

**VERNON TOWNSHIP COUNCIL
MEETING MINUTES
OCTOBER 23, 2023 7:00 PM**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on October 23, 2023 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Buccieri presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 6, 2023 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 Buccieri led the assemblage in the salute to the flag.

ROLL CALL

Present were Council Members Peg Distasi, Patrick Rizzuto, Bradley Sparta, Joseph Tadrack and Council President Natalie Buccieri. Also present were Mayor Howard Burrell, CFO Donelle Bright, Municipal Clerk Marcy Gianattasio and Township Attorney Joshua Zielinski

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

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

MOVED: Sparta

SECOND: Rizzuto

All members were in favor.

Seeing no members from the public wishing to come forward, President Buccieri asked for a motion to close the meeting to Public Comments.

MOVED: Sparta

SECOND: Distasi

All members were in favor.

REVIEW OF BILLS LIST

The Council reviewed the bills list.

APPROVAL OF MINUTES

October 12, 2023 – Regular Meeting

President Buccieri asked for a motion to approve the October 12, 2023 regular meeting minutes.

MOVED: Distasi

SECOND: Sparta

A roll call vote was taken:

AYES: Distasi, Rizzuto, Sparta, Tadrack, Buccieri

NAYES:

ABSTAIN:

ABSENT:

Motion carries to approve the October 12, 2023 regular meeting minutes.

CONSENT AGENDA

Resolution #23-244: Resolution Authorizing Settlement of Litigation Between the Township of Vernon and Certain Lake Communities Located within the Township of Vernon

Resolution #23-245: Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle FY2023

Resolution #23-246: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2023 Budget as a Revenue and Appropriation of \$10,708.00

Resolution #23-247: Resolution Authorizing the Execution of a Shared Services Agreement Between the Township of Vernon and the County of Sussex

President Buccieri asked for a motion to approve the Consent Agenda.

MOVED: Rizzuto
SECOND: Distasi

A roll call vote was taken:

AYES: Distasi, Rizzuto, Sparta, Tadrick, Buccieri
NAYES:
ABSTAIN:
ABSENT:

Motion carries to approve the Consent Agenda.

RESOLUTION #23-244

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION BETWEEN THE TOWNSHIP OF VERNON AND CERTAIN LAKE COMMUNITIES LOCATED WITHIN THE TOWNSHIP OF VERNON

WHEREAS, Hidden Valley Property Owners Association, Inc., Highland Lakes Country Club and Community Association, Lake Community Property Owners' Association, Inc., Lake Panorama Community Association, Inc., Lake Walkkill Community, Inc., and Village of Lake Glenwood, Inc. (collectively, the "Communities"), are six community associations that, respectively, operate the private lake communities located within the Township of Vernon ("Township") known as Hidden Valley, Highland Lakes, Barry Lakes, Lake Panorama, Lake Walkkill and Lake Glenwood.

WHEREAS, the Communities qualify as "qualified private communities" pursuant to N.J.S.A. 40:67-23.2(e) of the Municipal Services Act, N.J.S.A. 40:67-23.2 to -23.8 ("MSA").

WHEREAS, pursuant to N.J.S.A. 40:67-23(a) of the MSA, a municipality is required to either perform or make reimbursement for the performance of certain designated services within the qualified private community, including the removal of snow, ice and other obstructions from roads and streets, in the same fashion as those services are provided on the public roads and streets of the municipality.

WHEREAS, since at least 2007, the Township has elected to not provide such services directly to the Communities and, instead, has assumed the obligation of reimbursing the Communities for the provision of those services in accordance with N.J.S.A. 40:67-23(a).

WHEREAS, on June 16, 2021, the Communities filed a Complaint against the Township, its municipal council, and certain of its municipal officials (collectively, "Defendants," and together with the Communities, the "Parties"), in the Superior Court of New Jersey, Sussex County, in the matter styled *Hidden Valley Property Owners Association, Inc., et al. v. Vernon Township, et al.*, No. SSX-L-539-21 ("Action"), in which the Communities alleged that the Township violated the MSA by allegedly failing to reimburse the Communities for the removal of snow, ice and other obstructions in the manner that the MSA requires.

WHEREAS, on or around June 12, 2023, the Parties elected to submit their dispute to non-binding mediation before the Honorable Travis L. Francis, A.J.S.C. (Ret.), in a good faith attempt to settle the Action through mediation;

WHEREAS, after engaging in multiple mediation sessions, and subsequent negotiations, the Parties have reached an agreement to resolve the Action and enter into a written agreement governing the provision of MSA services to the Communities as a going concern ("Settlement").

WHEREAS, the Parties have prepared a draft term sheet (“Term Sheet”) setting forth the terms of their proposed Settlement, a copy of which is annexed hereto as Exhibit A.

WHEREAS, by entering into the Settlement, the Township will reduce the expense of continued litigation with the Communities, limit any potential exposure to the Township if the Court were to rule against the Township in the Action, and achieve finality concerning the terms and conditions governing the provision of MSA services to the Communities moving forward.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that entering into the Settlement is a fair resolution of the claims raised by and between the Communities and the Township in the Action.

BE IT FURTHER RESOLVED by the Township Council of the Township of Vernon that the Mayor is authorized to execute a settlement agreement on behalf of the Township of Vernon that includes the terms contained within the Term Sheet annexed hereto, subject to any non-substantive revisions or corrections that may be necessary (“Settlement Agreement”).

RESOLUTION #23-245

**Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle FY2023**

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

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

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

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

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

1. The Township Council does hereby authorize submission of a revised strategic plan for the Vernon Municipal Alliance grant for fiscal year 2023 in the amount of:

DEDR	\$ 7,472.00
Cash Match	\$ 1,868.00
In-Kind	\$ 5,604.00

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

RESOLUTION #23-246

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF
REVENUE AND APPROPRIATION AMENDING THE 2023 BUDGET
AS A REVENUE AND APPROPRIATION OF \$10,708.00**

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 \$10,708.00 2023 SIF Risk Control Grant and wishes to amend its 2023 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 2023 in the sum of \$10,708.00 which is now available as a revenue,

BE IT FURTHER RESOLVED that a like sum of \$10,708.00 is hereby appropriated under the caption 2023 SIF Risk Control Grant.

Resolution #23-247

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE COUNTY OF SUSSEX

WHEREAS, the Township of Vernon (“Township”) provides animal control services within the Township and to other nearby governmental entities; and

WHEREAS, the County of Sussex (“County”) is desirous of the Township providing assistance to humanely euthanize animals that need to be sent out for rabies testing; and

WHEREAS, the Township is willing to provide these services to the County; and

WHEREAS, such agreements are authorized pursuant to the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et. seq.; and

WHEREAS, a shared services agreement has been negotiated by and between the parties and that establishes the terms and conditions thereof.

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

1. The Mayor and Township Clerk are authorized to execute the attached shared services agreement between the Township of Vernon and the County of Sussex to provide assistance humanely euthanizing animals that need to be sent out for rabies testing.
2. A copy of said agreement will be attached to this resolution and held on file in the Office of the Township Clerk.
3. A certified copy this resolution shall be forwarded to the Sussex County Department of Health and Human Services.

PUBLIC COMMENTS (Limited to 5 Minutes Per Person)

President Buccieri asked for a motion to open the meeting for public comment.

MOVED: Distasi

SECOND: Sparta

All members were in favor.

Seeing no members of the public wishing to speak, President Buccieri asked for a motion to

close the meeting for Public Comments.

MOVED: Distasi
SECOND: Sparta

All members were in favor.

MAYOR COMMENTS

Mayor Burrell had no comments.

COUNCIL COMMENTS

Council Member Distasi reminded everyone to be safe on Halloween.

Council Member Sparta had no comments.

Council Member Tadrick said that as things are heating up around the world be careful of your surroundings and be safe.

COUNCIL PRESIDENT COMMENTS

Council President Buccieri said that there are some fun things coming up for the Halloween season.

Council Member Rizzuto commented that the Vernon Township football team is having a great year and he asks that you attend the game and support the players.

ADJOURNMENT

At 7:20 pm Council Member Distasi made a motion to adjourn the meeting. Seconded by Council Member Tadrick.

All were in favor.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Natalie Buccieri
Council President

Minutes approved: November 27, 2023