

**VERNON TOWNSHIP COUNCIL  
REGULAR MEETING MINUTES  
JULY 11, 2022 7:00 PM**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on July 11, 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.

**PRESENTATIONS**

**a. Tracks Deli – Kevin Mitchell and Scott Jahnke**

The Council presented a plaque to Scott Jahnke of the Tracks Deli and Patrick Mitchell, the son of Kevin Mitchell of the Tracks Deli. Kevin Mitchell passed away in the beginning of May 2022. During Covid Scott Jahnke and Kevin Mitchell served approximately 15,000 meals to the sick and aged of Vernon Township.

**b. Recycle Coach**

Dawn Latinsics, Recycling Coordinator for the Sussex County Municipal Utilities Authority, presented the Council with a Power Point presentation to explain Recycle Coach. Recycle Coach is a modern communication platform that makes it easy for residents to get fast and accurate information about their local recycling program. Ms. Latinsics explained that Recycle Coach can be put on Vernon's website and there is also a free mobile app with personalized recycling schedules, pick-up reminders, what goes where, and activities making recycling education fun, simple, and engaging. The Council agreed that this would be a good addition to the Vernon website.

**c. FW Webb – 6 Black Creek Drive, Block 361 Lot 11**

Roger W. Thomas of Dolan and Dolan, Andrew McBeth of Green Leaf Construction and Jim Madgwick of FW Webb Company, Lot 11, Block 391, 6 Black Creek Drive came before the Council to speak about a potential addition to the outside storage area at FW Webb. Mr. Thomas made a presentation to the Council regarding a request to amend the Town Center Redevelopment Plan to allow FW Webb Company to expand their light industrial use with an outdoor storage area at their location. This will clean up the site and allow them to be more efficient with more product. The applicant wants to expand their outside store area to create a fenced outdoor storage area because their business is doing well and growing. It is in the Town Center and would need an amendment to the plan.

Jessica Caldwell of J. Caldwell and Associates LLC recommends that if the Council is interested in this project there will need to be an amendment to the redevelopment plan. This would bring this parcel into the light industrial overlay zone. The applicant will pay for the changes and is ready to start the project as soon as possible.

Council Member Furrey made a motion to authorize Jessica Caldwell do the work to amend the redevelopment plan. Seconded by Council Member Buccieri

MOVED: Furrey  
SECOND: Buccieri

A roll call vote was taken to authorize Jessica Caldwell do the work to amend the redevelopment plan.

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto (Lynch with the stipulation that the town finds out who owns Black Creek Drive)

NAYES:

ABSTAIN:

ABSENT:

Motion passed to authorize Jessica Caldwell do the work to amend the redevelopment plan.

## **DISCUSSION ITEMS**

### **a. 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 Needed Basis**

Council President Rizzuto asked for a motion to place resolution #22-160 on the floor for discussion.

MOVED: Buccieri

SECOND: Furrey

All members were in favor.

Virgil Rome, Sussex County Fire Coordinator, explained that there have been several instances in the past where water tenders (tankers) have been requested from the Northwest NJ Counties (Sussex, Morris, Warren, Hunterdon) to respond to water emergencies in the more urban cities that rely on city water and hydrant systems for their water supply. These situations have involved large scale water main breaks and scheduled major system shutdowns for repairs. The issue comes into play because the city departments do not have water tenders/tankers in their fleets and these standbys have been for several hours or even several days. Our tankers/tenders become critical in the cities to provide fire protection (water) in the event of an emergency when their water supplies are at risk. It has constantly been an argument of the leadership from the rural counties that these standby calls severely tax us in two ways - 1) the fact that our departments are completely volunteer resulting in manpower being utilized with no reimbursement and 2) taking our tenders/tankers into the cities for long periods of time could potentially place our own jurisdictions at risk should a major event occur here.

On a State level, they have finally recently been able to get the large water companies that service the cities to agree to a reimbursement system for these responses based upon the FEMA schedule for apparatus and manpower. Because of this, we saw a need to be proactive and have local ordinances in place solidifying how the reimbursements would take place.

My request for these ordinances was presented at several County Fire Chiefs meetings at the end of last year and the request was made in order that I, as the County Fire Coordinator, could ascertain which of our 26 Sussex County Departments were interested and would commit to being available when and if the need for these responses occurs. The purpose of the ordinance was therefore threefold:

1. Determine which departments would participate
2. Make sure that the local municipal government was aware of these responses and were on-board and in agreement with the commitment, and
3. Ensure that the ordinance provided that any monies that were re-couped were returned to the fire departments that participated and not diverted to other matters.

As noted above, participation in these responses by any department would be completely voluntary. I will be keeping track of who has agreed to do so and who has an ordinance in place. When a request is made for Sussex County mutual aid for a water emergency, unless it is an absolute dire emergency, I will only be reaching out to those that have enacted an ordinance.

It is extremely important for me to note that this ordinance and the reimbursement agreement applies ONLY to responses for water emergencies and does not apply to any other emergency mutual aid

response. It does not pertain to normal every day mutual aid responses in or out of county for fires or incidents. Obviously, FEMA rules would apply for any potential response for a declared natural disaster.

Mr. Rome stated that he would only take one tanker from the town if need be. He would never use more than one.

Council President Rizzuto asked for a motion to approve resolution #22-160.

MOVED: Buccieri

SECOND: Furrey

AYES: Buccieri, Furrey, Shortway, Rizzuto

NAYES:

ABSTAIN: Lynch

ABSENT:

Motion passes to approve resolution #22-160.

#### **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 NEEDED BASIS**

**WHEREAS**, the fire departments in Sussex County have a day-to-day responsibility to provide for the safety and security of lives and property; and

**WHEREAS**, the Township of Vernon provides fire protection resources for ordinary emergency response requirements within its jurisdiction through the Vernon Township Fire Department, Highland Lakes Fire Department, McAfee Fire Department and Pochuck Valley Fire Department; and

**WHEREAS**, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences including water emergency standby; and

**WHEREAS**, it is of mutual benefit for fire agencies located within the County of Sussex to provide supplemental resources in the event of a local emergency or disaster; and

**WHEREAS**, the Sussex County Fire Coordinator is requesting a Per Diem Mutual Aid Agreement for Water Emergency Standbys which will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of a fire or emergency; and

**WHEREAS**, it is the desire of the Township Council of the Township of Vernon to participate with the Sussex County Fire Coordinator for Per Diem Mutual Aid Agreement for Water Emergency Standbys in accordance with the agreement as plan as submitted by the Sussex County Fire Coordinator; and

**WHEREAS**, participation in the Per Diem Mutual Aid Agreement for Water Emergency Standbys shall be on an as-needed basis and on the condition that the requested mutual aid will not place the Township of Vernon at risk or in jeopardy of not having adequate and needed protection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, Sussex County, New Jersey, that the Mayor and Municipal Clerk, are hereby authorized to execute the Per Diem Mutual Aid Agreement for Water Emergency Standbys on behalf of the Township of Vernon on a case-by-case basis when requested through the Sussex County Fire Coordinator.

**BE IT FURTHER RESOLVED**, any and all monies made payable to the Township of Vernon, when FEMA funds are available or through a state of emergency, shall be disbursed to the Vernon Township Fire Department, Highland Lakes Fire Department, McAfee Fire Department and Pochuck Valley Fire Department.

#### **b. Hybrid Meetings**

Council Member Lynch made a motion to conduct the Township Council meetings as they did pre-covid. Seconded by Council Member Buccieri.

Council President Rizzuto explained that there is a motion on the floor to have in person meetings only and do away with Zoom meetings. He asked if there were any comments on this.

Council Member Furrey is not in favor of moving away from public meetings. He feels that the amount of public participation and the ability to participate in the meetings has gone up. Council Member Furrey said the reason he is not at the meetings in public is because of the tone of the meetings. Because of the nature of the meetings and the tone of the meetings he has asked several times for a sergeant at arms to be present at the meetings and that was never honored. Council Member Furrey said he felt threatened by some of the comments made by people in the public and he would never want to see anyone get hurt or anything bad to happen.

Council Member Shortway has been trained and educated and he feels that a moment's notice will not work. He would like a police officer in the lobby during meetings. We are trying to prevent something and you do not need a direct threat. Council Member Shortway likes the hybrid meetings for the public who cannot get to the meetings in person.

Council President Rizzuto explained that the reason for him to not have a police presence is he does not believe that a public meeting where we encourage dissent, if necessary, should have a police presence because this may make some people feel intimidated and having a police officer in plain clothes may be even more intimidating. We have cameras in the room at all times. The Council President is in charge of the meetings and he does not feel a sergeant at arms is necessary. Council President Rizzuto asked if we had magnetometers for the court sessions?

Administrator Voelker said they have not been being used because court has been held by Zoom.

Council Member Buccieri does strongly support hybrid meetings for our community so people can log in and participate from home. She believes that we are one of the last of many boards and committees that are still doing hybrid meetings. She feels that the Council Members who are not participating in person, limit the participation between the five Council Members. She would like to find a way to let the public continue to have the hybrid option while requiring Council Members to participate in person. We are elected officials and we have made a commitment to our community. Sometimes that commitment requires us to be in uncomfortable positions with adversarial community members addressing us in an angry manner.

Council President Rizzuto explained that the public cannot see the Council Members who are on Zoom. He questioned if the level of participation is the same when dealing with the public when the public cannot be seen on Zoom.

Council Member Lynch mentioned that there are times during meetings that Council Members Furrey and Shortway both go off of their screens. He is wondering if this is a technical problem or if they are choosing to not participate.

Council President Rizzuto questioned if the whole Council chose to participate from a remote location, who would the public be speaking to at the meeting. Also, every time a Council Member is to leave the dais, a recess should be called. He feels that this is one of the issues that needs to be reviewed.

Council Member Buccieri questioned the Township Attorney by asking if there was any way to require a limit on a Council Member attending virtually and being required to attend in person the rest of the time.

Attorney Zielinski explained that the Council is free to enact any rules regarding the meetings as they choose. The Council can regulate how it conducts itself and what it requires of Council Members when they participate.

Council Member Lynch rescinded the motion he made.

The Township Attorney will prepare an ordinance to allow the community to attend virtually and Council Members attend meetings in person.

### **c. Email from John Flora – School Board Elections 1:40**

The Council discussed a letter that was emailed to the Council and Mayor from Mr. John Flora regarding elections of the Board of Education:

Should the Schools Raise Our Children?

Dear Mayor and Committee,

The last several years have changed our experience with education in New Jersey. The goals of the social justice movement and Federal Department of Education have been given primacy over the role of the family, religion and historic values. Classroom teaching and social interactions have all been changed to fit a progressive, woke narrative that presents a distorted, negative view of America and promotes a divisive learning atmosphere that attempts to heap guilt on children because of their ancestry.

Whether you are liberal or conservative, Democrat or Republican, Independent or Libertarian we need to own up to our responsibility as elected officials and allow the parents and taxpayers to have input into what our children are taught and the financial oversight of our schools.

Critical Race Theory, gender confusion and instruction that fosters gender reassignment as a life choice are being taught without the consent of parents or taxpayers. Meanwhile, our schools are straying far from their basic mission to teach our children the skills they need to successfully compete in and contribute to the national and international economies. It is alarming that our U.S. schools- at the demands of the woke progressives

- are lowering basic standards, with the end result that U.S. students no longer rank at the top of the list of academic achievement in the modern industrialized world. This is a threat to our nation's future.

One-way parents and taxpayers can begin to take back control over our schools is to retake control over school budgets. When Gov. Christie moved school elections from April to November, we lost the right to vote on school budgets in exchange for granting school districts an automatic 2% annual budget increase.

This atrocity was the handiwork of the powerful New Jersey Education Association (NJEA), which wants more school spending, less oversight of school budgets and no interference with its implementation of the progressive curriculum it supports. The NJEA is all about jobs for its members and more money from taxpayers. New Jersey has experienced a 6% decline in school enrollment over the last decade, yet the NJEA continues to push for smaller class sizes, more staff in the classroom and the creation of more positions throughout the school. None of this is meant to improve education, but to foster the NJEA's insatiable desire for more jobs for its union members.

As elected officials, we are all struggling to put a lid on property taxes, but the biggest driver of taxes is the one cost we can't control -- the cost of education. School board spending spurred on by the NJEA, coupled with the state's unfair education aid program that punishes middle class, suburban municipalities, is the major contributor to New Jersey's tops-in-the nation property tax burdens. It's time to push back.

If we are to regain control over our children's education and its cost, the first step is to bring school elections back to April and allow taxpayers to vote on school budgets. As leaders of our communities, I'm asking you to join me in the fight to take back our school system and put the control of our children's education in their parents' hands where it belongs.

Mr. Flora pointed out that there are three ways to have the Board of Education election back to April:

1. The municipality can move the elections 80 days prior to the next election.
2. The school board can move the elections 60 days prior (this gives the school board the last word)
3. A petition with 15% of the vote total in the last presidential election signed by registered voters.

Council President Rizzuto explained that previously the Board of Education had its own election in April where its budget was voted on by the community. At least 10 years ago Governor Christy decided to offer

the community the option to have school board members elected in the November general election. This removed the ability of the community to vote on the school budget which represents about 70% of our total budget expenditures. Council President Rizzuto said it would be a separate election with additional costs. The April election would give the community the ability to reject the budget and have the Board of Education reduce the budget and go back to the County Superintendent. The amount of money saved would be less than the cost of the election. At the time the Board of Education chose to have their election in November and hold their budget to 2% for the year and this had certain caveats.

Council Member Buccieri was on the school board when a couple community members approached the board and asked about if the school board can move the elections 60 days prior. It was discussed and there really was not much traction from the board. Council Member Buccieri spoke to the BOE President and let her know that this was going to be discussed and she is open to discussing this. Council Member Buccieri will set up a meeting with the BOE President to discuss this further.

## **7. REVIEW OF BILLS LIST**

The Council reviewed the bills list.

## **MAYOR COMMENTS**

Since the Council's June 13 Council meeting, I have had repeated contacts from residents expressing their great surprise, their strong disagreement, and their outright dismay at how Resolution # 22-162 was suddenly introduced, and without any notification, by the current leader of the Council; and then seconded and approved by the current leader of the Council, plus two other Council members.

The public expressed the feeling that their strong disagreement was made even more intense by the facts that all of this occurred:

1. Without the normal and customary advance notification to the public that this resolution would be presented and voted on at this meeting; and ...
2. Without any previous discussion with; without any previous knowledge of; and without any respect for, the two other longest serving members of the Council.

This was a resolution in which the current leader of the Council took the highly extraordinary, and public insensitive, action of having just three people in our entire town of almost 25,000 people, to make a decision to memorialize a name for a significant municipality facility - - that facility being our soon to be established Town Center Park and Pump Track.

I consider their action to have been especially disrespectful of former Mayor and former Council President Harry Shortway, the one individual who has worked longer and harder on this Town Center Park and Pump Track project than any person who is a current part of this governing body.

Some members of the Council have informed me that they have also received the same kind of expressions of surprise, strong disagreement, and outright dismay from members of the public.

In comments from the public to me, most expressed the feeling and belief that the way in which the current leader of the Council introduced, and had this resolution seconded and approved:

1. Reflected a lack of the type of transparency that the current leader of the Council has repeatedly accused the Office of the Mayor and other Council Members of.

Most expressed the very strong feeling that the current leader of the Council "hid" this resolution from the public, and purposely prevented public comment, by not putting this resolution on the meeting agenda that's published in advance of every Council meeting; and ...

2. Reflected a great degree of arrogance and disrespect for the public by thinking that just three people in our entire town had the knowledge, had the wisdom, and had the authority to memorialize a name for a significant municipality facility, without any input from the Vernon public.

Many members of the public pointed out to me that they found it ironic, and even laughable, that the group of Council members who, from the day that they were sworn in, made it no secret that they strongly opposed the municipality's Town Center Pump Track effort; and during their entire period on this current

Council have spent the majority of their time, energy, and efforts on trying to kill the Town Center Pump Track, are now rushing to the front of the enthusiasm line to not just embrace the Town Center Pump Track, but to also memorialize it with their own personal name.

Council President Rizzuto asked the Mayor to reframe from these comments.

Council President Rizzuto called for a recess and there was no longer a quorum.

Mayor Burrell continued with his comments:

According to the resolution written by the current leader of the Council, this name that he wants to force on our Town Center Park and Pump Track somehow relates to “The horror, and loss of life brought on by the influence of opioids, and addictive substances”; and “the terrible anguish of feeling unloved that’s felt by those not accepted and have chosen to end their lives”.

I don’t know what that is about; however, I do know that we don’t want the name of our new Town Center Park and Pump Track memorialized with these negative words.

In response to public requests that I do what I can to convince the Council not to go through with this ill-advised naming action, I communicated with the full Council, and had separate personal discussions with four Council members, asking them to reconsider, and to withdraw Resolution # 22-162.

Those discussions included a personal on-on-one meeting, at my request, with the current leader of the Council in which I proposed that the Mayor and Council agree to simply identify the new park with a sign that reads “Town Center Park & Pump Track”, just as the town now identifies one of our other parks as simply “Maple Grange Park”.

I explained to the current leader of the Council that taking this approach would allow future governing bodies to formally name and/or dedicate this facility in honor of some person or cause that the entire town would deem worthy of such an honor.

Not only did the current leader of the Council reject my attempt at a compromise solution to this mess that has been created, he blatantly did so.

His actions have left me no choice but to use the authority granted me as Mayor by the State of New Jersey to declare Resolution # 22-162 as being inappropriate and illegal, and therefore void.

I hereby declare Resolution # 22-162 to be void, because there is no place in the legal statutes that direct our form of government where the Council is given the unilateral, specific authority to perform the administrative function of exclusively naming any municipal facility.

Council Member Buccieri asked if the Mayor got a legal opinion from our Township Attorney regarding this statue.

Township Attorney Zielinski explained that he is not going to disclose private conversations he has had with the Mayor or the Council President.

The Mayor continued with his comments saying in fact, the legal statutes that direct our form of government say that unless a statue specifically assigns an administrative or executive function to the Council, then that administrative or executive function shall automatically be exercised exclusively by the mayor.

In just six short months, under the current leadership of the Council, this Council has developed a reputation for repeatedly overstepping its legal authority.

For those of you who may think that this statement does not reflect reality, I offer you the following three examples:

EXAMPLE # 1: The majority on this Council overstepped its legal authority when it passed Ordinance # 22-04, which was aimed at forcing me as Mayor to break a legal, binding contract to construct the Town Center Walking & Biking Trail; but I refused to yield to their demand, because to do so would have cost the taxpayers thousands of dollars in legal and other fees.

EXAMPLE # 2: The majority on this Council overstepped its legal authority again when it passed Resolution # 22-58, which was aimed at forcing me as Mayor to require the Vernon taxpayers to spend unnecessary tax dollars to pay for a second municipal attorney to be used exclusively by the Council - - this would be an attorney that's not needed or required by law; but again, I refused to yield to their demand.

EXAMPLE # 3: At the June 13 Council meeting, the majority on this Council overstepped its legal authority again when it passed Resolution # 22-162.

This resolution reflected their arrogance, and their disrespect for the public, by having just three people, in our entire town of almost 25,000 people, to memorialize a name for a significant municipality facility, without any input from the Vernon public.

And, I will one more time refuse to yield to their demand.

I will therefore move forward with my plan of action to not formally name this new municipal facility, but to instead, simply identify the new facility with a sign that reads "Town Center Park & Pump Track", just as the town identifies one of its other parks as simply "Maple Grange Park".

This approach will allow future governing bodies to formally name and/or dedicate this facility in honor of some person or cause that the entire town would deem worthy of such an honor.

I close my comments by again asking the current leader of the Council, what is the urgent need to rush into memorializing a name for the new Town Center Park & Pump Track?

This highly extraordinary, and public insensitive, action on the part of just three Council members makes no sense to me, and most Vernon residents.

Neither the Mayor, nor the Council, should simply slap a name on the new Town Center Park & Pump Track, or any other municipal facility, without some major public input.

We should lead with our common sense, and not with our egos!

Council President Rizzuto explained that as Council they have the right to buy and sell property and also name streets and roads. He feels that if he was going to name the park after an individual, it would be an individual who passed and has done a lot for the town.

### **PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 3 Minutes Per Person)**

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

MOVED: 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.

John Hansen – Vernon Township, is concerned about the name of the pump track and he stands behind the Mayor's decision to identify the pump track. He hopes the hybrid meetings will continue.

Alexis Franklin – Vernon Township, respects everyone who is showing up at the meetings in person and she hopes the hybrid meetings continue. Ms. Franklin supports the Mayor's decision to rename the pump track.

Ann Larson – Vernon Township, supports that the Council attend meetings in person and she does not think a police officer is necessary at the meetings.



Jessi Paladini – Vernon Township, questioned why the Council is prejudging Land Use Board applications particularly if a variance is needed.

Shawn Mazur – Vernon Township, feels that the virtual meetings should continue. Mr. Mazur also agrees with Ms. Paladini in reference to the FW Webb presentation.

Stephanie DeBrienza – Vernon Township, feels that the hybrid meetings should continue. She asked if there is an update on the auctioned property sold in error. Ms. DeBrienza feels that the whole Council should attend meetings in person.

Council President Rizzuto explained that the auctioned property is still under investigation.

Peg Distasi – Glenwood, feels that the FW Webb presentation should have been a Power Point presentation so everyone could see it and she also feels that this is a Land Use Board issue. Ms. Distasi feels that all of the Council Members should be present at the meetings. Ms. Distasi agrees with the Council that the Board of Education election should be in April. Ms. Distasi questioned how two different entities have two different opinions from the Township Attorney.

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: Furrey  
SECOND: Lynch

All members were in favor.

## **MINUTES**

June 27, 2022 – Executive Session

June 27, 2022 – Regular Meeting

### **June 27, 2022 Executive Session Meeting**

Council President Rizzuto asked for a motion to approve the June 27, 2022 Executive Session Meeting minutes.

MOVED: Lynch  
SECOND: Buccieri

All members were in favor.

Motion passed to approve the June 27, 2022 Executive Session Meeting minutes.

### **June 27, 2022 – Regular Meeting**

Council President Rizzuto asked for a motion to approve the June 27, 2022 Regular Meeting Minutes.

MOVED: Lynch  
SECOND: Furrey

All members were in favor

Motion passed to approve the June 27, 2022 Regular Meeting minutes.

### **June 27, 2022 Executive Session Meeting**

Council President Rizzuto asked for a motion to approve the June 27, 2022 Executive Session Meeting minutes.

MOVED: Lynch  
SECOND: Buccieri

All members were in favor.

Motion passed to approve the June 27, 2022 Executive Session Meeting minutes.

**CONSENT AGENDA**

**Resolution #22-175:** Refund Overpayment (Block 530 Lot 137-Marc Franco)

**Resolution #22-176:** Refund Overpayment (Block 602 and Lot 4 Wells Fargo Real Estate Services)

**Resolution #22-177:** Refund Overpayment (Block 527 Lot 217-Patrick Sandak)

**Resolution #22-178:** Refund Overpayment (Block 527 Lot 217-John Doremus)

**Resolution #22-179:** Refund for Tax Court Judgement

**Resolution #22-180:** Refund for Tax Court Judgement

**Resolution #22-181:** Refund for Tax Court Judgement

**Resolution #22-182:** A Resolution Authorizing Emergency Procurement of Fuel for Daily Operations of the Township of Vernon

**Resolution #22-183:** Authorizing Contract with Certain Approved Educational Services Commission of New Jersey Cooperative Contract Vendor Cherry Valley Tractor Sales, for a Toro TX1000 Wide Track (Model 22328) Through, ESCNJ Contract 18/19-25

**Resolution #22-185:** Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Sand Hill Road Improvement Project

**Resolution #22-186:** Resolution Authorizing the Issuance of Not Exceeding \$1,226,000 Bond Anticipation Notes of the Township of Vernon, in the County of Sussex, New Jersey

**Resolution #22-187:** Resolution Authorizing the Issuance of Not Exceeding \$3,789,000 Bond Anticipation Notes of the Township of Vernon, in the County of Sussex, New Jersey

Council President Rizzuto asked to place resolutions #22-175 #22-176, #22-177, #22-178, #22-179, #22-180, #22-181, #22-182, #22-183, #22-185, #22-186, #22-187 on the floor.

MOVED: Lynch  
SECOND: Furrey

A roll call vote was taken:  
AYES: Buccieri, Furrey, Lynch all but resolution #22-187, Shortway, Rizzuto  
NAYES:  
ABSTAIN: Lynch only resolution #22-187  
ABSENT:

Motion passed to approve resolutions #22-175 #22-176, #22-177, #22-178, #22-179, #22-180, #22-181, #22-182, #22-183, #22-185, #22-186, #22-187

**RESOLUTION #22-175**

**REFUND OVERPAYMENT  
(Block 530 Lot 137- Marc Franco)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Marc Franco in the amount of \$1039.85 representing refund for overpayment of 3rd qtr. 2019 property taxes for Block 530 Lot 137 also known as [REDACTED]

| OWNER  | BLOCK | LOT | REFUND AMOUNT |
|--------|-------|-----|---------------|
| Franco | 530   | 137 | \$1039.85     |

|  |  |               |                  |
|--|--|---------------|------------------|
|  |  | <b>TOTAL:</b> | <b>\$1039.85</b> |
|--|--|---------------|------------------|

**RESOLUTION #22-176**

**REFUND OVERPAYMENT  
(Block 602 and Lot 4 Wells Fargo Real Estate Tax Services)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Wells Fargo in the amount of \$1,380.62 representing refund for overpayment of the following property taxes:

| <b>OWNER</b> | <b>BLOCK</b> | <b>LOT</b>    | <b>REFUND AMOUNT</b> |
|--------------|--------------|---------------|----------------------|
| Thomas       | <b>602</b>   | <b>4</b>      | <b>\$1380.62</b>     |
|              |              | <b>TOTAL:</b> | <b>\$1380.62</b>     |

Thomas- refund for overpayment totaling \$1380.62 of 4th qtr. 2016 property taxes for Block 602 Lot 4 also known as [REDACTED]

**RESOLUTION #22-177**

**REFUND OVERPAYMENT  
(Block 527 Lot 217- Patrick Sandak)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Patrick Sandak in the amount of \$1168.35 representing refund for overpayment of 4th qtr. 2021 property taxes for Block 527 Lot 217 also known as [REDACTED]

| <b>OWNER</b>  | <b>BLOCK</b> | <b>LOT</b>    | <b>REFUND AMOUNT</b> |
|---------------|--------------|---------------|----------------------|
| <b>Sandak</b> | <b>527</b>   | <b>217</b>    | <b>\$1168.35</b>     |
|               |              | <b>TOTAL:</b> | <b>\$1168.35</b>     |

**RESOLUTION #22-178**

**REFUND OVERPAYMENT  
(Block 170 Lot 8- John Doremus)**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to John Doremus in the amount of \$1723.97 representing refund for overpayment of 3rd qtr. 2017 property taxes for Block 170 Lot 8 also known as [REDACTED]

| <b>OWNER</b>   | <b>BLOCK</b> | <b>LOT</b>    | <b>REFUND AMOUNT</b> |
|----------------|--------------|---------------|----------------------|
| <b>Doremus</b> | <b>170</b>   | <b>8</b>      | <b>\$1723.97</b>     |
|                |              | <b>TOTAL:</b> | <b>\$1723.97</b>     |

**RESOLUTION #22-179**

**REFUND FOR TAX COURT JUDGMENT**

**WHEREAS**, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

**WHEREAS**, the Judgments reduced assessments creating an overpayment of taxes for the year 2017 on certain properties:

|              |            |                       |                      |
|--------------|------------|-----------------------|----------------------|
| <u>Block</u> | <u>Lot</u> | <u>Property Owner</u> | <u>Refund Amount</u> |
|--------------|------------|-----------------------|----------------------|

|     |    |                     |          |
|-----|----|---------------------|----------|
| 528 | 50 | Richard Bilomasur   | \$209.68 |
| 529 | 15 | Bartosz Lewandowski | \$262.10 |
| 528 | 18 | Branko Lazic        | \$524.20 |

**Total**    \$995.98

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$995.98 made payable to Robert Spiotti, Esq. for the benefit of above-mentioned properties.

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

**RESOLUTION #22-180**

**REFUND FOR TAX COURT JUDGMENT**

**WHEREAS**, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

**WHEREAS**, the Judgments reduced assessments creating an overpayment of taxes for the year 2018 on certain properties:

| <u>Block</u> | <u>Lot</u> | <u>Property Owner</u> | <u>Refund Amount</u> |
|--------------|------------|-----------------------|----------------------|
| 528          | 50         | Richard Bilomasur     | \$215.44             |
| 529          | 15         | Bartosz Lewandowski   | \$269.30             |
| 528          | 18         | Branko Lazic          | \$538.60             |

**Total**    \$1,023.34

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$1,023.34 made payable to Robert Spiotti, Esq. for the benefit of above-mentioned properties.

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

**RESOLUTION #22-181**

**REFUND FOR TAX COURT JUDGMENT**

**WHEREAS**, the Tax Court of New Jersey has entered Judgments on appeals filed by taxpayers in the Township of Vernon; and

**WHEREAS**, the Judgments reduced assessments creating an overpayment of taxes for the year 2019 on certain properties:

| <u>Block</u> | <u>Lot</u> | <u>Property Owner</u> | <u>Refund Amount</u> |
|--------------|------------|-----------------------|----------------------|
| 528          | 50         | Richard Bilomasur     | \$225.44             |

**Total**    \$225.44

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Township of Vernon be authorized to draw a warrant in the amount of \$225.44 made payable to Robert Spiotti, Esq. for the benefit of above-mentioned property.

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

**RESOLUTION #22-182**

**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 \$90,000.00 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 \$90,000.00.

**RESOLUTION #22-183**

**AUTHORIZING CONTRACT WITH CERTAIN APPROVED EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE CONTRACT VENDOR CHERRY VALLEY TRACTOR SALES, FOR A TORO TX1000 WIDE TRACK (Model 22328) THROUGH, ESCNJ CONTRACT 18/19-25**

**WHEREAS** the Township of Vernon may by resolution, and without advertising for bids or obtaining quotations, purchase any goods or services as per N.J.S.A. 40A:11-11, under the Educational Services Commission of New Jersey Cooperative Pricing System -#65MCESCCPS; and

**WHEREAS**, the Township has the need on a timely basis to purchase goods and services utilizing Educational Service Commission of New Jersey Contracts, duly authorized under law to extend contract pricing to local units, per N.J.A.C. 5:34-7 et. Seq.; and

**WHEREAS** Cherry Valley Tractor Sales inc., 35 Route 70 West Marlton, New Jersey 08053-3099, currently holds the ESCNJ contract 18/19-25 for such procurements: and

**WHEREAS** the Township intends to enter into contract for procurement and installation of a (New) Toro TX1000 Wide Track (Model 22328) with Kubota 24.9hp1 Diesel Engine, 1075 Lb. Rated Operating Capacity (New) Toro Standard Bucket (Model 22340) for TX1000, (New) Toro 22577 Grapple Rake with attachments in the amount of \$67,241.00 through Cherry Valley Tractor Sales inc., 35 Route 70 West Marlton, New Jersey 08053-3099; and

**WHEREAS**, the Chief Financial Officer has certified that funds in the amount of \$67,241.00 are available in: Line Item: C-04-22-010.

**NOW THEREFORE BE IT RESOLVED** that the Township Council of the Township of Vernon, authorizes the Mayor to enter into a contract for procurement (New) Toro TX1000 Wide Track (Model 22328) with Kubota 24.9hp1 Diesel Engine, 1075 Lb. Rated Operating Capacity (New) Toro Standard Bucket (Model 22340) for TX1000 (New) Toro 22577 Grapple Rake with attachments in the amount of \$67,241.00 through Cherry Valley Tractor Sales inc., 35 Route 70 West Marlton, New Jersey 08053-3099, ESCNJ Contract 18/19-25.

**RESOLUTION #22-185**

**Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Sand Hill Road Improvement project.**

**NOW, THEREFORE, BE IT RESOLVED** that the Vernon Township Council of the Township of Vernon, County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Sand Hill Road Improvements - 00468 to the New Jersey Department of Transportation on behalf of Vernon Township.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Vernon Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

**RESOLUTION #22-186**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING**

**\$1,226,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE**

**COUNTY OF SUSSEX, NEW JERSEY.**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (the "Township") entitled: "Bond ordinance providing for the restructuring of a portion of the cost of acquisition of capacity at the sanitary sewage treatment plant of the Sussex County Municipal Utilities Authority by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$2,800,000 therefor and authorizing the issuance of \$2,666,000 bonds or notes of the Township for financing such appropriation", finally adopted on November 14, 2011 (#11-23), bond anticipation notes of the Township in a principal amount not exceeding \$1,226,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the "Chief Financial Officer"), provided that no note shall mature later than one year

from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 5. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 6. This resolution shall take effect immediately.

**RESOLUTION #22-187**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING  
\$3,789,000 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF VERNON, IN THE  
COUNTY OF SUSSEX, NEW JERSEY.**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Township of Vernon, in the County of Sussex (the “Township”) entitled: “Bond ordinance appropriating \$4,015,000, and authorizing the issuance of \$3,130,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey”, finally adopted on May 24, 2021 (#21-12), bond anticipation notes of the Township in a principal amount not exceeding \$2,000,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Township entitled: “Bond ordinance providing for the acquisition of a new fire truck by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$655,000 therefor and authorizing the issuance of \$424,047 bonds or notes of the Township for financing such appropriation”, finally adopted on April 11, 2022 (#22-08), bond anticipation notes of the Township in a principal amount not exceeding \$424,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Township entitled: “Bond ordinance appropriating \$1,955,000, and authorizing the issuance of \$1,365,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey”, finally adopted on May 23, 2022 (#22-10), bond anticipation notes of the Township in a principal amount not exceeding \$1,365,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.



Section 4. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 5. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 6. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 7. All action heretofore taken by Township officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 8. This resolution shall take effect immediately.

**Resolution #22-184:** Renewal of Pocket Liquor License (JD Vernon Lodge and Inn LLC) Requiring Special Ruling in the Township of Vernon for the 2021-2022 Licensing Term

Council President Rizzuto asked for a motion to place resolution #22-184 on the floor.

MOVED: Buccieri

SECOND: Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolutions #22-184

**RESOLUTION #22-184**

**RENEWAL OF POCKET LIQUOR LICENSE (JD VERNON LODGE AND INN LLC)  
REQUIRING SPECIAL RULING IN THE TOWNSHIP OF VERNON FOR THE 2021-2022  
LICENSING TERM**

**WHEREAS**, all licenses to dispense alcoholic beverages must be renewed and reissued annually; and

**WHEREAS**, pursuant to N.J.S.A. 33:1-12.18 the following license required a Special Ruling by the State Division of Alcoholic Beverages as the license's failure to timely renew its license; and

**WHEREAS**, the State Division of Alcoholic Beverages in August, 2021 issued said special ruling for the 2020-2021 license term; and

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

**WHEREAS**, the licensee has complied with all of the regulations as set forth by the Alcoholic Beverage Control Commission of the State of New Jersey

**WHEREAS**, in accordance N.J.A.C. 13:2-2.5, the special ruling required JD Vernon Lodge and Inn LLC to advertise its application for the License; and

**WHEREAS**, upon further review, it has been determined that the advertisement requirement was fulfilled.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the following license shall be renewed as a pocket license for the 2021-2022 licensing period effective as of July 1, 2021.

**PLENARY RETAIL CONSUMPTION**

JD Vernon Lodge and Inn LLC (POCKET LICENSE) 1922-33-009-004

**2021 ANNUAL AUDIT**

**Resolution #22-188** 2021 Annual Audit

CFO Donelle Bright explained to the Council some important points of the 2021 Annual Audit.

Council President Rizzuto asked for a motion to place resolution #22-188 on the floor.

MOVED: Lynch  
SECOND: Buccieri

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

Motion passed to approve resolution #22-188

## **RESOLUTION #22-188**

### **2021 Annual Audit**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Vernon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required

### **Resolution #22-189 Corrective Action Plan 2021 Audit**

Council President Rizzuto asked for a motion to place resolution # 22-189 on the floor.

MOVED: Lynch  
SECOND: Shortway

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-189

## **RESOLUTION #22-189**

### **CORRECTIVE ACTION PLAN 2021 AUDIT**

**WHEREAS**, the 2021 Annual Audit Report was delivered in June 2022 and regulations promulgated by the Local Fiscal Affairs Law, N.J.S.A. 40A:5 requires that the Chief Financial Officer prepare a Corrective Action Plan covering all findings and recommendations in the audit report; and

**WHEREAS**, N.J.S.A. 40A:5 further requires approval of the Corrective Action Plan within 60 days of audit receipt by the Township Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the Corrective Action Plan for the 2021 Annual Audit Report prepared by the Township Chief Financial Officer and attached hereto as "Appendix A" be approved.

### **PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 3 Minutes Per Person)**

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

MOVED: Furrey

SECOND: Buccieri

All members were in favor.

Carole Zofrea – Vernon Township, Owner of Moo For You Ice Cream, asked the Council to amend the Township ordinance to allow food truck businesses to drive on the roads in Vernon and sell their products.

Council President Rizzuto suggested that Ms. Zofrea see the Vernon Zoning Officer. He feels that this will have to be looked at.

Pamela Conin - Tall Timbers, questioned the short-term rental ordinance because she has two properties in Tall Timbers that she would like to use as short-term rentals. Because the properties are not considered permanent structures, they could not get CO's.

Eric Card – Vernon Township, questioned what the town is doing about his application for an inground pool he wants to install on his property. He is upset that the town is requiring a survey for his zoning permit and he is asking for documentation that says a survey is required.

Jessi Paladini – Vernon Township, feels that the town must get a title search to find out who owns Black Creek Drive. Ms. Paladini feels that Mr. Zielinski gave wrong advice in reference to the petition/ballot for the change of government.

Peg Distasi – Vernon Township, questioned who is going to pay to do the study for FW Webb.

Council President Rizzuto said FW Webb will be paying.

Ms. Distasi feels that the pump track and trail do not belong in the light industrial area. Ms. Distasi told the Mayor that he is invited to the meetings and he does not control the meetings. Ms. Distasi asked that resolutions give more description and she feels that the new website is difficult to follow.

Ann Larson – Vernon Township, is very upset with the Mayor’s behavior tonight and she feels that he should not be allowed to speak at the meetings.

Shawn Mazur – Vernon Township, asked what the Council is doing about the vacant and abundant property ordinance.

Township Attorney Zielinski said the ordinance is being review.

Mr. Mazur asked if the ordinance can be tabled.

Mr. Zielinski advised the Council not to answer because Mr. Mazur is subject to a current municipal matter.

Ms. Mazur would like the Council to get to the heart of important matters in the town.

Sally Rinker – Vernon Township, spoke about her son Jason who passed away in January 2021. She would like to honor her son in some way with connection to the pump track. She feels that the pump track was named by purposefully circumventing the public and done in spite but she looks forward to the joy the pump track will bring to the public.

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

All members were in favor.

## **COUNCIL COMMENTS**

Council Member Furrey commented saying that what happened tonight is an embarrassment and should never happen at our meetings...period!

Mayor, Town Council and residents, my comments tonight are focused on one goal, to focus on the topics Vernon needs to continue working on to making us a township for everyone:

### **The Cannabis Dilemma:**

I am pleased that we passed the ordinance to allow for business owners to build cultivations sites in Vernon. I will make every effort to make this process as easy as possible to bring the much-needed tax revenue to the township

### **Bike Park and Trails**

It is my understanding that allot of progress has been made to complete the trail and pump track. The naming of the park should go through the ordinance process with as much input from the public as possible. The naming of the park without any input from Council member or myself is simply a stunt to hijack the bike track and trail and is wrong. The other members long before they were elected were opposed to this project, after they were elected and till today’s meeting. The hard work on these projects was done by the GAAC and the previous council and they took the opportunity to hijack the naming of the park. I support the mayor’s effort to not follow the resolution passed by the council and stay with the name of the park with the original name “Vernon Town Center Bike Park”. I also support any work that needs to be done by DPW employees to finish this project. The ownership of Black Creek Drive IS the Township and I am in agreement with that determination.

### **Water and Sewer Projects:**

I asked for an update on the water project but did not receive one.

### **Water Project Questions:**

1. What is the status of the Suez agreement?
2. Who from the township is in charge of the project?

### **Sewer:**

The township has to complete two projects for the sewer system.

Questions:

1. PS2 needs to be done soon
2. SSA

While these questions may be for the MUA, the township has an obligation to complete these projects or risk the bankruptcy of the MUA. I want to respectfully request that Dewberry do a presentation at 7/25 meeting on the update of the project and ARP funding. Is this acceptable TC President?

Legends:

Last meeting Council member Shortway asked about starting the process of condemnation. I support his suggestion to begin this process to once and for all address this blight in the Township. I would like to respectfully request the council to draft a resolution for the next meeting with an up or down vote. TC President, can we put this on the agenda?

In conclusion, I realize I was appointed as council members but I should NOT be continuously marginalized and ignored. Finally, tonight, I announce my attention to run for the council seat in November 2022.

Council Member Shortway commented saying that Ordinance #19-21 states that there will be a second period of public comment at the end of each Council meeting. Speakers will be limited to three minutes where the public may speak on any topic. If the Council favors the public comment at the end of the meeting to be five minutes, the ordinance needs to be amended.

Council Member Shortway said it is very difficult when people criticize you, but under no circumstances should we interrupt either the Mayor or another Council Person's comments. The Mayor has a right to speak at council meetings per Faulkner Act but has not vote and does not need to attend. We should let each other express our opinions and not interrupt.

Council Member Shortway is happy to say that July is Disability Pride Month, which is celebrating its 32nd year after the Americans with Disabilities Act (ADA) was passed on July 26, 1990, to prohibit discrimination against people with disabilities. The Americans with Disabilities Act (ADA) was signed by President George H.W. Bush. The ADA also increases access and opportunities in key areas like transportation, employment, public accommodations, communications, and services. In 2019 at Veterans Memorial Park, we improved the walkway to make it ADA compliant. The former walkway had crumbled to pieces in several locations. The current ADA walkway connects parking lot to parking lot, end to end giving access to the snack bar, restrooms and play area without needing to walk along the road. In 2021 one of the capital projects was the replacement of the front doors with ADA compliant doors. We are now constructing an ADA walkway around the bike pump track in the Vernon Town Center Park that offers spectacular views of the valley and mountains. Why? Not because it's the law, it's because Vernon cares and we are committed to serving all people and we should continue to do that.

Council Member Buccieri commented saying that she and Council Member Lynch were able to attend the Sussex County Senior Olympics. She feels that this event was a great event and the Recreation Department and Senior Services Department outdid themselves. The Mayor was there as well as our EMS volunteers, the DPW helped with the set up and our police were there. The Sussex County Sheriffs Department and Sussex County Senior Services all helped make this day happen. Council Member Buccieri reached out to Frank Pallotta, candidate for Congressional District Five and he was able to attend the Olympian March and the Opening Ceremonies. Mr. Pallotta commented several times on our beautiful park as well as the municipal and county workers. Due to Covid this was the first time in two years this event was able to take place and it was great to host this event and the Vernon Seniors won the gold medal.

Council Member Buccieri asked the Mayor about implementing employee reviews and if any progress has been made with a plan.

Mayor Burrell said that they are sampling several reviews and he has already reviewed two employees. For those two employees, we discussed their objectives for the year, what their accomplishments were and what they thought would make their departments more valuable to the town.

Council Member Buccieri finds it very interesting that while there are so many pressing issues in the town, the Mayor uses his time for comments to complain about the Council. He continues to use his comments to disrespect and disparage certain Council members. Council Member Buccieri said she understands that the Mayor has strong feelings about certain topics, today's topic was the naming of the Vernon Pump Track. She feels that this can be done without using disparaging name calling and the Mayor can make his views known without insulting others. Council Member Buccieri spoke about not attending the meetings in person and it was not her intention to say Council Member Furrey was not participating or to insult him. Her intention was to explain that she felt that not being at the meeting in person, he did not have the same impact as being at the meetings in person. Council Member Buccieri said what happened at the meeting tonight was embarrassing and she is sorry for her part in that. Everyone has the right to speak and she should not interrupt. She hopes that going forward, perhaps we can all step back and take some time and think about what we are saying and how we would feel receiving that and figure out a way to communicate our differences without insulting others.

Council Member Lynch wanted to let the residents of Barry Lakes know that the Karen Road drainage project will commence next week.

Council Member Lynch said we had a vote and named the pump track. He explained that in December 2022 at a Township Council meeting, we asked to hold off on voting for the pump track until our terms started and we were ignored.

Council Member Lynch wants a resolution for the breakdown of money is being spent to build the pump track. He also asked the Township Attorney what has to be done to make sure that Black Creek Drive is Vernon's property because just saying it is ours is not good enough. We need proof that we own that property before we pave it.

On July 4<sup>th</sup> Council Member Lynch attended a parade in Cliffwood Lake. The fire department was there and about 100 people were marching. This was a great time and he thanked Cliffwood Lake for the invitation.

## **COUNCIL PRESIDENT COMMENTS**

Council President Rizzuto commented that he has lived in this community for 55 years and he has devoted twenty-five years to the community and tonight he is not proud. He has remained a calm demeanor while the Mayor has criticized the Council, himself or other individuals. He felt that the Mayor's comments were not necessary and it will not happen again.

Council President Rizzuto explained that he, Council Member Lynch, and Council Member Buccieri ran categorically opposed to the pump track and trail because for whatever reason it was sited incorrectly and not planned as he would have expected. Council President Rizzuto feels that his expectations did matter since he was running for an elected office. He was not asking for special treatment, but the need to respect the office of the Council. Council President Rizzuto asked the Mayor to delay the awarding of bids on property that the town did not own at that time. We were against the purchase of the Baldwin Property because it took an expensive piece of commercial property off of the market. He also asked the Town Engineer not to award any bids until the new Council was seated and we could be brought up to date. On all of these situations we were shunted aside. As a matter of fact, if you look at every action that was done following our election, it was done in haste and poorly managed because of a new majority of the Council being seated and look what happened. People were rushing to have a land use sale and it could have been given a lot more attention and problems could have been avoided. Also, the siting of these properties could have been changed at this point to Maple Grange where it belongs. For Council President Rizzuto to say this Council, Vice President Buccieri, Council Member Lynch or himself is at fault on this is not going to happen. We had the people behind us and this is what we ran on, they gave us their impetus and support based upon what they asked us to do.

## **ADJOURNMENT**

At 10:57pm Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Buccieri.

All were in favor.

Respectfully submitted,

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Marcy Gianattasio, RMC, CMR  
Municipal Clerk

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Patrick Rizzuto,  
Council President

Minutes approved: August 22, 2022