

VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
JUNE 13, 2022 7:00 PM

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

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 14, 2022 and on May 3, 2022 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.

SALUTE TO THE FLAG

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

ROLL CALL

Present were Council Members Natalie Buccieri, Michael Furrey, Brian Lynch, Harry Shortway and Council President Patrick Rizzuto. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, Municipal Clerk Marcy Gianattasio and Township Attorney Josh Zielinski.

PRESENTATION

Heathy Town Award- New Jersey Health Care Quality Institute

Katie Bisaha, Community Health & Policy Associate, New Jersey Health Care Quality Institute presented the Healthy Town award to Mayor Burrell.

PROCLAMATION

Sussex County Pride

Council Member Lynch read the proclamation.

DISCUSSION ITEMS

Mayor's Salary

Council Member Furrey explained that he asked for this to be placed on the agenda. I was not in support of the change in government and I still believe it does not work for Vernon. However, the voters asked for it and we must make it work. The position is not part time but rather fulltime. It requires the management skills to look over a \$30 million budget. It is a full-time job that requires better pay. I understand that we are going through rough economic times but we need to do this right. By providing a better salary, we will attract the right people to run for Mayor. Our other choice is to petition for a change back to the original form of government. Vernon needs to make a choice!!

Council Member Shortway feels that the Mayor's job is never ending with emails and phone calls non-stop and it is a full time job. He feels that the \$30,000 is not fair and this is a good time to start this discussion since the current Mayor's term will expire at the end of 2023.

Council Member Buccieri asked if any research has been done as to other Mayor's salaries in other towns.

Council Member Lynch feels that he is uncomfortable talking about this at this time because of the economy. He would rather change the form of government back to what it was as opposed to the Strong Mayor form of government.

Council Member Furrey agrees that rather than changing the Mayor's salary we should go back what the form of government should be.

Council Member Buccieri feels that this is a difficult time to talk about a raise. She does not know if there is support for a change in government in the town and it is a time-consuming process. She is not committing to anything right now.

Council President Rizzuto feels that this is not the time for a salary increase for any public official. He also feels that this may give the opportunity for the community to assess the change that was made previously a little over ten-years ago to see if they are happy with how things have been done. If not, move forward and put in another change of government. This requires the initiative of the people to make this change.

Council Member Buccieri understands all of the time and effort the Mayor puts in.

Northwoods at Vernon (Resolution #22-154)

Township Attorney explained the Properties were each owned by Northwoods at Vernon, LLC. The Properties fell into disrepair and the Township assessed fines in the amount of \$6,658,033 against Northwoods at Vernon for fire code and construction code violations related to the Properties. The fines are not recorded as liens against the Properties. The municipal taxes for the Properties were not paid and tax liens were sold at auction. The final judgments of foreclosure were entered and recorded as to Units 1, 3, 7 and 8; and Echo Lake Enterprises, LLC is the current owner of Units 1, 3, 7, and 8. Echo Lake is the current holder of tax sale certificates against Units 2, 5 and 6.

Northwoods at Mountain Creek, LLC has entered into a contract to purchase the Echo Lake Units and Echo Lake Tax Liens and intends to foreclose on the liens to develop the Properties. Northwoods at Mountain Creek, LLC intends to begin demolition on the Properties by October 1, 2022. The construction contemplated by Northwoods at Mountain Creek, LLC will result in new development and municipal taxes being paid to the Township of Vernon. Northwoods at Mountain Creek, LLC is not responsible in any way for the condition of the Properties when the violations and fines were assessed against Northwoods at Vernon by the Township of Vernon. Once Northwoods at Mountain Creek, LLC completes its contemplated demolition, the condition of the Properties that resulted in violations and fines being issued against Northwoods at Vernon will be abated.

Council Member Shortway explained that he learned of Northwoods early in his term as mayor and discovered the following:

Northwoods is an eight-unit structure, located on Route 94 North between the Vernon Medical Arts Building and The Appalachian Hotel at Mountain Creek. It has been vacant and abandoned for more than a decade. A third party purchased the Northwoods tax liens and foreclosed on some of the units. Mountain Creek (MC) negotiated an agreement with the third party to purchase the foreclosed properties and the outstanding tax liens.

History: As mayor I undertook a concerted effort to crack down on absentee landlords, vacant or abandoned buildings (including Northwoods) and illegal housing rentals, (Legends).

Northwoods was determined by the Township to be in an unsafe condition on August 23, 2012. It was ordered to be demolished by September 2012 or a \$2000.00 a week fine would be imposed. The order was ignored and no evidence could be found that indicates the municipal government at that time took action to mitigate the hazard. The owner was identified as Northwoods at Vernon, address 3621 Route 94 second floor Hamburg, NJ 07419. In addition, Northwoods was formally cited for an imminent fire hazard on Aug. 28, 2015, and fines that accrued at \$5,000 per day.

The listed owner of the facility, was alleged to be a shell company created by the late Gene Mulvihill. The address is the same as Crystal Springs and other Mulvihill LLCs.

Other LLCs listed at this address;

Adler Steinhardt Corp.

Crystal Springs Development The
Spa at Crystal Springs, Inc.

Shinnahon

HR2 Development Corp.

Mulvihill c/o Resort Club

Great Gorge SCC c/o Spa at Crystal Springs

Rt. 94 Development Corp.

Seasons Condo Holding Co.

Some of these LLCs are associated with the illegal rentals at Legends, Black Creek Drive solar panels, land parcels below Black Creek Drive and the failed 2012 financial agreement with the former owners of MC. Crystal Springs Builders CEO, Andrew Mulvihill, told the NJ Herald, he had no knowledge of who owns Northwoods and "His father, Gene had an investment over at Northwoods many, many years ago. Mr. Mulvihill stated, "I have nothing to do with it, and it's that simple. It was alleged that Mayor Marotta planned to have a local contractor demolish the structures for \$70,000 due to the hazardous conditions of the structures. I could not locate any resolution, RFPs or bids approved by the council supporting the demolishing. I physically inspected the development. Trees were growing through the roof, windows and doors were broken leaving the structures unsecured. The grounds were littered with alcohol beverage containers and other debris indicating recent unlawful presence. The fire departments would not even use the premises for training due to its condition. Northwoods was clearly an attractive nuisance jeopardizing the wellbeing and safety of anyone on the property coupled with the Township had actual notice of this hazard. Action needed to be taken.

My first concern is safety. These structures had been deteriorating for years. I directed the enforcement of our codes, ordinances to mitigate the hazards and legal process to return these properties back to the tax rolls. Judge Devine fined the owner(s) \$642,000 on Jan. 15, 2019 for zoning and safety violations.

He also placed a \$6.35 million penalty for failing to remedy fire code violations bringing total fines to approximately \$7 million. The fines were issued to the owner in absentia after multiple attempts to deliver violation notices failed. The Northwoods owner(s) is unlikely to ever come forward and the Township is unlikely to ever receive a dime of the \$7 million: from the fines. Placing a lien on the property for fine collection will deter any entity from purchasing the tax liens for foreclosure and subsequent development. The Township will also need to demolish the structures at taxpayer expense. The current owners of MC are not responsible for this hazard. Unlike previous Mountain Creek owners, the Joe Hession team has fulfilled its contractual obligations pursuant to the agreement we negotiated in 2018 and property taxes are paid.

Mr. Hession will demolish the structures at MC's expense saving property taxpayers' tens of thousands of dollars. Mountain Creek will develop the property generating additional property tax and wastewater revenue.

Council President Rizzuto understand that as Mayor the aggressive stance is necessary to move things like this along. He concurs with Council Member's Shortway's stance on this.

Council Member Lynch said that the, building department and zoning department inspects a lot of properties, also levies fines and judgments against people. If it has gotten this big, it means that there were problems. He feels that this resolution should not be voted on until the work is done.

Council President Rizzuto explained that they are ready to demolish but without the assurance of not being tagged with the fines, they are probably going to have to walk away.

Attorney Zielinski believes that they are going to demolish all of the structures.

Council President Rizzuto feels that Mr. Hession has demonstrated the responsibility and the integrity that he will follow through on this and he asked Council Lynch to change his view on this.

Council Member Buccieri asked if there is a way to put a contingency on the waiver of the fines.

Council Member Shortway explained that we cannot use taxpayer money to demolish this and Mountain Creek has met all of their previous obligations.

Attorney Zielinski explained that the resolution provides that demolition will begin on October 1, 2022. He explained to the Council that they could amend the resolution to read that demolition must begin October 1st as promised by Northwoods at Mountain Creek, LLC. This would ensure that demolition occurs and begins by that date.

Per Diem Mutual Aid Agreement for Water Emergency Standbys (Resolution #22-160)

Council Member Lynch was under the impression that we were under Title 40, and if you called for mutual aid that mutual aid automatically needs to be rendered.

Township Administrator Voelker was not informed of this resolution.

This resolution will be pulled from the agenda until research can be done on this subject. It will be on for discussion at a future meeting.

Cannabis Cultivation Site Visit

Council President Rizzuto and Council Member Buccieri visited the Ascend NJ, LLC in Franklin NJ. They cultivate and process medical marijuana. They were very impressed with the facility and learned a lot about the daily operations. They learned what it takes to grow marijuana. The site visit was very detailed and eye opening.

REVIEW OF BILLS LIST

The Council had no questions or comments on the bills list.

Council Member Rizzuto read a resolution for the dedication of the name of the park and pump track.

RESOLUTION DEDICATE NAME OF PARK AND PUMP TRACK

WHEREAS, the youth of our community are being encouraged to avail themselves of the opportunity to use the new pump track for exercise, fun and competitive biking competition and,
WHEREAS, many of these young men and women have developed deep friendships and respect with fellow competitors, new acquaintances and,
WHEREAS, these young men and women have seen the pain and suffering experienced by their friends brought on by bullying due to lack of peer acceptance, different life styles and different social attitudes and,
WHEREAS, these young men and women have seen their friends experience the horror, and loss of life brought on by the influence of opioids, and addictive substances and,
WHEREAS, so many of these deeply troubled youths have sought to escape the hurt, loss and the terrible anguish of feeling unloved and not being accepted by choosing to end their lives and, **WHEREAS**, the Vernon Township Council seeks to remember these young men and women who left us too soon but still live in the hearts of their loved ones and to offer hope and solace to those who are still deeply troubled seeking acceptance and a place to unburden themselves,
NOW, THEREFORE, BE IT RESOLVED, the Vernon Township Council does hereby dedicate and name the new park and pump track, "**The Vernon Township Youth Memorial Park and Pump Track**"

Council President Rizzuto asked for a motion to approve resolution #22-162.

MOVED: Lynch

SECOND: Buccieri

A roll call vote was taken.

AYES: Buccieri, Lynch, Rizzuto

NAYES: Furrey, Shortway ABSTAIN:

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-162

MAYOR COMMENTS

I want to remind everyone of our Vernon Day event that has been planned, and will be hosted by, the Vernon

PAL organization, under a contractual agreement with the township. The event will take place at Vernon Township High School on Saturday, July 18, from 11 am to 4pm.

I committed to the Council and the public that when I had some clarity concerning the ownership of the street, Black Creek Drive, that's in our township, I would share that clarity with them.

Consistent with that commitment, I have some clarity that I would like to share tonight.

A review of the results of the extensive research conducted by Municipal Engineer Stoner into the question of the ownership of Black Creek Drive, has been made by me, Municipal Attorney Zielinski, and Mr. Stoner.

This research has not yet found a document that reflects a clear, simple transfer of Black Creek Drive to the town; in fact, because decades ago some property related transfer documents were not recorded, were not detailed, and/or were not maintained in the way that they are today, finding such a document may be mission impossible.

However, what we have found are municipal resolutions and other communications in which the town repeatedly declared its ownership of Black Creek Drive, and has taken actions that one could only take if it owned Black Creek Drive.

While there has been some publicly expressed differences between the Mayor and some members of the Council concerning the ownership of Black Creek Drive, the public should know that consistent with our charge as one governing body, both the Mayor and the Council, have been working together behind the scenes to come to a logical, reasonable agreement on the question of the ownership of Black Creek Drive.

In that regard, I am thankful to Council President Rizzuto and Council Members Lynch and Shortway, for the documents that they have provided which supports the town's claim to ownership of Black Creek Drive; and, I am very thankful to the overwhelming majority of the Council for their expressions of their beliefs that they now join with me in concluding that our town does in fact own Black Creek Drive.

Let me, again, restate the 5 things that we do know for sure about Black Creek Drive:

1. The Town has snow plowed and maintained Black Creek Drive over the past two-plus decades, under the belief that it is a town owned road;
2. Municipal records show that during the period over the past two-plus decades, no member of our town's municipal governing body has ever officially expressed any doubts or concerns as to if Black Creek Drive was a Town owned road; nor has any member of our town's municipal governing body ever complained about the town spending taxpayer resources for the snow plowing and maintaining of Black Creek Drive;
3. From the time four and a half decades ago, when the town purchased the 11-plus acres of land located at the end of Black Creek Drive, it has acted on the fact that it has a Right-A-Way - that is the authority - to use Black Creek Drive to get to this property, and has in fact routinely done so;
4. When, in the early 1990s, the Town established its DPW Temporary Storage Facility on a portion of this

11-plus acres of land, it continued to act on the fact that it had a Right-A-Way and the authority to use Black Creek Drive to get to and from this property; and ...

5. When, in the early 2000s, the Town built its sewer system's Pump Station# 1 on a portion of this 11- plus acres of land, it continued to act on the fact that it had a Right-A-Way and the authority to use Black Creek Drive to get to and from this property.

Based on the fact that the Council and the Mayor consider this to be a resolved issue, we will move forward with the understanding that Black Creek is a municipal owned road.

I am proud of the fact that the Board of Education and one of the EMS services, the Glenwood-Pochuck Volunteer Ambulance Corps, in the town in which I live, and in which I currently have the honor of serving as Mayor, have demonstrated an act of kindness, inclusion and respect by making the decision to fly the PRIDE flag during June, which has for the past several years been recognized by presidential proclamation as PRIDE Month.

It was my hope and desire that our town's governing body - - that is the Town Council and the Mayor- - would join together and play a leadership role in our county, by becoming the first town, the first school district, and the first EMS governing body in Sussex County to collectively fly the PRIDE flag during the month of June.

However, while Council Members Shortway and Furrey supported my desire that the PRIDE flag be flown at our Municipal Building during June, this matter was not put on the Council agenda for an up or down vote.

I understand that some, in fact many, in our nation have fears and discomforts about issues related to the PRIDE flag.

While I am not a member of the LGBTQ community, I understand the intensity of these fears and discomforts, because I lived through an intense period in our nation's history when many in our nation had very similar fears and discomforts about issues related to Americans of my skin color.

Because we are a nation where most of the people believe in fairness, and in the last four words of the pledge to our nation's flag - - the words that say "with liberty and justice for all" - - because we are such a nation, given the passage of time combined with the development of multi-racial relationships and

friendships, some, although not all, have put aside and gotten over the most damaging those fears and discomforts related to skin color.

I truly believe that there will come a day and time in our nation, when we as a collective group of people will be able to also put aside and get over those fears and discomforts of issues related to the PRIDE flag.

But unfortunately, that time is not now, and that day is not today.

I have had some of my good friends say to me, "Howard, don't stand up for these people; this is not the time; let some future Mayor handle this 'hot potato'; it will only hurt you in the eyes and thoughts of the majority of Vernon residents".

Well, that advice from my friends may be true. However, I believe strongly in the statement of one of my civic heroes, the great American, Dr. Martin Luther King, Jr., in which he said that there is never a wrong time to do the right thing.

And while the stand that I am taking may not be the politically correct thing to do at this time, I believe it is the moral, fair and right thing to do.

I don't believe that our LGBTQ brothers and sisters are simply asking that I, or anyone else, approve their "life style" or their "choice" - - because I don't believe that being gay is a "life style" or something that a person "chooses".

I believe that our LGBTQ brother and sisters are asking that we understand, that we are all made by the same Creator. And:

Just as that Creator made some of us with brown, black and blond hair - - he also made some of us with red hair;

Just as that Creator made some of us with what we call brown, black, yellow and white skin - - he also made some of us with what we call red skin; and...

Just as that Creator made some of us with an orientation that we call "straight" - - he also made some of us with an orientation that we call "gay".

Why this is the case, I don't know, and I don't fully understand: all I know is that it is.

But what I do strongly believe is just as those of us who were made "straight", want to be free to be the individuals that our common Creator made us to be, those of us who were made "gay", also want to be free to be the individuals that our common Creator made them to be.

Because four members of the Council have said that they were in favor of our town doing something to observe PRIDE Month;

Because my life experiences and my faith have taught me that it is not OK to treat or disrespect others in a way that I would not want to be treated or disrespected; and ...

Because a major focus of my personal and civic actions has always been on doing whatever I could to contribute to our nation's on-going effort to achieve that "more perfect union", that's articulated as an objective in the preamble to our nation's constitution - -

Because of these factors, I chose to act on my own to join with the Vernon Township Board of Education, the Glenwood-Pochuck Volunteer Ambulance Corps, as well as a current large and growing number of other governing bodies in New Jersey, by finding a way for our township to also demonstrate an act of kindness, inclusion and respect for our LGBTQ brothers and sisters.

As the Mayor of Vernon, just as I have granted approval for others to put tasteful, appropriate displays outside and inside of the Municipal Center during those national celebratory months for events that are recognized by presidential proclamation, I also granted approval for members of the LGBTQ community to place a beautiful, positive, and educational PRIDE display in the lobby of the Municipal Center during the Pride month of June.

In addition, as I have done during the observance of other national celebratory months for events that are recognized by presidential proclamation, I approved the inclusion of a PRIDE flag to be one of the several rotating displays to appear on the electronic sign that's mounted in the front of the Vernon Municipal Center.

I believe that it was four years ago, that Vernon Township became the first Sussex County municipality to formally acknowledge PRIDE Month via a Council Proclamation; and I want to congratulate and thank the Council for again acknowledging PRIDE Month by the Proclamation that they have put forth tonight.

This is just one of the many ways that Vernon Township is accepting its role, not just as the largest municipality in Sussex County, but also as a positive leader in our county.

PUBLIC COMMENTS (For Current Agenda Items Only, 3 Minutes per Person)

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

MOVED: Lynch

SECOND: Buccieri

A roll call vote was taken to open the meeting to the public

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to open the meeting to the public.

Craig Williams - Glenwood, has questions in regards to ordinance #22-11. He is concerned about the zoning.

Jonathan R. Hanson - Glenwood, spoke on behalf of Jason Rinker. Requested to have a memorial plaque for Jason Rinker at the pump track.

Alexis Franklin - Glenwood, troubled that the vote to name the pump track was not on the agenda tonight. She feels that the bike community should name the pump track.

Judy Storms - Glenwood, concerned about safety at the pump track.

Kyle Nelson- Vernon, is in favor of having a memorial plaque at the pump track for Jason Rinker.

Dee McAree - Vernon, supports the raising of the pride flag. She was alarmed that the Council talked about changing the government to what it should be instead of giving a raise to the Mayor. Ms. McAree is in support of a memorial at the pump track.

Carl Contino - Vernon Township, thanked the Council and Mayor for proclaiming Pride month. Victoria

Baumgartner - Vernon Township, is in support of a memorial at the pump track.

Mark Heftier - Highland Lakes, spoke in support of resolution #22-156. He is concerned with resolution #22-161.

Peg Distasi - Vernon Township, had questions on the bills list. She supports resolution #22-161. Ms. Distasi opposed ordinance #22-13 because she feels it gives an increase in the Mayor's salary. Ms. Distasi feels that the

voters should vote on the name of the pump track and individuals should be allowed to memorialize people.

Thomas Mc Clachrie - Vernon Township, disagrees with the Township Attorney and Council on how to change the township's form of government. He sees no reason why we should be paying the Business Administrator for everything that the Mayor does. Mr. McClachrie feels the problem with Northwoods is the taxpayers paid a lot of money.

Simone Kraus - Vernon Township, thanked the Council and Mayor for honoring Pride Month but feels that having another flag pole would provide opportunity.

Sean Clarkin - Vernon Township, feels that whether we keep our form of government or change it, we need to focus on citizen participation. He also feels that Vernon should have an email list and there needs to be a better form of communication.

Bill Tablesetter - Vernon Township, thanked the Council for honoring Pride Month and coming around on the pump track.

Doreen Edwards - Vernon Township, is in favor of changing Vernon's form of government.

Jessi Paladini - Vernon Township, is in favor of changing Vernon's form of government. She rebuked Mayor Burrell.

Camila Diresta - thanked the Council for honoring Pride Month and she feels that Mayor Burrell is an inspiration.

Bridget Esposito - Vernon Township, thanked the Council for honoring Pride Month. She feels the naming of the pump track should be decided by the people.

Ann Larson - Vernon Township, feels that we should try to recoup some of the money that Northwoods owes.

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

MOVED: Lynch

SECOND: Buccieri

A roll call vote was taken to close the meeting to the public

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to close the meeting to the public.

Council President Rizzuto visited the pump track construction site. He was concerned with the installation of a culvert. But since this was trench when this was only active during a very rainy period when you had runoff from the side of the mountain, that culvert did not require approval from the DEP. As far as the failure of the stilt fence, it did stop some the runoff but it failed because of the amount of water and the pressure. Conversations with the Township Engineer indicated that he was working on this. With regards to the millings, this was part of the runoff. The actual statement regarding the ADA compliance, would never have

qualified because the grade is so substantial, you would have to find another way of getting to that particular path. The ADA compliant area is around the pump track and a loop that is that could be considered to have good ingress onto the path.

MINUTES

- April 11, 2022 - Regular Meeting
- April 25, 2022 - Executive Session
- April 25, 2022 - Regular Meeting
- May 9, 2022 -Executive Session

May 9, 2022 - Regular Meeting
May 23, 2022 - Regular Meeting

April 11, 2022 - Regular Meeting

May I have a motion to approve the April 11, 2022 Regular Meeting minutes?

MOVED: Furrey
SECOND: Shortway

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve the April 11, 2022 regular Meeting minutes.

April 25, 2022 - Executive Session

May I have a motion to approve the April 25, 2022 Executive Session minutes?

MOVED: Furrey
SECOND: Buccieri

AYES: Buccieri, Furrey, Lynch, Rizzuto
NAYES:
ABSTAIN: Shortway
ABSENT:

Motion passed to approve the April 25, 2022 Executive Session minutes.

April 25, 2022 - Regular Meeting

May I have a motion to approve the April 25, 2022 Regular Meeting minutes?

MOVED: Lynch
SECOND: Buccieri

AYES: Buccieri, Furrey, Lynch, Rizzuto
NAYES:
ABSTAIN: Shortway
ABSENT:

Motion passed to approve the April 25, 2022 Regular Meeting minutes.

May 9, 2022 - Executive Session

May I have a motion to approve the May 9, 2022 Executive Session minutes?

MOVED: Lynch
SECOND: Buccieri

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve the May 9, Executive Session minutes.

May 9, 2022 - Regular Meeting

May I have a motion to approve the May 9, 2022 Regular Meeting minutes?

MOVED: Lynch
SECOND: Buccieri

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve the May 9, 2022 Regular Meeting minutes.

May 23, 2022 - Regular Meeting

May I have a motion to approve the May 23, 2022 Regular Meeting minutes?

MOVED: Buccieri
SECOND: Lynch

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve the May 23, 2022 Regular Meeting minutes.

CONSENT AGENT

Resolution #22-141: Refund Overpayment (Block 431 Lot 4-Celeste Reddy)

Resolution #22-142: Refund Overpayment (Block 386 Lot 7 -Lereta)

Resolution #22-143: Refund Overpayment (Block 529 Lot 12-Debra Marotta)

Resolution #22-144: Refund Overpayment (Block 527 Lot 532-Allied Title)

Resolution #22-145: Refund Overpayment (Block 528 Lot 82-Guardian Title Services, LLC)

Resolution #22-146: Refund Overpayment (Block 379 Lot 4-John & Helene Salerno)

Resolution #22-147: Refund Overpayment (Block 581 Lot 30-Bruce Tussey)

Resolution #22-148: Refund Overpayment (Block 431 Lot 4-Celeste Reddy)

Resolution #22-149: A Resolution Authorizing Emergency Procurement of Fuel for Daily Operations of the Township of Vernon

Resolution #22-150: Resolution of the Township of Vernon, County of Sussex, State of New Jersey, Awarding Procurement 7-2022 Refreshments Vendor at the Maple Grange Park Snack Stand Concession to Cupcake Cafe, LLC

Resolution #22-151: Resolution Authorizing Interlocal Services Agreement for the Services of the Department of Public Works.

Resolution #22-152: Authorizing to Endorse a Treatment Works Approval Application to the New Jersey Department of Environmental Protection for Construction of an On-Site Wastewater Treatment and Disposal System Alteration at Camp Louemma Located at Block 5 Lot 12

Resolution #22-153: Chapter 159 Resolution Approval of Revenue and Appropriation Amending the 2022 Budget as a Revenue and Appropriation of \$54,505.72

Resolution #22-156: Resolution Proclaiming June 2022 Freedom Month in Vernon Township

Resolution #22-157: Renewal of Liquor Licenses in the Township of Vernon for the 2022-2023 License Term

Resolution #22-158: Authorizing the Township Planner to Prepare a Redevelopment Plan for Block 521, Lot 10

Resolution #22-159: Authorizing the Township Land Use Board to Undertake a Preliminary Investigation to Determine Whether the Proposed Study Area Block 525, Lot 19 Study (Exhibit A), Qualifies as a Non-Condemnation Redevelopment Area Pursuant to N.J.S.A. 40A:12A-5

Council President Rizzuto asked for a motion to approve resolutions #22-141, #22-142, #22-143, #22-144, #22-145, #22-146, #22-147, #22-148, #22-149, #22-150, #22-151, #22-152, #22-153, #22-156, #22-157, #22-158, #22-159

MOVED: Lynch

SECOND: Shortway

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolutions #22-141, #22-142, #22-143, #22-144, #22-145, #22-146, #22-147, #22-148, #22-149, #22-150, #22-151, #22-152, #22-153, #22-156, #22-157, #22-158, #22-159

RESOLUTION #22-141

**REFUND OVERPAYMENT
(Block 431 Lot 4- Celeste Reddy)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Celeste Reddy in the amount of \$1275.13 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 431 Lot 4 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Reddy	431	4	\$1275.13
		TOTAL:	\$1275.13

RESOLUTION #22-142

**REFUND OVERPAYMENT
(Block 386 Lot 7 – Lereta)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Lereta in the amount of \$1,621.86 representing refund for overpayment of 2nd qtr. 2019 property taxes for Block 386 Lot 7 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Flores	386	7	\$1,621.86
		TOTAL:	\$1,621.86

RESOLUTION #22-143

**REFUND OVERPAYMENT
(Block 529 Lot 12- Debra Marotta)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Debra Marotta in the amount of \$2278.83 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 529 Lot 12 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Marotta	529	12	\$2278.83
		TOTAL:	\$2278.83

RESOLUTION #22-144

REFUND OVERPAYMENT
(Block 527 Lot 532- Allied Title, LLC)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Allied Title, LLC in the amount of \$812.55 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 527 Lot 532 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Castaldi	527	532	\$812.55
		TOTAL:	\$812.55

RESOLUTION #22-145

REFUND OVERPAYMENT
(Block 528 Lot 82- Guardian Title Services, LLC)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Guardian Title Services, LLC in the amount of \$1,142.33 representing refund for overpayment of 2nd qtr. 2021 property taxes for Block 528 Lot 82 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Medina	528	82	\$1,142.33
		TOTAL:	\$1,142.33

RESOLUTION #22-146

REFUND OVERPAYMENT
(Block 379 Lot 4- John & Helene Salerno)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to John & Helene Salerno in the amount of \$1879.18 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 379 Lot 4 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Salerno	379	4	\$1879.18
		TOTAL:	\$1879.18

RESOLUTION #22-147

REFUND OVERPAYMENT
(Block 581 Lot 30- Bruce Tussey)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Bruce Tussey in the amount of \$1379.04 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 581 Lot 30 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
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Tussey	581	30	\$1379.04
		TOTAL:	\$1379.04

RESOLUTION #22-148

AUTHORIZING THE TOWNSHIP PLANNER TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 521, LOT 10

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, the Township has designated the McAfee Village Redevelopment Area via Resolution #18-127, which reaffirmed Resolution #06-106 designating the McAfee Village Redevelopment Area (also referred to as Herold Square) which includes Block 521, Lot 10 as an area in need of redevelopment; and

WHEREAS, Block 521, Lot 10 is currently in the McAfee Village Mixed-Use Zone which doesn’t permit residential development that is not resort-related; and

WHEREAS, the Township Council wishes to pursue a redevelopment plan for Block 521, Lot 10, which allows for a specific plan for the property including a townhouse style of development which is not specifically resort-related housing; and

WHEREAS, the Township Council requests that the Township Planner, Jessica Caldwell, P.P., A.I.C.P., prepare a Redevelopment Plan for consideration by the Council pursuant to N.J.S.A. 40A:12A-7;

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

“The Township Planner, Jessica Caldwell shall prepare a Redevelopment Plan for Block 521, Lot 10 incorporating a townhouse style of development, which is not resort-related housing.”

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

RESOLUTION #22-149

A RESOLUTION AUTHORIZING EMERGENCY PROCUREMENT OF FUEL FOR DAILY OPERATIONS OF THE TOWNSHIP OF VERNON

WHEREAS, the Township has a need for continuity of daily operations in all aspects of its departmental responses, in the interest of the public safety, health and welfare; and

WHEREAS, due to unforeseen national economic circumstances encompassing supply chain delays and disruptions, the ability to provide for a permanent fuel station approved through council resolution for Petro Mechanics, has been delayed preventing permanent fuel station ability; and

WHEREAS, the lack of permanent fuel supply is an emergency affecting the ability of the Township to respond effectively and endangering the public safety health and welfare, in accord with N.J.S.A. 40A:11-6; and

WHEREAS, N.J.S.A. 40A:11-6 provides for the creation on an emergency appropriation and emergency procurement, for the public safety health and welfare of the community, for the purpose mentioned above, and,

WHEREAS, M. Spiegel & Sons Oil Corporation, 10 East Village Rd, Tuxedo, N.Y., has provided for a temporary fuel supply quote acceptable to the Township and not to exceed one (1) year in length, in accord with N.J.S.A. 40A:11-6; and

WHEREAS, the Chief Financial Officer hereby certifies that funds are available NOT TO EXCEED \$75,000.00 as follows:

2022 Current Fund Account Number O/E – 2-01-31-430-20 Utilities O/E

NOW, THEREFORE, BE IT RESOLVED, an emergency appropriation is hereby made for the emergency supply of fuel, by M. Spiegel & Sons Oil Corporation for the continued operation of the Township of Vernon daily operations in accord with N.J.S.A. 40A:11-6 in an amount not to exceed \$75,000.00

RESOLUTION #22-150

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AWARDING PROCUREMENT 7-2022 REFRESHMENTS VENDOR AT THE MAPLE GRANGE PARK SNACK STAND CONCESSION TO CUPCAKE CAFÉ, LLC

WHEREAS, the Township solicited concessionaire quotes in accord with N.J.S.A. 40A:11-6.1, under Procurement #7-2022 for refreshments vendor at the Maple Grange Park snack stand for the 2022 summer season ending on Labor Day and

WHEREAS the Township received one (1) proposal for service;

WHEREAS the Township Recreation director has recommended Cupcake Café, LLC 3339 Route 94, Hamburg, NJ 07419, as the most advantageous to the Township based upon Price and Other factors (N.J.S.A. 40A:11-6.1); and

WHEREAS, Cupcake Café, LLC has proposed paying the Township of Vernon \$250.00 per month as a concession fee to operate as refreshments vendor at the Maple Grange Park snack stand, as acceptable to the Township.

NOW, THEREFORE BE IT RESOLVED, that the Vernon Township Council hereby awards concession procurement to Cupcake Café, LLC 3339 Route 94, Hamburg, NJ 07419 in the amount of concession fee payable to the Township of Vernon in the amount of \$250.00 per month for the 2022 summer season ending on Labor Day.

BE IT FURTHER RESOLVED THAT, the Township Clerk shall send a certified copy of this resolution to Cupcake Café, LLC.

RESOLUTION #21-151

Resolution Authorizing Interlocal Services Agreement for the Services of the Department of Public Works

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

WHEREAS, the VTMUA has a need for emergency public works services in connection with it maintaining the sewer assets in the Township of Vernon (“Township”); and

WHEREAS, it has been determined that the Township can provide emergency public works services to the VTMUA without negatively impacting its operations and ability to serve the public; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. provides the mechanism for local governments to enter into contracts for the joint provision of required services; and

WHEREAS, both the Township and VTMUA wish to enter into an agreement for emergency public works services; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon that the Mayor and Township Clerk are authorized to execute an Interlocal Services Agreement between the Township and VTMUA for the services of the Department of Public Works in accordance with the mutual terms and conditions of the attached Interlocal Service Agreement.

RESOLUTION #22-152

AUTHORIZATION TO ENDORSE A TREATMENT WORKS APPROVAL APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CONSTRUCTION OF AN ON-SITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM ALTERATION AT CAMP LOUEMMA LOCATED AT BLOCK 5 LOT 12

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) is responsible for administering the Treatment Works Approval (“TWA”) program, which establishes and implements minimum standards for building, installing, modifying, and operating treatment works; and

WHEREAS, N.J.A.C. 7:14A-22.2 and 22.3 requires the filing of a TWA permit application with the NJDEP for building or modifying a sewer connection or extension; and

WHEREAS, in accordance with N.J.S.A. 58:10A-1 et seq., a municipality must endorse such application for review by the NJDEP; and

WHEREAS, Camp Louemma Lane, Inc. is requesting approval to construct an On-site Wastewater Treatment and Disposal System alteration at System located at Block 5 Lot 12 per plans submitted by MAP Engineering, LLC, dated 05/24/2022.

WHEREAS, the Township Engineer has reviewed the plans submitted and recommends the Township Council endorse the submission per letter dated June 8, 2022.

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

1. The Township will endorse the submission of the TWA application for the aforesaid project.
2. The Township Mayor is hereby authorized to sign the TWA on behalf of the Township.
3. This Resolution shall be made a part of the application submitted to the NJDEP.
4. This Resolution shall take effect immediately upon adoption according to law.

RESOLUTION #22-153

CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2022 BUDGET AS A REVENUE AND APPROPRIATION OF \$54,505.72

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has been awarded a \$54,505.72 Clean Communities Grant; and wishes to amend its 2022 budget for the difference of the awarded amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$54,505.72 which is now available as a revenue,

BE IT FURTHER RESOLVED that a like sum of \$54,505.72 is hereby appropriated under the caption Clean Communities Grant.

RESOLUTION #22-156

Resolution Proclaiming June 2022 Freedom Month in Vernon Township

RESOLUTION RE: Proclaiming June 2022 “Freedom Month” in Sussex County, Vernon Township

WHEREAS, on June 21, 1788, the United States Constitution was ratified after New Hampshire became the ninth out of thirteen states to ratify it, making the Constitution “the law of the land”; and

WHEREAS, on June 8, 1789, Representative James Madison formally introduced the Bill of Rights – a series of proposed amendments to the newly ratified U.S. Constitution – in Congress; and

WHEREAS, the Constitution and our Bill of Rights have been the legitimate and legal source of expanding the liberties and freedoms that all Americans enjoy; and

WHEREAS, citizens of the United States of America are free to exercise conscience and choice without regard to their gender, race, ethnicity, religion, or sexual preference because of the freedoms enshrined in the Bill of Rights and protected by the Constitution; and

WHEREAS, the Mayor and Township Council supports and encourages gatherings of all kinds to commemorate and celebrate the freedoms enjoyed under the Constitution and our Bill of Rights;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of Vernon Township declares June 2022 “Freedom Month” in Sussex County, Vernon Township.

RESOLUTION #22-157

RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF VERNON FOR THE 2022-2023 LICENSING TERM

WHEREAS, all licenses to dispense alcoholic beverages must be renewed and reissued annually no later than June 30, 2022; and

WHEREAS, pursuant to N.J.S.A. 33:1-1 et. seq., the Vernon Township Police Department has made the necessary inspections and reported same to the Township Clerk; and

WHEREAS, all of the licensees have complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2022-2023 licensing period effective as of July 1, 2022.

PLENARY RETAIL DISTRIBUTION	
Highland General Store Inc.	1922-44-002-002
Mac & Lindy’s LLC (Mac & Lindy’s Fine Wine & Spirits)	1922-44-012-001
LIMITED RETAIL DISTRIBUTION	
LWS2 Inc. (Lake Wanda Store)	1922-43-005-003
CLUB LICENSE	
Wallkill Valley VFW Memorial Post #8441	1922-31-010-002
PLENARY RETAIL CONSUMPTION	
FLME, Inc. (The George Inn)	1922-33-008-003
Appalachian Liquors Corp	1922-33-007-016
Drew’s Tavern, Inc. (Lamp Post Inn)	1922-33-001-004
HOTEL EXCEPTION	
Stone Hill Recreation SPE LLC	1922-36-011-003

RESOLUTION #22-158

AUTHORIZING THE TOWNSHIP PLANNER TO PREPARE A REDEVELOPMENT PLAN FOR BLOCK 521, LOT 10

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, the Township has designated the McAfee Village Redevelopment Area via Resolution #18-127, which reaffirmed Resolution #06-106 designating the McAfee Village Redevelopment Area (also referred to as Herold Square) which includes Block 521, Lot 10 as an area in need of redevelopment; and

WHEREAS, Block 521, Lot 10 is currently in the McAfee Village Mixed-Use Zone which doesn’t permit residential development that is not resort-related; and

WHEREAS, the Township Council wishes to pursue a redevelopment plan for Block 521, Lot 10, which allows for a specific plan for the property including a townhouse style of development which is not specifically resort-related housing; and

WHEREAS, the Township Council requests that the Township Planner, Jessica Caldwell, P.P., A.I.C.P., prepare a Redevelopment Plan for consideration by the Council pursuant to N.J.S.A. 40A:12A-7;

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

“The Township Planner, Jessica Caldwell shall prepare a Redevelopment Plan for Block 521, Lot 10 incorporating a townhouse style of development, which is not resort-related housing.”

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

RESOLUTION #22-159

AUTHORIZING THE TOWNSHIP LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA BLOCK 525, LOT 19 STUDY (EXHIBIT A), QUALIFIES AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12-1 et seq.* (the “Act”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Township wishes to utilize the Land Use Board’s knowledge and expertise in exploring whether the parcel, Block 525, Lot 19, also known as 161 NJSH Route 94, the proposed “Study Area”, shown on the map listed in Exhibit A, meets the criteria established by the Act; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed an area in need of redevelopment unless the governing body of the municipality shall, by resolution, authorize the Planning Board (Land Use Board) to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, the New Jersey Legislature adopted and the Governor signed P.L. 2013, Chapter 159, which amended the Act, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

WHEREAS, the Township Council finds it to be in the best interest of the Township of the Vernon and its residents to authorize the Township’s Land Use Board to undertake such a preliminary investigation of the study area as shown on the attached map in Exhibit A, as a Non-Condemnation Area; and

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

I. INVESTIGATION OF STUDY AREA AUTHORIZED

The Land Use Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6

to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A. 40:A12A-5, to be designated as a Non-Condensation Redevelopment Area.

II. MAP TO BE PREPARED

As part of its investigation, the Land Use Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein. Said map has been prepared and is attached as Exhibit A.

III. PUBLIC HEARING REQUIRED

The Land Use Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Non-Condensation Redevelopment Area.

At the hearing, the Land Use Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a Non-Condensation Redevelopment Area. All objections to a determination that all or a portion of the Study Area is in need of redevelopment and evidence in support of those objections shall be received and considered by the Land Use Board and made part of the public record.

IV. LAND USE BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed Non-Condensation Redevelopment Area, and conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Township Council in the form of a resolution as to whether the Township Council should designate the all or part of the Study Area as a Non-Condensation Redevelopment Area.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L. 2013, Chapter 159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condensation Redevelopment Area; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Land Use Board of the Township of Vernon; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Resolution #22-154: Resolution Concerning Enforcement of Fines Against Northwoods at Mountain Creek, LLC

Council President Rizzuto asked for to approve resolution #22-154

MOVED: Furrey
SECOND: Lynch

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

NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve resolutions #22-154

RESOLUTION # 22-154

RESOLUTION CONCERNING ENFORCEMENT OF FINES AGAINST NORTHWOODS AT MOUNTAIN CREEK, LLC

WHEREAS, Northwoods at Vernon, A Condominium is a condominium organized and existing pursuant to N.J.S.A. § 46:8B-1, *et seq.*, pursuant to a Master Deed dated September 5, 1978 and recorded in the Sussex County Clerk’s Office in Book 1020, Page 471 (the “Condominium”); and

WHEREAS, the Condominium consists of eight (8) Units (the “Properties”), designated on the Tax Map of Vernon Township as follows:

<u>Unit</u>	<u>Block</u>	<u>Lot</u>
1	531	197
2	531	198
3	531	199
4	531	200
5	531	201
6	531	202
7	531	203
8	531	204

WHEREAS, the Properties were each owned by Northwoods at Vernon, LLC (“Northwoods at Vernon”); and

WHEREAS, the Properties fell into disrepair; and

WHEREAS, the Township assessed fines in the amount of \$6,658,033 against Northwoods at Vernon for fire code and construction code violations related to the Properties; and

WHEREAS, the fines are not recorded as liens against the Properties; and

WHEREAS, the municipal taxes for the Properties were not paid and tax liens were sold at auction; and

WHEREAS, final judgments of foreclosure were entered and recorded as to Units 1, 3, 7 and 8; and

WHEREAS, Echo Lake Enterprises, LLC (“Echo Lake”) is the current owner of Units 1, 3, 7, and 8 (the “Echo Lake Units”); and

WHEREAS, Echo Lake is the current holder of tax sale certificates against Units 2, 5 and 6 (the “Echo Lake Tax Liens”); and

WHEREAS, Northwoods at Mountain Creek, LLC has entered into a contract to purchase the Echo Lake Units and Echo Lake Tax Liens and intends to foreclose on the liens to develop the Properties; and

WHEREAS, Northwoods at Mountain Creek, LLC intends to begin demolition on the Properties by October 1, 2022; and

WHEREAS, the construction contemplated by Northwoods at Mountain Creek, LLC will result in new development and municipal taxes being paid to the Township of Vernon; and

WHEREAS, Northwoods at Mountain Creek, LLC is not responsible in any way for the condition of the Properties when the violations and fines were assessed against Northwoods at Vernon by the Township of Vernon; and

WHEREAS, once Northwoods at Mountain Creek, LLC completes its contemplated demolition, the condition of the Properties that resulted in violations and fines being issued against Northwoods at Vernon will be abated; and

NOW, THEREFORE, BE IT RESOVLED by the Township Council of the Township of Vernon (“Township”) that the Township will not seek to recoup the fines assessed against Northwoods at Vernon from Northwoods at Mountain Creek, LLC provided demolition begins on October 1, 2022 as promised by Northwoods at Mountain Creek, LLC.

Resolution #22-155: Approving Active Volunteer Firefighter for membership in the New Jersey State Fireman's Association (Diorio)

Council President Rizzuto asked for a motion to approve resolution #22-155

MOVED: Furrey
SECOND: Shortway

A roll call vote was taken:

AYES: Buccieri, Furrey, Shortway, Rizzuto
NAYES:
ABSTAIN: Lynch
ABSENT:

Motion passed to approve resolution #22-155

RESOLUTION #22-155

**APPROVING ACTIVE VOLUNTEER FIREFIGHTER FOR MEMBERSHIP IN THE
NEW JERSEY STATE FIREMEN’S ASSOCIATION (Diorio)**

WHEREAS, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

WHEREAS, Christopher M. Diorio an active firefighter and member of the Highland Lakes Volunteer Fire Department, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Christopher M. Diorio for membership in the New Jersey State Firemen's Association.

Resolution #22-160: Resolution Authorizing Mayor and Municipal Clerk to Execute Per Diem Mutual Aid Agreement for Water Emergency Standbys as Requested Through the Sussex County Fire Coordinator on an As Need Basis

Council President Rizzuto feels that this resolution should be tabled until more information is received.

Motion to table resolution #22-160 was made by Council Member Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Shortway, Rizzuto

NAYES:

ABSTAIN: Lynch

ABSENT:

Motion passed to table resolution #22-160

Resolution #22-161: Resolution Vernon Township Flag Display Policy Motion to table resolution #22-161 was made by Council Member Lynch

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to table resolution #22-161

INTRODUCTION/IST READING OF PROPOSED ORDINANCES

Ordinance #22-13: Ordinance Establishing the Salaries for Certain Officers and Employees of the Township of Vernon, County of Sussex, State of New Jersey

Council President Rizzuto asked for a motion to introduce ordinance #22-13

MOVED: Buccieri

SECOND: Lynch

The understanding of the Council that this is only setting the salary ranges and no individual will be given a payroll raise.

Mayor Burrell said that there are five individuals who could not get the contractual 2% without the salary range

ordinance approved.

Council President Rizzuto commented that there will be another form so that we do not have to rely on only a rolling 2%.

Council Member Furrey asked to see what the current salary is. He did not receive the salary survey. A roll

call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to introduce ordinance #22-13

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #22-11: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending Section 330-160 Entitled "Schedule of Permitted, Conditional and Accessory Uses and Structures" to Prohibit Farmland Assessment on Properties Where Legal Cannabis is Cultivated

Council President Rizzuto read by title Ordinance #22-11

Council President Rizzuto asked for a motion to place Ordinance #22-11 on the floor for consideration.

MOVED: Furrey

SECOND: Shortway

A motion was made by Council Member Lynch to amend unlimited cultivators to two. Council

Member Furrey said he would be okay with two if this is the only amendment.

Council Member Shortway wants the number amended to five and Council Member Furrey agrees with this.

Township Attorney asked for clarification of the number of cultivation licenses. Council

Member Lynch said he would amend his motion to three cultivation licenses. Motion:

Lynch

Second: Shortway

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion carries to amend the number of cannabis cultivators in the light industrial zone to three.

Additionally, no more than three Cannabis Cultivators shall be permitted in the McAfee Village Mixed Use Zone, on R-2 Zone properties with a minimum of 6 acres located west of County Road 517, and on R-1 Zone properties with a minimum of 6 acres located on the northbound side of County Road 517.

Motion: Lynch
Second: Shortway

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto NAYES:
ABSTAIN:
ABSENT:

Motion carries to approve the amendment of the statement of boundaries.

Township Attorney Zielinski said that this ordinance does not have to go to the Land Use Board again because there were no amendments to the zoning.

Council President Rizzuto asked for a motion to introduce ordinance #22-11 as amended.

Motion: Furrey
Second: Shortway

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto NAYES:
ABSTAIN:
ABSENT:

Motion carries to introduce ordinance #22-11 as amended.

PUBLIC COMMENTS

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

MOVED: Lynch
SECOND: Buccieri

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

Motion passed to open the floor for public comment.

Eric Card - Highland Lakes, explained to the Council that he has been having a problem with the township replacing a pool.

Mayor Burrell will contact the construction and zoning departments.

John Hanson - Vernon Township, is in favor of a memorial plaque for Jason Rinker. Mayor Burrell explained that the town has a trust fund for donations.

Alexis Franklin-Vernon Township, asked why a sign was already being made to name the pump track.

Sean Clarkin - Vernon Township, is curious how much money is being wasted making a sign without the Mayor's approval. He asked for the status of us co-signing Mountain Creek's loan for their dam. He asked about the status of the radio tower that was sold. Mr. Clarkin feels that there is a buyer for the Northwood property and asked why the town hasn't taken the property in lieu of six million dollars. He said the attorneys know where the current owner of the Northwoods property is.

Bill Tablesetter - Vernon Township, congratulated the Council for passing the cannabis resolution.

Peg Distasi - Vernon Township, feels that there are items on the bills list that have not been publicly disclosed and she is not sure they should be there, she hopes they are not going to the pump track or trail. Ms. Distasi questioned the accuracy of the appraisal company due to the tax refunds every month. She feels that we need answers to previously disclosed situations. In addition, Ms. Distasi does not feel that there should be increases for any employees at this time and she does not understand how ordinance #22-13 could be voted on if the Council does not have the correct information. She feels that public meetings need to be held about the change in government. Ms. Distasi agrees with limiting the cannabis to three but we should take our time with this. She also mentioned ordinance #22-10 because she questioned what roads are being worked on. Ms. Distasi feels that there needs to be a follow up on fines. She is opposed to the naming of the park because it is a town park and it should be named by everyone. Ms. Distasi asked for the recreational trust fund be put on the website.

Thomas McClachrie- Vernon Township, said because one of the township attorneys did not file a lien on Northwoods, the town will not get a penny of it. He feels if the town can give up six million dollars, they should let the man with the swimming pool have it installed.

Jessi Paladini- Vernon Township, told the Council that they could make a motion and a second to have the question of the form of government on the ballot. She would like to see the documents the mayor mentioned about the ownership of Black Creek Drive. Ms. Paladini explained that an email went out that said that Dan Krause was going to be on the pump track sign and she feels that Pat Rizzuto's suggestion was a good one. Ms. Paladini feels that it is a bad precedence to have people donate money.

Doreen Edwards - Vernon Township, is very upset about the Northwoods resolution and she feels that we should be going after the attorney who failed to do the lien. She asked if we would know at the next meeting if the question will be put on the ballot to change the form of government.

Council President Rizzuto does not know if the Council can change their own government.

Ann Larson - Vernon Township, is concerned about the six million dollars and feels we have to go after the attorney who made the mistake. She feels that this form of government is not working and a raise for the Mayor is out of the question.

Camila Diresta - feels that the Mayor explains himself every week in his speeches. She thanked the Council for the Pride proclamation.

Bridget Esposito - Vernon Township, asked if a sign is being made, is the name of the park that was voted on tonight confirmed.

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

Council President Rizzuto asked for a motion to close the meeting to Public Comments. MOVED:

Lynch

SECOND: Buccieri

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto NAYES:

ABSTAIN:

ABSENT:

Motion passed to close the floor for public comment.

COUNCIL COMMENTS

Council Member Lynch reminded everyone that July 2, 2022 the Highland Lakes and Vernon Township Fire Departments are holding the July 4th fireworks.

Council Member Lynch thanked Council President Rizzuto and Council Member Buccieri for voting on the cannabis ordinance even though it is against a lot of what they believe in and he feels they took the well-being of Vernon Township into consideration. He feels that the money that comes from these two entities should go into fixing all of the roads in Vernon Township.

Council Member Lynch mentioned a plaque that was on the wall in the Council chambers years ago "Friends of Vernon" and he would like to have that plaque found and hung back up.

Council Member Shortway wished everyone a happy flag day.

Council Member Furrey commented saying, Mayor, Town Council and residents, my comments tonight are focused on one goal, to share the positive steps that Vernon is taking because some of us DO have an agenda.

The Cannabis Dilemma:

My position on cannabis is to promote the industry in way that benefits the taxpayers of Vernon but does not impact our rural way of life:

1. The LUB votes last year voted in the affirmative on an ordinance that allowed for cultivation sites in residential zones. Most of the farms are in residential zones and it is impossible to regulate the cultivation sites into any set area of the township.
2. Cannabis is not mentioned in Master Plan since the law is relatively new. How can this ordinance not conform to the master Plan?
3. In an email from Jessica Caldwell our professional planner she indicated that she advised the LUB to support the ordinance as they did last year. However, in the report to the council there was no support from the LUB.
4. I do admit that unlimited sites may be extreme however I still support raising the minimum from 2 to 5 sites. The Stated Commission has issued licenses to 34 companies with two right here in Vernon. They plan was to issue 37. Why not take advantage of the additional cultivation sites.
5. It is estimated that one cultivation site will generate \$450,00 in tax revenue, 3.5 million dollars over 5 years for the 2% share of revenue and about 40 jobs.
6. The money generated from cannabis should be used for any infrastructure project such as roads, water, sewer and economic development.

Vernon needs to get this right now and stop getting in its own way.

LGBT plus community:

I fully support their rights to express themselves and to seek for inclusion into our society. Any comments counter to this incite hatred and pulls us apart as a community. I commend Mayor Burrell for working with everyone to develop a fantastic display at the Municipal Building while providing educational material to the community so they can better understand each other. Once again, we can all come to a compromise!!! Thank you, Mayor!!!

Bike Park and Trails

I want to thank Jessi Paladini for bringing to our attention the issues at the construction site. Mayor Burrell, Harry Shortway, Paul Kearney, myself and Cory Stoner our engineer toured the site Saturday. All the issues are currently being addressed. I was particularly impressed by the design of the trail by the engineer how it protects the valuable assets of the MUA. With this trail, the MUA can now maintain the sewer pipes. If this work was not completed it was possible that a break in the sewer line would shut down all commercial businesses in the town center. The two projects are an example of the hard work of many in our community. Once completed they will be a township jewel for everyone to enjoy.

Mayor' s-Salary

I asked for this to be placed on the agenda. I was not in support of the change in government and I still believe it does not work for Vernon. However, the voters asked for it and we must make it work. The position is not part time but rather fulltime. It requires the management skills to look over a 30 million budget. It is a full-time job that requires better pay. I understand that we are going through rough economic times but we need to do this right. By providing a better salary, we will attract the right people to run for Mayor. Our other choice is to petition for a change back to the original form of government. Vernon needs to make a choice!!

Finally, I want to continue to work with the Mayor and Council even if we don't agree with each other. We are in this position to represent Vernon and do what is right for everyone. I will continue to make that effort.

Council Member Buccieri respects the Mayor's comments tonight and sharing personally. She does not like assumptions and when you assume why people make a decision specifically stating what you feel that decision is, fear and discomfort. She thinks that this is wrong and she would never assume why someone would make a decision, put words in their mouth or make that assumption. Council Member Buccieri said she is not comfortable with that assumption being made about her.

COUNCIL PRESIDENT COMMENTS

Council President Rizzuto said that one of the singular issues that the township continues to face, is the issue of developing users for our MUA. We need to address with our MUA, placement of all possible users on the sewer line as quickly as possible. In fact that line is available to qualified people who have the ability to connect than it should be so. More than that, as a Council and Administration, we need to address the potential development of additional users on the sewer system along the Route 94 Corridor and along Route 94 where the proposed housing developments are going to be constructed.

Council President Rizzuto understands that this is predicated on the action of our DEP and he feels that we must stay on top of them. If there is anything the Council can do, we offer our services to the Mayor and Administration in terms of trying to move this particular situation along.

ADJOURNMENT

At 11:12 Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Shortway.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: June 27, 2022

