable standard of 1,000 ppm for industrial and commercial sites that will be used as we plan to use the Baldwin property, it is still slightly - - that is 30 ppm or 6% - - above the New Jersey DEP's residential standard of 500 ppm.

The Mayor and Council chose to use the residential standard of 500 ppm as our minimum acceptable standard for purchasing this property.

The Mayor's Office communicated this decision to the owners of the Baldwin property, and they have hired a New Jersey DEP Licensed Site Remediation Professional to remove the contaminated soil.

Relative to POINT 2, per the authorization given me by the Council in Ordinance # 21-06, and through the diligent, focused efforts of Business Administrator Voelker, I recently was able to sign a Contingency Contract for the town to purchase the Baldwin property as soon as I receive official confirmation from the New Jersey DEP that the lead contaminated soil has been cleaned up to their satisfaction.

My decision to sign this Contingency Contract was also influenced by the facts that:

- a. The very reasonable \$K289 purchase price for the Baldwin property will not come from current taxpayer funds, but has been approved by the Council to be sourced from the Municipal Open Space Fund; and ...
- b. Since the Sussex County Open Space Committee thought so highly of Vernon's decision to use the Baldwin property for this community benefit, they provided Vernon a \$K75 grant to be used to purchase this property. This means that we will be actually using only \$K214 of Municipal Open Space Funds to purchase this property.

The owners of the Baldwin property have contracted with the Sussex County based DEP Licensed Site Remediation Professional, Applied Service Corporation of Lafayette, to remove the contaminated soil. They have informed us that Applied will start the removal of the contaminated soil within the next 5 work days - - i.e., on November 23.

To prepare the town to be ready to start the construction of the Trail as soon as the contaminated soil is removed, I have instructed Municipal Engineer Stoner to, again, publish a Notice for Bids for the construction of the Trail, with a requirement that we receive bids NLT November 30.

That bid request will be advertised early next week.

At the Council's scheduled December 13 meeting, I plan to present a resolution for the Council to authorize awarding the Trail construction bid to the selected bidder.

Council President Shortway asked if Soil Conservation permits will be required to do this.

Mr. Stoner answered yes and we will have them in place before the start.

Council President Shortway asked if 5000 cubic yards have to be moved before you need the permit.

Mr. Stoner answered saying it is 5000 square feet.

Mayor Burrell asked if the advertisement went out this week.

Mr. Stoner answered that it was advertised on November 11th and the bid opening is November 30th.

Council Member Pitsker asked what the cost is so far to acquire the Baldwin property.

Township Administrator Voelker answered \$12,000.

Council President Shortway asked if this came out of the Open Space fund.

Mr. Voelker answered yes.

Council Member Furrey asked what the estimated cost is of the town center trail.

Mr. Stoner said his estimated cost right now is \$160,000.

Council Member Furrey remarked that Council Member Cilli and Council President Shortway were on the original Greenway Action Advisory Committee in 2016. Ever since 2016 we have been working on various trail projects and one of the projects, we identified was the town center trail. The reason for this is because we saw economic value in constructing the town center trail to help stimulate local economy. We have literally been working on this project for five years.

Council Member Cilli said she joined the GAAC thinking we were going to join Maple Grange to Canal. That fell through because of contamination. This was our second choice. She asked what happens if the testing doesn't come back with good results.

Mayor Burrell said that all of the testing is done, and now cleanup will happen. The lead contaminated soil that was found is on the property but nowhere near anything that is being built. We felt we should be conservative about this and use the lowest lead standard possible and we will be doing remediation. Mayor Burrell said we need to develop the town center and invest in the town center. He said in 2023 we have a tremendous financial responsibility and the MUA does not own the sewer system, it is owned by the entire town. For us to sit here and not take some kind of action to see what we can do to build up our town center and address some of the issue with our sewer system would be irresponsible.

Council President Shortway said recently it has come to his attention that a resolution passed around 2013 which he forwarded to the Mayor and Township Attorney. The resolution said that if Black Creek Drive was to ever have repairs made, the solar company was to pay for half of this. He said Mr. Lynch and Mr. Rizutto were both on the Council at the time so they make recall this resolution, but we should pursue this resolution. Council President Shortway mentioned that the company that owns a majority of the solar panels was just bought out. If we pursue this, we could save a lot of money fixing this road.

Council President Shortway said as far as the plans for the town center, he has been a big opponent of the Western Scenic Byway because he does not approve of the road it is on. He said if you read the Corridor Management Plan it talks about transportation, trails, biking, hooking into the town center, hooking into the byway, short term rentals and stone fences. If you take the time to read this plan you will see that we are in it. It coordinates our Master Plan, Recreation Plan and Open Space Plan. We have access to this plan and we are following it.

Council Member Furrey said there are a lot of grants available through the DOT and once we get this trail started, and people see that it is happening, he believes that there will be a lot of grant money coming from the DOT. They are strongly encouraging greenways and alternate ways of getting around. Council Member Furrey said Craig Williams has been working on this for 20 years, he wanted the town center trail to move forward as well as the trail at Maple Grange Park. Council Member Furrey feels that the money we are putting into building this trail will have a big economic impact on the town center.

Mayor Burrell said he thinks it is unfortunate that so much emotion has gotten involved in individuals and personalities because of the fact that our choice is to not do anything and stay where we are. If we do not do anything, then our town is going to decline. We need to invest in our town and try to make it better. He said there is all kinds of evidence and literature that talks about the advantage of trails. There

is a lot of opportunity in this town and people have seen the changes in what has been done in the last two years. We have seen a lot of organizations that are attracted to our town and that want to build here.

Council Member Cilli said during Covid the Appalachian Trail was packed but she did not see it bring more people into our town. She feels we need to be more business friendly in this town. Council Member Cilli said she is for the pump track and the trail but she does not feel it will bring business.

Council Member Pitsker ask Engineer Stoner when we did the presentation for the trail and the pump track in June the price was \$245,000 and now there is an amount of \$161,000.

Mr. Stoner explained that the \$245,000 included a trail around the pump track as well as the trail from the municipal building to Black Creek Drive. Mr. Stoner put this in as an alternate bid so if we got a good number, it would be something for the Council to consider.

MINUTES

October 14, 2021 – Regular Meeting

Council President Shortway asked for a motion to approve the October 14, 2021 regular meeting minutes.

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Furrey, Pitsker, Shortway

NAYES:

ABSTAIN: Cilli

ABSENT:

Motion passed to approve the October 14, 2021 regular meeting minutes.

RESOLUTIONS

Resolution #21-232: Resolution Authorizing Leasing of Certain Vehicles for the Department of Police Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 6037676- 1 x Color Oxford White

Resolution #21-233: A Resolution Approving Participation with the State of New Jersey Federal Grant Program Administered by the Division of Criminal Justice, Department of Law and Public Safety.

Resolution #21-234: Resolution Requesting Approval of Revenue and Appropriation to be Included in the 2020 Budget as a Revenue and Appropriation of \$32,400.00

Resolution #21-235: Resolution Authorizing the Hiring of a Police Special Duty Scheduling and Processing Vendor Through the Competitive Contracting Process

Resolution #21-236: Authorizing the Award of a Required Disclosure Contract for Container Service at the Township's Public Works and Animal Control Facilities

Resolution #21-237: Resolution Authorizing the Award of a Required Disclosure Contract with "Lawsoft Inc. for Police Records Management System Fire Cad Software"

Resolution #21-238: Resolution of the Township of Vernon, County of Sussex, State of New Jersey, Approving and Authorizing the Purchasing Manual

Resolution #21-239: Resolution – Authorizing the Cancellation of Appropriation Reserve Balances

Resolution #21-240: Resolution – Authorizing the Cancellation of Appropriation Reserve Balances

Resolution #21-241: Resolution Authorizing the Option for Employees of the Township of Vernon to Waive Health Insurance Benefits

Resolution #21-242: Transfer Resolution – Balance Transfers

Resolution #21-243: Authorizing the Mayor to Continue the Incentive to Employees Who Enroll in an Alternate Health or Prescription Plan

Resolution #21-244: Refund for Tax Court Judgment (Block 391 Lot 10, Dyan Thompson)

Resolution #21-245: Refund for Tax Court Judgment (Block 391 Lot 10, Dyan Thompson)

Resolution #21-246: Refund Overpayment (Block 161 Lot 53- Weichert Title Group)

Resolution #21-247: Refund for State Tax Court Judgment (Block 309 Lot 4, Walker, A. & Mary Elizabeth)

Resolution #21-248: Refund for State Tax Court Judgment (Block 309 Lot 4, Walker, A. & Mary Elizabeth)

Resolution #21-249: Refund for State Tax Court Judgment (Block 309 Lot 4, Walker, A. & Mary Elizabeth)

Resolution #21-250: Refund for State Tax Court Judgment (Block 309 Lot 4, Walker, A. & Mary Elizabeth)

Resolution #21-251: Refund for State Tax Court Judgment (Block 309 Lot 4, Walker, A. & Mary Elizabeth)

Resolution #21-252: Refund for State Tax Court Judgment (Block 309 Lot 4, Walker, A. & Mary Elizabeth)

Resolution #21-253: Refund for State Tax Court Judgment (Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

Resolution #21-254: Refund for State Tax Court Judgment (Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

Resolution #21-255: Refund for State Tax Court Judgment (Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

Resolution #21-256: Refund for State Tax Court Judgment (Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

Resolution #21-257: Refund for State Tax Court Judgment (Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

Resolution #21-258: Refund for State Tax Court Judgment (Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

Resolution #21-259: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Borough of Hamburg for Animal Control Services

Resolution #21-260: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Township of Hardyston for Animal Control Services

Resolution #21-261: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Township of Lafayette for Animal Control Services

Resolution #21-262: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Township of Montague for Animal Control Services

Resolution #21-263: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the Borough of Ogdensburg for Animal Control Services

Resolution #21-264: Resolution in Support of those Communities Which Urging the Sussex County Board of Commissioners to Provide Equity to those Municipalities Who Provide Dispatch Services

Council President Shortway asked for a motion to approve Resolutions #21-232 through #21-264

MOVED: Mike Furrey

SECOND: Andrew Pitsker

All Members Were in Favor

Motion carried to approve Resolutions #21-232 through #21-264

RESOLUTION #21-232

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES FOR THE DEPARTMENT OF POLICE THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 6037676- 1 x Color Oxford White)

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the "Law" or "Chapter 139" and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Township of Vernon has the need to procure certain vehicles through lease program for Township services in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Township of Vernon has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract is \$46,880.16 (Quote No. 6037676); and

WHEREAS, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b) (the certification of available funds), states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

RESOLUTION #21-233

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY
FEDERAL GRANT PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT
OF LAW & PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL.**

WHEREAS, the Township of Vernon Police Department wishes to apply for funding of approximately \$32,400 with a match of \$249,384 in salary and fringe benefits for an approximate project total cost of \$281,784 for a project under the State of New Jersey Safe and Secure Grant Program, Subaward Period: 2/7/22-2/6/23, Grant #22-1922; and

WHEREAS, the Council of the Township of Vernon has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Vernon Township Police Department for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey that

1. As a matter of public policy the Vernon Township Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The New Jersey Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds.
4. The New Jersey Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to each applicant as authorized.

RESOLUTION #21-234

**RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION TO BE
INCLUDED IN THE 2020 BUDGET AS A REVENUE AND
APPROPRIATION OF \$32,400.00**

WHEREAS, Vernon Township has been awarded a \$32,400.00 New Jersey Safe and Secure Communities Grant Program from the New Jersey Department of Law and Public Safety; Subaward Number: 22-1922; Subaward Period: 2/7/22-2/6/23; and wishes to include in its 2022 budget for this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon authorizes the inclusion of an item of revenue in the budget of the year 2022 in the sum of \$32,400 with a match of \$249,384 for an approximate project total cost of \$281,784, which is now available as a revenue from New Jersey Department of Law and Public Safety and;

BE IT FURTHER RESOLVED that a like sum of \$32,400.00 is hereby appropriated under the caption Safe and Secure Grant, and it is authorized to be accepted and we do accept the Subaward.

RESOLUTION #21-235

**RESOLUTION AUTHORIZING THE HIRING
OF A POLICE SPECIAL DUTY SCHEDULING AND PROCESSING VENDOR
THROUGH THE COMPETITIVE CONTRACTING PROCESS**

WHEREAS, the Township has a desire to provide for Police Special Duty Scheduling and Process services; and

WHEREAS, such services are currently available to be provided through the competitive contracting process under the New Jersey Local Publics Contract Law, N.J.S.A. 40A:11-4.1(a); and

WHEREAS, the Township desires to evaluate such service offerings from Vendors within the procedures as set forth in the New Jersey Local Publics Contract Law (N.J.S.A.40A:11-4.1 et. seq. and N.J.A.C. 5:34-4 et. Seq.); and

WHEREAS, the Township desires to enter into a contract for up to a five (5) year contract that will satisfy the needs of the Township; and

WHEREAS, as per statute the process will be administered by the Qualified Purchasing Agent (N.J.S.A 40A:11-4.5(d));

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of, County of Sussex, State of New Jersey, as follows:

The Qualified Purchasing Agent is hereby authorized to commence the competitive contract/procurement as allowable under the New Jersey Local Publics Contract Law for Police Special Duty Scheduling and Processing services, allowing for a minimum of 20 days’ notice after advertisement to receive responses, per Local Publics Contract Law.

RESOLUTION #21-236

AUTHORIZING THE AWARD OF A REQUIRED DISCLOSURE CONTRACT FOR CONTAINER SERVICE AT THE TOWNSHIP’S PUBLIC WORKS AND ANIMAL CONTROL FACILITIES

WHEREAS, there exists a need to haul and dispose of solid waste (type 10) containers at the Township’s Public Works and Animal Control facilities and;

WHEREAS, the quotations were sought in accord with N.J.S.A. 19:44A-20.5 as a required disclosure contract; and

WHEREAS, the Township has sought to receive quotations for monthly services and on September 22, 2021, received two (2) quotes, to wit:

NAME OF BIDDER	Gaeta Recycling Co. Inc	MCI Logistics
ADDRESS	278 W Railway Ave	491 Tonnele Ave
CITY, STATE, ZIP	Paterson, NJ 07503	Jersey City, New Jersey, 07307
CONTACT		
TELEPHONE	(201) 206-6114 Cell	551 399 1085
EMAIL	ralphs@gaetarecycling.com	dan@mcilogistics.com
NAME OF BIDDER	Gaeta Recycling Co. Inc	MCI Logistics
COST PER MONTH	\$1,579.00	\$3,382.00

And;

WHEREAS Gaeta Recycling Company has provided for the lowest quote based upon price and other factors for these services proposed for the time frame of November 1, 2021 through October 31, 2022; and

WHEREAS, the Qualified Purchasing Agent has solicited informal quotes for these services, of which Gaeta Recycling Company was the lowest cost of the quotes sought and determined that the cost will exceed the pay to play threshold of \$17,500.00; and

WHEREAS, Gaeta Recycling has provided for a Business Entity Disclosure and Political Contribution Disclosure form in accord with pay to play law;

WHEREAS, the Qualified Purchasing Agent recommends awarding a contract to Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson, New Jersey 07053 who submitted the pricing of \$1,579.00 per month for a total of \$18,948.00 for the contract period of November 1, 2021 through October 31, 2022; and

WHEREAS, the Chief Financial Officer subject to the approval of the 2022 Municipal Budget certifies \$18,948.00 is available in:

2021 Municipal Budget (\$2,896.00): 1-01-26-310-20 Buildings and Grounds O/E

2022 Municipal Budget (subject to approval): 2-01-26-310-20 Buildings and Grounds O/E

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor, Clerk and CFO are authorized to execute a contract with Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson NJ 07053 not to exceed \$18,948.00; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure and Political Contribution Forms shall be on file and available for public inspection at the office of the Municipal Clerk.

RESOLUTION #21-237

Resolution Authorizing the Award of a Required Disclosure Contract with “Lawsoft Inc. for Police Records Management System Fire Cad Software”

WHEREAS, the Township of Vernon has a need for police records management system software, through Lawsoft Incorporated, 15 Hamburg Turnpike, Bloomingdale, N.J. as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS the anticipated term of this contract is for the year of *2021 and 2022*, and

WHEREAS, Lawsoft Incorporated, in the aggregate is expected to provide more than the pay to play threshold of \$17,500.00; and

WHEREAS, Lawsoft Incorporated, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Law Soft Incorporated has not made any reportable contributions to a political or candidate committee in the *Township of Vernon* in the previous one year, and that the contract will prohibit LawSoft Incorporated from making any reportable contributions through the term of the contract, and

WHEREAS, subject to the governing body approving future budgets the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$38,000.00 are available as follows;

Line Item: 1-01-25-240-20 and 1-01-25-260-20

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with Lawsoft Incorporated, not to exceed \$38,000.00 for the 2021 and 2022 budget year for contractor, power and safety supplies; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

RESOLUTION #21-238

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE PURCHASING MANUAL

WHEREAS, The Townships Qualified Purchasing Agent has prepared updated for the Township a purchasing procedures manual in accord with the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1) and associated laws and rules to be utilized in the public bidding and procurement process.

WHEREAS Sean P. Canning, QPA has recommended the use of these documents and has requested the Township Council approve same at no cost to the Township; and

WHEREAS the Township of Vernon governing body has determined the manual's accuracy in the use of procurement under the New Jersey Local Public Contract Law (N.J.S.A 40A:11-1 et. Seq.), the Code of Federal Regulations (2 C.F.R. § 200), and other associated guiding laws and documents.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that it approves the purchasing procedures manual as updated, to be used in the public bidding and procurement process and hereby directs all procurement in the Township to be in accord with said regulations, laws and authorizes the same be used to conduct bid openings and procurement in accord with New Jersey law.

RESOLUTION #21-239

RESOLUTION – AUTHORIZING THE CANCELLATION OF APPROPRIATION RESERVE BALANCES

WHEREAS, certain 2020 Appropriation Reserve Balances remain that are no longer needed; and

WHEREAS, a STORM RECOVERY RESERVE TRUST FUND was established by Resolution #07-68 and approved by the Division of Local Government Services on April 17, 2007; and

WHEREAS, it is necessary to formally cancel said balances from appropriation reserves and fund the Snow Removal Trust Fund,

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that the following unexpended balances of the Appropriations Reserves be cancelled:

0-01-26-29-20 – (2020) ROAD REPAIRS & MAINT. O/E \$100,000.00

TOTAL \$100,000.00

RESOLUTION #21-240

RESOLUTION – AUTHORIZING THE CANCELLATION OF APPROPRIATION RESERVE BALANCES

WHEREAS, certain 2020 Appropriation Reserve Balances remain that are no longer needed; and

WHEREAS, an ACCUMULATED ABSENCES TRUST was established by Resolution #02-44 and approved by the Division of Local Government Services on April 05, 2002; and

WHEREAS, it is necessary to formally cancel said balances from appropriation reserves and fund the Accumulated Absences Trust Fund,

NOW THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon that the following unexpended balances of the Appropriations Reserves be cancelled:

0-01-25-240-01– (2020) Police Department- S&W \$ 50,000.00

TOTAL \$ 50,000.00

RESOLUTION #21-241

Resolution Authorizing the Option for Employees of the Township of Vernon to Waive Health Insurance Benefits

WHEREAS, the Township of Vernon (hereinafter “Township”) is continually seeking to reduce expenditures where appropriate; and

WHEREAS, the Township provides health benefit coverage to all regular full time employees; and

WHEREAS, N.J.S.A. 40A:10-17.1 authorizes municipalities to permit employees to waive health care coverage when such employees are covered for health care under the coverage of a spouse; and

WHEREAS, pursuant to statute, the Township may pay to the waiving employee an amount equal to not more than 25% or \$5,000.00, whichever is less, of the amount saved by the Township when coverage is waived; and

WHEREAS, the Township desires to implement such a cost efficiency measure for the year 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon hereby implements the following provisions of N.J.S.A. 40A:10-17.1:

1. Any employee who elects to waive health care coverage pursuant to this Resolution shall be paid a sum equal to 25% or \$5,000.00, whichever is less, of the health care premium savings received by the Township. Payment of sums required under this Resolution shall be made to the Employee on a monthly basis, each payment being one twelfth of the total sum due.
2. An employee shall be eligible for such waiver and payment only upon compliance with, and under the terms of, the provisions of N.J.S.A. 40A:10-17.1.
3. An employee shall be eligible to, or required to, resume coverage pursuant to the provisions of N.J.S.A. 40A:10-17.1.
4. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #21-242

TRANSFER RESOLUTION- BALANCE TRANSFERS

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2021 Municipal Budget) in accordance with N.J.S.A 40A-58/59 are hereby approved.

ACCOUNT	TRANSFER OUT	TRANSFER IN
FROM CURRENT FUND:		
POLICE DEPARTMENT – S&W	54,501.00	
TO: CURRENT FUND		
TAX ASSESSMENT – S&W		4,000.00
DEPARTMENT OF PUBLIC WORKS– O/E		30,000.00
BUILDINGS AND GROUNDS – O/E		10,000.00
ENVIRONMENTAL COMMISSION – S&W		500.00
MAINTENANCE OF PARKS – O/E		10,000.00
BOND INTEREST – O/E		1.00
TOTAL TRANSFERS	54,501.00	54,501.00

RESOLUTION #21-243

AUTHORIZING THE MAYOR TO CONTINUE THE INCENTIVE TO EMPLOYEES WHO ENROLL IN AN ALTERNATE HEALTH OR PRESCRIPTION PLAN

WHEREAS, Health and Prescription Costs for employees and retirees are rising year after year and account for approximately 11% of the municipal budget; and

WHEREAS, the Township is offering two alternative health insurance plans and one alternative prescription plan for its employees; and

WHEREAS, the Township and employee will see a savings for switching to the optional plan; and

WHEREAS, beginning in 2017 the Township offered an incentive of 1/3 of the Township's net savings for each employee who elects to switch to an alternate health or prescription plan for the plan year and it is the wish of the Township to continue that program for the plan year January 1, 2022 to December 31, 2022

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

1. The Mayor of the Township of Vernon is hereby authorized to continue the 2017 Memorandum of Understanding with the UAW Local 2326 which created the mechanism of which to allow the incentive to be paid.
2. The change to the Personnel Policy and Procedure Manual adding the addendum to offer this incentive to non-union employees is also continued.
3. This Resolution shall take effect immediately upon passage in accordance with law.

RESOLUTION #21-244

REFUND FOR TAX COURT JUDGMENT (Block 391 Lot 10, Dyan Thompson)

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2019 on Block 391 Lot 10 also known as [REDACTED]

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$3,609.86 made payable to Jennifer R. Jacobus Esq., attorney for Dyan Thompson c/o H & H Auto Parts.

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

RESOLUTION #21-245

REFUND FOR TAX COURT JUDGMENT (Block 391 Lot 10, Dyan Thompson)

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2020 on Block 391 Lot 10 also known as [REDACTED]

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$1,885.83 made payable to Jennifer R. Jacobus Esq., attorney for Dyan Thompson c/o H & H Auto Parts.

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

RESOLUTION# 21-246

**REFUND OVERPAYMENT
(Block 161 Lot 53- Weichert Title Group)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Weichert Title Group in the amount of \$1,520.96 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 161 Lot 53 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Russodivito	161	53	\$1,520.96
		TOTAL:	\$1,520.96

RESOLUTION #21-247

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4, Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2014 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$1300.21 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-248

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4, Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2015 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$268.62 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-250

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4, Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2017 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$269.96 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-251

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4, Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2018 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$277.38 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-252

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4, Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2019 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$290.25 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-253

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2015 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$6,368.73 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-254

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2016 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$3,187.51 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-255

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2017 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$3,192.38 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-256

REFUND FOR STATE TAX COURT JUDGMENT

(Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2018 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$3,280.07 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-257

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2019 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$3,432.32 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-258

**REFUND FOR STATE TAX COURT JUDGMENT
(Block 309 Lot 4 BLDG Walker, A. & Mary Elizabeth)**

WHEREAS, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

WHEREAS, the Judgments reduced assessments creating an overpayment of taxes for the year 2020 on Block 309 Lot 4 also known as [REDACTED].

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$1,716.16 made payable to Archer & Greiner, PC as Trustee for Walker, A. & Mary Elizabeth.

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

RESOLUTION #21-259

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF
HAMBURG FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Borough of Hamburg has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Borough of Hamburg; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Borough of Hamburg and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Borough of Hamburg for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Borough of Hamburg.

RESOLUTION #21-261

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE TOWNSHIP OF LAFAYETTE FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Lafayette has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Township of Lafayette; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Township of Lafayette and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Township of Lafayette for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Township of Lafayette.

RESOLUTION #21-262

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE TOWNSHIP OF
MONTAGUE FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Township of Montague has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Township of Montague; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Township of Montague and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Township of Montague for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Township of Montague.

RESOLUTION #21-263

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF
OGDENSBURG FOR ANIMAL CONTROL SERVICES**

WHEREAS, the Borough of Ogdensburg has requested that the Township of Vernon (“Township”) provide animal control services whenever there is a need for an animal control officer in the Borough of Ogdensburg; and

WHEREAS, the request has been reviewed and approved by the appropriate Township officials; and

WHEREAS, the Township is willing to provide animal control services to the Borough of Ogdensburg and this is deemed in the best interest of the Township; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon as follows:

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the Borough of Ogdensburg for animal control services.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.

3. A certified copy this resolution shall be forwarded to the Mayor and Clerk of the Borough of Ogdensburg.

Resolution #21-264

**RESOLUTION OF THE TOWNSHIP OF VERNON REQUESTING THAT
THE SUSSEX COUNTY BOARD OF COMMISSIONERS PROVIDE EQUITY TO
THOSE MUNICIPALITIES WHO PROVIDE DISPATCH SERVICES**

WHEREAS, the Township of Vernon ("Township") has maintained its own emergency dispatch center for police, fire, and ems through the Vernon Township Police Department since January 1st, 1975; and

WHEREAS, the Township receives exceptional service and values from the local Township dispatch, which contributes to the safety of residents; and

WHEREAS, it costs the Township of Vernon approximately \$428,260.00 to provide the Township dispatch services, which the cost is paid for solely by the taxpayers of the Township of Vernon and through shared service agreements; and

WHEREAS, the Vernon Township Police Dispatch Center provides animal control dispatching services for Vernon Township Animal Control, along with a shared service agreement for Animal Control with the Borough of Franklin; and

WHEREAS, in 2014, the County of Sussex commenced a police dispatch 911 call center which initiated a new budget item to afford such services to those communities who agreed to an interlocal services agreement with the County of Sussex; and

WHEREAS, on average, since 2014, this budgeted line item for Sussex County has been in the amount of \$800,000 per year, and

WHEREAS, for 2021 it is estimated that the cost to fund and operate the call center will be in the amount of \$1,632,000; and

WHEREAS, the eleven municipalities who do not primarily participate by way of an interlocal services agreement and provide their own local dispatch services have nonetheless been required to contribute over 63% of the budget for the 911 call center operated by Sussex County, and

WHEREAS, these eleven communities have been taxed for these services notwithstanding the fact that these communities are not part of an interlocal services agreement for dispatch services; and

WHEREAS, it is estimated that the cost of such services that has been paid by these eleven communities over the past six years totals an estimate of \$5.9 million of local tax taxpayer money that has been sent to the County for services that are being provided to local residents within each respective municipal budget; and

WHEREAS, the eleven communities which do not participate in County 911 call center primary services hereby request the County immediately take necessary steps so that the participating communities who do not have local call centers are assessed and pay for such County operations, and be provided with a return of funds paid to the County for dispatch services which were not provided to our communities.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the Township of Vernon hereby joins in the request of the eleven communities in Sussex County, namely, Andover Borough, Andover Township, Franklin Borough, Hamburg Borough, Hardyston Township, Hopatcong Borough, Town of Newton, Ogdensburg Borough, Sparta Township, Stanhope Borough and Vernon Township in demanding that the Commissioners of Sussex County take necessary action to reimburse the respective communities for improper charges, assessments and taxes for 911 call center services that are not being provided on a primary basis to these communities.

BE IT FURTHER RESOLVED, that each one of these participating communities join in this resolution for immediate response, accounting and action by the Sussex County Board of Commissioners after all, these communities comprise over 63% of the County budget and a similar pro rata basis of residents affected by this improper charge to the residents of our communities.

Resolution #21-230: A Resolution Establishing the Township of Vernon Policy for Hybrid Meetings of the Vernon Township Council.

Council Member Cilli feels that wearing the masks should be up to the individual.

Business Administrator Voelker explained that we have had a mask mandate in place in the municipal building since March 15, 2020. We have had this for the benefit of the people who work here as well as the people who are visiting. We supply masks for people who come into the municipal building who need one, we publicized the mask requirement on the website and have notices on the doors when you walk in.

Council Member Cilli said we are taking our masks down to speak and does not understand the difference.

Mayor Burrell explained that the Council can pass a resolution saying that masks are not required at the meetings. This does however put him in a position where he has to wear a mask during the day in the office but not at the meetings.

Council Member Pitsker mentioned that a temperature check is done in the municipal building for every employee. He is complying with the municipal building because not every employee is vaccinated which he finds concerning going into the winter months.

Council President Shortway asked for a motion to approve Resolution #21-230.

MOVED: Mike Furrey

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Furrey, Pitsker, Shortway

NAYES: Cilli

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-230.

Resolution #21-230

A RESOLUTION ESTABLISHING THE TOWNSHIP OF VERNON POLICY FOR HYBRID MEETINGS OF THE VERNON TOWNSHIP COUNCIL.

WHEREAS, New Jersey Governor Phil Murphy declared a Public Health Emergency and a State of Emergency due to the COVID-19 pandemic pursuant to Executive Order 103. Governor Murphy subsequently issued Executive Orders 119, 138, 151, 162, 171, 181 and 186 extending the Public Health Emergency; and

WHEREAS, the Governor's Executive Orders allowed municipalities to conduct public meetings electronically with the proviso that such meetings must comply with the public notice and public requirements of the Open Public Meetings Act ("OPMA"); and

WHEREAS, on or about September 24, 2020, the Director of the Division of Local Government Services in the Department of Community Affairs promulgated emergency regulations (N.J.A.C. 5:39-1.1. *et seq.*) concerning the conduct of remote public meetings during a Public Health Emergency or State of Emergency; and

WHEREAS, on October 15, 2020, the Township Council of the Township of Vernon ("Township Council") passed Resolution #20-216 to establish the Township Council's policy to conduct public

comment sessions during public meetings in compliance with the OPMA and the regulations for remote public meetings during the existing Public Health Emergency; and

WHEREAS, on September 13, 2021, the Township Council passed Resolution #21-204 to amend the Township Council’s policy to conduct public comment sessions during public meetings in compliance with the OPMA and the regulations for remote public meetings during the existing Public Health Emergency; and

WHEREAS, a determination has been made to conduct the Township Council’s public meetings in a hybrid format to allow for both virtual and some in-person participation; and

WHEREAS, a determination has been further made that the hybrid meeting format necessitates the need to further revise the Township Council’s meeting policies to ensure the health and safety of all in-person participants at public meetings.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby adopts the following policy to conduct hybrid public meetings:

1. All procedures outlined in Resolution #21-204 shall be adhered to for the virtual portion of the meeting.
2. There shall be a maximum of twenty-five (25) public participants allowed in the Council chambers during any hybrid meeting.
3. All public participants attending a hybrid meeting in-person must maintain six (6) feet of distance between their chairs except that family members may elect to move their chairs together.
4. All public participants attending a hybrid meeting in-person shall be required to wear a mask at all times except for speaking during public comment.

Resolution #21-231: Appointment to the Vernon Township Municipal Utility Authority

Council Member Cilli said she does not know anything about Scott Galway and did not receive any information about him.

Council Member Furrey explained that Scott Galway has been on the MUA for about 8 months. He is Alternate II, a non-voting member of the MUA. Harry Shortway resigned as Alternate I of the MUA so the MUA would like to move Scott Galway up.

Council President Shortway asked for a motion to approve Resolution #21-231.

MOVED: Mike Furrey
SECOND: John Auberger

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

Motion carried to approve resolution #21-231.

RESOLUTION #21-231

APPOINTMENT TO THE VERNON TOWNSHIP MUNICIPAL UTILITY AUTHORITY

WHEREAS, the Vernon Township Municipal Utilities Authority (“VTMUA”) is a duly established utilities authority pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1, et seq.

Peg Distasi – Vernon Township, congratulated the Walters for standing up for what was right and it is shame that our tax department put them through that. Ms. Distasi said she has never been against the trail or pump track but she is against the leadership of how it has been done and there is no definite information. Ms. Distasi questioned how the estimate of the pump track went down and feels it is false information.

Ms. Distasi remarked that Jessi Paladini was the start and driving force of the scenic byway and she feels that Ms. Paladini was run out of town because she knew too much about Harry Shortway.

Ms. Distasi said the people have spoken and issued a mandate by electing a new slate for the Council. She asked Mayor Burrell and Harry Shortway to resign.

Francine Vince – ██████████, Vernon Township, is speaking in support of the range safety ordinance that was pulled from the agenda. She said there have been a few homes in her neighborhood that were struck by bullets that were originated from nearby unregulated private shooting ranges. Ms. Vince said this is a safety ordinance not an anti-gun ordinance and this should be a welcome safety measure for people to be outside enjoying their neighborhood as well as private range shooters who can shoot without fear of a tragic outcome.

Al Losco – ██████████, Vernon Township, is deeply disappointed that the safety ordinance was tabled. He was told that there was a lot of opposition to the ordinance and he does not understand why. Mr. Losco said this is a safety ordinance not an anti-gun ordinance. He asked for the safety of his neighborhood get this ordinance done.

Ed Specht – ██████████, Vernon Township, is in support of the gun safety ordinance.

Kristen Umansky – Vernon Township Tax Assessor, has been supportive of Mr. Stevens telling his story before the Council this evening. She cannot speak about what happened before she was the Tax Assessor at Vernon Township but since she started in 2019, she has worked diligently to make the corrections to the assessments that were warranted. Ms. Umansky wanted to make the Council aware that she was in agreement that the assessments were too high so we made the proper settlement. She feels there has been improvements with the Township working with a property owner.

Council President Shortway thanked Ms. Umansky for being so diligent and said she does a great job.

Ann Larson – Vernon Township, is in opposition to the gun control ordinance. She feels that the State Police and the Vernon Police are able to handle any problems. Ms. Larson said the fact is there are laws in place and we should enforce the laws that we have.

Ms. Larson encourages the new Council to put a spending cap for any kind of discretionary spending and it should be put on the ballot. She feels that things should be budgeted for and planned in advance.

Walter Marsico Jr. – sent an email saying, my name is Walter Marsico, Jr., a 40+ year resident of Vernon Township, 14-year Law Enforcement Officer and 20+ year business owner. I write in once again in hopes to educate others of the extreme lawlessness, disrespect, and shameful behavior of Mayor Burrell, Council President Harry Shortway, Business Administrator Chuck Voelker, Construction Official Robert Westenberger, Zoning Official Allison Larocca and “Attorney” Zielinski.

I would like to add a few statements on record, it is my understanding and correct me if I’m wrong but wasn’t Robert Westenberger of the Vernon Township Building Department terminated from his previous employment at St. Clare’s Hospital for Ethics Violations. I would tend to believe this since he was determined to be the individual creeping around my property in the middle of the night taking pictures inside my bedroom windows. Who authorized him for overtime to stalk my residence or was he trespassing on my property during his personal time which would then present even more issues for him and the township? How is that you think I am just going to dismiss this criminal behavior. This is how our Mayor and Council President run this beautiful township.

I would also like to know if Robert Westenberger has been terminated from his current position for illegally withholding a TCO and violating my civil rights as well as photographing my bedroom in the middle of the night. I would venture to say no since a majority of you lack any sort of ethics.

As for you Shortway, you and Voelker should be removed from your position for attempting to attack my employment on numerous occasions. I am calling for Shortway’s immediate resignation and a vote of no

confidence where he does not possess the ability or moral character to efficiently and properly govern this township. Shortway's recent attacks and blatant lies to my employer show his moral turpitude and lack of respect for this community. Shortway's dirty tactics give us a good understanding of how he attempts to govern this township, right down to his ridiculous pump track fiasco. Shortway, your constant harassment and retaliatory attacks on my job will no longer be tolerated. You are nothing more than a deceitful liar along with Robert Westenberger and Allison Larocca who have submitted completely false accusations and will be held accountable for their actions.

Anyone who thinks this is a personal, unwarranted attack on Shortway and his administration I welcome you at any time to review my extensive files that I currently have on this case and you will see why a majority of this administration should do the right thing and resign.

Now, for one final concern that I would like to address. Shortway, is it correct that you have posted pictures on social media of excavation on the current pump track project? These pictures do not show any soil and sediment silt fencing. Also, it is my understanding that you are not in compliance with the soil and sediment control plan and furthermore you did not seek approval prior to commencing excavation by disturbing the land. Now isn't this ironic, sounds very similar to what your Sloppy Officials attempted to fine me for even though they were 100% WRONG! Also, did you apply for an LOI with the DEP since you are excavating so close to wetlands, if you're unfamiliar with this you can always refer back to my file. This would be the same situation that you put me through applying for permits to build on my property. It is truly baffling how you think you are above the law but then you attack honest residents for issues you know nothing about. The township needs to be held accountable for this.

Patrick Rizzuto – Glenwood Estates, Vernon Township, commented on the pump track and the trails saying it is a bad use of township resources for a demographic that he feels is too small. His feeling has been that as long as we are using township funds, the necessity of coming up with a project where these funds are going to be committed should at least be a larger demographic that he believes is going to be seen in this particular project. Mr. Rizzuto asked why we are supporting nonresidents and people who do not live in Vernon with this project in the hopes that they are going to come in and require additional services. Mr. Rizzuto asked what are we doing for a larger demographic, our 40 plus and our senior citizens. He feels that this is not a family-oriented project and asked the Council to reconsider what they are doing. Mr. Rizzuto asked if Spohn Ranch has done any pump track previously.

Council Member Furrey said he spoke to one of the Spohn Ranch workers and he was told they have built hundreds of pump tracks.

Council Member Cilli asked if Mr. Rizzuto has looked at the drawings and what is anticipated for this. She said there are plans for an amphitheater that a senior could enjoy. Council Member Cilli said she agrees that there are more important things.

Mr. Rizzuto said he would have liked to see the amphitheater as a premium project because it is for all ages. He is not against the recreation aspect of the trail and pump track but feel this could have been done better if it was funded by some private organizations or private individuals rather than an Open Space fund.

Council Member Cilli said the Open Space fund was voted by a majority to use the money for a trail.

Mr. Rizzuto said the Open Space money was to be used for a specific reason.

Council President Shortway explained that the money could be used for trails, amphitheater, bike park or horse trails. 30% of the money is what we have and the Council would decide project by project where the money would be spent.

Brian Lynch – Barry Lakes, Vernon Township, explained that in the last couple of weeks he learned of the bullets entering the house. Mr. Lynch said while he was champagning people were complaining about the massage parlor and people coming and going all day long. He understands that the fire official had made inspections. Mr. Lynch asked where is the town when it comes to these establishments because when one succeeds you will see five more. He also asked who is the enforcement agent for all of the cannabis and those stores in our town.

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: John Auberger

All members were in favor.

MAYOR COMMENTS

While I have previously congratulated and welcomed newly elected Council Members Mr. Brian Lynch, Mr. Patrick Rizzuto, and Ms. Natalie Buccieri, since this is the first Council Business Meeting after the election, I take this opportunity to do so again.

Not only have I congratulated and welcomed the newly elected Council Members to the Vernon Township governing team, I have also had the opportunity to meet with them.

Our meeting was extensive, and involved an open and frank exchange of ideas. I look forward to working with them as a part of the five-member Council governing team.

Council President Shortway and I have worked close together to take actions that we believe and hope will make these newly elected Council Members' transition to the governmental team as smooth as possible.

Some of the specific administrative actions that we have taken up to this point include:

1. Ordering the newly elected Council Members municipal laptop computers, and creating municipal email address for them in the municipal email system, so that they will be able to officially communicate with other members of the governmental team and with members the public as soon as they are officially sworn into office;
2. Ordering the newly elected Council Members electronic key fobs which will enable them to have 24/7 access to the Municipal Center as soon as they are officially sworn into office;
3. Providing the newly elected Council Members copies of the municipality's latest audit report;
4. Providing the newly elected Council Members a link to the Highlands Draft Technical Analysis Report, giving them the advanced opportunity to join with the current Council members to comment on this report before it's published, should they desire to do so.
5. Providing the newly elected Council Members personal copies of the agenda, plus all backup information received by current Council Members, for today's Council Business Meeting. This is a practice that will be maintained until they are officially sworn into office;
6. Reserving them special seats at today's Council Business Meeting. This is also a practice that will be maintained until they are officially sworn into office; and ...
7. Ordering the newly elected Council Members official meeting name tags that will be ready for use when they are officially sworn into office on January 1.

As the current Council and I conclude that there are other actions that we can legally take to facilitate the newly elected Council Members' transition to the governmental team, we will do so.

We have made tremendous progress towards achieving the objective of MOVING VERNON FORWARD, and I want that progress to continue!

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I send out a special thanks to Council Member Toni Cilli and the seven other volunteers who helped her to start the project of applying a much-needed staining to the 3.2 miles of fence at Maple Grange Park.

Council Member Cilli has been trying to get this project started for the past couple of months, and with the help of volunteers Matthew Antonini, Brian Miller, Kane Lynch, Chloe Miller, Riley Keenan, Michelle Dinger, and Layne Cilli, they were able to start on this task in October.

While the town supplied the stain and needed brushes, Council Member Cilli and her team of volunteers supplied the time, effort and pride!

Thank you. Your actions and efforts give life and meaning to the slogan, VERNON CARES!

I have repeatedly expressed pride in the Vernon Township Police Department; during the end of last month, I received more evidence to support my reasons for having this pride.

This evidence came in the form of a notification from the Office of the New Jersey Attorney General, which informed me that two Vernon Police Officers, Corporal William Terrill and Patrolman John Gales, had earned the award of New Jersey Police Officers of the Week.

These two outstanding officers earned this prestigious award based on the bravery and professionalism that they demonstrated in their response to an incident in which a 3-year-old girl was viciously attacked by a dog, that also injured the young girl's parents.

These officers' bravery and professionalism saved the young girl's life by acting quickly to control the dog, and ensuring that the child received the urgently needed life-saving medical care.

Thank you, Officers Terrill and Gales; Vernon is proud of you!

While MOVING VERNON FORWARD means that we must focus on a host of things at the same time, this Mayor and Council have not forgotten that one of those key things is the cleanup of the major environmental scar that Joe Wallace has created on the face of our town in the form of his awful illegal land field.

And in that regard:

1. As the result of the close coordination, legal contacts, and other valuable resources that Municipal Attorney Zielinski has brought to our town by way of his close work with (a) the Honorable James S. Rothschild, the court appointed Receiver of the Wallace property, and (b) the Office of the New Jersey Attorney General; and ...

2. As a result of meetings and discussions that I have personally had, on behalf of the Mayor and Council, with Governor Murphy, our Congressman Josh Gottheimer, and our representative State Senator Steve Oroho about the Wallace illegal land field - - -

As a result of these efforts, on November 3, Council President Shortway, Business Administrator Voelker, Municipal Attorney Zielinski, and I participated in a very productive zoom conference meeting with New Jersey DEP Commissioner Shawn M. LaTourette; New Jersey DEP Deputy Commissioner Sean Moriarty; several New Jersey DEP staff members; State Senator Oroho and members of his staff; representatives of the Governor's office; and the Honorable Judge Rothschild, where we discussed this Wallace illegal land field matter.

The focus of this meeting was on the availability of funding to test and cleanup the illegal Wallace land field.

During this meeting, we discussed possible funding and programs that may be available to our Township to test and remediate the Wallace land field. Commissioner LaTourette suggested that Vernon Township apply for a grant through the New Jersey DEP's hazardous discharge site remediation fund, which provides grant money to municipalities for remediation and clean-up of qualifying sites.

He advised that the New Jersey DEP would be providing the Township with additional information and guidance regarding the hazardous discharge site remediation fund application process.

At this meeting, Senator Oroho questioned the Governor's office representatives as to whether it had access to any federal funding that could be used to test the illegal Wallace land field.

I want to note that as a follow-up to this meeting, I received a call from Senator Oroho who informed me that he had spoken with the Governor's office, and that the Governor's office is seeking to find up to \$100,000 to be used for deep soil testing of the illegal Wallace land field.

By the end of this week, we are hopeful of receiving word, through Senator Oroho, as to if the Governor's office was able to find the funds for this deep soil testing.

I also want to note that both, Congressman Gottheimer and Senator Oroho, have been strong advocates on behalf of Vernon Township, and very helpful in our efforts to obtain funding to test and cleanup the illegal Wallace land field. On behalf of the residents of Vernon Township, I offer my strong thanks to both of them.

And the final update that I have on this matter at this time, concerns the fact that DEP Deputy Commissioner Moriarty has informed us that the New Jersey DEP intends to file new applications to aggressively pursue additional remedies against Wallace.

This Mayor and Council will continue our efforts to ensure that Vernon is not only a beautiful town to live in, but also an environmentally safe town to live in.

And, we will continue to work with our federal and state representatives to MOVE VERNON FORWARD!

COUNCIL COMMENTS

Vice President Auberger had no comment.

Council Member Pitsker commented saying, I like to wish the newly elected Council Members, Brian Lynch, Natalie Buccieri and Patrick Rizzuto well in their future role as leaders in Vernon Town Council. To my supporters and those who voted for me, thank you for your support and belief in my work. Thank you to all of the citizens of Vernon for the opportunity to represent you on Town Council and bring new visions and ideas in moving Vernon forward. During my term in office, we brought Vernon forward with a stronger financial backbone with over \$4M in the fund balance and the lowest debt in 10 years. We have made for a safer community with new fire, ambulance equipment and ordinances that help protect Vernon in the future. Now it is time to come together and work on moving Vernon forward as a more prosperous, healthy and stronger community. I urge all of us, to unite, work together in a civil and professional manner so that we can show our future leaders a new example of working together truly is.

Council Member Pitsker explained that the objective of this ordinance as written is to bring the Safe Community Initiative to the residents of our community. This being true responsible firearm safety measures. Firearm owners have the right to own & bear arms per the second amendment. I embrace that and support it. Adversely, our residents should not have to live in fear of a bullet striking their house for the sake of target practice on private property ranges where safety measures cannot be assured.

Over the past year or so, 2 stray bullets have struck residential properties in Glen Harbor Estates due to Target practice with firearms with no documented control standard, rules or safety procedures in places.

Our residents should not have to herd their children inside when gun range activity is active in fear of a stray bullet possibly coming into their neighborhood. This is not a third world country; we must provide some measurement of safety requirements on private property target/firearm ranges that are in our neighborhoods in the Glen Harbor area, within an approximate 1-mile radius, there are 3 possible sites where firearm target practice is or has taken place. None of them without documented controls or safety requirements in place. One of them actually has made a very concerted effort to exceed those requirements, and I commend them. Whereas, we have a very well documented and safe range in Vernon at Cherry Ridge, a well-organized and managed range that the public can enjoy safely. This facility is pro-Active, Lives by Safety first, holds Safety meetings, which are a requirement for membership and is a must to attend if you are going to fire you weapon in a safe and control manner. Cherry Ridge is a very well documented and prioritize Safety their first priority

I am not looking to restrict firearm owners of practicing and improving on their skills.

I am asking for the safety of our residents to have sound, safe and controls precautions in place as not to cause harm or death to the residents that surround these firearm ranges. This was a proactive ordinance to avoid injury in the future. This is why, I support and represent this Proposed Ordinance for the Firearm Range Ordinance. I also hear the opposing side, and respect your rights. We will pull the Ordinance and look for more input on a better way to ensure Community Safety when it comes to Firearm Gun Range Safety. My last request regarding this subject is; Please, keep Safety first when you pull the trigger.

Council Member Cilli agrees with Council Member Pitsker about the gun safety ordinance. She knows there were some things wrong with the ordinance but feels that something needs to be done. Two bullets hitting houses in one neighborhood and children not being able to play outside is horrible. Council Member Cilli said we are listening and for safety reasons something needs to be done. We need an ordinance or something needs to be done to keep that community safe.

Council Member Cilli commented on Mr. Steven's story saying she cannot believe that this happened to his family. She has heard too many stories of people coming into the municipal building for help and not receiving any. Council Member Cilli thanked Kristen for working with Mr. Steven and being such a great employee and working with him. She feels that we need a lot more of that and that this is a big problem in our town. Council Member Cilli said she know Mr. Marsico says not nice things and she does not approve of what he says but she feels that if someone had spoken to him in the very beginning maybe this could have all been avoided.

Council Member Cilli wanted it to go on record that she did not vote for the cannabis ordinance.

Council Member Cilli has asked about the massage parlor and received no answer. She said this needs to be looked into and she fears for the people who work there.

Council Member Cilli asked why are we paying to clean up Joe Wallace's property.

Township Attorney answered that the State of New Jersey has a very large surplus of funds to test the property and those funds can be used for remediation as well. Joe Wallace cannot be incarcerated right now because of Covid.

Council Member Furrey commented saying Mayor, Council Members and residents of Vernon it is a great honor to be asked to be a member of the Vernon Township Council. Thank you all for your confidence in me and I promise that I will make every effort to listen to people's needs and do what is best for the Township of Vernon. Council Member Furrey said it has become apparent that people think freedom of speech gives them the right to come to public meetings and spread falsehoods and a negative view of our Township. While I believe that everyone has the right to free speech, the ability to participate in all government activities does not give them the right to attack people personally and to spread untruths. Council Member Furrey said as a member of the Council, I will not

tolerate this behavior. I promise I will always give people the chance to ask honest questions and I will give honest answers to the best of my ability. I will always choose love over hate and I pray that you hear these words and think before you speak.

COUNCIL PRESIDENT COMMENTS

Council President Shortway explained that the Sunday before the last meeting that he received several calls from different levels of elected officials, Cherry Ridge and residents saying that people were going to make the gun safety ordinance a second amendment issue. This is not a second amendment issue. We on the Council support the second amendment. The second amendment does not protect the use of that weapon or firearm. This also was not put in place to hurt Cherry Ridge which is a well-organized and safety minded organization. However what people do not realize, is there is no State certifications of licensing for firing ranges at all. It is also not protected like the Farm Act. We have to have due diligence when we go forward with this. I have seen what a bullet can do to someone, intentionally or accidentally. He hopes the next Council President works diligently to get this right.

Council President Shortway spoke regarding the marijuana gifting saying there is no law that they are violating. The Township has no jurisdiction on this and neither does the police department. This organization has other stores in other places and nothing can be done. Council President Shortway said he has been to the police about the massage pallor and there is nothing that can be done as a Council or Mayor. Whatever could be done through zoning or fire prevention was done.

Congratulations are in order for two of Vernon’s Finest: The Attorney General’s “NJ Officers of the Week” are Cpl. Terrill and Off. Gales of the Vernon PD, who responded to a 3-year-old girl viciously attacked by a dog that also injured her parents. The officers quickly arrived, saving the child’s life and getting her to emergency medical care. Thank you for your heroism!

We must always remember the sacrifices of our Veterans and not only on the eleventh day during the eleventh month at the eleventh hour but this should be daily. Thank you to them, it is why we have these rights and we have protections. President John F. Kennedy, a veteran himself stated: As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

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 Furrey with all members voting in favor.

The Meeting of the Township Council of the Township of Vernon was adjourned at 6:45 p.m.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Harry Shortway,
Council President

Minutes approved: December 13, 2021