

VERNON TOWNSHIP COUNCIL

REGULAR MEETING MINUTES

MAY 24, 2021

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on May 24, 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 Harry Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, CFO Donelle Bright, Township Planner Jessica Caldwell and Township Attorney Josh Zielinski.

SALUTE TO THE FLAG

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

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

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

MOVED: John Auberger

SECOND: Andrew Pitsker

All members present voted in favor.

Kevin Duffy - Chief Operations Officer Glenwood Pochuck Volunteer Ambulance Corps sent an email saying, on behalf of the Glenwood Pochuck Volunteer Ambulance Corps and its members, we once again can't thank the council enough for the consideration of the new ambulance. The new ambulance will be replacing one that has been in service for 18 years. With the council approval, the new ambulance will be 100% identical to the one purchased last year which has already been in rotation, received its first preventative maintenance by our township DPW and has responded to about 35% of our total EMS calls. Thanks to council and all our supporters, the added equipment has definitely made an impact on the service we provide and will continue to provide. Just like last year, Glenwood EMS will be swapping all our equipment into the new ambulance to not accrue additional costs to the township. Once more, on behalf of the entire membership of G.P.V.A.C, we thank each and every one of you for your continued support.

Donelle Bright Vernon Township's CFO gave a presentation on Ordinance #21-12 Bond Ordinance Appropriating \$4,015,000, and Authorizing the Issuance of \$3,130,000 Bonds or Notes of the Township,

for Various Improvements or Purposes Authorized to be Undertaken by the Township of Vernon, in the County of Sussex, New Jersey

Summary of the 2021 Various Improvements Bond Ordinance

- \$4.015 million in capital projects
- \$885,000.00 in cash down payments (22% cash down payment)
- \$3.13 million to be paid over 10 years (debt)
- Road Improvement Program, EMS & Fire, Park Improvements, Township Property Improvements, and Bike Pump Track/Trail Improvements

2021 Road Improvements Program

- Main Roads = \$700,000
Barrett & Glenwood Mountain
- Secondary Roads = \$200,000
- Guiderail & Drainage = \$50,000
- \$181,200 grants received
- \$118,462.97 cash down payments
- \$650,337.03 paid over 10 years (debt)
- 21% total debt in Ordinance

EMS & Fire Departments

- New Ambulance (18yrs+)
- Replacement Tanker (25yrs+)
- SCBA Packs & Turnout Gear
- Rescue Equipment and Rescue UTV
- \$138,809.52 cash down payments
- \$621,190.48 paid over 10 years (debt)
- 20% total debt in Ordinance

Park Improvements

- Maple Grange Football Field
Aged 12yrs+
- Lighting at Snack Bar Field- Veteran's Park
- ADA Compliant Pathway at Veteran's Park
- \$90,238.10 cash down payments
- \$564,761.90 paid over 10 years (debt)
- 18% total debt in Ordinance

DPW Equipment & Vehicles

- Replacements and upgrades for equipment and vehicles aged 7 years-25 years
- \$20,714.29 cash down payments
- \$414,285.71 paid over 10 years (debt)
- 13% total debt in Ordinance

Township Property Improvements

- Department of Public Works building:
 - Fueling station (replace outside vendor)
 - Garage door replacements
- Municipal building:
 - Alarm system upgrades
 - ADA compliant doorways
- \$15,000.00 cash down payments
- \$300,000.00 paid over 10 years (debt)
- 10% total debt in Ordinance

Trail and Bike Pump Track

- Town Center Bike & Walking Trail \$195,000.00
- Bike Pump Track \$170,000.00
- ADA Compliant Multi-purpose Trail \$50,000.00
- Total Recreational Improvements: \$415,000.00**

- Open Space Funding
 - \$291,603.88 total approved via referendum
 - \$123,396.12 additional needed for trails and pump track planning, engineering, design, and construction

- \$297,479.89 cash down payments
 - This includes Open Space funds approved by referendum

- \$117,520.11 paid over 10 years (debt)
- 4% total debit in Ordinance

Trail and Bike Pump Track (cont'd)

- There is a need to provide safe access and parking for those using the trail & pump track
- Black Creek Drive \$225,000.00
- New Access Road from Omega Dr. \$200,000.00
- Parking Improvements \$60,000.00
- Total Access Improvements: \$485,000.00**

- \$23,095.23 cash down payments
- \$461,904.77 paid over 10 years (debt)
- 14% total debt in Ordinance

Bond Ordinance Breakdown by Department

Project	Total Cost	Debt Portion	%Total
▪ Road Improvements	\$950,000.00	\$650,337.03	21%
▪ EMS & Fire	\$760,000.00	\$621,190.48	20%
▪ Park Improvements	\$655,000.00	\$564,761.90	18%
▪ Trail & Bike Access	\$485,000.00	\$461,904.77	14%
▪ DPW Equipment	\$435,000.00	\$414,285.71	13%
▪ Township Properties	\$315,000.00	\$300,000.00	10%
▪ <u>Trail & Bike Rec.</u>	<u>\$415,000.00</u>	<u>\$117,520.11</u>	<u>4%</u>

Totals:	\$4,015,000.00	\$3,130,000.00	100%
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Estimated Cost Per Year

Road Improvements	\$6.58
EMS & Fire	\$6.26
Park Improvements	\$5.63
Trail & Bike Access Improvements	\$4.38
DPW Equipment	\$4.07
Township Properties Improvements	\$3.13
Trail & Bike Rec. Improvements	\$1.25

Annual Cost on Average Home \$31.30

10 Year Debt Review

- 12/31/2011 Debt Percentage: 1.030% (\$31.28 million)
- 12/31/2012 Debt Percentage: 1.139% (\$32.60 million)
- 12/31/2013 Debt Percentage: 1.148% (\$31.00 million)
- 12/31/2014 Debt Percentage: 1.209% (\$30.97 million)
- 12/31/2015 Debt Percentage: 1.243% (\$30.55 million)
- 12/31/2016 Debt Percentage: 1.261% (\$30.06 million)
- 12/31/2017 Debt Percentage: 1.298% (\$30.83 million)
- 12/31/2018 Debt Percentage: 1.259% (\$30.28 million)
- 12/31/2019 Debt Percentage: 1.180% (\$29.01 million)
- 12/31/2020 Debt Percentage: 1.072% (\$26.82 million)
 - Payments since 12/31/20 = \$3,188,200.00
 - Percentage as of 5/24/2021 = 1.070%
- 12/31/2021 Debt Percentage Estimated: 1.062% (\$26.58 million)
 - Estimated additional payments through 12/31/2021 = \$179,680.00

Peg Distasi – Vernon Township, asked if the \$297,000 from the Open Space fund was going to be used to buy the Baldwin property, she does not see it listed under trails. Ms. Distasi said that we would not have to spend over \$400,000 to put in access roads and pave Baldwin Avenue if the trails were not there. She feels between the roads, the trail and the Baldwin property the cost is \$1,000,000.

Jessi Paladini – Vernon Township, responded to Ms. Distasi saying the money for the Baldwin property will come from the actual Open Space tax. Ms. Paladini feels that Ms. Distasi is correct that the whole project will be in excess of \$1,000,000 or very close to \$1,000,000.

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

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

MINUTES

May 10, 2021 – Regular Meeting

Council President Shortway verified that his “point of order” to let Mr. Marsico speak a second time was included in the minutes.

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

MOVED: John Auberger

SECOND: Andrew Pitsker

All members were in favor.

RESOLUTIONS

Resolution #21-132: A Resolution Authorizing the Implementation of an Accident & Health Policy for Township Volunteers

Council President Shortway asked for a motion to approve resolution #21-132

Council Vice President Auberger asked if this included fire and ambulance volunteers or is this only for board and commission volunteers?

Administrator Voelker answered saying that this is separate.

MOVED: John Auberger

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-132.

**RESOLUTION #21-132
A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF
AN ACCIDENT & HEALTH POLICY FOR TOWNSHIP VOLUNTEERS**

WHEREAS, the Township of Vernon routinely relies on the services provided by volunteers performing a variety of services that benefit the community and positively contribute to the fabric and core values of the Township; and

WHEREAS, said volunteers, are not eligible for benefits for injuries or sickness sustained with regard to their service as volunteers, as defined by the NJ State Workers Compensation Statute; and

WHEREAS, the Township's Risk Management Consultant has researched this issue and subsequently has recommended an Accident & Health Policy be secured, underwritten by Philadelphia Indemnity Insurance Company, (an *A.M. Best*, A-rated carrier) that provides a cost-effective means to cover this potential exposure.

WHEREAS, the Chief Financial Officer has certified funds not to exceed \$500.00 are available in Account #1-01-23-228-68 Insurance in the 2021 Municipal Budget.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey that authorizes the Risk Management Consultant to secure an Accident & Health Policy to cover Township volunteers underwritten by Philadelphia Indemnity Insurance Corporation, for an annual premium not to exceed \$500; and

BE IT FURTHER RESOLVED, the Mayor and/or Township Administrator are hereby authorized to execute any and all documentation necessary to effectuate this coverage as soon as administratively practical; and

BE IT FURTHER RESOLVED, the contract award for said insurance product is to a duly licensed and admitted Insurance Company within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Township.

Resolution #21-133: Resolution of the Township of Vernon Authorizing the Execution of an Agreement for Municipal Services Between the Township of Vernon and Black Creek Sanctuary Condo Association

Council President Shortway asked for a motion to approve resolution #21-133

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 #21-133.

RESOLUTION #21-133

RESOLUTION OF THE TOWNSHIP OF VERNON AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR MUNICIPAL SERVICES BETWEEN THE TOWNSHIP OF VERNON AND BLACK CREEK SANCTUARY CONDO ASSOCIATION

WHEREAS, the Municipal Services Act (“Act”), N.J.S.A. 40:67-23.1 et seq., provides that qualified private communities are entitled to receive certain municipal services; and

WHEREAS, Black Creek Sanctuary Condo Association is a qualified private community as defined under the Act, and the Township of Vernon is a municipality governed by the Act; and

WHEREAS, the Township of Vernon and Black Creek Sanctuary Condo Association desire to enter into an Agreement for Municipal service to provide that the Township shall reimburse Black Creek Sanctuary Condo Association for certain municipal services as specified in the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Vernon that the Mayor and Clerk are authorized to execute an Agreement for Municipal Services with Black Creek Sanctuary Condo Association in a form similar to the agreement attached hereto.

Resolution #21-134: Resolution Authorizing Fireworks to be Displayed on July 3, 2021 within the Township of Vernon

Council President Shortway asked for a motion to approve resolution #21-134

MOVED: Toni Cilli
SECOND: Kelly Weller

A roll call vote was taken:
AYES: Cilli, Pitsker, Weller, Shortway
NAYES:
ABSTAIN: Auberger
ABSENT:
Motion passed to approve Resolution #21-134.

Council President Shortway mentioned that Vice President Auberger is part of the volunteer fire department.

RESOLUTION #21-134

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON JULY 3, 2021 WITHIN THE TOWNSHIP OF VERNON

WHEREAS, N.J.S.A.21:3-1et seq. Explosive and Fireworks, provides that a Municipal Governing Body must authorize the display of fireworks within its boundaries as a pre-condition to such display in accordance with the New Jersey Fire Prevention Code; and

WHEREAS, Mountain Creek Resort, 200 Route 94, has submitted an application to Vernon Township to conduct a firework display on July 3, 2021; and

WHEREAS, the proposed fireworks display will take place at 187 Route 94, Sandhill Parking Lot, Vernon, NJ; and

WHEREAS, Mountain Creek Resort has engaged in a contract with Garden State Fireworks, Millington, NJ, to perform the public fireworks and special effects display and has provided the required certificate of liability insurance to the Township.

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the firework display, performed by Garden State Fireworks Inc. on July 3, 2021, at Mountain Creek Resort, located at 200 Route 94, with display at 187 Route 94, Vernon, upon satisfaction of all statutory and departmental requirements.

Resolution #21-135: Resolution Creating the Vernon Heritage Advisory Committee

Council President Shortway asked for a motion to approve resolution #21-135

Council Member Pitsker asked if this committee was going to report to the Mayor.

The Council feels that the wording should be added to this resolution as to who the committee will report to.

Council Member Pitsker made a motion to postpone this until the next meeting to revise the text of the resolution.

MOVED: Andrew Pitsker

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to postpone Resolution #21-135 till the next meeting.

Resolution #21-136: Refund Overpayment (Block 527 Lot 371 – Nuco Title Insurance Agency Inc.)

RESOLUTION #21-136

REFUND OVERPAYMENT

(Block 527 Lot 371- Nuco Title Insurance Agency Inc.)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Nuco Title Insurance Agency Inc. in the amount of \$556.12 representing refund for overpayment of 1st qtr. 2017 property taxes for Block 527 Lot 371 also known as [REDACTED].

OWNER	BLOCK	LOT	REFUND AMOUNT
Hannigan	527	371	\$556.12
		TOTAL:	\$556.12

Resolution #21-137: Refund Overpayment (Block 525 Lot 4 – American Home Title Agency)

RESOLUTION # 21-137

**REFUND OVERPAYMENT
(Block 525 Lot 4- American Home Title Agency)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to American Home Title Agency in the amount of \$1,964.12 representing refund for overpayment of 4th qtr. 2018 property taxes for Block 525 Lot 4 also known as [REDACTED].

OWNER	BLOCK	LOT	REFUND AMOUNT
Godding	525	4	\$1,964.12
		TOTAL:	\$1,964.12

Resolution #21-138: Refund Overpayment (Block Lot 55 – A Absolute Escrow Settlement Co., LLC)

RESOLUTION # 21-138

**REFUND OVERPAYMENT
(Block 592 Lot 55- A Absolute Escrow Settlement Co., LLC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to A Absolute Escrow Settlement Co., Inc. in the amount of \$2,172.33 representing refund for overpayment of 3rd qtr. 2018 property taxes for Block 592 Lot 55 also known as [REDACTED].

OWNER	BLOCK	LOT	REFUND AMOUNT
Fagnan	592	55	\$2,172.33
		TOTAL:	\$2,172.33

Resolution #21-139: Refund Overpayment (Various Lots and Blocks – CoreLogic)

RESOLUTION # 21-139

**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 \$4,907.13 representing refund for overpayment of the following property taxes:

OWNER	BLOCK	LOT	REFUND AMOUNT
Ang	592	31	\$1,707.47
Salerno	379	4	\$1,958.15
Reddy	431	4	\$839.01
Penesetti	527	102	\$238.19
Mc Namara	273	108	\$164.31
		TOTAL:	\$4,907.13

Ang- refund for overpayment totaling \$1,707.47 of 2nd qtr. 2020 property taxes for Block 592 Lot 31 also known as [REDACTED].

Salerno- refund for overpayment totaling \$1,958.15 of 3rd qtr. 2020 property taxes for Block 379 Lot 4 also known as [REDACTED].

Reddy- refund for overpayment totaling \$839.01 of 3rd qtr. 2020 property taxes for Block 379 Lot 4 also known as [REDACTED].

Penesetti- refund for overpayment totaling \$238.19 of 3rd qtr. 2020 property taxes for Block 527 Lot 102 also known as [REDACTED].

McNamara- refund for overpayment totaling \$164.31 of 3rd qtr. 2020 property taxes for Block 273 Lot 108 also known as [REDACTED].

Resolution #21-140: Refund Overpayment (Various Lots and Block – CoreLogic)

RESOLUTION #21-140

**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 \$3,491.52 representing refund for overpayment of the following property taxes:

OWNER	BLOCK	LOT	REFUND AMOUNT
Borie	527	480	\$738.68
Mackerley	355	33	\$2,752.84
		TOTAL:	\$3,491.52

Borie- refund for overpayment totaling \$738.68 of 1st qtr. 2021 property taxes for Block 527 Lot 480 also known as [REDACTED].

Salerno- refund for overpayment totaling \$1,958.15 of 1st qtr. 2021 property taxes for Block 355 Lot 33 also known as [REDACTED].

Council President Shortway asked for a motion to approve resolutions #21-136, #21-137, #21-138, #21-139, #21-140.

MOVED: John Auberger
SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolutions #21-136, #21-137, #21-138, #21-139, #21-140.

Resolution #21-141: Approving a Charitable Solicitor's Permit: Pochuck Valley Fire Department Inc.

Council President Shortway asked for a motion to approve resolution #21-141

MOVED: Andrew Pitsker
SECOND: Kelly Weller

A roll call vote was taken:

AYES: Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN: Auberger

ABSENT:

Motion passed to approve Resolution #21-141.

Resolution #21-141

APPROVING A CHARITABLE SOLICITOR'S PERMIT: POCHUCK VALLEY FIRE DEPARTMENT INC.

WHEREAS, Pochuck Valley Fire Department, 13 Lake Wallkill Road, Sussex, NJ 07461, has made application for a Charitable Roadside Solicitor's Permit for the purposes of soliciting funds on May 29, 2021, July 3, 2021 and September 4, 2021 on County Route 565 at the intersection of Lake Wallkill Road; and

WHEREAS, in accordance with Ordinance 18-12, the Vernon Township Police Department has reviewed the necessary application found that all documentation is in order.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that approval be granted for a Charitable Roadside Solicitor's Permit for Pochuck Valley Fire Department, 13 Lake Wallkill Road, Sussex, NJ 07461 on May 29, 2021, July 3, 2021 and September 4, 2021 from 8:00 am to 5:00 pm on County Route 565 at the intersection of Lake Wallkill Road as depicted on the attached map, subject to the approval of the County of Sussex and State of New Jersey as needed.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to issue a Charitable Roadside Solicitor's Permit to the aforesaid applicant in accordance with Chapter 428 of the Code of the Township of Vernon upon receipt of the approval from the County of Sussex.

Resolution #21-142: Authorizing Approval of Sussex County Contribution to the Vernon and Glenwood Pochuck Volunteer Ambulance Squads

Council President Shortway asked for a motion to approve resolution #21-142

MOVED: Kelly Weller

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN: Auberger

ABSENT:

Motion passed to approve Resolution #21-142.

RESOLUTION #21-142

AUTHORIZING APPROVAL OF SUSSEX COUNTY CONTRIBUTION TO THE VERNON AND GLENWOOD POUCHUCK VOLUNTEER AMBULANCE SQUADS

WHEREAS, Vernon Township is in receipt of Request for Certification for Rescue Squad Contribution of \$3,500.00 per squad from the County of Sussex; and

WHEREAS, per a resolution approved by the Board of Chosen Freeholders on February 28, 2001, Sussex County established policy to appropriate aid to Emergency Rescue Squads for the benefit of the county residents; and

WHEREAS, the policy stated that prior to approval, the appropriate municipality must approve the Emergency Rescue Squad seeking financial assistance.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Certification for Rescue Squad Contribution to the Vernon and Glenwood Pochuck

Volunteer Ambulance Squads within Vernon Township and approves the receipt of financial assistance in the amount of \$3,500.00 per squad for the calendar year 2021; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Sussex County Administrative Center, and the Vernon and Glenwood Pochuck Volunteer Ambulance Squads.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCE

Ordinance #21-13: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, to amend and Supplement Chapter 5, Article XII, “Department of Public Safety” and to Repeal and Replace Chapter 52 of the Municipal Code of the Township of Vernon, “Fire Department” To Establish a Division of Fire Suppression

Council President Shortway read by title Ordinance #21-13.

Council President Shortway asked for a motion to introduce Ordinance #21-13.

Vice President Auberger asked if the bylaws are going to be handed out to all of the individuals of the fire department as well as the personnel policy before the next reading of this ordinance.

Administrator Voelker said nothing has been done as of yet. We were waiting until Council has a copy of the proposed new handbook. As far as that and the personnel policy, we can put that together for them. Mr. Voelker said that this ordinance goes 20 days beyond the next meeting therefore we will have time to get that to the fire department.

Vice President Auberger said if you are changing the ordinance, it would be nice to know what the new rule book is.

Administrator Voelker said we are under the current handbook that we have had for over 10 years, so we have to utilize that for now.

Vice President Auberger said as a member of the fire department, he has never received the personnel policy handbook.

Administrator Voelker said it wasn't required by ordinance which is taking place here.

Council Member Cilli asked if they will have a copy of the handbook before the next meeting.

Administrator Voelker said he will make sure it is distributed whether paper or electronically.

Mayor Burrell said he will make sure in the future everyone gets a copy.

Administrator Voelker said with the new proposed handbook we will be required to have all fulltime paid employees and volunteers sign for receipt of the handbook, that they received and read it.

MOVED: Andrew Pitsker
SECOND: Kelly Weller

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

Motion passed to introduce Ordinance #21-13.

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #21-12: Bond Ordinance Appropriating \$4,015,000, and Authorizing the Issuance of \$3,130,000 Bonds or Notes of the Township, for Various Improvements or Purposes Authorized to be Undertaken by the Township of Vernon, in the County of Sussex, New Jersey

Council President Shortway read by title Ordinance #21-12.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-12.

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 #21-12

MOVED: Andrew Pitsker
SECOND: John Auberger
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #21-12.

MOVED: Andrew Pitsker
SECOND: Toni Cilli

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

Motion carried to adopt Ordinance #21-12.

ORDINANCE #21-12

**BOND ORDINANCE APPROPRIATING \$4,015,000, AND
AUTHORIZING THE ISSUANCE OF \$3,130,000 BONDS OR
NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS
OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE
TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW
JERSEY.**

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:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$4,015,000 including the aggregate sum of \$300,196, as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in (i) paragraph (b) of said Section 3, the sum of \$181,200 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose, (ii) paragraph (d) of said Section 3, the sum of \$62,000 from various funds of the Township for the improvement of the Maple Grange Football Field, (iii) paragraph (e) of said Section 3, the sum of \$50,000 from the capital fund balance of the Township and (iv) paragraph (f) of said Section 3, the sum of \$291,604 from the open space fund of the Township.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$4,015,000 appropriations not provided for by application hereunder of said down payments, grant and monies available in various funds of the Township, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,130,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,130,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose,

and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional equipment including, without limitation, one (1) skid steer, one (1) fleet lift, one (1) jib crane and one (1) all terrain vehicle for use by the Department of Public Works of the Township, and self-contained breathing apparatus, turnout gear, one (1) all terrain vehicle and various equipment for use by the Fire Departments of the Township, together with all site work, attachments, accessories and equipment 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	\$257,000	\$244,762
(b) Improvement of various streets in and by the Township by the construction or reconstruction therein of a roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), together with all structures, appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, guide rails, retaining walls, 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 \$950,000 appropriated therefor being inclusive of the sum of \$181,200 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	950,000	650,337
(c) Acquisition by purchase of new and additional vehicular equipment including, without limitation, one (1) dump truck and truck radios and other equipment for use by the Department of Public Works of the Township and one (1) ambulance for use by the Ambulance Squad of the Township, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the	498,000	474,285

specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved

(d) Improvement of municipally-owned properties and facilities in and by the Township including, without limitation, Maple Grange Park by the upgrade of the football field, Veteran’s Park by the construction of an ADA compliant pathway, the snack bar by the installation of new lighting, and the acquisition and installation of tanks for the fueling station, together with all equipment, structures, site work, 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 \$970,000 appropriation hereby made therefor being inclusive of the amount of \$62,000 from funds on hand of the Township for the improvement of the Maple Grange Park football field

970,000 864,762

(e) Acquisition, by purchase, of new and additional fire fighting equipment for the preservation of life and property in the Township, consisting of one (1) tanker truck for use by the Fire Department of the Township, including all equipment, appurtenances, accessories and attachments necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$440,000 appropriation hereby made therefor being inclusive of the amount of \$50,000 from capital fund balance of the Township

440,000 316,429

(f) Improvement of municipally-owned properties and facilities in and by the Township by the construction of a new bike pump track, bike path and walking path, together with all paving, roadway and parking lot improvements, landscaping, engineering, designs, equipment, structures, site work, 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 \$900,000 appropriation hereby made therefor being inclusive of the amount of \$291,604 from the open space fund of the Township

900,000 579,425

Totals \$4,015,000 \$3,130,000

Except as otherwise stated in paragraphs (b), (d), (e) and (f) above with respect to the said grant-in-aid and the said funds available in various fund of the Township for financing the improvements or purposes described in said paragraphs (b), (d), (e) and (f), the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) *The said purposes described in Section 3 of this bond ordinance are not current expenses and each 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 benefited thereby.*
- (b) *The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.64 years.*
- (c) *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 \$3,130,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.*
- (d) *Amounts not exceeding \$500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs 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 costs of said improvements and are included in the foregoing estimate thereof.*

Section 5. The funds from time to time received by the Township on account of the \$181,200 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3(b) of this bond ordinance by application thereof either to direct payment of the cost of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such cost shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that 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 Section 40A:2-8 of said Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes at no less than par from time to time at public or private sale 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.

Section 7. 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.

Section 8. 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.

Section 9. 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 (*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: Toni Cilli

All members were in favor.

Walter Marsico – Vernon Township, asked Administrator Voelker how long he has lived in Vernon and if he is going to supervise the Vernon employees especially Mr. Westenberger. He said no one has returned emails. Ms. Marsico feels that Mr. Westenberger is breaking the UCC Code. He told Administrator Voelker that he doesn't live in Vernon and has no vested interest in Vernon. He also feels that what Mr. Westenberger is being allowed to do is wrong and illegal. Mr. Marsico said he is not going away and he is not going to allow what is being done and he said he promises that you will not get away with it. He asked if anyone found out who took the pictures at night in a personal vehicle of the interior of his residence.

Peg Distasi – Vernon Township, she feels that if she adds up all the figures you are taking \$600,000 out of the Open Space fund, \$290,000 that was authorized years ago and another \$300,000 to purchase the Baldwin Property. That leaves about \$320,000 in the Open Space fund. That is taxpayer money that is going towards the trails. Ms. Distasi said you are paying for roads to be paved and a new road to be put in for the pump track. When you add this up it comes to about \$1,200,000 for a trail that we were told no taxpayer money would be used by the Mayor at the time Harry Shortway.

Paul Webber – Vernon Township, sent a chat saying the farmer’s market was a success and it was nice to see the Mayor and his wonderful wife.

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

Because of the stand that the Mayor and Council took in October of last year in support of our volunteers, we have seen a resurgence in individuals’ desire and willingness to serve on our volunteer boards, committees, and commissions.

And on tonight, it’s my pleasure and honor to appoint a new volunteer who has requested to serve on one of our most impactful and appreciated committees, the Beautification Committee.

I appoint Ms. Kristen Hess, a Certified Mortgage Advisor and Real Estate Agent.

Ms. Hess will join a team that has received an overwhelming amount of appreciation and praise from Vernon residents, Vernon businesses, as well as visitors to our town.

Welcome Ms. Hess!

All of my education, training, and experiences tell me that the best predictor of an individual’s future performance, is their past behavior.

And in spite of the fact that this statement has been repeatedly proven to be true throughout the decades, the teachings of my faith, plus some rare experiences, have demonstrated to me that when the desire is strong and the will is determined, people can change.

It was this thought process that gave me hope that Mr. Joe Wallace and his Facebook collaborators would have a change of heart and mind; that they would do the civically responsible thing and follow the town’s example - - as demonstrated by our quick, thorough and complete cleanup of the decades-old debris field on a piece of town property, to which Mr. Wallace and his Facebook collaborators so eagerly and joyfully directed the DEP - -

It was my hope that Mr. Wallace and his Facebook collaborators would follow the town's example and focus their time and efforts on cleaning up the illegal waste mountain that Mr. Wallace has created in the Silver Spruce Drive area of our town.

However, that has not been the case.

And so on tonight I provide you 4 brief points, as a way of updating you as to the town's efforts to get this illegal waste mountain cleaned up.

POINT 1: The State of New Jersey, specifically the Department of Environmental Protection, has filed a suit against Mr. Wallace compelling him to not only cease the illegal dumping on his property, but also requiring him to clean-up the illegal waste mountain that he created.

The Department of Environmental Protection is managing this case through the Office of the Attorney General. And because the Attorney General's Office is the legal authority that is currently in control of the Wallace case, this dictates the extent and speed at which Vernon Township can make forward movement on getting this illegal waste mountain cleaned up.

POINT 2: Your governing body team, through the Mayor's Office, is in frequent contact with the specific Deputy Attorney General who is in charge of the Wallace case.

Mr. Wallace's case, like so many other court cases, has been repeatedly postponed because of COVID-19 restrictions. The Deputy Attorney General handling this case recently advised that his office has been, and continues to be, actively involved in searching for Mr. Wallace's funds that can be used for this illegal waste mountain cleanup.

The Deputy Attorney General also recently informed us that as part of their efforts to locate the large sum of funds that it is assumed Mr. Wallace made from his illegal dumping operation, the Attorney General's Office was scheduled to question a relative of Mr. Wallace in a legal setting on April 20; however, her legal counsel requested and received a last-minute delay.

In response, the Attorney General's Office has filed a motion with the court to compel this relative to appear for this legal questioning without additional delay.

POINT 3: Also, as part of the process of obtaining funds that can be used for the cleanup of this illegal waste mountain, the Honorable James Rothschild, the retired Superior Court Judge who has been appointed receiver of Mr. Wallace's estate, has sold some of Mr. Wallace's assets.

The town has not yet been advised as to the specific amount of funds that have been raised through Judge Rothschild's efforts. And ...

POINT 4: As our way of doing everything that we can to prevent our town's local taxpayers from having to foot any portion of the bill to clean-up Mr. Wallace's waste mountain, and to heal the civic black eye that Mr. Wallace has given our town, the Mayor and Council have been in active pursuit of any state and/or federal funds that we could possibly obtain for this cleanup purpose.

The Mayor and Council will continue to keep close tabs on this Wallace matter, and we will do everything that we can to keep you appropriately informed.

For those of you who were able to visit our Farmers' Market's 2021 Grand Opening this past Saturday, you already know that the Vernon Farmers' Market is not only back, but it's back bigger than ever!

The Vernon Farmers' Market is but one testament to the unique value that volunteers bring to our town.

It's my understanding that the Vernon's Farmers' Market was started three years ago by municipal volunteers, Ms. Toni Cilli, before she became a Council Member, and Ms. Cheryl Shortway. I am told that they also had the strong support of another group of volunteers - - the volunteers on the Greenway Action Advisory Committee.

Our Farmers' Markets have now developed into biweekly events that are highly anticipated by many in our town and in the surrounding communities.

Last year's Farmers' Markets saw visits by a steady stream of both, long time and new Vernon residents, plus frequent visits by a meaningful number of out-of-town visitors who often stopped by our Farmers' Markets before and/or after walking a portion of the Appalachian Trail.

The municipal coordinator of our farmers' markets, our town's Director of Recreation and Community Development, Ms. Michelle Downtain, tells me that our farmers' markets could not be possible, nor could they be successful, without the host of dedicated municipal volunteers who donate their time and effort for the town that they love.

As I walked around Saturday's Farmer's Market and greeted the vendors and the visitors in attendance, all while enjoying a beautiful warm spring day in Vernon Township, I couldn't help but think about the fact that there is something that's mentally and emotionally healing for us humans in the repeated refrains of nature; and that is the assurance that the warmth of spring and summer will always come, even after a hard, cold winter!

Our next Farmers' Market will be hosted on Saturday, June 12, from 9am-1pm; if your schedule permits, please join us.

COUNCIL COMMENTS

Vice President Auberger commented saying that he and the Mayor reached out to the VFW to see if there was a way to help get the Memorial Day parade to happen. Unfortunately, it was too late to get the permits from the State. They will be hosting a Memorial Day ceremony at Veteran's Memorial Park on Monday at 11:00 am and Vice President Auberger hopes that a lot of people come to support this. Vice President Auberger said if the Mayor would like they could possibly have a Fourth of July parade being that the Memorial Parade did not happen.

Council Member Weller said she is sorry she missed the farmer's market but she heard it was a huge success and she is hoping to be there in the coming weeks.

Council Member Pitsker commented saying we may need more room for the farmer's market. It was great to see the first one like that and hopefully we will see some kind of normal.

Council Member Pitsker said that CFO Bright did a great job with her presentation and asked if it could be published on the website and added to the minutes.

Council Member Cilli said she is sorry she missed the farmer's market as well but someone bought her honey from the farmer's market. She told the Mayor that she loves that he goes and supports it every time. It is bigger and better than ever.

Council Member Cilli wanted to thank Craig Williams and the GGAC committee for arranging the trail cleaning and there were so many volunteers that hopefully there will be a few more trails to clean.

COUNCIL PRESIDENT COMMENTS

I have been conducting research into the East 300 Upgrade Project compressor issue for several weeks.

The East 300 Upgrade Project will increase natural gas capacity through the existing Tennessee Gas Pipeline system to meet the market needs of Consolidated Edison Company of New York.

Published articles break down into pro fossil fuel or green economy/anti-fracking. Some government officials are accused by progressives/liberals of being influenced by monolithic energy companies. Fossil fuel advocates counter their opponents lack credible research that backs their allegations. <https://www.utne.com/environment/effects-of-air-pollution-zm0z15fzsau>

The East 300 Upgrade Project does cause concerns. Allegations by opponents rely on questionable information. For example: The pipeline crosses Vernon. Opponents claim the pipeline is 65 years old. The initial line may be that old. However, a 30" pipe was installed approximately ten years ago.

Independent studies are difficult to find.

Opponents of the project include Food & Water Watch and the Southwest Pennsylvania Environmental (SPE) Health Project. Their initiatives are funded in part by the Park Foundation.

The Safety Assessment of Large Shale Gas Compressor Stations in Residential Neighborhoods in New York State was funded by The **Park Foundation**. This foundation has been a major supporter of the anti-[fracking](#) movement. The foundation has donated hundreds of thousands of dollars to Food & Water Watch and SPE since 2008.

SPE conducted a pilot project in Minisink, NY around a newly built shale gas compressor station in 2014.

Results include:

One of the most important lessons learned by participants is that local weather patterns play a large role in exposures to outdoor pollutants, for homes, neighborhoods, schools and other community spaces.

Acute health symptoms may result from these exposures. Based on community results and emerging published research, SPE determined that health impacts from shale gas compressor stations were not only plausible, but also likely.

However, The East 300 Upgrade Project has approvals from the New Jersey Department of Environmental Protection and the Highlands Council.

A Federal Energy Regulatory Commission environmental review also found that the project “would not constitute a major federal action significantly affecting the quality of the human environment.”

Highlands Council Executive Director wrote, “The efforts to avoid, minimize and mitigate for resource impacts are sufficient to find that the project is consistent with the goals of the Highlands Act.

TGP will conduct a presentation next month to address the Project.

I submitted the following questions to them in anticipation of the presentation.

Will there be periodic reviews of PM and VOC exposures, especially during blowdown events and times of poor air quality?

Will venting and blowdowns during times of poor air dilution be prohibited?

Will there be notifications in advance of large releases including blowdowns within a minimum distance of 1.25 miles of the compressor and notification of accidental releases?

Will compressor station emission levels be available to the public for review?

Will periodic health studies to track community health effects of residents within 1.25 miles of the compressor be conducted?

If so, what method will be used?

The Rand Corporation developed the SF-36 survey, is this survey under consideration?

Will there be particulate matter monitoring stations using Speck Sensors?

At this time, I will not support a Resolution in opposition to the Project until TGP has an opportunity to answer public questions and explain their position.

EXECUTIVE SESSION – Resolution #21-131 – Resolution to Enter into Executive Session Pending, Ongoing or Anticipated Litigation or Negotiation Contracts – SCUMA, Baldwin Property

At 8:04 pm Council President Shortway asked for a motion to close the meeting to the public and go into Executive Session.

MOTION: Kelly Weller
SECOND: Toni Cilli
All members were in favor.

Council President Shortway asked for a motion to close Executive Session.

MOTION: Kelly Weller
SECOND: Toni Cilli
All members were in favor.

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 9:04 p.m.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Harry Shortway,
Council President

Minutes approved: June 14, 2021