

VERNON TOWNSHIP COUNCIL

SPECIAL MEETING MINUTES

June 26, 2020

The Special Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on June 26, 2020 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 had been provided to the public and the press on June 24, 2020 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.

The purpose of this meeting is to discuss the Pump Track, to discuss Resolution # 20-144, to discuss Resolution #20-145, to Approve the May, 28, 2020 and June 8, 2020 Regular Meeting Minutes and to approve the Consent Agenda and any other official business that may come before the Township Council. Official will be taken.

Present were Council Members John Auberger, Jean Murphy, Kelley Weller and Council President Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, CFO Donelle Bright, Township Engineer Cory Stoner 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 for Public Comments.

MOTION: John Auberger

SECOND: Kelly Weller

All members were in favor.

Sally Rinker – Vernon Township, addressed Resolution 20-122. Ms. Rinker would like to know why we would use an 11-acre parcel of property that is zoned for Town Center Community Development and could be hooked up public sewer system to produce EDUs.

Mayor Burrell commented that Resolution 20-122 was being pulled from the agenda.

Thomas Mc Clachrie – Vernon Township, commented on the donated property that is adjacent to the railroad tracks on Vernon Crossing Road. He assumes because this is a commercial piece of property a phase1 environmental audit has been done and shows no problems. Mr. Mc Clachrie mentioned an historical oil spill on the property from about 1995.

Adam Paladini – Vernon Township, is a proponent of the pump track project and would love to see Vernon benefit from this amenity. Mr. Paladini does not support a pump track behind Wings Restaurant off of Black Creek Drive. He feels that it will cost a lot of money for remediation of this site. Mr. Paladini feels this location is a dump site and it would be foolish to spend money cleaning it up. He feels that there are other pieces of property more suitable for the pump track.

Peg Distasi – Vernon Township, commented on Resolution 20-141 which is for the donated commercial piece of property, saying that this should be reviewed by the Environmental Commission before being accepted. Ms. Distasi said the Environmental Commission has not seen this and asked if it would be forwarded to them.

Jessi Paladini – Vernon Township, commented on the donated piece of property saying we know there is contamination and there is no point of getting a piece of property free when we have to spend to clean it up. Ms. Paladini said that this should be reviewed by the Environmental Commission which has the statutory responsibility to study Open Space.

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: Jean Murphy

SECOND: John Auberger

All members were in favor.

MINUTES

May 28, 2020 Regular Meeting

June 8, 2020 Regular Meeting

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

MOVED: John Auberger

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve the May 28, 2020 and June 8, 2020 Regular Meeting Minutes

Council Member Murphy made a point of order and read a resolution she requested to have on the agenda. Council Member Murphy explained that the majority of the Council agreed at the last meeting to have this resolution on the agenda.

RESOLUTION AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THE CONSTRUCTION OF THE VERNON PUMP TRACK

WHEREAS, the Citizens of the Township of Vernon (“Township”) passed a referendum on November 6, 2018 allowing expenditures from the Open Space Trust Fund for public Pump Track development; and

WHEREAS, the Township wishes to develop a Pump Track in the Township to promote physical activity and sportsmanship amongst its residents; and

WHEREAS, the Township Engineer has proposed a Pump Track within the township with a location to be determined; and

WHEREAS, the estimated cost for construction of the proposed Pump Track is to be no more than \$150,000; and

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the use of funds from the Township Open Space Trust Fund for the construction of the Township Pump Track for an amount not to exceed \$150,000; and

BE IT FURTHER RESOLVED that the Mayor is authorized to establish a location and to begin the process of procuring the services of the appropriate vendors for the construction of the Town Pump Track. Any agreements with such vendors shall be approved by subsequent resolution after their services have been procured in accordance with the Local Public Contracts Law.

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Township Engineer. Council Member Murphy made a motion to have this resolution placed on the agenda, seconded by Council Member Auberger.

Council Member Murphy made a motion to have this resolution placed on the agenda as a discussion item, seconded by Council Member Auberger.

MOVED: Jean Murphy

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Murphy, Weller

NAYES: Shortway

ABSTAIN:

ABSENT:

Motion carries to add this resolution to the agenda as the third resolution on the discussion of the Pump Track

ITEMS FOR DISCUSSION / RESOLUTIONS

Pump Track

Township Engineer, Cory Stoner started the discussion by explaining that the location of the site is along Black Creek Drive. Mr. Stoner proposes having environmental testing complete for materials that have been deposited at

the location for years. Mr. Stoner explained that this location is desirable because it is in the town center. He explained that the location is along Black Creek Drive towards the Township's pump station which has been used for storage of grits and other materials. Mr. Stoner also explained that the reason for doing the testing is to determine what is in the material that is being stored at the location and how it can be utilized or if it needs to be cleaned up. Mr. Stoner said that Excel Environmental Resources had a representative visit the property and review the material. Excel Environmental Resources feels that the materials are standard basic materials that you would find stored at a municipality and the stored material was not alarming to them. They feel that the material may come up high for hydro carbons and metal materials that come from road sweeping. The material may have to be removed from the site or can be reused for the building of the pump track or the bike path that was proposed in this area. The testing will determine if the material can be reused safely or if the material needs to be removed from the site. Mr. Stoner explained that there are grant opportunities once you know what the materials are.

Mr. Stoner explained that once the materials are reviewed and determined how they can be used; we can get into the site analysis conceptually of a pump track can be designed at this location. Mr. Stoner explained that his job would be to review the site for access, grading for development and to start talking to potential contractors that can build this facility. The conceptional engineering would be to fine tune the site for suitability, come up with cost for the cleanup and development of the site and to give a footing to move forward into a final design construction.

Mayor Burrell commented that Excel Environmental Resources are a reputable first class organization. Mayor Burrell said the whole purpose of evaluating the potential use of the material is to see if it can be reused. Mayor Burrell said after doing his due diligence, he learned that Port Jervis trucked in some of the same materials for their pump track to reduce their costs.

Council Member Murphy commented that the property is 11 acres and various items have been put in the location over several years. Some of the materials may have come from Maple Grange Park when it was being constructed. Council Member Murphy said that there is a trail of where the material came from. She said that there are restaurants right by the location that have water testing guidelines so we would know if there was a problem. Council Member Murphy is in agreement with proceeding with an investigation of the materials.

Council Member Murphy explained that the resolution she asked to have added to the agenda is no different than resolution 19-119 that was passed May 13, 2019 authorizing the release of \$176,000 for the trail. Council Member Murphy feels that the location of the pump track needs to be chosen but the Council needs to proceed in good faith.

Council Member Weller commented that Port Jervis used some of their left over material for their pump track and it was safe. She feels that if we are able to utilize the material for the pump track that is great and if not we will have to move the material and get it out of the location she feels this that is also okay.

Vice President Auberger commented that he was still a DPW employee when Maple Grange was being constructed. He explained that site 9 through 16 that was on the top of an old hayfield, this was material that was bought over from Maple Grange Park which was part of the Sam Grange Gravel Yard. It was all clean fill and they bought it here as a staging area, some was used and some was bought back to the park and used there. Vice President Auberger said that as far as everyone calling our storage yard a dump would be like calling a mason supply store a dump. He said that what is being stored is stock piling of materials for doing road work, drain repair, storm water runoff; all the sweeping from when the DPW sweeps the roads. Everything that goes in the storage yard usually comes right back out. The town has never used this location as a dumpsite, it is a storage area.

Vice President Auberger feels that the Black Creak site is a prime spot for the pump track because of the vistas that are there. He visited the Port Jervis pump track with Former Council Member Van Tassel to see how much space it would take to construct a pump track in Vernon. Vice President Auberger feels that the pump track would be a great thing for the town.

Council Member Weller commented that this is going to bring people from out of town and people will utilize local businesses.

Council Member Murphy that the intersection on the corner of 517 and Maple Grange was improved for sight distance but it is not a popular intersection for safety as there are accidents there all the time.

Mayor Burrell said he has been challenged to make a decision on where the pump track will be located and he is not afraid to make that decision. He wants what is in the best interest of the town. Mayor Burrell agrees with Council Member Murphy that the pump track needs to be built and as soon as the material is tested he will be moving things along. He is prepared to make whatever decisions need to be made.

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

MOTION: Kelly Weller

SECOND: Jean Murphy

All members were in favor.

Peg Distasi – Vernon Township, stated that she is 100% in support of recreational facilities in Vernon Township. As a member of the Vernon Township Environmental Committee it is her personal opinion, we must review the evaluation of the DPW storage yard in order to determine if and how the situation can be used for a potential trail or pump track. In addition, we must also review the DPW's process of storage going forward so we are never again in a position of the DEP issuing warnings of potential problems. Ms. Distasi said that as far as proceeding with the plan on the property we must get the environmental results back before we can begin to develop a conceptual plan. If the property does have toxic problems the cost will be very high to clean it up.

Sally Rinker – Vernon Township, feels that the resolution that Council Member Murphy is proposing needed to be noticed forty-eight hours in advance. Ms. Rinker feels that this resolution should be on the next agenda or be addressed another way. She said that when the voters changed the use of some of the Open Space money, that figure was about 30% of \$292,000. Ms. Rinker does not understand where Council Member Murphy got \$150,000 for the proposed resolution that was added to the agenda.

Jessi Paladini – Vernon Township, stated that eighteen years ago she went to Trenton and met with the Commissioner of the DEP and she came home with \$1,700,000 in free money to build Maple Grange Park. Nearly five years ago Sally Rinker, a developer who has built more than 100 upscale luxury homes in Vernon, offered to build a bicycle pump track for free and Mayor Shortway rejected that because of who was offering. Ms. Paladini said this is not necessarily about toxic waste, it is about having three beautiful park sites ready to go for construction tomorrow. Ms. Paladini is talking about Maple Grange Park and Veteran Memorial Park. She said experts have said the pump track would fit in either of these locations. Ms. Paladini address Council Member Auberger saying he speaks about the dump site as though it is just a storage site, when in fact in August 2018 the DEP gave the Township a warning letter saying that things have been stock piled there since 2002. Ms. Paladini said even if the site is not contaminated there is still needs a lot of planning and work to be done. Ms. Paladini asked who the organization is that Council Member Murphy was speaking about who are ready to go on the sight.

Ms. Paladini feels that a pump track will not bring in EDUs and we can build a pump track at Maple Grange tomorrow.

Heather Artsma – Vernon Township, a resident of [REDACTED] and she is all for the pump track and is thrilled that the town wants to do things for the community. Ms. Artsma is concerned for her and her neighbors because the pump track will be in their front yards. She is confused why there needs to be electricity and asked if there is going to be sewer and septic also. Ms. Artsma is also concerned about the access to Maple Grange Road.

Adam Paladini – Vernon Township, asked where the motivation is coming from to immediately vote on a site that is used for dumping and will require a lot of remediation. He feels that that the walking path at the back of Maple Grange would be a beautiful site for the pump track.

John Stevens – Vernon Township, was on the Economic Development Committee and they have been discussing the pump track for quite a while. Dan Krause brought it to their attention and he went around to a lot of sites. Mr. Krause said that Maple Grange was a beautiful site but there was not enough space. Mr. Stevens feels that we need to do planning and we need to look at the sites. If there is a site in mind he said, we should study it and do whatever is necessary to determine if it is the right place. Mr. Stevens feels that people in Vernon want recreation.

Scott Ghysels – Vernon Township, asked if anyone has inquired with our risk manager about possible increases to the town's liability insurance for the exposures for accidents arising from the pump track.

Thomas Mc Clachrie – pointed out that Port Jervis is in New York and they have stricter environmental standards. Mr. Mc Clachrie said that the same material that is on Black Creek is underneath the parking lot at Vernon Crossing. He said the town was told years ago to stop using the street sweepings to fill in the wetlands by the DEP.

Dan Krause – Vernon Township, explained that one of the main motivations for the pump track, site location in question and the feasibility study is all about this community. It is a hybrid use between the community. Local community use but having a decent amount of bandwidth of out of town residents. The location in question puts a pivotal point in to the business side of things that we are really trying to promote in this great town. Mr. Krause said that he would like keep the focus on the Black Creek site because the business aspect which should be a main driver.

Sandra Omm – Vernon Township, agrees Maple Grange is the perfect spot and the turf football field needs to be replaced which will cost about \$400,000. She suggested that because there is football at the high school, why don't we take out the turf field and put the pump track in its spot. Ms. Omm said this would save the town money.

Cheri Shortway – Vernon Township, commented that the Greenway Action Advisory Committee have done a lot. Ms. Shortway feels that the Black Creek site is the best place for the pump track because it is beautiful and the views are spectacular. It is also the best site for economic value in town. Ms. Shortway suggested that people should look at the site to see the views and look at how easy it would be to connect the Town Center Trail to the property. She said that people can walk the trail and having the pump track there you would have active recreation. Ms. Shortway said that we are trying to bring economic value to the town center.

Stewart Stumper – Vernon, commented that he is all for the children of Vernon. He is a resident and also works in the Vernon School system. He is a Wisteria Court resident and he said the area at the end of Wisteria Court was granted a variance for a fifteen-foot front for three residential homes. Mr. Stumper said that the understanding was to have a bike path running along the border of the wetlands but once the houses started to be built the bike path was put into the wetlands. Mr. Stumper does not believe this area will be able to sustain the type of traffic the pump track will bring.

Mike Furrey – Vernon Township, commented that the Greenway Action Advisory Committee is very active and has been planning the trails for years. Mr. Furrey said there is a plan to build a trail and an RFP was developed and ready to go out. He wants to encourage the Mayor and Council to consider and build the trail because it is in an excellent area and will complement the bike pump track. Mr. Furrey said we have to go through with the environmental testing and the planning. The important thing is that it ties together what the Greenway Action Advisory Committee's plan to build a trail and bring people into the Town Center in order to support economic development.

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: John Auberger

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Murphy, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carries to close public comment.

Council President Shortway commented that he thinks the pump track is a great idea for the town and this is why he wrote it into the referendum because he sees the value in the pump track. All the economic plans have been saying that you need to make the Town Center work as a destination to attract people.

Council President Shortway said he opposed the Masker Marsh. He said he has emails from Ms. Paladini saying that it is environmentally sensitive dating back to 2009 and the Environmental Commission Chairperson said there is endangered species there. He said yes, it is a three-acre buildable lot but you are right next to very fragile wetlands. Council President Shortway said he does not want to see another problem like we saw at the Appalachian when he first became Mayor. Council President Shortway firmly believes that people will come here to enjoy the pump track. We are not going to put the pump track in resident's front yard. He feels that if Maple Grange itself gets any more amenities there will be more of a parking problem and there is already enough of a parking problem.

Council President Shortway said that the Flats is built right up against wetlands and the water table there rises and goes down. He feels that asphalt is the only way to go. He said that asphalt is more expensive but easier to maintain.

Council President Shortway said he opposes Maple Grange, Masker Marsh and the Flats. He said that if you read all of the economic studies, from the TDR studies to the surveys, they all say that for Town Center to work it needs to become a destination place. He feels that the track and the trail will begin that.

Council President Shortway said the site itself is nothing more than a DPW storage yard, and the grits and street sweepings should have been moved out every year. He said we have spent over \$20,000 to remove tons from the site and there is an estimated 35,000 tons that can still be removed. Council President Shortway said that this is no way near what we find on Silver Spruce. He said that is construction material that came from Hudson County, Essex County and recycling centers in New York City. Every town has a DPW site where they store these materials.

Council Member Murphy commented that prior administration did not want to spend money to get rid of the grit because it does cost the town to move it.

Council Member Murphy mentioned that if anyone goes to the Black Creek site to look at it, they will not be able to access the DPW property because there are no trespassing signs.

Council Member Murphy said she did not put down the Greenway Action Advisory Committee. She did say in a year there has not been any trails. Council Member Murphy was trying to correlate with the resolution was passed last year to be able to allocate money for the trail. Council Member Murphy said the referendum was for both the trail and the pump track and the resolution should be for both also. She feels that we should not be borrowing to build the pump track.

Council Member Murphy spoke about the property on Wisteria saying that when Sally Rinker purchased the property from the Vance Family, she when it went before the Land Use Board at the time, they would not allow

access for the development from Maple Grange Road. Council Member Murphy said Sally Rinker negotiated giving the bike trail easement in return to getting her permit to be able to have an opening on Wisteria Drive.

Council Member Murphy said the Council requested to have a resolution brought forward and Harry Shortway decided the resolution would not be on the agenda. She said she is certainly allowed to bring a resolution from the floor and the Township Attorney can verify that.

Council Member Murphy suggested that if the Council does not like the resolution she brought forward, she would like the pump track listed to the categories of items in Resolution #19-119 from 2019. She feels that this way whichever is built first, the trail or the pump track, that is where the funds of \$176,000 will go.

Council Member Auberger seconded the motion that Council Member Murphy made to have the pump track added to the categories of items listed in Resolution #19-119.

Resolution #20-146: Resolution Authorizing the Use of Open Space Funds for the Construction & Maintenance of a Bicycle Pump Track in Addition to the Vernon Town Center Bike & Walking Trail

MOTION: Jean Murphy
SECOND: John Auberger

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

Motion Carried to Approve Council Members Murphy’s motion to have the pump track listed to the categories of items listed in Resolution #19-119 and have a new Resolution created.

RESOLUTION #20-146

RESOLUTION AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THE CONSTRUCTION & MAINTENANCE OF A BICYCLE PUMP TRACK IN ADDITION TO THE VERNON TOWN CENTER BIKE & WALKING TRAIL

WHEREAS, the Citizens of the Township of Vernon (“Township”) passed a referendum on November 6, 2018 allowing expenditures from the Open Space Trust Fund for public pathway development and maintenance; and

WHEREAS, the Township wishes to develop a bike and walking trail system and a bicycle pump track in the Township and promote the development of a community that offers free hiking, biking and performing arts programs; and

WHEREAS, the Township Engineer has proposed a bike and walking trail within the Town Center portion of the Township that would begin at the Township Municipal Complex and travel thru easements and land owned by the Township (“Township Trail”); and

WHEREAS, the Council of the Township of Vernon passed Resolution 19-80 allowing the use of the Township Open Space Trust Fund to pay for the design of the Township Trail in an amount not to exceed \$9,000; and

WHEREAS, by memorandum dated January 23, 2019, the Township Engineer estimated the cost for construction of the proposed Township Trail to be \$176,000.00; and

WHEREAS, pursuant to Resolution 19-119, the Council of the Township of Vernon approved the use of funds from the Township Open Space Trust Fund for the construction of the Township Trail and authorized the Mayor to procure the services of vendors for the construction of the Township Trail; and

WHEREAS, the Council of the Township of Vernon has determined to allow the Mayor to choose the location for the bicycle pump track and has authorized the Township Engineer to prepare a conceptual plan for the bicycle pump track; and

WHEREAS, the Council of the Township of Vernon has determined that the construction of the bicycle pump track also be funded through the use of the Township Open Space Trust Fund;

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the use of funds from the Township Open Space Trust Fund for the construction of the bicycle pump track. Any agreements with any vendor for the construction of the bicycle pump track shall be approved by subsequent resolution after their services have been procured in accordance with the Local Public Contracts Law; and

BE IT FURTHER RESOLVED, by the Council of the Township of Vernon that the amount expended from the Township Open Space Trust Fund for the Township Trail and bicycle pump track shall not to exceed \$176,000.00.

MOTION: Jean Murphy
SECOND: John Auberger

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

Municipal Clerk Gianattasio read Andrew Pitsker's public comment out loud because he was not able to speak during Public Comment because due to technical difficulties.

Mr. Pitsker – Vernon Township, commented that there are very good pros and cons that we need to documents and publish. He supports the pump track and the Black Creek site makes the most sense. Additionally, you have an opportunity to capitalize on the addition of the trails to be incorporated into this vista and further to grow the Town Center actively.

Council Member Murphy withdrew the resolution from the agenda that she had first asked to have added titled RESOLUTION AUTHORIZING THE USE OF OPEN SPACE FUNDS FOR THE CONSTRUCTION OF THE VERNON PUMP TRACK

Council President Shortway withdrew Resolution #20-122 titled RESOLUTION AUTHORIZING RETENTION OF APPRAISAL SERVICES FOR REAL PROPERTY COMMONLY KNOWN AS 8-20 BLACK CREEK DRIVE AND IDENTIFIED AS LOT 12, BLOCK 391 ON THE TAX MAP OF THE TOWNSHIP OF VERNON

Council Member Murphy asked when the application for the grant is due.

Council President Shortway explained the application for the grant is due June 30th but we were not going to have a contract and Council Member Auberger pointed out there were some problems with the appraisal.

Mayor Burrell explained that he had thought a second appraisal was needed in order to apply for the grant but this is not the case after all. Mayor Burrell said we would need two appraisals would be need to make ourselves more competitive for the grant, and he hopes this resolution can be on a future agenda to be voted on.

Resolution #20-144: Authorizing the Award of Professional Services Agreement to Review & Evaluate Road Materials and/or Grit That Has Been Staged on Vernon Township Owned Property Located Along Black Creek Drive

Council President Shortway read the title of resolution #20-144

Council President Shortway asked for a motion to approve resolution #20-144

MOVED: John Auberger
SECOND: Jean Murphy

A roll call vote was taken:
AYES: Auberger, Murphy, Weller, Shortway
NAYES:
ABSTAIN:

Motion carried to approve resolution #20-144

Resolution #20-145: Authorizing the Township Engineer to Prepare Conceptional Engineering Plans for a Bike Pump Track on Vernon Township Owned Property Located Along Black Creek Drive

Council President Shortway read the title of resolution #20-145.

Council President Shortway asked for a motion to approve resolution #20-145

MOVED: John Auberger
SECOND: Kelly Weller

A roll call vote was taken:
AYES: Auberger, Murphy, Weller, Shortway
NAYES:

ABSTAIN:
ABSENT:

Motion carried to approve resolution #20-145

CONSENT AGENDA

Resolution #20-140: Refund Overpayment (Various Lots and Blocks – CoreLogic)

Resolution #20-142: Resolution Approving Application to Sell Development Easement to the State Agriculture and Development Committee for the Property Located at Block 18, Lot 9 Within the Township of Vernon

Resolution #20-143: Authorizing Contracts with Certain Approved Sussex County Cooperative Contract Vendors

Council President Shortway read the titles of the resolutions

Council Member Murphy asked to have Resolution #20-141 removed from the Consent Agenda.

Council President Shortway asked for a motion to approve the consent agenda.

MOVED: Kelly Weller
SECOND: John Auberger

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

Motion carried to approve the consent agenda.

Resolution #20-141: Resolution of the Governing Body of the Township of Vernon Accepting a Donation of 66 Vernon Crossing

Council Member Murphy commented that she found an article in which Ron DuPont said there was a history of fire on the property and the last fire was in 1942. She asked if anyone inquired if there was anything underground and was there a sweep done. Council Member Murphy asked if the structure was going to remain on the property and would there have to be any parking and does it have to be ADA compliant. She thinks the site would be beneficial for the trail to come over to Maple Grange.

Township Administrator Chuck Voelker commented that the Phase 1 was done and they did not find anything that would indicate that there was an issue. There was a question about whether we should continue with a Phase 2. Mr. Voelker explained that one of the things done in terms of historical research is speak to Former Council Member Dan Kadish. At the time Council Member Kadish pointed out that the property was a stop strictly for farmers to deliver produce to the railroad going back in the 1930's and there were only stops made during the growing season. Mr. Voelker said that because this location was strictly used during the growing season, they felt there was no reason to check for underground tanks. Mr. Voelker explained that the phase 1 was done and this was strictly going to be used as a connection to the trail without parking.

Council Member Murphy asked if there was any need for the County to get involved and put up signs when it gets to that point.

Administrator Voelker commented that we can ask the County but they haven't put in a crosswalk that we asked for a while back.

Council Member Murphy asked about the integrity of the wall on the property.

Administrator Voelker responded saying the owner who is donating the property had an engineer look at the wall. Mr. Voelker said there is a report saying that the wall was structurally sound.

Council Member Murphy said it would be a good idea to have a copy of the report.

Administrator Voelker said the engineer recommended that some of the loose pieces of concrete that are on the ground that have broken off should be removed. The owner, who is getting up in age didn't want to put any more money into the property, could not sell the property as is therefore he decided that dedicating the property to the town was his best course of action.

Council Member Murphy said she did some research and in 2006 the property failed a perk test.

Council Member Auberger asked if this needs to be reviewed by the Environmental Commission.

Township Attorney Zielinski does not believe that this has to be reviewed by the Environmental Commission.

Council President Shortway asked for a motion to approve Resolution #20-141.

MOVED: John Auberger
SECOND: Harry Shortway

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

Motion carried to approve Resolution #20-141.

RESOLUTION #20-141
RESOLUTION OF THE GOVERNING BODY
OF THE TOWNSHIP OF VERNON
ACCEPTING A DONATION OF
66 VERNON CROSSING

WHEREAS, the property owner of 66 Vernon Crossing (Block 401, Lot 1), Tinso Corp., has offered to donate the property to the Township of Vernon (“Township”); and

WHEREAS, the subject property is contiguous with the Township’s property and is suitable for public use; and

WHEREAS, the Township Council has considered this donation and believes it is in the Township’s best interest to accept this donation.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township of Vernon hereby accepts the donation of property described as 66 Vernon Crossing, Block 401, Lot 1 from Tinso Corp.
2. The Township’s Special Counsel is hereby directed to draft an appropriate donation Deed and is authorized to file it when it is executed.
3. The Township’s Special Counsel is further authorized to take whatever additional steps may be necessary in order to effectuate the transfer of title from Tinso Corp. to the Township of Vernon.

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: John Auberger
All members were in favor.

Mike Furrey – Vernon Township, commented that he took over the Chair of the MUA in February. He said he has been working with a great group and the MUA is coming together nicely although it has been a challenge. Mr. Furrey said the MUA hired an Administrative Assistant Colette Borell at she is doing great. He also wanted to mention that the MUA hired Donelle Bright as the MUA Administrator. Mr. Furrey said they will be working closely with the Mayor, the Business Administrator and hopefully the Council. He said they hopes to advise the Council on some of the activities that they are moving forward with. Mr. Furrey said the addition of Ms. Bright has been an excellent choice. There were a lot of candidates that were considered and Mr. Bright is working out fantastically, and he thinks she will help turn around the MUA and put it on the right path. Mr. Furrey thanked the Mayor, Council and Business Administrator for their support.

Jessi Paladini – Vernon Township, commented that she looked up the Environmental Commission legislation and she feels that the Environmental Commission does review all acquisitions and property donations according to N.J.S.A. 40:56A-3. Ms. Paladini feels it is very disturbing that the Environmental Commission is being push out of

its statutory responsibilities and proper State protocol. Ms. Paladini asked who the organization is that brought forward the pump track.

Council Member Murphy said the organization is the public who dedicate their time to the Township.

Ms. Paladini said she would like nothing more than the Governing Body of her town to act appropriately within the law.

Sandy Omm – Vernon Township, asked if Mark Van Tassel resigned and if so what is the process to fill his position.

Council President Shortway said he was going to address this in his comments.

Tom McClachrie – Vernon Township, feels that the Zoom Webinars are not working.

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

MOTION: John Auberger

SECOND: Jean Murphy

All members were in favor.

MAYOR COMMENTS

Mr. Council President and other Council Members, on tonight, I use my report to update you and our residents on two items:

Item No. 1: I am pleased to report that consistent with our state's increasing forward steps in granting approvals to restart daily life and business activities, the mayor's office is also preparing to do all that it can to ensure that those restarts that occur within the borders of Vernon Township are done in a way that's not only effective and efficient, but also as safe as possible.

I am especially pleased to announce tonight that on Monday, July 6, we will be reopening to the people of Vernon Township their governmental house, their Municipal Center.

In the reopened Municipal Center, as well as in all town facilities, we will continue to follow guidance set forth by Governor Murphy in his Executive Orders, as well as follow guidance in accordance with the protocols of the NJ Department of Health and the Centers for Disease Control and Prevention.

Item No. 2: Relates to the current discussion of where to locate a Bicycle Pump Track in our town.

First, let me say that I am extremely pleased to see the strong governmental and non-governmental support for a Bicycle Pump Track in Vernon Township.

The Pump Track in nearby Port Jervis is a major success at attracting large numbers of families and individuals of various age groups to the area where the Pump Track is located.

It appears that the issue that we have, is that some individuals want the Vernon Township Pump Track located on a town owned site in an area commonly referred to as the "Masker Marsh", a location off of Wisteria Court.

While other individuals, and our town's governing body, believe that it would be best to locate the Pump Track on a town owned site in the town center area; an area that currently includes our DPW's temporary storage location for some of its asphalt and asphalt millings, mixed construction and demolition debris and some street sweepings.

I am among the individuals who strongly believe that Vernon Township's Pump Track would be best located in the Town Center area, off of Black Creek Drive near where Master's Plumbing is located.

Let me tell you why I support this site.

I support this site because I believe that building the Pump Track at this location will significantly enhance the value of the proposed Town Center Bike and Walking Trail, and contribute to helping that trail achieve one of its key objectives - - that of attraction families, visitors, and other potential customers to that portion of our town that I and others believe will enable Vernon to achieve the maximum potential of its economic assets in a way that will improve the long term vitality of the township.

In addition, I believe that developing our town center in the area parallel to State Route 94 where the Town Center Bike and Walking Trail is planned, and where the town already has sewer service lines and capability, will contribute to the creation of more paying MUA customers, which is essential if we are to reduce our significant MUA related deficit.

Reducing our significant MUA related deficit will also contribute to our town being able to bring a halt to the ever increasing, and I believe unsustainable and unfair, MUA fees that's draining the financial life out of the approximately 1700, or 7%, of our town's population.

It should be no surprise to anyone that I feel strongly about the need to reduce our significant MUA related deficit, for I expressed this point of view repeatedly during my election campaign. And even during these past months where this COVID-19 virus has consumed so much of our time and energy, I have never lost focus of this critical objective.

My commitment remains to do everything that I possibly can to reduce the negative impact on our taxpayers of the significant MUA deficit that we face.

Let me share with you some key information that has come from my due diligence on this issue of where to locate the Vernon Township Pump Track.

There are those who claim that because our DPW has been temporarily storing some of its asphalt and asphalt millings, mixed construction and demolition debris, and some street sweepings on a portion of this Town Center site, that these materials have caused this site to somehow become toxic.

An interesting fact about the very successful Port Jervis Pump Track is that the City of Port Jervis actually trucked in asphalt, asphalt millings, and street sweepings and used these materials in the construction of their pump track as a way of reducing the construction cost.

I hope that no one would believe that I would agree to, or approve, any plan that would build a family friendly facility on a site that I believed was not safe. Why would I do such a thing?

Individuals have also referred to DEP reports and documents that confirm that this Town Center site is toxic.

I have seen what I believe to be every municipal document related to an August 9, 2018 routine compliance DEP visit to this site, and there is no allegation or indication in any of these reports and documents that this site is in any way toxic.

In fact, these documents only relate to the need for the township to not maintain this site as a permanent storage facility for the DPW's asphalt and asphalt millings, mixed construction and demolition debris and street sweepings.

And let me also confirm that your town has been making progress in removing these materials from this temporary storage site at a rate that's acceptable to the DEP.

Mr. Council President and other Council Members / that ends my meeting report.

COUNCIL COMMENTS

Council Member Murphy commented that Mr. Furrey mentioned that the CFO is now working for the MUA as the Executive Director. She questioned is the CFO is now working part-time for Vernon Township and part-time for the MUA.

Mayor Burrell answered saying that the CFO is working full-time for Vernon Township and part-time for the MUA. Mayor Burrell said we have other employees who have part-time jobs and they are permitted to do that unless it interferes with their full-time jobs at Vernon. He said whatever Ms. Bright is doing for the MUA is not taking away from her performance for Vernon Township.

Council Member Murphy explained that because this is taxpayer money, she is trying to get an idea if this second job is taking place during the day while the CFO is being paid to be a CFO for Vernon Township or whether it is after that.

Township Attorney Zielinski commented that if the Council is going to be discussing an employee of the Township or the term of their employment, they need to be provided the appropriate notice. Mr. Zielinski said right now is not the time to discuss Ms. Bright's roll as CFO or Executive Director of the MUA and whether or not these positions are full or part time. He said that if the Council would like to discuss this at the next meeting they will have to provide the appropriate notice to Ms. Bright.

Council Member Murphy commented that Mike Furrey should not have brought this up.

Attorney Zielinski said regardless is should not be discussed.

Council Member Murphy commented that it was ok to discuss this when she voted last August.

Council Member Murphy asked if there was a status on the inter local service agreement between Vernon Township and the MUA.

Mayor Burrell commented that the current agreement is still in effect. They are discussing the proposed agreement.

Council Member Murphy commented that it is not fair to the Council to get the agenda at noon on Friday.

Council Member Murphy commented that at the D&S Mall the sign has been removed. She also commented that the Mayor sent an email to Freeholder Sylvia Petillo about the entrance to Acme and whether they can hire a contractor. She thanked the Mayor for sending the email.

Council Member Murphy asked if we will be going back to in person meetings in July.

Council President Shortway said details have to be worked out about social distancing.

Council Member Murphy said for the record she was discussing a position and not a name.

Council Member Weller thanked all the residents who voiced they opinions about the pump track. Council Member Weller said she loves Maple Grange and her kids utilize Maple Grange. She feels that there is already a parking issue there and to bring the pump track there would be a lot to do. She also feels that the pump track at Maple Grange would bring people from out of town in the park where local children are playing sports. Council Member Weller stands behind the Black Creek location to bring business into town.

Council Member Auberger that the Vernon Fire Department will be putting up the rest of the flags in the Town Center area.

Council Member Auberger commented that a lot of the material we are going to find on the top of the field is material that can be used as a base underneath the asphalt. He said that the DEP allows you to use millings as a base for parking lots. The millings have to be either oiled and stoned or fresh asphalt topcoat. Council Member Auberger feels that adding one more thing to Maple Grange would make parking even harder. He is looking forward to see this project finally moving forward.

COUNCIL PRESIDENT COMMNETS

Council President Shortway commented that this Saturday is bulk waste and is on the Township website. Also this Saturday is the farmer’s market which will be on the side of the Municipal Building this time because of bulk waste.

Council President Shortway said that Mark Van Tassel has resigned from the Council. He will be seeking the legal opinion of the Township Attorney to make sure the vacant spot is filled property. He has received a few requests for nominations.

Council President Shortway thanked Mr. Van Tassel for his service on the Council.

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 Weller with all members voting in favor.

The Meeting of the Township Council of the Township of Vernon was adjourned at 9:38 p.m.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Harry Shortway,
Council President

Minutes approved: August 10, 2020