

## VERNON TOWNSHIP COUNCIL

### REGULAR MEETING MINUTES

FEBRUARY 8, 2021

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on February 8, 2021 via Zoom Webinar in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Harry Shortway presiding.

#### STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 6, 2021 and on January 7, 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, Andrew Pitsker, Kelly Weller and Council President Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker and Township Attorney Josh Zielinski.

#### SALUTE TO THE FLAG

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

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

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

MOVED: John Auberger

SECOND: Andrew Pitsker

All members present voted in favor.

William Askin, Attorney for the Shotmeyer Family who own property in the Township (block 407, lot 5) discussed their opposition to the proposed ordinance #21-01. He feels that the ordinance is fundamentally unfair. He said there was insufficient notice of this ordinance and the redevelopment plan. Mr. Askin feels this is spot zoning disguised as a Master Plan reexamination. He does not think the Master Plan contemplates this many gas stations in the town center zone and the effect of this ordinance would cripple the Shotmeyer's business.

Ann Larson – Glenwood, has a lot of issues with a gas station. She feels this is quite dangerous because it is at a dead-end road, one access out of Guthrie Road and potentially a flammable property. Ms. Larson feels this was poorly planned out and she does not believe the neighbors were notified and they should have input on this.

Amanda Resser – Glenwood, thanked the Council for adding the hate crimes resolution to the agenda tonight.

Peg Distasi – Vernon, has concerns about transparency because there are multiple resolutions being voted on this evening that do not fully disclose pertinent information that the residents of Vernon should be aware of. Ms. Distasi thanked the Municipal Clerk and Administrator for providing information to her. Ms. Distasi feels that transparency is a vital part of any business transaction. Government spending transparency affords citizens and government officials the ability to monitor the public purse — saving money, preventing corruption, reducing potential waste and abuse of taxpayer dollars, increasing public confidence and encouraging the achievement of a wide variety of public policy goals. She is requesting that resolutions in the future be written with complete and accurate information for the residents of Vernon.

Ms. Distasi feels that Ordinance #21-01 needs to be on a separate meeting on its own for public discussion. She said it is too big of an issue and the public has the right to voice opinions and ask questions.

Jessi Paladini – Vernon Township, feels that this gas station in this location goes against every single town center design standard we have created, it goes against our Master Plan and is very poorly planned.

She feels it should be on Black Creek Drive. Ms. Paladini said on the official Vernon Facebook page dozens and dozens of people are opposed to this.

James Swiatek – Vernon, lives on [REDACTED] behind the proposed gas station. He has questions about noise, possible environmental impact, traffic, entrance to our home, the hours of the gas station, litter, loitering, and his property value. Mr. Swiatek thought there was no more automotive business allowed in the Town Center. He asked why he wasn't notified about this.

Rob O' Donnell – [REDACTED] expressed concern with the gas station. He said he is not knocking down new business, but he would like to hear more about it. He is concerned with the gas station and if they must leave the road because of a problem with the gas station. Mr. Donald feels that filling the Town Center with gas is not a nice look.

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

MOTION: John Auberger  
SECOND: Kelly Weller  
All members were in favor.

### ITEM FOR DISCUSSION

Open Space and Recreation Plan Presentations

- a. Alison Kopsco – J. Caldwell & Associates, LLC
- b. Barbara Davis – The Land Conservancy of New Jersey

The Township Council is considering two firms to update Vernon's Open Space and Recreation Plan. Both firms gave brief presentations to the Council and based on the presentations the Township Council and the Mayor will make a selection. Alison Kopsco of J. Caldwell & Associates, LLC and Barbara Davis of The Land Conservancy of New Jersey gave presentation to the Council.

The Council asked questions about grants and grant writing.

### MINUTES

January 25, 2021 – Executive Session  
January 25, 2021 – Regular Meeting

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

MOVED: Andrew Pitsker  
SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

### RESOLUTIONS

**Resolution #21-63:** Resolution Authorizing an Agreement with J. Caldwell & Associates, LLC's Proposal for an Open Space and Recreation Plan Update

**Resolution #21-64:** Resolution Authorizing an Agreement with The Land Conservancy of New Jersey's Proposal for an Open Space and Recreation Plan Update

Council Member Pitsker made a motion to table resolutions #21-63 and #21-64 until the next meeting to analyze the data. Seconded by Vice President Auberger.

MOVED: Andrew Pitsker  
SECOND: John Auberger

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

Motion carried to table Resolutions #21-64 and 21-64 until the next Township Council meeting.

**Resolution #21-69:** Resolution Authorizing Settlement of Tax Appeal Litigation

Council President Shortway read the title of Resolution #21-69

Council President Shortway asked for a motion to approve resolution #21-69.

MOVED: John Auberger  
 SECOND: Andrew Pitsker

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

Motion carried to approve resolution #21-69

**RESOLUTION #21-69**  
  
**RESOLUTION AUTHORIZING SETTLEMENT  
 OF TAX APPEAL LITIGATION**

**WHEREAS**, tax appeals were filed in the Tax Court of New Jersey by various plaintiffs contesting the tax assessments on properties located within the Township of Vernon (“Township”) for certain tax years as summarized in the following schedules which are attached hereto and incorporated herein by reference:

<u>SCHEDULE</u>	<u>OWNER(S)</u>	<u>TAX YEAR(S)</u>
<b>Schedule A</b>	RT 94 Development Corp./Minerals Resort & Spa SPE, LLC	2013-2020
<b>Schedule B</b>	Various (38 separate blocks and lots together with corresponding units)	2015-2017
<b>Schedule C</b>	Minerals Resort & Spa SPE, LLC	2020
<b>Schedule D</b>	Shinnihon/HM GG, LLC	2015-2020
<b>Schedule E</b>	Saltony, LLC	2020

**WHEREAS**, the parties have engaged in settlement negotiations; and

**WHEREAS**, as a result of said negotiations, global settlements have been reached wherein the parties have agreed that the plaintiffs shall withdraw certain prior year tax appeals in exchange for adjustments to the assessments in other tax years; and

**WHEREAS**, final settlement is subject to governing body approval, and subject to the parties entering into mutually agreeable stipulations of settlement memorializing the terms of agreement which shall be filed with the Tax Court of New Jersey; and

**WHEREAS**, any reductions of tax amounts previously paid as a result of this settlement shall be returned to the plaintiffs in the form of a 50% refund and 50% credit to be applied against the taxpayers' future tax liabilities; and

**WHEREAS**, the Tax Assessor, Tax Counsel and the Township's appraisal expert have recommended the terms of this settlement to the Mayor and Township Council; and

**WHEREAS**, the Township Council, having conferred, is of the opinion that this settlement is being made in the best interest of the Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the global settlements of these matters as set forth hereinabove be and is approved and Special Tax Counsel is hereby authorized and directed to effect said settlement.

**Resolution #21-70:** Resolution of the Township of Vernon, County of Sussex, State of New Jersey, Amending Resolution #21-44 Specifically Contract with Paviaweb

Council President Shortway read the title of Resolution #21-70

Council President Shortway asked for a motion to approve resolution #21-70.

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-70

#### **RESOLUTION #21-70**

#### **RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING RESOLUTION #21-44 SPECIFICALLY CONTRACT WITH PAVIAWEB**

**WHEREAS**, Resolution #21-22 was duly adopted by the Township Council on January 1 2021; and

**WHEREAS**, said Resolution authorized contract for Township Website Services with Pavia Web, in amount of \$4,080.00 for year 2021, and

**WHEREAS**, the Township wishes to amend the contract price for 2021 to \$5,100.00 for year 2021 due to increased services; and

**WHEREAS**, the Certified Municipal Finance Officer of the Township of Vernon has certified that the funds for this contract are available in Account: 1-01-20-140-39 subject to the adoption of the 2021 municipal budget.

**NOW THEREFORE IT BE RESOLVED** by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, that the 2021 contract with Pavia Web, Inc. is hereby amended to reflect the annual amount of \$5,100.00.

**Resolution #21-72:** Refund for Totally Disabled Veteran (Block 234 Lot 163 – Reardon)

Council President Shortway read the title of Resolution #21-72

Council President Shortway asked for a motion to approve resolution #21-72.

MOVED: John Auberger  
SECOND: Andrew Pitsker

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

Motion carried to approve resolution #21-72

**RESOLUTION #21-72**

**REFUND FOR TOTALLY DISABLED VETERAN  
(Block 234 Lot 163 - Reardon)**

**WHEREAS, THE DEPARTMENT OF VETERANS AFFAIRS**  
awarded John M. Reardon a 100% permanent and totally disabled veteran: and,

**WHEREAS,** the law exempts said property from taxation.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Township of Vernon hereby authorizes the Tax Collector to cancel 1<sup>st</sup> half 2021 property tax in the amount of \$1,615.98.

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

**Resolution #21-73:** Resolution Condemning Violent Protests, Insurrection, Hate Crimes and Discrimination

Council President Shortway read Resolution #21-73

Council President Shortway asked for a motion to approve resolution #21-73.

MOVED: John Auberger  
SECOND: Andrew Pitsker

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

Motion carried to approve resolution #21-73

**RESOLUTION #21-73**

**RESOLUTION CONDEMNING VIOLENT PROTEST, INSURRECTION, HATE CRIMES AND  
DISCRIMINATION**

Whereas, the Township of Vernon Council and Mayor supports and seeks to protect all its residents no matter their ethnicity, race, faith, sexual orientation, or gender; and  
Whereas, as public servants, we have an even greater responsibility to speak out against discrimination and hatred; and  
Whereas, the increase in violence and hate crimes has resulted in a rise in fear and instability within communities throughout the United States; and  
Whereas, the Township of Vernon Council and Mayor supports and commits to calling out hate and discrimination and to helping promote our core American value that no one should be targeted or discriminated against; and

Whereas the United States has a troubled history of racism that includes slavery, the terror of lynch mobs, and segregation, which leaves our country with important work to accomplish;  
Whereas peaceful protests are protected by the Constitution of the United States through an individual's First Amendment rights of freedom of speech, of peaceful assembly, and to petition the Government concerning grievances; and  
Whereas a free society depends on the rule of law, which is the foundation for the preservation of public order, peace, and individual rights; and  
Whereas several peaceful demonstrations throughout the United States have been exploited by violent extremists who have carried out acts of violence, insurrection on January 6, 2021, looting, destruction of business, and personal property, and loss of life, including the deliberate targeting of law enforcement officers; and  
Whereas due to the actions of violent extremists, certain government functions have been temporarily closed, businesses have been forced to be shuttered, and livelihoods have been impacted; and  
Whereas these acts of lawlessness take our Nation's focus away from a safe and civil dialogue on issues of importance including the peaceful exchange of power in our Nation;  
NOW THEREFORE, BE IT RESOLVED, that the Township of Vernon Council and Mayor wholeheartedly condemn these acts of violence and all discrimination; and  
BE IT FURTHER RESOLVED, the Township of Vernon Council and Mayor supports the just and unbiased enforcement of the rule of law and the protection of innocent individuals against lawbreakers is an essential function of government at the local, State, and Federal levels; and  
BE IT FURTHER RESOLVED, that the Township of Vernon Council and Mayor recommits to protecting all of the Township's citizens and families no matter their ethnicity, race, faith, sexual orientation, or gender; and  
BE IT FURTHER RESOLVED, the Township of Vernon Council and Mayor is proud to stand with all Americans, regardless of their ethnicity or religion, and to stand against those who preach hate and incite violence.

**Resolution #21-74:** Resolution Authorizing Leasing of Certain Vehicles for the Department of Public Works Through Sourcewell National Cooperative #060618-EFM Through Enterprise Fleet Management Services Inc. (Quote No. 4890545- 4 x Color Bright White)

Council President Shortway read the title of Resolution #21-74

Council President Shortway asked for a motion to approve resolution #21-74.

MOVED: Andrew Pitsker

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion carried to approve resolution #21-74

#### **RESOLUTION #21-74**

**RESOLUTION AUTHORIZING LEASING OF CERTAIN VEHICLES FOR THE DEPARTMENT OF PUBLIC WORKS THROUGH SOURCEWELL NATIONAL COOPERATIVE #060618-EFM THROUGH ENTERPRISE FLEET MANAGEMENT SERVICES INC. (Quote No. 4890545- 4 x Color Bright White)**

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

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

**WHEREAS**, in accordance with the requirements of the Local Public Contract Law P.L. 2011, C.139 (the "Law" or "Chapter 139" and N.J.S.A.52:34-6.2 the regulations promulgated there under in Local Finance Notice LFN

2012-10, the following purchase without competitive bids from vendor with a National Cooperative Contract is hereby approved for municipalities, and;

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

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

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

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

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

**WHEREAS**, the quoted cost under the Sourcewell National contract \$209,366.40 (Quote No. 4890545); and

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

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

**Resolution #21-75: Emergency Temporary Appropriations**

Council President Shortway read the title of resolution #21-75

Council President Shortway asked for a motion to approve resolution #21-75.

MOVED: Andrew Pitsker  
SECOND: Kelly Weller

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

Motion carried to approve resolution #21-75

**RESOLUTION# 21-75**

**EMERGENCY TEMPORARY APPROPRIATIONS**

**WHEREAS**, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2021 budget and no adequate provision has been made in the 2021 temporary budget for the aforesaid purposes, and

**WHEREAS**, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

**WHEREAS**, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total:

Current Fund  
FIRE PREVENTION O/E \$ 1,500.00

BUILDINGS AND GROUNDS O/E	\$ 10,000.00
PERS O/E	\$ 510,000.00
PFRS O/E	\$1,085,000.00

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Vernon, in the County of Sussex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of:

Current Fund

FIRE PREVENTION O/E	\$ 1,500.00
BUILDINGS AND GROUNDS O/E	\$ 10,000.00
PERS O/E	\$ 510,000.00
PFRS O/E	\$1,085,000.00

2. Said emergency temporary appropriations will be provided for in the 2021 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

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

**Ordinance #21-05:** An Ordinance Amending the Vernon Township Administrative Code Chapter 250, Article II Fees and Escrows Enumerated in Section 250-15 Relating to Animal Control

Council President Shortway read by title Ordinance #21-05.

Council President Shortway asked for a motion to introduce Ordinance #21-05.

MOVED: John Auberger

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to introduce Ordinance #21-05.

**Ordinance #21-06:** An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Authorizing Purchase of Real Property Commonly Known as 8-20 Black Creek Drive and Identified as Lot 12, Block 391 on the Tax Map of the Township of Vernon

Council President Shortway read by title Ordinance #21-06.

Council President Shortway asked for a motion to introduce Ordinance #21-06.

MOVED: John Auberger

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:



Motion passed to introduce Ordinance #21-06.

**Ordinance #21-07:** An Ordinance Amending Article XII Stormwater Management of the Township of Vernon Code

Council President Shortway read by title Ordinance #21-07.

Council President Shortway asked for a motion to introduce Ordinance #21-07.

MOVED: Kelly Weller  
SECOND: Andrew Pitsker

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

Motion passed to introduce Ordinance #21-07.

**Ordinance #21-08:** Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending Chapter 330 Entitled “Land Development” to Regulate Multi-Generational Family Accommodations

Council President Shortway read by title Ordinance #21-08.

Council President Shortway asked for a motion to introduce Ordinance #21-08.

MOVED: John Auberger  
SECOND: Toni Cilli

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

Motion passed to introduce Ordinance #21-08.

## **PUBLIC HEARING/2<sup>ND</sup> READING OF ORDINANCES**

**Ordinance #21-01:** Ordinance Approving Redevelopment Plan – 525 Route 515, Block 413 Lot 10

Council President Shortway read by title Ordinance #21-01.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-01

MOVED: John Auberger  
SECOND: Kelly Weller

All Members were in Favor

Mayor Burrell introduced Jasvinder Arjani, Engineer for Circle K gas stations.

William Askin – represents the Shotmeyer Family, expressed concern with the ordinance. He feels that there was not sufficient time or notice as to the impact it could have on the other citizens, property owners or business owners in town.

Ann Larson – Vernon Township, asked if it was normal for the Mayor to introduce the engineer for a potential project. Ms. Larson also asked if the potential purchasers of this property actually bought the property or are they waiting for the outcome of the ordinance.

Peg Distasi – Vernon Township, feels that this is being rushed through and plans were never submitted to the Land Use Board. Ms. Distasi would like to see a separate public meeting for this ordinance.

Chuck Shotmeyer – property owner of 312 Route 94 and 541 Route 515, expressed concern with this ordinance. He was under the impression that the Town Center Master Plan does not permit anymore gas stations in this zone. Mr. Shotmeyer feels it is unfair that neighbors of the property and business owners did not get notified of this ordinance. He asked that the ordinance be tabled or voted down.

Jim Lombardo – Vernon Township, feels that it is great to support existing businesses but you cannot restrict businesses strictly on the basis of competition. The larger companies come in based on extensive market reports to show that the market would support it. Mr. Lombardo feels that the Council has to support new businesses as much as existing businesses.

Maria – Vernon, questioned who will pay for the sewer and water hookup.

Council President Shortway said it would be the company.

James Swiatek – Vernon Township, found out about this on Facebook and received no other notice of the meeting. He has concerns about his property value, noise or environmental issues, litter and traffic. He asked about the entrance to the potential gas station.

Jessi Paladini – Vernon Township, feels that this is spot zoning, and it also goes against all of the Town Center design standards.

Mayor Burrell explained that Mr. Jasvinder Arjani, Engineer for Circle K, called and asked if he could be part of the public portion of this ordinance.

Seeing no more members of the public wishing to come forward, Council President Shortway asked for a motion to close Public Hearing for Ordinance #21-01

MOVED: Kelly Weller

SECOND: Andrew Pitsker

All members were in favor.

Motion passed close to Public Hearing for Ordinance #21-01

Mr. Jasvinder Arjani of Bertin Engineering, explained that they have looked at this site and prepared a concept as of now. He said when this becomes an application, notice will be sent out to the neighbors. The property has a building on it right now that has the utilities that would support this business. Mr. Arjani said his client has done market research and they feel this is a good site. His office has been designing fueling stations for 35 years and they are familiar with the standards and it will be a safe operation. Mr. Arjani said since this is not an application he did not want to give to many details.

Council Member Pitsker asked is there was anything that could be shared with the public right now.

Mr. Arjani said the convenience store and fueling station will be similar to the Circle K on Route 23 in Hardyston. The proposed apartment is not for renter but for staff who will be working at the fueling station/convenience store.

Council Member Pitsker asked if in other cases where these projects have been done has there been any type of public input or hearings where the public gets a chance to understand more?

Mr. Arjani said that every application that they do has to be presented to the public when they go to the Land Use Board. All of the Land Use Board procedures will be followed properly to notice residents of the application. There will be opportunity for citizens to have more questions answered. Mr. Arjani cannot predict the estimate the time a project like this would take from start to finish.

Alison Kopsco of J. Caldwell & Associates, LLC confirmed that the planner and engineer will be reviewing any application that comes through and she will pass along all of the comments to Jessica Caldwell.

Council Member Pitsker said that based on what he is hearing there will be more opportunity for the citizens of the town to have dialog and get to know more about this project as it progresses.

Mayor Burrell said Council Member Pitsker is correct and there is no guaranty that the Land Use Board will approve each and everything that is presented. We have standards in the town and he does not know exactly what the Land Use Board will say.

Mayor Burrell asked if there would be an electric fueling station installed.

Mr. Arjani said yes there would be an electric car charging facility on the property for a minimum of 2 cars.

Township Attorney Josh Zielinski explained that that Ordinance #21-01 is being proposed pursuant to the Redevelopment and Housing Law. The redevelopment plan is adopted pursuant to an ordinance The Redevelopment and Housing Law is clear, notwithstanding the provisions of the “Municipal Land Use Law, or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments. Mr. Zielinski explained that the notice that is required for this ordinance is the same notice that is required for any ordinance that the municipality adopts at their meetings. There is no requirement that the redevelopment plan be provided to all property owners within a certain designated area. With that being said, Mr. Zielinski explained that if the plan is approved an application will eventually likely be submitted to the Land Use Board and in that event the notice requirements of the Municipal Land Use Law will apply. There was nothing deficient with respect to the notice provided for the adoption of this plan, the Governing Body introduced on the first reading, referred it to the Land Use Board for its comments, the Land Use Board provided its comments at a duly noticed hearing and now it is back for adoption.

Council President Shortway asked for a motion to adopt Ordinance #21-01

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN: Auberger

ABSENT:

Motion passed to adopt Ordinance #21-01

### **ORDINANCE #21-01**

#### **ORDINANCE APPROVING REDEVELOPMENT PLAN - 525 ROUTE 515, BLOCK 413 LOT 10**

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”), sets forth the procedures for the Township of Vernon (“Township”) to determine whether certain properties are areas in need of redevelopment, along with the development and effectuation of a redevelopment plan for such properties; and

**WHEREAS**, by Resolution No. 17-169, the Township Council directed the Township Land Use Board (“Land Use Board”) to undertake an investigation to determine whether properties in a proposed redevelopment area, a portion of the area which is commonly referred to as the Town Center Zone (“TC Zone”) and adjacent parcels, is a non-condemnation redevelopment area within the meaning of the Redevelopment Law (“Redevelopment Area”); and

**WHEREAS**, the Land Use Board adopted a resolution undertaking an investigation of the TC Zone and whether it or any portion constitutes an area in need of redevelopment pursuant to the Redevelopment Law; and

**WHEREAS**, the Land Use Board authorized Jessica Caldwell, P.P., A.I.C.P. of J. Caldwell & Associates (“Caldwell”) to prepare an investigative report of the TC Zone to determine if the TC Zone or any parcels within the TC Zone should be declared an area in need of redevelopment; and

**WHEREAS**, on April 11, 2018, the Land Use Board held a public hearing to consider the findings of Caldwell’s investigative report of the TC Zone, at which time the Land Use Board determined that the Redevelopment Area satisfied the statutory criteria to be designated as an area in need of redevelopment in accordance with the Redevelopment Law; and

**WHEREAS**, the Land Use Board recommended that the Township Council designate the Redevelopment Area as an area in need of redevelopment and adopted a memorializing resolution at its April 11, 2018, meeting; and

**WHEREAS**, the Township Council thereafter adopted Resolution No. 18-135 at its public meeting on April 23, 2018, designating the Redevelopment Area as an area as in need of redevelopment pursuant to Redevelopment Law; and

**WHEREAS**, Resolution No. 18-35 was transmitted to the Commissioner of the State of New Jersey, Department of Community Affairs, and the area in need of redevelopment designation became effective on or about May 10, 2018; and

**WHEREAS**, on January 27, 2020, the Township Council, pursuant to the Redevelopment Law, adopted Resolution No. 20-74, directed the Land Use Board to consider and arrange for the preparation of a redevelopment plan to govern the Town Center Zone and to submit such redevelopment plan to the Township Council for its consideration and adoption; and

**WHEREAS**, at a meeting held on January 13, 2021, the 525 Route 515 Redevelopment Plan for Block 413, Lot 10 dated January 4, 2021, (“Redevelopment Plan”), was presented to the Land Use Board; and

**WHEREAS**, at its January 13, 2021, meeting the Land Use Board reviewed the proposed Redevelopment Plan and heard public comment regarding same; and

**WHEREAS**, on January 13, 2021, the Land Use Board issued its report concerning the Redevelopment Plan; and

**WHEREAS**, the Land Use Board’s January 13, 2021, report determined that no provisions in the Redevelopment Plan are inconsistent with the Township’s Master Plan and recommended three changes to the Redevelopment Plan; and

**WHEREAS**, Caldwell has revised the Redevelopment Plan to incorporate the recommendations made in the Land Use Board’s January 13, 2021, report.

**WHEREAS**, the Township Council has reviewed and carefully considered the Redevelopment Plan and has found it to be satisfactory and now desires to adopt this Ordinance formally adopting the aforesaid Redevelopment Plan; and

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

Section 1. The 525 Route 515 Redevelopment Plan for Block 413, Lot 10 dated January 14, 2021, a copy of which is annexed hereto and made a part of this Ordinance, is adopted in accordance with the Redevelopment Law.

Section 2. This Ordinance constitutes an amendment to the zoning district map included in the Township’s zoning ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. This Ordinance shall take effect upon (i) filing with the Sussex County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication in the manner required by New Jersey 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: Kelly Weller

SECOND: John Auberger

All members were in favor.

Jim Hansen – Vernon Township, emailed a comment: I have been a resident of Highland Lakes for 15 years. Over that time, I have seen commercial truck/ vehicle accidents on breakneck road. I myself drive tractor trailers making a lot of residential deliveries. There is adequate signage at the top of breakneck road warning drivers of the downward incline ahead. I was wondering if it had ever been discussed about adding signage to direct trucks to 638 or say something like “all trucks must turn on 638.” I know sometimes drivers ignore signs or are trying to save time which is no excuse for going on that road if you have no business there. I was thinking maybe some signage redirecting trucks, buses etc. would help.

Zoe Heath – Vernon Township, thanked the Council for passing Resolution #21-73. She said Vernon has been a shining example for the rest of the County with resolutions like these. Vernon has been the first and sometimes the only town in the County to proclaim June as “Pride Month”

Jessi Paladini – Vernon Township, wrote a chat saying Barbara Haskin and the Land Conservancy have an excellent track record and have been excellent for Vernon in the past. She doesn’t understand why Harry Shortway let them go during his term as Mayor.

Shawn Mazar – Vernon, wrote a chat saying relative to Ordinance #18-14 and the latest revision made on January 25<sup>th</sup>, it was made clear to me that the Council, Mayor and Town Attorney all do not seem to have an adequate understanding of the Land Use Law in regards to the vacant and abandoned property ordinance or if Vernon’s ordinance aligns with the NJ bill from which it was created. Furthermore, the response the Town Attorney did not answer my question at all. I offer the following for consideration: Per the NJ League of Municipality’s criteria for inclusion in the abandoned and vacant property also provides the owners of said properties the opportunity to appeal a listing. In addition, other criteria must be met for inclusion such as delinquent taxes. You should also be aware that the creators of this bill did not intent this to be a money-making scheme for Municipalities but rather a way to get these blighted properties in the hands of good owners.

Peg Distasi – Vernon Township, is agreement with the resolution that was approved for hate crimes. She suggests that the Council read the resolution because they themselves have broken this with their attack against Jessi Paladini. Ms. Distasi feels that Mr. Paladini had the right to say what she needs to say under the First Amendment right. Ms. Distasi agrees with Shawn Mazar in reference to the ordinance about the property. She feels that if a person has bought a vacant piece of property in town and begins to do work on it, you are impeding him with fines, you are taking away from the budget. Ms. Distasi thinks that there should be a system where they can monitor themselves and show progress so if it takes time to get the property up to standards, they will not be paying heavy fines.

Ms. Distasi commented on Ordinance #21-06 saying she does not understand why it is necessary to purchase this property if in fact we received all of the easements that was needed to proceed with the trail.

Jessi Paladini – Vernon Township, feels that the people on Guthrie Drive were misinformed. She said what was on the agenda tonight was your vote to create that as a redevelopment zone and enabled that gas station to even be able to be built there. Ms. Paladini said our ordinance the way it is, does not allow the development of a gas station and you misinformed the public.

Ms. Paladini said in reviewing the towns Best Practice Survey, she saw things that were unintentionally erroneous or falsified. Ms. Paladini asked if this was going to be corrected and resubmitted to the State? She feels that there are several false things one concerning the official Township of Vernon Facebook page.

Cheri Shortway -Vernon Township, said she has put in her application to rejoin the Greenway Action Advisory Committee. She has done this because Mayor Burrell has been a man of his word and he has stood up to the bullying taking place. Ms. Shortway appreciates it and she knows other members of the community appreciate it also. She looks forward to working back on the GAAC.

Jackie Standaert – Vernon, wrote a chat asking does the Council have any policies regarding social media use of Council of Committee Members?

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

MOTION: John Auberger  
SECOND: Kelly Weller  
All members were in favor.

## **MAYOR COMMENTS**

I take this opportunity to give our Department of Public Works (DPW) leader, Mr. Ed Babcock, and his team a monumental “THANK YOU” on behalf of the Mayor, the Council and the residents of Vernon Township, for the time and effort that they put into doing everything that they possibly could to keep up with the removal of the tremendous amount snow that the January 31 – February 2 winter storm dumped on our township and our region.

Now I clearly understand that the clearing of snow from our streets and roadways is a part of the DPW’s job; however, in view of the facts that:

1. This was a storm that dropped more than 30 inches of snow on our township, sometimes at overwhelming rates of up to three inches per hour;
2. As part of our efforts to serve the residents of the town with the most cost effective and efficient government possible, we have a DPW staff of just 24 individuals to take care of the snow removal needs of the over 100 miles of roads / (not counting state and county roads) / in our 70 square mile township, where the removal of snow from roads that transverse up and down mountains is the rule rather than the exception; and ...
3. Our DPW faced these challenges working 24/7 with a crew that was short four workers - - because of non-COVID medical and injury reasons; and short two DPW trucks because of mechanical problems.

Because of these factors, on behalf of the Mayor and Council and the residents of Vernon Township, I offer our DPW staff a big Vernon Township THANK YOU!

At our January 1, 2021, reorganization meeting, I mentioned that my experience of serving nine years on our town’s Board of Education, three of those years as the Board’s President, has taught me the importance of the need for our town’s government and our school’s governing body to work close together in the best financial interest of our taxpayers.

Those were not just empty words, as evidenced by the fact that this year is not yet two months old, and the town’s school district and I have already collaborated on the district’s efforts to obtain grant funding to supply our municipality’s students with additional hot spots that will enable more of them to have easier access virtual learning.

While the School District's Budget and the Town's Budget are two separate entities, any grants obtained by either the School District or the Town helps to save tax dollars for all taxpayers.

In addition, in the spirit of enhancing township–school district relationships, I asked the school district to nominate a high school student that I could appoint to one of our municipal boards, committees, or commissions. And, I am pleased to announce that they have nominated one of Vernon Township's many outstanding students.

On tonight, I will be appointing this student, Ms. Brianna Van Orden, along with two other great volunteers who have come forward since last month's Council meeting, to the Greenway Action Advisory Committee.

Vernon's School District and Vernon's Township Government, together we are VERNON STRONG!

As I explained at last month's Council meeting, the Greenway Action Advisory Committee is a special ad hoc committee that was formed in 2016 for the purpose of advising the Mayor on matters related to sustainability, passive recreation, and general economics within the town.

For the first time, the Greenway Action Advisory Committee, and our town, will have the benefit of input from one of our community's young, student minds and future leaders.

The student that I appoint tonight is Ms. Brianna Van Orden, a Vernon Township High School junior.

Ms. Van Orden is an Ambassador level Girl Scout, and has been active in serving our community for the past 12 years.

She attended the Women in STEM Conference where she focused on learning about sustainability in the Science, Technology, Engineering and Mathematics fields. She currently serves as our High School's National Honor Society Vice President.

I have no doubt that she will be a major asset to this committee and our town.

The next appointee is an individual who was a previous member of the Greenway Action Advisory Committee, and who's commitment, plus her hard work and focused efforts as a town volunteer, resulted in her being a co-founder and the director of our municipality's very successful and enjoyable Farmer's Market. That individual is Ms. Cheryl Shortway.

Welcome back Ms. Shortway.

The third appointee is another reappointment; that of Mr. Paul Kearney. Mr. Kerney's 35 years in the water treatment and environmental concerns industry, plus his leadership experience as the Chairman of the Licensed Operators Committee of the New Jersey section of the American Water Works Association, have all proven to be an asset to the Greenway Action Advisory Committee and our town during his previous service on this committee since 2016.

Thank you, Mr. Kearney, for agreeing to continue to serve.

It's outstanding volunteers like these that make VERNON STRONG!

In my November 9, 2020 Mayor's Report, I advised the Council and the public of a debris field to which the New Jersey DEP had been directed by Mr. Joe Wallace, the individual that Vernon residents and most in the tristate area know very well as a result of the unfortunate negative national news coverage that our town received from the illegal toxic waste mountain that Mr. Wallace created in the Silver Spruce Drive area of our town.

In my report, I advised that on October 15, New Jersey DEP inspector Mr. David Ongaro had been led to a very small wooded portion of an 11.3-acre piece of property that is owned by the municipality. This specific wooded portion of this property was a site where Mr. Wallace said debris had been deposited some decades ago.

I also reported that Mr. Ongaro explained that even though he had visited this 11.3-acre piece of property many times over the past several years, he was not at all aware of this debris field, because:

1. The debris field that Mr. Wallace directed him to was located in an area filled with trees, weeds vines and other heavy vegetation, all of which made it very difficult to see into, to get into, or walk through; and ...
2. The debris field that Mr. Wallace directed him to was in an area that sloped down approximately 30 ft. from the elevation of the remaining 11.3-acres piece of property.

And just as Mr. Ongaro was not aware of this debris field prior to being directed to and taken there by Mr. Wallace, to our knowledge, neither was any current member of the municipal staff aware of this debris field.

What Mr. Ongaro showed us at this location was what appeared to be some decades old deposited debris consisting mostly of used tires; an empty, old, rusty oil tank; some concrete; some plastic pipes; some decaying carpet; and some pressure treated lumber.

On the date that Mr. Ongaro pointed out this debris field to us, we informed him that the municipality would take immediate action to:

1. Determine if the area where this debris field is located is in fact municipal owned property; and ...
2. If so, we would develop a plan of action to remove and properly dispose of this debris as soon as possible.

Mr. Ongaro advised that acting under the assumption that this debris field was in fact on municipal property, now that Mr. Wallace had pointed it out and led him to this debris field, he was required, as per NJDEP rules, to levy a \$4,500 civil administrative penalty on the assumed property owner.

He added that this penalty could be reduced, or maybe even eliminated, based on the speed and adequacy at which this debris field was cleaned up.

Because the area where the debris field is located is not easily accessible, either by walking or effectively using any of the equipment that the municipality owns, we requested bids for this debris removal work from professional firms who specialized in the removal of materials from difficult areas such as this.

We received only two bids, and accepted the lowest bid, which was \$6,800. The debris field cleanup was completed on January 29.

Consistent with our standard operating procedure of viewing every issue from the prospective of how can we save taxpayer dollars, Business Administrator Voelker worked close with our DPW to find State of New Jersey provided Clean Communities grant funds that we were able to use to pay for this debris field cleanup, thereby, not having to use any local taxpayer funds.

I have informed the DEP of our successful cleanup, and have invited them to come to our town and review and inspect our work.

It is my belief and my expectation that the speed and the thoroughness of our cleanup effort will result in a reduction, if not a full elimination, of the \$4,500 civil administrative penalty.

I end my update on this matter with a wish and a hope that I know I share with not only you, my municipal governmental partners, but also the overwhelming majority of our town's residents.

And that's the wish and hope that Mr. Joe Wallace and his Facebook collaborators will follow the town's debris field cleanup example, by focusing their Facebook posts and their time and efforts on cleaning up the environmental disaster that our town faces in the form of the illegal toxic waste mountain that Mr. Wallace has inflicted on our town in the Silver Spruce Drive area.

However, no matter what Mr. Wallace or others do, let's continue to keep our focus on working together for the benefit of the people of Vernon Township; and on **MOVING VERNON FORWARD!**



## **COUNCIL COMMENTS**

Vice President Auberger had no comment.

Council Member Weller thanked the DPW saying it is often a thankless job. She is grateful for the countless hours the DPW was out plowing.

Council Member Weller congratulated the GAAC appointees and said we are happy to have the volunteers.

Council Member Pitsker reiterated the Mayor's findings at the DPW. He and a colleague took a trip to the dump site and validated that there was a huge dumpster full of debris being removed from the site. Council Member Pitsker said whoever the town hired did a great job. It takes team work and collaboration of working together.

Council Member Cilli commented on the amazing job the DPW did plowing the roads. She thanked Mayor Burrell for his commitment to this town and doing what he said he was going to do, it means a lot to the town and the volunteers. Council Member Cilli said that GAAC is a good group and it is going to be fun to work with all of the members.

Council Member Cilli said it is not anyone's first choice to have a convenience store/gas station in the town but that is who came to us. We need something and that is who wants to build here. She said we all want restaurants and little shops but we have to be business friendly to who wants to come here. We cannot keep saying no and we have to move forward.

## **COUNCIL PRESIDENT COMMENTS**

Council President Shortway explained that it came to his attention that Andrew Pitsker's term on the Vernon Township MUA had expired.

Council President Shortway made a motion to appoint Andrew Pitsker to a new term on the MUA expiring 2/1/2026. Seconded by Council Member Cilli.

MOVED: Harry Shortway

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Weller, Shortway

NAYES:

ABSTAIN: Pitsker

ABSENT:

Motion passed to appoint Andrew Pitsker to the MUA for a term ending 2/1/2026.

Council President Shortway said the MUA has done amazing work in the last year and it has been a difficult situation. In 2023 the SCUMA bonds will jump over \$500,000 to \$1,500,000 a year to approximately to 2029 then they will start to decrease.

What people need to understand is the Ordinances #11-22 and #11-23 which equal close to \$7,000,000 and some of it has been paid down. Should the MUA falter and not collect those moneys, that debt will come on every single taxpayer in this town whether they have sewers or not. In addition, currently Vernon's obligated because in 2013 the Council decided to increase the minimum obligation to SCUMA from approximately 265,000 to 461,000 gallon a day of wastewater. We are paying for this whether we use it or not. We need to increase EDU's to keep the MUA afloat. The proposed redevelopment on Main Street will help that. Council President Shortway said he hears about taxes but no one was mentioning the sewer problem that is coming. Right now, you have 1,400 users using the system and it is a lot of debt. The biggest user is Mountain Creek and they have been paying everything they've agreed to which is close to \$3,000,000. We need smart redevelopment and we have an excellent Land Use Board and they will be on top of it.

Council Member Shortway spoke about the Baldwin property saying he was a big advocate of the purchase because it gives us opportunity. Open space in our town center will bring people here so other people will look around and say there is a market here. If you look at studies they talk about walkability and pedestrian traffic. Council Member Shortway envisions for the Baldwin property putting the trail through instead of the other easements and this should reduce costs leaving additional funds for the bike park and the pump track. The Board of Ed has approached Council President Shortway several times to purchase their property where the current community park and dog park are located. Should the BOE sell that property what are we going to do with these two important amenities? We could move them to this location so people would have the community gardens and dog park in our town center. Council President Shortway said he has been proposing since 1998 disc golf which is relatively inexpensive and he feels this could be added to the property. This would be a center for passive active recreation that is why he feels that this parcel is so important to the economic plan. The public majority voted on the referendum that split up the Open Space fund. The public said to take 30% of what was in the Open Space fund and develop the trail and amenities. The Sussex County Open Space Committee at their last meeting voted to give us \$75,000 towards the purchase and we are seeking grants. We tied in some of the short-term rental money coming in to open space to make us eligible for grants.

Council Member Shortway said at the MUA meeting last week delinquent sewer fees was discussed. Black Creek Condos, Crystal Springs Development, Vernon Valley Investors and Camp Monti Limited owe \$120,000 to the MUA that will have to get paid from the others who pay their bills. This is the reason we need to be aggressive with these entities that do not pay their bills. We have to hold permits if applied for and where we can we will put liens. We have responsibilities to everyone in this town to protect them and if they are paying everybody should pay.

## **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 Weller with all members voting in favor.

The Meeting of the Township Council of the Township of Vernon was adjourned at 9:00 p.m.

Respectfully submitted,

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Marcy Gianattasio, RMC, CMR  
Municipal Clerk

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Harry Shortway,  
Council President

Minutes approved: February 22, 2021