

**VERNON TOWNSHIP COUNCIL**

**REGULAR MEETING MINUTES  
JULY 26, 2021**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 7:00 p.m. on July 26, 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 July 22, 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 and Council President Harry Shortway. Also present were Mayor Howard Burrell, Business Administrator Charles Voelker, and Township Attorney Josh Zielinski.

Council Member Weller was not present.

**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.

Hugh Giordano – Blackwood, NJ, represents United Food and Commercial Workers Local 152 and they are the official cannabis labor union. He thanked the Council for their leadership and creating good living wage jobs. He feels that the jobs will be an educated workforce, people who will have degrees in chemistry, botany and horticulture. There are pharmacists in the medical and retail facilities in New Jersey. Mr. Giordano suggested that Vernon follow the City of Bayonne’s leadership and create a merit-based application system. This way Vernon can know who is coming in, the labor standards, the environmental standards and security standards. The City of Bayonne also has a merit-based points system for local ownership as well. A merit-based system would take pressure off of the Council because they would not be doing the choosing.

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: Andrew Pitsker

SECOND: John Auberger

All members were in favor.

## **RESOLUTIONS**

**Resolution #21-175:** Resolution Authorizing Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Old Coach Road/Pleasant Valley Drive Project

**Resolution #21-176:** Authorizing the Cancellation of Capital Appropriation Balances

**Resolution #21-177:** Chapter 159 Resolution Requesting Approval of Revenue and Appropriation Amending the 2021 Budget as a Revenue and Appropriation of \$2,160,028.11

**Resolution #21-178:** Authorizing Change Order #1 of Contract for Proposed Improvements of Guide Rails on Pleasant Valley Road with Road Safety Systems, LLC

**Resolution #21-179:** Authorize the Award of a Required Disclosure Contract with Specialty Automotive Equipment Company for Procurement and Installation of Automotive Lift at Department of Public Works

**Resolution #21-180:** Authorizing Change Order #1 of Contract for Proposed Improvements of Guide Rails on Breakneck Road Phase II with Road Safety Systems, LLC

Council President Shortway asked for a motion to approve Resolutions #21-175, #21-176, #21-177, #21-178, #21-179, and #21-180

MOVED: John Auberger

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT: Weller

Motion passed to approve Resolutions #21-175, #21-176, #21-177, #21-178, #21-179, and #21-180

### **Resolution #21-175**

**RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE OLD COACH ROAD/PLEASANT VALLEY DRIVE PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Vernon Township Council of the Township of Vernon, County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Old Coach Road / Pleasant Valley Dr -00608 to the New Jersey Department of Transportation on behalf of Vernon Township.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Vernon Township and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Township Council on this 26<sup>th</sup> day of July, 2021.

**RESOLUTION #21-176**

**AUTHORIZING THE CANCELLATION OF  
CAPITAL APPROPRIATION BALANCES**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund;

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon, that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

<b>ORD</b>	<b>DATE</b>	<b>PROJECT</b>	<b>AMOUNT CANCELLED</b>
14-07	06/09/2014	Various Equipment & Repairs	136.51
16-10	05/23/2016	Various Improvements	726.64
18-13	04/09/2018	Various Improvements	3,689.42
19-09	04/22/2019	Traffic Messaging Trailer	604.00

**RESOLUTION #21-177**

**CHAPTER 159 RESOLUTION REQUESTING APPROVAL OF  
REVENUE AND APPROPRIATION AMENDING THE 2021 BUDGET  
AS A REVENUE AND APPROPRIATION OF \$2,160,028.11**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when

such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Township has been awarded a \$2,160,028.11 American Rescue Plan Grant; and wishes to amend its 2021 budget for the difference of the awarded amount as a revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon hereby requests the Director of the Division of Local Government Services to \$2,160,028.11 which is now available as a revenue,

**BE IT FURTHER RESOLVED** that a like sum of \$2,160,028.11 is hereby appropriated under the caption American Rescue Plan Grant.

**RESOLUTION #21-178**

**AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR PROPOSED IMPROVEMENTS OF GUIDE RAILS ON PLEASANT VALLEY ROAD WITH ROAD SAFETY SYSTEMS, LLC**

**WHEREAS**, on September 14, 2020, by way of adoption of Resolution #20-186, the Council of the Township of Vernon awarded a contract to Road Safety Systems, LLC for Guide Rails on Pleasant Valley Road which contract provided for an expenditure of \$8,431.80; and

**WHEREAS**, in a memo dated June 21, 2021, the Township Engineer states that the contract requires a Change Order #1 by the addition of one (1) supplemental item in the amount of \$1,134.77 and the reduction of two (2) items in amount of \$1,666.80 resulting in an adjusted total contract amount of \$7,899.77; and

**WHEREAS**, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will decrease the total contract amount by \$532.03 to an adjusted total contract amount of \$7,899.77.

**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 increasing the total contract amount with Road Safety Systems, LLC. to \$7,899.77; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Road Safety Systems, LLC and the Township Engineer.

**RESOLUTION #21-179**

**Authorize the Award of a Required Disclosure Contract with Specialty Automotive Equipment Company**

**for Procurement and Installation  
of Automotive Lifts at Department of Public Works”**

**WHEREAS**, the Township of Vernon has a need for procurement and installation of vehicle lifts at the Department of Public Works garage for its operations through Specialty Automotive Equipment Company 395 President Street Saddle Brook, N.J. 07663, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5: and,

**WHEREAS** the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, Specialty Automotive Equipment Company 395 President Street Saddle Brook, N.J. 07663, in the aggregate is expected to provide more than the pay to play threshold of \$17,500.00: and

**WHEREAS**, Specialty Automotive Equipment Company 395 President Street Saddle Brook, N.J. 07663, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that Specialty Automotive Equipment Company 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 Specialty Automotive Equipment Company from making any reportable contributions through the term of the contract, and

**WHEREAS** the Chief Financial Officer hereby certifies that funds NOT TO EXCEED \$35,500.00 are available in Line Items: C-04-16-010, C-04-17-009, C-04-18-017, and C-04-21-012

Certification of Funds Account: C-04-16-010, C-04-17-009, C-04-18-017, C-04-21-012 Amount: not to exceed \$35,500.00  CFO Signature: _____
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**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Township of Vernon authorizes the Business Administrator to enter into a contract with Specialty Automotive Equipment Company 395 President Street Saddle Brook, N.J. 07663, not to exceed \$35,500.00 for the installation of auto lift at the Department of Public Works garage: 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 # 21-180**

AUTHORIZING CHANGE ORDER #1 OF CONTRACT FOR PROPOSED IMPROVEMENTS OF  
GUIDE RAILS ON  
BREAKNECK ROAD PHASE II WITH ROAD SAFETY SYSTEMS, LLC

**WHEREAS**, on November 23, 2020, by way of adoption of Resolution #21-236, the Council of the Township of Vernon awarded a contract to Road Safety Systems, LLC for Guide Rails on Breakneck Road Phase II which contract provided for an expenditure of \$138,863.60; and

**WHEREAS**, in a memo dated June 21, 2021, the Township Engineer states that the contract requires a Change Order #1 by the addition of two (2) extra items in amount of \$4,375.00; addition of two (2) supplemental items in amount of \$12,161.60 and the reduction of four (4) items in amount of \$9,778.00 resulting in an adjusted total contract amount of \$145,621.60; and

**WHEREAS**, the Township Engineer, in concurrence with the Mayor, recommends approving Change Order No. 1 which will increase the total contract amount by \$6,758.00 to an adjusted total contract amount of \$145,621.60.

**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 increasing the total contract amount with Road Safety Systems, LLC. to \$145,621.60; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be forwarded to Road Safety Systems, LLC and the Township Engineer.

Certification of Funds Account: C-04-20-011-01 Amount: \$6,758.00  CMFO Signature: _____
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**2020 ANNUAL AUDIT**

**Resolution #21-181:** 2020 Annual Audit

Council President Shortway asked for a motion to approve resolution #21-181

MOVED: Toni Cilli

SECOND: Andrew Pitsker

A roll call vote was taken:

AYES: Auberger, Cilli, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT: Weller

Motion passed to approve resolution #21-181

**RESOLUTION #21-181**

**2020 Annual Audit**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Vernon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required

**Resolution #21-182: Corrective Action Plan 2020 Audit**

Council President Shortway asked for a motion to approve resolution #21-182

Council Member Pitsker asked who is responsible for the actions that are on the Corrective Action Plan.

CFO Donelle Bright explained that she is the person who writes all of the Corrective Action Plans for the Township. The first finding, segregation of duties can only be avoided if we hire one individual to handle all of the cash receipts in the Township but not be associated with any tax receipts. This would require a full-time position and Ms. Bright does not think the benefit outweighs the cost. She feels that we have an adequate segregation of duties and the staff has been cross trained for this. The second

finding, tax lien receivables ledger, the tax collector does need to take extra care to ensure the tax lien receivables are reconciled with the Treasure’s records on a monthly basis.

MOVED: Andrew Pitsker  
SECOND: Toni Cilli

A roll call vote was taken:  
AYES: Auberger, Cilli, Pitsker, Shortway  
NAYES:  
ABSTAIN:  
ABSENT: Weller  
Motion passed to approve resolution #21-182

**RESOLUTION #21-182**

**CORRECTIVE ACTION PLAN 2020 AUDIT**

**WHEREAS**, the 2020 Annual Audit Report was delivered in June 2021 and regulations promulgated by the Local Fiscal Affairs Law, N.J.S.A. 40A:5 requires that the Chief Financial Officer prepare a Corrective Action Plan covering all findings and recommendations in the audit report; and

**WHEREAS**, N.J.S.A. 40A:5 further requires approval of the Corrective Action Plan within 60 days of audit receipt by the Township Council;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon that the Corrective Action Plan for the 2020 Annual Audit Report prepared by the Township Chief Financial Officer and attached hereto as “Appendix A” be approved.

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

**Ordinance #21-18:** Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Approving the Redevelopment Plan for Block 404, Lot 4

Council President Shortway read by title Ordinance #21-18.

Council President Shortway asked for a motion to introduce Ordinance #21-18.

MOVED: John Auberger  
SECOND: Toni Cilli

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



ABSENT: Weller

Motion passed to introduce Ordinance #21-18.

**Ordinance #21-19:** Capital Ordinance Providing for Improvements to Township Properties by the Township of Vernon, in the County of Sussex, New Jersey, Appropriating Therefore the Sum of \$60,000.00 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 #21-19.

Council Member Pitsker asked for clarification for this ordinance.

Township Administrator Voelker explained that the Township was informed by Bob Baldwin earlier this year that he would no longer be supplying the Township with fuel (diesel & gasoline) as of April 1, 2022. We realized that our only realistic option was going to be installing our own tanks on Township property before that time. Prior to getting a contract with Baldwin Fuel back in 2018, we explored what the cost would be for installing gas pumps with a company on State Contract. At that time the cost was proposed to be \$208k, not including improvements to the site. For budget purposes, we figured the cost for the company to do the work in 2021 would probably be increased by about \$40k. The proposal rose to \$286k, which we received earlier this month. In addition to the proposal from the company, our engineer, Cory Stoner, informed us that we should anticipate an additional cost of \$20k for site work where we plan to put the tanks and pumps. I respectfully requested that this ordinance be introduced tonight, so that we can be in a position to sign a contract with the company, Petro Mechanic, Inc., as soon as possible to avoid another price increase.

Council President Shortway asked for a motion to introduce Ordinance #21-19.

MOVED: John Auberger  
SECOND: Andrew Pitsker

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

Motion passed to introduce Ordinance #21-19.

**Ordinance #21-21:** Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Amending Chapter 5, Article X Entitled “Department of Public Works” to Create the Position of Assistant Director of Public Works

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

Council Member Cilli asked what the salary would be for this position.

CFO Bright said the salary range is between \$70,000 and \$95,000. Right now, a senior public works repairer tops out at \$65,000. The next level up from there is an assistant supervisor which start at \$68,000. This position would start at \$70,000.

Council Member Cilli asked if this would be a department head.

Ms. Bright said this position answers to the Director of Public works.

Council President Shortway feels that if the workers are being bumped up there will be a need for a new employee. He is concerned with that cost.

Administrator Voelker explained that we do not have supervisors, we have the assistant supervisor position right now and the director. There is not a position in between this right now. One of the assistant supervisors would be moved up to assistant director and then we would have to fill an assistant supervisor's position.

Council Member Cilli asked why do we need to do this right now.

Administrator Voelker explained that in all of our departments we are working towards having a clear worker who has all of their certifications and are capable to be the number two person in the event the department head cannot be present. This particular position required a certification.

Council Member Cilli asked if we have this increase in the budget.

CFO Bright said yes there is enough money.

Council President Shortway asked why can't this be a supervisor position. He is concerned because the assistant director requires three years of managerial experience.

Administrator Voelker explained that several of the assistant supervisors have been here for over three years and have had to step up and preform managerial duties.

Council Vice President Auberger said in the past we have had a person who was in the supervisor position and that person was out on the road. The town saw it fit to not have that position anymore. Now there is a director and that person is trying to make up for having to do more in the office. Council President Auberger feel that the supervisor job needs to be filled. This will give the director another set of eyes for safety and to get done what needs to be done.

Mayor Burrell agreed with Council Member Auberger.

Council Member Pitsker asked if we will be interviewing for this position or are we looking strictly inside. Also, how many people are we down in the DPW workforce and are we looking to fill those positions.

Administrator Voelker said the position would be filled from within and also, we have been replacing employees as we have had some retirements. We would probably be looking in 2022 to add some people to the workforce.

Council Member Cilli asked if this person would be in the office.

Administrator Volker explained that this would assist the director out on the road as well as in the office.

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

MOVED: John Auberger  
SECOND: Andrew Pitsker

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

Motion does not pass to introduce Ordinance #21-21.

**Ordinance #21-22:** An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Creating Chapter 255 of the Municipal Code of the Township of Vernon Entitled “Filming”

Council President Shortway read by title Ordinance #21-22.

Council President Shortway asked for a motion to introduce Ordinance #21-22.

MOVED: Toni Cilli  
SECOND: John Auberger

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

Motion passed to introduce Ordinance #21-22.

**Ordinance #21-23:** An Ordinance of the Township of Vernon, County of Sussex, State of New Jersey, Creating Chapter 350 of the Municipal Code of the Township of Vernon Entitled “Long Term Rentals”

Council President Shortway read by title Ordinance #21-23.

Council President Shortway asked for a motion to introduce Ordinance #21-23.

MOVED: Andrew Pitsker

SECOND: Toni Cilli

A roll call vote was taken:

AYES: Cilli, Auburger, Pitsker, Shortway

NAYES:

ABSTAIN:

ABSENT: Weller

Motion passed to introduce Ordinance #21-23.

## **PUBLIC HEARING/2<sup>ND</sup> READING OF 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 President Shortway asked for a motion to open Public Hearing for Ordinance #21-16.

MOVED: John Auburger

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 #21-16

MOVED: John Auburger

SECOND: Andrew Pitsker

All Members were in Favor

Mayor Burrell commented saying Mr. Council President and other Council Members, I am very pleased at the fact that after hosting a public hearing on Ordinance # 21-16, which is the ordinance regulating legal cannabis within the Township of Vernon, the Municipal Land Use Board (LUB) / has provided the Council a written decision communicating the fact that they found the Council’s proposal to regulate legal cannabis within our town to be consistent with the Township Master Plan. This ordinance permits

the operation of four types of cannabis commercial enterprises in our town - - that being, Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, and Cannabis Distributor; it does not permit the operation of adult use Retail Cannabis stores in any areas of our town. In that written decision, the LUB also made the recommendation that Ordinance # 21-16 be amended to permit adult use Retail Cannabis stores in our town. Discussions that I have had with a host of the LUB members revealed that they chose to go on record with this recommendation because they strongly believe that allowing adult use Retail Cannabis stores in our town will be an overall good and practical economic use of municipal land that could bring significant benefits our town's residents. However, since allowing adult use Retail Cannabis stores in our town is something that we decided not to address in this ordinance, we should move forward with the second reading of Ordinance #21-16 as it's currently written. The LUB's opinion concerning the town allowing adult use Retail Cannabis stores is one that has been echoed over the past several weeks by a host of individuals and organizations; and, I believe that you all know it's an opinion that I strongly share. And therefore, additional deliberations on this issue, between the Mayor and Council, will continue in the same logical, calm, detailed, and respectful manner as this Mayor and Council has dealt with all things during this past year and a half plus. The public will hear more from us on this matter in the very near future.

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

MOVED: John Auberger  
SECOND: Andrew Pitsker

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

Motion carried to adopt Ordinance #21-16.

**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**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of

age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use, and possession; and

**WHEREAS**, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator License, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer License, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler License, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer License, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer License, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery License, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities, by ordinance, to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors, or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within one hundred eighty (180) days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the municipality shall again have one hundred eighty (180) days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance

would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township Council of the Township of Vernon finds the lawful use of cannabis to be a viable and valuable commercial enterprise; and

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Township Council of the Township of Vernon, County of Sussex, and State of New Jersey as follows: Section 330 of the Township of Vernon Land Development Code shall be amended, revised, and supplemented to add Article XXVI entitled “Cannabis Cultivation, Processing and Purchasing” as follows:

## **SECTION 1.**

Section 330-4 “Definitions” shall be amended, revised, and supplemented as follows:

### **Cannabis**

All parts of the plant *Cannabis sativa* L., whether growing or no, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in the Act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c. 307 (C. 24:6I-1 et al.) and P.L. 2015, c. 158 (C. 18A:40-12.22 et al.); marijuana as defined in N.J.S. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (C. 2C:35B-1 et seq.), or marijuana, as defined in Section 2 of P.L. 1970, c. 226 (C. 24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L. 1970, c. 226 (C. 24:21-1 et. al.); or, hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act,” P.L. 2019, c. 238 (C. 4:28-6 et. al.)

### **Cannabis Cultivator**

Any licensed business or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator License.

### **Cannabis Delivery**

Any licensed business or entity involved in providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer. This person or entity shall hold a Class 6 Cannabis Delivery License.

### **Cannabis Distributor**

Any licensed business or entity involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another. This person or entity shall hold a Class 4 Cannabis Distributor License.

### **Cannabis Establishment**

A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, or a cannabis distributor.

### **Cannabis Manufacturer**



Any licensed business or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer License.

**Cannabis Retailer**

Any licensed business or entity that is involved in the sale of cannabis items and related supplies are sold to consumers. This person or entity shall hold a Class 5 Cannabis Retailer License.

**Cannabis Wholesaler**

Any licensed business or entity that is involved in obtaining and selling cannabis items for later resale by other licensees. This person or entity shall hold a Class 3 Cannabis Wholesaler License.

**License**

A license issued under relevant State law including a license that is designated as either:

- A. Class 1 Cannabis Cultivator License
- B. Class 2 Cannabis Manufacturer License
- C. Class 3 Cannabis Wholesaler License
- D. Class 4 Cannabis Distributor License
- E. Class 5 Cannabis Retailer License
- F. Class 6 Cannabis Delivery License

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

**Manufacture**

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” does not include packaging or labeling.

**Microbusiness**

A person or entity license by the Cannabis Regulatory Commission as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product:

1. Employ no more than ten (10) employees;

2. Operate a cannabis establishment occupying an area of no more than two thousand five hundred (2,500) square feet, and in the case of a cannabis [grower] cultivator, grow cannabis on an area no more than two thousand five hundred (2,500) square feet measured on a horizontal plane and grow above that plane not higher than twenty-four (24) feet;
3. Possess no more than one thousand (1,000) cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
4. Acquire and process each month, in the case of a cannabis manufacturer, no more than one thousand (1,000) pounds of usable cannabis;
5. Acquire for resale each month, in the case of a cannabis wholesaler, no more than one thousand (1,000) pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
6. Acquire for retail sale each month, in the case of a cannabis retailer, no more than one thousand (1,000) pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

### **Wholesale Trade**

Shall mean establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**SECTION 2.** Section 330-160 "Schedule of Permitted, Conditional and Accessory Uses and Structures" and "SCHEDULE A Permitted, Conditional and Accessory Uses and Structures" shall be amended and revised as follows:

Cannabis Retailer shall be a prohibited use and not permitted in any zones within the Township of Vernon.

No more than three of each of the following uses shall be permitted in the Light Industrial Zone: Cannabis Cultivator, Cannabis Delivery, Cannabis Manufacturer, Cannabis Wholesaler, and Cannabis Distributor. Additionally, no more than two Cannabis Cultivators shall also be permitted in the McAfee Village Mixed Use Zone and in the R-2 Zone for any farmland assessed property on the northbound side of County Road 517.

**SECTION 3.** Section 330-164 "Offensive Uses Prohibited" shall be amended, revised, and supplemented to state, "Accept as permitted pursuant to Section 330 of the Vernon Township Land Development Code"

### **SECTION 4.**

SEVERABILITY AND REPEALER

Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part held invalid.

**SECTION 5.**

NOTICE

The Township Clerk is directed to give notice at least ten (10) calendar days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

**SECTION 6.**

EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law. **TAKE NOTICE** that the above Ordinance was introduced at a regular meeting of the Township Council of the Township of Vernon on Monday, June 28, 2021 via video conferencing. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Vernon Township Council on Monday, July 26, 2021 at the Vernon Township Municipal Building or via electronic means via Zoom as permitted by law, whichever way the Township Council is conducting its meetings and shall take effect according to law.

**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.

Council President Shortway asked for a motion to open Public Hearing for Ordinance #21-17.

MOVED: Andrew Pitsker

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 #21-17.

MOVED: John Auberger

SECOND: Toni Cilli

All Members were in Favor

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

MOVED: Andrew Pitsker

SECOND: Toni Cilli

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

Motion carried to adopt Ordinance #21-17.

**ORDINANCE #21-17**

**ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE 20-08  
 ESTABLISHING SALARIES FOR CERTAIN “NON-UNION” EMPLOYEES**

**WHEREAS**, N.J.S.A. 40A:9-165 permits a municipality to establish salaries, wages or compensation to be paid to the officers and employees of the municipality, and

**WHEREAS**, the Township Council passed Ordinance 20-08 Amending and Establishing Salaries for “Non-Union” Employees on March 9, 2020; and

**WHEREAS**, the Township Council has determined that the salary guidelines should be amended in order to adjust the salary ranges for the positions below;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey, the following amends the salary ranges for these “non-union” employees:

<b>FULL TIME:</b>	<b>Minimum</b>	<b>Maximum</b>
<b>General Administration:</b>		
Confidential Aide to the Mayor	40,000	68,000
<b>Community Affairs/Senior Citizens:</b>		
Director of Community Affairs	45,000	68,000
Nutrition Site Manager	30,000	45,000
<b><u>PART-TIME:</u></b>	<b>Minimum</b>	<b>Maximum</b>
<b>Municipal Offices:</b>		
OEM Coordinator	1,500/year	7,500/year
OEM Deputy Coordinator	1,500/year	3,000/year
<b>Public Safety</b>		
Court Security      Guard	20 per hour	30 per hour

**Section II:** All ordinances of the Township of Vernon which are inconsistent with the provisions of the Ordinance are hereby repealed to the extent of each inconsistency.

If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of this Ordinance.

**Section III.** The Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Township Council and shall be retroactive to January 1, 2021.

**PUBLIC COMMENTS (*Limited to 3 Minutes On Any Topic*)**

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

MOTION: Toni Cilli

SECOND: John Auberger

All members were in favor.

Andree Stolte – Vernon Township, asked the Council if they have thought about pushing back any future lockdown, mask mandates or social distancing. She feels that it is essential that the Council becomes as informed as possible with sources that present biased or unbiased writings.

Shawn Mazur, [REDACTED] emailed his comments writing, I am a taxpayer of Vernon as well as a Veteran, Master Free Mason and a Nationally accredited Architect. I am astonished by your poor leadership, lies, deceit and slanderous behavior that I have personally witnessed and been a victim of. Mr Shortway your abolishment of the Historic Preservation commission as well as your sinister ways and historical track record of racketeering is completely detrimental to Vernon taxpayers. We have had more than enough of you Mr. Shortway. Your reign of terror needs to end! I hereby make the Motion of “No Confidence” in you Mr. Shortway you are an embarrassment to Vernon taxpayers and should be ashamed of your evil actions. We the taxpayers of Vernon are sick and tired of your "trails to nowhere" and your cancel culture actions. You need to resign effective immediately!

I Elaine Colianni, a resident of Vernon Township, emailed her comments writing, would like to make a motion of “No Confidence” in the matter of Council President Harry Shortway. It is in my opinion that Mr. Shortway is incapable of serving the residents of Vernon Township and has failed at his obligations to the Taxpayers. On numerous occasions he has not addressed valid concerns related to Township residents.

I Jordan Lehman, a resident of Vernon Township, emailed her comments writing, would like to make a motion of “No Confidence” in Council President Harry Shortway. It is in my opinion that Mr. Shortway is incapable of serving the residents of Vernon Township and has failed at his obligations to the Taxpayers. On numerous occasions he has not addressed valid concerns related to Township residents. I have personal knowledge to his lack of leadership and deceitful ways. I am aware that pictures have been taken in windows at night by town officials. It is an issue that has been ignored and makes me feel unsafe. He has ignored serious issues and complaints taking place within the Township and should resign immediately. I have been a Registered Nurse for the past 9 years. I hold myself to a standard to care for my community and patients within the scope of my license and Mr. Shortway should be doing the same thing. It is disappointing to the “leadership” in this town to ignore tax payers’ concerns and only focus on their own personal matters.

I, Kevin Thomas have been a business entrepreneur in Vernon Township for many years. Emailed comments saying, it has come to my attention lately of some very serious matters taking place within the Township, none of which are favorable. I as a business owner and operator take these matters very seriously and greatly affect the operation of my business. I would like to place on record, July 26, 2021, a motion of "No Confidence" in Mr. Harry Shortway. Your lack of ability to effectively lead and handle matters related to residents is an embarrassment all while our taxes are being raised. You continue to hire inspectors and officials that lack the knowledge and professionalism that we need in this Township. I am recommending that you resign immediately. We deserve someone who addresses the needs and concerns of our residents and business owners. You have pushed this Township backwards, not forward to a bright future.

I, Walter M. Marsico, Sr., emailed his comments saying, am a 48-year law abiding, tax paying resident and entrepreneur of Vernon Twp. Upon ending my career as a synthesizing and analytical chemist working in the pharmaceutical field with Union Carbide Nuclear of Tuxedo Park, NY and Hoffman La Roche of Belvidere and Nutley, NJ., I founded a real estate development and building corporation developing Settler Notch at Vernon. Through my 13-year tenure developing Settlers' Notch at Vernon I have been confronted with a number of planning and zoning boards as well as multiple building and inspector departments. While many trying and difficult situations presented themselves, most ultimately resolved themselves with positive outcomes. I have never, however, been confronted with a council led by an incompetent and self-serving group of individuals as I have encountered in the past year under the direction of the council president, Harry Shortway. Mr. Shortway apparently believes in government through "cronyism" as is evident in the selection of Charles Voelker, as Business Administrator. Mr. Shortway has been quoted as stating "the taxpayers are our bosses." Mr. Shortway contrarily, however does not believe his own words since the councils hiree, Charles Voelker and sub hires A. LaRocca and R. Westenberger are incapable of performing their duties without violating statutes, ordinances and laws they are dutybound to uphold and enforce while always adhering to the letter of the law. This is certainly not in the best interest of the ultimate "bosses," i.e. the Vernon resident taxpayers. The "DRACONIAN" form of government under the aforementioned township officials led by Mr. Shortway are most interested in fines, penalties and raising taxes to fulfill "budgetary shortfalls" which have led Vernon Twp to the brink of fiscal disaster. Highlighting the above in conjunction with numerous specific infractions the specifics of which are documented, I am, herewith, entering my vote of "NO CONFIDENCE" against Mr. Harry Shortway. Further, I am mandating that Mr. Shortway immediately tender his resignation as Vernon Township

I, Kevin Thomas emailed his comments, have been a business entrepreneur in Vernon Township for many years. It has come to my attention lately of some very serious matters taking place within the Township, none of which are favorable. I as a business owner and operator take these matters very seriously and greatly affect the operation of my business. I would like to place on record, July 26, 2021, a motion of "No Confidence" in Mr. Harry Shortway. Your lack of ability to effectively lead and handle matters related to residents is an embarrassment all while our taxes are being raised. You continue to hire inspectors and officials that lack the knowledge and professionalism that we need in this Township. I am recommending that you resign immediately. We deserve someone who addresses the needs and concerns of our residents and business owners. You have pushed this Township backwards, not forward to a bright future.

Martin O'Donnell – Sussex, commented that the rest of the town put in their vote of confidence when Harry Shortway ran for Council. He feels that looking at the number of votes there are a lot of people backing him up. Mr. O'Donnell said don't give in the to the Facebook bullies.

Peg Distasi – Vernon Township, spoke about ordinance #21-20 saying last year a compendium was released for local leaders in Government to help them establish a recovery framework and to set non concrete ideas for rebuilding. This suggested that public officials create a team of business leaders, social service agents and corporate heads within the township to be tasked with aggregating and supplementing existing recovery plans, setting goals, recommending investments and tracking results. Ms. Distasi is opposed to this money being turned over to the MUA because that is only taking care of a small element of the town and not the whole town. This is unfair to 90% of the township. The money should not be used for only 10% of the town.

Ms. Distasi believes that Council President Shortway has used Vernon's funds for his own private pet projects and he is putting the town in a terrible position of long-term debt. We need roads and other things in the town.

Walter Marsico, Jr. – Vernon Township, made a motion of no confidence in Harry Shortway. Mr. Marsico said he has reached out for Harry Shortway to fix a mess made by Robert Westenberger and Ms. Larocca. He feels he is being harassed by Ms. Larocca and no one does anything. Mr. Marsico asked Administrator Voelker about his salary and feels his civil rights have been violated. Mr. Marsico asked Mr. Voelker if he has crept around his house at night and taken pictures. Mr. Marsico said he will hold the Council and Mayor accountable for their actions. He told the Mayor when he starts the construction on the second phase of his home which has been delayed, you better back off your egotistical officials and cease and desist with the continued harassment he has been receiving. He will not allow the ongoing harassment. He will continue to expose each and every one.

Jessi Paladini – Vernon Township, asked Council President Shortway to resign from the Council tonight for all of the wrongdoing, incompetence and lawlessness. Ms. Paladini feels that Mr. Shortway is dishonest and lacks transparency. She would like Mr. Shortway to be censured and she calls for a motion of no confidence.

Beverly Marsico – Vernon Township, submitted a motion of no confidence in Council President Shortway. She feels he has done a lot of damage regarding 16 Jenny Lane. She asked who sent the person to take pictures of the house at night. Ms. Marsico asked why there are no in person meetings. She said several emails have been sent and no one responds.

Christine Dunn – Vernon Township, feels that it is time for in person meetings.

Jennifer Lubliner– Vernon Township, thanked the Council for all of their hard work with the cannabis ordinances. She feels that it is disappointing to hear all of the outrage tonight and she apologized for that. Ms. Lubliner said not everyone agrees with Mr. Shortway but she feels that he has the town's best interest at heart.

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: Toni Cilli

SECOND: Andrew Pitsker

All members were in favor.

## **MAYOR COMMENTS**

At our June 28 Council meeting, in his Council Comments, Council President Shortway discussed the bright outlook for our township.

In my comments tonight I want to reinforce his optimism, and send a strong positive message to both, our town's long-time residents and the host of new individuals who have recently chosen to make Vernon Township their home - - I want them all to know that my optimism about the future of our town has grown considerably during this brief year and a half plus period that I have had the honor and privilege of serving and representing the people of Vernon as their Mayor.

Without a doubt, I believe that Vernon Township is strategically positioned to make a major economic and civic move forward.

Let me share with you just three of the most recent pieces of evidence that has fueled my optimism.

1. Over the past one year plus, the confidence in our town and its future has been strongly demonstrated by the time, effort and money those commercial enterprises have invested:

a. In the opening of a new Outdoor Sports Store; a new Beauty Boutique; a new Vintage Record Store; a new Female Preneur Pop Up Shop; two new outstanding Delis; a new creative Insurance Agency; and a new unique Candy Confectionery Shop that doubles as a convenience store.

b. In the reopening, under new ownership, of one of the Town Center's favorite and iconic restaurants on Church Street.

c. In the final stages of the completion of key commercial projects, such as the significant exterior and interior renovation of a building in the heart of our Town Center District, which will house a leading New Jersey Real Estate Company that provides both commercial and residential real estate services; and ...

d. In the plans to build a Car Wash; to open a specialty carpet store; to open a Thai Restaurant; to rebrand and reopen a health fitness facility; to open a community based Applied Behavior Analysis Center that works with children diagnosed with Autism Spectrum Disorder, as well as other behavioral disorders; plus plans by a national brand name firm to completely rehabilitate and update a Town Center strip mall property and to add a Convenience Store and Fueling Station.

2. On the residential side, the confidence in our town and its future has been strongly demonstrated by the fact that almost all of the existing homes that were available for sale in our town, have been sold.



And at the end of June, the Building and Zoning Departments reported to me that on the last seven work days of that month they granted approvals for the building of seven new homes, on seven empty building lots.

3. On the financial side, just last month, Moody's Investors Service, the world-renowned company that ranks the creditworthiness of borrowers, announced that after a thorough evaluation of Vernon Township's financial operations, it had reconfirmed the strong Aa3 bond rating that they awarded Vernon last year.

According to Moody's Rating Guide, the bond rating of Aa3 is awarded only to those organizations that they consider to be "Rated as high quality and very low credit risks".

In addition, this year Moody's also awarded our town two specific AAA ratings - - which are the highest ratings given - - in two key financial categories.

Moody's AAA ratings were awarded Vernon in the two key financial categories of:

- a. The excellent manner in which we have managed and maintained a sufficient Fund Balance - - that is, the amount of funds that the town maintains in its savings account to cover the costs of those unforeseen, unknown and unknowable expenses that popup up from time to time; and ...
- b. The excellent manner in which we have managed and maintained a sufficient Cash Balance - - that is, the amount of cash that the town maintains on hand to pay its normal operating costs without having to take funds from its savings account.

As reasons for these outstanding ratings and their improved financial outlook for Vernon, Moody's favorably considered:

- a. Vernon's recent years of rebuilding its Fund Balance - - again, the town's savings account. The rebuilding of our town's Fund Balance was started under former Mayor Shortway's leadership, and I have worked close with the current Council to continue this rebuilding process;
- b. The recently implemented plan to replace town vehicles and equipment in an efficient and financially responsible manner;
- c. Actions being taken to pay down the town's debt and to create a pay-as-you-go system for most capital expenses;
- d. The recent passage of our Short-Term Rental Ordinance, which will not only contribute to making our town safer, but will also bring in income that will help in our ongoing battle to reduce the municipal portion of tax increases to Vernon residents;
- e. The outstanding support of our town by its largest taxpayer, Mountain Creek. Under the leadership of Joe Hession, Mountain Creek has not only consistently paid their taxes in full and on time, but they have also consistently paid their annual sewer obligation ahead of time. For example, this year they paid their 2021 sewer obligation of 763K\$ in April - - eight full months ahead of time; and ...

f. Of special note is the fact that Moody's rating for our town was positively influenced by the Mayor and Council's plans to create amenities that would serve as positive magnets to attract potential consumers and commercial enterprises to our Town Center area.

Quoting from Moody's June 24, 2021 Credit Opinion on Vernon, Moody's said, "To improve the attractiveness of the area, the township is working on a town center project which will add new amenities in the community such as walking trails, a biking pump track, and upgraded roadway improvements".

All of these results are indeed great news for Vernon Township and its future.

This optimism that I feel, and this very positive view that I see for our township, would not be possible without the great team of municipal employees, and the collective group of positive focused Council Members, that I have had the good fortune of working with; and I thank them all.

The task of getting the financial aspects of our municipal operation in order has not been simple or easy. I am lucky that the efforts and actions of former Mayor Shortway laid the groundwork for me to be able to have success in making progress towards the achievement of this important objective.

One of the key things that he did was to hire an outstanding Municipal Chief Financial Officer (CFO), in the form of Ms. Donelle Bright. CFO Bright's sound and creative financial leadership; her specific planning, organizing, directing, coordinating, and controlling of the town's financial operations, played an indispensable role in our town being able to earn the great financial evaluation that we recently received from Moody's. Thank you Donelle for a job well done.

And finally, I close by addressing a matter that was communicated by Council Vice President Auberger in his comments at a Council Meeting last month.

Vice President Auberger communicated a concern, on behalf of the Vernon Fire Department, that specific Town Center development plans which might impact the Vernon Fire Department's property, were being planned without their input.

To directly and face-to-face address this concern, during last week Business Administrator Voelker and I visited the Vernon Fire Department's Fire House where we assured them that:

1. no such plans were being discussed or formulated; and ...
2. Under my leadership as Mayor, before the town would formulate any specific plans, or take any specific action, that might directly impact the Vernon Fire Department's property, any such plans or actions would be first discussed and coordinated with **the** Vernon Fire Department.

While this is not a major issue it is an example of the seriousness and respect which with this Mayor and Council takes the concerns of all of our volunteers.

That ends my meeting report for tonight.

## COUNCIL COMMENTS

Vice President Auberger asked if McAfee Fire Departments latter truck sold at auctions. He put forth that if it was not sold, can be it be donated to the Sussex County Fire Academy so they can make use of this vehicle.

Vice President Auberger feels that since ordinance #21-16 passed it should be revisited to allow retail sales in Vernon.

Vice President Auberger asked if Vernon is under the American Rescue Plan and if we are looking to seek funds for our essential workers.

Council Member Pitsker toured a cannabis dispensary in Maplewood, NJ and this was arranged by the NJ League of Municipalities. He met with other Council people from other towns, the Mayor of Maplewood and other officials. The town, the people and the government are making sure these types of facilities are well managed and controlled. Council Member Pitsker toured the facility and learned a lot about how it operates and how cannabis retail worked. He feels it was very secure, safe and very professional. There was a process to get into the facility that included showing identification. We looked at the process of delivery and how the product is secured and locked in vaults. Council Member Pitsker feels that Maplewood would be a good example to follow in regards to zoning for retail sales.

Council Member Pitsker feels that growth in Vernon is difficult to do and we are making it more and more difficult for small business startups. He feels that we lack a process and a business packet of all forms that require us to get started. Also, he feels we lack the support to help small businesses get the right advise, support and guidance. Council Member Pitsker has been discussing this with Chairperson Jennifer Lubliner of the EDAC Committee about the root causes of this frustration and it is a paralyzing issue. Council Member Pitsker is urging the Mayor and the Business Administrator to put some focus on developing the processes and forms that can pave the way for business to start up. He feels that there has been too many complaints and frustrated people and citizens who are not finding it easy to do business in town.

Council Member Pitsker asked if there is a timeline on when we are going back to chambers for in person meetings.

Council Member Pitsker announced that this week on Thursday there is a biking event "Bike4Chai" that starts at Crystal Springs, He said there will be a lot of bicycles out on the road headed for the Port Jervis area and coming back around to Pine Island.

Council Member Cilli agrees with the Mayor that Donelle is a huge benefit to the Town and we are very lucky to have her. She has put us on the path to doing a lot of great things financially and forecasting looking towards the future.

Council Member Cilli asked Walter Marsico to reach out to her because she would like to hear his side of the story. She has had other people complain about the building departments.

Council Member Cilli commented that Council Member Pitsker mentioned the retail store with security cameras, lockdown and security. She feels that is not something she wants in this town. When you go to a liquor store you are not going through a vaulted door. Council Member Cilli disagrees with the retail cannabis sales.

Council Member Cilli said that all the people who emailed or spoke about your vote of no confidence of Harry Shortway, she agrees with Martin O'Donnell. She said Harry was elected Mayor and elected to Town Council and most people stand with him. She does disagree with him sometimes but she definitely feels he tries to do what is best for our town. Council Member Cilli has been frustrated in the past with public comments because you are frustrated and come here with questions and we just stare at you. If you reach out to Harry or the Mayor they would answer you because this is not a debate. Council Member Cilli feels that Harry is very approachable and he would answer your questions even if he doesn't agree with you. She has all her confidence in Harry.

### **COUNCIL PRESIDENT COMMENTS**

Council President Shortway said he is not resigning because people do not agree with him. He commented saying in brief, elected officials also have Rights.

This Township's history consists of countless frivolous and malicious allegations against elected officials motivated by vindictiveness, retaliation and narcissism including efforts to facilitate injury to reputations and personal livelihoods of members of the Republican Club, Council, Mayor(s) and citizen volunteers. These past nefarious actions have cost the Vernon Property Taxpayers tens of thousands of dollars over the last two decades.

My political opponents over the last two decades have willfully and knowingly engaged in unethical conduct with purpose of promoting or facilitating injury to reputation and lost wages to myself, family, other elected officials, members of the Republican Club and employees of Vernon Township.

Countless allegations of "lawlessness" have been made against elected officials by one disgruntled citizen with a few of her minions in support over the last 20 years.

I recall only one minor charge against an elected official that was substantiated. The principal architect of the many frivolous allegations I speak of has cost taxpayers' tens of thousands of dollars on legal fees and OPRAs in support of her witch hunt.

Please recall on March 25, 2019, Mr. Mazur threatened to sue the council due to his displeasure with the vacant property ordinance.

In addition, on January 27, 2020 I stated the following:  
Shawn Mazur, a resident of Neptune, NJ who, through an LLC owns property in Vernon, received appointment to the Historical Preservation Commission that year.

Within 26 hours following the Mayor's statement for harmony, Mazur messaged Councilwoman Weller alleging that I was a crook and taking kickbacks.

In addition, his messages to Councilwoman Weller read as follows;  
“Like I said way back, distance yourself from Harry he’s no f#@%ing good.”

Mr. Mazur then described the council as useless and ignorant.

Mr. Mazur’s actions and personal attacks are contrary to the Mayor’s objectives stated on January 1, 2020.

I called for Mr. Mazur’s resignation from the Historical Preservation Commission due to his baseless allegations and insubordination to the Mayor’s agenda.

I emphatically deny receiving any kickbacks from any party whatsoever. Should Mr. Mazur believe that I took kickbacks then he should have reported this to the Vernon Police Department, the Sussex County Prosecutor’s Office or the NJ AG’s Office for investigation.

I suspect he did not.

I am unaware of any such investigation after one and a half years after Mr. Mazur’s allegation.

Mr. Mazur refuses to register his vacant structure with the Township as required by our ordinance and owes the TWP approximately \$9000.00 for 2020 and 2021 registration fees.

His allegations of criminal behavior, conflict of interest and unethical behavior on my part are being fabricated in retaliation for refusing to exempt him from a lawful obligation.

The false allegations of racketeering or RICO was a conspiracy to create havoc within the Republican Party and municipal government that led to a change in our form of government that expelled the Republican Party.

The law suit was filed for political purposes to change the Vernon Township form of government by causing dysfunction of municipal government and to injure reputations of persons elected and/or appointed to serve our community.

Criminal and civil allegations against members of the Vernon Republican Club were investigated by the Vernon Police Department and the Sussex County Prosecutors Office. The allegations were unfounded as a criminal matter due to a lack of qualitative and quantitative facts.

Failing at the criminal level the plaintiff’s attorneys then filed a federal civil complaint where the burden of proof is less; where the standard is not beyond a reasonable doubt but a preponderance of evidence.

Again, this law suit was nothing more than an attempt by my political enemies to harass and intimidate members of the Republican Party and myself for our political view points within our community in their quest for power and financial gain.

The criminal allegations made in a civil complaint were not even actionable in federal civil court. These charges were scandalous and were created to prevent my vote on issues contrary to the desires of a few individuals and harm the reputations of other elected officials and Republican Club members.

The defendants (members of the Republican Club), in our reply, produced the entire copies of e-mails which established (four) distortions made by the plaintiff and his attorneys. As a result, the Court threw out the RICO violations finding no conspiracy, predicate acts or any wrongdoing that would justify the plaintiff to be allowed to proceed with a RICO action. The Court, on its own, also threw out the other fraud and conspiracy state law claims that were made by the plaintiff against elected officials and

volunteers who were members of the Republican Club serving our community.

The Federal Senior District Judge (Judge Debevoise) ruled regarding "RICO" charges: "The glaring, fatal defect in Plaintiff's RICO claims is that the plaintiff has not alleged, and probably cannot allege, the presence of RICO racketeering activity."

RICO allegations were maliciously fabricated and appropriately dismissed by the federal court.

The false allegations continue today in an attempt to suppress my free speech and service as an elected official to our community.

Mr. Marsico should become familiar with our form of municipal government under the Faulkner Act so he has a better understanding of Administration and Council duties.

Mr. Marsico should also review December 14, 2020 council meeting minutes and Resolution #20-246: Resolution Authorizing the Township Attorney to Investigate the Operations of the Building Department.

Mr. Marsico should also review N.J.S.A. 40:69A-37.1  
Councilmembers are prohibited from contacting professionals and municipal employees.

Mr. Marsico by design or ignorance fails to state facts. For example, A. LaRocca and R. Westenberger were not hire by the Council, they were hired by another previous mayor and the present Mayor.

In addition, Charles Voelker was appointed by me in 2016 with the approval of the then council. He was again, appointed by Mayor Burrell with consent of the council majority.

To Ms. Lehman regarding her fear of pictures have been taken in windows at night by town officials. If she believes employees of the Township have committed a crime or offense she should report the incident to the police department, prosecutor's office or AGs office for investigation.

The law is clear:

Retaliatory conduct is actionable if it is intended to punish the plaintiff for exercising his/her free speech rights and under the circumstances it would be sufficient to deter a person of ordinary firmness from exercising his/her free speech rights. In *O'Connor v. City of Newark*, 440 F.3d 125, 128 (3d Cir. 2006). The Third Circuit has stated that the threshold for showing First Amendment retaliation is "very low..."

Frivolous criminal allegations without substantiated or false facts to a law enforcement official can result in both criminal and civil liabilities to the accuser.

The Economic Development Advisory Committee requested a council liaison. I am not opposed to it but believe it is not necessary. During my research I discovered that the EDAC was created under our old form of government.

I propose that we set up an EDAC committee within our current form of government under the Faulkner Act. My opinion is that the committee be driven by the TWP Mayor for the following reasons;

1. Council's authority under the strong mayor government is basically, advice and consent.
2. Councilmembers are prohibited from contacting professionals and municipal employees pursuant to N.J.S.A. 40:69A-37.1, deal with employees of the Department of Administration and other administrative departments solely through the Mayor or designee. All contact with the employees and all actions and communications concerning the administration of the government and the provision of municipal service shall be through the Mayor or designee.
3. Council approval of members appointed to the EDAC as an ad hoc committee is subject to political opposition for consent.

Composition of members as follows:

1. Mayor or designee
2. Land Use Board member
3. Township Administrator (or designee)
4. Member of Public
5. Member of Public
6. Member of Public
7. Member of Public

Two or less councilpersons may attend an EDAC meeting and voice their opinion(s) pursuant to Roberts Rules of Order or answer EDAC inquiries. Councilperson(s) attending any EDAC meetings may advise the governing body of concerns, issues, actions etc. at a council meeting. No formal liaison is necessary.

I do not know other councilpersons' opinions and will place this issue as a topic for discussion at a council meeting in the near future so it may be discussed in public.

Council President Shortway announced that as of yesterday Vernon had two additional residents complete an Iron Man Competition. The swim part is 2.3 miles, the bike ride is 112 miles and then a marathon which is 26 miles. Kelly Brookes and Council Member Cilli completed the competition, they are Iron Men. Congratulations to both of them.

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

The Meeting of the Township Council of the Township of Vernon was adjourned at 8:50 p.m.

Respectfully submitted,

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Marcy Gianattasio, RMC, CMR  
Municipal Clerk

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Harry Shortway,  
Council President

Minutes approved: AUGUST 23, 2021