

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 14, 2022**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on February 14, 2022 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Patrick Rizzuto presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 14, 2022 and on January 18, 2022 was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

SALUTE TO THE FLAG

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

ROLL CALL

Present were Council Members Natalie Buccieri, Michael Furrey, Brian Lynch, Harry Shortway and Council President Patrick Rizzuto. 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 Rizzuto led the assemblage in the salute to the flag.

MAYOR COMMENTS

An analysis of the Sussex County and New Jersey Department of Health COVID-19 Statistics for the first month of this year reveals that Vernon Township and Sussex County were not exceptions to the Omicron variant fueled surge in COVID-19 cases that swept through our nation and the world during the first month of this year.

In January, the number of Omicron variant fueled COVID-19 cases in our town increased by 64% to 41 cases per day; while the number of Omicron variant fueled COVID-19 cases in our county increased by 74% to 290 cases per day.

However, because of the large very jump in cases in several other Sussex County towns, during January, Vernon's 41 daily cases actually reflected a decline in our overall percent of total Sussex County cases - - i.e., from 15% to 14%.

The good news related to COVID-19 cases, is that in the state of New Jersey as a whole, the increase in the number of Omicron variant fueled cases seems to have reached their peak, and are on the decline.

The results in Sussex County and Vernon Township seems to confirm this trend.

For example, through the first 13 days of February, cases in our town are down from an average of 41 per day to just 6 cases per day - - an 85% decline; and in Sussex County, cases are down from an average of 290 per day to 41 cases per day - - an 86% decline.

Needless to say, we still need to remain vigilant in doing what we believe to be important and necessary to protect ourselves, our families and our friends from this virus.

Mr. Council President, since the turbulent January 24, 2022 Council Meeting, I have received an unusually large number of comments from individuals that I have encountered around town at the ACME Plaza, the CVS Drug Store, and other locations around town. I have also received contacts and comments through phone calls, and through other forms of communications.

The most concerning of these contacts and comments have come from business owners who were, and I hope still are, considering locating in our town.

These contacts have concerned me so greatly because the negative, hostile image and atmosphere that has engulfed our governing body during the first month plus of this year, have caused some to question if the professionalism and the lack of vindictiveness and bitterness that has characterized the conduct of Vernon's municipal government over the past two years, represented a real change in how we do things

in Vernon, or just a pause from the embarrassing and progress killing behavior that has hurt our town for so long.

Business owners simply don't want to become involved in, or risk the success of their business in, these types of personality and ego motivated "political food fights".

And, the most damaging thing about this, is that it hurts our town's ability to attract those kinds of commercial ventures that can provide the needed tax dollars to help offset homeowners' property taxes, and provide the kind of services and conveniences that Vernon residents need and want.

They all expressed shock at your behavior in response to my organized attempts to respond to the series of questions concerning the two special amenities, the Town Center Bicycle Pump Track and the Town Center Walking & Biking Trail, that the previous two Councils and I have planned as two of the ways to help us bring some much-needed development and business to the Vernon Town Center.

Because your reaction to my presentation played out in a public forum at what was supposed to be a normal Council business meeting, I believe that it's appropriate and proper for me to deliver these responsive comments in that same public forum.

I specifically want to respond to your insinuations, and in some cases out right statements, that in carrying out the approvals that the previous two Councils have given me to move forward with these two special amenities, that I have somehow done something improper and/or illegal.

That is, of course, not true.

Because I believe you to be a nice man, I don't agree with the many who claim that your statements and behavior at the turbulent January 24 Council Meeting, were planned and orchestrated attempts to assassinate my character and erode my credibility.

And because I also believe you to be a smart man, I can only surmise that your mistaken point of view of my actions, and my authority to take those actions, are due to the fact that you are taking advice from - - and I believe very bad advice - - and that you are following the lead of, an individual who simply does not have a sufficient understanding of the responsibilities and the authority that the Mayor has under the Mayor-Council form of government that the voters of Vernon approved for our town over a decade ago.

I clearly understand that you do not support some of the decisions and actions by me and the previous two Councils - - that's OK; it's your right to have a different opinion; in fact, it's not at all unusual for one political group to disagree with another political group.

However, I believe that our town will be best served if I, you and the entire Council would put aside any personality-based negative attitudes; if we refuse to repeat any half-truths; if we refuse to serve as surrogates for those who want to use our town's government as a platform to settle old scores; and if we stop the excessive focus on trying to kill or reverse things that have already been done, and instead focus on working together on our mutual visions for Moving Vernon Forward.

I am ready to take these steps, whenever you are!

Over these past two years, the Office of the Mayor and the Council have worked close together, and have demonstrated great respect for the responsibility and authority that the New Jersey Statutes have given each other under the Mayor-Council form of government.

And because the previous two Councils demonstrated such great respect for the responsibility and authority of the Office of the Mayor, one of the many ways that I reciprocated was by granting the Council the courtesy of expressing their approval of my appointments to some Municipal Boards, Committees and Commissions.

That courtesy is notable because under our Mayor-Council form of government, the authority to make appointments to Municipal Boards, Committees and Commissions, is exclusively that of the Mayor.

And it is also notable, that by the acts of the current Council President:

1. To refuse to allow my resolution to appoint the outstanding Dr. JACQUELINE HALEY to the remaining open seat on the Municipal Land Use Board; and ...

2. To outright ignore my request, made to him almost a month ago, that he provide me an explanation as to why he was denying our town the benefit of Dr. HALEY's intelligence, skills and training - -

By these acts, the Council President has clearly demonstrated that he neither fully understands nor respects the responsibility and authority that the New Jersey Statutes have given the Office of the Mayor in our form of government.

Therefore, on tonight, I hereby use the authority granted me by the Statutes of New Jersey to appoint Dr. JACQUELINE HALEY to fill a Class IV, 4-year term, on the Vernon Township Land Use Board.

I ask that Dr. HALEY please come by my office on tomorrow, or as soon as possible, so that I can swear her in to this important position, and she can immediately take her seat on the Land Use Board.

When I received a copy of the agenda for tonight's meeting, it was with a great degree of surprise, and a monumental amount of questioning, that I observed that the Council President had put a resolution on the agenda to hire a second municipal attorney. This is Resolution # 22-58.

And after reading this resolution, it makes clear that the Council President wants to hire a second municipal attorney for the exclusive purpose of helping him in his, so far, all-consuming effort to reverse a decision, and the actions resulting from that decision, that was made unanimously by the previous Council.

The decision that he, and some of the other Council Members, want to reverse, is the unanimous decision by the previous Council to use 214K\$ of the 600K\$ plus, that has been in the Municipal Open Space Fund for over two decades, to purchase seven-plus acres of land to be used for open space and Town Center development purposes.

For the following two reasons, I view their attempt to hire a second municipal attorney as being simply an act of public grandstanding:

REASON # 1: New Jersey State Statutes require that a municipality have just one municipal attorney, and not two. Vernon has its one statutorily required municipal attorney. And this attempt by a few members of the Council to have the Vernon taxpayers to pay for a second municipal attorney, that's not needed or required by law, is simply public grandstanding because it's doomed to fail.

In a legal case 37 years ago - - the case of Mayor John Robertson versus the Washington Township Council - - the New Jersey Superior Court ruled that such an attempt by an out-of-control Council was illegal. And, this decision was reconfirmed in 2005 by the Supreme Court of New Jersey in the case of the Municipal Council of Newark versus Newark Mayor Sharpe James.

REASON # 2: As Vernon's Mayor, I will not stand by and allow a few members of the Council to force the Vernon taxpayers to pay for them to hire their own special municipal attorney.

As Mayor, I sign the checks for the payment for services provided by all outside professionals hired by the municipality; and, I will not sign a check that will obligate the Vernon taxpayers to pay for a second municipal attorney, that's not needed or required by law.

I end my comments with the following three requests. At the time that the Council will consider resolutions:

1. I ask that just one member of this Council to please demonstrate the good judgment; to please demonstrate the independence from the control of the Council President; and to please demonstrate the courage to make a motion that Resolution # 22-58 be removed from tonight's agenda;

2. I ask that just one other member of this Council to please demonstrate the good judgment; to please demonstrate the independence from the control of the Council President; and to please demonstrate the courage to second that motion; and ...

3. I ask that just one additional member of this Council to please demonstrate the good judgment; to please demonstrate the independence from the control of the Council President; and to please demonstrate the courage to vote to approve the removal of Resolution # 22-58 from tonight's agenda.

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

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

MOVED: Brian Lynch
SECOND: Natalie Buccieri
All members voted in favor.

Steve Dunlop - Vernon Township, commented on resolution #22-58 because he is in favor of a conflict attorney to guide the Council. He is hopeful that there will be a forensic audit in the future to find answers.

Randolph Malorie – Highland Lakes, spoke in favor of ordinance #22-01.

Paul DeCost – Vernon Township, spoke in support of ordinance #22-01.

Paul Calabrese – Vernon Township, spoke in support of ordinance #22-01.

Robert Seionce – Highland Lakes, spoke in support of ordinance #22-01.

Jessica Fox – Highland Lakes, spoke in support of ordinance #22-01.

Tracy Shauger – owner of Lakeland Pool and Spa spoke in support of Dan and Dani Segal and ordinance #22-01.

Alana Sheerer – Parsippany, spoke in support of Dan and Dani Segal and ordinance #22-01.

Dan Segal – Highland Lakes, told the council that the decision tonight is to move Vernon into the future. He explained what the guidelines are to have a retail cannabis dispensary.

Dr. Dani Segal – Highland Lakes, explained to the Council what a great opportunity the town would have if ordinance #22-01 was adopted.

Peg Distasi – Glenwood, is happy to see the bills list on the agenda. She supports resolution #22-58 to hire a conflict attorney. Ms. Distasi spoke about resolution #22-60 and asked why are we constantly giving tax refunds to people who take their cases to tax court. Ms. Distasi is opposed to ordinance #22-05 because she feels that we have already given the MUA \$1.75 million and now we are going to bond for them again.

George Nicoroph – Vernon Township, spoke in support of ordinance #22-01 and growing business in Vernon.

Jessica Paladini – Vernon Township, is opposed to ordinance #22-01. Ms. Paladini is in support of resolution #22-58 to hire a conflict attorney.

Nick DuBois – Vernon Township, is in support of ordinance #22-01 and Dan and Dani Segal.

Anna Stuart – hopes that the Council can put their fears aside and move forward.

Jen Lubliner – Vernon Township, spoke in support of ordinance #22-01.

Elise McGaughrin – Sussex County, is opposed to ordinance #22-01 because of public safety.

Jackie Ferraro – spoke in support of ordinance #22-01.

Ann Marie Shaeffer – Sussex County, spoke in support of ordinance #22-01.

Bob Manning – Barry Lakes, spoke in support of ordinance #22-01.

Katie Walker – Vernon Township, is opposed to ordinance #22-01.

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

MOVED: Brian Lynch
SECOND: Natalie Buccieri
All members voted in favor.

REVIEW OF BILLS LIST

The Township Council reviewed the bills list and asked CFO Donelle Bright questions which she answered.

MINUTES

January 10, 2022 – Regular Meeting

Council President Rizzuto asked for a motion to approve the January 10, 2022 regular meeting minutes as corrected.

Council Member Shortway had a minor correction to the minutes on page 30.

MOVED: Michael Furrey

SECOND: Brian Lynch

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve the January 10, 2022 regular meeting minutes as corrected.

RESOLUTION

Resolution #22-58: Resolution to Appoint Conflict Attorney

Council President Rizzuto asked for a motion to approve resolution #22-58.

Council Member Furrey made a motion to remove resolution #22-58 from the agenda. Seconded by Council Member Shortway.

Council President Rizzuto explained that you cannot vote to remove a resolution from the agenda because the agenda is set by the Council President.

Council Member Buccieri made a motion to place resolution #22-58 on the floor for discussion. Seconded by Council Member Lynch.

Council Member Furrey does not see the reasons why we need another conflict attorney and he also feels that this is not a good way to spend township funds.

Council Member Shortway explained that in this form of government the Mayor hires the conflict attorney and we should respect the Mayor's authority.

Council Buccieri asked Attorney Zielinski if the Council has the right to hire a conflict attorney.

Mr. Zielinski commented that he does not think it is appropriate to provide legal advice in public. He would give legal advice in closed session.

Council Member Buccieri made a motion to table resolution #22-58 in order to discuss it in closed session. Seconded by Council Member Lynch.

A roll call vote was taken:

AYES: Buccieri, Lynch, Shortway, Rizzuto

NAYES: Furrey

ABSTAIN:

ABSENT:

Motion carries to table resolution #22-58 until it can be discussed in closed session.

CONSENT AGENDA

Resolution #22-59: Extension of Paid Leave – Brian Patterson

Resolution #22-60: Resolution Authorizing Settlement of Tax Appeal Litigation for Real Property Located at 40 Rt. 94 also known as Block 607, Lots 25, 26, 27, 28, 31 and 32, Township of Vernon, Sussex County, New Jersey

Resolution #22-61: Refund Overpayments (Block 299-Lot 2 Corelogic) (Block 527-Lot 242 Corelogic)

Resolution #22-62: Refund Overpayments (Block 528-Lot 127 Corelogic)

Resolution #22-63: Refund Overpayment (Block 527-Lot 460 Corelogic)

Resolution #22-64: Refund Overpayment (Block 526-Lot 201 Corelogic)

Council President Rizzuto asked if anyone would like to discuss resolutions on the consent agenda.

Council Member Lynch made a motion to approve the consent agenda.

MOVED: Brian Lynch

SECOND: Natalie Buccieri

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve the consent agenda.

RESOLUTION #22-59

EXTENSION OF PAID LEAVE – BRIAN PATTERSON

WHEREAS, Police Officer Brian Patterson has been out on injury leave since February 16, 2021 due to long-term symptoms from COVID-19 exposure, and continues to receive treatment and temporary disability benefits through the Township’s workers compensation insurance, and it is not presently anticipated that Officer Patterson will be able to return to duty as a police officer in the foreseeable future; and

WHEREAS, pursuant to Article 13 in the collective negotiations agreement between the Township and PBA, the Mayor is authorized to extend a paid leave of absence for a police officer if the illness or injury continues after one year of paid leave; and

WHEREAS, Officer Patterson has stated, in light of his anticipated inability to return to duty, that he intends to use his earned paid time off to supplement his temporary disability benefits after February 15, 2022, and his paid time is expected to be exhausted during the month of August 2022; and

WHEREAS, Officer Patterson will need supplemental pay from the Township to receive his regular full salary through September 30, 2022;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon concurs that the Mayor should grant a period of supplemental partial paid leave from the date his accrued time is exhausted and continuing until no later than October 1, 2022 and that the Council shall allocate such funds for the police department budget to cover Officer Patterson’s salary for the 2022 budget year.

RESOLUTION #22-60

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL LITIGATION FOR REAL PROPERTY LOCATED AT 40 RT. 94, ALSO KNOWN AS BLOCK 607, LOTS 25, 26, 27, 28, 31, AND 32, TOWNSHIP OF VERNON, SUSSEX COUNTY, NEW JERSEY

WHEREAS, L&R Equity, LLC is the Owner of six (6) separately assessed commercial condominiums located at 40 RT. 94, also known as Block 607, Lots 25, 26, 27, 28, 31, and 32, in the Township of Vernon, County of Sussex, and State of New Jersey (collectively “Property”); and

WHEREAS, the Owner has filed appeals to the Tax Court of New Jersey contesting the tax assessments on the Property for the 2020-2021 tax years under Docket Numbers 011108-2020 and 008921-2021; and

WHEREAS, the parties have engaged in settlement negotiations involving certified appraisal experts; and

WHEREAS, as a result of said negotiations, a tentative settlement has been reached wherein the parties agree that the total aggregate tax assessment for the Property shall be reduced to \$2.7 million for the 2020 tax year and \$1.5 million for the 2021 tax year; and

WHEREAS, the total aggregate tax assessment shall be set at \$1.4 million for the 2022 tax year and shall remain unchanged for the 2023 tax year provided there is no change in value such as assessable improvements or material destruction of improvements before the Township’s Tax List is certified, and there is no sale for more than the assessed value; and

WHEREAS, reductions of tax amounts previously paid as a result of this settlement shall be returned to the Owner in the form of a 50% refund and 50% credit to be applied against the Owner’s future tax liabilities; and

WHEREAS, the Tax Assessor, Tax Counsel, and the Township’s appraisal expert, Associated Appraisal Group, have recommended the terms of this settlement to the Mayor and Township Council; and

WHEREAS, the Township Council, having conferred, is of the opinion that this settlement is being made in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the settlement of these matters as set forth hereinabove be and is hereby approved and the Special Tax Counsel is hereby authorized and directed to effect said settlement.

RESOLUTION #22-61

**REFUND OVERPAYMENTS
(Block 299- Lot 2 CORELOGIC)
(Block 527 Lot 242 CORELOGIC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$4209.22 representing refund for overpayment for the following properties:

| OWNER | BLOCK | LOT | REFUND AMOUNT |
|--------------|--------------|---------------|----------------------|
| Wenjuan | 299 | 2 | \$3275.54 |
| Gardenier | 527 | 242 | \$933.68 |
| | | TOTAL: | \$4209.22 |

Wenjuan- refund for overpayment totaling \$3275.54 of 2nd qtr. 2021 property taxes for Block 299 Lot 2 also known as [REDACTED]

Gardenier - refund for overpayment totaling \$933.68 for 3rd qtr. 2021 \$253.80 and 4th qtr. 2021 \$679.88 property taxes for Block 527 Lot 242 also known as [REDACTED]

RESOLUTION #22-62

**REFUND OVERPAYMENTS
(Block 528- Lot 127 CORELOGIC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$858.33 representing refund for overpayment for the following property:

| OWNER | BLOCK | LOT | REFUND AMOUNT |
|--------|-------|---------------|-----------------|
| Butler | 528 | 127 | \$858.33 |
| | | TOTAL: | \$858.33 |

Butler- refund for overpayment totaling \$858.33 of 3rd qtr. 2020 property taxes for Block 528 Lot 127 also known as [REDACTED]

RESOLUTION #22-63

**REFUND OVERPAYMENT
(Block 527 Lot 460- CORELOGIC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$735.38 representing refund for overpayment of 1st qtr. 2017 property taxes for Block 527 Lot 460 also known as [REDACTED]

| OWNER | BLOCK | LOT | REFUND AMOUNT |
|---------|-------|---------------|-----------------|
| Bennett | 527 | 460 | \$735.38 |
| | | TOTAL: | \$735.38 |

RESOLUTION #22-64

**REFUND OVERPAYMENT
(LOT 526 LOT 201- CoreLogic)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to CoreLogic in the amount of representing refund for overpayment of 1st qtr. 2019 property taxes for Block 526 Lot 201 also known as 4 Greg Norman Ct. Unit 2, Vernon, New Jersey.

| OWNER | BLOCK | LOT | REFUND AMOUNT |
|-------|-------|---------------|-----------------|
| Kram | 526 | 201 | \$861.76 |
| | | TOTAL: | \$861.76 |

INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Ordinance #22-05: Bond Ordinance Providing for the Improvements of the Sanitary Sewerage System (Sand Hill Pump Station) in and by the Township of Vernon, in the County of Sussex, New Jersey, Appropriating \$2,400,000 Therefor and Authorizing the Issuance of \$2,400,000 Bonds or Notes of the Township for Financing Such Appropriation

Council President Rizzuto read by title Ordinance #22-05

Council President Rizzuto asked for a motion to introduce Ordinance #22-05

MOVED: Michael Furrey
SECOND: Brian Lynch

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

Motion passed to introduce Ordinance #22-05

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #22-01: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending and Supplementing Chapter 330 Entitled “Land Development” Regarding Retail Sales of Legalized Cannabis

Council President Rizzuto read by title Ordinance #22-01.

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-01.

MOVED: Natalie Buccieri

SECOND: Brian Lynch

All Members were in Favor.

George Nicoroph – Vernon Township, HAD A PROBLEM WITH HIS COMPUTER AND WAS NOT ABLE TO SPEAK.

Seeing no one else wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-01

MOVED: Brian Lynch

SECOND: Natalie Buccieri

All Members were in Favor

Council President Rizzuto asked for a motion to adopt Ordinance #22-01.

MOVED: Brian Lynch

SECOND:

Motion failed to adopt Ordinance #22-01.

Ordinance #22-02: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Approving Deed to Terminate Rights-of-Way and Easements on Block 5, Lot 14, Formerly Known as Block 20, Lot 29

Council President Rizzuto read by title Ordinance #22-02.

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-02.

MOVED: Brian Lynch

SECOND: Michael Furrey

All Members were in Favor.

Seeing no one wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-02

MOVED: Brian Lynch

SECOND: Michael Furrey

All Members were in Favor

Council President Rizzuto asked for a motion to adopt Ordinance #22-02.

MOVED: Natalie Buccieri

SECOND: Michael Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:
ABSTAIN:
ABSENT:

Motion passed to adopt Ordinance #22-02.

ORDINANCE #22-02

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, APPROVING DEED TO TERMINATE RIGHTS-OF-WAY AND EASEMENTS ON BLOCK 5, LOT 14, FORMERLY KNOWN AS BLOCK 20, LOT 29.

WHEREAS, Colonial Circle Developers, LLC (“Colonial”) conveyed rights-of-way and easements further described herein to the Township of Vernon (“Township”) on property known as Block 5, Lot 14, formerly known as Block 20, Lot 29 (the “Property”); and

WHEREAS, the rights-of-way on the Property (the “Rights-of-Way) were conveyed from Colonial to the Township by deed dated June 14, 2004 and recorded in the Sussex County Clerk’s Office on July 2, 2004 in Deed Book 02832, Page 00266; and

WHEREAS, the aforementioned Rights-of-Way were conveyed by Colonial to the Township for road purposes; and

WHEREAS, the Rights-of-Way are depicted and labeled as “50’ ROW” (one 50’ R.O.W. labeled “Colonial Circle” and one 50’ R.O.W. unnamed) on Registered Map Number 1420 (“Registered Map), recorded September 29, 2006 in the Sussex County Clerk’s Office; and

WHEREAS, Colonial conveyed a fifteen (15)-foot-wide access easement (“15’ Wide Access Easement”) on the Property to the Township by a Grant of Access Easement dated June 14, 2004 and recorded in the Sussex County Clerk’s Office on July 2, 2004 in Deed Book 02832, Page 00270; and

WHEREAS, the 15’ Wide Access Easement is depicted and labeled as “15’ Wide Appalachian Trail Access Easement” on the aforementioned Registered Map; and

WHEREAS, the Township received easements for purposes of maintenance and access, drainage, and a water tank that are depicted on the aforementioned Registered Map and labeled as a 70’ wide Maintenance and Access Easement, 15’ Wide Drainage Easement, 15’ Wide Access Easement, and a 20’ x 100’ Water Tank Easement (collectively, the “Easements”); and

WHEREAS, the Township wishes to extinguish and forever terminate its ownership and easement rights in the aforementioned Rights-of-Way, 15’ Wide Access Easement, and the Easements, and

WHEREAS, the Local Buildings and Lands Law, N.J.S.A. 40A:12-13(b)(4) authorizes the Township to extinguish and vacate an easement and to execute a deed confirming same provided that the action is authorized by Ordinance.

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

SECTION 1

The Mayor and Clerk are hereby authorized, pursuant to N.J.S.A. 40A:12-13(b)(4), to execute a Deed to Terminate Rights-of-Way and Easements on Block 5, Lot 14 (“Deed”) extinguishing and forever terminating its ownership and easement rights in the aforementioned Rights-of-Way, 15’ Wide Access Easement, and the Easements. The Deed is attached hereto and has been approved by the Vernon Township Attorney.

SECTION 2

The conveyance contemplated by the Deed shall only become effective once the State of New Jersey, Department of Environmental Protection has received a conveyance of the Property from Colonial.

SECTION 3

Colonial may only record the Deed upon a concurrent execution and delivery of a deed from Colonial Developers, L.L.C., formerly known as Colonial Circle Developers, LLC, conveying the Property to the State of New Jersey, Department of Environmental Protection.

SECTION 4

In the event that Colonial does not execute a deed conveying the Property to the State of New Jersey, Department of Environmental Protection, the Deed executed by the Township shall be of no force and effect.

SECTION 5

The Township shall file with the Director of the Division of Local Government Services in the Department of Community Affairs a sworn affidavit verifying the publication of the advertisement of this Ordinance as required by N.J.S.A. 40A:12-13.

SECTION 6

This Ordinance shall take effect upon adoption and publication in the manner required by New Jersey Law.

Ordinance #22-03: An Ordinance Providing for the Vacation of a Public Right of Way Known as West Shore Drive, Pursuant to N.J.S.A. 40:49-6, N.J.S.A. 40:67-2 and N.J.S.A. 40:67-21 and Releasing and Extinguishing any Public Right Therein

Council President Rizzuto read by title Ordinance #22-03.

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-03.

MOVED: Natalie Buccieri
SECOND: Michael Furrey

All Members were in Favor.

Seeing no one wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-03

MOVED: Brian Lynch
SECOND: Natalie Buccieri

All Members were in Favor

Council President Rizzuto asked for a motion to adopt Ordinance #22-03.

MOVED: Natalie Buccieri
SECOND: Brian Lynch

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

Motion passed to adopt Ordinance #22-03.

ORDINANCE #22-03

AN ORDINANCE PROVIDING FOR THE VACATION OF A PUBLIC RIGHT OF WAY KNOWN AS WEST SHORE DRIVE, PURSUANT TO N.J.S.A. 40:49-6, N.J.S.A. 40:67-2 AND N.J.S.A. 40:67-21 AND RELEASING AND EXTINGUISHING ANY PUBLIC RIGHT THEREIN

WHEREAS, the Township Council of the Township of Vernon previously authorized and accepted West Shore Drive as dedicated and conveyed to Vernon Township; and

WHEREAS, a portion of West Shore Drive will no longer be needed for public purposes.

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

Section 1.

1. West Shore Drive as designated in the attached **SCHEDULE A and SCHEDULE B** is hereby vacated and the public's right therein released and extinguished except for all rights and privileges possessed by public utilities and/or cable television companies to maintain, repair, and replace existing facilities in, adjacent to, over or under the said right-of-way, are hereby reserved and excepted pursuant to N.J.S.A. 40:67-1.
2. After being introduced and having passed a first reading, this Ordinance and Schedules A and B shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.
3. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected hereby so far as may be ascertained. The Township Clerk shall mail said notice pursuant to N.J.S.A. 40:49-6.
4. Within sixty (60) days of the effective date of this Ordinance, the Township Clerk shall file a copy, certified by her under the seal of the Township to be a true copy, together with proof of publication thereof, in the Office of the Sussex County Clerk in accordance with N.J.S.A. 40:67-21.

Section 2. Severability. If any part of this Ordinance is for any reason held to be invalid such decision shall not effect the validity of the remaining portion of the Ordinance. Any Ordinance or portion thereof that may be inconsistent with the Ordinance is hereby repealed to the extent of the inconsistency.

Section 3. Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

Ordinance #22-04: An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Repealing Ordinance #21-06 Authorizing Purchase of Real Property Commonly Known as 8-20 Black Creek Drive and Identified as Lot 12, Block 141 on the Tax Map of the Township of Vernon

Council President Rizzuto read by title Ordinance #22-04.

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-04.

MOVED: Natalie Buccieri

SECOND: Patrick Ruzzito

A roll call vote was taken:

AYES: Buccieri, Lynch, Shortway, Rizzuto

NAYES: Furrey

ABSTAIN:

ABSENT:

Motion carried to open the floor to the public.

Steve Dunlop – Williamsville Estates, is in favor of ordinance #22-04.

Jessi Paladini – Vernon Township, encourages the Council to adopt ordinance #22-04.

Peg Distasi – Glenwood, is in support of ordinance #22-04.

George Nicoroph – Vernon Township, spoke in support of ordinance #22-04.

Seeing no one else wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-04

MOVED: Natalie Buccieri

SECOND: Brain Lynch

A roll call vote was taken:

AYES: Buccieri, Lynch, Shortway, Rizzuto

NAYES: Furrey

ABSTAIN:

ABSENT:

Motion carried to close the floor to the public.

Council President Rizzuto asked for a motion to adopt Ordinance #22-04.

MOVED: Natalie Buccieri

SECOND: Brian Lynch

Council President Rizzuto commented that the Mayor referred him back to the comment he made when he said he wants to work together. On two occasions Council President Rizzuto went to the Mayor's office to discuss this purchase and the Mayor asked him to get on board with it. Council President Rizzuto told the Mayor he could not do that because there were too many issues that were brought forward. Starting from the sighting of this particular piece of property, the fact that you chose not to continue to try and obtain an easement, which would have been much less expensive than purchasing the property outright. Moving from the easement to the fact that the property was not handled properly in the ordinance itself, Council President Rizzuto read from ordinance 21-06, "The Township is authorized to acquire Lot 12, Block 391 also known as 8-20 Black Creek Drive from its owners for the sum of \$289,000.00 only after: (1) obtaining a clear Phase I environmental assessment; (2) a title report reflecting the owner(s) clear title to the Property; and (3) procurement of Open Space funds to cover the cost of the purchase." A clear environmental assessment required in Phase 1, never happened. He believes that this statement was put in the ordinance as a fire block that would stop the Mayor from proceeding any further and would require the Mayor to check with the Council, the authorizing body, for the approval of the contract and for the extension of the funds. Council President Rizzuto said also providing the Council the opportunity to give the Mayor instructions on how much he could spend if they wanted to continue the purchase and go through with any remediation was not done. Council President Rizzuto made this point numerous times and he told the Mayor that this piece of property had some drawbacks which he thought had been overlooked or not given enough weight. This piece of property was part of a larger 17-acre lot that was under remediation since 2005. The remediation had been completed and signed off from Judge McGovern on November 17, 2021. Once that remediation was completed, the Township found additional requirements for remediation in the form of lead and beryllium. The LSRP who work in the stead of the Department of Environmental Protection were given the responsibility to clear the site and he doesn't know if we have received a clear report yet. Council President Rizzuto explained that there was a report taken from the NJ DEP on this piece of property that requires continued oversight in terms of potential remediation and checking on the property to see if it is required and this extends out through 2027 and the report concludes in 2029. The Mayor's commented that it was only going to be on a small portion of the

lot. Council President Rizzuto explained that we own the whole lot and even a part of that required additional remediation we would be responsible for the remediation.

Council President Rizzuto asked the Mayor if we received a report from the LSRP that the property has passed remediation.

Mayor Burrell answered yes and the report was emailed to the Council late this afternoon. It says the property is unrestricted use.

Council Member Rizzuto asked the Township Engineer to review the report from the LSRP and also the report from the NJ DEP.

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

Motion passed to adopt Ordinance #22-04.

ORDINANCE #22-04

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, REPEALING ORDINANCE 21-06 AUTHORIZING PURCHASE OF REAL PROPERTY COMMONLY KNOWN AS 8-20 BLACK CREEK DRIVE AND IDENTIFIED AS LOT 12, BLOCK 391 ON THE TAX MAP OF THE TOWNSHIP OF VERNON

WHEREAS, a number of inconsistencies between Ordinance 21-06 and the sales contract have been clearly demonstrated; and

WHEREAS, construction costs for bike path, walking path and access roads have not been accurately presented; and

WHEREAS, the required authorization for completion of this project was not sought or received by this administration from the council; and

WHEREAS, Ordinance 21-06 authorized the purchase of real property located within the Township of Vernon, specifically Lot 12, Block 391 and also known as 8-20 Black Creek Drive (“Property”);

WHEREAS, a majority of the Township Council is not in favor of purchasing the Property; and

WHEREAS, a majority of the Township Council desires to repeal Ordinance 21-06; and

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

SECTION 1

The Township Council of the Township of Vernon hereby repeals Ordinance 21-06.

SECTION 2

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 3

Any Ordinance or part thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4

This Ordinance shall take effect immediately as provided by law.

PUBLIC COMMENTS

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

MOVED: Brian Lynch

SECOND: Natalie Buccieri

All members present voted in favor.

Carl Contino - ██████████ asked for a comment about an article.

Council President Rizzuto explained that this could be possible litigation so there will be not comments.

Steve Dunlop – Williamsville Estates, stated that Jessi Paladini is not a racist for a comment that was taken out of text on her Facebook page.

Jessi Paladini – Vernon Township, questioned the legal basis for the Township Attorney to go into executive session to talk about the Council hiring a conflict attorney.

George Nicoroph - Vernon Township, urged the Council to debate and keep to the issues but also find better ways to work together.

Shawn Mazur – Vernon Township, feels that Jessi Paladini is not a racist. He believes the pump track could be located in a better place.

Anna Marie Driscal – ██████████ asked the Council to consider the gun safety ordinance.

Thomas McClachrie – Vernon Township, thanked the tax assessor for putting the taxpayers bill of rights on the website.

Francine Vince – ██████████ reminded the Council that there have been at least 11 incidents involving bullets in their neighborhood. She asked the Council to consider the gun safety ordinance.

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

MOTION: Brian Lynch

SECOND: Natalie Buccieri

All members present were in favor.

COUNCIL COMMENTS

Council Member Shortway had no comments.

Council Member Furrey had no comments.

Vice President Buccieri commented that she and Council President Rizzuto met with the School Board Liaison Committee last week and they had some good conversations and they spoke about some opportunities to share services. They had ideas that were positive and it should be a good relationship for the two bodies that work independently but service the same taxpayers.

Vice President Buccieri suggested that Ms. Distasi speak to the tax assessor about any questions regarding assessments.

Vice President Buccieri asked if we are able to go into closed session at this time.

Attorney Zielinski does not think it would be appropriate since it is not on the agenda to go into closed session again.

Council Member Lynch commented that he spoke to Administrator Voelker about a problem on Briar Road and he thanked him for taking care of a problem so fast. He also thanked the road department for doing the work there and on Karen Road. Council Member Lynch expressed concern about the roads in

Vernon. He feels that the roads need some oversight and that every five years there should be some work done. He said we should start looking at all the roads so we can get ahead of the cost of the work and diesel fuel.

Mayor Burrell explained that there is a plan of action.

Council Member Lynch thanked Steve Dunlap for clearing the air against racism. He is opposed of people accusing people of false racism. He feels an apology is needed.

COUNCIL PRESIDENT COMMENTS

Council President Rizzuto feels that he did not raise his voice at the last meeting when discussing the Baldwin purchase. He said people have approached him to say they were happy he was asking for reconsideration the purchase of the property because it is an expensive project and a project we do not need. He feels that the situation needs to be reviewed. Council President Rizzuto questioned why the Mayor had to use a different attorney to close on a piece of property. He also asked why the Notice to Proceed was not given to the Council when it was received from the Township Engineer and sent to the Business Administrator and the Mayor. Council President Rizzuto asked the Township Engineer if the money spent on the heavy equipment and overtime wages for the DPW is going to be added or removed from the original bid.

Township Engineer Stoner replied saying it will not be added or subtracted. It will be added to the overall project cost.

Council President Rizzuto asked when will we get a straight answer.

Mayor Burrell said he did not send out the Notice to Proceed, but he did tell the Township Engineer to proceed with the project.

Council President Rizzuto commented that the Council is entitled to correct information and the Mayor has sent them erroneous information several times. The accusations fall to the Council, because we do not agree we are wrong and he cannot accept that.

ADJOURNMENT

At 10:53 pm Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Buccieri.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: March 14, 2022