

**VERNON TOWNSHIP COUNCIL**

**REGULAR MEETING MINUTES**

**August 10, 2020**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on August 10, 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 January 7, 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.

**ROLL CALL**

Present were Council Members John Auberger, Jean Murphy, Andrew Pitsker, Kelley Weller and Council President Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, CFO Donelle Bright and Township Attorney Josh Zielinski.

**SALUTE TO THE FLAG**

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

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

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

MOVED: John Auberger

SECOND: Kelly Weller

All members present voted in favor.

Martin O'Donnell – Vernon Township, supports naming Main Street “2020 Senior Drive” in honor of the Vernon 2020 graduating class.

Jessica Paladini – Vernon Township, asked if Vernon was being sued by the SCMUA.

Ms. Paladini commented on several resolutions on the agenda saying there were no dollar amounts on the resolutions. She asked if the public had a right to know the amounts.

Ms. Paladini asked if the Council was actually renaming Main Street.

Vincent Speziale – President of the Union, Council 63 Local 3181, he commented that several emails have been sent to the Township Administrator but have been ignored. The Union would like to review the Interlocal Services Agreement before it was on the agenda for approval.

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

MOTION: Andrew Pitsker

SECOND: Kelly Weller

All members were in favor.

**MINUTES**

June 26, 2020 – Special Meeting

July 13, 2020 – Executive Session

July 13, 2020 – Regular Meeting

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

MOVED: John Auberger

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Murphy, Weller, Shortway  
NAYES:  
ABSTAIN: Pitsker  
ABSENT:

Motion carried to approve the above meeting minutes.

## RESOLUTIONS

**Resolution #20-163:** Resolution Authorizing the Issuance of not Exceeding \$7,810,727 Bond Anticipation Notes of the Township of Vernon, in the County of Sussex, New Jersey

Vernon Township CFO Donelle Bright explained this resolution is a rolling over of the Township's bans for short term debt. It is a standard thing the Township does every year.

Council President Shortway asked for a motion to approve Resolution #20-163.

MOVED: John Auberger  
SECOND: Andrew Pitsker

A roll call vote was taken:  
AYES: Auberger, Murphy, Pitsker, Weller, Shortway  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion carried to approve Resolution #20-163.

### RESOLUTION #20-163

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$7,810,727 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 \$1,534,557, and authorizing the issuance of \$1,266,625 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 28, 2015 (#15-16), bond anticipation notes of the Township in a principal amount not exceeding \$1,095,825 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 appropriating \$1,614,500, and authorizing the issuance of \$1,307,000 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 June 13, 2016 (#16-15), bond anticipation notes of the Township in a principal amount not exceeding \$1,173,275 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 making a supplemental appropriation of \$90,000 for the acquisition of vehicular equipment heretofore authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey, and authorizing the issuance of \$76,100 bonds or notes of the Township for financing such supplemental appropriation", finally adopted on July 11, 2016 (#16-18), bond anticipation notes of the Township in a principal amount not exceeding \$56,100 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. Pursuant to a bond ordinance of the Township entitled: “Bond ordinance appropriating \$3,636,500, and authorizing the issuance of \$2,948,000 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 June 26, 2017 (#17-09), bond anticipation notes of the Township in a principal amount not exceeding \$2,436,000 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 5. Pursuant to a bond ordinance of the Township entitled: “Bond ordinance making a supplemental appropriation of \$210,000 for the acquisition of a new fire truck heretofore authorized to be undertaken by the Township of Vernon, in the County of Sussex, New Jersey, and authorizing the issuance of \$200,000 bonds or notes of the Township for financing such supplemental appropriation”, finally adopted on February 15, 2018 (#18-07), bond anticipation notes of the Township in a principal amount not exceeding \$200,000 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 6. Pursuant to a bond ordinance of the Township entitled: “Bond ordinance providing for the installation of turf fields at Maple Grange Park in and by the Township of Vernon, in the County of Sussex, New Jersey, appropriating \$872,750 therefor and authorizing the issuance of \$692,750 bonds or notes of the Township for financing such appropriation”, finally adopted on July 22, 2019 (#19-15), bond anticipation notes of the Township in a principal amount not exceeding \$692,750 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 7. Pursuant to a bond ordinance of the Township entitled: “Bond ordinance appropriating \$1,165,918, and authorizing the issuance of \$856,777 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 July 22, 2019 (#19-16), bond anticipation notes of the Township in a principal amount not exceeding \$856,777 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 8. Pursuant to a bond ordinance of the Township entitled: Bond ordinance appropriating \$2,600,500, and authorizing the issuance of \$2,132,857 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 28, 2020 (#20-11), bond anticipation notes of the Township in a principal amount not exceeding \$1,300,000 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 9 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 10. 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 11. 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 12. 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 13. This resolution shall take effect immediately.

Upon motion of John Auberger, seconded by Andrew Pitsker, the foregoing resolution was adopted by the following vote:

**AYES: Five**

**NAYS: None**

**Resolution #20-164:** Resolution Authorizing the Issuance of not Exceeding \$400,000 Special Emergency Notes of the Township of Vernon, in the County of Sussex, New Jersey

CFO Bright explained that this resolution is the remaining note that was taken out last year for the revaluation.

Council President Shortway asked for a motion to approve Resolution #20-164.

MOVED: Andrew Pitsker

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-164.

#### **RESOLUTION #20-164**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$400,000 SPECIAL EMERGENCY 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** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Pursuant to an ordinance of The Township of Vernon, in the County of Sussex (the "Township") authorizing a special emergency appropriation in the amount of \$1,000,000, finally adopted on July 24, 2017 (#17-12) and entitled: "An ordinance authorizing a special emergency appropriation of \$1,000,000 for the revaluation of real property by the Township of Vernon, in the County of Sussex, New Jersey", special emergency notes of the Township are hereby authorized to be issued pursuant to the Local Budget Law in a principal amount not exceeding \$400,000 for the purpose of financing the improvement or purpose described in said resolution, including (to any extent necessary) the renewal of any special emergency notes heretofore issued therefor.

Section 2. All special emergency 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:4-55. 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 further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

Section 5. 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 6. All action heretofore taken by Township officials with respect to the sale, issuance and delivery of the notes is hereby ratified, confirmed, adopted and approved.

Section 7. This resolution shall take effect immediately.

Upon motion of Andrew Pitsker, seconded by John Auberger the foregoing resolution was adopted by the following vote:

**AYES: Five**

**NAYS: None**

**Resolution #20-165:** Authorizing Approval of Sussex County Contribution to the Vernon and Glenwood-Pochuck Ambulance Squads

Council President Shortway asked for a motion to approve Resolution #20-165.

MOVED: Kelly Weller

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: Auberger

ABSENT: None

Motion carried to approve Resolution #20-165.

### **RESOLUTION #20-165**

#### **AUTHORIZING APPROVAL OF SUSSEX COUNTY CONTRIBUTION TO THE VERNON AND GLENWOOD –POCHUCK AMBULANCE SQUADS**

**WHEREAS**, Vernon Township is in receipt of Request for Certification for Rescue Squad Contribution of \$2,800.00 per squad from the County of Sussex; and

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

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

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon that it hereby approves the Certification for Rescue Squad Contribution to the Vernon and Glenwood –Pochuck Ambulance Squads within Vernon Township and approves the receipt of financial assistance in the amount of \$2,800.00 per squad for the calendar year 2020; and

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

**Resolution #20-167:** Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2021-June 2025

Council President Shortway asked for a motion to approve Resolution #20-167.

MOVED: John Auberger  
SECOND: Jean Murphy

A roll call vote was taken:  
AYES: Auberger, Murphy, Pitsker, Weller, Shortway  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion carried to approve Resolution #20-167.

**RESOLUTION #20-167**

**Governor’s Council on Alcoholism and Drug Abuse  
Fiscal Grant Cycle July 2021-June 2025**

**WHEREAS**, Vernon Township has been notified that a revision is needed in the amount of the Municipal Alliance Grant previously approved via Resolution #19-224 on December 9, 2019;

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Council of the Township of Vernon, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Vernon, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a revised strategic plan for the Vernon Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 5,584.00
Cash Match	\$ 1,396.00
In-Kind	\$ 4,188.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
*Howard Burrell, Mayor*

**Resolution #20-168:** Resolution Awarding Bid for Proposed Drainage Improvements to Pleasant Valley Drive

Council President Shortway asked what the total amount is for this.

CFO Bright answered \$187,951.00

Council Member Auberger asked if the exposed ledge at the intersection of Pine Street and Evergreen was going to be removed.

Administrator Voelker said he believes that this is being addressed but he was not 100% sure.

Council President Shortway asked for a motion to approve Resolution #20-168.

MOVED: John Auberger

SECOND: Jean Murphy

A roll call vote was taken:

AYES: Auberger, Murphy, Weller, Shortway

NAYES: None

ABSTAIN: Pitsker

ABSENT: None

Motion carried to approve Resolution #20-168.

**RESOLUTION #20-168**

**RESOLUTION AWARDING BID FOR PROPOSED  
DRAINAGE IMPROVEMENTS TO PLEASANT VALLEY DRIVE**

**WHEREAS**, there is a need for Drainage Improvements to Pleasant Valley Drive in the Township of Vernon; and

**WHEREAS**, the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) encourages the use of public bidding to benefit taxpayers by ensuring that projects are completed in a safe, timely and cost-effective manner; and

**WHEREAS**, the Township duly advertised for public bids in a fair and open manner, consistent with N.J.S.A.19:44A-20.4 et. Seq., and

**WHEREAS**, the Township of Vernon received four (4) bids for said purpose duly advertised and held a public bid opening on July 23, 2020 at 10:00 am.; and

**WHEREAS**, the Township Council has reviewed the recommendations of the appropriate Township Officials in connection with the proposals that were submitted; and

**WHEREAS**, Messercola Excavating, Inc. 549 East 3<sup>rd</sup> Street, Plainfield, NJ 07060, has provided the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document in the amount of \$187,951.00; and

**WHEREAS**, the Qualified Purchasing Agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S.A. 40A:11-1 et seq.); and

**WHEREAS**, the Chief Financial Officer hereby certifies that funds not to exceed \$187,951.00 are available as follows; Line Item: C-04-16-015; C-04-17-009; C-04-18-017; C-04-20-011.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that:

1. The contract Drainage Improvements to Pleasant Valley Drive is hereby awarded to Messercola Excavating, Inc. 549 East 3<sup>rd</sup> Street, Plainfield, NJ 07060.
2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Messercola Excavating, Inc. 549 East 3<sup>rd</sup> Street, Plainfield, NJ 07060, not to exceed

\$187,951.00 for the 2020 budget year in accord with the tenets of contract found within Bid.

**Resolution #20-170:** Resolution Establishing Interlocal Services Agreement with the Vernon Township Municipal Utility Authority for the Services of Financial Administration

Council Member Murphy asked if we usually do this Interlocal Services Agreement for one year.

CFO Bright answered that the last one was done for two years.

Council Member Murphy said that for 2020 the amount is \$74,900, for 2021 the amount is \$76,300 and for 2022 the amount is \$78,700.

Council President Shortway asked for a motion to approve Resolution #20-170.

MOVED: Kelly Weller  
SECOND: John Auberger

A roll call vote was taken:  
AYES: Auberger, Murphy, Pitsker, Weller, Shortway  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion carried to approve Resolution #20-170.

**RESOLUTION #20-170**

**Resolution Establishing Interlocal Services Agreement with the Vernon Township Municipal Utility Authority for the Services of Financial Administration**

**WHEREAS**, the Mayor and Council of the Township of Vernon, a Municipal Corporation of the State of New Jersey and the Vernon Township Municipal Utilities Authority (VTMUA), a municipal utilities authority established pursuant to N.J.S.A. 40:14-B-1 et. seq. have determined that an Interlocal Service Agreement for the services of Financial Administration, inclusive of the services of a Chief Financial Officer, is in the best interest of the parties; and

**WHEREAS**, the specific services, payment arrangements, and term of agreement, have been negotiated and set forth in a written Interlocal Service Agreement between the Township and VTMUA.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey that the Mayor is hereby authorized to execute the Interlocal Service Agreement between the Township and VTMUA for the services of a Chief Financial Officer in accordance with the mutual terms and conditions of the attached Interlocal Service Agreement.

**Resolution #20-171:** Resolution Authorizing Retention of Appraisal Services for Real Property Commonly Known as 8-20 Black Creek Drive and Block 391/Lot 12 on the Tax Map of the Township of Vernon

Council Member Murphy asked the cost of the two appraisals because they are not attached to the resolution.

Mayor Burrell explained that the appraisal for Landmark 1 Appraisal is \$1895 and the appraisal from Norman J. Goldberg Inc. is \$1850.

Council Member Murphy said it is her understanding that we are getting two appraisals so we would qualify for Green Acres or grants. She feels that the resolution does not state that it is subject to Green Acres or grant money.

Council Member Murphy made a motion requesting that the resolution be written correctly to include that the purchase of the property to be contingent to the municipality receiving grant money. Vice President Auberger seconded the motion.



MOVED: Jean Murphy  
SECOND: John Auberger

A roll call vote was taken:  
AYES: Auberger, Murphy, Pitsker, Weller  
NAYES: Shortway  
ABSTAIN: None  
ABSENT: None

Motion carries requesting that the resolution be written correctly to include that the purchase of the property is contingent to the municipality receiving grant money.

Council President Shortway asked for a motion to approve Resolution #20-171 as amended.  
MOVED: Jean Murphy  
SECOND: John Auberger

A roll call vote was taken:  
AYES: Auberger, Murphy, Pitsker, Weller, Shortway  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion carried to approve Resolution #20-171 as amended.

#### **RESOLUTION #20-171**

#### **RESOLUTION AUTHORIZING RETENTION OF APPRAISAL SERVICES FOR REAL PROPERTY COMMONLY KNOWN AS 8-20 BLACK CREEK DRIVE AND BLOCK 391/LOT 12 ON THE TAX MAP OF THE TOWNSHIP OF VERNON**

**WHEREAS**, the Township of Vernon has an opportunity to purchase certain real property located within the municipal boundaries, more specifically Lot 12, Block 391, also known as 8-20 Black Creek Drive (“Property”), which Property will be used for open space purposes and to facilitate a trail system, including a bike trail; and

**WHEREAS**, in furtherance of assessing the present value of the Property and pursuing open space funding for the purchase, the Township will need to obtain two appraisals of the Property; and

**WHEREAS**, an appraisal of the property was conducted by Joshua Mackoff on August 11, 2018; and

**WHEREAS**, Joshua Mackoff’s appraisal, being two (2) years old, would not be accepted by the New Jersey Green Acres Program of Sussex County Open Space Program; and

**WHEREAS**, proposals to appraise the property in accordance with New Jersey Green Acres Program standards have been received from Landmark I Appraisal and Norman J. Goldberg, Inc.; and

**WHEREAS**, a determination has been made that the new appraisals should also be obtained from Landmark I Appraisal and Norman J. Goldberg, Inc.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon as follows:

1. The Mayor is hereby authorized to enter agreements with Landmark I Appraisal and Norman J. Goldberg, Inc. in accordance with the attached proposals for appraisal services at the property.
2. Upon receipt of the appraisals, the Mayor is hereby authorized to execute a contract for the purchase of the property provided the Municipality procures and secures grant money for the purchase of the property. However, acquisition of the property cannot occur until after the property is appraised and the passage of an ordinance authorizing acquisition of the property.

**Resolution #20-172:** Resolution Authorizing a Memorandum of Agreement with the Sussex County for Participation in the Stationhouse Adjustment and Community Engagement Pilot Program

Council Member Pitsker asked if any money has been spent on this program.

Council President Shortway said no money has been spent yet. He explained that this program builds a relationship between juveniles and the police.

Council Member Pitsker asked if there are plans to use this program until the end of the year.

Administrator Voelker said yes and the program should go into 2021 until the money is used up.

Council President Shortway asked for a motion to approve Resolution #20-172.

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion carried to approve Resolution #20-172.

**RESOLUTION #20-172**

**RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE SUSSEX COUNTY FOR PARTICIPATION IN THE STATIONHOUSE ADJUSTMENT AND COMMUNITY ENGAGEMENT PILOT PROGRAM**

**WHEREAS**, Sussex County is looking to increase and improve the bond between law enforcement and youth by focusing on youth diverted and enhancing the Stationhouse Adjustment Community Service requirements. Sussex County is further dedicated to continuing and enhancing diversion programs for Sussex County Youth; and

**WHEREAS**, the Township of Vernon also supports these ideals and is committed to helping its youth; and

**WHEREAS**, a Stationhouse Adjustment (“SHA”) is an alternative method that law enforcement agencies may use to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses within their jurisdiction. The intent of an SHA program is to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the juvenile by avoiding the stigma of a formal juvenile delinquency record. In many instances, this early intervention will deter the youth from continuing their negative behavior and divert the youth from progressing further into the juvenile justice system; and

**WHEREAS**, Sussex County has created a Stationhouse Adjustment and Community Engagement Pilot Program and wishes for the Vernon Police Department to participate. As a part of the Stationhouse Adjustment Program, four Police departments in Sussex County, including the Vernon Police Department, with the highest number of arrests and the biggest potential for increased diversion rates, will facilitate a combined total of at least 10 Community Service Engagement Events per year for youth on an SHA; and

**WHEREAS**, to enhance the SHA program, the police departments will hold a Saturday Community Service event in their respective towns for youth in the SHA program. This Saturday event will include a morning interactive session on the implications of justice system involvement and educational information on the impacts of certain offenses on their future, followed by a community service event. The community service events will provide youth a chance to work alongside law enforcement while giving back to their community and fostering relationships with law enforcement; and

**WHEREAS**, a determination has been made that it is in the best interests of the Township of Vernon for the Vernon Police Department to participate in the Stationhouse Adjustment and Community Engagement Pilot Program; and

**WHEREAS**, the Township of Vernon and the Sussex County desire to enter a memorandum of agreement concerning the Vernon Police Department’s participation in the Stationhouse Adjustment and Community Engagement Pilot Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Vernon that the Business Administrator is hereby authorized to execute a memorandum of agreement between the Township of Vernon and the Sussex County in a form similar to the document attached hereto. The Township Attorney may make applicable language changes deemed in the best interest of the Township.

**Resolution #20-173:** A Resolution Authorizing the Execution of a Discharge of Mortgage for Block 153.21/Lot 2 – 96 Breakneck Road

Council President Shortway asked for a motion to approve Resolution #20-173.

MOVED: Kelly Weller  
SECOND: John Auberger

A roll call vote was taken:  
AYES: Auberger, Murphy, Pitsker, Weller, Shortway  
NAYES: None  
ABSTAIN: None  
ABSENT: None

Motion carried to approve Resolution #20-173.

**RESOLUTION #20-173**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A DISCHARGE OF MORTGAGE FOR BLOCK 153.21/LOT 2 – [REDACTED]**

**WHEREAS**, the Township of Vernon holds a mortgage for Robert L. and Lynette Brown for the premises known as Block 153.21, Lot 2, [REDACTED] in conjunction with a dwelling renovation through the Vernon Township Housing Rehabilitation Program (“Mortgage”); and

**WHEREAS**, Robert L. and Lynette Brown have satisfied the Mortgage and the Mortgage can be discharged; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is hereby authorized to sign a Discharge of Mortgage for Block 153.21, Lot 2 and to have same filed with the County Recording Officer.

**INTRODUCTION/1<sup>ST</sup> READING OF PROPOSED ORDINANCES**

**Ordinance #20-14:** Refunding Bond Ordinance Authorizing the Issuance of \$8,500,000 Refunding Bonds of the Township of Vernon, in the County of Sussex, New Jersey

Council President Shortway read by title Ordinance #20-14.

CFO Bright explained that the Township has mortgages and we are refinancing these mortgages to save money based on the interest rates. We are looking at saving an estimated \$800,000 by refinancing.

Council President Shortway asked for a motion to introduce Ordinance #20-14.

MOVED: Andrew Pitsker  
SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: None

ABSENT: None

Motion passed to introduce Ordinance #20-14.

**Ordinance #20-15:** Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Designating Main Street as “2020 Senior Drive”

Council President Shortway read by title Ordinance #20-15.

Council President Shortway asked for a motion to introduce Ordinance #20-15.

MOVED: Andrew Pitsker

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Murphy, Pitsker, Weller, Shortway

NAYES: None

ABSTAIN: Auberger

ABSENT: None

Motion passed to introduce Ordinance #20-15.

## **PUBLIC COMMENTS**

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

MOTION: John Auberger

SECOND: Harry Shortway

All members were in favor.

Martin O'Donnell – Vernon Township, commented that the Council is not making motions properly and not professionally. Mr. O'Donnell spoke to Council Member Murphy saying that her comments are unprofessional and directed towards other people on the Council and they have nothing to do with business. He said some of the comments were in the newspaper last week and it is embarrassing. Mr. O'Donnell feels that our Council and Committee people need the proper training in Local Government so that the town runs more professional and efficient.

Dan Kraus – Vernon Township, asked if there were any updates on the community pump track.

Administrator Voelker said the pump track will be discussed at the next Council meeting.

Jessica Paladini – Vernon Township, does not understand why her question on an agenda item was not answered.

Ms. Paladini feels that the Council voted on something that was written incorrectly or falsified. She said that the Vernon Seniors did have a graduation and a prom. Ms. Paladini does not understand why the name of Main Street is being changed to 2020 Senior Drive and she feels this is a very bad precedence.

Ms. Paladini said she has had extensive conversations with Port Jervis about their bicycle pump track and they did not use street sweepings and asphalt. Ms. Paladini said she has more than 150 photographs of the DPW storage site that proves that there is solid waste buried, toxic waste, dumping in the wetlands and that this has not been a temporary facility. Ms. Paladini said she is going to do everything she can to prevent a bicycle pump track in a toxic waste dump. She asked to please put the bicycle pump track in one of Vernon's beautiful parks.

Thomas McClachrie, Vernon Township, feels that Ms. Murphy's comments are spot on and we should not be giving a blank check to anyone. He said any money we can save is good.

Mr. McClachrie said that the Mayor talked to Port Jervis about their pump track, and he was the person who mentioned asphalt and road sweepings. He also said you cannot tell by a photograph if there is toxic waste.

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

All members were in favor.

## MAYOR COMMENTS

Mr. Council President, on behalf of the Council, you requested that I update the Council on the status of several issues, some that have lingered from the past year.

In my comments tonight, I will respond to your request by updating the Council on two of these issues; and, in my future comments, I will be addressing the other issues that you have asked me about.

The first issue on which I provide an update is the long standing Legend's property issue.

What at one time was a beautiful Vernon Township attraction and a great tax ratable for our town, has for the past several years been a town eyesore and a tax liability. As I understand it, for years our town has attempted to get the owner of the Legends property to live up to his responsibilities as a taxpayer. However, those efforts have not yet been fully successful.

In addition, the Legend's property is our municipality's 3rd highest assessed municipal taxpayer, with a current assessed value of 11.5M\$.

Because of these factors, getting an acceptable resolution to this Legend's property issue has been a top priority for me.

During these first seven months that I have been in office I have been engaged in regular direct telephone and email negotiations with the legend's property principal owner, a Mr. Hillie Myers, who lives in the State of Florida. My overall objective has been, and still is, to get the Legend's delinquent property taxes paid and to get the Legends property functioning again as a town asset.

One of the major obstacles to finding a solution to the tax issues related to this property is the fact that over the years, the Legends property has been subdivided into many different Block and Lot condo like units; plus, some of the tax liabilities have been sold off to third party lienholders.

For example, Mr. Myers claims full ownership and tax responsibility for 504 of the subdivided units. Tax payment receipts show that for these 504 units, Mr. Myers has paid the taxes due through 2018. However, the taxes that he has paid on those 504 units are only a small portion of the 5.4M\$ in back taxes that our records show as being due on the total Legends property.

As a result of the many, and often very frank and direct, negotiating sessions that Mr. Myers and I have had, plus:

1. My insistence on not relenting on the 2016 hold that former Mayor Shortway placed on the renewal of the Legends liquor license that Mr. Myers holds;
2. The strong expression of my intent to explore the possibility of using eminent domain to facilitate the redevelopment of the Legends property; and ...
3. A strong desire on the part of both, me and Mr. Myers, to find an acceptable solution ...

In part, as a result of taking this approach, through our legal councils, Mr. Myers and I have been able to finally group all of our concerns and issues into three major categories, and have recently come to agreement on two of the three categories.

If we can come to an agreement on a key matter in the final category, the agreement that we would put together:

1. Would result in Mr. Myers immediately paying the full amount of the 397K\$ in 2019 taxes and interest that are due on the 504 units for which he acknowledges full ownership and tax responsibility;
2. Would result in the achievement of the objectives of:
  - a. Getting the Legend's other delinquent property taxes paid; and ...
  - b. Getting the Legends property functioning again as a town asset, either through Mr. Myers getting a fully executed contract for the redevelopment of the Legends property; or getting a fully executed contract to sell the Legends property; or agreeing to have the Legends property sold via an auction.

While I am hopeful, I hasten to remind you that nothing is final on this issue until an official agreement is signed.

I will keep you informed of our town's progress on this issue.

The second issue on which you asked that I provide an update is the status of our town's implementation of the Short-Term Rental Ordinance that the Council adopted and I signed on April 13 of this year.

After the passage of the Short-Term Rental Ordinance in April, in May the Council gave me the authorization to enter into a contract with Host Compliance, a national company that has helped over 400 different towns, cities, and counties around the U.S. to implement and enforce fair and effective short term rental rules and procedures.

As is the case with almost everything else in our lives, COVID-19 related issues have put some constraints on the speed at which the town and Host Compliance had desired and expected to progress with our implementation of our Short-Term Rental Ordinance.

However, Business Administrator Chuck Voelker and I last week completed the initial Host Compliance training session as a way of monitoring and confirming the sufficiency of this training, and within the next several days, this training will be provided to appropriate members of the town's staff.

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

Howard L. Burrell, Mayor

Never Let Important Things Get In The Way Of Necessary Things

Administrator Voelker explained the process that will be put in place for registering and monitoring short term rentals in the Township.

Mr. Voelker commented Lake Panorama sign and wall saying that the sign has been there since 2018 and was done without any approvals from the Township. When the Town got an actual survey of the area, the sign and wall are in the right-of-way for that area. Lake Panorama mentioned in the past taking over the right-of-way but this did not happen. Mr. Voelker explained that Vernon has asked to meet with the HOA President as soon as possible to discuss option that would be beneficial to Lake Panorama and the Township.

## **COUNCIL COMMENTS**

Council Member Murphy asked if Vernon Township will be sending people to Atlantic City for the NJ League of Municipalities Conference in November with the Covid-19 pandemic.

Administrator Voelker replied that the Township on a whole has not made any decisions on the conference.

Council Member Murphy asked if there was an update on the possibility of disbanding the MUA in the future.

Township Attorney Zielinski replied saying they are still researching the possibility of the MUA being disbanded and how stator lien rights would work if the utility took over those assets. Mr. Zielinski said he hopes to have an answer after Labor Day.

Council Member Murphy asked about the Brook Hollow Bridge that has been a problem since 2016. She asked if anything would happen to the bridge would the town be responsible for not having pursued the bridge being repaired?

Mayor Burrell replied saying there is a meeting set up to discuss this and he is hoping to have a report for the next meeting.

Council Member Murphy also asked about Northwood and all the fines on that property.

Council Member Murphy said that members of the public are entitled to their opinion. She said as a Council Member and an elected official if she has a comment to make she will do so.

Council Member Murphy asked about the MUA appointments.

Council President Shortway said the resolutions for the MUA appointments will be on the next meeting agenda.

Council Vice President Auberger commented that the fence on the right when you enter the municipal building around the exit pit for downstairs looks great.

Council Vice President Auberger thanked the Township and County road departments and all of the volunteers for all of their hard work during the storm.

Council Member Weller thanked Mishelle Downtain, Recreation Director, for all of her hard work with the Farmer's Market and getting the sitting area set up outside the senior Center. Council Weller said that Ms. Downtain has gotten a lot of donations from people around town to build flower boxes. Ms. Downtain is arranging for some arts and crafts for the Seniors. This weekend alone was the largest number of vendor turnout at the Farmer's Market and the next market will have even more vendors. Council Member Weller said Ms. Downtain's hard work does not go unnoticed and thanked all of the volunteers.

Council Member Pitsker thanked the County and Township DPW for the hard work during the storm.

Council Member Pitsker said he was at the Farmer's Market and there were quality vendors and the compliance with social distancing and mask wearing was well respected. He said great job by all.

Council Member Pitsker said that after speaking to some business owners and contractors in the area, he feels that the Building Department's permitting process and getting inspections done seems to be slow in some areas. Council Member Pitsker would like to see how it can be more efficient. He said that contractors are sitting on jobs waiting for an inspection and they cannot move to their next job. Council Member Pitsker would like to see this process become more efficient and help the contractors.

### **COUNCIL PRESIDENT COMMENTS**

Council President Shortway explained that the NJ League Conference in November is where the Council gets most of its training. He said there is a seminar for newly elected officials that the Council can attend.

Council President Shortway said he is in his 60's and he still rides his bicycle almost 50 miles a week.

Council President Shortway called attention to the Vernon Township Police Department. He said Vernon was rated in the top communities to be crime free in the whole nation. Council President Shortway feels this reflects on the great job our men and women do in the Police Department under the great leadership of Police Chief Young and this community and the fact that we are all one and work together. The resolution that was passed tonight is a step in the right direction, no matter our position as Council Members, Police Officers, Fire Fighters or Teachers, we always want to improve our services.

### **ADJOURNMENT**

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

The Meeting of the Township Council of the Township of Vernon was adjourned at 8:23 p.m.

Respectfully submitted,

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Marcy Gianattasio, RMC, CMR  
Municipal Clerk

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Harry Shortway,  
Council President

Minutes approved: 8/24/2020