

**VERNON TOWNSHIP COUNCIL  
REGULAR MEETING MINUTES  
FEBRUARY 28, 2022**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on February 28, 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.

**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.

Council President Rizzuto asked for a moment of silence and remembrance for the brave courageous people of Ukraine who are battling for their freedom and battling for their lives. I hope they are successful and perhaps our thoughts and prays will be a comfort to them.

Council Member Shortway introduced a resolution:

The Ukrainians are a courageous people.

The Ukrainians will not give up their sovereignty and territorial integrity without battle.

We condemn the Russia Federation's unprovoked invasion of Ukraine in the strongest possible terms.

Russian Federation's act of war has caused death, destruction, and displacement.

Russia's actions are a violation of international law and unacceptable to the civilized world.

Ukrainians will fight for their country,

Just as you and I would fight for our beloved United States,

We the Council and Mayor of Vernon Township support the Ukrainian People.

MOVED: Harry Shortway

SECOND: Patrick Rizzuto

All members voted in favor.

**MAYOR COMMENTS**

Those who have viewed this year's Town Council meetings are very much aware of the intense, and seemly single-minded, focus on attempts to kill the Town Center Biking & Walking Trail, and the Town Center Bicycle Pump Track projects.

Both of these are two special amenities that will serve as creative infrastructure investments, as part of our ongoing efforts and actions to attract the kind of commercial ventures that will produce additional tax dollars to reduce the tax burden on homeowners, and that will provide some of the additional services and conveniences that our residents want and need.

Many have used the term "extreme" to describe the exaggerated project killing actions and attempts by a few loud and prolific negative Facebook warriors, and also by those good people within our governing body, who it seems have been either intimidated or deceived into serving as these Facebook warriors' surrogates or agents.

As I have attempted to make clear in my comments on the Town Center Biking & Walking Trail, and the Town Center Bicycle Pump Track, these are two special amenities that will be implemented.

My confidence that these amenities will be implemented, in spite of the aggressive and combative efforts of the few who are trying to put a dagger in the heart of our efforts, is due to the simple fact

that all of the planning, organizing, directing, coordinating and controlling actions by me and the previous two Councils have been in accordance with all appropriate requirements.

Speaking of appropriate, I believe that it's appropriate at this time that I provide the public an update on the status of our current efforts to move these two special amenities towards completion. And I will, therefore, do so in my next two segments of comments tonight to the Council.

The following 8 points serve as an update of the status of our current efforts related to the Town Center Bicycle Pump Track:

1. The Town Center Bicycle Pump Track project is not like the normal projects for which the municipality seeks bid proposals. Normally, our Municipal Engineer prepares the project plans and specifications and then the municipality seeks bids from contractors to implement those specifications.

Due to the unique and special skills and experiences that are required to build a high-quality, long-lasting pump track, the Request for Proposal documents that our Municipal Engineer and Qualified Purchasing Agent prepared for the Town Center Bicycle Pump Track project, advertised this project as a DESIGN and BUILD PROJECT.

2. On August 3, 2021, a total of three proposals were received to build the Town Center Bicycle Pump Track.

3. After a review of the proposals by a subcommittee consisting of Township professionals, Township staff and two Council members, it was determined that an award would be made to Spohn Ranch. And at an August 9, 2021 Council meeting, the Council officially awarded Spohn Ranch the contract to design and build the Town Center Bicycle Pump Track.

4. The design work for the Bicycle Pump Track began in September 2021, and construction work began in mid-October 2021. The work to date has included the leveling of the pad site; movement of millings on the project site; and the grading/shaping of the millings to form the base for what will be the asphalt paved Bicycle Pump Track.

Due to weather conditions in late October and early November, the work completed was limited to the forming the base for the track, and did not proceed to the final placement of asphalt paving.

5. In order to obtain the best quality surface for the Bicycle Pump Track, it was decided to stop work in late November and wait until the winter months passed before continuing work. This winter shutdown period is actually working in our favor in that it is allowing the base for the track to settle.

6. During this month, representatives from Spohn Ranch visited Vernon Township and met with our Municipal Engineer to review the status of the Bicycle Pump Track construction project. During this meeting, an inspection of the site was conducted, and Spohn Ranch reconfirmed that they will continue their work in the Spring once warmer weather returns and the site dries out properly.

7. The focus of the next phase of work will be the final grading of the track, installation of drainage, asphalt paving, and final landscaping.

8. I am also pleased to announce that the growing excitement about this Town Center investment has resulted in our town receiving its first two contributions that will enhance the user experience of our state-of-the-art Town Center Bicycle Pump Track. Both contributions are from the Sussex Bike & Sports Shop, located on Route 23 in Sussex.

The Sussex Bike & Sports Shop is owned by JASON ZIEGLER, who was born and raised in Vernon, and is a Vernon Township High School graduate.

Mr. ZIEGLER has commissioned a local Sussex County company to custom build two 10 foot galvanized steel Bike Storage Racks that will be mounted at our Town Center Bicycle Pump Track; each rack will be able to store 18 bikes.

Mr. ZIEGLER's second contribution will be a state-of-the-art weatherable Outdoor Public Tire Bike Pump with a Gauge.

Thank you, Mr. ZIEGLER; a large and growing number of residents in Vernon, and in the tri-state area, share your excitement and anticipation about this new Vernon Town Center investment.

In previous comments by me as well as some members of the Council, we have repeatedly made it clear that we view the Town Center Walking & Biking Trail as a Town Center infrastructure investment project, 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.

After reviewing the results of five bids received from contractors who desired to construct the Trail, the two appropriate municipal service providers - - those being our Township Engineer and our Qualified Purchasing Agent - - recommended to me that the municipality should award the construction contract to the firm that met the criteria as the lowest responsible bidder under the New Jersey Local Public Contracts Law.

And on December 13, 2021, via Resolution # 21-286, the Council approved my recommendation that a contract to construct the Trail be awarded to Salmon Bros., Inc. of Netcong, NJ.

Up until recently, the Municipality had one unresolved issue that presented a minor challenge to the full construction of the Town Center Walking & Biking Trail along the planned path. That challenge was due to the fact that up until recently, the Municipality had not yet completed its purchase of a piece of property through which a portion of the Trail was to be constructed.

The purchase of this piece of property was pending receipt of formal notification from the New Jersey DEP that a small amount of lead contaminated soil found on this property had been cleaned up to the New Jersey DEP's approval.

On February 14, 2022, the Mayor's Office received a copy of this required formal New Jersey DEP notification, and on February 18, 2022, the Town purchased the property.

A host of misinformation and untruths about this property have been purposely spread throughout the public on some Facebook pages, and unfortunately, these untruths have been accepted as facts and repeated without confirmation by some members of our governing body.

Because there has been so much of this misinformation and untruths, time will not permit me to address and set the record straight on all of it tonight.

However, I do want to address and set the record straight on two of the frequently repeated untruths that the well-known negative Facebook warriors have used in their routine attempts to scare people and create havoc.

**UNTRUTH # 1:** This untruth states that the soil on the piece of property that the municipality has purchased has been contaminated, and under DEP investigation for contamination, for years.

**THE TRUTH:** The soil on this entire piece of property has been thoroughly evaluated, including through the digging of test pits, and the scientific analysis of the soil from those test pits. And, with the exception of the small amount of lead contaminated soil found on this property - - which the DEP has confirmed has been fully cleaned up to their standards - - there has never been any contaminated soil found on this piece of property.

When this property was owned by Bob Baldwin's Transportation, it was included as part of a DEP investigation of a fuel spill on a piece of property where Bob Baldwin Transportation has its fueling station. However, the property that the municipality now owns was only included in this investigation because it was a contiguous piece of property that was also owned at the time by Bob Baldwin's Transportation, and not because the soil on this property had been either directly or indirectly contaminated by this fuel spill.

In addition, on March 6, 2016, the DEP issued a report confirming that this piece of property was free of any contamination from the Baldwin Transportation fuel spill, and stated that there were no restrictions on the use of this property.

While the soil on the now municipal owned property, as well as the surrounding properties owned by Bob Baldwin's Transportation, were declared by the Dep in 2016 as being cleaned up with no restrictions on its uses, the DEP did put well water monitoring devices on the municipal owned property, as well as the surrounding properties owned by Bob Baldwin's Transportation.

There are two of these well water monitoring devices on the municipal owned property, and they have been routinely checked by the DEP over the past several years. During this period, the well

water from these two monitoring devices has always tested as being clean and acceptable to DEP standards.

While the property that the municipality now owns has been routinely called “the Baldwin property”, it has not been owned by the Bob Baldwin’s Transportation company for years.

And, because the DEP’s March 6, 2016 report declared that this property had no soil contamination from the Baldwin Transportation fuel spill, and that there were no restrictions on its use, over the past several years this property has been rented out by its previous owners as pasture land on which cattle have grazed.

UNTRUTH # 2: This untruth states that if for some unexplained reason, some soil contamination from the Baldwin Transportation fuel spill is later discovered on the property that the municipality now owns, the municipality will be saddled with, quote “Millions of dollars of cleanup cost”.

THE TRUTH: For any cleanup related to an investigation that the DEP has conducted, the responsibility and cost for that cleanup remains with the individual or organization that owned the property at the time that the DEP conducted their investigation.

In other words, the purchase of this property by the municipality, does not saddle our municipality with “Millions of dollars of cleanup cost” for any contamination related to the now cleaned up Baldwin Transportation fuel spill.

As to the actual construction of the Town Center Walking & Biking Trail, the contractor, Salmon Bros., has been given a Notice to Proceed with the implementation of the contract; and, I have no reason to believe that the contractor will not be able to start construction on the Town Center Walking & Biking Trail on or before the April 1 start date that’s listed in the contract, and complete the construction of the Trail on or before the July 1, 2022 completion date that’s also listed in the contract.

Mr. Council President and other Council Members, while we have not agreed on a lot during the first two months of this current Council’s term, I believe that we all agree that this first two months of Council Meetings have not been a period that reflects positively on our town.

And while there are always those who, for some strange reason, seem to get enjoyment from conflict and chaos, I strongly believe that the great majority of Vernon residents and business owners want this negative governmental behavior to end.

As I have said before, I understand that the Council President, and those Council Members who follow his every lead, have some strong political and personal disagreements with the decision by me and the previous two Councils to implement two special amities - - those being the Town Center Walking & Biking Trail and the Town Center Bicycle Pump Track - - as catalysis in our attempt to help spur some much needed development in our Town Center; and, as I have also said, from my prospective, that political and personal disagreement is OK, because it’s not at all unusual for one political group to disagree with another political group.

But disagreement does not mean that we have to allow our town’s governing body to be used as a tool for taking revenge or for settling old scores.

It is my hope that now that it’s clear that the Town Center Walking & Biking Trail and the Town Center Bicycle Pump Track amities are going forward, we can put behind us, all of the energy, all of the anger, all of the time, and all of the effort aimed at stopping these two special amities, and start to focus on the development of a joint Council-Mayor vision for moving our town forward.

Mr. Council President, a majority of this Council have elected you to head the Legislative Branch of our town’s government; and a majority of the voters of Vernon have elected me to head the Executive Branch of our town’s government. We are the elected leaders; we are the ones who can initiate the change necessary to get our governing body out of this current negative spiral.

And Mr. Council President, I ask that you please don’t listen to those negative Facebook warriors who will try to convince you that we can’t work together; the example has already been set.

The example to which I refer, is the one set by Council Member and former Council President Shortway and me.

During the 2019 Vernon Township Council and Mayor election campaigns, Council Member Shortway and I campaigned aggressively against each other; however, because we both wanted to do what was in the best interest of our town, once the election was over, we put the campaign behind us, and focused together on those things that would contribute to Moving Vernon Forward.

For two consecutive years, together, we changed the image of our town's governing body from that of a group of individuals who were letting their over-sized egos, get in the way of their town's progress.

You and I have the ability to immediately change the negative dynamics that have controlled our town's government during the first two months of this year.

I end by, again, asking you to please join with me in embracing the leadership roles that have been bestowed upon the two of us, and let's join together and BECOME THE CHANGE THAT WE WANT TO SEE!

### **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.

Joe Hession, CEO Mountain Creek, wanted to clarify some misinformation in reference to ordinance #22-05. He explained that Mountain Creek does not own the Sandhill pump station it is owned by Vernon Township. Mountain Creek in their 2019 agreement has 100% agreed to pay for enhancement and improvement of this pump station. We do that through the MUNI Fee account. In 2020 we made our first MUNI Fee payment. The pump station is owned by Vernon and it services Mountain Creek and anyone north of it, it also services the town center. Mountain Creek is under obligation and they are going to pay even though they do not own the pump station. Mr. Hession said he is paying for this pump station now or in the future.

Carmella Dystra – submitted a petition from merchants in Vernon Township in favor of the bicycle pump track. She suggested a letter of apology should be sent to Spohn Ranch in hopes they will drop the proposed law suit. She feels that the town does not need to hire an additional attorney when an apology is in order. The Council should move on and lift the town from the pandemic. Ms. Dystra suggested looking into a municipal broadband service and a light rail link.

Tom McClachrie – Vernon Township, does not agree that the Sandhill pump station services the town center. He also feels that Mountain Creek will not be paying for the pump station because it is over the entire base since the flow meters are on the station not from the town center.

Jessica Paladini – Vernon Township, questioned why during the last MUA meeting her questions were not answered in regards to ordinance #22-05.

Peg Distasi – Glenwood, supports ordinance #22-58 because the Vernon taxpayers are due a clear and concise explanation of the Baldwin Property. Ms. Distasi requested that ordinance #22-06 have more details about what the \$20,000 is going to be used for.

Stephanie Vecharello – Glenwood, asked the Mayor why the public was not aware of the closing. She asked about the Phase 2 inspection being done. Ms. Vecharello asked why the Vernon Facebook page was taken down.

Steve Vasajio – Vernon Township, asked if the new pump station will be able to service the 300 new homes that are potentially being built on Route 94 and Rudetown Road.

Ann Larson – Vernon Township, apologized to the Council for a letter to the editor that was put in the paper by the Mayor. Ms. Larson feels that the Mayor not telling the whole Council about the closing was improper. Ms. Larson questioned some items on the bills list and she feels the Mayor's actions should be monitored.

Christine Dunn – Glenwood, feels that every project that happens in Vernon is done half way. She is disappointed in the Mayor and Council because they do not answer questions.

Walter Marsico – Vernon Township, feels that there is no transparency with the Mayor.

Sean Clarkin – Vernon Township, feels that Joe Hession is a great partner but does not own Mountain Creek and if Mountain Creek goes under Vernon will suffer. He also feels that the Mayor cannot be trusted.

Steve Dunlop – Williamsville Estates, believes the Township Attorney gave bad advice at the last meeting when he would not go into executive session because it was not on the agenda. Mr. Dunlop feels that a conflict attorney because there are too many untruths from the Mayor.

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: Michael Furrey

All members voted in favor.

## **PRESENTATION/DISCUSSION**

### Vernon Township Municipal Utilities Authority – Annual Report

Municipal Utilities Authority Chairman Paul Kearney and Director Donelle Bright presented the Council the annual report:

The 2021 Budget for the VTMUA was approved in January 2021, resulting in rates being stabilized through use of funds saved in the prior year as well as use of the Rate Stabilization Fund held by the Sussex County Municipal Utilities Authority (SCMUA). EDU rates remained at \$1,415.00 per EDU.

During 2021, the VTMUA continued in its efforts to be more fiscally conservative, making every effort to stay within budget and address some concerns regarding future debt service costs and exploration of potential revenue streams to help stabilize rates in the future. The VTMUA cut connection rates for the first time since its inception in an effort to attract and make more financially feasible to connect to the system in Vernon's Town Center. It also continued with hiring its own employees, reducing pension and medical liability for outside contracting with the Township. As a result, the VTMUA reduced salaries and wages by more than \$165,000 between 2020 and 2021.

The Authority finished the 2018 approved Asset Management Plan. Total cost for the project is covered under the New Jersey Infrastructure Bank (NJIB) loan (underway for Pump Station #2). This created a roadmap for the infrastructure and other assets, citing their operational statuses and enabling the Authority to address any issues in a prioritized fashion.

The VTMUA has worked diligently with Dewberry Inc. on the engineering and design for Pump Station #2 replacement, which is the first matter to be addressed from the Asset Management Plan. Pump Station #2 plans and bid documents were submitted to the NJDEP at the end of 2021 after a lengthy approval process. The Authority anticipates construction to end in the fall of 2022. The final approval of the project with NJIB will eliminate all principal on the Asset Management Plan loan with NJIB.

The VTMUA continued working with the NJDEP on an update to the Wastewater Management Plan (WMP)/Sewer Service Area (SSA). The intention was to obtain approval for areas to be added to the SSA in order to enlarge its customer base in areas appropriate for sewer service. At the end of 2021, the VTMUA was working with its engineers to update the existing sewer service area maps in an effort to account for the State Planning Area designation approved by the Township and the State in the Summer/Fall of 2021. Upon approval of the updated SSA by the NJDEP, the VTMUA anticipates the preparation of a sewer service master plan to determine financially viable expansion projects and a phased implementation plan.

For the 2021 calendar year, township flow to SCMUA averaged 225,000 gallons per day. This equates for 14% of the total annual flow received by SCMUA. However, Vernon Township was responsible/billed for 22.59% of operational costs at SCMUA in 2021, despite being the third lowest flow sent to the system for the year.

The VTMUA believes the operational costs for sewage treatment far exceed the cost accountable to the users in Vernon for the Upper Wallkill System and are taking action to ensure amounts

billed to those ratepayers are fair and in line with State Statute. The VTMUA recognizes its responsibility to pay for debt service and capital expenditures, which are a separate portion of the SCMUA bill; however, service charges, according to state law, should be uniform throughout the district for the same type, class and amount of use. The past eleven years of disproportionate billing by SCMUA has resulted in excessive payments by the Vernon rate payers of more than \$3.3 million.

The Authority looks forward to continuing to work on decreasing liabilities to the rate payers, increasing revenues and setting forth a fiscally responsible plan that will result in rate stabilization and business growth.

Council Member Lynch asked if the 2021 Covid Relief money was given to the MUA.

Ms. Bright answered no, and explained that the \$2.2 million American Rescue Plan money that the town was given could be used for a number of things. The town chose to use that money towards water and sewer infrastructure so a capital ordinance was passed. That is township money and was not given to the MUA and will not be given to the MUA. The township moved forward and hired Dewberry Engineers to work on a water project that will bring water to certain areas of the town center that is lacking water right now.

Council President Rizzuto asked if that will be the only benefit of that water project.

Ms. Bright explained what the benefit of the water project would be to certain areas of the town center.

Council Member Furrey explained that there are negotiations with Suez right now.

Council President Rizzuto asked if they will serve letters travel with the project or stay with the owners.

Township Engineer Cory Stoner said it is the project itself not the owners.

Council Member Lynch asked is American Rescue money had to be paid back.

Ms. Bright said it was a grant and did not need to be paid back. She explained that the capital ordinance was for \$1.75 million and the rest of the \$2.2 million was not allocated for.

Council Member Buccieri asked if there have been any new connections since the connection rates were lowered.

Ms. Bright said there has been no new connections since the rates dropped.

Council Member Buccieri asked since working with the DEP to obtain approval for areas to be added to the sewer service area, has it been determined what will be added.

Ms. Donelle said this has been a very long process. These maps are on our website.

Council President Rizzuto asked if the specifications for the pump station have been updated.

Ms. Bright explained that the specifications are updated from Dewberry.

Council President Rizzuto asked if there are any other specifications from any other firms.

Ms. Bright explained that there was an RFP for engineers for the MUA and Dewberry was chosen.

Council President Rizzuto asked if all of the potential users are on line as of now.

Ms. Bright explained that the sewer service area includes a number of properties but some of those properties cannot have physical access because there is no pipe.

Council President Rizzuto asked what stops us from putting connections to the pipe or the pipe.

Ms. Bright answered that nothing stops us except the cost.

Council President Rizzuto asked if we can double the number of users, what is stopping us.

Mr. Kearney explained that because the line is so far back off of Route 94, it would be a lot of pipes that had to be laid.

Council President Rizzuto asked if the initial installation of how the lines were laid were done in such a way that it is going to be too expensive to put half the people on that line.

Council President Rizzuto asked if all of the users were paying sewer fees and connection fees and what is the collection rate. He also asked when you determine the EDU's is this done by the Tax Assessor.

Ms. Bright said they are billed and the EDU's are determined by what the Tax Assessor has on record. If any charges were not correctly being billed then they would be corrected based on the Tax Assessor's records.

Council President Rizzuto explained that a resolution was passed in 2016 for a study to be conducted along the Route 94 corridor for submission by the MUA to the NJDEP regarding the properties that would be considered potential users. In 2017 initially it was suspended and then reinstated. That study should have been completed. He asked if there is an existing study that the MUA has regarding the Route 94 corridor and was it sent to the DEP.

Ms. Bright said she is not aware of a specific study.

Council Member Furrey explained that it is the basis of the sewer service area.

Ms. Bright said the MUA has in their rules and regulations that it is mandated to hook up if you are in the sewer service area but they do not have an enforcement arm the way a township does.

## **REVIEW OF BILLS LIST**

The Council asked questions about the bills list. Ms. Bright said she would supply the Council with the backup for the Council.

## **MINUTES**

January 24, 2022 – Executive Session

Council President Rizzuto asked for a motion to approve the January 24, 2022 executive session minutes.

MOVED: Brian Lynch

SECOND: Michael Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve the January 24, 2022 executive session minute.

January 24, 2022 – Regular Meeting

Council President Rizzuto asked for a motion to approve the January 24, 2022 regular meeting minutes.

MOVED: Brian Lynch

SECOND: Michael Furrey

All members voted in favor.

Motion passed to approve the January 24, 2022 regular meeting minutes.



February 3, 2022 – Special Meeting Minutes

Council President Rizzuto asked for a motion to approve the February 3, 2022 special meeting minutes.

MOVED: Natalie Buccieri

SECOND: Brian Lynch

Buccieri, Lynch Rizzuto voted in favor.

Furrey, Shortway abstained.

Motion passed to approve the February 3, 2022 special meeting minutes.

February 14, 2022 – Executive Session

Council President Rizzuto asked for a motion to approve the February 14, 2022 regular meeting minutes.

MOVED: Brian Lynch

SECOND: Natalie Buccieri

All members voted in favor.

Motion passed to approve the February 14, 2022 regular meeting minutes.

## **RESOLUTION**

### **Resolution #22-58:** Resolution to Appoint Conflict Attorney

This resolution was placed on the table by Council Member Buccieri at the February 14, 2022 Township Council meeting.

Council President asked Council Member Buccieri if she was making a motion to take this resolution off the table.

Council Member Buccieri made a motion to leave this resolution on the table.

MOVED: Natalie Buccieri

SECOND: Brian Lynch

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to leave resolution #22-58 on the table.

## **CONSENT AGENDA**

### **Resolution #22-65:** Emergency Temporary Appropriation

### **Resolution #22-66:** Authorizing Cancellation of Current Fund Reserve Expenses

### **Resolution #22-67:** Refund Overpayments (Block 379-Lot 10- Kenneth Bauer)

### **Resolution #22-68:** Refund Overpayments (Block 542-Lot 12- Karl Ludwig)

### **Resolution #22-69:** Refund Overpayment (Various Block and Lots CORELOGIC)

**Resolution #22-70:** Refund Overpayment (Block 484-Lot 58-CORELOGIC)

Council Member Buccieri asked if CFO Bright could explain what the tax overpayments were.

Ms. Bright explained that when an overpayment is made in tax payments this would result in a refund of the overpayment. This does not have anything to do with the assessments.

Council President Rizzuto asked what the emergency temporary appropriation was.

Ms. Bright explained that for a temporary budget the township is only permitted 26.25% of their prior year’s budget. Pension payments far exceed the 26.25%, therefore we are allowed to do a temporary emergency appropriation and it has to be accounted for in the annual budget.

MOVED: Natalie Buccieri  
SECOND: Michael Furrey

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

Motion passed to approve the consent agenda.

**RESOLUTION# 22-65**

**Emergency Temporary Appropriations**

**WHEREAS**, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2022 budget and no adequate provision has been made in the 2022 temporary budget for the aforesaid purposes, and

**WHEREAS**, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

**WHEREAS**, the total emergency temporary appropriation resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total:

Current Fund	
PERS O/E	\$ 590,040.00
PFRS O/E	\$1,180,885.00

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Vernon, in the County of Sussex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of:

Current Fund	
PERS O/E	\$ 590,040.00
PFRS O/E	\$1,180,885.00

2. Said emergency temporary appropriations will be provided for in the 2022 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

**RESOLUTION #22-66**

**Authorizing Cancellation of Current Fund Reserve Expenses**

**WHEREAS**, certain Current Reserve Appropriation balances that were dedicated to projects are no longer needed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Current Fund Balance:

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon that the following unexpended and dedicated balances of the Current Reserve Appropriations be canceled:

<b>ORD</b>	<b>DATE</b>	<b>PROJECT</b>	<b>AMOUNT CANCELLED</b>
17-12	07-27-2017	Revaluation of Real Property	176,377.86
14-11	06-23-2014	Preparation of Tax Maps	8,469.00

**RESOLUTION #22-67**

**REFUND OVERPAYMENT  
(Block 379 Lot 10- Kenneth Bauer)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Kenneth Bauer in the amount of \$913.05 representing refund for overpayment of 1st qtr. 2022 property taxes for Block 379 Lot 10 also known [REDACTED]

<b>OWNER</b>	<b>BLOCK</b>	<b>LOT</b>	<b>REFUND AMOUNT</b>
Bauer	379	10	\$913.05
		<b>TOTAL:</b>	<b>\$913.05</b>

**RESOLUTION #22-68**

**REFUND OVERPAYMENT  
(Block 542 Lot 12- Karl Ludwig)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Karl Ludwig in the amount of \$3,037.02 representing refund for overpayment of 3rd qtr. 2016 property taxes for Block 542 Lot 12 also known [REDACTED]

<b>OWNER</b>	<b>BLOCK</b>	<b>LOT</b>	<b>REFUND AMOUNT</b>
Ludwig	542	12	\$3,037.02
		<b>TOTAL:</b>	<b>\$3,037.02</b>

**RESOLUTION #22-69**

**REFUND OVERPAYMENTS  
(Various Block and Lots CORELOGIC)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$10,283.65 representing refund for overpayment for the following properties:

OWNER	BLOCK	LOT	REFUND AMOUNT
McCabe	473	33	\$2959.43
Sherman	453	25	\$1207.59
Heinrich	272	8	\$3904.59
Beehner	478	61	\$2212.04
		<b>TOTAL:</b>	<b>\$10,283.65</b>

McCabe- refund for overpayment totaling \$2959.43 of 3rd qtr. 2021 property taxes for Block 473 Lot 33 also known as [REDACTED]

Sherman- refund for overpayment totaling \$1207.59 of the 3rd qtr. 2021 property taxes for Block 526 Lot 368 also known as [REDACTED]

Heinrich- refund for overpayment totaling \$3904.59 of the 3rd qtr. 2021 property taxes for Block 272 Lot 8 also known as [REDACTED]

Beehner- refund for overpayment totaling \$2212.04 of the 4th qtr. 2021 property taxes for Block 478 Lot 61 also known as [REDACTED]

**RESOLUTION #22-70**

**REFUND OVERPAYMENT  
(Block 484 Lot 58- CORELOGIC)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$2,063.38 representing refund for overpayment of 4th qtr. 2016 property taxes for Block 484 Lot 58 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Leiter	484	58	\$2,063.38
		<b>TOTAL:</b>	<b>\$2,063.38</b>

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

**Ordinance #22-06:** Capital Ordinance Providing for Various Improvements by the Township of Vernon, in the County of Sussex, New Jersey, Appropriating therefore the Sum of \$20,000.00 and Providing that Such Sum So Appropriated Shall be Raised from the Capital Improvement Fund of the Township

Council President Rizzuto read by title Ordinance #22-06

Council President Rizzuto asked for a motion to introduce Ordinance #22-06

MOVED: Brain Lynch

SECOND: Michael Furrey

This capital ordinance is to purchase the overhang for the fuel tanks at the DPW garage.

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to introduce Ordinance #22-06

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

**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 place Ordinance #22-05 on the floor.

MOVED: Brian Lynch

SECOND: Michael Furrey

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-05.

MOVED: Harry Shortway

SECOND: Brian Lynch

All Members were in Favor.

Steve Dunlop – Vernon Township, asked why this pump station is going to cost so much money and why do we need a bond if Mountain Creek has already paid for it.

Joe Hession – explained that he owns a majority interest in Mountain Creek and has full control of Mountain Creek Resort. He is not associated with Crystal Springs or the Mulvihill Family in any way. The Kaufman's are a minority partner in Mountain Creek. Every time someone buys an admission ticket to Mountain Creek, 7% of that goes into the Muni Fee account that is Mountain Creek's money that is held in an account. There are very specific rules from the 2019 agreement and they agreed to pay for the bond for pump house #2. Mr. Hession also explained that everything that flows north of pump house #2 in the sewer service area goes to pump house #2.

Engineer Stoner confirmed Mr. Hession's explanation.

Scott Baldassano of Mountain Creek - explained that 7% is collected and put into a MUNI Fee account. When a bill is received from the town, the bill is paid out of the MUNI Fee account. Mountain Creek is ready to meet their obligations.

Thomas McClachrie – Vernon Township, feels that Mr. Hession is wrong about the pump station and he believes they are not going to pay for it.

Peg Distasi – Vernon Township, asked if Mountain Creek has the right to hold the 7% MUNI Fee in their account.

Joe Hession explained how the MUNI Fee works again.

Sean Clarkin – Vernon Township, asked what passes are being charged the 7% fee.

Mr. Hession explained what gets charged to the 7% fee.

Jessica Paladini – Vernon Township, asked if the taxpayers of Vernon were paying for the replacement for the pump station and Mountain Creek is reimbursing us.

Council President Rizzuto explained that it is a bond that is secured by a letter of credit and a lien placed on the property. The payment schedule for the bond was worked out in the 2019 agreement.

Joe Hession explained that Mountain Creek does not own the pump house. Vernon is getting a bond to fix Vernon's pump station and Mountain Creek is paying for it monthly out of their MUNI Fee account.

Christine Dunn – Vernon Township, appreciates Mr. Hession doing what he is doing and being a good business owner in Vernon.

Ann Larson – Vernon Township, feels that the taxpayers have a bad deal because 90% of Vernon taxpayers have to cover their own septic systems and cover the bond for the pump station.

Seeing no one else wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-05

MOVED: Brian Lynch  
SECOND: Michael Furrey

All Members were in Favor.

A roll call vote was taken to adopt ordinance #22-05

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to adopt Ordinance #22-05.

#### **ORDINANCE #22-05**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT 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.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$2,400,000, said sum being inclusive of all appropriations heretofore made therefor.

For the financing of said improvement or purpose and to meet the said \$2,400,000 appropriation, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,400,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$2,400,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the sanitary sewerage system in and by the Township,

including the rehabilitation and upgrade of the Sand Hill Pump Station, together with all pumps, pipes, structures, facilities, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$2,400,000.

The estimated cost of said purpose is \$2,400,000.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,400,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$450,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement financed by this bond ordinance and is included in the foregoing estimate thereof.

This bond ordinance authorizes obligations of the Township solely for an environmental infrastructure project described in paragraph (c) of section 40A:2-11 of said Local Bond Law and, therefore, no down payment is required.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Township

(the “Chief Financial Officer”), provided that, except as may be otherwise provided for and authorized by N.J.S.A. §58:11B-9(e) relating to interim loans from the New Jersey Infrastructure Bank, no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8 and N.J.S.A. §58:11B-9(e). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond 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.



Craig Neback – Barry Lakes, is disappointed with the Mayor’s comments in the newspaper regarding Council Members.

Sean Clarkin – Vernon Township, is very concerned that the vacant property ordinance is being used wrong. He feels that this ordinance should be used for foreclosures not residents. Mr. Clarkin mentioned that the town center is being held back from the property owners who have closed business and not by the sewer system.

Peg Distasi – Vernon Township, asked why the \$1.75 million being used to develop the 94 corridor as it has been suggested in the 2016 study. Thanked Mr. Zielinski for explaining what the 7% was being used for.

Jessica Paladini – Vernon Township, is disappointed that the Mayor purchased a contaminated piece of property. Ms. Paladini feels that an employee in the recreation department needs to be disciplined for Facebook posts and the town needs a social media policy. Ms. Paladini feels that the Mayor has been misappropriating funds and wasteful spending.

Walter Marsico – Vernon Township, asked the mayor to resign as Mayor. Spoke about the vacant home ordinance because he feels that it is illegal.

Tom McClachrie – feels that any expenditure over \$1,000,000 should have five Council Member’s votes to approve it.

Ann Larson – Vernon Township, thanked Council Member Lynch for helping a resident with a problem. Ms. Larson is concerned about some of the charges on the bills list and would like to see the purchase orders for what is being spent and what accounts money coming into the town is going to.

Francine Vince – Glenwood, would like to know if a safety ordinance is going to be put in place.

Jordon Leman – Vernon Township, is unsettled that the Mayor talks about the resident of Vernon with disrespect.

Kevin Duffy – Vernon Township, Chief Executive Officer of Glenwood Pochuck Volunteer Ambulance Corps, welcomed the new Council and he is looking to working together and for the support.

Beverly - Vernon Township, asked why Bob Westenberger and Allison LaRocca are still working for the town after pictures were taken inside a bedroom at night and there being a raid.

Ed DeYoung – Vernon Township, feels that some of the comments made at public meetings need to stop and the personal attacks need to stop.

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: Harry Shortway  
SECOND: Michael Furrey  
All members present were in favor.

## **COUNCIL COMMENTS**

Council Member Shortway commented about a fire that happened last week to a Vernon family’s home. He wanted to thank all of our volunteers, the first aid squad, fire department, and many adjacent communities responded saying they did a great job as always. You put your lives at risk and take time from your families. Council Member Shortway gave a heartfelt thank you to all of our volunteers.

Council Member Shortway said he has been in public service for over 40 years and he told Mayor Burrell that although they do not always agree, he is proud to serve with him. Council Member Shortway feels that Mayor Burrell is one of the most decent professionals he has ever worked with and he stands by him.

Council Member Furrey commented saying, Mayor, Town Council and residents, my comments tonight are focused on one goal, to share the positivity of Vernon.

### **The Water and Sewer System Dilemma:**

I want to thank MUA Chair Paul Kearney and Administrator Donelle Bright for presenting to this Council and Mayor the positive direction of the MUA. Although there is looming debt in 2023, the MUA continues to work hard to reduce expenses and improve the sustainability of the MUA. I once again ask the entire council to make this a critical issue front and center for Vernon willing to work together to solve these complex problems. It may be necessary to approve a forensic audit of the MUA to help with developing a long-term financial plan for its sustainability. The township should continue to work with Mountain Creek moving in a positive direction. Thank you, Mountain Creek and Joe Hession.

### **Mayor Burrell and Council Member Harry Shortway**

I want to publicly state how proud I am to work with Mayor Burrell and Former Mayor Harry Shortway. These two people have been taking criticism for years; political in nature but most of the times the comments from many are attacks on their personal integrity which is shameful. What impresses me the most of these two individuals is that they continue to show respect for the naysayers while staying committed to their ethics and principles. I do not always agree with every stance they take but I respect them both for having the courage to serve in a political atmosphere that at times can be quite toxic. I will continue to support them both and I will make every effort to bridge the divide between "US" and the 3 other council members. We all need to come together for the good of Vernon and I am ready to take those steps with my fellow council members.

The recent efforts of several Vernon residents stepping up and helping a family in need after a tragic fire is an example of who we should be as a community, moving forward with a simple message of love and respect for each other. This is what makes Vernon a great community.

Council Member Buccieri replied to Ann Larson explaining that the luncheon on the bills list was a Traditional Christmas Senior Citizen luncheon that has been happening for many years.

Council Member Buccieri thanked Joe Hession for his willingness to be here, for all of the information and answering questions. She is always rooting for Mountain Creek to be successful and to have a good business partner.

Council Member Buccieri wanted to make it clear that she is her own person and it is okay to disagree on the trails and pump track. She does not appreciate when she is accused of following leads, seeking revenge and settling scores. Council Member Buccieri does not have any scores, she is fairly new to the Council. She feels we need to move forward and stop trying to one-up each other.

Council Member Lynch said he had every intention of addressing the Mayor's comments. He is his own person and says what is on his mind. He does not have to follow anyone's lead and he has been lied to and has gotten over it. Council Member Lynch explained that he is not the enemy. He is a Council Member that was elected by the public to ask the questions and because you do not like the answers does not mean it is wrong. Council Member Lynch agrees with Ed DeYoung's comments.

Council Member Lynch told Mr. Hession that he answered a lot of questions tonight and he appreciates that he is a good neighbor and it is about time someone is taking care of business the way they should.

Council Member Lynch mentioned that he has a problem with the location of the new smoke shop because it is one of the most dangerous sections of Route 515. He has been a fireman in Vernon for over 30 years and he has been to 5 accidents there that killed 7 people. He feels that this area will need a police officer to monitor the entrance and exit of this area to avoid more accident.

### **COUNCIL PRESIDENT COMMENTS**

Council President Rizzuto asked if there is a reason that the auction signs are still up past the 30 days in our ordinance.

Administrator Voelker explained that there is a plan to do another auction so we chose to keep the signs up.

Council President Rizzuto said the signs do not look good and they have been ruined.

Council President Rizzuto commented on the accusations of having ran a turbulent meeting on February 14, 2022. He reviewed the tapes and he does not think he was talking loudly. He simply asked questions

and sometimes questions are difficult to answer. However, the Mayor had been given quite a period of time to prepare the answers and he chose not to. Council President Rizzuto wanted all of the Council Members to receive the answers because the majority of the Council at the time was brand new. His questions reflected concern in a number of areas, mainly the areas of purchase of property for recreation. We have a beautiful park and we already own a number of properties that could have been used for these amenities. Also, the problem could have been solved with the pump track and the walking path if closer attention had been made to the easement. The decision was made to purchase property rather than go after an easement.

Council President Rizzuto feels that he has been very clear that he is not against recreation or things for children. His concerns with the pump track and trail are why they were needed and why the additional property was purchased when they could have cited an easement for a less expensive cost in other areas. Council President Rizzuto explained that even our own EDAC and Environmental Commission, sent the Council letters saying do not buy the property. Saying this purchase was being made from our Open Space Fund is a cover because additional costs will have to be faced. Yet we have senior citizens who are unable to pay their tax bills finding themselves making choices between paying their bills and shopping for food or paying their utilities. People are paying high gas prices to go to work.

Council President Rizzuto wonders why we are expending this amount of money in a community where the number of children has declined substantially almost by 50%. The demographic that is going to be supporting the pump track is not going to be substantial. The people who are coming to walk on the bike path can use tertiary roads and they can also ride a bicycle. We have a beautiful facility at Maple Grange and making this ADA complaint would cost a lot less than the \$289,000 spent on the property plus the additional costs that will have to be spent such as approving the roads.

Council President Rizzuto said he is here because a lot of taxpayers said they did not like the direction of the government and they wanted to see it changed. He chose to go to the Mayor along with his two fellow Council Members twice and asked for a compromise and none was given. Council President Rizzuto explained his comments here and at the previous meeting were not personal they were simply on the issues. Decisions have been made but there will be oversight. His only hope with the park is that it is going to be worthy of all the tension and ill feelings that was created.

Council President Rizzuto thanked Joe Hession and Scott for coming tonight. He really thinks their presence was very strong and positive influence at this meeting and they answered a lot of questions. Council President Rizzuto said so much of what has taken place and transpired in the past is very confusing with regards of the previous contracts.

Council President Rizzuto also thanked CFO Donelle Bright and Paul Kearney and he looks forward to hearing from the MUA again in September.

## **ADJOURNMENT**

At 10:45 pm Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Buccieri.

All were in favor.

Respectfully submitted,

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Marcy Gianattasio, RMC, CMR  
Municipal Clerk

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Patrick Rizzuto,  
Council President

Minutes approved: March 28, 2022