

**VERNON TOWNSHIP COUNCIL**

**REGULAR MEETING MINUTES**

**APRIL 26, 2021**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on April 26, 2021 via Zoom Webinar in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

**STATEMENT OF COMPLIANCE**

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

**ROLL CALL**

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

**SALUTE TO THE FLAG**

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

**PROCLAMATIONS**

Police Week 2021 – Mayor Burrell read the proclamation.

Professional Municipal Clerk Week – Council President Shortway read the proclamation.

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

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

MOVED: Andrew Pitsker

SECOND: Kelly Weller

All members present voted in favor.

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

MOTION: Kelly Weller

SECOND: Andrew Pitsker

All members were in favor.

**MINUTES**

April 12, 2021 – Regular Meeting

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

MOVED: Andrew Pitsker

SECOND: Kelly Weller

All members were in favor.

**RESOLUTIONS**

**Resolution #21-110:** Refund Overpayment (Various Lots and Blocks - CoreLogic)

**Resolution #21-111:** Refund Overpayment (Block 576 Lot 60 – Mark Johnson)

**Resolution #21-112:** Refund for Total Disabled Veteran (Block 234 Lot 63 – Reardon)

**Resolution #21-113:** Refund for Totally Disabled Veteran (Block 249 Lot 3 – Huber)

**Resolution #21-114:** Cancelling Taxes for Total Disabled Veteran (Block 249 Lot 3 – Huber)

Council President Shortway asked for a motion to approve resolutions #21-110, #21-111, #21-112, #21-113, #21-114.

MOVED: John Auberger

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolutions #21-110, #21-111, #21-112, #21-113, #21-114.

**RESOLUTION #21-110**

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

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to CoreLogic in the amount of \$11,357.21 representing refund for overpayment of the following property taxes:

<b>OWNER</b>	<b>BLOCK</b>	<b>LOT</b>	<b>REFUND AMOUNT</b>
Ciesla	375	8	\$2,785.45

Speidel	169	20	\$3,227.42
Clarkin	118	12	\$1,912.17
Snee	151	2	\$2,098.01
O'Connell	512	87	\$1,334.16
		<b>TOTAL:</b>	<b>\$11,357.21</b>

Ciesla- refund for overpayment totaling \$2,785.45 of 3rd qtr. 2020 property taxes for Block 375 Lot 8 also known as [REDACTED]

Speidel- refund for overpayment totaling \$3,227.42 of 3rd qtr. 2020 property taxes for Block 169 Lot 20 also known as [REDACTED]

Clarkin- refund for overpayment totaling \$1,912.17 of 3rd qtr. 2020 property taxes for Block 118 Lot 12 also known as [REDACTED]

Snee- refund for overpayment totaling \$2,098.01 of 3rd qtr. 2020 property taxes for Block 151 Lot 2 also known as [REDACTED]

O'Connell- refund for overpayment totaling \$1,334.16 of 4th qtr. 2020 property taxes for Block 189 Lot 11 also known as [REDACTED]

**RESOLUTION #21-111**

**REFUND OVERPAYMENT  
(Block 576 Lot 60- MARK JOHNSON)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Mark **Johnson** in the amount of \$1,977.33 representing refund for overpayment of 1st qtr. 2019 property taxes for Block 576 Lot 60 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Johnson	576	60	\$1977.33
		<b>TOTAL:</b>	<b>\$1977.33</b>

**RESOLUTION #21-112**

**REFUND FOR TOTAL DISABLED VETERAN  
(Block 234 Lot 163 – Reardon)**

**WHEREAS THE State of New Jersey, Department of the Treasury, Division of Taxation** has favorably awarded a **Homestead Benefit Credit** a 100% permanent and totally disabled Veteran; and

**WHEREAS**, the law exempts said property from taxation and

**Whereas**, such Homestead Benefit Credit has resulted in an overpayment of 2021 property taxes;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon authorizes the Tax Collector to refund the 2021, 2<sup>nd</sup> quarter payment to John Reardon, Block 234 Lot 163 also known as [REDACTED]

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

**RESOLUTION #21-113**

**REFUND FOR TOTALLY DISABLED VETERAN  
(Block 249 Lot 3 - Huber)**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS** awarded Terry Huber a 100% permanent and totally disabled veteran: and,

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund 1<sup>st</sup> quarter 2021 property tax in the amount of \$2,461.47 to Terry Huber.

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

**CERTIFICATION:** I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Township Council of the Township of Vernon at their Regular Meeting held on April 26, 2021 at 7:00 PM in the Vernon Municipal Center.

**RESOLUTION #21-114**

**CANCELLING TAXES FOR TOTAL DISABLED VETERAN  
(Block 249 Lot 3 – Huber)**

**WHEREAS THE DEPARTMENT OF VETERANS AFFAIRS** awarded Terry Huber a 100% permanent and total disabled veteran; and

**WHEREAS**, the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon authorizes the Tax Collector to cancel the taxes for 2021 in the amount of \$2,711.46.

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

**CERTIFICATION:** I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Township Council of the Township of Vernon at their Regular Meeting held on April 26, 2021 at 7:00 PM in the Vernon Municipal Center.

**Resolution #21-115:** Authorizing Alternative Public Defender

Council President Shortway asked for a motion to approve resolution #21-115

MOVED: Andrew Pitsker

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-115.

**RESOLUTION #21-115**

**AUTHORIZING ALTERNATIVE PUBLIC DEFENDER**

**WHEREAS**, there is a need for Professional Services to the Township of Vernon for Public Defender; and

**WHEREAS**, the Township has appointed a Public Defender for the year 2021 however the Court has recognized they may have a need for an alternate under some circumstances.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that they hereby authorize the following Alternate Public Defender:

1. Alternate Public Defender – David L. Dumbroff, Esq. Newton, NJ

**Resolution #21-116:** Authorizing Execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership Therein for the Period of October 1, 2021 through September 30, 2026

Council President Shortway asked for a motion to approve resolution #21-116

MOVED: Andrew Pitsker

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-116.

### **RESOLUTION #21-116**

#### **AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

**WHEREAS**, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of Vernon desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

**BE IT RESOLVED**, The Township of Vernon, County of Sussex, State of New Jersey as follows:

1. The Governing Body of the Township of Vernon hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing

Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2021, through September 30, 2026.

2. The Township of Vernon Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Vernon officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

**Resolution #21-117:** Resolution of the Township Council of the Township of Vernon Rejecting all Bids for 2-2021 Snack Bar Renovations

Council President Shortway asked for a motion to approve resolution #21-117

MOVED: Andrew Pitsker  
SECOND: John Auberger

A roll call vote was taken:  
AYES: Auberger, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN: Cilli  
ABSENT:  
Motion passed to approve Resolution #21-117.

**RESOLUTION #21-117**

**RESOLUTION OF THE TOWNSHIP COUNCIL  
OF THE TOWNSHIP OF VERNON  
REJECTING ALL BIDS FOR 2-2021 SNACK BAR RENOVATION**

**WHEREAS** the Township advertised to receive bids for Bid# 2-2021 Snack Bar Renovation and received in a Fair and Open manner on April 7, 2021 at 2:00 P.M.: and

**WHEREAS** the Township received bids to wit:

<b>VENDOR</b>	<b>BID AMOUNT</b>
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AB Contracting LLC	\$77,700.00
Walkkill Group Inc	\$88,000.00

and

**WHEREAS** the bidders proposed cost exceeded budgetary allotments in violation N.J.S.A. 40A11-13.2(a); and

**WHEREAS**, the Township is allowed under N.J.S.A 40A:11-13.2(a) to reject bids in such occurrences.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, that the bids supplied by all vendors are rejected according to the determination of exceeding cost estimates as provided for in N.J.S.A 40A:11-13.2 (a)

**Resolution #21-118:** Resolution Supporting the Vernon Township High School Senior Sign Project for the Class of 2021

Council President Shortway asked for a motion to approve resolution #21-118

MOVED: Kelly Weller

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-118.

Mayor Burrell explained that last year the sign project made the news and he is pleased to see that this has been continued. Mayor Burrell said we have people who volunteer to do this and also pay for the signs.

### **Resolution #21-118**

#### **RESOLUTION SUPPORTING THE VERNON TOWNSHIP HIGH SCHOOL SENIOR SIGN PROJECT FOR THE CLASS OF 2021**

**WHEREAS**, the Vernon Township High School Senior Class of 2021 has worked hard, honed their many talents, and made sacrifices to finish their academic careers in the Township of Vernon; and

**WHEREAS**, the Township of Vernon would like to encourage these young people and recognize the great milestone of graduating from high school and beginning their adult and professional lives.



**WHEREAS**, this is the ending of one chapter and the beginning of another for the Class of 2021. This is a time for the Township of Vernon to come together in solidarity to support our future leaders; and

**WHEREAS**, the Township of Vernon commends the Vernon Township High School Senior Class of 2021 and wishes them well in their future endeavors.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby honors the Vernon Township High School Senior Class of 2021 and authorizes the following:

1. The Student Life Committee of the Vernon Township Board of Education as well as parent volunteers, from approximately May 27, 2021 to June 13, 2021, will place signs honoring the Vernon Township Senior Class of 2021. The signs will begin on Guthrie Road and continue on both sides of Main Street.
2. The Student Life Committee and parent volunteers will have a day-to-day schedule to make sure signs are not down, obstructing views of the roadway, need replacement and/or adjustment.
3. At the conclusion of the signs being on Main Street, the signs will be moved to the Vernon Township High School driveway for graduation day.

\*\*\*\*Resolution #21-119 was not on the agenda but added from the floor for a vote because of time constraints. CFO Bright explained that the Enterprise program are allowed to order vehicles within a certain period of time. The 2021 vehicles are available with the same rate we received last year, they could close the order window at any time and I don't want to wait until next year's inventory is available.

**Resolution #21-119:** Resolution Authorizing Leasing of Certain Vehicles for the Department of Fire Prevention through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services Inc. (Quote No. 4956005-Color Vermillion Red)

Council President Shortway asked for a motion to approve resolution #21-119

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN: Auberger

ABSENT:

Motion passed to approve Resolution #21-119.

### **RESOLUTION #21-119**

### **RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES**

**FOR THE DEPARTMENT OF FIRE PREVENTION THROUGH  
SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH  
ENTERPRISE FLEET MANAGEMENT SERVICES INC.  
(Quote No. 4956005- Color Vermillion Red)**

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

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

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

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

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

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

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

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

**WHEREAS**, the quoted cost under the Sourcewell National contract \$35,778.60 (Quote No. 4956005); and

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

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

## **PUBLIC HEARING 2020 MUNICIPAL BUDGET**

### **Resolution #21-107: Self-Examination of the 2021 Budget Resolution**

Council President Shortway asked for a motion to approve resolution #21-107

MOVED: Andrew Pitsker  
SECOND: Toni Cilli

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Weller, Shortway  
NAYES:  
ABSTAIN:  
ABSENT:  
Motion passed to approve Resolution #21-107.

## **RESOLUTION #21-107**

### **SELF-EXAMINATION OF 2021 BUDGET RESOLUTION** *[as required by DCA]*

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Vernon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Township of Vernon that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**Resolution #21-108:** A Resolution to Read the 2021 Municipal Budget by Title Only

Council President Shortway asked for a motion to approve resolution #21-108

MOVED: John Auburger  
 SECOND: Kelly Weller

A roll call vote was taken:  
 AYES: Auburger, Cilli, Pitsker, Weller, Shortway  
 NAYES:  
 ABSTAIN:  
 ABSENT:  
 Motion passed to approve Resolution #21-108.

**RESOLUTION #21-108**

**A RESOLUTION TO READ THE 2021 MUNICIPAL BUDGET  
 BY TITLE ONLY**

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, as well as posting of same; and

WHEREAS, the conditions required by N.J.S.A. 40A:4-8 have been satisfied for the 2021 Municipal Budget by Township Officials.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of Vernon, New Jersey that the 2021 Municipal Budget shall be read by title only at the Public Hearing (scheduled on April 26, 2021).

This Resolution shall take effect immediately upon adoption according to law.

**ADOPTION OF THE 2021 MUNICIPAL BUDGET**

**Resolution #21-109:** Adoption of the 2021 Municipal Budget

Mayor Burrell said we have had several public hearings on the budget and gone through the budget in detail.

CFO Bright gave a presentation on the 2021 Municipal Budget explaining some of the highlights.

**Summary of the 2021 Current Fund**

- \$17,976,305.00 in Municipal Operations Appropriations
- \$4,578,290.05 in Debt Service and Capital Appropriations
- \$3,113,351.98 in Reserve for Uncollected Taxes
- \$1,951,388.00 in SCMUA billing (paid by the VTMUA)
- Budget Revenues: \$8,837,095.25
- Amount to Be Raised by Taxation: \$18,975,394.75

**Local Municipal Tax Rate**

- 2021 Assessed Value: \$2,459,644,667
- 2020 Assessed Value: \$2,407,842,600
- 2021 Average Assessed Home: \$206,351
- 2020 Average Assessed Home: \$199,614
- 2021 Municipal Tax Rate: 0.771
- 2020 Municipal Tax Rate: 0.745
- 2021 Average Taxes: \$1,592
- 2020 Average Taxes: \$1,504
- \$88 Increase on Average Home

**2021 Versus 2020**

**2021**

- Fund Balance Used: \$625,000.00
- **Fund Balance Remaining: \$3,833,593.80**
- Fund Balance % of Budget: 13.78%
- Ideal level at 16-20% of budget for emergent and to meet cash obligations in current fund
- Home Values Increased
- Vernon Paying down MORE DEBT, reducing burden on future years' budgets
- Planned permanent financing at record low interest rates on outstanding debt

**2020**

- Fund Balance Used: \$1,000,000.00
- Fund Balance Remaining: \$2,738,838.18
- Fund Balance at 12/31/2020: \$4,458,593.80
- Reassessment leveled out disproportionately taxed properties
- Large Increase in home sales
- Reduction in certain revenues due to pandemic
- Refinanced old debt at record low interest rates, saving taxpayer dollars

**2021 Budget Highlights**

- \$186,545.05 total increase over 2020 (0.68% increase in total budget)
- New Shared Service Agreement for Animal Control
- Extended Shared Services for Animal Control (3-year contract)

- Extended Shared Services with the VTMUA for Finance Services
- Debt Service reduction due to interest rate drop from 2020 Refunding
  - Planned permanent financing for future debt service
- Capital Needs being addressed: Road repairs, Fire and EMS vehicles and equipment, park improvements to Veteran’s Park and Maple Grange, Police and DPW vehicles and equipment, and building/property upgrades
- Future Capital needs being addressed through establishment of Capital Reserves (Police, Fire, etc....)

**Services**

- General Government: Administration, Governing Body, Township Clerk, Finance and Tax Collection, Tax Assessment, Land Use, Court, Building Department, Animal Control, Technology, Legal and Engineering, Committees, Utilities, Shared Services, Senior Center
- Public Safety: Police Department, Emergency Medical Services (two Ambulance companies), Fire (Fire prevention and four fire departments), Fire equipment repair/maintenance, Fire volunteer training, Dispatching Services, Office of Emergency Management, Community-centered programs (Junior Police Academy, Operation Blue Elf, Cram a Cruiser, etc...)
- Department of Public Works: road repairs/maintenance, snow plowing of 100+miles of roads, drainage, tree removal, brush control, street sweeping, Clean Communities, recycling center, fleet maintenance, maintenance of buildings and grounds
- Parks and Recreation: Maintenance of all fields/parks in the Township, recreation programs, Farmer’s Market, joint programming provided with the PAL, Community garden, Trunk or Treat, etc...
- Insurance: Unemployment, health insurance (after employee contributions), worker’s compensation insurance (inclusive of Fire and EMS volunteers), general liability coverage, life and AD&D coverage, etc...

**Obligations – Items not controlled by Township**

- School Tax Levy
- County Tax Levy
- Statutory Obligations (FICA, PERS, & PFRS):
  - Pension increased nearly 9% this year-mandated by the State of New Jersey
- Debt Service (notes, interest on notes, Reval note)
  - Record interest rates were seen in 2020, reducing the interest necessary for debt service in 2021
  - Township will be taking advantage of these low interest rates on long-term bonds to ensure interest in future years will remain low on outstanding debt
- Reserve for Uncollected Taxes (RUT)
  - Amount required to account for taxpayers who do not pay taxes on time or at all (county and school must be paid)
  - Collection rate was 96.01% in 2021 due to over \$2.4mil in owed taxes
  - Increase this year of \$96,544

**Daily Cost of Services - \$4.36**

General Government	\$0.56
Public Safety	\$0.84
Dept. of Public Works	\$0.45
Parks/Community Affairs	\$0.06
Insurance	\$0.59
Statutory Obligations	\$0.35

Reserve for Uncollected Taxes      \$0.49  
Capital/Debt/Deferred Charges      \$1.02

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

Council President Shortway asked for a motion to open the meeting for Public Hearing of the 2021 Municipal Budget.

MOTION: Andrew Pitsker  
SECOND: Kelly Weller  
All members were in favor.

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

MOTION: Andrew Pitsker  
SECOND: Kelly Weller  
All members were in favor.

Council President Shortway asked for a motion to approve resolution #21-109 and adopt the 2021 Municipal Budget

MOVED: Andrew Pitsker  
SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auburger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-109 and approve the adoption of the 2021 Municipal Budget.

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

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

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

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-10.

MOVED: John Auburger  
SECOND: Kelly Weller

All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-10

MOVED: Kelly Weller  
SECOND: Toni Cilli  
All Members were in Favor

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

MOVED: Andrew Pitsker  
SECOND: Toni Cilli

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

Motion carried to adopt Ordinance #21-10.

## **ORDINANCE #21-10**

### **ORDINANCE APPROVING TOWN CENTER REDEVELOPMENT PLAN**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Redevelopment Law"), sets forth the procedures for the Township of Vernon ("Township") to determine whether certain properties are areas in need of redevelopment, along with the development and effectuation of a redevelopment plan for such properties; and

**WHEREAS**, by Resolution No. 17-169, the Township Council directed the Township Land Use Board ("Land Use Board") to undertake an investigation to determine whether properties in a proposed redevelopment area, commonly referred to as the Town Center Zone ("TC Zone") is a non-condemnation redevelopment area within the meaning of the Redevelopment Law ("Redevelopment Area"); and

**WHEREAS**, the Land Use Board adopted a resolution undertaking an investigation of the TC Zone and whether it or any portion constitutes an area in need of redevelopment pursuant to the Redevelopment Law; and

**WHEREAS**, the Land Use Board authorized Jessica Caldwell, P.P., A.I.C.P. of J. Caldwell & Associates ("Caldwell") to prepare an investigative report of the TC Zone to determine if the TC Zone or any parcels within the TC Zone should be declared an area in need of redevelopment; and



**WHEREAS**, the Land Use Board held a public hearing to consider the findings of Caldwell's investigative report of the TC Zone, at which time the Land Use Board determined that the Redevelopment Area satisfied the statutory criteria to be designated as an area in need of redevelopment in accordance with the Redevelopment Law; and

**WHEREAS**, the Land Use Board recommended that the Township Council designate the Redevelopment Area as an area in need of redevelopment and adopted a memorializing resolution at its April 11, 2018, meeting; and

**WHEREAS**, the Township Council thereafter adopted Resolution No. 18-135 at its public meeting on April 23, 2018, designating the Redevelopment Area as an area as in need of redevelopment pursuant to Redevelopment Law; and

**WHEREAS**, Resolution No. 18-35 was transmitted to the Commissioner of the State of New Jersey, Department of Community Affairs, and the area in need of redevelopment designation became effective on or about May 10, 2018; and

**WHEREAS**, on January 27, 2020, the Township Council, pursuant to the Redevelopment Law, adopted Resolution No. 20-74, directed the Land Use Board to consider and arrange for the preparation of a redevelopment plan to govern the Town Center Zone and to submit such redevelopment plan to the Township Council for its consideration and adoption; and

**WHEREAS**, at a meeting held on February 10, 2021, the Town Center Redevelopment Plan ("Redevelopment Plan"), was presented to the Land Use Board; and

**WHEREAS**, at its February 10, 2021, meeting the Land Use Board reviewed the proposed Redevelopment Plan and heard public comment regarding same; and

**WHEREAS**, on February 10, 2021, the Land Use Board issued its report concerning the Redevelopment Plan; and

**WHEREAS**, the Land Use Board determined that no provisions in the Redevelopment Plan are inconsistent with the Township's Master Plan; and

**WHEREAS**, the Township Council has reviewed and carefully considered the Redevelopment Plan and has found it to be satisfactory and now desires to adopt this Ordinance formally adopting the aforesaid Redevelopment Plan; and

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

Section 1. The Town Center Redevelopment Plan dated March 25, 2021, a copy of which is annexed hereto and made a part of this Ordinance, is adopted in accordance with the Redevelopment Law.

Section 2. This Ordinance constitutes an amendment to the zoning district map included in the Township's zoning ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. This Ordinance shall take effect upon (i) filing with the Sussex County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication in the manner required by New Jersey law.

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

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

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-11.

MOVED: Andrew Pitsker

SECOND: Kelly Weller

All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-11

MOVED: Kelly Weller

SECOND: Andrew Pitsker

All Members were in Favor

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

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:  
ABSTAIN:  
ABSENT:

Motion carried to adopt Ordinance #21-11.

**ORDINANCE #21-11**

**ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 5 ENTITLED “ADMINISTRATION OF GOVERNMENT” TO UPDATE THE STRUCTURE OF THE DEPARTMENTS WITH THE TOWNSHIP**

**WHEREAS**, pursuant to N.J.S.A. 40:69A-43 the Township of Vernon (“Township”) can have a maximum of nine departments; and

**WHEREAS**, a determination has been made that there is a need to update the structure of the Township’s Departments to ensure maximum efficiency and to ensure clear lines of authority.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that the municipal code is amended and supplemented as follows:

SECTION 1.

Chapter 5, Section 5-12 (G) shall be amended as follows:

G. Departments and offices established within the Township are as follows:

- (1) Department of Administration;
- (2) ~~Office of the Clerk~~ Department of Building;
- (3) Department of Finance and Tax Collection;
- (4) Department of Public Works;
- (5) Department of Planning/Land Use and Zoning ~~and Development~~;
- (6) Department of Public Safety/OEM; and
- (7) Department of Recreation, ~~and Community Development,~~ and Senior Services;

(8) Department of Fire Prevention.

## **SECTION 2.**

Article IX shall be amended as follows:

### Article IX Department of Finance and Tax Collections

#### **§ 5-46. Establishment; Director as head; qualifications.**

- A. There is hereby established a Department of Finance and Tax Collections, the head of which shall be the Chief Financial Officer.

#### **§ 5-48. Division of Treasury.**

- A. Within the Department of Finance and Tax Collections, there is hereby established a Division of Treasury, the head of which shall be the Treasurer.

#### **§ 5-49. Duties of Treasurer.**

- A. Maintain the central books of account of the Township according to such forms, standards and procedures as shall be prescribed or approved by the Director of ~~Finance~~. Any and all Township officials shall, upon request of the Treasurer, place at the Treasurer's disposal all records, books, warrants, documents, bonds, reports and papers in their custody belonging to the Township, which the Treasurer may deem necessary, to aid in keeping such accounts;

#### **§ 5-51. Division of Tax Collections.**

- A. Within the Department of Finance and Tax Collections there is hereby established a Division of Tax Collections, the head of which shall be the Tax Collector.
- C. The Tax Collector's duties shall include:
- (1) Administer the work of the Division;

- (2) Receive and collect all current and delinquent real and personal property taxes, charge and receive penalties and interest pursuant to law, and account for all collections in such form and manner, and at such times, as may be prescribed or approved by the Director of Finance;
- (3) Receive and safely keep and disburse all moneys raised and received for the public schools and keep separate accounts thereof; provided that no money shall be paid out of the public-school funds by the Collector except on warrant signed by the President and Secretary of the Board of Education pursuant to an order or resolution passed at a stated meeting of the Board of Education and entered in its minutes;
- (4) Keep a full and systematic account of all cash receipts and disbursements by the Division of Tax Collections in proper books approved by the Director of Finance; and shall, at least once every month, and more often if the Council requires, furnish the Council, through the Mayor, with a statement of all moneys received and expended by the Collector, including school moneys, subsequent to the Mayor's last report; and
- (5) Annually, during the month of January, make a full report to the Council of the Collector's receipts and expenditures during the preceding calendar year, and shall, whenever required, lay before the Council for examination and audit all books and papers pertaining to the Collector's office.
- (6) Make or cause to be made, and certify, searches for tax and other liens on real property in the Township as may be authorized by law, and charge and collect for the use of the Township the fee required pursuant to law for any such search;
- (7) Perform the functions of a collector of taxes under general law, including, without limitation thereto, the preparation and mailing of tax bills, and the maintenance of tax accounting records in such manner as may be prescribed or approved by the Director of Finance; and assist the Assessor in preparation of the annual tax list and duplicate.

### **SECTION 3.**

Article XI shall be amended as follows:

Article XI Department of Planning/Land Use and Zoning and Development

#### **§ 5-63. Establishment.**

There is hereby established the Department of Planning/Land Use and Zoning and Development, the head of which shall be the Land Use/Planning Official.

**§ 5-64. Organization of Department.**

Within the Department of Planning/Land Use and Zoning and Development there shall be the following divisions:

- A. Division of Planning/Land Use and Zoning.
- B. Division of Zoning Building.

**§ 5-65. Division of ~~Planning and Zoning~~.**

- A. Within the Department of Planning/Land Use and Zoning and Development, there shall be a Zoning Officer, as provided for Chapter 330, Land Development.
- B. The Office of the Zoning Officer shall be under the direction of the Zoning Officer who shall serve at the pleasure of the Mayor

**~~§ 5-66. Division of Building.~~**

~~Within the Department of Planning and Development, there shall be a Division of Building which shall consist of a State Uniform Construction Code Enforcing Agency.~~

**SECTION 4.**

A new Article XIA shall be established as follows:

Article XIA Department of Building

**§ 5-66. Establishment.**

- A. There is hereby established the Department of Building, the head of which shall be the Construction Official.
- B. The Department of Building shall consist of a State Uniform Construction Code Enforcing Agency.

## **SECTION 5.**

Article XII shall be amended as follows:

### Article XII Department of Public Safety/OEM

#### **§ 5-67. Establishment; Mayor as head.**

There is hereby established a Department of Public Safety/OEM, the head of which shall be the Mayor who shall serve without any additional compensation.

#### **§ 5-68. Organization of Department.**

Within the Department of Public Safety/OEM there shall be the following divisions and agencies:

- A. Division of Police.
- B. Office of Emergency Management.

#### **§ 5-69. Division of Police; Chief of Police as head.**

Within the Department of Public Safety/OEM, there shall be a Division of Police, also known as the "Police Department," the head of which shall be the Chief of Police. The police force as heretofore established is hereby continued as the Division of Police and is subject to all laws and ordinances relating to a municipal police department.

**§ 5-70. Office of Emergency Management.**

The Office of Emergency Management as heretofore established pursuant to law is continued within the Department of Public Safety/OEM. The members shall be appointed by the Mayor. It shall have such functions, powers and duties as may be prescribed by general law, executive order, ordinance or resolution.

**SECTION 6.**

Article XIII shall be amended as follows:

Article XIII Department of Recreation, ~~and~~ Community Development, and Senior Services

**§ 5-72. Establishment; Director as head.**

There is hereby established a Department of Recreation, ~~and~~ Community Development, and Senior Services, the head of which shall be the Director of Recreation, ~~and~~ Community Development, and Senior Services.

**§ 5-73. Duties of Director of Recreation, ~~and~~ Community Development, and Senior Services.**

The Director of Recreation, ~~and~~ Community Development, and Senior Services shall be responsible, among other responsibilities which may be assigned from time to time, for:

**SECTION 7.**

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 8.**

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

**SECTION 9.**



This Ordinance shall take effect immediately as provided by law.

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

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

MOTION: Kelly Weller

SECOND: Andrew Pitsker

All members were in favor.

Casey Sellen - Barry Lakes, emailed saying he attended the rally this weekend to Stop Tennessee Gas Company from building a fracked gas compressor station in West Milford. This compressor station would be less than 6 miles from my home. It would threaten the health of my wife and young child and all of Vernon residents.

Reviewing the medical literature on the health impacts of fracked gas compressor stations show that those living nearby face increased risk of illness including heart attacks, childhood leukemia and even an increased risk of death due to the chemicals the compressors release.

This project is dangerous for our town and we must do everything in our power to stop it.

Vernon's pipelines are 65 years old. They are not built to withstand the increased pressure the compressors would cause. Leaks, fires or explosions would put residents in danger given the proximity of our pipelines to our neighborhoods. Accidents from pipelines have resulted in serious injury and death adults and children throughout the United States. We must prevent a similar tragedy from striking our town.

The public is largely unaware of just how dangerous fracked gas compressor stations are. These companies take advantage of this, and target rural areas in the hope that not enough people will be aware of or pay attention to the health and safety risks.

Mayor and council I urge you to pay attention to this project, as you have the power to help stop it. Just recently, in Franklin Township NJ, Governor Murphy stopped a fracked gas compressor station from being built. He did this after towns banded together and passed resolutions opposing the project.

Many of our neighboring towns have already passed resolutions. Tonight, I urge you to prioritize passing a resolution as well, stating Vernon opposes Tennessee Gas Pipeline's East 300 Upgrade. This will signal to Governor Murphy to reject the permits and stop the fracked gas compressor stations from being built here. Thank you.

Jessi Paladini – Vernon Township, feels that she is being harassed by the Township because she received a letter from the Township Attorney accusing her of trespassing on private property. Ms. Paladini said she drove down the road to look at the Baldwin Property and she never got out of her car.

She said that there is a business on this road so she does not understand how it can be private property. Ms. Paladini said she is going to take this to the highest level she can.

Sam DiFalco – Food and Water Watch, Morris County NJ, is speaking on behalf of supporters in Vernon, wants to encourage the Council to look into the East 300 Project that’s being proposed by the Tennessee Gas Pipeline Company. She asked that the Council stand as a body and let the Governor know they oppose this project. The project would be a new compressor in West Milford and a massive expansion of the compressor in Wantage. This is a significant source of air pollution. These compressors release gas into the air when too much pressure in the pipe build up. The pipelines are old and there is a great risk of leaks. Ms. DiFalco feels this is a huge risk for North Jersey and this project does not benefit New Jersey at all.

Peg Distasi – Silver Spruce, has forwarded to Council Member Cilli information about the pipeline and she can forward it to anyone who would like it. She said that as a member of the Enviromental Commission, we have requested that the Town Council issue a resolution against the pipeline. We are asking to please support us and our environment and issue a resolution as surrounding towns have done against the pipeline.

Ms. Distasi commented that this past Saturday, she attended community events including the fishing derby where her and the Enviromental Commission handed out tree saplings. We were in observation that most adults were not wearing masks. Ms. Distasi finds this very disturbing. She asked as a Township to please come out with a statement in support of wearing masks even if you have been vaccinated.

Ms. Distasi said it has been over seven weeks since she filed a complain against Mike Furrey for his harassment and she still has not received a response as to the outcome. She said what is fair for one is fair for the other.

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

**MOTION:** Kelly Weller

**SECOND:** Toni Cilli

All members were in favor.

## **MAYOR COMMENTS**

Mr. Council President and other Council Members, we all know that we live in an imperfect town. We know this, because those of us who live in this town, like those who live in towns all across this planet, are imperfect people.

And we know so very well, that there are those who spend a significant amount of their time and energy focusing on and highlighting the known imperfections about our town. And because their mental and emotional makeup seems to cause them to gravitate towards negative things, when they can’t find enough negative things or imperfections to highlight, they often make up allegations of unproven “bad” things about our town.

And while we as a governmental team don't close our eyes to the imperfections in our town, we don't harp on them either.

We have instead made the more positive choice to focus our energies and efforts on trying to find solutions to these imperfections, and on highlighting the great many positive things that's a part of our town.

So it is in the spirit of that more positive choice that this Mayor and Council have made, that I use my comments tonight to briefly highlight just six of the many positive things that have occurred in our town since we had our last formal meeting with the public.

FIRST, I want to highlight the positive that has come our way in the form of the municipality's newest, and most noticeable, public communications medium - - that being the Municipal Center's new electrical Message Center Board.

If you have not yet seen it, I invite you to drive by the Municipal Center to take a look.

This is an item that our Director of Community Development, Ms. Michelle Downtain, has had on her department's capital budget wish list for the past several years; however, in the interest of using local taxpayer dollars on more pressing issues, we had not moved forward on purchasing the desired message board.

However, as you may recall, at the Council's February 22nd meeting, I announced that our town had been able to finally purchase an electrical Message Center Board with the support of funds obtained through the federal CARES Act.

This electrical Message Center Board is proving to be not only an effective and efficient tool through which to communicate with and keep the public informed, it has also given our Municipal Center a more professional look. And that's a good thing for our town!

SECOND, is the positive for the almost 300 Vernon Township girls and boys who will, this year, be able to participate in a full Vernon Little League program, after a COVID reduced program last year. I had the honor and pleasure of joining with Michelle Downtain in throwing out the first balls for the start of this year's Vernon Little League season on this past Saturday.

The Vernon Little League program is an outstanding recreation program that's planned, organized, directed, coordinated, and controlled by a dedicated group of approximately 75 of our town's volunteers.

THIRD, I want to highlight an event that proved to be a significant positive for those kindergarten through 6th graders, plus their parents and/or guardians, who participated in the Vernon Township Fishing Derby held this past Saturday at the Vernon Fire Department's Pavilion Pond on Route 515.

This positive, enjoyable community event, which was cancelled last year due to the COVID-19 virus, returned this year and was sponsored through our town by the Vernon PAL, the Double V Rod & Gun Club, and the Dairy Swirl Ice Cream Restaurant.

It's great that our town is able to get this kind of civic support from its community organizations and merchants.

FOURTH, it's always a positive when our town joins with the world community to acknowledge our collective responsibility to be good stewards of the earth. One of the several ways that our outstanding Environmental Commission ensured that our town demonstrated its acknowledgement of this responsibility during this year's Earth Day, was to give away nearly 500 tree seedlings. The Environmental Commission was active in giving away these tree seedlings, first at the Vernon Township Fishing Derby on Saturday, and then at Heaven Hill Farm on Sunday.

FIFTH, was the successful Municipal Free Bulk Waste Drop Off Day that was hosted at our Department of Public Works (DPW) facility.

Many of our residents have commented to me that due to the fact that they had recently engaged in home improvement projects, plus their normal spring cleanup projects, they found the Free Bulk Waste Drop Off Day to be a positive, timely and valuable town benefit, and especially from a cost savings standpoint.

I thank our DPW / for hosting a well ran operation.

And SIXTH, throughout this past year, there has been quite a bit of publicity about how the people of Vernon Township have come together to meet the obvious, more public and visible needs of our Vernon Family during this COVID crisis.

In fact, Vernon's notable civic performance during this past year, is one of the key factors that led to our township being selected as one of only nine towns in the State of New Jersey, and the only town in Sussex County, as a "Healthy Town to Watch."

Because we take the phrase VERNON CARES very seriously; and because we know that we can't be truly VERNON STRONG, unless we do all that we can to address those less-obvious and less-public needs, of those Vernon Family members who are among the "least of those of our brothers and sisters";

And, because of our commitment not to leave any of our family members behind, through our Director of Community Development, Ms. Michelle Downtain, we aggressively pursued and received a NJ Department of Community Affairs grant which will allow us to address some of the key needs of our municipality's teens with disabilities.

We will use this grant to work with the outstanding Winslow Therapeutic Riding Center to develop programs that will give teens with disabilities some of the tools that they need to transition successfully into high school and college.

These programs will teach empath, partnership, leadership skills, and good decision making; and, they will increase the participants' physical fitness and self-esteem.

Under this Mayor and Council, we leave no member of the Vernon Family behind.

## COUNCIL COMMENTS

Vice President Auberger had no comment.

Council Member Weller commented that the Beautification Committee is doing an amazing job around town. She said thank you for all you do and it does not go unnoticed.

Council Member Pitsker reiterated about mask wearing. Mask wearing comes down to respect. He urges everyone to wear a mask out in public, in the stores and outdoors.

Toni Cilli thanked Kelly Mitchell for what she does for our town and the students and she deserves recognition for it.

## COUNCIL PRESIDENT COMMENTS

I learned approximately one week ago of a second incident involving a stray bullet discharged during the course of target practice struck a resident's home. The incident occurred last year in Glen Harbor Estates. Such incidents create extreme safety hazards to residents. Immediate action with due diligence is necessary.

I have drafted two ordinances in an effort that protects the safety of neighbors, pedestrians, traffic and property. Sensible restrictions are both reasonable and justifiable. The proposed ordinances require attorney review, public discussion and anticipated edit before introduction and adoption.

**There is controversy concerning discharging a firearm for target practice as an agricultural management practice. I can find no such law or regulation defining discharging a firearm for target practice as an agricultural management practice.**

***NJ Farm Bureau has advised The Right to Farm Act does not cover target shooting.***

**NJ 4:1C-10 Commercial agricultural operation not a nuisance, compliance with practices in part states**

***There shall exist an undisputable presumption that commercial agricultural operations must not pose a direct threat to public health and safety, shall not constitute a public or private nuisance, nor shall any such operation, activity or structure be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.***

Connecticut's Office of Legislation reported in 2010 only six states address shooting range safety issues, but not by setting and enforcing safety standards. Instead, their laws encourage ranges to comply with the National Rifle Association's (NRA) range safety standards by protecting those that do from civil liability, criminal prosecution, and injunctions related to a range of actions including violating safety standards, operating an illegal nonconforming use, and exceeding acceptable noise standards. The states that have taken this approach are Florida, Kansas, Michigan, Minnesota, Nebraska, and Ohio.

The NRA *Range Source Book* advises a shooting range's design depends on the type of shooting to be allowed and the location of the proposed site. **The design specifications should consider the safety of the people using the facility, the property surrounding it, and the area's inhabitants.** They should also consider all applicable federal, state, and local laws and regulations.

Only a few states address shooting range safety by statute, but ranges still have to comply with state firearm laws. Consequently, shooting ranges are more likely to be **regulated by municipalities through zoning regulations or general municipal ordinances.**

In all cases, whether formal complaints or site-specific, the County Agriculture Development Boards and State Agricultural Development Committee **must consider the impact of the farm's practices on adjacent property owners when making its decision.**

**The New Jersey Supreme Court also stated that CADBs and SADC must consider relevant municipal standards when making decisions related to local zoning issues:** "The CADBs and SADC must act in a manner consistent with their mandate, giving appropriate consideration not only to the agricultural practice at issue, but also to local ordinances and regulations, including land use regulations, that may affect the practice." Franklin Township v. den Hollander, Supreme Court of N.J. (2002)

First proposed ordinance allows target shooting. It defines a Target Shooting Area, safety standards, inspection and permitted use by our police department.

The second ordinance deals with careless and reckless firearm discharges, so as to endanger any person or property without due caution or circumspection and in a manner so as to endanger any person or property and resulting in the unlawful property damage or bodily injury of another; or in a manner resulting in the projectile crossing the property line of another person without written permission of the owner.

We, as elected officials must take proactive action before a tragedy results from a stray bullet.

Council President Shortway wants to be proactive on this saying we cannot sit back and wait. It only takes one round to kill someone. This is not about 2<sup>nd</sup> amendment rights. We are saying if you are going to fire it has to be done in a safe manner. We need to take action on this.

I wish to thank the GAAC and other volunteers for their efforts in maintaining the Sand Hill Trail on Saturday. I walked it yesterday with Mike Furrey. They did a great job and thank you. Your work is outstanding.

## **ADJOURNMENT**

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

The Meeting of the Township Council of the Township of Vernon was adjourned at 8:13 p.m.

Respectfully submitted,

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Marcy Gianattasio, RMC, CMR  
Municipal Clerk

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Harry Shortway,  
Council President

Minutes approved: May 10, 2021