

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
AUGUST 8, 2022 7:00 PM**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on August 8, 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 July 29, 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.

DISCUSSION ITEM

Selected/Dedicated Septic Handlers

Council Member Furrey feels that this is a good idea. The sewer system needs more users therefore is it possible that a transfer station could be installed that can receive septic from only residential areas. One thing to consider would be that there would be a requirement, whether once every three years or every five years, to make it mandatory to have their septic cleaned. The reason for this especially in lake communities would be to prevent septic's from failing and discharging into the lakes. Council Member Furrey explained that the MUA has an individual group within the MUA looking at this particular issue as to whether we could provide a service under the MUA. The MUA would manage the process, manage the septic haulers, and anything above board would be under contract. The residents can benefit from a less costly process as far as the hauling. The MUA would benefit and the town would benefit because it would provide a service but it would have to be under the MUA's jurisdiction.

Council Member Lynch mentioned that Highland Lakes is making this a requirement in their community.

Council Member Buccieri asked if Vernon would have to commit to a certain septic company.

Council Member Furrey explained that the MUA would take on the responsibility and essentially go out to bid for septic hauling. The MUA would provide the service and the customers would pay the MUA.

Council Member Shortway said we would have to do this in steps. West Milford has the ordinance and Lake Wallkill already has this as part of their rules. Eventually, this helps the homeowner because if their field goes bad it can cost a lot of money. Council Member Shortway explained that we could have a hauler transport waste into Vernon at the transfer station or essentially, we put the whole town into our transfer station by cleaning out their septic systems. The concerns are when you look at the SCUMA agreement it says the only waste that can be accepted is from the sewer service area of Vernon. We would have to negotiate the contract with SCUMA and see if they would accept wastewater from all of our residents. The vendor would save on fuel because they would only be traveling to our transfer station and the homeowner would hopefully save to get their septic tanks cleaned. The town benefits because we would be making up for the shortfall of about 200,000 gallon per day.

Council President Rizzuto asked if the MUA was looking to buy septic trucks.

Council Member Furrey said the MUA would contract haulers.

Council President Rizzuto asked for a subcommittee of Council Member Furrey and Lynch to do more research on this subject.

Mayor Burrell explained that the issues are the agreement with SCUMA, the actual cost of putting in the transfer station and that there are individuals who just put in new septic tanks. This would have to all be worked out.

REVIEW OF BILLS LIST

The Council Reviewed the Bills List

MAYOR COMMENTS

As part of their on-going efforts to make needed health care services as conveniently available as possible to our senior citizen population, our Director of Community Affairs & Recreation, Ms. Mishelle Downtain, and our Senior Center Supervisor, Ms. Jane Damstra, have arranged for the Sussex County Office of Public Health Nursing to host a Health Education and Blood Pressure Screening Clinic for seniors at the Vernon Township Senior Center on August 17 from 11:30am – 1pm.

At this important clinic, not only will Blood Pressure readings be taken and reported to the individual, information about Blood Pressure and what it means will also be provided; and if needed or desired, nurses will also follow up with the individual's health care provider.

I encourage all seniors to take advantage of this important health care clinic.

The outstanding quality of our municipal personnel continue to bring more pride and earn more positive recognition for Vernon Township!

On August 3, I was informed that the New Jersey State Association of Chiefs of Police had awarded certification status to Vernon Township's POLICE CHIEF DAN YOUNG. He received accreditation status as an Accredited Command Executive-Chief of Police.

In achieving this Command Executive accreditation status, CHIEF YOUNG joins a very select group of New Jersey law enforcement officials - - in fact, only 33% of the state's police chiefs are certified, and our CHIEF YOUNG is one of those 33%; in addition, only 29% of municipalities have certified command executives, and our CHIEF YOUNG is one of those 29%.

CHIEF YOUNG, a graduate of Vernon Township High School, started his law enforcement career in 2000. He rose through the ranks to become Chief of our town's Police Department in 2019.

He has earned a Bachelor of Science Degree in Business Management from William Paterson University, and Masters Degree in Administrative Science from Fairleigh Dickinson University.

CHIEF YOUNG is also a graduate of the prestigious New Jersey State Association of Chiefs of Police Executive Institute, and currently serves as the Sergeant at Arms for the northern region of the New Jersey State Association of Chiefs of Police, as well as the President of the Sussex County Chiefs of Police Association.

Thank you, again, CHIEF YOUNG for the positive recognition that you continue to bring to Vernon Township; we are proud and fortunate to have you as the leader of our town's law enforcement organization!

MOVING VERNON FORWARD means that we must focus on a host of things, all at the same time. And that's especially true during these somewhat unusual times in which we live - - times in which we all have a host of challenges invading our lives, all at the same time.

So, while I have focused on working with the Council in efforts to make Vernon an even better place in which to live and raise a family, I have not forgotten my commitment to do what I can to also make Vernon an environmentally safe place to live.

And that leads me to tonight's update on our town's ongoing efforts to find a cost effective and efficient way to clean up the major environmental scar that Joe Wallace created on the face of our town in the form of his awful illegal landfill.

As the result of:

1. The close coordination, legal contacts, and other valuable resources that Business Administrator Voelker has brought to our town by way of his work with (a) the Honorable James S. Rothschild, the court appointed Receiver of the Wallace property, and (b) the Office of the New Jersey Attorney General; and ...
2. As a result of meetings and discussions that I have personally had with Governor Murphy, our Congressman Josh Gottheimer, and our representative State Senator Steve Oroho about the Wallace illegal landfill - - -

As a result of these efforts, Vernon Township has been successful in obtaining a 100K\$ grant from the New Jersey Department of Community Affairs for the purpose of hiring a Licensed Site Remediation Professional to conduct deep bore testing of the Wallace illegal landfill.

These tests will enable us to learn what are the levels of potentially toxic substances that are in this landfill. This is a step that's necessary for us to understand the extent of the problem, and to formulate a plan to remediate any levels of toxicity to acceptable residential levels.

As a necessary step for me as Mayor to execute the agreement with the State of New Jersey to accept this 100K\$ grant from the New Jersey Department of Community Affairs, I need the Council's approval via a resolution. To gain that approval, I have placed Resolution # 22-205 on tonight's agenda.

On behalf of the residents of Vernon Township, I want to, again, thank both, Congressman Gottheimer and Senator Oroho, for being strong advocates on behalf of Vernon Township, and for being very helpful in our efforts to obtain this funding to test and cleanup the illegal Wallace land field.

Moving efforts forward to clean up this illegal Wallace land field will continue to be one of my key priorities.

Those of you who have paid attention to the Council meetings of the last few months, know that the issue of having some Council members attend meetings in person, while other Council members attend meetings via Zoom, has been a continuous issue.

While this is essentially an issue for the Council to deal with, and not an issue that I as Mayor I am required to solve, I have been specifically and directly called on by some Council members to take an action that will facilitate a solution to this issue.

As most, if not all, of you are aware that the Mayor has the authority to post a law enforcement official in the chamber where the Council meetings are being held, if he/she deem it appropriate.

Council Members Shortway and Furrey have on several occasions made requests to me and the Council President to post a law enforcement official in the court room where our Council meetings are held, because the tone of the meetings has caused them concerns for their safety.

Each time they have discussed this matter with me I have told them that I did not want to interfere with the Council's authority to establish the rules for their Council meetings, and therefore, I was hesitant to post a law enforcement official within our court room unless requested to do so by the Council President.

The discussions between the Council on this issue over the past several months has:

1. Made it clear to me that the three Council members that attend the meetings in person want Council members Shortway and Furrey to also attend meetings in person; and ...
2. Council members Shortway and Furrey have repeatedly said that they want to attend meetings in person, and will do so if a law enforcement official is at the Council meetings.

As all may have noted, Council members Shortway and Furrey again made a specific and direct appeal to me, at the last Council meeting, for me to post a law enforcement official is at the Council meetings so that they can attend meetings in person.

In response to that specific and direct appeal, I offered a compromise action to the Council, with the objective of contributing to the achievement of what both group of Council members have said that they wanted - - that is, for all five Council members to be physically present at Council meetings.

Specifically, what I have done is to have a law enforcement officer stationed in the lobby outside of the court room where our Council meetings are held.

This compromise action provides the law enforcement presence that Council members Shortway and Furrey have repeatedly stated is necessary for them to be physically present at Council meetings, while also respecting the Council President's right to determine the rules that will govern what takes place in the chamber where the Council meetings are being conducted.

Seven days ago, I advised the Council of my plans. I am very pleased to see that this compromise action has tonight led to us having all of our Council members physically present at a Council meeting for the first time in months!

It is my hope that this compromise action will be a building block that will contribute to the Council working better as a group, and to the Council and the Mayor working better as a governmental unit.

My actions are motivated by my belief in the quote from the great American author, disability rights advocate, political activist and lecturer Ms. Helen Keller - - Ms. Keller said that alone we can do little, but together we can do a lot.

APPROVAL OF MINUTES

July 11, 2022 – Regular Meeting

Council President Rizzuto asked for a motion to approve the July 11, 2022 regular meeting minutes.

MOVED: Furrey

SECOND: Buccieri

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve the July 11, 2022 regular meeting minutes.

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: Shortway

All members were in favor.

Doreen Edwards – Vernon Township, asked how much it is going to cost the taxpayers to have a police officer at each meeting. Ms. Edwards commented that the septic pumping is a good idea but asked the Council to keep in mind that the residents responsible for the initial setup and facility. Ms. Edwards is also concerned about residents who are not year-round residents. Ms. Edwards asked about well testing for the residents.

Steve Dunlop – Williamsville Estates, feels that anyone who wants to apply to be a licensed septic hauler should be able to. Mr. Dunlop feels that Council Member Furrey should not be speaking for the MUA. Mr. Dunlop reminded the Mayor that the repurchase of the property auctioned in error is from taxpayer dollars.

Camila Diresta – Glenwood, does not think that our Mayor is stupid.

Sean Clarkin – Highland Lakes, commented that the Mayor put a police officer outside during the meetings and he does not know how much this costs. Mr. Clarkin asked who is going to reimburse the taxpayers to buy back the property that is being repurchased.

Jessi Paladini – Vernon Township, agrees with Steve Dunlop and Sean Clarkin and feels that anyone involved has insurance and the money should be coming from them.

Bill Diresta – Vernon Township, feels that having a police officer present gives a piece of mind.

Ann Larson - Vernon Township, feels that everything the municipality puts their hands on falls into debris and nothing has been well executed. She feels that a quick decision from the administration is bad for the township.

Peg Distasi – Vernon Township, thanked the Mayor for keeping a campaign promise to address the Wallace Property and she is support of the deep bore testing. Ms. Distasi does not understand why the Mayor put a police officer at the meetings. Ms. Distasi questioned why the MUA representative Kristen Wheaton and the Environmental Commission were not invited to the meeting to speak about the septic pumping. She said they have been working on this for over two years.

Council President Rizzuto wanted the Council to have an opportunity to hear information about this because ultimately it will need the approval of the Council.

Carl Contino – Cedar Ridge, thanked the Mayor for keeping his campaign promise by cleaning up the Wallace Property. Mr. Contino mentioned that the Sussex County Commissioners have police stationed outside during their meetings. Vernon is the largest municipality in Sussex County and he has seen the meetings get hostile. Mr. Contino is in favor of having an ordinance in place to have septic pumped. He asked where the trucks would be dumping the septic waste.

Council Member Furrey explained that it would be pump station 2 which is off Sandhill Road.

Rich Carson – Sussex, commented that it is a job well done on the grant to investigate the landfill. Mr. Carson feels that there is not much of a threat at the meetings. He is confused why we need police security at our Council meetings and he would like to see where this is found in the Faulkner Act. Mr. Carson handed the Municipal Clerk a survey to distribute to the Council.

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

MOVED: Lynch
SECOND: Shortway

All members were in favor.

CONSENT AGENDA

Resolution #22-196: Renewal of Inactive Liquor License (T&Z Holding Co. LLC) Requiring Special Ruling in the Township of Vernon for the 2022-2023 Licensing Term

Council President Rizzuto asked for a motion to have resolution #22-196 picked up from the floor for discussion.

MOVED: Lynch
SECOND: Shortway

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

Motion passed to pick up resolution #22-196 from the floor for discussion.

Council President Rizzuto asked for a motion to place resolution #22-196 on the floor for discussion.

MOVED: Lynch
SECOND: Buccieri

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

Motion passed to place resolution #22-196 on the floor for discussion.

Council Member Lynch made a motion to vote on this resolution in the affirmative.

Council Member Shortway feels that this license has been in active for a number of years. We received their email as we got here tonight nullifying their plans that they have been telling us for the past few years. Council Member Shortway said that these liquor licenses need to be out in the public and being used, they own it and they can sell it or use it. These are business opportunities and people should not be buying them and holding them for an unreasonable amount of time.

Council Member Furrey commented saying we just received this email today. We wanted more information on what their plans are and the email does not say much.

Council Member Buccieri understands why a business owner may not want to share all of their business plans in public. She does not feel comfortable making a decision that could potentially harm a Vernon resident and a Vernon business owner. These people purchased these licenses at great expense and she understands that they are just sitting here. If we do not approve the resolution, they could potentially lose their investment. Council Buccieri is not in favor of withholding the resolution.

MOVED: Lynch

SECOND: Buccieri

A roll call vote was taken:

AYES: Buccieri, Lynch, Rizzuto

NAYES: Furrey, Shortway

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-196.

RESOLUTION #22-196

RENEWAL OF INACTIVE LIQUOR LICENSE (T&Z HOLDING CO. LLC) REQUIRING SPECIAL RULING IN THE TOWNSHIP OF VERNON FOR THE 2022-2023 LICENSING TERM

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

WHEREAS, pursuant to N.J.S.A. 33:1-12.39 the following license required a Special Ruling by the State Division of Alcoholic Beverages, as the license is currently inactive, prior to its renewal; and

WHEREAS, the State Division of Alcoholic Beverages, on July 20, 2022, had issued said special ruling for the 2022-2023 license term; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following inactive license shall be reissued for the 2022-2023 licensing period expiring June 30, 2023.

PLENARY RETAIL CONSUMPTION

T&Z Holdings CO. LLC.

1922-33-004-007

Resolution #22-197: Renewal of Inactive Liquor License (JD Vernon Lodge and Inn LLC) Requiring Special Ruling in the Township of Vernon for the 2022-2023 Licensing Term

Council President Rizzuto asked for a motion to place resolution #22-197 on the floor.

MOVED: Lynch

SECOND: Buccieri

Council President Rizzuto explained that this particular license is tied to the property. The information we received looks like it is some kind of transfer of ownership and he believes this is contingent on the passing of this resolution.

Council Member Furrey is satisfied with the email that was sent.

Council Member Buccieri echoed what she said about resolution #22-196.

Council Member Shortway asked if any proof was received that there is actually a transaction.

The Municipal Clerk answered that she only received an email from the license owner.

Council Member Lynch made a motion to approve resolution #22-197.

MOVED: Lynch
SECOND: Buccieri

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

Motion passed to approve resolution #22-197.

RESOLUTION #22-197

**RENEWAL OF INACTIVE LIQUOR LICENSE (JD VERNON LODGE AND INN LLC)
REQUIRING SPECIAL RULING IN THE TOWNSHIP OF VERNON FOR THE 2022-2023
LICENSING TERM**

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

WHEREAS, pursuant to N.J.S.A. 33:1-12.39 the following license required a Special Ruling by the State Division of Alcoholic Beverages, as the license is currently inactive, prior to its renewal; and

WHEREAS, the State Division of Alcoholic Beverages, on July 20, 2022 had issued said special ruling for the 2022-2023 license term; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following inactive license shall be reissued for the 2022-2023 licensing period expiring June 30, 2023.

PLENARY RETAIL CONSUMPTION

JD Vernon Lodge and Inn LLC

1922-33-009-004

Resolution #22-199: Refund Overpayment (Block 460-Lot 16 – Johanna Bloomfield)

Resolution #22-200: Refund Overpayment (Block 282-Lot 29 – Marylou Tompkins)

Resolution #22-204: Resolution Authorizing Fireworks to be Displayed on August 6, 2022 with Rain Date of August 7, 2022 within the Township of Vernon

Resolution #22-205: A Resolution Authorizing Acceptance of Grant Funds from the State of New Jersey Department of Community Affairs for Deep Core Testing of the Landfill

Resolution #22-207: Resolution Authorizing Leasing of Certain Vehicles for the Department of Police Through Sourcewell National Cooperative #060618-EFM Through Enterprice Fleet Management Services Inc. (Quote No. 6595889-1 x Carbonized Gray Metallic)

Council President Rizzuto asked to place resolutions #22-199 #22-200, #22-204, #22-205, #22-207 on the floor.

MOVED: Buccieri
SECOND: Furrey

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

ABSENT:

Motion carries to pass resolutions #22-199 #22-200, #22-204, #22-205, #22-207.

RESOLUTION #22-199

**REFUND OVERPAYMENT
(Block 460 Lot 16- Johanna Bloomfield)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Johanna Bloomfield in the amount of \$1660.29 representing refund for overpayment of 2nd qtr. 2022 property taxes for Block 460 Lot 16 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Bloomfield	460	16	\$1660.29
		TOTAL:	\$1660.29

RESOLUTION #22-200

**REFUND OVERPAYMENT
(Block 282 Lot 29- Marylou Tompkins)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Marylou Tompkins in the amount of \$33.61 representing refund for overpayment of 3rd qtr. 2022 property taxes for Block 282 Lot 29 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Tompkins	282	29	\$33.61
		TOTAL:	\$33.61

RESOLUTION #22-204

**RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON AUGUST 6, 2022 WITH
RAIN DATE OF AUGUST 7, 2022 WITHIN THE TOWNSHIP OF VERNON**

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

WHEREAS, Highland Lakes Country Club and Community Association has submitted an application to Vernon Township to conduct fireworks display on Saturday August 6, 2022 with a rain date of Sunday August 7, 2022; and

WHEREAS, the proposed fireworks display will take place on Lakeside Drive East on the Dam of Highland Lake on property owned by Highland Lakes Country Club & Community Association; and

WHEREAS, the Association has engaged in a contract with Garden State Fireworks, Inc., to perform the public fireworks and special effects display and has provided the required certificate of liability insurance.

WHEREAS, Highland Lakes Country Club and Community Association acknowledged the late submission of the application and respectfully requests Township Council authorize approval of the Fireworks resolution after the event.

NOW THEREFORE BE IT RESOLVED, that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the fireworks display with special effects, performed by Garden State Fireworks, Inc. and sponsored by the Highland Lakes Country Club and Community Association on August 6, 2021 with a rain date of Sunday August 7, 2021 upon satisfaction of all statutory and departmental requirements.

RESOLUTION #22-205

A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR DEEP CORE TESTING OF THE LANDFILL

WHEREAS, in response to the COVID-19 pandemic, Congress passed and the President signed the “American Rescue Plan Act of 2021” P.L. 117-2 (the “ARP Act”) into law; and

WHEREAS, the ARP Act, in part, created the Coronavirus State Fiscal Recovery Fund (“CSFRF”) and the State of New Jersey received an allocation of the CSFRF funds; and

WHEREAS, the State Treasurer has entered into a Memorandum of Understanding with the Department of Community Affairs (“DCA”), as Grant Manager for the CSFRF Funds, to provide those grant management functions and processes for the State that are necessary to administer and manage and disburse funds accordingly; and

WHEREAS, pursuant to Joint Budget Oversight Committee Resolution No. 02-2021, the Joint Budget Oversight Committee approved an appropriation of One Hundred Thousand Dollars (\$100,000.00) to the Township of Vernon (“Township”) for deep core testing of the landfill; and

WHEREAS, DCA has provided the Township of Vernon with a proposed agreement which is required for release of the grant funds; and

WHEREAS, a determination has been made that it is in the best interests of the Township to enter into the proposed agreement with DCA to accept the appropriated grant funds.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the Mayor is authorized to execute an agreement with DCA for grant funds in the amount of One Hundred Thousand Dollars (\$100,000.00) for deep core testing of the landfill in a form similar to the document attached hereto.

RESOLUTION #22-207

RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES FOR THE DEPARTMENT OF POLICE THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE

FLEET MANAGEMENT SERVICES INC.

(Quote No. 6595889- 1 x Carbonized Gray Metallic)

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

WHEREAS, the governing body of Vernon Township approved in Resolution 19-164 authorizing leasing of certain vehicles through Sourcewell National Cooperative #060618-EFM through Enterprise Fleet Management Services, Inc., and this is an extension of that resolution; and

WHEREAS, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the “Law” or “Chapter 139” and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN 2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

WHEREAS, the Township of Vernon has the need to procure certain vehicles through lease program for Township services in accord with the Local Publics Contract Law N.J.S.A. 40A:11-1 et. Seq., and;

WHEREAS, the Township of Vernon has previously acted in accord with New Jersey public procurement statutes and regulations as promulgated by formally joining a recognized and compliant national cooperative, being the Sourcewell National Cooperative, and;

WHEREAS, the regulations as set forth within Local Finance Notice LFN 2012-10 have been fully complied with, and;

WHEREAS, the equipment and corresponding Sourcewell National Cooperative contract is #060618-EFM for Enterprise Fleet Management Services Inc.; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is the cost of contract as there is currently no cooperative lease program in effect under the New Jersey Division of Purchase and Property; and

WHEREAS, the quoted cost under the Sourcewell National contract is \$35,759.40 (Quote No. 6595889); and

WHEREAS, that the governing body of Vernon Township pursuant to NJAC 5:30-5.5(b) (the certification of available funds), states that the Chief Finance Officer shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

NOW THEREFORE BE IT RESOLVED THAT, the Business Administrator is hereby directed to effectuate the contract with Enterprise Fleet Management Services Inc. under Sourcewell contract #060618-EFM in accord with the provisions of the tenets as established within 40A:11-1 et. Seq.,

Resolution #22-201: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2022 Budget as a Revenue and Appropriation of \$38,000.00

CFO Donelle Bright explained that resolution #22-201 is for Trail Feasibility Study, resolution #22-202 is for Stormwater Management and resolution #22-203 is for Farmland Preservation Study. We pay our Township Planner to do what is associated with these three items.

Council Member Buccieri asked if there will be additional money needed for these studies.

Ms. Bright answered saying that usually the planner will charge accordingly. The grant money is for these studies but there is nothing to state that the planner could not spend outside of that. If more money is needed outside of the grants, we have a Township Planner line item.

Council President Rizzuto asked to place resolution #22-201 on the floor.

MOVED: Furrey

SECOND: Shortway

A roll call vote was taken:

AYES: Furrey, Shortway

NAYES: Buccieri, Lynch

ABSTAIN: Rizzuto

ABSENT:

Motion does not carry to pass resolution #22-201.

Resolution #22-202: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2022 Budget as a Revenue and Appropriation of \$27,500.00

Council President Rizzuto asked to place resolution #22-202 on the floor.

MOVED: Lynch

SECOND: Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion does not carry to pass resolution #22-202.

Resolution #22-203: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2022 Budget as a Revenue and Appropriation of \$15,000.00

Council President Rizzuto asked to place resolution #22-203 on the floor.

MOVED: Furrey
SECOND: Shortway

Council Member Buccieri asked what are we looking for when we do this study and what is the end result.

Administrator Voelker explained that this is a study to determine which properties in Vernon should be farmland preserved.

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

Motion carries to pass resolution #22-203.

RESOLUTION #22-203

CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF REVENUE AND APPROPRIATION AMENDING THE 2022 BUDGET AS A REVENUE AND APPROPRIATION OF \$15,000.00

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

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

WHEREAS, the Township has been awarded a \$15,000.00 Highlands Plan Conformance Grant for Farmland Preservation Study; and wishes to amend its 2022 budget for the difference of the awarded amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$15,000.00 which is now available as a revenue,

BE IT FURTHER RESOLVED that a like sum of \$15,000.00 is hereby appropriated under the caption Highlands Plan Conformance Grant.

Resolution #22-206: A Resolution Authorizing Emergency Procurement of Fuel for Daily Operations of the Township of Vernon

Council President Rizzuto asked to place resolution #22-206 on the floor.

MOVED: Furrey
SECOND: Buccieri

Council Member Buccieri asked why are we doing this.

Administrator Voelker explained that with the temporary storage tanks we did not appropriate enough funds. We also had an issue with the new tanks and the way they were functioning.

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

Motion carries to pass resolution #22-206.

RESOLUTION #22-206

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 \$100,000.00 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 \$100,000.00.

INTRODUCTION OF ORDINANCE

Ordinance #22-15 – An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending and Supplementing Chapter 5 of the Municipal Code of the Township of Vernon

Council President Rizzuto asked for a motion to bring ordinance #22-15 from the table.

MOVED: Lynch
SECOND: Buccieri

Council President Rizzuto asked for a motion to introduce ordinance #22-15

MOVED: Buccieri
SECOND: Lynch

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

Motion passed to introduce ordinance #22-15.

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #22-14 – Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Authorizing the Purchase of Real Property Located at Block 432, Lot 85 and Block 432, Lot 63 on the Tax Map of the Township of Vernon

Council President Rizzuto asked for a motion to place ordinance #22-15 on the floor for consideration.

MOVED: Buccieri
SECOND: Shortway

Council President Rizzuto asked for a motion to open the floor for public comment.

MOVED: Buccieri
SECOND: Lynch

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

Motion carries to open the floor to the public.

Jessi Paladini, Vernon Township, asked if Council Member Furrey should be voting on this ordinance. Ms. Paladini feels that it would be a slap in the face to take taxpayer money to pay for this. Ms. Paladini feels that this should be paid for by the employee's insurance and the Council should vote no on this.

Sean Clarkin – Vernon Township, feels that there was a mistake made and someone has to pay. Taxpayers should not be paying to buy back this property.

Doreen Edwards – Vernon Township, feels that we have to hold employees responsible. She said if we have errors and omissions, we should use it.

Steve Dunlop – Williamsville Estates, commented on the fee for the attorney to sell the property because it was not mentioned.

Bill Diresta – Vernon Township, feels that we have an election coming up and if you don't like how things are going then vote accordingly.

Peg Distasi – Vernon Township, feels that this ordinance should be tabled until we have the results of the study that was done. Ms. Distasi feels that error and omission insurance should be used for this.

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

MOVED: Buccieri
SECOND: Lynch

All members were in favor.

A roll call vote was taken to approve ordinance #22-14:
AYES: Buccieri, Furrey, Shortway, Rizzuto
NAYES: Lynch
ABSTAIN:
ABSENT:

Motion carries to approve ordinance #22-14.

ORDINANCE #22-14

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT BLOCK 432, LOT 85 AND BLOCK 432, LOT 63 ON THE TAX MAP OF THE TOWNSHIP OF VERNON

WHEREAS, in or about November 2021, the Township of Vernon ("Township") conducted a property auction and sold numerous parcels of property owned by the Township; and

WHEREAS, two of the properties were sold together at the auction located at 6 Mondamin Road a/k/a Block 432, Lot 85 and 16 Shomokin Road a/k/a Block 432, Lot 63 on the tax map of Vernon Township (collectively "Properties"); and

WHEREAS, the Properties were purchased by Jay Thienel and Michelle Thienel; and

WHEREAS, upon further review, it was determined that the property located at 6 Mondamin Road a/k/a Block 432, Lot 85 contains telecommunications infrastructure used by the Township; and

WHEREAS, a determination has been made that it is in the best interests of the Township to repurchase the Properties; and

WHEREAS, N.J.S.A. 40A:12-1, et seq. authorizes a municipality by Ordinance acquire real property by purchase, gift or other exchange and N.J.S.A. 40A:12-5 requires that such acquisition be authorized by Ordinance; and

WHEREAS, the Township has negotiated a contract for Sale of Real Estate to repurchase the Properties from Jay Thienel and Michelle Thienel for a purchase price of \$25,000.00.

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

SECTION 1

The Mayor is authorized to execute a contract for Sale of Real Estate with Jay Thienel and Michelle Thienel and all other documents necessary to consummate the purchase of the properties located at 6 Mondamin Road a/k/a Block 432, Lot 85 and 16 Shomokin Road a/k/a Block 432, Lot 63 on the tax map of Vernon Township in the form substantially similar to the form attached hereto for the price of \$25,000.00.

SECTION 2

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 3

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 4

This Ordinance shall take effect immediately upon final passage, approval, and publication by law.

PUBLIC COMMENTS (For Current Agenda Items Only, Limited to 5 Minutes Per Person)

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

MOVED: Furrey

SECOND: Shortway

All members were in favor.

Doreen Edwards – Vernon Township, asked if what was just voted on was to buy back the piece of property and if it was approved.

Bill Diresta – Vernon Township, asked what happened to the resolution for cannabis.

Council President Rizzuto explained that the company could not be here to make their presentation.

Mr. Diresta feels that this will be a money maker for the town.

Jessi Paladini – Vernon Township, thanked Council Member Lynch and said she is disgusted that the rest of the Council voted to take taxpayer money to pay for this rather than the insurance policies of the people involved. Ms. Paladini read a statement where she called the Municipal Clerk a political operative because the Municipal Clerk filed an OPRA request and shared the OPRA responsive documents.

Camila Diresta – Glenwood, recalls when Mr. M. was at the meetings yelling and she did not feel safe.

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 thanked Mayor Burrell and Council President Rizzuto for placing the officer in the lobby and there is not a cost for safety. He also thanked the Mayor and Council for working so hard on securing the \$100,000 grant. He spoke to the DEP today and they are very engaged in the topic and they are following it very closely. Council Member Furrey thanked Senator Oroho and Josh Gottheimer and hopefully this issue will be solved.

Council Member Shortway agreed with Council Member Furrey for thanking the people that helped us with the fine work that was done. Council Member Shortway told the Municipal Clerk that he thinks she is doing a great job and he has full confidence in what she does for the Council.

Council Member Furrey also thanked the Municipal Clerk and he supports her efforts.

Council Member Lynch said in January that he reached out Congressman Gottheimer's office to ask about grant opportunities for fire service here in Vernon Township. Council Member Lynch did not receive an answer until August 1, 2022 when he received an email in reference to a grant for firefighter turnout gear. We only had eleven days to file the grant. Council Member Lynch feels that we need to send a letter to Gottheimer.

Council Member Lynch feels that the Mayor has made it well known that he is going to pick and choose which resolutions he is going to follow. The Mayor also made the decision to honor two Council Members who decided that they wanted to have a police officer here. Council Member Lynch does not know what we are going to do going forward because he feels that there is a constitutional crisis here in Vernon when the mayor says I am not going to pay attention to resolutions.

Natalie Buccieri congratulated Chief Young on the recognition that he has achieved and said that we are very luck to have him.

Council Member Buccieri also received the email about the turnout gear grant opportunity and hopefully we can put the application together in time. Maybe sometime in the future, the mayor can give us an update on grant opportunities.

Mayor Burrell commented saying that we received the email about the turnout gear grant opportunity a while ago and it is being worked on.

Council Member Buccieri asked for an update on the grant.

COUNCIL PRESIDENT COMMENTS

Council President Rizzuto wanted the public to be aware that JCP&L will be performing routine patrols on their lines. This is a general inspection of the structures, conductors and all associated hardware on the transmission lines. They will be doing this with helicopters that may be hovering and /or circling to get a closer look at the problems that may be found during these patrols. This will be done August 11, 2022 to August 18, 2022. The helicopter will be a Helo-Air, Blue and White Bell 206, Tail number N894HA.

ADJOURNMENT

At 8:54pm Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Furrey.

All were in favor.

Council Member Shortway made a motion to enter back into the Executive Session that was recessed earlier.

MOVED: Shortway

SECOND: Buccieri

All members were in favor. Motion carried.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: August 22, 2022