

**VERNON TOWNSHIP COUNCIL
REGULAR MEETING MINUTES
DECEMBER 13, 2021**

This Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on December 13, 2021 via Zoom Webinar and in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 6, 2021 and on September 23, 2021 and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

ROLL CALL

Present were Council Members John Auberger, Toni Cilli, Michael Furrey, Andrew Pitsker and Council President Harry Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, Municipal Clerk Marcy Gianattasio and Township Attorney Josh Zielinski.

SALUTE TO THE FLAG

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

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

Council President Shortway announced that according to the town code, please give us your name and where you live for the record and please address the Council as a whole.

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

MOVED: Michael Furrey

SECOND: John Auberger

All members present voted in favor.

Brian Lynch – expressed his prayers to the people of Kentucky who are devastated the tornadoes.

Mr. Lynch questioned why we have to rush to get the pump track completed so fast. He said he is not again the pump track if it is done correctly. He feels that there are a lot of questions that are not being answered. He questioned why something so important as the gun safety ordinance was taken off the agenda for the new Council to take care of but the pump track is being rushed through. Mr. Lynch said the new Council would like to be involved in something so important.

Joe Hession – Mountain Lakes, CEO of Mountain Creek, explained that they sold a record number of ski passes this year and they will open. He also is happy to say that Mountain Creek will pay their entire sewer bill for the year as soon as it is received.

Mr. Hession explained that in 2004 the State of New Jersey because of the change in climate changed the flood plain from a 500-year flood to a 100-year flood. The State of New Jersey wanted Mountain Creek to increase the size of their dams to protect the public. Mountain Creek has done a good job getting this

done and they have one remaining, which is a very big job to do. In 2017 The State wanted the dam fixed and they emphasized that it was a category 1 high hazard dam which could result in human life if it were to break. This would cost \$1,500,000 to 3,000,000 to fix. Because of this the State of New Jersey has offered a loan to fix the dam. The loan is a 20-year loan for no more than \$3,000,000 with a 2% interest rate. The loan has to be co-signed by the municipality and it is really important to get this done. Mr. Hession asked the Council to consider approving the resolution to co-sign the loan for the dam repair.

Pat Rizzuto – Vernon Township, asked the Council if the trail could be delayed. He feels that because the specifications were developed under the existing Council and existing professionals. In a few weeks there will be new sitting Council Members to provide oversight and before the oversight can become effective knowledge needs to be gained. There are a lot of unanswered questions and when 5000 people elect 3 people based on a level of dissatisfaction, that he has not seen in quite a while, Mr. Rizzuto feels that we owe it to the people to at least review this situation one last time. Mr. Rizzuto has seen conflicting statements saying the reason why we cannot build commercially on a piece of property because it is a bobcat habitat and then see correspondence from the DEP stating he never spoke to anyone. Mr. Rizzuto questioned the issue of an easement and has asked for information regarding this from the Mayor and Council and he was told that there was no letter from Mr. Mulvahill regarding the easement.

Mr. Rizzuto explained that the Pike County Courier of March 2021 there was a statement attributed to Harry Shortway saying that we could not go ahead with the easement because of numerous issues that were listed in a letter from Mr. Mulvahill. Mr. Rizzuto feels that if this was taken out of context or misquoted, he still should have received a listing of what those issues were. He feels it would be advantageous for the public to see what would be required to cure the situation and perhaps it may be substantially less than \$289,000 for a piece of property that a number of people feels that has no commercial value.

Mr. Rizzuto commented on the resolution on the agenda regarding the MUA. He asked if Mr. Furrey has resigned and he also asked if the vacant seats were advertised to the public. He asked that this appointment be delayed until it is properly advertised for the public.

Craig Williams – Vernon Township, served on the Greenway Action Advisory Committee for the last five years and also on the Environmental Commission. He has worked on the trail project for a long time and it is coming to fruition. Mr. Williams does not feel that this project is being rushed to achieve some sort of deadline. He explained that every analysis of the cost and the payback of trail construction has always been positive. Mr. Williams feels that this trail will not have the payback we are hoping for unless it is extended to Mountain Creek, PAL to Maple Grange Road and to Maple Grange Park. He urges the Council to act on this trail.

Emanuel Robinson, Garden State Green Genetics, is applying for a cultivation license. They have a location secured here in Vernon. He and his business partner are invested in Vernon and they have a few real estate properties in Vernon.

Steven Dunlop – Vernon Township, because of his past comments he was accused of making racist comments against the Mayor. He wanted to make it clear it has nothing to do with color of one's skin but content of one's character. Mr. Dunlop explained that while the Mayor was running for office he made it clear he did not support trails, he was going to get rid of the Business Administrator and the VTMUA was

the responsibility of the users. Mr. Dunlop is concerned because just like the pump track, trails started off as volunteer projects and were not going to cost the taxpayers any money. He is not against trails but he is against the way the whole thing has been done. Mr. Dunlop explained that at the November 15th meeting the Mayor announced that he was going to publish a notice for bids for the trail with a requirement that the bids needed to be received no later than November 30th. Mr. Dunlop received a copy of the advertisement for the bid from the Clerk and the bids were advertised before the Mayor announced he was going to advertise the bid. He feels that there is deception going on and that the Mayor lied. Mr. Dunlop feels that with the issues facing us with the MUA and the money that has been bonded, it is not the time to be building trails. Mr. Dunlop does not feel the trail or the pump track will bring any economic growth.

Jacqueline Haley - Highland Lakes, as a homeowner and an active member of the community, she loves the idea of the pump track and walking trail. She hopes that the Council will move forward with it.

Dawn Chase – Highland Lakes, told the Council that she hikes with her dog every day and sees only 8 or 9 people as she is hiking. She asked how the need was determined for a hiking trail and is it needed in Vernon Township. Ms. Chase has lived in Vernon for 42 years and she does not understand why we need another trail. She feels that the Council has their own agenda and asked why this has to be pushed through so quickly. Ms. Chase asked why we can't look at what is necessary for Vernon. She feels that there are limited restaurants and no shopping in Vernon and asked that this goes to the new council and be thought out and maybe we can bring more business to Vernon.

Shawn Mazur – Vernon Township, looked over the bid documents for the trail and feels that they are inadequate. He feels that this is being pushed through too fast.

Mr. Mazur also feels that if the Council acts on resolution #21-276 they will all be in violation of local government ethic laws N.J.S.A. 40A:9-22.5 section C. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others, section D. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment. Mr. Mazur feels that this resolution should be tabled until the new Council comes in and he urges Mayor Burrell to veto this resolution if it is approved tonight. Mr. Mazur made a motion for ordinance #10-27, an ordinance to establish conflict of interest guidelines for Vernon Township public officials, to be placed on a future agenda for the new Council. Mr. Mazur called for the immediate resignations of Michael Furrey and Harry Shortway for their actions in securing unwarranted privileges for themselves in this township.

Chris Dalling, COO of Sussex Cultivation, Wayne, explained that Sussex Cultivation is a diverse team of local professionals with decades of combined experience in the healthcare, agricultural and financial industries. Later this month they will submit an application to the State of New Jersey for a cannabis cultivation license with proposed operations on a rural plot of farmland in Vernon Township. Mr. Dalling explained that he and his wife are the owners of Nurses 24/7. He told the Council about his company's experience. Sussex Cultivation's proposed site is a farmland preserved piece of property and will be a significant distance from any schools or places of worship and will specifically zoned to permit cannabis cultivation. When Sussex Cultivation receives a cultivation license, retail sale of cannabis will be prohibited on the site. Sussex Cultivation will do what Sussex County does best, farming and

agriculture. Most importantly 2% of all proceeds from Sussex Cultivation's operations will go back to Vernon Township in the form of a municipal transfer tax. Sussex Cultivation is also committed to Vernon's health and wellness programs and will donate 1% to those programs.

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

MOTION: Michael Furrey
SECOND: John Auberger
All members present were in favor.

MINUTES

November 8, 2021 – Executive Session
November 15, 2021 – Special Meeting

Council President Shortway asked for a motion to the November 8, 2021 Executive Session Minutes and the November 15, 2021 Special Meeting minutes.

MOVED: Andrew Pitsker
SECOND: John Auberger

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Vice President Auberger made a motion for a recess due to technical difficulties with the Township internet. Seconded by Council Member Pitsker.

All members were in favor.

Vice President Auberger made a motion to come out of recess due to technical difficulties with the Township internet. Seconded by Council Member Pitsker.

All members were in favor.

RESOLUTIONS

Resolution #21-267: Refund Overpayment (Block 515 Lot 3-Mesessa & Cluff)

Resolution #21-268: Refund Overpayment (Block 506 Lot 14-Lee Orthmann)

Resolution #21-269: Refund Overpayment (Block 11 Lot 1-Evelyn Ilaw)

Resolution #21-270: Refund Overpayment (Block 603 Lot 7-Neno Pachovski)

Resolution #21-271: Refund Overpayment due to State Tax Court Judgement (Block 45 Lot 9-Glenwood Mill Inn, Inc.)

Resolution #21-272: Refund Overpayment due to State Tax Court Judgement (Block 45 Lot 9-John J. & Paul Piperato)

Resolution #21-273: Refund Overpayment due to State Tax Court Judgement (Block 45 Lot 9-John J. & Paul Piperato)

Resolution #21-274: Refund Overpayment (Block 512 Lot 27-Bremen Marguccio)

Council President Shortway asked for a motion to approve resolutions #21-267 through #21-274

MOVED: Mike Furrey
SECOND: Andrew Pitsker

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to approve Resolutions #21-267 through #21-274

RESOLUTION #21-267
REFUND OVERPAYMENT
(Block 515 Lot 3- Mesessa & Cluff)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Mesessa & Cluff. in the amount of \$3116.02 representing refund for overpayment of 4th qtr. 2021 property taxes for Block 515 Lot 3 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Gunes	515	3	\$3116.02
		TOTAL:	\$3116.02

RESOLUTION #21-268

**REFUND OVERPAYMENT
(Block 506 Lot 14- Lee Orthmann)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Lee Orthmann in the amount of \$2209.55 representing refund for overpayment of 4th qtr. 2021 property taxes for Block 506 Lot 14 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Orthmann	506	14	\$2209.55
		TOTAL:	\$2209.55

RESOLUTION #21-269

**REFUND OVERPAYMENT
(Block 11 Lot 1- Evelyn Ilaw)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Evelyn Ilaw in the amount of \$2169.91 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 11 Lot 1 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Ilaw	11	11	\$2169.91
		TOTAL:	\$2169.91

RESOLUTION #21-270

**REFUND OVERPAYMENT
(Block 603 Lot 7- Neno Pachovski)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Neno Pachovski in the amount of \$1438.79 representing refund for overpayment of 4th quarter 2021 property taxes for Block 603 Lot 7 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Pachovski	603	7	\$1438.79
		TOTAL:	\$1438.79

RESOLUTION #21-271
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGMENT
(Block 45 Lot 9 – Glenwood Mill Inn, Inc.)

WHEREAS, a Tax Court Judgment has been favorably awarded for the year 2015: and,
WHEREAS, such Judgment has resulted in an overpayment of 2015 property taxes for Block 45 Lot 9 also known as [REDACTED]
NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, to authorize the Tax Collector to refund the 2015 overpayment in the amount of \$2,151.60 to Wolf Vespasaino, LLC, Attorney for Plaintiff
BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector.

RESOLUTION #21-272
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGMENT
(Block 45 Lot 9 – John J. & Paul Piperato)

WHEREAS, a Tax Court Judgment has been favorably awarded for the year 2016: and,
WHEREAS, such Judgment has resulted in an overpayment of 2016 property taxes for Block 45 Lot 9 also known as [REDACTED]
NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, to authorize the Tax Collector to refund the 2016 overpayment in the amount of \$1,491.69 to Wolf Vespasaino, LLC, Attorney for Plaintiff
BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector.

RESOLUTION #21-273
REFUND OVERPAYMENT DUE TO STATE TAX COURT JUDGMENT
(Block 45 Lot 9 – John J. & Paul Piperato)

WHEREAS, a Tax Court Judgment has been favorably awarded for the year 2017: and,
WHEREAS, such Judgment has resulted in an overpayment of 2017 property taxes for Block 45 Lot 9 also known as [REDACTED]
NOW, THEREFORE BE IT RESOLVED by the Council of the Township of Vernon, to authorize the Tax Collector to refund the 2016 overpayment in the amount of \$1,625.02 to Wolf Vespasaino, LLC, Attorney for Plaintiff
BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector.

RESOLUTION #21-274
REFUND OVERPAYMENT
(Block 512 Lot 27- Bremen Marguccio)

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Bremen Marguccio in the amount of \$1,841.17 representing refund for overpayment of 3rd qtr. 2021 property taxes for Block 512 Lot 27 also known [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Marguccio	512	27	\$1,841.17
		TOTAL:	\$1,871.17

Resolution #21-275: Resolution Authorizing Fireworks to be Displayed on December 31, 2021 within the Township of Vernon

Council President Shortway asked for a motion to approve resolution #21-275

MOVED: Mike Furrey
 SECOND: John Auberger

A roll call vote was taken:
 AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
 NAYES:
 ABSTAIN:
 ABSENT:

Motion carried to approve resolution #21-275

RESOLUTION #21-275

RESOLUTION AUTHORIZING FIREWORKS TO BE DISPLAYED ON DECEMBER 31, 2021 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, Mountain Creek Resort, 200 Route 94, has submitted an application to Vernon Township to conduct fireworks display on December 31, 2021; and

WHEREAS, the proposed fireworks display location will be on the Matchmaker Trail noted on application Site Map; and

WHEREAS, Mountain Creek Resort has engaged in a contract with Garden State Fireworks, Millington, NJ, to perform the public fireworks and special effects display and has provided the required certificate of liability insurance to the Township.

NOW THEREFORE BE IT RESOLVED that the Council of the Township of Vernon, in the County of Sussex, hereby authorizes the firework display, performed by Garden State Fireworks Inc. on December 31, 2021 at Mountain Creek Resort, located at 200 Route 94, Vernon, upon satisfaction of all statutory and departmental requirements.

Resolution #21-276: Appointment to the Vernon Township Municipal Utility Authority Council President Shortway recused himself from the resolution and left the room.

Council Member Cilli asked why we are voting on this when Mike is on the MUA already.

Municipal Clerk Gianattasio explained that Mike resigned from the MUA about a week ago.

Mayor Burrell feels that this is a Council appointment so he will not comment.

Mike Furrey commented saying he resigned from his seat on the MUA December 10th.

Council Member Pitsker said he thought there were more than one application for the alternate seat.

Council Member Cilli said she did not get an application and asked how do we vote if this was not received.

Council Member Pitsker feels that this process is a bit flawed and this resolution should be tabled.

Council Member Cilli said she feels that Mike Furrey has the experience and would be a good person for the MUA but the process is not correct.

Council Member Pitsker commented saying that Mr. Furrey has been a key element to the MUA over the last 18 months. He has helped secure \$600,000 in cost savings and \$300,000 this year. We have been fighting to stabilize rates. The MUA has done a very effective job while Mike was Chairperson and Council Member Pitsker does not want to lose that. He feels that this should be tabled but also advises the incoming Council to strongly consider Mr. Furrey's application in the future so we can keep his experience on the MUA so that we can further improve the financial stability of the VTMUA for the future of Vernon.

A motion was made by Council Member Pitsker to table this resolution. Seconded by Council Member Cilli.

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Furrey, Pitsker

NAYES:

ABSTAIN:

ABSENT:

Motion carried to table resolution #21-276

Resolution #21-277: Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2021 Budget as a Revenue and Appropriation of \$12,337.00 with Township Cash Match of \$2,955.00 for the Recreational Opportunities for Individuals with Disabilities Grant

Council President Shortway asked for a motion to approve resolution #21-277

MOVED: Andrew Pitsker
SECOND: Michael Furrey

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to approve resolution #21-277

RESOLUTION #21-277

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF
REVENUE AND APPROPRIATION AMENDING THE 2021 BUDGET
AS A REVENUE AND APPROPRIATION OF \$12,337.00
WITH TOWNSHIP CASH MATCH OF \$2,955.00 FOR THE RECREATIONAL
OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT**

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 \$12,337.00 State of New Jersey Recreational Opportunities for Individuals with Disabilities Grant; and wishes to amend its 2021 budget for the difference of the awarded amount as a revenue; and

WHEREAS, the Township Chief Financial Officer has certified that funds are available for the required cash-match in the amount of \$2,955.00 in account 1-01-28-370-20 Recreation O/E.

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 2021 in the sum of \$12,337.00 which is now available as a revenue,

BE IT FURTHER RESOLVED that a like sum of \$12,337.00 is hereby appropriated under the caption State of New Jersey Recreational Opportunities for Individuals with Disabilities Grant.

Resolution #21-278: Temporary Budget-Debt Service

Council President Shortway asked for a motion to approve resolution #21-278

MOVED: John Auberger
SECOND: Andrew Pitsker

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to approve resolution #21-278

RESOLUTION #21-278

Temporary Budget- Debt Service

WHEREAS, N.J.S.40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year, and

WHEREAS, the date of this resolution is subsequent to that date, and

WHEREAS, principal and interest will be due on various dates from January 1, 2022 to January 31, 2022, inclusive, on bonds and notes issued and outstanding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, in the County of Sussex, New Jersey, that the following appropriations be made to cover the period from January 1, 2022 to January 31, 2022 inclusive:

Payment of Bonds	\$1,090,000.00
Interest on Bonds	<u>121,639.40</u>
Total	<u>\$1,211,639.40</u>

Resolution #21-279: Resolution Authorizing a Microsoft Cloud Agreement with Tangent Solutions to provide Cloud Computing Services

Council President Shortway asked for a motion to approve resolution #21-279

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Furrey, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-279

RESOLUTION #21-279

RESOLUTION AUTHORIZING A MICROSOFT CLOUD AGREEMENT WITH TANGENT SOLUTIONS TO PROVIDE CLOUD COMPUTING SERVICES

WHEREAS, the Township of Vernon (“Township”) has a need for cloud computing services to store email communications; and

WHEREAS, Tangent Solutions currently provides the Township with email server and maintenance services; and

WHEREAS, Tangent Solutions has provided the Township with a proposed Microsoft Cloud Agreement to provide cloud storage for emails for a term of 7 month to concur with existing annual subscription in the amount of \$473.40; and

WHEREAS, a determination has been made that it is in the best interests of the Township to obtain these services from Tangent Solutions; and

WHEREAS, funds are available in the amount of \$473.40 in Line Item 1-01-20-140-20 and

WHEREAS, pursuant to N.J.S.A. 40A:11-6.1 the quoted response is deemed to be the most advantageous, price and other factors considered.

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

1. A contract is awarded to Tangent Solutions in a form similar to that attached hereto in an amount not to exceed \$473.40
2. The term of the contract shall be 12/17/21-7/5/2022.
3. The Business Entity Disclosure Certification shall be placed on file with this resolution.

Resolution #21-280: Resolution Authorizing the Mayor to Execute Agreement for Website Design, Maintenance, Support and Upgrade

Council President Shortway asked for a motion to approve resolution #21-280

MOVED: Mike Furrey

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Furrey, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-280

RESOLUTION #21-280

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT FOR WEBSITE DESIGN, MAINTENANCE, SUPPORT AND UPGRADE

WHEREAS the Township of Vernon sought two (2) competitive quotes above the 15% of bid threshold in accord with N.J.S.A. 40A:11-6.1(a); and

WHEREAS, the respondent presenting the response that was deemed to be the most advantageous price, and other factors considered was that of Scott Gaskill 3 Appletree Way, Long Valley, NJ 07853, with a contract offer of a one (1) year contract design, setup and maintenance of \$9,392.00; and

WHEREAS the Chief Financial Officer certifies funding is available in the amount of \$9,392.00, through line item 1-01-20-140-20

Resolution #21-281: Authorizing an Agreement with the County of Sussex, Department of Human Services, Division of Social Services, For Transportation Services for Senior Citizens and People with Disabilities Who Reside in Vernon Township for the Year 2022 in the Amount of \$50,000 Per Year

Council President Shortway asked for a motion to approve resolution #21-281

MOVED: Mike Furrey

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Cilli, Furrey, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-281

RESOLUTION #21-281

AUTHORIZING AN AGREEMENT WITH THE COUNTY OF SUSSEX, DEPARTMENT OF HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, FOR TRANSPORTATION SERVICES FOR SENIOR CITIZENS AND PEOPLE WITH DISABILITIES WHO RESIDE IN VERNON TOWNSHIP FOR THE YEAR 2022 IN THE AMOUNT OF \$50,000.00 PER YEAR

WHEREAS, the County of Sussex (hereinafter the County) operates a coordinated, countrywide transportation system and desires to improve paratransit service coverage to the outlying areas of its geographic boundaries; and

WHEREAS, the Township of Vernon (hereinafter the Township) desires transportation for its senior citizens and people with disabilities as per the service agreement; and

WHEREAS, the term of the agreement will be in effect beginning January 1, 2022 and terminating on December 31, 2022; and

WHEREAS, the cost of these services will not exceed \$50,000.00 per year; and

WHEREAS, the Chief Financial Officer has certified the funds for 2022 subject to the adoption of the 2022 Municipal Budget.

NOW THEREFORE BE IT RESOLVED, the 13th day of December, 2021 by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows:

1. The Township of Vernon is authorized to engage the County of Sussex for the purpose of Transportation for Senior Citizens and People with Disabilities in accordance with the attached agreement; and
2. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with the County of Sussex, State of New Jersey.

Resolution #21-282: Agreement to Act as Co-Applicants with Mountain Creek Resort, Inc. for a Dam Rehabilitation Loan Pursuant to the Dam Restoration and Inland Waters Projects Loan Program

Mayor Burrell commented that at the end of September, the NJ Department of Environmental Protection's Bureau of Dam Safety announced that they were accepting applications for loans to be used for Dam Restoration projects throughout the State of NJ.

The purpose of this Bureau of Dam Safety Loan Program is to provide loans to assist local government units, private lake communities, renters of State property that contain dams, and owners of private dams with the repairs needed to reduce the potential harm that a breach of these dams could cost to the life and property of those around them.

The Bureau of Dam Safety Loan Program requires that the local municipality co-sign the application for any loan that they would provide.

Co-signing applications for these types of Dam Safety Loan Programs is something that Vernon Township has done in the past for at least two of our private lake communities - - those being Barry Lakes twice, and Pleasant Valley Lake once.

There is a dam on one of the mountain ski properties that Mountain Creek leases from the State of NJ.

This dam is classified as a Class I – High Hazard structure, which means that there is the potential for loss of life and property in Vernon Township should the dam and/or the dike fail.

As of now, the Mountain Creek's dam is not in full compliance with New Jersey Dam Safety Standards.

In 2017, the Bureau of Dam Safety identified and approved the needed design changes that would bring the Mountain Creek dam and dike into full compliance with New Jersey Dam Safety Standards. However, up to this point in time, the dam and dike remain out of full compliance due to a lack of funding to implement the very expensive needed design changes.

Now that the NJ Department of Environmental Protection's Bureau of Dam Safety have just announced that they are accepting applications for loans to be used for Dam Restoration projects, Mountain Creek is making application for the funds that they need to bring their dam into full compliance.

The Bureau of Dam Safety's Loan Program requires that in order for any organization to be considered for a loan, the municipality in which that organization is located must have a resolution from the municipality confirming that they are a co-applicant to the loan application.

Let me be very clear, what Resolution # 21-282 is asking of the Council is that they pass this resolution granting me as Mayor the approval to co-sign Mountain Creek's loan APPLICATION, and not an actual loan.

Should Mountain Creek be awarded a loan, then a separate resolution by the Council would be needed in order for the Mayor to actually co-sign for the loan.

And, at that time, the exact amount, the terms and other specifics concerning the loan will be known.

If and when Mountain Creek is approved for a loan by NJ Department of Environmental Protection's Bureau of Dam Safety, then the Council can determine what specific type of financial guarantee that they will require from Mountain Creek in order for the town to co-sign for this loan at no financial risk to the town.

The deadline for Mountain Creek's submission of their loan application to the Bureau of Dam Safety is December 30 of this year.

In closing, I add that:

1. Because the design changes needed to the Mountain Creek Dam is very important the safety of our community;
2. Because Mountain Creek has been, and continues to be, not just a commercial entity in our town, but also a very strong supporter of, and partner to, our town and the Vernon community; and
3. Because this resolution would authorize a co-signing of the loan APPLICATION, and not a co-signing of a loan - -

Because of these important factors, I recommend in the strongest terms possible that the Council pass Resolution # 21-282.

Council Member Furrey asked if this resolution was just to start the application process and this is not a commitment to take out a loan.

Mayor Burrell explained that this resolution is to give the Mayor the authority to co-sign the application to obtain the loan.

Council President asked if Mountain Creek is awarded the grant, the Mayor would have to negotiate a contract with them to protect the taxpayers.

Mayor Burrell said that this is correct.

Council Member Furrey asked if this resolution was just to start the application process and this is not a commitment to take out a loan.

Mayor Burrell explained that this resolution is to give the Mayor the authority to co-sign the application to obtain the loan.

Council President Shortway asked if this would have to be on an agenda for the Council to give advice and consent and then vote on a contract if we are going to co-sign the loan.

Mayor Burrell said this is correct.

Council President Shortway asked for a motion to approve resolution #21-282

MOVED: John Auberger
SECOND: Michael Furrey

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to approve resolution #21-282

RESOLUTION #21-282

AGREEMENT TO ACT AS CO-APPLICANT WITH MOUNTAIN CREEK RESORT, INC. FOR A DAM REHABILITATION LOAN PURSUANT TO THE DAM RESTORATION AND INLAND WATERS PROJECTS LOAN PROGRAM

WHEREAS, Mountain Creek Resort, Inc. (“Mountain Creek”) is the owner of a dam, which is subject to the applicable requirements as to construction, safety and maintenance as promulgated and enforced by the New Jersey Department of Environmental Protection (“NJDEP”) pursuant to N.J.S.A. 58:4-11 et seq., and the Dam Safety Standards, N.J.A.C. 7:20-1.1 et seq.; and

WHEREAS, the NJDEP has determined that Mountain Creek’s dam is in need of repair, improvements and rehabilitation to bring it into compliance with applicable standards promulgated by the NJDEP; and

WHEREAS, the NJDEP provides loans for the repair of dams pursuant to the Dam Restoration and Inland Waters Projects Loan Program promulgated at N.J.A.C 7:24A (“Dam Loan Program”) to meet the costs and expenses of dam restoration projects such as that required for Mountain Creek’s dam; and

WHEREAS, to participate in the Dam Loan Program, Mountain Creek must include, as part of its loan application, a Resolution from the Township of Vernon agreeing to serve as the co-applicant for any loan; and

WHEREAS, the Township Council and Mayor have reviewed the matter and have agreed to apply as a co-applicant with Mountain Creek for a dam rehabilitation loan pursuant to the Dam Loan Program to ensure that Mountain Creek’s dam is brought into compliance with the NJDEP’s dam safety standards and regulations; and

WHEREAS, Mountain Creek has agreed to guarantee any and all repayment obligations owed pursuant to any loan issued through the Dam Loan Program; and

NOW THEREFORE, it is hereby resolved by the Vernon Township Council that the Mayor is authorized to execute, as a co-applicant with Mountain Creek, any loan application and any loan agreement for a loan through the Dam Loan Program for the rehabilitation of Mountain Creek’s dam, provided Mountain Creek executes and provides to the Township of Vernon a guarantee agreement guaranteeing any and all repayment obligations owed pursuant to any loan issued through the Dam Loan Program.

Resolution #21-283: Resolution of the Township Council of the Township of Vernon in Support of the Location and Operation of an Adult-Use Cannabis Cultivation Site by Sussex Cultivation LLC within Township of Vernon

Members of the Council, on October 15, 2021, the NJ Cannabis Regulatory Commission (CRC) issued its first cannabis cultivation licenses since the passage of the 11.3.20 State Constitutional Amendment that legalized the adult use of cannabis.

As I understand, on December 15, 2021, the CRC will be accepting applications for the second round of Cannabis Cultivation licenses that they will be issuing during the first half of next year.

As I also understand from the due diligence that I have done on this matter, which includes detailed discussions with other Mayors and municipal officials about this matter at the recent December 16-18 League of Municipalities Convention in Atlantic City, the CRC has enhanced the requirements for awarding all category of cannabis licenses.

As this relates specifically to the applications that are submitted for Cannabis Cultivation licenses, three of the enhancements are the value that the CRC will put on:

1. The applicant having title to/lease to a piece of property on which the municipality will permit a Cannabis Cultivation facility to be established;
2. The applicant having a resolution from the municipality's governing body stating that the property owned/leased by the applicant is properly zoned for a Cannabis Cultivation facility; and
...
3. That the municipality supports the applicant's plans to establish a Cannabis Cultivation facility on this property should the applicant (a) be awarded a Cannabis Cultivation license by the State of New Jersey, and (b) meet all appropriate municipal land use and other requirements.

Two organizations, GARDEN STATE GREEN GENETICS and SUSSEX CULTIVATION LLC, have communicated their intent to obtain Class 1 Cannabis Cultivator Licenses, and to use those licenses to establish Cannabis Cultivation facilities in our town.

GARDEN STATE GREEN GENETICS / intends to establish a Cannabis Cultivation facility / at the property identified as 1761 County Rd 565, Vernon, NJ 07461, AKA: Block 238, Lot 1; / while SUSSEX CULTIVATION / intends to establish a Cannabis Cultivation facility / at the property identified as 1785 County Rd 565, Vernon, NJ 07461, AKA: Block 153, Lot 43.

Both organizations have provided copies of documents confirming their ownership or lease of these properties. In addition, I have confirmed with the Municipal Zoning Officer that these properties are located in permitted zones.

On a couple of occasions, Business Administrator Voelker and I, as representatives of Vernon's municipal government, have met with members of both organizations' executive teams, during which we have discussed their credentials, plus their visions and their plans for their Cannabis Cultivation operations in Vernon.

GARDEN STATE GREEN GENETICS has put together a team that appears to have proven expertise in the cannabis; for example, their team includes the Director of Cultivation and the Master Grower for the Greenleaf Compassion Center, which was one of the first Grow/Dispensary facilities to be awarded a New Jersey medical cannabis cultivation and dispensing license. They have also communicated their intent to employ local Vernon residents, and have a Community Outreach Director who will work close with the town to establish a strong civic-municipal relationship.

The Co-CEO's of SUSSEX CULTIVATION LLC, Christopher and Lori Dowling, are also owners and operators of a healthcare staffing firm known as Nurses 24/7. This is a highly regulated business that has provided services to almost all acute care facilities in New Jersey for the past 15 plus years. Their healthcare staffing firm is certified by the Joint Commission on Accreditation of Healthcare Organizations, and research reveals that they routinely receive extremely high marks in the area of compliance. In addition, SUSSEX CULTIVATION's Chief Financial Officer also owns and operates a well-managed and highly respected cannabis farm in Grants Pass, Oregon. The canopy space of this farm is approximately 40,000 square feet.

Should GARDEN STATE GREEN GENETICS and SUSSEX CULTIVATION be successful in earning a Class 1 Cannabis Cultivator License from the State of New Jersey, I believe that they are the type of organizations that will enable our town to take another step towards realizing the kind of financial contribution that we envisioned when we passed the ordinance permitting cannabis cultivation facilities in our town. In addition, I believe that they are the kind of reputable business that we want associated with our town.

I strongly recommend your passage of Resolution # 21-283 and Resolution # 21-284 for SUSSEX CULTIVATION and GARDEN STATE GREEN GENETICS, respectively, to use as part of their Class 1 Cannabis Cultivator License applications that they will submit to the NJ Cannabis Regulatory Commission.

Council Member Furrey asked if they get a license will they have to go in front of the Land Use Board.

Mayor Burrell answered yes.

Council Member Cilli asked about the smell because the smell is horrible and what is going to happen to people in those areas home values.

Mayor Burrell said that whatever the Land Use requirements are, the people in the area will be notified. As it relates to cannabis cultivation, it is normally grown in greenhouses inside. Hemp is grown outside in a field.

Council Member Cilli feels that this is going to hurt home values in the area.

Mayor Burrell said we will be able to get funds from the taxes on these properties but also 2% of gross profit sales.

Council Member Cilli feels that if it was a farmer who owns the property is one thing, but people coming in that do not care about the town or live in the town, she feels there is nothing good about this. Council Member Cilli hopes that when this goes in front of the Land Use Board, people come to the meeting.

Vice President Auberger made a motion to approve resolution #21-283

MOVED: John Auberger

SECOND: Michael Furrey

A roll call vote was taken:

AYES: Auberger, Furrey, Pitsker, Shortway

NAYES: Cilli

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-283

Resolution #21-283

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON IN
SUPPORT OF THE LOCATION AND OPERATION OF AN ADULT-USE CANNABIS
CULTIVATION SITE BY SUSSEX CULTIVATION LLC WITHIN TOWNSHIP OF VERNON**

WHEREAS, adult-use cannabis is authorized in the State of New Jersey (“State”) pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”) and N.J.A.C. 17:30 *et seq.*, (collectively, “New Jersey Cannabis Laws”), which legalize the adult use of marijuana by adults 21 years of age or older and establish a comprehensive regulatory and licensing scheme for commercial adult-use cannabis operations, use, and possession; and

WHEREAS the State of New Jersey recognizes the need for additional cannabis licenses, both in medical and adult-use programs, both of which are collectively regulated by the New Jersey Cannabis Regulatory Commission (“CRC”); and

WHEREAS on July 26, 2021, Vernon Township (the “Township”) adopted Ordinance 21-16 (the “Ordinance”) amending, revising and supplementing Sections 330-4 titled “Definitions,” Section 330, schedule A titled “Permitted, Conditional and Accessory Uses and Structures” and Section 330-164 titled “Offensive Uses Prohibited” of the Land Development Code of the Township of Vernon to Regulate the Cultivation, Processing, Sales and Distribution of Legal Cannabis within the Township of Vernon; and

WHEREAS the Ordinance permits up to three (3) of each of the following uses in the Light Industrial Zone: Cannabis Cultivator, Cannabis Delivery, Cannabis Manufacturer, Cannabis Wholesaler, and Cannabis Distributor; as well as up to two (2) Cannabis Cultivators in the McAfee Village Mixed Use Zone and in the R-2 Zone on the northbound side of County Road 517; and

WHEREAS the Township recognizes that while the ultimate decision to approve new cannabis licensees is guided by the standards identified within the New Jersey Cannabis Laws and vested to the discretion of the CRC; and

WHEREAS the New Jersey Cannabis Laws recognize the necessity of ensuring that any potential licensee/permittee has the support of the local community, as evidenced by a resolution adopted by said municipality’s governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS the New Jersey Cannabis Laws also require, in addition to the resolution identifying support of the local community, a letter from the Township’s governing body entrusted with zoning or land use that the proposed cannabis business location will conform to municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location, and any variances granted as necessary; and

WHEREAS, Sussex Cultivation LLC has indicated a desire to operate as a cannabis cultivator, as that term is defined by the New Jersey Cannabis Laws, at the property identified as Block 153, Lot 43 (Q Farm) on the official tax map of the Township; and

WHEREAS, Sussex Cultivation LLC has requested proof of local support in accordance with the New Jersey Cannabis Laws and the CRC’s Notice of Application Acceptance for Personal Use Cannabis Licenses; and

WHEREAS, issuance of a license to Sussex Cultivation LLC would not exceed the limitation on cultivation licenses set forth in the Ordinance; and

WHEREAS, the Mayor and Township Council recognize ample benefits to the Township and its residents associated with permitting a cannabis cultivation site to be located within its border, including, but not limited to, job creation and use of local vendors for operational needs as well as anticipated dedicated tax revenues; and

WHEREAS, this Resolution may be used by Sussex Cultivation, LLC as proof of local support required by the New Jersey Cannabis Laws and the CRC's Notice of Application Acceptance for Personal Use Cannabis Licenses.

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

1. The Township Council believes that the Township of Vernon will benefit from the location of an adult-use cannabis cultivator within the Township's boundaries, subject to compliance with the Ordinance.
2. Cannabis cultivation is a permitted use at certain locations within the Township and subject to the limitations set forth in accordance with the Ordinance.
3. Sussex Cultivation LLC has submitted information regarding its business plan, including, but not limited to, its proposed location at the property identified as Block 153, Lot 43 (Q Farm) on the official tax map of the Township and its intended use and operation of said property as a cannabis cultivator, as that term is defined by New Jersey Cannabis Laws, subject to licensure by the CRC.
4. The Township recognizes Sussex Cultivation LLC has applied or will apply for certification as a women owned business enterprise.
5. This Resolution should be viewed by the State as support by the Township of Sussex Cultivation LLC's application, and an indication that the proposed location is appropriately located or otherwise suitable for the activities related to the cultivation of cannabis as will be conducted at the proposed facility.
6. The zoning official, or his/her designee, is hereby authorized and directed to issue a letter and/or affidavit, as appropriate, identifying that the subject property will conform to local zoning requirements allowing for activities related to the operation of a cannabis cultivator, as outlined in the Ordinance, and subject to the understanding and agreement with Sussex Cultivation LLC that it will comply with any and all conditions required by the Ordinance.

7. This Resolution may be used by Sussex Cultivation LLC as proof of local support required by the New Jersey Cannabis Laws and the CRC's Notice of Application Acceptance for Personal Use Cannabis Licenses.
8. This Resolution shall take effect immediately.

Resolution #21-284: Resolution of the Township Council of the Township of Vernon in Support of the Location and Operation of an Adult-Use Cannabis Cultivation Site by Garden State Green Genetics within Township of Vernon

Council President Shortway asked for a motion to amend resolution #21-284 to Garden State Green Genetics.

MOVED: Mike Furrey
SECOND: John Auberger

All members were in favor.

Council President Shortway asked for a motion to approve resolution #21-284 as amended to read Garden State Green Genetics

MOVED: Mike Furrey
SECOND: John Auberger

A roll call vote was taken:
AYES: Auberger, Furrey, Pitsker, Shortway
NAYES: Cilli
ABSTAIN:
ABSENT:

Motion carried to approve resolution #21-284

Resolution #21-284

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON IN SUPPORT OF THE LOCATION AND OPERATION OF AN ADULT-USE CANNABIS CULTIVATION SITE BY GARDEN STATE GREEN GENETICS WITHIN TOWNSHIP OF VERNON

WHEREAS, adult-use cannabis is authorized in the State of New Jersey ("State") pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act") and N.J.A.C. 17:30 *et seq.*, (collectively, "New Jersey Cannabis Laws"), which legalize the adult use of marijuana by adults 21 years of age or older and establish a comprehensive regulatory and licensing scheme for commercial adult-use cannabis operations, use, and possession; and

WHEREAS the State of New Jersey recognizes the need for additional cannabis licenses, both in medical and adult-use programs, both of which are collectively regulated by the New Jersey Cannabis Regulatory Commission (“CRC”); and

WHEREAS on July 26, 2021, Vernon Township (the “Township”) adopted Ordinance 21-16 (the “Ordinance”) amending, revising and supplementing Sections 330-4 titled “Definitions,” Section 330, schedule A titled “Permitted, Conditional and Accessory Uses and Structures” and Section 330-164 titled “Offensive Uses Prohibited” of the Land Development Code of the Township of Vernon to Regulate the Cultivation, Processing, Sales and Distribution of Legal Cannabis within the Township of Vernon; and

WHEREAS the Ordinance permits up to three (3) of each of the following uses in the Light Industrial Zone: Cannabis Cultivator, Cannabis Delivery, Cannabis Manufacturer, Cannabis Wholesaler, and Cannabis Distributor; as well as up to two (2) Cannabis Cultivators in the McAfee Village Mixed Use Zone and in the R-2 Zone on the northbound side of County Road 517; and

WHEREAS the Township recognizes that while the ultimate decision to approve new cannabis licensees is guided by the standards identified within the New Jersey Cannabis Laws and vested to the discretion of the CRC; and

WHEREAS the New Jersey Cannabis Laws recognize the necessity of ensuring that any potential licensee/permittee has the support of the local community, as evidenced by a resolution adopted by said municipality’s governing body indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS the New Jersey Cannabis Laws also require, in addition to the resolution identifying support of the local community, a letter from the Township’s governing body entrusted with zoning or land use that the proposed cannabis business location will conform to municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location, and any variances granted as necessary; and

WHEREAS, Garden State Green Genetics has indicated a desire to operate as a cannabis cultivator, as that term is defined by the New Jersey Cannabis Laws, at the property identified as 1761-1775 County Rd 565, Vernon, NJ 07461, Block 238, Lot 1 (Q Farm) on the official tax map of the Township; and

WHEREAS, Garden State Green Genetics has requested proof of local support in accordance with the New Jersey Cannabis Laws and the CRC’s Notice of Application Acceptance for Personal Use Cannabis Licenses; and

WHEREAS, issuance of a license to Garden State Green Genetics would not exceed the limitation on cultivation licenses set forth in the Ordinance; and

WHEREAS, the Mayor and Township Council recognize ample benefits to the Township and its residents associated with permitting a cannabis cultivation site to be located within its border, including, but not limited to, job creation and use of local vendors for operational needs as well as anticipated dedicated tax revenues; and

WHEREAS, this Resolution may be used by Garden State Green Genetics as proof of local support required by the New Jersey Cannabis Laws and the CRC's Notice of Application Acceptance for Personal Use Cannabis Licenses.

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

1. The Township Council believes that the Township of Vernon will benefit from the location of an adult-use cannabis cultivator within the Township's boundaries, subject to compliance with the Ordinance.
2. Cannabis cultivation is a permitted use at certain locations within the Township and subject to the limitations set forth in accordance with the Ordinance.
3. Garden State Green Genetics has submitted information regarding its business plan, including, but not limited to, its proposed location at the property identified as 1761-1775 County Rd 565, Vernon, NJ 07461, Block 238, Lot 1 (Q Farm) on the official tax map of the Township and its intended use and operation of said property as a cannabis cultivator, as that term is defined by New Jersey Cannabis Laws, subject to licensure by the CRC.
4. This Resolution should be viewed by the State as support by the Township of Garden State Green Genetics' application, and an indication that the proposed location is appropriately located or otherwise suitable for the activities related to the cultivation of cannabis as will be conducted at the proposed facility.
5. The zoning official, or his/her designee, is hereby authorized and directed to issue a letter and/or affidavit, as appropriate, identifying that the subject property will conform to local zoning requirements allowing for activities related to the operation of a cannabis cultivator, as outlined in the Ordinance, and subject to the understanding and agreement with Garden State Green Genetics that it will comply with any and all conditions required by the Ordinance.
6. This Resolution may be used by Garden State Green Genetics as proof of local support required by the New Jersey Cannabis Laws and the CRC's Notice of Application Acceptance for Personal Use Cannabis Licenses.
7. This Resolution shall take effect immediately.

Resolution #21-285: Transfer Resolution-Balance Transfer

Council President Shortway asked for a motion to approve resolution #21-285

MOVED: Mike Furrey
 SECOND: Andrew Pitsker

A roll call vote was taken:
 AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
 NAYES:
 ABSTAIN:
 ABSENT:

Motion carried to approve resolution #21-285

RESOLUTION #21-285

TRANSFER RESOLUTION- BALANCE TRANSFERS

WHEREAS, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2021 Municipal Budget) in accordance with N.J.S.A 40A-58/59 are hereby approved.

ACCOUNT	TRANSFER OUT	TRANSFER IN
FROM CURRENT FUND:		
POLICE DEPARTMENT – S&W	25,000.00	
TO: CURRENT FUND		
ADMINISTRATION - O/E		5,000.00
RECYCLING - O/E		5,000.00
FLEET MAINTENANCE - O/E		15,000.00
TOTAL TRANSFERS	25,000.00	25,000.00

Resolution #21-286: Resolution Awarding Bid for Proposed Town Center Bike & Walking Trail

Council Member Cilli feels that she agrees with Mr. Lynch, Mr. Rizzuto, and Mr. Dunlop when they say this should be tabled for the new Council. She also understands Mr. Williams who had done so much work on this and it was not rushed through because he has been working on this for so long.

Council Member Pitsker wanted to refresh people’s memories saying that back on June 10th virtual meeting where the whole pump track and trail concept were presented. Township Engineer Cory Stoner presented the development and Township Planner Jessica Caldwell presented the finances and project cost of all of the different entities including the bicycle pump track, the trail the roads and the costs that were all attributed. The frequently asked questions have been answered and posted on our

website since June 11th. He strongly suggests that anyone who has questions goes to the website and looks at this. Council Member Pitsker said this bid is in line with the costs on the website. He feels that everything that has been brought up has been address. We have done our due diligence and he makes a motion to approve this.

Council President Shortway asked Council Member Cilli if she was making a motion to table this.

Township Attorney Zielinski explained that there was a motion on the floor from Council Member Pitsker to approve this resolution that needs to be acted upon.

Vice President Auburger seconded the motion.

MOVED: Andrew Pitsker

SECOND: John Auburger

A roll call vote was taken:

AYES: Auburger, Cilli, Furrey, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-286

RESOLUTION #21-286

RESOLUTION AWARDING BID FOR PROPOSED TOWN CENTER BIKE & WALKING TRAIL

WHEREAS, there is desire by the Township of Vernon to construct the Proposed Town Center Bike & Walking Trail in the Township of Vernon; and

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

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

WHEREAS, the Township of Vernon received five (5) bids for said purpose duly advertised and held a public bid opening on November 30, 2021 at 10:00 am.; and

WHEREAS, Salmon Bros., Inc., P.O. Box 67, Netcong, NJ 07857 has provided the lowest bid deemed responsive and responsible to the specifications and legal requirements as provided for within the bid document in the amount of \$220,200.00 (Base Bid of \$149,100.00 plus Alternate Bid of \$71,100.00); and

WHEREAS, the Chief Financial Officer hereby certifies that funds not to exceed \$220,200.00 are available through:

NOW THEREFORE BE IT RESOLVED that the “Proposed Town Center Bike & Walking Trail” bid is hereby awarded to Salmon Bros., Inc., P.O. Box 67, Netcong, NJ 07857 in the amount of \$220,200.00: and

BE IT FURTHER RESOLVED that the Township Council of the Township of Vernon, that the Mayor is hereby authorized to enter into a contract with Salmon Bros., Inc., P.O. Box 67, Netcong, NJ 07857 in the amount of \$220,200.00 to provide for the services as provided for in the bid.

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #21-33: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending Chapter 476 of the Municipal Code of the Township of Vernon Entitled “Short-Term Rentals”

Council President Shortway read by title Ordinance #21-33

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-33

MOVED: Michael Furrey
SECOND: John Auberger
All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-33

MOVED: Michael Furrey
SECOND: Toni Cilli
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #21-33

MOVED: Michael Furrey
SECOND: Toni Cilli

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to adopt Ordinance #21-33

ORDINANCE NO. 21-33

**ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AMENDING CHAPTER 476 OF THE
MUNICIPAL CODE OF THE TOWNSHIP OF VERNON ENTITLED**

“SHORT-TERM RENTALS”

WHEREAS, the Vernon Township Council seeks to regulate the short-term rental of homes and dwelling units throughout Vernon Township (“Township” or “Vernon”) to promote tourism and economic vitality in the Township; and

WHEREAS, the short-term rental of homes and dwelling units can provide a flexible housing supply that allows travelers safe accommodations, while contributing to the local economy, promoting travel and tourism and supporting the local tourism industry and business community; and

WHEREAS, the short-term rental of homes and dwelling units can provide home owners an opportunity to maintain ownership of property in difficult economic circumstances; and

WHEREAS, the Township Council recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, fire safety and lack of proper facilities; and

WHEREAS, the presence of short-term rental units in established residential neighborhoods can create negative compatibility impacts and nuisances including, but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, it is in the public interest that short-term rental uses be regulated to minimize any potential deleterious effects of short-term rental properties in the surrounding neighborhoods in which they are located; and

NOW, THEREFORE, BE IT ORDAINED by the by the Township Council as follows:

SECTION 1. Chapter 476: Short-Term Rentals shall be created and added to the Municipal Code of the Township as follows:

CHAPTER 476: SHORT-TERM RENTALS

ARTICLE I Title; Findings; Definitions; Permit Requirements

§ 476-1. Title.

This chapter shall be known as the “Short-Term Rentals Ordinance of the Township of Vernon”

§ 476-2. Purpose and Findings.

Township Council finds and declares that the short-term rental of residential dwelling units within the Township benefits the local community by affording owners of such units the ability to garner additional income from their real property to diminish the financial burden of carrying costs and maintenance expenses related to the property, as well as providing travelers with an alternative option for accommodations in the Township, thereby promoting the local travel and tourism industry, and contributing to the economic vitality of the Township. Notwithstanding these benefits, the Township Council also finds and declares that certain transitory uses of residential property tend to affect the residential character of the community and, if unregulated, can be injurious to the health, safety and welfare of the community.

The intended purposes of this Chapter are to:

- A. Balance the rights of the owners of residential dwelling units proposed for short-term rental use and the Township's business community affected by the allowance and existence of short-term rentals;
- B. Protect the public health, safety and general welfare of individuals and the community at large;
- C. Provide for an organized and reasonable process for the short-term rental of certain defined classifications of residential dwelling units in the Township;
- D. Monitor and provide a reasonable means for the mitigation of impacts created by such transitory uses of residential properties within the Township of Vernon;
- E. Preserve and protect the long-term housing market stock in the Township;
- F. Implement rationally based and reasonably tailored regulations to protect the integrity of the Township's residential neighborhoods, and
- G. Ensure that the short-term rental property inventory in the Township satisfies basic property maintenance standards, in order to protect the safety of occupants and the citizens of the Township.

The Township Council has therefore determined that it shall be unlawful for any owner of any property within the geographic bounds of the Township to rent or operate a short-term rental contrary to the procedures and regulations established in this Chapter, or applicable State statute.

§ 476-3. Definitions.

The words defined in this section shall mean and include the following when used in this chapter:

OWNER — means an individual or entity holding title to a Short-Term Rental.

RESPONSIBLE PARTY – means the Owner and a person (property manager) designated by the Owner to be called upon and be responsible at all times during the period of a short-term rental and to answer for the maintenance of the property, or the conduct and acts of occupants of the property, and, in the case of the property manager, to accept service of legal process on behalf of the Owner.

SHORT-TERM RENTAL or STR — means the accessory use of a dwelling unit for occupancy by someone other than the unit's owner or permanent resident for a period of thirty (30) or less consecutive days, up to a cumulative total period of not to exceed one hundred eighty (180) consecutive days in a calendar year, which dwelling unit is advertised or held out to the public as a place regularly rented to transient occupants.

SHORT-TERM RENTAL PROPERTY — means a residential dwelling unit that is used and/or advertised for rent as a short-term rental for transient occupants as guests.

SHORT-TERM RENTAL PROPERTY AGENT — means any New Jersey licensed real estate agent or other person designated and charged by the Owner, with the responsibility for making the short-term rental application to the Township on behalf of the Owner, and fulfilling all of the obligations in connection with completion of the short-term rental property permit application process on behalf of the Owner. Such person shall be available for, and responsive to contact on behalf of, the Owner, at all times.

TOWNSHIP — the Township of Vernon.

TRANSIENT OCCUPANT — shall mean any person or a guest or invitee, who, in exchange for compensation, occupies or is in actual or apparent control or possession of residential property, which is either: (1) registered as a short-term rental property, or (2) satisfies the definition of a short-term rental property, as such term is defined in this Chapter. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the short-term rental is a transient occupant.

§ 476-4. Regulations for Short-Term Rentals.

- A. It shall be unlawful for any owner of any property within the Township to rent or operate a STR contrary to the procedures and regulations established in this Chapter or applicable State statute.
- B. STRs shall be permitted in the following properties:
 - 1. Condominium units where the Condominium Association By-Laws or Master Deed permit a short-term rental;
 - 2. Single-family residences;
 - 3. One unit within a two-family residential dwelling, where the other unit is occupied by the owner and identified by the owner as his or her principal residence;
 - 4. Not more than one unit in any multi-family residential dwelling, where one other unit in the same dwelling is occupied by the owner and identified by the owner as his or her principal residence; and
- C. Notwithstanding the provisions of sub-paragraph (2) above, short-term rentals shall not be permitted in boarding or rooming houses, dormitories, adult family care homes, assisted living facilities, community residences for developmentally disabled persons, community shelters for victims of domestic violence, or nursing homes.
- D. Qualified private communities, HOAs and similar associations may approve more restrictive rules and regulations, and additional fees in their by-laws pertaining to short term rental properties within their legal boundaries.

§ 476-5. Short-Term Rental Permit, Permit Registration Fee/Application, and

Certificate of Occupancy.

- A. The owner/operator of a Short-Term Rental Property shall obtain a STR permit from the Township, before renting or advertising for rent any STR.
- B. No STR permit issued pursuant to this Chapter may be transferred or assigned.
- C. An owner of property intended to serve as a Short-Term Rental Property, as defined herein, or any agent acting on behalf of the Owner, shall submit to the Township Fire Prevention Department, a STR permit application provided by the Township and a registration fee in the amount of three hundred fifty dollars (\$350.00). The registration fee for a STR that is occupied by the STR's owner shall be \$150.00.
- D. The STR permit, if granted, shall be valid for a period of one year from the date of issuance.
- E. The owner of a Short-Term Rental Property, or any agent acting on behalf of the Owner, who intends to rent all of the property, or any permitted part thereof, shall also make application to the Township Fire Prevention Department, in conjunction with the STR permit application, for the issuance of a rental Certificate of Occupancy for the Short-Term Rental Property, on such forms as required by that Department.
- F. A STR permit and rental Certificate of Occupancy shall be renewed on an annual basis within sixty (60) days of the anniversary of the issuance of the original STR permit, by submitting to the Township Fire Prevention Department a STR permit application and rental Certificate of Occupancy application and a renewal registration fee of three hundred and fifty dollars (\$350.00) or one hundred and fifty dollars \$150.00 if the STR is occupied by its owner. If an application to renew an STR permit is not timely filed, a late fee of one hundred dollars per day \$100.00 shall be charged in addition to the renewal application fee.
- G. The STR permit shall expire when the Short-Term Rental Property changes ownership. A new application and first-time registration fee will be required in the event that the new owner intends to use the property as a Short-Term Rental Property. A new application and first-time registration fee shall also be required for any STR that had its STR permit revoked or suspended.

§ 476-6. Application Process for Short-Term Rental Permit and Inspections.

- A. Applicants for a STR permit shall submit, on an annual basis, an application for a STR permit to the Township Fire Prevention Department.
- B. The application shall be signed, under oath, on a form specified by the Township.
- C. Such application shall include:
 - 1. The name, address, telephone number and email address of the owner(s) of the dwelling unit for which a STR permit is sought. If such owner is not a natural person, the application must include and identify the names of all owners, members, partners, officers and/or directors of any such entity, and the personal contact information, including address and telephone numbers for each of them;
 - 2. The address of the unit to be used as a short-term rental;

3. The name, address, telephone number and email address of the Short-Term Rental Property Agent, which shall constitute his or her 7 day a week, 24- contact information;
 4. The name, address, telephone number and email address of the Responsible Party, which shall constitute his or her 7 day a week, 24-hour contact information;
 5. The Owner's sworn acknowledgement that he or she has received a copy of this Ordinance, has reviewed it, understands its requirements and certifies, under oath, as to the accuracy of all information provided in the STR permit application;
 6. The number and location of all parking spaces available to the STR. A Short-Term Rental Property shall designate one parking space for every bedroom available for rent;
 7. A site plan showing all structures on the Short-Term Rental Property, the number and location of parking spaces available to the STR, a floor plan, which shall also show the garage if the garage is intended to be used for STR parking. No parking shall be permitted on lawns or in the street.
 8. The STR owner's agreement to use his or her best efforts to assure that use of the STR will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
 9. Any other information that this Chapter requires an Owner to provide to the Township in connection with an application for a rental certificate of occupancy.
- D. Every Short-Term Rental Property shall be inspected once a year for compliance with the Township's fire safety regulations, property maintenance regulations, building and other code provisions. In addition, each STR is subject to review to verify the STR's eligibility for use as a STR.
- E. A sworn statement demonstrating that the Short-Term Rental Property is not being occupied or used in violation of any provision of the Township Code shall be submitted with a STR permit application.
- F. A sworn statement providing there have been no revocations or suspensions of a STR permit shall be submitted with the STR permit application. If a STR permit has been revoked or suspended a STR permit shall not be issued, which denial may be appealed as provided hereinafter.
- G. Attached to and concurrent with submission of the STR permit application, the Owner shall provide:
1. Proof of the Owner's current ownership of the Short-Term Rental Property;
 2. Proof of general liability insurance in a minimum amount of \$500,000.00; and
 3. Written certifications from the Short-Term Rental Property Agent and Responsible Party that they agree to perform all of the respective duties specified in this Chapter.
 4. Water testing responsibilities for private wells. With the initial permit application and at least once every five years, thereafter, the owner of any Short Term Rental, the potable water supply for which is a private well for which testing of the water is not required pursuant to any other state law, shall test that water supply in the manner established pursuant to the *Private Well Testing Act* for the following parameters: bacteria (total coliform); nitrates; iron; manganese; pH;

all volatile organic compounds for which maximum contaminant levels have been established pursuant to P.L.1977, c.224 (C.58:12A-1 et seq.); and lead by a state certified laboratory. The potable water test results shall be provided with STR permit application.

- H. The STR permit holder shall publish the STR permit number issued by the Township in every print, digital, internet advertisement or any solicitation offering the STR for rent.
- I. In no event shall a STR be rented to anyone younger than twenty-one (21) years of age. The party executing the lease or rental agreement for occupancy of the STR may allow occupants under the age of twenty-one (21) to stay with him/her during the rental period of the STR.
- J. An STR can be occupied by two persons per bedroom, with an additional two persons permitted. For example, a three-bedroom STR can be rented to no more than eight (8) people.

§ 476-7. Issuance of Permit and Appeal Procedure.

- A. Once a STR application is submitted, complete with all required information and documentation and fees, the Fire Prevention Department, following any necessary investigation for compliance with this Chapter, shall either issue the STR permit and Certificate of Occupancy, or issue a written denial of the permit application (with the reasons for such denial being stated therein), within ten (10) business days.
- B. If a STR permit is denied, the applicant shall have ten (10) business days to appeal in writing to the Township Business Administrator, by filing the appeal with the Township Administrator's Office.
- C. Within thirty (30) days thereafter, the Township Business Administrator or his designee shall hear and decide the appeal.

§ 476-8. Short-Term Rental Operational Requirements.

- A. A STR and its occupants must comply with all applicable rules, regulations and ordinances of the Township, State of New Jersey and United States of America.
- B. The Owner shall not install any advertising or identifying mechanisms, such as signage, including lawn signage, identifying the property for rent as a short-term rental property.
- C. Occupants of a Short-Term Rental Property shall provide the Township with their home address, license plate number, year and make of automobile, copy of drivers' license, telephone number and address of the Short-Term Rental Property that is being occupied.
- D. The Owner shall post the following information in a prominent location within the STR:
 - 1. Owner name; if Owner is an entity, the name of a principal in the entity, and phone number for the Owner (individual);
 - 2. The names and phone numbers for the Responsible Party and the Short Term Rental Property Agent (as those terms are defined in this Chapter);

3. The phone numbers for the Vernon Police Department, the Vernon Fire Department, and the Township Zoning Department;
 4. The maximum number of parking spaces available onsite;
 5. Trash and recycling pick-up day, all applicable rules and regulations regarding trash disposal and recycling and a notice that all garbage and recycling containers must be removed from the street within twenty-four (24) hours of the scheduled pick-up;
 6. A copy of the Ordinance authorizing this Chapter; and
 7. Notification that an occupant, Owner or Short Term Rental Property Agent may be cited or fined by the Township for any violation(s) of the Township's Ordinance(s);
- E. In the event any complaints are received by the Township regarding the STR or its occupants, and the Owner is unreachable or unresponsive, the Responsible Party and the Short-Term Rental Property Agent shall be authorized to and have the responsibility to take any action to resolve such complaints.
- F. While a Short Term Rental Property is rented, the Owner, the Short-Term Rental Property Agent, or Responsible Party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two (2) hours to complaints regarding the condition of the STR or its occupants.
- G. If the Short Term Rental Property is the subject of two (2) or more substantiated civil and/or criminal complaints, the Mayor or his designee may revoke the STR permit issued for the property, in which case, the STR may not be the subject of a STR permit application for one (1) year following the date of revocation of the permit.
- H. Failure to make application for, and to obtain the issuance of, a STR permit before advertising or soliciting occupants for the STR shall constitute a violation of this Title of the Code.
- I. The person offering a dwelling unit for short-term rental use must be the owner of the dwelling unit. A tenant of a property may not apply for a STR permit, nor shall the property or any portion thereof be sub-leased by the tenant on a short-term basis, or operated as a STR.
- J. The STR Owner must be current with all taxes, fines or any other amounts owed to the Township prior to the issuance of a STR permit. In the event that any code violations have been issued by the Township, such violations must be abated before a STR permit will be issued. A STR Owner must also close any open construction permits prior to the issuance of a STR permit.

§ 476-9. Violations and Penalties.

A violation of any provision of the within Chapter may subject the STR Owner, Transient Occupant(s), the STR Property Agent, or the Responsible Party or their agents to fines of between \$250.00 to \$500.00 per violation, per day, that the violation exists and/or the revocation of any STR permit.

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,

Ordinance #21-34: Ordinance Extending Lease Agreement Between the Vernon Township Board of Education and the Township of Vernon, and Sub-Lease Agreement Between the Township of Vernon and the Dog Owners Gathering Society of Vernon Township, Inc., for Certain Unimproved Real Property Identified on the Official Tax Maps of the Township of Vernon as Block 308 Lot 2 (old Block 133 Lot 2.05)

Council President Shortway read by title Ordinance #21-34

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-34

MOVED: Andrew Pitsker
SECOND: John Auberger
All Members were in Favor.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-34

MOVED: John Auberger
SECOND: Andrew Pitsker
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #21-34

MOVED: John Auberger
SECOND: Andrew Pitsker

A roll call vote was taken:
AYES: Auberger, Cilli, Pitsker, Shortway
NAYES:
ABSTAIN: Furrey
ABSENT:

Motion carried to adopt Ordinance #21-34

ORDINANCE #21-34

ORDINANCE EXTENDING LEASE AGREEMENT BETWEEN THE VERNON TOWNSHIP BOARD OF EDUCATION AND THE TOWNSHIP OF VERNON, AND SUB-LEASE AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE DOG OWNERS GATHERING SOCIETY OF VERNON TOWNSHIP, INC., FOR CERTAIN UNIMPROVED REAL PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP OF VERNON AS BLOCK 308 Lot 2 (old Block 133, Lot 2.05)

WHEREAS, the Vernon Township Board of Education (“BOE”) is the owner of certain unimproved real property located at 669 Route 517, identified further on the official tax maps of the Township of Vernon (“Township”) as Block 308 Lot 2 (old Block 133, Lot 2.05) (the “Premises”); and

WHEREAS, pursuant to N.J.S.A. 18A:20-8.2(a), the BOE previously determined that the Premises is not necessary for school purposes but may, at some future time, be required for said purposes; and

WHEREAS, on November 1, 2009 the BOE and Township entered into a five (5) year lease agreement (“Lease”) for the Premises for the sole purpose of allowing the Township to sublet said Premises to the Dog Owners Gathering Society of Vernon Township, Inc. (“DOGS”); and

WHEREAS, DOGS is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, having a postal address of P.O. Box 221, Vernon, New Jersey; and

WHEREAS, on November 1, 2009 the Township and DOGS entered into a five (5) year sublease agreement (“Sublease”) for the Premises for use as a free, open-to-the-public, off-leash dog park operated and maintained by DOGS; and

WHEREAS, consideration for the Lease and Sublease was limited to the mutual promises and obligations contained in said Lease and Sublease, without additional monetary compensation; and

WHEREAS, on or about July 9, 2012 the Lease and Sublease were amended to allow the Township to use a portion of the Premises as a community garden available to Township residents on a first come, first served basis; and

WHEREAS, the Lease and Sublease, as amended, expired on October 31, 2014; and

WHEREAS, the parties extended the terms of the Lease and Sublease, as amended, for an additional five (5) year period through October 31, 2019; and

WHEREAS the parties desire to extend the terms of the Lease and Sublease, as amended, for an additional one (1) year period ending on October 31, 2022; and

WHEREAS, there is an ongoing and continuous need for a dog park within the Township due to the increased number of dogs and dog owners residing within the Township; and

WHEREAS, the Township Council has determined that having a free, open-to-the-public, off-leash dog park will continue to benefit the residents of Vernon in that dog parks, in general, promote responsible pet ownership, give dogs a place to exercise safely thereby reducing barking and other problem behaviors, provide seniors and disabled owners with an accessible place to exercise their companions, and provide an area for community-building and socializing; and

WHEREAS, there is also an ongoing and continuous need for a public facility where gardeners may share and exchange ideas while producing healthy food for friends and family; and

WHEREAS, the Township Council has determined that having a community garden will continue to benefit the residents of Vernon in that it will provide a suitable gardening area to residents who do not have any at home, provide an area capable of growing healthy produce which can combat adult obesity and chronic illnesses, allow residents to connect with nature, create intergenerational connections between seniors and youths, foster community spirit and civic mindedness, and reduce costs otherwise spent on groceries; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14(c) allows a municipality to lease property to a nonprofit corporation for a public purpose.

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

1. The Township is hereby authorized to extend the term of its November 1, 2009 Lease, as extended and amended, with the Vernon Township Board of Education for an additional one (1) year term ending on October 31, 2022 subject to the remaining terms and conditions set forth in the Lease, as amended, which shall remain in full force and effect.

2. The Mayor is hereby authorized to execute the Amendment to Lease with the Vernon Township Board of Education, a copy of which is attached hereto as **Attachment A**.

3. The Township is hereby authorized to extend the term of its November 1, 2009 Sublease, as extended and amended, with the Dog Owners Gathering Society of Vernon Township, Inc. for an additional one (1) year term ending on October 31, 2022 subject to the remaining terms and conditions set forth in the Sublease, as amended, which shall remain in full force and effect.

4. The Mayor is hereby authorized to execute the Amendment to Sublease with the Dog Owners Gathering Society of Vernon Township, Inc., a copy of which is attached hereto as **Attachment B**.

5. Consideration for the extended terms shall be limited to the continuation of the mutual promises and obligations contained in the Lease and Sublease, as amended, without monetary compensation; and

6. The Township shall not be responsible for the operation and/or maintenance of the dog park or any costs associated therewith during the extended terms of the Lease and Sublease.

7. The Mayor and Business Administrator are hereby designated as the Township Officials responsible for the supervision of the Lease and Sublease, as amended.

8. Pursuant to N.J.S.A. 40A:12-14(c), The Dog Owners Gathering Society of Vernon Township, Inc. shall submit an annual report to the Mayor or Business Administrator which describes or contains the following:

- (i) the use to which the Premises was put during each year;
- (ii) the activities performed in furtherance of the public purpose for which the Sublease was granted;
- (iii) the approximate value or cost, if any, of such activities in furtherance of the such purpose; and
- (iv) an affirmation of the continued tax-exempt status of the nonprofit corporation or association pursuant to both State and federal law.

NOW, THEREFORE, BE IT FURHER ORDAINED that this Ordinance shall take effect upon final adoption and publication pursuant to law.

Ordinance #21-37: An Ordinance of the Township of Vernon, County of Sussex, and State of New Jersey, Accepting Dedication of Upper Plateau Drive & Murphy Court

Council President Shortway read by title Ordinance #21-37

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-37

MOVED: Michael Furrey

SECOND: John Auberger
All Members were in Favor.

Brian Lynch – Vernon Township, commented that it is about time this was approved.

Steve Dunlop – Vernon Township, asked if the final paving of this road been done or is there more work to be done.

Township Engineer Cory Stoner explained that the paving has been done.

Seeing no one wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-37

MOVED: Michael Furrey
SECOND: Andrew Pitsker
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #21-37

MOVED: John Auberger
SECOND: Michael Furrey

A roll call vote was taken:
AYES: Auberger, Cilli, Furrey, Pitsker, Shortway
NAYES:
ABSTAIN:
ABSENT:

Motion carried to adopt Ordinance #21-37

ORDINANCE #21-37

AN ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ACCEPTING DEDICATION OF UPPER PLATEAU DRIVE & MURPHY COURT

WHEREAS, Woodmont Homes, Inc. (“Applicant”) applied for and received Preliminary Major Subdivision, dated August 28, 1991 and Final Major Subdivision on December 10, 2003 on Block 192 Lots 9 & 10 and Block 192.04 Lot5; and

WHEREAS, a Developer's Agreement was entered into by Woodmont Homes, Inc. and the Township of Vernon and on April 24, 2008 for the site improvements to be completed by Woodmont Homes, Inc. for the Final Major Subdivision ("Whispering Woods") as per the approved Final Plat dated March 23, 2008 prepared by R. Henry Huelsebusch, P.E. ("Original Agreement"); and

WHEREAS, the Original Agreement expired on April 24, 2010 and an Extension of the Developer's Agreement was entered into by Woodmont Homes, Inc. and the Township of Vernon on January 12, 2011 ("Extension Agreement"); and

WHEREAS, Woodmont Homes, Inc. filed for bankruptcy protection in 2011; and

WHEREAS, thereafter, the site repairs remained unfinished and the Township of Vernon was forced to call the performance bond and use the funds from the bond and the additional cash bond to complete roadway drainage repairs, detention basin repairs to Basins #1 and #2, and resurface the majority of Upper Plateau Drive and all of Murphy Court; and

WHEREAS, RDR Associates purchased the interests that Woodmont Homes, Inc. held in the nine (9) remaining buildable lots in Whispering Woods known as Lots 12, 13, 14, 15, 16, 17, 19, 20 and 21 in Block 192.05, ("Nine Remaining Lots"); and

WHEREAS, the Township Council entered into a Developer's Agreement with RDR Associates to provide for the completion of the remaining repairs and paving to Upper Plateau Drive and the final repairs to Basin #3; and

WHEREAS, the Whispering Woods Homeowners' Association ("WVHOA") has requested that the Township now accept the Upper Plateau Drive and Murphy Court (formerly known as Begraft Drive) roadways as approved by the Township; and

WHEREAS, the Township Engineer having inspected all of the improvements made in connection to the subdivision that created the Upper Plateau Drive and Murphy Court roadways has made the recommendation that the Township Committee accept both roadways and all associated improvements;

WHEREAS, the Township Council of the Township of Vernon seeks to accept the dedication of Upper Plateau Drive and Murphy Court and all associated improvements.

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

SECTION 1. The Township of Vernon hereby accepts the dedication of the Upper Plateau Drive and Murphy Court (formerly known as Begraft Drive) right-of-ways and all associated roadway improvements (including easement rights to detention basins) as inspected by the Township Engineer and as constructed as part of the Final Major Subdivision per the approved Final Plat dated March 23, 2008 prepared by R. Henry Huelsebusch, P.E.

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 (*Limited to 3 Minutes On Any Topic*)

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

MOTION: Michael Furrey

SECOND: John Auberger

All members were in favor.

Zoe Heath – Vernon Township, appreciates the options of having the option of attending the meeting in person or hybrid. She said once the technical difficulties will be worked out it will be beneficial to everyone. Ms. Heath asked if one of the TVs in the room could be turned around for the audience to see.

Steve Dunlop – Vernon, feels that there were a lot of falsehoods when the Mayor said he was going to work with HR2 Development to use a right away. The Mayor reported to the Council that he was going to be putting out an RFP for the trail when it was already put in the paper. Mr. Dunlop expressed concern that Spohn Ranch has only built one pump track when it clearly stated that whoever built the pump track had to have built three in the last five years. There was a bond taken out and Mr. Dunlop thought that a bond was to make sure things were done when they were supposed to be done and the pump track was supposed to be done by November 6th. Township employees did work that was part of the bid specs therefore is Spohn Ranch going to receive less money for this work? If the DPW had time to do this work, do we have too many DPW workers? He feels that there are unanswered questions and a lot of falsehoods.

Joe Hession – Mountain Lakes, thanked the Council again. He said he has worked with many Council People and Mayors over the years and being the largest business owner in town and largest taxpayer, he has no intention of leaving and will be here for many years. Mr. Hession welcomed the new Council Members. He also pointed out that Mayor Burrell has been a fantastic promoter of Vernon, business, working with people. He feels that the Mayor being called a liar and a cheat is not true at all.

Beverly – wants the Council to take their masks off because she cannot understand what is being said. She finds it disturbing that pictures were taken in a bedroom at night and that the Council has guns.

Jessica Paladini – Vernon Township, explained that Spohn Ranch built a concrete pump track. She feels that in a few weeks the town will have an honest and transparent Council coming in. Ms. Paladini would like Craig Williams censured for violating the Open Public Meetings Act by conducting business by email.

Ms. Paladini feels that the Township is misappropriating funds from the Open Space Fund and the Clean Communities Fund.

Peg Distasi – Vernon Township, is happy the Council tabled the MUA appointment because she feels if it was voted on it would have violated an ethics law. She feels that Mr. Furrey has business affiliations with the town so he is violating ethics laws. She feels that Mr. Furrey should be a volunteer or a paid business consultant.

Ms. Distasi feels that the Council should review ordinance #10-27 that was tabled on 2010, an ordinance to establish conflict of interest guidelines for all future public officials. Ms. Distasi feels that this town needs conflict of interest guidelines.

Ms. Distasi feels that resolutions #21-283 and #21-284 should be tabled for lack of full disclosure of the locations and principles. People are entitled to know where the locations will be and who are the principles of these companies for full disclosure.

Ms. Distasi commented on resolution #21-286 saying that it should be tabled until the purchase of the Baldwin property is completed. She does not understand how the Council can appoint or contract on a property the town does not own yet. Ms. Distasi asked if the sale does not go through for some reason, are we responsible for a \$200,000 contract. She feels that Harry Shortway and Mike Furrey make decisions in the town that benefit themselves and she is looking to the new Council to bring that to an end.

Ms. Distasi has mixed opinions of the tax refunds that are listed on the agendas that have totaled more than \$60,000 dollars. She is happy for the homeowners that received money back but she is concerned how the properties are being evaluated. Not only does this cost Vernon to go to tax court, it also costs the landowner. Ms. Distasi feels that an investigation should be done on how this is being calculated, what can be done to minimis the eras and what can be done to minimis the expenses for all.

Ms. Distasi did have concerns about Mountain Creek and the dam rehabilitation project. She hopes that Mountain Creek will hold us to be non-committed to any payment and the Mayor is protecting us.

Ms. Distasi has a big difference with a committee person taking it upon himself to send a blanket email voicing his support. No one on any committee of Town Council should be contacting anyone to pressure them for any kind of a vote.

Ms. Distasi gave her condolences to Vice President Auberger on the passing of his mother.

Martin O'Donnell – Vernon Township, asked the person who commented on the Council and guns. He asked that person to do some more research because New Jersey is the most difficult in the United States to get a firearm. Mr. O'Donnell explained that every handgun you get, you have to get a permit and go through a process. New Jersey is the hardest state to get a carry permit and those permits are usually reserved for law enforcement or people in that line of work. If people on the Council have guns, that is their right to own them.

Mr. O'Donnell thanked the outgoing Council for everything they have done for the town. He wished the new Council the best of luck.

Walter Marsico – Vernon Township, asked if Council President Shortway had a status update of Mayor Burrell's campaign promises relative to using Township resources for the development of trails when the town is littered with trails. Mr. Marsico feels that the money could be best used for rateables as the Mayor pointed out. Mr. Marsico feels that Mayor Burrell should resign immediately. Mr. Marsico feels that the reason people are afraid that the Council has guns is because township employees are looking in people's bedroom at night. He feels that Mr. Shortway's comments about guns is alarming.

Shawn Mazur – commented on the motion made by Council Member Pitsker saying that he felt Council Member Cilli was bullied. He commended Council Member Cilli for asking the right questions.

Ann Larson – Vernon Township, feels that Council Member Cilli was bullied and this should be looked at again. Ms. Larson feels that Open Space money is not free money.

Ms. Larson said that Ms. Cilli is 100% correct that you can smell cannabis growing a mile away. She feels the Mayor needs to address this.

Ms. Larson feels that before Mayor Burrell signs anything, the public should see that he is signing. She fears that you will be in compliance with signing the loan and we know that this would be detrimental to the town.

Butch Gilbert emailed: the Town pump track will be a great addition. Kids and adults will come from all over the area to enjoy this fast-growing sport. It will keep kids out of trouble. I have been riding for years and have introduced my kids to this sport. Please let's make this pump track happen for your community and all the surrounding communities.

Margaret Standaert emailed: thank you for reading my email tonight. I wanted to again express my support for the bicycle pump track currently being built. I believe that this will be a great asset to the community. It will help bring the community together, give both adults and children a safe place to ride their bikes, and help bring people into our town. I am absolutely baffled at those that are upset that people outside of our town are so interested in this project. Yes, people from out of town will be using this amenity. When people come into our town to ride at the pump track, at least some of them will stop for pizza, drinks, shop at the Acme, or just explore the town. Having people from outside of Vernon call and email the council their interest and support should be seen as a huge indicator that the pump track will be successful in the goal of bringing people into town. After all, wasn't the point of the Scenic Byway I have heard touted so often by certain people to bring people into Vernon? I think that a bicycle pump track in a central location would rather complement the Byway and trail system.

Jackie Standaert emailed: I wanted to write in and remind both the council and the residents that there are those who support the pump track. Personally, I strongly believe that will be a great asset to the town and help draw people into Vernon and our businesses. It will also help convince people to move into Vernon, as studies have shown that people generally prefer towns that have amenities like the pump track. As a tourist town, our goal is to develop a multifaceted plan to convince people to visit and convince them to keep coming back. From Mountain Creek to the Appalachian Trail to our lakes, our town is geared around outdoor activities. The more we can develop those, the more people we can bring in. The pump track will be great for those who don't mountain bike but would like a paved course to ride and challenge themselves. While our roads hold significant challenges for bikers of all levels, they are not safe for most riders. To those complaining about people showing interest from out of town, I would ask that they take a step back and think a little. It would be far more concerning if there was no interest at all. Isn't the point of the pump track to entice people to visit and spend their money in our businesses? When people from two states away call into a town meeting, genuinely excited about a project, that should be taken as a strong sign that something is being done right.

I would also like to express my concern to the council about the comment made on one of their posts. A person stated that they would publish a list of those who called into the previous meeting. Publish where? To who? In the context of the rest of the comment, this person seems to be trying to intimidate a group of people freely expressing their opinion in a public forum. To me, this is highly concerning as it

may prevent some people from commenting during public meetings, lest their name get dragged through the Facebook mud. That this person is also the loudest voice against the pump track does not seem to be a coincidence. I refuse to be intimidated and ask that the council condemn this bullying tactic.

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

MOTION: Michael Furrey

SECOND: Toni Cilli

All members were in favor.

MAYOR COMMENTS

Our next Council Meeting is scheduled for December 30; however, since the last Council Meeting of each year is so close - - that is within days - - to the required swearing in of newly elected municipal officials and the reorganization of the municipal governing body, that last of the year Council Meeting is usually canceled.

Therefore, I use part of my comments tonight to say thank you to the three members who will be leaving the Council at the end of this year.

The presence of Council Members AUBERGER, CILLI and PITSKER on this Council have been a huge asset to this town. I have personally relied heavily on their wisdom, their advice, and their judgment, even when making decisions that the Mayor has the full responsibility to make.

Council Member AUBERGER's knowledge of this town - - that's informed by his family's history in this town, plus his years of working in our Department of Public Works and our Building Department - - has proven to be extremely valuable, and can never be fully replaced;

Council Member CILLI's sincere compassion for the people of this town, and her strong desire and determination to always do what she believes to be the right thing, has proven to be a strong moral force on the decision making of this Council; and ...

Council Member PITSKER's clear, analytical and logical thinking has been a major influencing factor on how the Mayor and Council looked at key issues. He is without a doubt one of the smartest and clearest thinking individuals that I have had the pleasure of serving with.

While I hate to see them leave the Council, I am guided by the words of the author of many enjoyable and wise children's books, Mr. Theodor Geisel, better known to most of us as Dr. Seuss.

Dr. Seuss advised us to not be sad or in poor spirit because something good is over, but instead we should be thankful that it happened.

So as this year comes to a close, I am thankful that I had the opportunity and honor to serve alongside Council Members JOHN AUBERGER, TONI CILLI, and ANDREW PITSKER!

To each of them, THANK YOU!

We now enter the winter months, which could result in most of us spending a larger amount of our time inside of closed-in and possibly crowded quarters, that could cause us to be more exposed to possible infections from the COVID - 19 virus.

But before we in Vernon Township focus on that reality, I provide you a brief review of how we were impacted by the COVID - 19 virus during November.

Vernon Township entered November averaging 7 COVID infections per day; we ended November averaging 8 COVID infections per day.

However, we fair better than our county as a whole - - the County of Sussex entered November averaging 43 COVID - 19 infections per day, and ended November averaging 52 COVID - 19 infections per day; a 9 case or 21% increase.

The preventative actions and safety practices that we in Vernon Township have taken, and continue to take, have resulted in far fewer COVID – 19 cases in our town than what was projected by either the Sussex County or State of New Jersey Departments of Health - - for example, while we are 17% of the county’s population, we have accounted for just 14% of the county’s COVID – 19 cases.

During November, Vernon thankfully had no new COVID – 19 related deaths; there were 20 such deaths in our county during November.

However, not only should we not let our guards down, but as we enter the winter months, which could result in most of us spending a larger amount of our time inside of closed-in and possibly crowded quarters, that could cause us to be more exposed to possible infections from the COVID - 19 virus, we should become even more vigilant.

As a caution, already during the first two weeks of December, the number of COVID infections in our town have grown from 8 per day in November, to 21 per day.

And in our county, the number of COVID infections have grown from 52 per day in November, to 126 per day during the first two weeks in December.

As we face this new, and possibly more infectious and deadly Omicron variant of the COVID – 19 virus, I ask that you please join me in taking all reasonable health and safety measures to protect yourself, your family and others that you come in contact with from becoming victims of this deadly virus.

As part of the municipality’s effort to help keep our residents safe and healthy, we are hosting a Sussex County Division of Health Pop-up Vaccine Clinic in the Senior Center portion of the Municipal Building on Tuesday, December 21st, from 3pm-6pm.

As has been reported in the press, in June 2021, the Township of Vernon and the Vernon Municipalities Utility Authority (MUA) filed a lawsuit against the Sussex County Municipalities Utility Authority (SCUMA) in the Superior Court of Sussex County. In October 2021, the judge hearing this lawsuit dismissed it at the request of SCUMA.

In what has now become their routine way of trying to spread disinformation and panic, the usual negative town detractors have used their Facebook pages to claim that the filing of this lawsuit by the leadership of the Township and the MUA is somehow another “bad” thing by “lawless” people.

Those of you who have paid some notice to the language and insults that have been hurled over the years by the town’s number one spreader of disinformation, know that calling people “bad” and “lawless” are two of the kinder words that this spreader of disinformation has used to describe those who don’t agree with this individual on every single issue, or who this individual and this individual’s followers can’t intimidate into doing their bidding.

As a way of trying to clear up some of the disinformation that has been spread about this issue by these Facebook warriors, in my Mayor’s comments tonight, I will share with the Vernon Family:

1. Just what this lawsuit is all about;
2. The actions that were taken by Vernon’s Mayor, Council and MUA to resolve this matter without taking legal action; and ...
3. Why I, the Council and the MUA have decided to appeal the judge’s dismissal of this lawsuit.

FIRST, JUST WHAT IS THIS LAWSUIT ABOUT?

1. This lawsuit is a challenge to SCUMA’s failure to adhere to the New Jersey Municipal County Utilities Authority Law requiring them to charge a uniform and equitable rate to all customers who send sewage and waste water to their facility for treatment.
2. Specifically, according to the New Jersey Municipal County Utilities Authority Law, SCUMA should be charging all of the municipalities that use their treatment services based on the amount of flow that each municipality sends to SCUMA for treatment.

However, SCUMA’s own records show that Vernon Township is being charged a treatment rate of \$3.75 per gallon, while other municipalities are being charged a rate that ranges from \$1.50 - \$1.60 per gallon, based on the amount of flow that they send to SCUMA.

3. We know that these overcharges are unfair to the taxpayers of Vernon, and because this practice does not comply with the New Jersey Municipal County Utilities Authority Law, we believe that this practice is also illegal.
4. SCUMA justifies these overcharges in part by claiming that their action is permitted by a “bad agreement” signed by the Vernon Township government in power in 2013. However, the laws of our state and nation do not allow an individual or organization to break a law based on a bad agreement.

5. Our lawsuit simply asks that SCUMA abide by the New Jersey Municipal County Utilities Authority Law and charge all of the municipalities that use their treatment services based on the amount of flow that each municipality sends to SCUMA for treatment.

SECOND, WHAT ACTIONS WERE TAKEN BY VERNON'S MAYOR, COUNCIL AND MUA TO RESOLVE THIS MATTER WITHOUT LEGAL ACTION?

1. For a full year and a half, Vernon's Mayor, Council, MUA and our legal representatives made repeated attempts, through various organizational levels and sources, to get SCUMA to listen to, to recognize, and to act on our request for reasonable relief from what their own data reveals is an unfair and inappropriate financial burden that's oppressive to the well-being and good existence of the taxpayers of the county's largest municipality, Vernon Township.
2. In a last-ditch effort to get SCUMA to be responsive to our desperate pleas for reasonable relief from what their own data reveals is an unfair and inappropriate financial burden on the taxpayers of Vernon Township, in March of this year, I and other members of our municipal team met with members of the SCUMA leadership to discuss this matter.
3. I explained to SCUMA that the importance that we put on that meeting was reflected in the fact that in addition to myself as Mayor, who represented the Executive Branch of Vernon's government, also a part of our municipal team at this meeting was a Council Member representing the Legislative Branch of our town's government, as well as the Chief Financial Officer for our Town and our MUA.
4. That meeting did not produce a productive response from SCUMA.

THIRD, WHY HAVE I, THE COUNCIL AND THE MUA DECIDED TO APPEAL THE JUDGE'S DISMISSAL OF THIS LAWSUIT?

1. First of all, judges' decisions are over ruled and reversed all of the time, and we have strong legal reasons to believe that this decision will be over ruled and reversed.
2. Among those reasons are the facts that:
 - a. In this initial pleading stage of this lawsuit, the judge in error concluded that this lawsuit was nothing more than an attempt by Vernon Township to challenge sewer related SCUMA bond payments that resulted from a commitment made by a previous Vernon Mayor and Council; and ...
 - b. While it's true that Vernon taxpayer's payments on these bonds will balloon from the current 1M\$ per year to 1.525M\$ per year in 2023, the filed lawsuit has nothing to do with these bonds or these bond payments - - this lawsuit simply asks that SCUMA abide by the New Jersey Municipal County Utilities Authority Law and charge all of the municipalities that use their treatment services based on the amount of flow that each municipality sends to SCUMA for treatment.
3. We have also decided to appeal the judge's dismissal of this lawsuit because it would be irresponsible of us as municipal leaders, and insensitive to Vernon's taxpayers, for us not to do so. I say this because:

a. Over the last 10 years, these inequitable, unfair, and we believe illegal treatment charges have cost the taxpayers of Vernon Township over 3M\$, or an extra approximate 340K\$ per year. And, starting in 2022, that unfair charge will increase because SCUMA has informed us that the treatment rate that they will charge Vernon will increase from the current outrageous \$3.75 per gallon, to the even more outrageous rate of \$3.98 per gallon!

It would reflect a lack of leadership if we simply let this continue without trying to stop it.

b. These inequitable, unfair, and we believe illegal, treatment charges by SCUMA have, and continue to, directly harmed our efforts to develop our Town Center and attract the type and number of commercial entities that could locate in Vernon.

For when an organization has a choice of either locating in Vernon and paying \$3.75 per gallon for sewage and waste water treatment services, or locating in another Sussex County town and paying \$1.60 per gallon, Vernon always loose.

I ask you; would you pay \$3.75 per gallon for gas if you could simply travel to, say Franklin, and get the same gas for \$1.60 per gallon? The answer is no!

c. It's cost effective for us to appeal the judge's dismissal of this lawsuit. To date, it has cost the Town and the MUA a combined approximate 30K\$ to prepare and file this lawsuit; and, estimates are that this appeal will cost us another approximate 20K\$ to 30K\$.

Spending an estimated 50K\$ to 60K\$ to save approximately 340K\$ per year for as long as we use the current SCUMA treatment services, makes good sense to any reasonable person.

As long as I have the privilege and honor of serving Vernon as its Mayor, I will always try to lead the Council to **DO THE RIGHT THING**, and **NOT SIMPLY THE TIMID or EASY THING**, for Vernon Township!

COUNCIL COMMENTS

Vice President Auberger commented saying that is has been an honor and a privilege to serve the people of Vernon Township. He wishes the sincerest luck with the new Council Members and the old Council Members working together to move Vernon forward. He thanked everyone who reached out for their support after the passing of his mother.

Council Member Pitsker thanked the Mayor for his comments and the public for letting him serve as a Council Member for the last 18 months. It was a privilege and an honor to move Vernon forward. He will continue to stay active in the VTMUA and work toward a financially sound operation of the VTMUA. Council Member Pitsker wished the new Council good luck.

Council Member Pitsker feels that the new Council needs to work on the gun safety ordinance. He was upset to see the posts about the Council carrying guns. The amount of irresponsibility of those posting

and the misinformation that was posted he finds very irresponsible and it jeopardizes not only the safety of the Council, Administration and everyone.

Council Member Pitsker wish everyone a Merry Christmas and a Happy New Year.

Council Member Cilli commented that she was not bullied and she did not feel bullied. She said the Council can disagree and that is what is part of being a Council. It is hard to make a decision within seconds and good or bad, she listens to everyone. Council Member Cilli said when Mr. Lynch commented on tabling the gun ordinance, she was trying to make the right decision and she did not feel bullied or that Council Member Pitsker spoke over her. Council Member Cilli said she is 100% for the trail and the pump track and she feels this will be great for our community. She does think it will bring people in but she understands the point of holding off till the new Council comes in.

Council Member Cilli explained that she looked at the MUA and saw that Michael Furrey's appointment did not expire so she questioned why he was being appointed again. She knows that Mike would do great on the MUA and it has nothing to do with ethics it has to do with the process.

Council Member Cilli thanked the Mayor for his words, the Council and Donelle. She wished everyone a Merry Christmas.

Council Member Furrey thanked John, Toni and Andrew for their time on the Council.

Council Member Furrey commented on the great accomplishments over the last year that should still move forward with the new Council. The Township has made great progress on the following:

- 1) Worked diligently with the MUA to keep expenses under \$300,000 per year.
- 2) There have been no rate increases for the past few years. We hope to do this again in 2022.
- 3) We are upgrading pump station 2 that is over 50 years old. This should have been completed in 2013.
- 4) We are improving water infrastructure in town center all designed to improve ratables and to stabilize our taxes.
- 5) Began the construction of a pump track for all residents to enjoy.
- 6) Tonight, we approved the award of a bid for a bike and hiking trail to complement the pump track.

Council Member Furrey thanked every Greenway Action Advisory Committee member since 2016 who made this a reality. Studies have shown that the NJDOT is willing to provide grants up to \$1.5 million dollars for every mile of trail which we need to take advantage of. We will continue the trail to Mountain Creek and to Crystal Springs. These are the few accomplishments that we should all be proud of since it proves that we do have a vision for Vernon.

Council Member Furrey expressed concern that once again Jessi Paladini has posted on Facebook a statement that the Town Council President made about a gun safety ordinance. Ms. Paladini said "the more he talks the more he makes a fool of himself and now we know the whole Council carries, be afraid of the Council stalking your house at night, be very afraid" Council Member Furrey feels that this statement suggests that everyone on the Council is a criminal capable of doing harm to the residents of Vernon. These disgusting comments are hateful political rhetoric that insight people to violence. This

type of hate speech has no place in our community and our society. I want this person as well as any other residences to be careful of the comments that they make in public and be mindful of the impact that it has on the community, words do matter. Council Member Furrey has decided to seek an attorneys advise on how to protect myself as a public official and most importantly how to protect myself and my family from any potential harm. All he asks is please everyone be kind to each other and remember that is what the holiday spirit is all about. He wished everyone a safe and wonderful holiday.

COUNCIL PRESIDENT COMMENTS

Council President Shortway did not make any comments about the trails when the motion was on the floor. He started the journey about 10 years ago bringing trails into the town and connecting the trails when he was Mayor and it was a huge part of his campaign when he ran for Council. He explained that the town center trail is a sidewalk behind the stores and businesses in that area. He never wanted to put sidewalks on Route 94. This trail would be connecting the municipal hall, the PAL all the way down to the low-income housing and the hope is to get to Mountain Creek. We have a great business relationship with Mountain Creek and they have honored everything they said they were going to do. Also, Council President Shortway said this pathway need to be ADA compliant to open up the door for many of our senior citizens, aging people and people with physical disabilities, this is about connectivity. His vision is to include an amphitheater someday.

Council Member Shortway hopes everyone saw the parade that our volunteers put on. It was great watching the volunteer firefighters and EMS riding through neighborhoods. Thank you all for what you do for our town.

Council President Shortway said to the Council Members who will no longer be with us thank you. We have had some friendships, debates and arguments. We did not always agree but that how we make a democracy work. It should always be about the politics and the issues and not about personal feelings towards each other We always welcome the 1st amendment but it can not decay into personal attacks on each other or accusing people of committing crimes. Council Member Shortway welcomed the incoming Council and he looks forward to the debate.

Council President Shortway wished everyone a very happy holiday season.

Vice President Auberger made a motion to cancel the December 30, 2021 Township Council Meeting. Seconded by Michael Furrey.

All members were in favor.

ADJOURNMENT

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

The Meeting of the Township Council of the Township of Vernon was adjourned at 9:42 p.m.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Patrick Rizzuto,
Council President

Minutes approved: January 24, 2022