

VERNON TOWNSHIP COUNCIL

REGULAR MEETING MINUTES

JUNE 28, 2021

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on June 28, 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 April 8, 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 Harry 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.

PROCLAMATION

Designation of July as Park and Recreation Month

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: Andrew Pitsker

SECOND: John Auberger

All members present voted in favor.

Natalie Buccieri – Vernon Township, spoke regarding ordinance #21-16 and asked besides jobs, what is the sales tax or tax benefit to having manufacturers, wholesalers or distributors. Ms. Buccieri also questioned what kind of input if any has the Council received from the Police Department regarding having this type of business in the town.

Andree – Vernon Township, read an article in reference to cannabis. She feels that all of the negative about cannabis is a myth.

Hugh Giordano – Blackwood, NJ, represents United Food and Commercial Workers Local 152 and they are the official cannabis labor union. He hopes the town allows a medical facility. He suggests Labor Standards and also that the Council will look at an ordinance that was passed by Bayonne, NJ. Mr. Giordano recommends a tour of the Garden State Dispensary.

Rick Thompson – Vernon Township, commented on Vernon's idle liquor licenses saying that Vernon lacks culinary and recreational weekend night life and he feel this is because these liquor licenses are tied up. He urges the Council to create a "use it or lose it" ordinance as well as a "300 and 4" ordinance which would have licensees be open 300 days a year for at least 4 hours a day. Mr. Thompson said that 70% of the town voted to make cannabis recreational legal and now a vocally minority of residents are trying to impose their personal agendas on the majority and democracy of the town. Mr. Thompson feels that we need the revenue from the retail sales of cannabis as well as the money not being passed to us through property taxes.

Jeff King – Eatontown, NJ, commended the Council for their open-minded approach to the zoning. He thinks it is smart to incorporate businesses and licenses that will bring in good jobs and maybe restore a warehouse or building that has not been used to its potential. He asked the Council to keep their minds open to dispensaries and look at all of the zoning. He feels that cannabis is a healthy product and an asset to have in the town.

Marina – Parlin, NJ, discussed the benefits of medical cannabis for her illnesses. She explained that having it delivered added an expense. Marina asked that the Council stay open and really think about the people in the town who use medical cannabis and need a dispensary to live.

Lucas Slott – Vernon Township, is disappointed that some of the Council is not considering further property tax relief for working residents and business owners. He asked why Vernon should sacrifice revenue that could serve as relief during a time when some community members are struggling. Mr. Slott asked the Council to consider smart zoning laws for retail establishments.

Bill DiResta – Vernon Township, commented that in the town the tax rate keeps going up and we are struggling for money and our taxes continually go up. He feels that to not embrace dispensaries is insane because people will get deliveries from out of town. Mr. DiResta feels that we need the jobs and the revenue.

Jennifer Lubliner – Vernon Township, as the Chairperson for the Vernon Economic Development Committee she is in favor of retail sales and does not believe that there should be any restrictions on the type of cannabis businesses that we have in town. Ms. Lubliner feels this is a business decision not a moral decision. She said we should be open to this type of business owners investing in our town. Ms. Lubliner feels that because other towns in the area restricted the usage, this gives us the opportunity to be leaders in the industry, the State and to show them how we can do it properly and how we can make this a beneficial investment into the town with our healthy status and all year recreation. Ms. Lubliner explained that per the CDC cannabis is not considered a gateway drug and it has a lot of benefits. She also explained that crime has not gone up in other States because of legalizing cannabis.

Katlin and Adam Jorgenson – Vernon Township, has seen his property taxes increase and feels that it would be nice to have some relief. Mr. Jorgenson disagrees that marijuana is a gateway drug. He said if we do not sell it here and we do not take advantage of this, people will buy it elsewhere and bring it into our town.

Edward Lefty Grimes – with SativaCross.org, he would like the Council to consider people in wheelchairs when making any ordinance that is going to affect medical cannabis patients. He feels that the taxes collected from cannabis could be used for additional wheelchair access.

Jamie VanSciver – Paulsboro, NJ, asked if the town was planning on going to go back to in person meetings and ceasing remote completely. She feels that everyone in the community should have access to medical marijuana.

Scott Ghysels – Vernon Township, he supports the cannabis ordinance. He feels that there are misconceptions about dispensaries. He visited a dispensary while in Boston and there was a constant line of people waiting to get in. He said the dispensary was run very efficiently. Mr. Ghysels feels that this would be a great benefit to our community.

George Nikanorov – Sussex, thanked the Council for holding meetings virtually. He voted to legalize cannabis in the State. He feels that we are a four seasons recreation community as such he said vacationers will be bringing cannabis in whether it is restricted or not. Mr. Nikanorov is for making money and keeping cannabis in town. He feels that this can get Vernon out of a rut and bring in more retail.

Ann Larson – Vernon, voted no to the cannabis bill. Asked if anyone has asked Nicholas Loizzi, Jr., the Sussex County Substance Abuse Coordinator, for his opinion on this. Ms. Larson feels that Vernon should sit back and see how this plays out in other towns and readdress this in six months or so.

Matthew Conway - Vernon, also voted no to marijuana legalization because he only see the revenue being spent. Mr. Conway does not want to see it sold in the town because he feels that it does not go with the values of the town. He feels Vernon should wait the six months. He sees other towns opting out and he feels Vernon should as well.

Christine Dunn – Vernon, voted no to legalization of marijuana. She feels that people who have cancer or need medical marijuana may not have six months to wait.

Peter Pazar, emailed his comment, how would the sales be taxed and what would the revenue be earmarked for? Hopefully to reduce our taxes?

Rick Thompson – Vernon, emailed his comment, 70% of Vernon voted in favor. There's no reason to ban it. We are a resort town with a lot of short-term visitors. Slap the max allowed town sales tax on it, and same with Airbnb's if you haven't as well. Then lower our property tax or use the revenue to improve our schools. Actually both. It'd be stupid to let a neighboring town take that opportunity from us. The state law allows it to be delivered to people in Vernon if we ban the sales!!!! Had NY not followed us on making it legal, we would have been in an even greater position to really make money off the NYC vacationers. Closest ski resort to NYC and legal marijuana for sale. And I personally have a transportation job with regular drug testing, I can't even use the drug but still have this stance. This is a no brainer. It's going to be state legal regardless of how much you don't like it. Why ban business in this town, our town is already dull enough compared to what it could be. Ie Warwick. We need to get proactive, create revenue streams and use them to further improve this town which will create future additional revenue streams. We lack any real downtown, we lack any culinary draw, we lack any breweries/wineries/cideries. and we lack crowd drawing bars. Why is Vernon surrounded but all these booming businesses yet we can't seem to get even one right. People are driving through here to do all these things. We can't let our town regulate yet another opportunity. Hardyston will love taxing the Vernon residents who order their marijuana for delivery. Not to mention all that traffic that passes through Vernon, including the vacationer's coming here, they too all will stop in Hardyston to buy in Hardyston, pay the tax in Hardyston, and still legally smoke here in Vernon, because the consuming in private in Vernon, you can't stop no matter what, that ship sailed.

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: Kelly Weller
SECOND: Andrew Pitsker
All members were in favor.

MINUTES

June 14, 2021 – Regular Meeting

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

MOVED: John Auberger
SECOND: Kelly Weller

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

Motion carried to approve the June 14, 2021 regular and executive session minutes.

RESOLUTIONS

Resolution #21-158: Renewal of Liquor Licenses in the Township of Vernon for the 2021-2022 Licensing Term

Council President Shortway asked for a motion to approve resolution #21-158

MOVED: Andrew Pitsker
SECOND: John Auberger

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

Motion passed to approve Resolution #21-158.

RESOLUTION #21-158

**RENEWAL OF LIQUOR LICENSES IN THE TOWNSHIP OF VERNON
FOR THE 2021-2022 LICENSING TERM**

WHEREAS, all licenses to dispense alcoholic beverages must be renewed and reissued annually no later than June 30, 2021; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following licenses shall be reissued for the 2021-2022 licensing period effective as of July 1, 2021.

PLENARY RETAIL DISTRIBUTION

Highland General Store Inc.	1922-44-002-002
Mac & Lindy's LLC (Mac & Lindy's Fine Wine & Spirits)	1922-44-012-001

LIMITED RETAIL DISTRIBUTION

LWS2 Inc. (Lake Wanda Store)	1922-43-005-003
-------------------------------------	------------------------

CLUB LICENSE

Wallkill Valley VFW Memorial Post #8441	1922-31-010-002
--	------------------------

PLENARY RETAIL CONSUMPTION

Smokeys Glenwood Grill, LLC	1922-33-013-004
Great Gorge Entertainment LLC	1922-33-003-008
Appalachian Liquors Corp	1922-33-007-016
FLME, Inc. (The George Inn)	1922-33-008-003
Drew's Tavern, Inc. (Lamp Post Inn)	1922-33-001-004

HOTEL EXCEPTION

Stone Hill Recreation SPE LLC	1922-36-011-003
-------------------------------	-----------------

Resolution #21-159: Renewal of an Inactive Liquor License (T&Z Holding Co. LLC) Requiring Special Ruling in the Township of Vernon for the 2021-2022 Licensing Term

Council President Shortway asked for a motion to approve resolution #21-159

Council Member Cilli asked if we have any idea when T&Z Holding will use this license.

Mayor Burrell explained that he spoke to them and they plan to use the license but did not give an exact date as to when. He is in favor of renewing the license because we gain nothing from not renewing it.

Council Member Weller feel that someone else can use this liquor license and open their own location.

Mayor Burrell explained that these licenses are worth a lot of money and the owners of the licenses cannot be forced to sell them to someone else.

Council President Shortway said it is time to move forward now that covid is coming to an end.

MOVED: John Auberger
SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-159.

RESOLUTION #21-159

RENEWAL OF INACTIVE LIQUOR LICENSE (T&Z HOLDING CO. LLC) REQUIRING SPECIAL RULING IN THE TOWNSHIP OF VERNON FOR THE 2021-2022 LICENSING TERM

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

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

WHEREAS, the State Division of Alcoholic Beverages, on December 4, 2020, had issued said special ruling for the 2020-2021 and 2021-2022 license terms; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that the following inactive license shall be reissued for the 2021-2022 licensing period expiring June 30, 2022.

PLENARY RETAIL CONSUMPTION

T&Z Holdings CO. LLC.

1922-33-004-007

Resolution #21-161: Resolution Referring Redevelopment Plan for Block 404, Lot 4 to the Land Use Board

Mayor Burrell commented saying, resolution # 21-161 is on tonight's agenda for the Council's approval, as a result of the fact that I have been contacted by a Vernon resident who wants to build a car wash on a long-time vacant lot in our Town Center Redevelopment and Sewer Service Areas.

However, a car wash is not one of the uses that our current Town Center Redevelopment Plan allows on this lot.

In order for this development - - which will bring additional needed commercial tax dollars, plus a needed town service - - in order for this development to become a reality, the Council must approve a Redevelopment Plan for the specific long-time vacant lot on which the car wash is to be built.

I am strongly in favor of the Council approving a specific Redevelopment Plan that would allow this Vernon resident to build a car wash on this lot because:

FIRST: A car wash built on a vacant lot in our Town Center Redevelopment Area would increase the tax value of the lot and hopefully contribute to attracting other commercial enterprises to our Town Center;

SECOND: A car wash would be the kind of commercial enterprises which would be a welcome and needed user of our municipal sewer system, and would provide the MUA and the town some of the needed additional dollars that are required for us to be able to achieve our goal of stabilizing, and hopefully reducing, sewer rates in our town; and ...

THIRD: A car wash would provide a much-needed service to our town's residents and visitors - - Vernon is probably the only town in the State of New Jersey with almost 25K residents and no car wash.

Our Municipal Planner, Ms. Jessica Caldwell, has completed the specific Redevelopment Plan for this lot, and the Vernon resident and developer has paid for her work via an escrow account that he established with the town.

The Redevelopment Plan that this Vernon resident and developer needs is the same type of specific Redevelopment Plan that the Council recently approved for the redevelopment of the D&S Mall property - - that is, the Circle K project.

Since this is the second specific Redevelopment Plan that we have been asked to approve during the last 11 months, I did some research into this issue specific Redevelopment Plans.

What I found was the following:

1. A redevelopment plan that's put together by a municipality is simply a reflection of how they wish or desire their town to develop.
2. Development within a municipality almost never happens in accordance with the wishes or desires that are reflected in in their redevelopment plan.
3. When properties in a redevelopment area remain vacant for years or decades / (as has been the case in our town), and the municipality gets a request for a development that does not fit within the town's wishes or desires for a specific piece of property, the town has to make a judgment call as to if this requested development is good for the specific piece of property, and for the town.
4. New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-4) vests the authority to make this judgment call with the municipality's governing body and the Land Use Board.
5. This type of judgement call is made routinely throughout all of New Jersey's municipalities, and is not considered to be "spot zoning".

This is the exact process that we followed in making the decision to support the Redevelopment Plan for the D&S Mall property - - again, that is, the Circle K project.

To move the Vernon Car Wash project forward, I am requesting your approval of Resolution #21-161, which would refer to our Land Use Board, for their review, the specific Redevelopment Plan that has been prepared for the Block 404, Lot 4 property where to the Vernon resident and developer desires to build the car wash.

Council President Shortway asked for a motion to approve resolution #21-161

MOVED: Toni Cilli

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-161.

RESOLUTION #21-161

RESOLUTION REFERRING REDEVELOPMENT PLAN FOR BLOCK 404, LOT 4 TO THE LAND USE BOARD

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, the Township has determined that Block 404, Lot 4 in the Town Center District is an area in need of redevelopment; and

WHEREAS, the Township Planner, Jessica Caldwell has prepared a Redevelopment Plan for Block 404, Lot 4; and

WHEREAS, the Township Council desires the Land Use Board to review and make a report and/or recommendation regarding the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7;

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length;
2. The Land Use Board shall review and make a report and/or recommendation regarding the Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7, including Master Plan consistency; and
3. This Resolution shall take effect immediately.

Resolution #21-162: Resolution Awarding Fire Alarm System Installation for Bid #'s 2-2020, 2R-2020 to "LJ Security" for Replacement of Municipal Building Fire Alarm System

Council President Shortway asked for a motion to approve resolution #21-162

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-162.

RESOLUTION #21-162

Resolution Awarding Fire Alarm System Installation for Bid #s 2-2020, 2R-2020 to "LJ Security" for Replacement of Municipal Building Fire Alarm System

WHEREAS there is a need for an updated fire alarm installation at the Township of Vernon Municipal Building; 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 goods and services are procured in a safe, timely and cost-effective manner; and

WHEREAS the Township of Vernon received bids for Fire Alarm installation under bid# 2-2020 duly advertised and held a public bid opening on June 30, 2020, at 9:00A.M.; and

WHEREAS bid# 2-2020 was rejected through resolution Res#20-156; and

WHEREAS, rebid for Fire Alarm Installation under bid# 2R-2020 was duly advertised and held at a public bid opening on September 16, 2020, at 9:00A.M, and

WHEREAS bid# 2R-2020 was rejected through resolution Res#20-206; and

WHEREAS negotiations were authorized in accord with N.J.S.A. 40A:11-5(3) through resolution Res#21-149; and

WHEREAS negotiations were entered into with LJ Security 19 Valley Terrace, Vernon, N.J. and agreement for installation consistent with the tenets of bids 2-2020/2R-2020, not to exceed \$47,804.80 for the replacement of Fire Alarm System at the Vernon Township Municipal Building

WHEREAS the Chief Financial Officer certifies that funds are available in the amount of \$47,804.80 from: C-04-19-016, and C-04-21-012.

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

1. The Mayor is authorized to enter into a contract for Fire Alarm Installation under Bid #2-2020/2R-2020 with LJ Security 19 Valley Terrace, Vernon, N.J. not to exceed \$47,804.80.

Resolution #21-163: Authorize Change Order #1 of Contract for Proposed Improvements of Raised Pavement Markers to Breakneck Road Phase II with Zone Striping, Inc.

Council President Shortway asked for a motion to approve resolution #21-163

MOVED: Kelly Weller
SECOND: Toni Cilli

A roll call vote was taken:
AYES: Auberger, Cilli, Pitsker, Weller, Shortway
NAYES:
ABSTAIN:
ABSENT:
Motion passed to approve Resolution #21-163.

RESOLUTION # 21-163

AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR PROPOSED IMPROVEMENTS OF RAISED PAVEMENT MARKERS TO BREAKNECK ROAD PHASE II WITH ZONE STRIPING, INC.

WHEREAS, on January 25, 2021, by way of adoption of Resolution #21-59, the Council of the Township of Vernon awarded a contract to Zone Striping, Inc. for Raised Pavement Markers on Breakneck Road Phase II which contract provided for an expenditure of \$8,984.60; and

WHEREAS, in a memo dated June 15, 2021, the Township Engineer states that the contract requires a Change Order #1 by the addition of one extra item in amount of \$697.32; addition of one supplemental item in amount of \$698.16 and the reduction of one item in amount of \$3,173.60 resulting in an adjusted total contract amount of \$7,206.48; and

WHEREAS, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$1,778.12 to an adjusted total contract amount of \$7,206.48.

NOW THEREFORE BE IT RESOLVED, by the Council of the Township of Vernon that it hereby approves the Township Engineer's recommendations and authorizes the Mayor to execute said Change Order No. 1 for said project decreasing the total contract amount with Zone Striping, Inc. to \$7,206.48; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Zone Striping, Inc. and the Township Engineer.

Resolution #21-164: Authorizing the Cancellation of Outstanding Checks Over Six Months Old to Municipal Cash Balances

Council President Shortway asked for a motion to approve resolution #21-164

MOVED: Andrew Pitsker

SECOND: John Auberger

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-164.

RESOLUTION #21-164

AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that the following Township checks have been outstanding for a period in excess of six months:

GENERAL ACCOUNT # 639403719:

2463	12/12/2019	Jasmine Vonsee	\$50.00
2474	1/7/2020	Joan Contillo	\$1.00
2492	4/7/2020	Michael Zaraszczak	\$5.00
2508	7/6/2020	Dunkin Donuts	\$60.00
2514	7/6/2020	Deborah Schwadtke	\$1.00
2415	7/6/2020	Nicholas Metaxotos	\$1.00
2528	9/9/2020	Calvin Cunningham	\$2.00
TOTAL			\$120.00

THEREFORE, be it resolved that the above outstanding checks be restored to the Township cash balances.

Resolution #21-165: Resolution Authorizing Award of Contract to Venders with National Cooperative Contracts for Ambulance for Glenwood Pochuck Ambulance Corps

Council President Shortway asked for a motion to approve resolution #21-165

MOVED: Toni Cilli

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-165.

RESOLUTION #21-165

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO VENDOR WITH NATIONAL COOPERATIVE CONTRACTS FOR AMBULANCE FOR GLENWOOD POCHUCK AMBULANCE CORPS

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

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 specialized fire equipment 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 Houston Galveston Area Cooperative, and;

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

WHEREAS, the Business Administrator has complied with the public notification provisions of public advertisement and has received no protests in accord with law and regulation, and;

WHEREAS, the equipment and corresponding Houston Galveston Area Cooperative contract proposal from First Priority Vehicles an authorized dealer under HGAC contract AM10-20, in the amount of \$194,240.00 inclusive of a \$5,900.00 trade in allowance for Ford GPC QG860, allowable under N.J.S.A. 40A:11-36; and

WHEREAS, the Chief Financial Officer certifies that funds are available in the amount of: \$194,240.00 in Line Item: C-04-21-012

NOW THEREFORE BE IT RESOLVED THAT, the Mayor is hereby authorized to effectuate the purchase of herein approved equipment for the approved cost of \$194,240.00 through First Priority Vehicles an authorized under HGAC contract AM10-20.

Resolution #21-166: Authorize the Award of a Required Disclosure Contract with “Premier Garage Doors” for Department of Public Works Garage Door Construction

Council President Shortway asked for a motion to approve resolution #21-166

MOVED: Kelly Weller

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-166.

RESOLUTION #21-166

Authorize the Award of a Required Disclosure Contract with “Premier Garage Doors” for Department of Public Works Garage Door Construction

WHEREAS, the Township of Vernon has a need for contractor for construction and repair of Garage Doors at the Department of Public Works through Premier Garage, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, it has been determined that the value of the acquisition will exceed \$17,500; and,

WHEREAS Premier Garage Doors in the aggregate is expected to provide more than the pay to play threshold of \$17,500.00; and

WHEREAS, Premier Garage Doors, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Premier Garage Doors, has not made any reportable contributions to a political or candidate committee in the *Township of Vernon* in the previous one year, and that the contract will prohibit Premier Garage Doors from making any reportable contributions through the term of the contract, and

WHEREAS the Chief Financial Officer hereby certifies that funds not to exceed \$26,525.00 are available as follows.

Certification of Funds
Account: C-04-21-012
Amount: not to exceed \$26,525.00

CFO Signature: _____

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Vernon authorizes the Mayor to enter into a contract with Premier Garage Doors, not to exceed \$26,525.00 for construction and repair of the garage doors at the Department of Public Works; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file with this resolution.

Resolution #21-167: Resolution Authorizing Purchase of Dump Body Equipment Through Sourcewell National Cooperative 080818-HPI Through Henderson Products Inc.

Resolution #21-168: Authorizing Contract with New Jersey State Contract Vendor Dell Technologies for Computer Equipment

Resolution #21-169: Refund Overpayment (Block 527 Lot 266 – Wells Fargo Real Estate Tax Services)

Resolution #21-170: Refund Overpayment (Block 526 Lot 110 – Corelogic)

Resolution #21-171: Refund Overpayment (Block 526 Lot 289 – Corelogic)

Resolution #21-172: Refund Overpayment (Block 526 Lot 133 – Corelogic)

Resolution #21-173: Refund Overpayment (Various Lots and Blocks – Corelogic)

Council President Shortway asked for a motion to approve resolutions #21-167, #21-168, #21-169, #21-170, #21-171, #21-172 and #21-173

MOVED: Andrew Pitsker

SECOND: Kelly Weller

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Weller, Shortway

NAYES:

ABSTAIN:

ABSENT:

Motion passed to approve Resolutions #21-167, #21-168, #21-169, #21-170, #21-171, #21-172 and #21-173.

RESOLUTION #21-167

RESOLUTION AUTHORIZING PURCHASE OF DUMP BODY EQUIPMENT THROUGH SOURCEWELL NATIONAL COOPERATIVE 080818-HPI THROUGH HENDERSON PRODUCTS INC.

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

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 Sourcewell National Cooperative is hereby approved for municipalities, and;

WHEREAS, the Township of Vernon has the need to procure certain dump body accessories for a Freightliner Truck purchase 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 080818-HPI for Henderson Products Inc 94 North Dell Avenue Kenvil, NJ 07847; and

WHEREAS, the cost savings determination as required under LFN 2012-10 is \$36,000.00; and

WHEREAS the quoted cost under the Sourcewell National Cooperative is contract \$72,739.00; and

WHEREAS, the Chief Financial Officer has determined, and certified available funds are available in the amount of \$72,739.00 from:

Certification of Funds
Account: C-04-18-017, C04-19-016, C-04-20-011, C-04-21-012
Amount: not to exceed \$72,739.00

CFO Signature: _____

NOW THEREFORE BE IT RESOLVED THAT, the Mayor is hereby authorized to effectuate the purchase of herein approved equipment through Henderson Products Inc 94 North Dell Avenue Kenvil, NJ 07847 for the approved cost of \$72,739.00 from Sourcewell contract 080818-HPI.

RESOLUTION #21-168

AUTHORIZING CONTRACT WITH NEW JERSEY STATE CONTRACT VENDOR DELL TECHNOLOGIES FOR COMPUTER EQUIPMENT

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

WHEREAS, the Township has the need on a timely basis to lease or purchase goods and services utilizing State of New Jersey Contract, duly authorized under law to extend contract pricing to local units, per N.J.A.C. 5:34-7 et. Seq.; and

WHEREAS Dell Technologies, One Dell Way, Round Rock, Texas, currently holds the State of NJ Contract #C000000005003 for such procurements; and

WHEREAS the Township intends to enter into three-year lease contract for computer equipment in the amount of \$24,086.79 through Dell Technologies, One Dell Way, Round Rock, Texas, 78682; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$8,619.70 is available in 2021 Budget Line Items: 1-01-45-970-20 and 1-01-20-100-22; and \$15,467.09 subject to adoption of 2022 and 2023 Budgets.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Vernon, authorizes the Mayor to enter into three-year lease agreement for procurement of computer equipment through State of New Jersey contract with Dell Technologies for total amount of \$24,086.79; and

BE IT FURTHER RESOLVED that this resolution shall take effect according to law.

Certification of Funds

Account: 1-01-45-970-20
 Account: 1-01-20-100-20
 Account: Y-01-45-970-20 \$15,467.09 (2022 & 2023)
 CMFO Signature: _____
Subject to adoption of 2022, and 2023 Budgets

RESOLUTION # 21-169

**REFUND OVERPAYMENT
 (Block 527 Lot 266- Wells Fargo Real Estate Tax Services)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Wells Fargo Real Estate Tax Services. in the amount of \$861.74 representing refund for overpayment of 4th qtr. 2020 property taxes for Block 527 Lot 266 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Hill	527	266	\$861.74
		TOTAL:	\$861.74

RESOLUTION # 21-170

**REFUND OVERPAYMENT
 (Block 526 Lot 110- CORELOGIC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$815.02 representing refund for overpayment of 4th qtr. 2017 property taxes for Block 526 Lot 110 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
Spalevic	526	110	\$815.02
		TOTAL:	\$815.02

RESOLUTION # 21-171

**REFUND OVERPAYMENT
 (Block 526 Lot 289- CORELOGIC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$841.57 representing refund for overpayment of 1st qtr. 2019 property taxes for Block 526 Lot 289 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
O'Hare	526	289	\$841.57
		TOTAL:	\$841.57

RESOLUTION # 21-172

**REFUND OVERPAYMENT
 (Block 526 Lot 133- CORELOGIC)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic in the amount of \$662.80 representing refund for overpayment of 4th qtr. 2016 property taxes for Block 526 Lot 133 also known as [REDACTED]

OWNER	BLOCK	LOT	REFUND AMOUNT
-------	-------	-----	---------------

Newton	526	133	\$662.80
		TOTAL:	\$662.80

RESOLUTION # 21-173

**REFUND OVERPAYMENT
(Various Lots and Blocks-CoreLogic)**

BE IT RESOLVED, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to CoreLogic in the amount of \$4,092.84 representing refund for overpayment of the following property taxes:

OWNER	BLOCK	LOT	REFUND AMOUNT
Martin	526	104	\$831.44
Martin	526	104	\$807.11
Rosario	526	139	\$1261.23
McElwain	526	284	\$1193.06
		TOTAL:	\$4092.84

Martin- refund for overpayment totaling \$831.44 of 3rd qtr. 2018 property taxes for Block 526 Lot 104 also known as [REDACTED]

Martin- refund for overpayment totaling \$807.11 of 4th qtr. 2018 property taxes for Block 526 Lot 104 also known as [REDACTED]

Rosario- refund for overpayment totaling \$1,261.23 of 4th qtr. 2018 property taxes for Block 526 Lot 139 also known as [REDACTED]

McElwain- refund for overpayment totaling \$1,193.06 of 4th qtr. 2018 property taxes for Block 526 Lot 284 also known as [REDACTED]

Resolution #21-174: Resolution of the Township of Vernon Opposing to Construction of Compression Turbines on the Tennessee Gas Pipeline Running Through Northern New Jersey

Council President Shortway explained that last Wednesday at the Sussex County Commissioner’s meeting, Tennessee Pipeline was supposed to appear for a presentation. Council President Shortway submitted questions such as how it was going to be monitored and other questions of that nature. The presentation never went forward, the presenter was held up in traffic. Council President Shortway was taken back because they did not have a backup plan. They did have someone speak on behalf of the company but it was just about the jobs. They are looking at about 150 jobs and they would mostly be transient coming from other parts of the United States for two years. The Mayor of Sparta had someone speaking on their behalf. Wantage does not want this in their town. Council President feels that we have to support our neighbors.

Council President explained that Governor Cuomo and other legislators in New York, have banned fracking in New York. He feels that it is hypocritical that Con Edison going to buy gas, frack through Pennsylvania roll it through New Jersey and also New York, but you do not allow fracking in your own state.

Council Member Cilli said she feels hypercritical saying no to this because we are talking about the cannabis ordinance and bringing in jobs. Council Member Cilli said she has a list of towns that are backing out of cannabis.

Council Member Pitsker said the Tennessee Valley Gas and Pipeline does not have a very good reputation and they are not giving us any benefits. We have watched them put pipeline in through this town and it took years for things to be replenished and there is a list of things that need to be fixed.

We are responsible for the town but it their list to take care of, it is their responsibility. The responsibility has been over five years. They have done this to towns all over the place.

Council Member Cilli feels it is our responsibility as a town to follow up. We do have a lot of people in Vernon who heat their homes with gas.

Council Member Weller feels we are responsible for what goes on in our town so there is some follow up required.

Council Member Pitsker said his experience with Tennessee Valley Gas and Pipeline has not been good. Everywhere they dig a ditch they do not clean up their mess and that is their responsibility. Council Member Pitsker said that Tennessee Valley Gas and Pipeline does not supply us with gas, the pipeline just runs through here. He feels that backing our neighbor up is important part of this but from an environmental standpoint we have not gotten all of the information. Council Member Pitsker has asked for the pros and the cons and he has gotten very little information.

Council Member Auberger is going to support Wantage.

Council Member Cilli said we should support other towns with all of our votes and not just pick and choose.

Council President Shortway asked for a motion to approve resolution #21-174

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Pitsker, Weller, Shortway

NAYES: Cilli

ABSTAIN:

ABSENT:

Motion passed to approve Resolution #21-174.

RESOLUTION #21-174

RESOLUTION OF THE TOWNSHIP OF VERNON OPPOSING TO CONSTRUCTION OF COMPRESSION TURBINES ON THE TENNESSEE GAS PIPELINE RUNNING THROUGH NORTHERN NEW JERSEY

WHEREAS, Tennessee Gas Pipeline Company, L.L.C. ("TGP") has applied to the Federal Energy Regulatory Commission ("FERC") for a "Certificate of Public Convenience and Necessity" and to the NJ Department of Environmental Protection for a Highlands Act exemption, air pollution permits, freshwater wetlands permit, stormwater management permits, and other permits required for its proposed "East 300 Upgrade Project" (1); and

WHEREAS, this project includes the construction of a 19,000-horsepower gas compression station ("Compressor 327") at 960 Burnt Meadow Rd, Township of West Milford, Passaic County, New Jersey and the construction of an additional 20,500 hp gas-powered turbine at an existing compression station, "CS 325," at 164 Libertyville Rd in Wantage Township, Sussex County, New Jersey (2); and

WHEREAS, the Mayor and Committee of the Township of Wantage believe there are other alternatives to the installation of a 19,000-horsepower gas compression station in this location which is situated in a residentially zoned area including but not limited to: rerouting the pipeline away from prime residential areas, using an electric turbine compressor, and moving the equipment to a more remote, secure, and appropriately zoned area; and, **WHEREAS**, the Mayor and Committee of the Township of Wantage (and Vernon Township) have a principal responsibility to protect the health and safety of its residents, visitors, and businesses; and

NOW, WHEREAS, the Mayor and Committee of the Township of Wantage Township, County of Sussex NJ adopted RESOLUTION #32-2021 Opposition to Construction of Compression Turbines on the Tennessee Gas Pipeline Running through Northern New Jersey in the interest of protecting its residents and businesses opposes construction of the fracked gas Compressor 327 station, the addition of a gas-powered turbine at the existing compression station CS 325.

BE IT RESOLVED, that the Vernon Township Council, Sussex County NJ support the Mayor and Committee of the Township of Wantage and RESOLUTION #32-2021 Opposition to Construction of Compression Turbines on the Tennessee Gas Pipeline Running through Northern New Jersey in the interest of protecting Wantage and also Vernon residents and businesses opposes construction of the fracked gas Compressor 327 station, the addition of a gas-powered turbine at the existing compression station CS 325.

BE IT FURTHER RESOLVED, that the Vernon Township Clerk shall forward this Resolution to FERC, President Joe Biden, Senators Cory Booker and Robert Menendez, Congressman Josh Gottheimer, Governor Phil Murphy, Commissioner of the New Jersey Department of Environmental Protection,

Highlands Council Chairman Carl Richko, North Jersey Water Supply Commission, Fax: (973) 835-6701, State Senator Steven Oroho Assemblyman Hal Wirths Assemblyman Parker Space and County Administrator Greg Poff.

INTRODUCTION/1ST READING OF PROPOSED ORDINANCE

Ordinance #21-16: An 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

Council President Shortway read by title Ordinance #21-16.

Council Member Cilli submitted an ordinance to the Township Attorney and asked where this ordinance came from.

Council President Shortway explained that he gave the Township Attorney an ordinance for review and the Mayor added to it. Council President Shortway said he never saw Council Member Cilli’s ordinance.

Council Member Cilli spoke about the “Micro Business” saying we are looking to support other towns, she named about 10 other towns whose ordinances do not mention a “Micro Business”. We are saying no retail but a “Micro Business” is business.

Township Attorney Zielinski explained that he prepared two ordinances and they were provided to the Clerk and Administration, it is not his job as the Township Attorney to determine what goes on the agenda. There was an ordinance prepared that prohibited cannabis within the Township. He said with respect to the definitions that are included on this ordinance these are all from the State legislation and this was not specifically requested by anyone.

Council Member Cilli said the majority of people who spoke in public are not from our town. She asked if anyone has spoken to the school superintendent, the police chief, the D.A.R.E. officer, or Mothers Against Drunk Drivers? Have we gotten any impute from anyone and can you all promise the town that this is going to reduce property taxes?

Council President Shortway explained that the controversy over an opt-out Marijuana Ordinance (IMO) centers on dispensaries causing easier access for teenagers to obtain marijuana. I understand my fellow councilpersons’ concerns. Unfortunately, marijuana is already very accessible to our teenagers.

My opinion is dispensaries should be allowed with strict regulations and accountability. The use of recreational marijuana should be treated as the same as use of alcohol beverages.

Marijuana is here, recreational use is not going away.

My position is based on the election results, my training, education and experience listed in part as follows:

70.02% of Vernon Voters supported this constitutional amendment to legalize the possession and use of marijuana for persons age 21 and older and legalize the cultivation, processing, and sale of retail marijuana.

My family has experienced the loss of their children and friends to drug overdoses.

The following is an attempt to establish professional credibility. My police career consisted of numerous incidents involving the use, possession, distribution of controlled dangerous substances and its tragic aftermaths.

Detective Commander, Internal Affairs, Bias Officer, and 9-11 Terrorism Task Force

- Bergen County Police and Fire Academy; Instructor of Arrest, Search and Seizure (17 years).
- Assisted, initiated or supervised arrests of approximately 415 persons for violations pertaining to illegal use, possession and distribution of controlled dangerous substances.
- Granted 112 search warrants directed at the seizure of controlled dangerous substances.

- Instituted departmental procedures to standardize the handling of juvenile matters.
- Created the Youth Esteem Strategies (YES) to identify and assist at risk youth.
- *National School Resource Officer*, Bergen County Police Academy, 2002
- *Certified NJ Police Training Commission Instructor*, 1985-2003

My colleagues and I took an aggressive approach to enforcing the 1993 Statewide Narcotics Action Plan to mobilize the State's enforcement assets to identify, investigate, prosecute, convict and incarcerate narcotics criminals at all levels of the distribution chain.

We attempted to identify and force people with CDS addictions including numerous juveniles and young adults into counseling, rehabs, and if necessary, incarceration (as a last resort) depending on the individual's situation.

Attorney General Grewal stated, "We're not going to arrest our way out of this (abuse of controlled dangerous substances) problem."

Money spent on investigations, prosecutions, incarcerations, probations and parole for simple possession and use of CDS would be better spent on education, counseling, rehabilitation and drug recognition experts. The 2% tax generated from dispensaries also should be used for education and DREs.

"It's time to put an end to the War on Drugs and funnel money away from arresting and jailing low-level offenders and toward public and mental health programs.

New Jersey spent \$11.6 billion arresting, prosecuting and incarcerating people for drug crimes such as use and possession from 2010 to 2019 according to a report by The Drug War Coalition in conjunction with the left-leaning think tank New Jersey Policy Perspective.

Despite all the money spent on arrests and prosecution of drug crimes, overdose deaths exceeded 3,000 in 2019, more than double what they were in 2012. Between 2010 and 2019, nearly 20,000 New Jerseyans died of drug-related overdoses."

<https://www.northjersey.com/story/news/new-jersey/2021/06/17/nj-drug-laws-war-report-arrests/5295749001/>

I have read countless articles and studies regarding legalization of marijuana.

I also considered editorials including; The Star-Ledger Editorial Board: "They've seen that like the prohibition on alcohol in the 1920s, our war on weed is nonsensical and destructive. ...It's an extraordinary waste of law enforcement resources, and a boon to the criminal black market. We are long past the tipping point on this, with two-thirds of voters now backing legalization, ..."

Gateway Drug Theory

Gateway drugs are substances that, when consumed, give way to harder, more dangerous drugs. These milder substances, such as [nicotine](#) or alcohol, are believed to open the door to drugs such as meth, heroin and cocaine, which can lead to [addiction](#).

Marijuana, alcohol, nicotine and other gateway drugs boost dopamine levels, which increases pleasure. The dopamine boost caused by gateway drugs during adolescence makes the brain release less dopamine during adulthood. This leads people to seek harder drugs that cause more dramatic dopamine releases, according to the gateway drug theory.

Since the 1980s, educators have warned students about the dangers of gateway drugs. National anti-drug programs such as Drug Abuse Resistance Education (D.A.R.E.) specifically outline the consequences of three potential gateway drugs: marijuana, alcohol and tobacco. Through the years, middle school health educators have made gateway drugs a staple in their teachings. However, the controversy surrounding the concept has led some to reconsider using the term.

D.A.R.E. officials now admit that most people who smoke pot do not move on to harder drugs, [according to the New York Times](#). Critics believe that marijuana use may prevent other drug use, but little credible evidence exists to prove that assertion.

Critics also say the gateway drug theory is flawed because it often relies on animal studies. They also say that drug use rates in other countries aren't affected by the prevalence of marijuana. There's also evidence that genetic differences at birth may increase a person's risk of drug use.

<https://www.drugrehab.com/guides/gateway-drugs/>

Additionally, it has been known in the scientific community for nearly two decades that most drug users begin with alcohol and nicotine before marijuana – usually before they are of legal age. (33) In the sense that marijuana use typically precedes rather than follows initiation of other illicit drug use, it is indeed a “gateway” drug. But because underage cigarette smoking and alcohol use typically precede marijuana use, marijuana is not the most common, and is rarely the first, “gateway” to illicit substance use. (34)

33 Janet E. Joy, Stanley J. Watson, Jr., and John A. Benson, Jr., "Marijuana and Medicine: Assessing the Science Base," Division of Neuroscience and Behavioral Research, Institute of Medicine (Washington, DC: National Academy Press, 1999). Available at <https://www.nap.edu/> 34 Lynskey, Michael T., PhD, et al., "Escalation of Drug Use in Early Onset Cannabis Users vs Co-twin Controls," Journal of the American Medical Association, Vol. 289 No. 4, January 22/29, 2003. Available at <http://jama.ama-assn.org/issues/v289n4/full/joc21156.html>.

Fewer than 10 percent of those who try marijuana ever end up meeting the clinical criteria for dependence on it, whereas 32 percent of tobacco users and 15 percent of alcohol users do.

35 Anthony, J.C. and Wagner, F.A., (2002). From first drug use to drug dependence: Developmental periods of risk for dependence upon marijuana cocaine and alcohol. *Neuropsychopharmacology*, 26, 479-488. Retrieved from: <http://www.nature.com/npp/journal/v26/n4/full/1395810a.html>. 36 Anthony, J.C., Kesler, R.C. and Warner, L.A. (1994). Comparative epidemiology of dependence on tobacco, alcohol, controlled substances and inhalants: Basic findings from the national comorbidity survey. *Experimental and Clinical Pharmacology*, 23(3), 244-268

I proposed this ordinance with the support of Mayor Burrell in an attempt to reach governing body consensus through compromise with the consideration of the voting public's direction. Dispensaries will be prohibited. All other licenses allowed in specified zones.

The indisputable fact is Americans' attitude towards recreational marijuana is more accepting as demonstrated by recent passing of pro recreational marijuana use legislation.

If legal, then I propose the dispensary issue be decided by public referendum next November.

Council Member Cilli feels that the idea of controlling cannabis is good but she feels that Vernon is not good at controlling some illegal things that are going on right now. She does feel that putting this on the ballot is a good idea.

Mayor Burrell explained that dispensaries have not been considered in this ordinance.

Council Member Cilli said it says retail in the “Micro Business”

Township Attorney Zielinski explained that “Micro Business” is a certain category of business that the state has corrected. If retail is not allowed in any zone, you will not be able to engage in retail sales. Also, in reference to the referendum issue, the issue for the Governing Body to decide, is whether or not they are going to regulate cannabis at all. If they do not and do not enact any regulations then the August 21st deadline passes and there are no regulations, it becomes allowed for five years. The decision to make right now is whether to regulate or not regulate.

Mayor Burrell said he was the one to reach out to Council President Shortway and Council Member Cilli to try to create a compromise. It seemed to Mayor Burrell that one issue that there was a disagreement was the retail sale and the dispensary. These licenses are not going to be easy to get. They are very expensive and they have to be renewed every year like a liquor license. If we can agree on this ordinance that talks about everything but dispensaries or retail sales, Mayor Burrell would like to take a look in the future at retail sales.

Council Member Pitsker asked how long do we have to modify this ordinance if we want to add retail sales.

Township Attorney Zielinski explained that nothing prohibits a municipality that has acted from modifying their ordinance. What the state has done is if you do not act you are allowing it presumptuously for five years. By enacting legislation now, the governing body can go back and modify the legislation but they need to do something by August 21st or you default into allowing all different classes of licenses allowed in certain zones in the municipality.

Council Member Weller spoke about the strict regulations we will put on this, but she is concerned about the town's lack of being able to police other things that have gone on in town. Council Member Weller also asked what is the cost going to be to police this. Council Member Weller said 70% voted to legalize this but does 70% want this in the town. She feels that this would be a good question on the ballot.

Council Member Auberger feels that this has been approved by the state and the retail should be included in the ordinance already. He said he has no problem putting this on a referendum again.

Township Attorney Zielinski will check the statute and deadline to have this put on a ballot for referendum.

Council President Shortway asked for a motion to introduce Ordinance #21-16.

MOVED: Andrew Pitsker
SECOND: John Auberger

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

Motion passed to introduce Ordinance #21-16.

Ordinance #21-17: Ordinance Amending and Supplementing Ordinance 20-08 Establishing Salaries for Certain "Non-Union" Employees

Council President Shortway read by title Ordinance #21-17.

Mayor Burrell amended the ordinance by withdrawing the Assistant DPW Director of Public Works from the ordinance.

Council President Shortway asked for a motion to introduce Ordinance #21-17.

MOVED: Andrew Pitsker
SECOND: Kelly Weller

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

Motion passed to introduce Ordinance #21-17.

PUBLIC HEARING/2ND READING OF ORDINANCE

Ordinance #21-14: Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending and Supplementing Chapter 250 of the Municipal Code of the Township of Vernon Entitled "Fees and Escrows" to Add Fees for Background Checks by the Vernon Police Department

Council President Shortway read by title Ordinance #21-14

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-14.

MOVED: John Auberger
SECOND: Andrew Pitsker

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 #21-14

MOVED: John Auberger
SECOND: Toni Cilli
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #21-14.

MOVED: John Auberger
SECOND: Kelly Weller

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

Motion carried to adopt Ordinance #21-14.

ORDINANCE #21-14

ORDINANCE OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 250 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF VERNON ENTITLED “FEES AND ESCROWS” TO ADD FEES FOR BACKGROUND CHECKS BY THE VERNON POLICE DEPARTMENT

WHEREAS, the Vernon Police Department previously provided member background checks for other fire and emergency service agencies while providing these entities with dispatching services; and

WHEREAS, a determination has been made that it would be advantageous for the Township of Vernon and municipalities without a police department to have the Vernon Police Department provide background checks for their fire and emergency service personnel for a fee; and

WHEREAS, there is a need to update the municipal code to include the service fee for these background checks.

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

SECTION 1

Chapter 250 of the Municipal Code of the Township of Vernon is hereby amended and supplemented as follows:

§ 250-11. Police.

A. The following fees and charges are hereby fixed and established for certain services extended and materials distributed by the Division of Police:

- (1) Search time for audiotape (per hour): \$30.
- (2) Copy of audiotape - Actual cost of materials and supplies.
- (3) Copy of videotape - Actual cost of materials and supplies.

(4) (a) Except in the case of a request for a motor vehicle accident report not made in person, the fee assessed for the duplication of government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger

(b) In the event a citizen of this State requests a copy of a motor vehicle accident report in any manner other than in person, an additional fee of up to \$5 may be added to cover the administrative costs of the report in addition to the cost of copying the report as set forth in subsection [\(a\)](#).

(5) Background checks for members of other fire and emergency service agencies: \$50.

(6) through (9) Reserved.

(10) Photographs photocopied - Actual cost of materials and supplies.

(11) Fingerprints (all noncriminal except firearms): \$3 per card.

(12) Firearms identification card: \$5.

(13) Pistol purchase permit: \$2.

(14) Register house alarm: \$10.

(15) Reregister house alarm after disconnection: \$50.

(16) Vacant house registration/blue star registration: \$1.

B. No search fee shall be charged in the event that a report or photograph is not on file with the Division of Police.

C. There shall be no charge for any report for which a formal request is made by any local, county, state or federal law enforcement agency or by the federal postal authorities.

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 as provided by law.

Ordinance #21-15: Capital Ordinance Providing for Various Improvements by the Township of Vernon, in the County of Sussex, New Jersey, Appropriating Therefore the Sum of \$10,000.00 and providing that such Sum so Appropriated Shall be Raised from the Capital Improvement Fund of the Township

Council President Shortway read by title Ordinance #21-15

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-15.

MOVED: Kelly Weller
SECOND: Toni Cilli

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 #21-15

MOVED: Kelly Weller
SECOND: Toni Cilli
All Members were in Favor

Council President Shortway asked for a motion to adopt Ordinance #21-15.

MOVED: John Auberger
SECOND: Kelly Weller

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

Motion carried to adopt Ordinance #21-15.

ORDINANCE #21-15

CAPITAL ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS BY THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING THEREFORE THE SUM OF \$10,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

BE IT ORDAINED by the Governing Body of the Township of Vernon, in the County of Sussex, New Jersey, that the following capital projects be hereby authorized but not limited to include acquisition of equipment for the Department of Public Works; for a total Improvement Authorization of \$10,000.00.

BE IT FURTHER ORDAINED that the financing for the above projects be as follows:

General Capital Improvement Fund..... \$10,000.00

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

BE IT FURTHER ORDAINED that the period of usefulness of the capital projects are in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Borough for this authorization. This ordinance shall take effect immediately upon final passage and publication as required 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: John Auberger
SECOND: Kelly Weller

All members were in favor.

Natalie Buccieri -Vernon Township, appreciates all of the effort Council President Shortway put into the cannabis ordinance. Ms. Buccieri heard him say he met with businesses that are interested in distribution or growing. She did not hear him say he spoke to the Center for Prevention and Counseling, the school superintendent or the police chief. She feels that those types of resources would be important to talk to before the Council moves forward with decisions on zoning. Ms. Buccieri feels that having a virtue option

for the Council meetings is great but because we have experienced problems so this amends the need to be in-person. Ms. Buccieri looked at the NJ League of Municipalities website for Covid guidelines for public meetings.

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

My fellow Vernonites, it is said that successful political leadership is the art of compromise. I strongly believe this statement to be true, and have adhered to it over the years of my political life - - be it during the years that I served on our municipal Board of Education, on our Town Council, on our Board of County Commissioners, or the year and a half that I have had the honor and privilege of serving as your Mayor.

Consistent with my belief in compromise, Ordinance # 21-16 that the Council passed tonight, which permits the operation of four types of cannabis commercial enterprises in our town, was an ordinance of compromise, and a compromise in which I proudly played a role in creating.

And while I believe that this ordinance represents a good, fair compromise, it's no secret that this is not the approach to the approval of cannabis commercial enterprises in our town that I would have preferred.

I would have preferred that in addition to allowing the four types of cannabis operations that are permitted by the ordinance passed tonight, that our town also allowed:

(1). The operation of a specific limited number of thoroughly vetted and licensed Cannabis Retail establishments; and ...

(2). That these limited number of thoroughly vetted and licensed Cannabis Retail establishments be restricted by ordinance to specific locations in our town, that are outside of our Town Center District.

Now I don't believe for one moment, that those who do not share my view on how our town should manage this type of new, legal commercial enterprise in our town, are bad people, or people who don't care about the town or its residents. I believe that our difference of opinion simply represents different points of views of what this all means for our town and its residents.

So let me be clear in terms of what I believe that my desired approach means for our town and our residents.

NUMBER 1: I DON'T BELIEVE that allowing the operation of a legal, thoroughly vetted and licensed Cannabis Retail establishment in our town will have any significant or noticeable impact on the number of adults or non-adults who will use or purchase cannabis.

While I fully understand some of the reasonable concerns and fears that's motivating opinions about this issue, I believe that it would be helpful and beneficial to the making of a high-quality decision for our town, if we could temper our emotions to an extent that would enable us to come to grips with the fact that this product is now legal to purchase and use in every municipality in the State of New Jersey, and that fact will remain no matter what opt in or opt out related decision that we or any other municipality make.

My view on this issue is also influenced by the data which reveals that all over our nation, Americans have moved towards, and are continuing to move towards, purchasing more and more of their products on line, and having these products delivered directly to their homes.

For confirmation of this fact, all that you need to do is to:

(1). Look at the number of malls, mall stores, and other brick and mortar stores that have closed over the past couple of years; and ...

(2). Observe the ever-increasing number of Amazon, UPS, FedEx, U.S. Postal and other delivery trucks in our communities, delivering ordered products to individual's homes, sometimes seven days per week.

It's a fact that individuals now get almost everything delivered, from medications to groceries.

And because New Jersey law says that no town can restrict a licensed cannabis deliverer from delivering cannabis products within any town in the State of New Jersey, I have no doubt that much of the cannabis sold by vetted and

licensed Cannabis Retail establishments will be ordered online and/or via phone by individuals who want these products; and, that these products will be delivered to those individuals at their homes or other desired locations, just like medications or groceries.

This will happen in towns all over the State of New Jersey, whether or not these towns opt out or opt in to allowing legal cannabis establishments to operate within their town's borders.

2. NUMBER 2: WHAT I DO BELIEVE, is that if we don't allow the operation of a legal, thoroughly vetted and licensed Cannabis Retail establishment in our town, those municipalities that do will get not only the valuable real estate tax dollars from these licensed legal establishments, but also the additional valuable tax dollars in the amount of 2% of the gross sales that are made by the licensed Cannabis Retail establishment.

According to the NJ Department of Health's Division of Medicinal Marijuana, from April 1, 2019, the average selling price of one ounce of cannabis ranged from \$360 - \$500. This selling price has been confirmed by various reports that are readily available via any simple internet check.

If you use the lowest part of that selling range - - that is the \$360 price ounce figure, then one pound of cannabis would sell for approximately \$5760. For a vetted and licensed Cannabis Retail establishment that sold just 1,000 pounds of cannabis per month, this would generate \$5,760,000 in gross sales in just one month.

And for the municipality in which this vetted and licensed Cannabis Retail establishment is located, they will collect \$115,200 per month, or \$1,382,000 per year, in the additional 2% gross sales tax.

Now I understand that there are those who don't believe that the additional tax dollars that a municipality will earn from a Cannabis Retail establishment's sale will be as much as described in this NJ Department of Health's report - - and they may be correct.

However, even if the additional tax dollars earned are some amounts less than this, it will still be a lot of revenue that the taxpayers of Vernon could use to help offset their property tax bills.

It is my hope, that after our very thoughtful Council, as a collective group, have had more time and opportunity to study the pros and cons of allowing a specific limited number of thoroughly vetted and licensed Cannabis Retail establishments to operate in our town, in specific locations outside of our Town Center District, that they will think about these facts, and reconsider this decision.

COUNCIL COMMENTS

Council Member Auberger commented that he believes that the retail / distribution should be on the ordinance because he feels that if we do go to referendum it will pass. He feels that if there were things on the state referendum that people were against, they would have voted it down. Council Member Auberger commented that he cannot say for sure if the taxes will be dedicated toward property taxes. When money comes in, if there is a greater need that is where it will go. He feels that the town in the last few years has done a great job trying to pay down debt as well as paying for things instead of bonding including using the Enterprise Program for vehicles.

Council Member Weller said that the Mayor mentioned that we should take the emotion out of the cannabis ordinance. She feels that this is an emotional topic for so many of us. The people who spoke about medical issues is an emotional topic. Council Member Weller has two small children so this is an emotional topic for her. She does appreciate all of the comments and public interest and she thinks its great to see so many people take an interest in this and voice their opinions. She thanks everyone for all of their interest in making sure we do the right thing.

Mayor Burrell explained that he said if we could "temper our emotions"

Council Member Pitsker met with the Homeowner's Association of Glen Harbor on June 16th to gather their input and develop what they feel is a good ordinance for a shooting ranges and a firearms ordinance to be drafted. Council Member Pitsker submitted this to the Township Attorney to hopefully draft an ordinance that will address public safety as well as respect for the 2nd amendment. He thanked the people of Glen Harbor for the dialogue. Council Member Pitsker hopes to have two ordinances drafted by August one for gun range requirements and one for firearm safety in residential areas.

Council Member Pitsker explained that on June 10th he was part of a team to present the Bicycle Pump Track and Trails proposal. Since that time, he has become aware of questions through the OPRA process. Based on the questions that have been asked, he has updated the information on the Township website.

Council Member Pitsker thanked the public for the great dialogue on the cannabis ordinance and he looks forward to more dialogue at the next Township Council meeting.

Council Member Cilli commented that the Mayor spoke about the tax revenue that we can get from the sale and distribution of cannabis. She asked why does the Mayor think other towns have opted out and asked if has he spoken to other towns to see why they opted out?

Mayor Burrell has not spoken to any other towns. He feels that it is not in Vernon's best interest to opt out. He feels that those municipalities that have chosen to opt out will have cannabis in their towns. It will be sold in their towns and it will be delivered. You cannot prevent a person from using it and a person can walk around and smoke it. Mayor Burrell said maybe the towns that opted out feel that they do not need this revenue. Sparta opted out but they have that huge development on Route 15 and may be receiving a lot of taxes from it. Mayor Burrell feels that we have to look at our own individual situation.

COUNCIL PRESIDENT COMMENTS

We property taxpayers have paid for the misguided decisions during those years that resulted in the deterioration of municipal assets, defunding of our volunteer emergency services, the failure to replace protective fire equipment, contractual agreements contrary to the Faulkner Act and an increase in minimum sewer allocation when it was not needed.

The Fund Balance was recklessly decreased and the bond sinking fund was depleted to prevent an increase in taxes. The Township was successful defending itself from frivolous law suits by a former member of the Land Use Board and the 2015-16 Environmental Commission.

We took on the owner of the Silver Spruce Landfill and stopped the trucks from delivering their hazardous soils.

By December 31, 2015 the fund balance was decreased to \$2,114,238 in a scheme not to raise taxes. \$1,400,000 was used to balance the 2015 budget for example. We now utilize approximately \$600,000 a year except for last year due to COVID.

By December 31, 2019 we increased the fund balance to \$3,738,838.

Even after COVID are surplus is projected to \$3,833,593.80 by the end of this year.

We have paid down TWP debt by several million dollars over the last several years.

In 2015 Net Debt was \$30,554,000
In 2020 Net Debt fell to \$26,818,423.83

The MUA did not raise rates in 2021 and the MUA realized a net capital gain of \$658K at the close of the 2020 year.

We continue to fix and maintain the Township's assets and purchase new equipment for our emergency services including a ladder truck, tanker, ambulance and \$100,000s in air packs and other vital equipment for our volunteers.

In 2015 the mayor and council majority approved defunding our emergency service fire and first aid squads by \$5000 each without ever notifying the companies and squads. We have not only restored funds to our volunteers but increased payments to them so they can better serve us.

Three new entities have appeared before the Land Use Board for hearings to initiate new businesses in the Town Center.

In 2015 the Hotel Occupancy Tax annual revenue was \$245,751. By the end of 2019 we approached almost \$300,000 in annual HOT revenue. The projection for HOT revenue by the end of this year is now \$438,000. I am confident this increase in revenue is a result of the short-term rental ordinance that we worked hard to make law.

Along with the short-term rental ordinance, we adopted a soil and vacant building ordinances in attempts to make our community more vibrant and sustainable.

We forged a symbiotic public/private financial agreement with Mountain Creek. Joe Hession and his team continue to meet their financial obligations before deadlines and have already paid several million dollars in taxes and sewer debt.

We continue to push on to develop a Town Center Park to provide our community with amenities and business opportunities.

An analysis conducted by—George Mason University for the National Recreation and Park Association, U.S. Census Bureau found.

Policymakers and elected officials at all levels of government need to take notice. From local officials ensuring dedicated public park funding to our state legislators to Congress the message is clear: Investments in public parks are investments for a better tomorrow. Local and regional park's spending not only turns our neighborhoods, towns and cities into vibrant, connected and healthier communities, but they also spark economic activity that ripples well beyond the initial spending to create jobs and prosperity throughout our communities.

The Economic Impact of Local Parks an Examination of the Economic Impacts of Operations and Capital Spending on the United States Economy Executive Economic-Impact-Study-Summary%20(1).pdf

Yes, Vernon Township is on the upswing. The foundation is repaired and stronger than ever. More work awaits our efforts.

As a result of all of our efforts from volunteers, municipal workers, a special recognition to our financial department headed by Donelle Bright, elected officials, our professionals and taxpayers; Moody's assigned an Aa3 rating to our Township. This was no easy task following COVID.

Moody's rationale is as follows: The Aa3 reflects the township's moderately-sized tax base that is expected to see annual growth due to redevelopment of various properties, manageable long-term liabilities, and artificially-above average fixed costs caused by voluntary pay downs in its outstanding debt. The Aa3 also reflects Vernon's rebounded financial position that is expected to grow to higher levels over the next two years driven by strong financial management along with modest increases in revenue. The township's fund balance grew in fiscal 2020 despite uncertainty surrounding the coronavirus pandemic.

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 Pitsker with all members voting in favor.

The Meeting of the Township Council of the Township of Vernon was adjourned at 9:55 p.m.

Respectfully submitted,

Marcy Gianattasio, RMC, CMR
Municipal Clerk

Harry Shortway,
Council President

Minutes approved: August 9, 2021