

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
APRIL 11, 2022**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on April 11, 2022 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Patrick Rizzuto presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 14, 2022 and on January 18, 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 Marlin Townes.

PRESENTATION

Potential Redevelopment - Legends Property, Block 525, Lots 18 & 19

Michael Selvaggi of Lavery, Selvaggi, Abromitis and Cohen explained that they are asking for an amendment to a redevelopment plan that was adopted by the Government Body of Vernon Township about 15 years ago. This will carve out redevelopment plan as it relates to these two lots. This will enable the developer to build single family residences and townhouses with some townhouses set-aside for affordable housing. This will help satisfy the town's affordable housing obligation.

Mr. John Hanson of Engineering and Land Planning Associates, explained that what is designed preliminary from a conceptual standpoint is a development with a total of 209 units; 120 single family homes, 47 market rate town homes and 42 affordable units which will be stacked homes. Mr. Hanson said the entire project would have to be certified water and sewer and these details would have to be worked out. Mr. Hanson explained the general layout of the design and explained that an important component would be to hopefully retain the Legend's stable structure and to convert that into a farmer's market amenity to lease out and be open to the public. Mr. Hanson said they would design this to be with residential site improvement standards for development, we would need permits from DOT, permits from NJ DEP, we would need the redevelopment plan and ultimately approval from the Planning Board.

Jessica Caldwell commented that these parcels are in the MacAfee Village mixed use zone. It is a redevelopment zone; it was put in place in 2004. The area along with several other parcels surrounding it including Legends and several other parcels in the area are designated as a redevelopment zone covered by this and other plans. Ms. Caldwell recommends pulling out these two parcels and write a redevelopment plan just for this proposed development so that we do not inadvertently impact other sites. Ms. Caldwell feels that this will be the fastest way to get this project moving forward. She explained that the developer would put money in escrow to do the plan. The plan would be brought back for review. We could have a subcommittee of the Council and then bring the plan for review by the entire Council. This would get introduced like a regular ordinance, referred to the Land Use Board for consistence review with the Master Plan and the you adopt it on second reading/public hearing.

Council President Rizzuto asked for a motion of support for this project.

Motion was made by Council Member Lynch. Seconded by Council Member Furrey.

All members were in favor.

DISCUSSION ITEM

Grant Writer

Council President Rizzuto explained that grants offer us an opportunity but the problem we run into is we find out where the grants are available and then there is a lag time between the time to determine if there is a response to the applications and the payments. Hiring a professional does not always determine if you will get the grants you want.

Council Member Furrey feels that the timing is perfect. He thinks there is a big need for water and wastewater infrastructure and if those moneys are available, we need to take advantage of this.

Council Member Lynch has concerns about hiring a grant writer because they get grants for things that have no bearing on the town.

Council Member Buccieri did reach out to the school board about a possible shared service with their grant writer.

Council Member Shortway proposed to the Mayor is to create a full time position as an economic development representative. This team member would be under the direct supervision of the Business Administrator and work closely with the VTMUA, building financial community development and with the EDAC. We currently have no position that coordinates interaction between the different departments being the MUA including the Highlands Council and volunteers. In addition, the representative would be tasked with grants research and writing grants, a checklist for new businesses and advise the Business Administrator on all matters effecting the development of business within our boundaries including identifying problems analysis and alternate solutions with corrective actions.

MAYOR COMMENTS

One of the many things that I have learned during these two-plus years that I have had the honor of serving as Vernon's Mayor, is that we are very fortunate to have some very good municipal employees.

On tonight, I want to share with you the pride that I feel as a result of knowing that one of those municipal employees, Chief of Police Dan Young, has been recognized and honored by both, county and state law enforcement agencies.

At the county level, Chief Young's professionalism and leadership has been recognized by the other police chiefs of Sussex County by their election of him as the President of the Sussex County Chiefs of Police Association for 2022, which is the 50th year of the Associations' founding!

In this leadership role, Chief Young is tasked with leading the effort to further the development of relationships between the county's law enforcement agencies, other organizations in our county and other counties, as well as our state and federal law enforcement partners.

Chief Young's leadership has already been evident during his first three months in this leadership position - - he has led the organizing of a county wide law enforcement training program, which will take place over a two-day period in May, at the Mountain Creek Red Tail Lodge here in Vernon. The training program is based on officer wellness, and will feature a guest speaker and presenter in the form of a notable retired Police Chief from the state of Illinois.

The type of wellness training that Chief Young has arranged is always vital to our law enforcement personnel, and especially so during these times of the extra high levels stress that they face in doing their daily jobs.

At the state level, Chief Young's professionalism and leadership resulted in him being one of only 15 Police Chiefs in the entire State of New Jersey to be selected to participate in a working group that's reviewing and developing law enforcement initiatives.

I have known Chief Young for many years, and one of the many things that I admire about him is the fact that he always strives for continuous improvement.

His latest self-improvement accomplishment came just last week when he completed the final academic course required to earn a Master's Degree in Administrative Science, with focus on Public Administration. He will be awarded this degree at Fairleigh Dickinson University's commencement ceremonies on May 17, 2022.

Vernon is indeed fortunate to have an individual of this caliber as one of our municipal employees, and as our Chief of Police!

During the Council's March 14 meeting, Council Vice President Buccieri read a proclamation announcing that April would be National Child Abuse Month.

Well April is here, and as the Mayor of Vernon Township, I want to express my thanks and appreciation to the Vernon Township Women's Club for the special and unique way that they bring special attention to this very serious and important social issue.

I speak of their annual "planting" of a garden of pinwheels in front of the Municipal Center.

"Pinwheels for Prevention" became a nationwide campaign in 2008, with the aim of making the pinwheel a national symbol for child abuse and neglect prevention.

I have special admiration for the Vernon Township Woman's Club, because it is an all-volunteer service organization, comprised of compassionate women who share a commitment to helping others. They call themselves a "giving club" because they give whatever they can, whenever they can.

The Vernon Township Woman's Club was established in 1972, and consist of not just women of Vernon Township, but also women throughout Sussex County of all ages and in all stages of their lives.

They have a strong association with the Highlands District of the New Jersey State Federation of Women's Clubs, which represents over 200 women's clubs throughout the state of New Jersey.

They also have a strong association with the Greater Federation of Women's Clubs, a federation of over 3,000 women's clubs throughout the United States.

The Vernon Township Woman's Club have a wide range of helping missions; however, their child abuse and neglect prevention mission is the one that I admire the most.

I believe that child abuse can be prevented in some cases, and reduced in others. And the Vernon Township Woman's Club annual "planting" of pinwheels helps in the effort to let our community know that we all have an important part to play in making that happen.

Objective studies have shown that when the well-being of children and families becomes a priority in a community, the number of child abuse and neglect incidents decrease. Other good things also happen for families, including better health outcomes, improved school performance, and stronger economic self-sufficiency.

I want to thank the Vernon Township Woman's Club for "planting" their pinwheel garden in front or the Municipal Center - - this gives us an opportunity to express our support of this very serious and important social cause.

We made an error, and it's something that I am neither proud of nor pleased with; and, because this error occurred on my watch as Mayor, I accept the responsibility for it.

The error was made during our November 2021 sale of excess municipal property, which was a part of our efforts to get vacant, not used municipal property back on the tax rolls.

During this sale, we erroneously sold a .18 of an acre parcel of municipal property that contained one of the municipality's five Repeater devices that are used to extend the range and quality of our overall communications ability to various parts of our 70 square mile town.

While I have already informed and updated the Council on this matter, and have had several detailed and lengthy conversations about it with some of my Council colleagues, I make this matter a part of my comments tonight as a way of informing and update the public on the facts of this matter.

Let me start by saying that it was on March 31 that I first learned that the town had sold this piece of property in error. I notified the Council of this error the next day.

I also committed to the Council that I would conduct a detailed inquiry of this matter, and would provide them a summary report of (1) what happened, (2) the reasons that this error occurred; (3) actions that I

had taken, and would be taking, so as to ensure that this kind of error does not occur in the future; and (4) actions that I had taken, and was in the process of taking, to find an effective solution to the problem that had been created.

I provided the promised written summary report to the Council on April 7.

As to what happened, and why did it happen:

1. Planning for this sale started with a list of 306 Vacant Municipal Properties to Be Sold. The source from which this list was created was the same municipal database that the town uses to identify all vacant and non-vacant property within the township.

The logic in this database assumes that any piece of property with a dollar "Land Value", but no dollar "Property Improvement Value", is vacant.

2. This was the first flaw that my inquiry discovered in the administrative procedure that was being used for this land sale preparation process - - that is, the list of vacant municipal properties was not accurate, because over the years, the addition of equipment - - such as our municipal communications equipment - - on a piece of municipal property had not been automatically added as a "Property Improvement" in the municipal database that was used to create this vacant property list.

3. This is the reason that the Vacant Municipal Properties to Be Sold list included properties that contained some of our municipal communications equipment.

4. Among the other things that my detailed inquiry discovered was that not only was the Vacant Municipal Properties to Be Sold list inaccurate, but that the way in which property was recorded on this list - - that is, simply by Lot, Block, and street address, and no other descriptive or identifying information - - made it not possible for those using this list to prepare for this vacant property sale, to readily identify property that might need to be removed from the list.

5. These, and others, are things that we now know about this flawed administrative process; however, they are things that we now know only as a result of a detailed inquiry. At the time that this administrative process was taking place, most of the administrative errors that were discovered during my inquiry were unknown and/or unknowable.

6. The critical result of this flawed administrative process, was that it created a "perfect administrative storm" for a .18 of an acre parcel of municipal property, that contained one of the municipality's five Repeater devices that are used to extend the range of our overall communications ability.

As to actions that I have taken to ensure that this kind of error does not occur in the future:

1. The first action that I took was to postpone the vacant property sale that we had planned for June. This sale has been postponed until the issues that led to the erroneous sale of a valuable piece of municipal property are fully corrected.

2. Business Administrator Voelker and I have had several discussions and planning sessions about actions that will be taken to ensure that this kind of error does not occur in the future. They include, but are not limited to, the following:

a. The data base from which the Vacant Municipal Properties to Be Sold list was created will be updated and/or amended to ensure that any meaningful improvements to municipal properties are immediately recorded as "Property Improvements". This will ensure the accuracy of the next Vacant Municipal Properties to Be Sold list that's produced;

b. Prior to all future excess property sales, the Vacant Municipal Properties To Be Sold list will be circulated for detailed review by each department head, key members of our Volunteer Fire Departments, key members of our Volunteer EMS Services and/or others who may have knowledge of the location of communications or other equipment, and/or any improvements which would make these properties valuable to the municipality, and therefore should not be sold;

c. Future Vacant Municipal Properties to Be Sold lists will be constructed in a manner that will make them valuable assets in readily identifying any municipal properties on the list that should possibly be removed; and ...

d. As a specific corrective action related to municipal communications equipment, per my request, Chief of Police Young has developed an Emergency Services Radio Tower/Communications Equipment spreadsheet containing the Name, Latitude, Longitude, Physical Address, plus the Lot and Block Number where each piece of municipal communications equipment is located.

Before it is finalized, this spreadsheet will be reviewed by the Business Administrator, the OEM Coordinator, the DPW Director, and appropriate Fire Department and EMS personnel. After this spreadsheet is completed, it will be made available to all department heads and other personnel as appropriate; and, it will be maintained by the Chief of Police.

As to actions we have taken, and are taking, to find an effective solution to the problem that has been created:

1. We have gained written confirmation, from the Vernon Township resident who purchased the .18 of an acre parcel of municipal property containing the one Repeater that's used to extend the range of our overall communications ability in one section of our town, that the town and its vendors have, and will continue to have, free and unrestricted access to this communications site and the equipment.

2. We have ensured that the town and all of its agencies have the same communications capabilities now, that we had before this property sale error occurred.

3. We are in discussions with the purchaser of this property with the objective of reestablishing the town's ownership of this property at a price that's reasonable and cost effective.

4. Understanding that we may not be successful at negotiating a reasonable, cost-effective re-purchase agreement; and understanding that there is normally always a cost to correct an error, Business Administrator Voelker and I are working close with Chief of Police Young in exploring and evaluating options that could result in the town finding a solution to this problem that would enable the town to perhaps gain more modern, up-to-date, effective and efficient Communications Range Extender equipment.

A key consideration is the fact that most of the communications equipment at this specific site may have reached its useful life, since the most recent piece of communications equipment at this site is at least a decade old.

As I end, let me be clear - - in no way do I view this error to be a good thing; it simply should not have happened.

However:

1. I now know about the error;

2. Through a detailed inquiry, I now know why the error occurred;

3. I have taken actions to ensure that this type of error will not occur in the future; and ...

4. I am working diligently and confidentially with knowledgeable, competent individuals on an effective solution to the problem that this error created.

My approach to dealing with this error is greatly influenced by the words of one of my political and civic heroes, former President John Fitzgerald Kennedy.

President Kennedy said "An error doesn't become a mistake, until you refuse to correct it", and we are correcting this error.

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: Michael Furrey
SECOND: Natalie Buccieri
All members voted in favor.

Peg Distasi – Glenwood, feels that the project is very exciting but she hopes that the Council does not forget the needs of the residents. Ms. Distasi congratulated Dan Young on his achievements. She questioned the emergency fuel purchase. Ms. Distasi commented about the grant writer the Board of Education uses and said the Town should contact them about a shared service.

Jessi Paladini – Vernon Township, congratulated Chief Young. She feels an employee on staff should be our grant writer. Ms. Paladini feels that there are line items on the bills list that are disturbing. She questioned why the Beautification Committee gets such a large amount in their budget.

Diane Wexler – Vernon Township, commented on a grant writer. She feels that there is a lot of money out there and it would be wonderful if we can share the BOE grant writer.

Tom McClachrie – Vernon Township, questioned the developer of the potential redevelopment asking if we are going with property taxes or PILOT.

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: Brian Lynch
SECOND: Natalie Buccieri

All members were in favor.

REVIEW OF BILLS LIST

The Council reviewed the bills list.

MINUTES

March 14, 2022 – Regular Meeting
March 21, 2022 – Special Meeting
March 28, 2022 – Regular Meeting

Council President Rizzuto asked for a motion to place the above minutes on the floor for consideration.

MOVED: Michael Furrey
SECOND: Brian Lynch

A roll call vote was taken to approve the March 14, 2022 – Regular Meeting
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve the March 14, 2022 regular meeting minutes.

A roll call vote was taken to approve the March 21, 2022 – Special Meeting Minutes
AYES: Buccieri, Furrey, Lynch, Rizzuto
NAYES:
ABSTAIN: Furrey
ABSENT:

Motion passed to approve the March 21, 2022 special meeting minutes.

A roll call vote was taken to approve the March 28, 2022 – Regular Meeting
AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto
NAYES:
ABSTAIN:
ABSENT:

Motion passed to approve the March 28, 2022 regular meeting minutes.

CONSENT AGENDA

Resolution #22-85: A Resolution of the Township Council of the Township of Vernon, County of Sussex, and State of New Jersey in Support of Amending Title 35 of the New Jersey Revised Statutes to Permit the Publication of Legal Notices by Government Entities on Official Government Websites Instead of in Newspapers

Council President Rizzuto asked for a motion to place resolution #22-85 on the floor.

MOVED: Brain Lynch

SECOND: Michael Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-85.

RESOLUTION #22-85

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY IN SUPPORT OF AMENDING TITLE 35 OF THE NEW JERSEY REVISED STATUTES TO PERMIT THE PUBLICATION OF LEGAL NOTICES BY GOVERNMENT ENTITIES ON OFFICIAL GOVERNMENT WEBSITES INSTEAD OF IN NEWSPAPERS

WHEREAS, Title 35 of the New Jersey Revised Statutes establishes that, wherever publication of a legal notice of any kind is authorized by or required of a governmental entity, said notice must be published in the 'official newspaper' of the governmental entity; and

WHEREAS, permitting the publication of legal notices on the Internet instead of in newspapers will make these notices more easily accessible to the public, thereby promoting transparency and increased public participation in government; and

WHEREAS, permitting the publication of legal notices on the Internet instead of in newspapers will save government entities significant sums of money; and

WHEREAS, the Township is aware of legislative efforts to amend Title 35 of the New Jersey Revised Statutes to permit governmental entities to publish legal notices on official government notice websites instead of in newspapers; and

WHEREAS, the Township fully supports these legislative efforts and wishes to formally express this support.

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

1. The Township of Vernon hereby urges members of the New Jersey Assembly and

Senate to support, co-sponsor, and adopt legislation that would permit governmental entities to publish legal notices on official government notice websites instead of in newspapers.

2. The Township of Vernon hereby urges the Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate which legislation would permit governmental entities to publish legal notices on official government notice websites instead of in newspapers.

3. A certified true copy of this Resolution upon its adoption shall be furnished to State Senator Steven V. Oroho, State Assemblyman Parker Space, and State Assemblyman Harold J. Wirths.

4. A certified true copy of this Resolution upon its adoption shall be furnished to the Governor of the State of New Jersey.

Resolution #22-86: A Resolution Authorizing Emergency Procurement of Fuel for Daily Operations of the Township of Vernon

Council President Rizzuto asked for a motion to place resolution #22-86 on the floor.

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-86.

RESOLUTION #22-86

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 \$60,000.00 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

\$60,000.00

Resolution #22-87: Refund for Exempt Property (Block 315 Lot 3 – Frances Bonfiglio)

Resolution #22-88: Refund Overpayment (Block 531 Lot 111 – Eric Ring)

Resolution #22-89: Refund Overpayment (Block 531 Lot 123 – Lereta)

Resolution #22-90: Refund Overpayment (Block 531 Lot 96 - Lereta)

Resolution #22-91: Refund Overpayment (Block 526 Lot 239 - Sorgenti)

Council President Rizzuto asked for a motion to place resolutions #22-87, #22-88, #22-89, #22-90, #22-91 on the floor.

MOVED: Brain Lynch
SECOND: Natalie Buccieri

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

Motion passed to approve resolutions #22-87, #22-88, #22-89, #22-90, #22-91

RESOLUTION #22-87

**REFUND FOR EXEMPT PROPERTY
(Block 375 Lot 3 – Frances Bonfiglio)**

WHEREAS, Certain properties were deemed exempt as of March 22, 2022

WHEREAS, the law exempts said property from taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Vernon hereby authorizes the Tax Collector to refund 1st quarter 2022 property tax in the amount of \$2,962.28 to Masessa & Cluff, Attorneys for Frances Bonfiglio.

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

RESOLUTION #22-88

**REFUND OVERPAYMENT
(Block 531 Lot 111- Eric Ring)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Eric Ring in the amount of \$681.39 representing refund for overpayment of 3rd qtr. 2020 property taxes for Block 531 Lot 111 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Ring	531	111	\$681.39
		TOTAL:	\$681.39

RESOLUTION #22-89

**REFUND OVERPAYMENT
(Block 531 Lot 123 – Lereta)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Lereta in the amount of \$594.20 representing refund for overpayment of 3rd qtr. 2019 property taxes for Block 531 Lot 123 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Carr	531	123	\$594.20
		TOTAL:	\$594.20

RESOLUTION #22-90

**REFUND OVERPAYMENT
(Block 531 Lot 96 – Lereta)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Lereta in the amount of \$563.60 representing refund for overpayment of 1st qtr. 2020 property taxes for Block 531 Lot 96 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Saggio	531	96	\$563.60
		TOTAL:	\$563.60

RESOLUTION #22-91

**REFUND OVERPAYMENT
(Block 526 Lot 239- Sorgenti)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Andrew Sorgenti in the amount of \$841.57 representing refund for overpayment of 1st qtr. 2019 property taxes for Block 526 Lot 239 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Sorgenti	526	239	\$841.57
		TOTAL:	\$841.57

Resolution #22-92: Resolution Authorizing an Agreement Between Township of Vernon and AFSCME Local 3181 (Rank and File Unit) For 2022-2024

Council President Rizzuto asked for a motion to place resolution #22-92 on the floor.

MOVED: Brain Lynch

SECOND: Harry Shortway

Council Member Shortway questioned on page 13 under salaries, the Township can place a new employee on the Salary Guide at Steps 2 or 3 based upon employee’s experience, knowledge or education as determined by the Director. Council Member Shortway feels that the word Director should be changed to Mayor because he is the Chief Executive Officer. Also, he feels this is too general and needs to be developed more. Under overtime, Council Member Shortway questioned paragraph D, if the banked time is not used within one (1) year of being earned, the employee loses the ability to utilize the time as time off and will have the time paid to him/her at his/her hourly rate. He feels this needs to be changed.

Council President Rizzuto asked for a motion to table this until these issues get worked out.

MOVED: Harry Shortway

SECOND: Michael Furrey

A roll call vote was taken:

AYES: Buccieri, Furrey, Shortway, Rizzuto

NAYES: Lynch

ABSTAIN:

ABSENT:

Motion passed to table resolution #22-92.

Resolution #22-93: A Resolution Expressing Community Support for Water and Wastewater Infrastructure Projects

Council President Rizzuto asked for a motion to place resolution #22-93 on the floor.

MOVED: Michael Furrey

SECOND: Harry Shortway

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-93.

RESOLUTION #22-93

A RESOLUTION EXPRESSING COMMUNITY SUPPORT FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS

WHEREAS, the 117th Congress reinstated the process of providing funding for local governments through the “Community Project Funding” program in 2021; and

WHEREAS, the Township has been informed of Community Project Funding availability for the 2023 Congressional Fiscal Year; and

WHEREAS, Community Project Funding helps fund projects that are considered by the Interior Subcommittee of the Environmental Protection Agency for local drinking water and wastewater infrastructure; and

WHEREAS, Community Project Funding also funds projects that are considered by the Department of Housing and Urban Development Economic Development Initiative for the construction/capital improvements of public facilities, including water and wastewater facilities; and

WHEREAS, applications for Community Project Funding require proof of community support; and

WHEREAS, Vernon Township wishes to express support for water and wastewater infrastructure projects that would benefit the Township and be funded by Community Project Funding;

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Vernon hereby expresses support for water and wastewater projects served by the Community Project Funding program that would enhance services to residents and businesses in the Township of Vernon and benefit the community.

Resolution #22-94: A Resolution Expressing Community Support for Transportation Projects

Council President Rizzuto asked for a motion to place resolution #22-94 on the floor.

MOVED: Michael Furrey

SECOND: Brian Lynch

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

Motion passed to approve resolution #22-94

RESOLUTION #22-94

A RESOLUTION EXPRESSING COMMUNITY SUPPORT FOR TRANSPORTATION PROJECTS

WHEREAS, the 117th Congress reinstated the process of providing funding for local governments through the “Community Project Funding” program in 2021; and

WHEREAS, the Township has been informed of Community Project Funding availability for the 2023 Congressional Fiscal Year; and

WHEREAS, Community Project Funding helps fund projects that are considered by the Department of Transportation for Transit Infrastructure Projects, including public share-ride transportation open to a segment of the general public defined by age, disability or low income; and

WHEREAS, applications for Community Project Funding require proof of community support; and

WHEREAS, Vernon Township wishes to express support for projects that provide public share-ride transportation open to a segment of the general public defined by age, disability or low income that would benefit the Township and be funded by Community Project Funding;

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Vernon hereby expresses support projects that provide public share-ride transportation open to a segment of the general public defined by age, disability or low income served by the Community Project Funding program that would enhance services to residents in the Township of Vernon and benefit the community.

Resolution #22-95: A Resolution Expressing Community Support for Senior Citizen Projects

Council President Rizzuto asked for a motion to place resolution #22-95 on the floor.

MOVED: Brain Lynch
SECOND: Harry Shortway

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

Motion passed to approve resolution #22-95.

RESOLUTION #22-95

A RESOLUTION EXPRESSING COMMUNITY SUPPORT FOR SENIOR CENTER PROJECTS

WHEREAS, the 117th Congress reinstated the process of providing funding for local governments through the “Community Project Funding” program in 2021; and

WHEREAS, the Township has been informed of Community Project Funding availability for the 2023 Congressional Fiscal Year; and

WHEREAS, Community Project Funding helps fund projects that are considered by the Department of Health and Human Services division of Administration for Community Living-Aging and Disability Service Programs for projects that improve or create new opportunities for older adults, individuals with disabilities and eligible family caregivers, including access to health services, training, support services and living services for older adults; and

WHEREAS, applications for Community Project Funding require proof of community support; and

WHEREAS, Vernon Township wishes to express support for projects that improve or create new opportunities for older adults, individuals with disabilities and eligible family caregivers that would benefit the Township and be funded by Community Project Funding;

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of Vernon hereby expresses support projects that improve or create new opportunities for older adults, individuals with disabilities and eligible family caregivers served by the Community Project Funding program that would enhance services to residents in the Township of Vernon and benefit the community.

Resolution #22-96: Authorizing Contracts with Certain Approved State Contract Vendors Route 23 Auto Mall State Contract 17-Fleet-00241

Council President Rizzuto asked for a motion to place resolution #22-96 on the floor.

MOVED: Brian Lynch

SECOND: Harry Shortway

A roll call vote was taken:

AYES: Buccieri, Furrey, Lynch, Shortway, Rizzuto

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve resolution #22-96.

RESOLUTION #22-96

AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS ROUTE 23 AUTO MALL STATE CONTRACT 17-FLEET-00241

WHEREAS, the New Jersey Local Publics Contract Law N.J.S.A.40A:11-12, authorizes the Township of Vernon by resolution, and without advertising for bids or obtaining quotations, purchase any goods or services under the State Contract; and

WHEREAS, the Township has the need on a timely basis to purchase goods and services utilizing State contracts; and

WHEREAS, the Township intends to enter into contracts with Route 23 Auto Mall under State Contract 17-FLEET-00241 for a 2022 F-550 Chassis 4x4 SD Regular Cab 145" WB DRW XL (FSH) in the amount of \$70,710.00; and

WHEREAS, the Chief Financial Officer certifies that funding is available in the amount of \$70,710.00 from:

Line Item: C-04-19-011-02 and C-04-21-003-20

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the Mayor to enter into a contract with Route 23 Auto Mall under State Contract 17-FLEET-00241 for a 2022 F-550 Chassis 4x4 SD Regular Cab 145" WB DRW XL (FSH) in the amount of \$70,710.00

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #22-07: Calendar Year 2022 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

Council President Rizzuto read by title Ordinance #22-07

Council President Rizzuto asked for a motion to place Ordinance #22-07 on the floor.

MOVED: Natalie Buccieri
SECOND: Michael Furrey

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-07.

MOVED: Brian Lynch
SECOND: Natalie Buccieri

All Members were in Favor.

Tom McClachrie – Vernon Township, feels that ordinance is a future tax raise.

Jessi Paladini – Vernon Township, feels that this ordinance should not be approved.

Seeing no one else wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-07

MOVED: Harry Shortway
SECOND: Michael Furrey

All Members were in Favor.

A roll call vote was taken to adopt ordinance #22-07

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

Motion passed to adopt Ordinance #22-07.

ORDINANCE #22-07

CALENDAR YEAR 2022

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of Vernon in the County of Sussex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the governing body hereby determines that a 1% increase in the budget for said year, amounting to \$179,763.05 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the governing body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the governing body of the Township of Vernon, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Vernon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$629,170.68, and that the CY 2022 municipal budget for the Township of Vernon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance #22-08: Bond Ordinance Providing for the Acquisition of a New Fire Truck by the Township of Vernon, in the County of Sussex, New Jersey, Appropriating \$655,000 Therefor and Authorizing the Issuance of \$424,047 Bonds or Notes of the Township for Financing Such Appropriation

Council President Rizzuto read by title Ordinance #22-08

Council President Rizzuto asked for a motion to place Ordinance #22-08 on the floor.

MOVED: Michael Furrey
SECOND: Natalie Buccieri

Council President Rizzuto asked for a motion to open Public Hearing for Ordinance #22-08.

MOVED: Michael Furrey
SECOND: Harry Shortway

All Members were in Favor.

Peg Distasi – Vernon Township, feels that Council Member Lynch should recuse himself from this vote.

Seeing no one else wishing to come forward, Council President Rizzuto asked for a motion to close Public Hearing for Ordinance #22-08

MOVED: Michael Furrey
SECOND: Natalie Buccieri

All Members were in Favor.

A roll call vote was taken to adopt ordinance #22-08

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

Motion passed to adopt Ordinance #22-08.

ORDINANCE #22-08

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE TRUCK BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$655,000

THEREFOR AND AUTHORIZING THE ISSUANCE OF \$424,047 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED 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:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Township of Vernon, in the County of Sussex, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$655,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$230,953 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$655,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$424,047 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$424,047 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

1. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition by purchase of new and additional firefighting equipment for the preservation of life and property in the Township, consisting of one (1) pumper truck for use by the Pochuck Valley Fire Department of the Township, including all equipment, appurtenances, accessories and attachments necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$424,047.

The estimated cost of said purpose is \$655,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$230,953 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$424,047, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$65,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer 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. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, 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 from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. 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 pursuant to this bond ordinance 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.

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

PUBLIC COMMENTS

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

MOVED: Michael Furrey

SECOND: Brian Lynch

All members present voted in favor.

Walter Marsico – Vernon Township, feels that he has been treated unfairly by the Township and his job has been attacked.

Sean Clarkin – Vernon Township, feels that the Mayor is not a manager and he sees major mistakes that have been made.

Rich Carson – Sussex, feels that there has been a lack of responsiveness prior to the current Council. He feels that Mayor should resign.

Stephanie DiBrienza – Vernon Township, Glenwood, asked if the Council is allowed to answer questions. Ms. DiBrienza asked if the Township owns Black Creek Drive.

Anil Sahajwalla – owner of Alpine Haus, is upset about a letter that the building department sent to him and also for going on his property without permission.

Peg Distasi – Vernon Township, asked what planning tools have been put in place when the 0% budget catches up to us and results in a deficit in the future. Ms. Distasi feels that the Mayor should resign or be recalled. Ms. Distasi hopes the Council will stay strong for Vernon if the Legends project goes through.

Doreen Edwards – Vernon Township, agrees with Peg Distasi as far as the Legends project. Ms. Edwards explained that May is Lyme Disease month and people will be exposed to ticks.

Tom McClachrie – Vernon Township, asked which manager was supposed to be in charge of selling the auctioned properties. He asked if it should be listed on the deeds.

Diane Wexler – Vernon Township, would like to meet with someone from the Council to discuss electric cars and charging stations for the Township. She said there are a lot of grants available for this.

Jessi Paladini – Vernon Township, feels that in the last two years Vernon has seen the most destruction from the administration.

Al Losco – Glen Harbor, would like to know when the gun safety ordinance is going to be thought about.

Shawn Mazur – Vernon Township, asked when the vacant property ordinance is going to be tabled or redefined.

Francine Vince – Glenwood, asked for dialog for the gun safety ordinance.

Eric Card – Vernon Township, asked if he could speak to a Council Member about the situation Mr. Card is having with the building department.

Ann Larson – Vernon Township, asked that the town does not spend any more money until we find out who owns Black Creek Drive. Ms. Larson would like more guidance with obtaining permits from the town. Ms. Larson is concerned about the assessed value of the property that was sold in error.

Steve Dunlop - Williamsville Estates, is happy to see all of the Council Members on the dais at the same time. Mr. Dunlop feels that the Mayor is incompetent and he hopes the Council can sort out the problems.

Camila Diresta – Glenwood, asked the Council's opinion on the Ryan Homes development and she hopes that the Council does research on Ryan Homes.

Council President Rizzuto feel that this is a positive step if it goes through.

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

MOTION: Brian Lynch

SECOND: Natalie Buccieri

All members present were in favor.

COUNCIL COMMENTS

Council Member Shortway commented saying that the citizens of our community and Council deserve a more comprehensive explanation with accountability for the auction of needed Township property that contained emergency communication equipment.

The authority and responsibility to delegate tasks, accountability, and initiate and impose discipline when tasks are not effectively accomplished is essential for effective government.

Generally speaking, under our form of government:

The execution for the Mayor's agenda, policies and directives are the responsibility of the business administrator. He or she shall have power to investigate the organization and operation of any and all departments, to prescribe standards and rules of administrative practice and procedure, and to consult with the heads of the departments under his/her jurisdiction.

The levels of authority may vary within an administration's chain of command, however, the failure to carry out delegation of tasks, follow-up that tasks were successfully completed and disciplinary responsibilities at any level in that chain will contribute to the municipality's ineffectiveness leading to the public's lack of confidence in their municipal government. Public confidence and trust due to this incident has decreased

Why was the auction list not circulated for review by each department head?

In addition, at the September 13, 2021 Council meeting I asked that the list be sent to the GAAC for their review. You advised the list was to be sent to the appropriate committees. This was not done.

The glaring failure is that no one within the Administration was directed to call Mr. Emmerich to discuss his email alerting the Administration that properties vital to the safety and wellbeing of the Township's residents were on the auction list.

Failure to undergo this very simple task is inexcusable and leads to allegations by the public of incompetence and recklessness on behalf of the Administration.

In addition, once it was realized the exact location of needed properties was difficult to ascertain, a visual inspection of all properties should have been undertaken and the auction should have been postponed.

This public inaccuracy will further erode the trust in our municipal government.

Council Member Buccieri commented that she was glad to see the Ryan Home presentation and she feels this will be a good opportunity for the town to grow and she looks forward to hearing more about it.

Council Member Buccieri was very disappointed and shocked to learn about the sale of the property and she supports an investigation. There is a reason that government moves slowly. We have to move slowly to get things right.

Council Member Furrey would also like to do an investigation for the sale of the property but we have to look at the entire situation.

Council Member Furrey said he was at a City of Newark press conference today and he spoke to the Commissioner of the DEP, Shawn LaTourette, and Council Member Furrey encouraged him to not forget about what happened in Vernon with the dirt situation that has been going on for years and to continue to work with Vernon to help resolve this. Mr. LaTourette said he was committed to this situation.

Council Member Furrey asked Mr. Voelker and the Mayor for an update on the water project.

Council Member Lynch commented that there was a zero percent increase in municipal taxes as promised by the Council. Unfortunately, the school board could not find a way to lower taxes and they actually raised their taxes.

Council Member Lynch feels that this Council communicates well but he was not for this form of government.

COUNCIL PRESIDENT COMMENTS

Council President Rizzuto feels that this is not necessarily the best form of government, but the problem is not with the form but the people who run the government. There are laws that state very clearly what actions the Council can take and we have to do what is right and proper. The people who are concerned about safety and the issue of follow through, we can only do what we can.

Council President Rizzuto is happy to see all of the Council sitting together on the dais.

ADJOURNMENT

At 10:03pm Council Member Lynch made a motion to adjourn the meeting. Seconded by Council Member Buccieri.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: June 13, 2022