

JEFFERSON TOWNSHIP COUNCIL
MUNICIPAL BUILDING
1033 WELDON ROAD
LAKE HOPATCONG, NJ 07849
973-208-6133
www.jeffersontownship.net

Regular Meeting
October 5, 2016
MINUTES

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1. CALL TO ORDER

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting and the agenda thereof had been reported to the official newspapers of the Township on **September 29, 2016** and posted in the municipal building.

Council President Sanchelli called the meeting to order at 7:03 pm in the municipal building.

2. ROLL CALL

	Present	Absent
Mr. Birmingham	X	
Mr. Dunham	X	
Mrs. Finnegan	X	
Vice President Merz	X	
President Sanchelli	X	
Mr. Cohen, Township Attorney	X	
Ms. Reilly, Township Clerk	X	

Ms. Reilly called the roll. All Council members were present. Also in attendance were Township Attorney Larry Cohen, Mayor Russell Felter and Township Administrator James Leach.

3. SALUTE TO THE FLAG

Council President Sanchelli led the flag salute.

4. SPECIAL PRESENTATIONS

- **Court Presentation – Tricia Nikiel**

Ms. Nikiel introduced herself and explained that she oversees the courts in Morris and Sussex Counties. She said that effective January 1, 2017, there would be a revolutionary change in the bail system and New Jersey would no longer be considered a "Right To Bail" State. She discussed the premise of innocent until proven guilty, the many repercussions to incarceration when an arrestee cannot make bail, and said that the court system wants to make sure that the right people are detained and that this should not necessarily be based on finances. She explained that the police would generate a Public Safety Assessment (PSA) report for each arrestee, and the PSA would help the judge decide on conditions for release, for example a curfew or an electronic monitoring bracelet. Ms. Nikiel said that a prosecutor will have the option to make a motion to the Superior Court Judge for detainment and that if the judge agrees the case must then be reviewed within forty-eight (48) hours. In addition to the changes to bail she discussed the new rules going into effect for speedy trials and "E-Courts" (court via video).

Ms. Nikiel thanked the Council for allowing her to speak and said that Jefferson's court is excellent and serves the residents very well and that the Court Administrator, Betsy Mertz, is one of her top administrators in the County.

5. PUBLIC COMMENT

Council President Sanchelli opened the public comment portion of the meeting with the consent of the Council and asked speakers to state their name and address for the record.

Ralph Barry – 407 Lower Berkshire Valley Road

Mr. Barry complained about the high rate of speed on his road and asked for a speed trap or an officer with radar to be set up near his location. He also asked that the speed limit be lowered from thirty-five (35) miles per hour to thirty (30) miles per hour. Finally, he asked that the Township clean the catch basins near his house and fix the berm that had been destroyed by the snow plow.

Mr. Leach referred Mr. Barry to Lieutenant Caruso, who happened to be in the audience, and Lt. Caruso said he would address the traffic issues. Mr. Leach said he would contact the DPW in reference to the catch basins and berm.

Michael Obremski – Jersey Central Power and Light (JCP&L)
Mr. Obremski invited the Council to JCP&L's open house.

With no one else wishing to be heard, Council President Sanchelli closed the public comment portion of the meeting.

Council President Sanchelli recognized Mr. Mark Bocchieri from Verizon and thanked him for facilitating the repair of the broken poles. Mr. Dunham commended Verizon for fixing the downed pole on Berkshire Valley Road within twenty-four (24) hours.

6. **ORDINANCES – PUBLIC HEARING AND VOTE FOR ADOPTION**

ORDINANCE 14-16 An Ordinance Regulating the Statutory Authority of Verizon New Jersey Inc., Its Successors and Assigns to Use the Various Public Streets, Roads, Avenues, Highways and Other Public Ways in the Township of Jefferson, Morris County, New Jersey, For Its Local and Through Lines and Other Communications Facilities and Prescribing the Conditions Thereof

WHEREAS, the Township previously granted authorization to the predecessor of Verizon New Jersey Inc. to use Township property for the installation and maintenance of its equipment; and

WHEREAS, said authorization is to expire in October 2016; and

WHEREAS, Verizon has petitioned the Township to renew that authorization pursuant to State statute.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, Morris County, New Jersey, as follows:

SECTION A

SECTION 1: Pursuant to the provisions of N.J.S.A. 48:17-10, N.J.S.A. 48:17-11, and N.J.S.A. 48:17-12, permission and consent is hereby granted to Verizon New Jersey Inc., (the "Company"), its successors and assigns, to install, operate, inspect, maintain, repair, replace and remove its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cables, wires, and all other facilities appurtenant thereto, and above-ground facilities, such as cables, wires, antennas, poles, posts, supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through, upon, along, over, under, and across all of the various public streets and ways, which include the roads, avenues, right-of-way, sidewalks, highways, bridges, waterways, and other public places, and parts thereof, throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Township of Jefferson (the "Township") for said Company's local and through lines and other communications facilities in connection with the transaction of its business. In the event that any public street or way where the Company has facilities is vacated by the Township, the Township agrees to reserve unto said Company the rights granted the Company by the present Ordinance.

SECTION 2: All poles, posts, pedestals, cabinets, or other facilities shall be located and placed back of the curb lines where shown on the official map(s) of the Township; the poles and posts, however, shall be located within eighteen (18) inches of the face of such curb line or as may otherwise be mutually agreed by both parties or required by law, or at the points or places now occupied by the poles, posts, pedestals, cabinets, or other facilities of the Company, its successors and assigns, and where there are no curb lines, at other convenient points or places in, upon, along, adjacent, or across the public streets and ways as may be mutually agreed upon between the parties.

SECTION 3: The Company may bury its local and through communications facilities such as cables, conduit, manholes and associated equipment, fixtures, process equipment and appurtenances within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties for said Company's local and through lines and communications facilities. Underground conduits and associated facilities, as aforementioned, shall be placed at least eighteen (18) inches below the surface of said public streets and ways and with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining, and operating the facilities, as aforementioned, which the Company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross-sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

SECTION 4: Before proceeding with any new construction or relocation work in an area covered by this Ordinance, the Company shall give prior notice in writing thereof to the Township, through its designated representative, of its intention to perform such work. The Company shall obtain such street opening or excavation permits as may be lawfully required by any applicable Ordinances regulating such openings or excavations. Any such area affected by the Company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work.

SECTION 5: The Company agrees to indemnify and save harmless the Township from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of road conditions resulting from any negligent or faulty excavations, installation or maintenance connected with the work or equipment of said Company, and not attributable to the fault or negligence of the Township, except that if such injury or damage shall be caused by the joint or concurring negligence or fault of the Company and the Township, the same shall be borne by them to the extent of their respective fault or negligence.

SECTION 6: Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street in conjunction with road construction being performed by the Township the Company shall change the location of its above-ground facilities covered by this Ordinance in accordance with applicable law, so that the same shall be back of, and adjacent to, the new curb line so long as the Township has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof.

SECTION 7: Any company or corporation having legal authority to place its facilities in the public streets and ways of the Township may jointly use the Company's poles, posts, pedestals or other structures for all lawful purposes, provided the Company consents to such use, on terms and conditions acceptable to the Company and not inconsistent with the provisions of the present Ordinance.

SECTION 8: The Company shall provide space, to the extent available, on its poles so long as said poles are occupied by the Company and space, to the extent available, in its main conduits existing on the date of passage of this Ordinance, but not exceeding one (1) duct of standard size, for the sole benefit of the Township during the pendency of this Ordinance. Such space shall be provided for the exclusive use of the Township which use shall be limited to accommodating the wires or electrical conductors required for one-way signal control in connection with municipal police patrol, fire alarm signal control and traffic signal control systems only; but for no other uses or purposes, either alone or in conjunction therewith; nor for circuits for the supply of electrical energy for traffic or other signals; nor for wires, conductors, cable or the equivalent which provide a means of transmitting any signal to a private, commercial or residential location, and which is normally provided by a nongovernmental supplier; provided, further, that no such use or attachment by the Township shall interfere with the plant or facilities of or the use thereof by the Company. All costs or expenses incurred by the Company in connection therewith shall be paid by the Township. It shall be the obligation of the Township to attach its wires to the poles or place its electric conductors in the conduits or manholes of the Company, provided that before proceeding with said work, either by itself or by a person, firm or corporation engaged to perform such work, the Township shall give the Company thirty (30) days prior notice in writing. All such work shall be performed under the supervision of said Company. The Township agrees to indemnify and save harmless the Company from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of the Township's installation maintenance, operation or removal of wires or facilities or the Township's use or enjoyment of the Company's plant or facilities as provided under this section, except that if such injury or damage shall be caused by joint or concurring negligence of the Company and Township, the same shall be borne by them to the extent of their respective fault or negligence.

SECTION 9: If any or all of the said streets or ways are later taken over by the County of Morris or the State of New Jersey, such County or State shall have such rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the Township, provided, however, that satisfactory prior arrangements as may be necessary are made with the Township and the Company for the full protection of the respective interest of each.

SECTION 10: The term "Township" as used in this Ordinance shall be held to apply to and include any form of municipality or government into which the Township or any part thereof may at any time hereafter be changed, annexed, or merged.

SECTION 11: The permission and consent hereby granted shall apply to and cover all communications facilities of the Company existing at any time, and related structures, process equipment, and appurtenances heretofore or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired, or operated by the Company, its predecessors, successors, or assigns within the Township. This Ordinance shall cancel and supersede all prior consent Ordinances between the Township and the Company regarding the subject matter hereof.

SECTION 12: This Ordinance shall continue in full force and effect for a period of **fifteen (15) years** from the date it becomes effective subject to the right of the Company to seek such changes herein as may be deemed necessary from time to time prior to the expiration of said period, said changes to be approved by the Township. The Company shall maintain its property within the Township and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates at and after the term of this Ordinance, the Company shall safeguard the public interest in continuous and uninterrupted service within the Township.

SECTION 13: In the event that any provision herein shall for any reason be illegal or unenforceable under applicable law, such illegality or unenforceability shall not affect any other provisions of this Ordinance, and this Ordinance shall be construed as if such illegal or unenforceable provision(s) had never been contained herein.

SECTION 14: The Company shall pay the expenses incurred for advertising required in connection with the passage of this Ordinance, after the date of its first reading, within thirty (30) days after the Company has received a bill for said advertising from the publisher. Following final passage of this Ordinance, the Township Clerk shall provide the Company with written notice thereof by certified mail. As provided by applicable law, this Ordinance, and any subsequent amendments, shall not become effective until acceptance thereof by the Company and approval thereof by the Board of Public Utilities.

SECTION B

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION D

This Ordinance shall take effect immediately upon final publication as provided by law.

PUBLIC HEARING

Council President Sanchelli opened the public hearing with the consent of the Council and asked speakers to state their name and address for the record.

Mark Bocchieri – Verizon

Mr. Bocchieri asked if the Council would give any consideration to extending the term of the Ordinance from fifteen (15) years to twenty (20) or possibly twenty-five (25).

With no one else wishing to be heard, Council President Sanchelli closed the public hearing.

Introduced: September 20, 2016

Adopted: October 5, 2016

Council Member	By	2 nd	Yes	No	Abstain	Absent	By	2nd	Yes	No	Abstain	Absent
Mr. Birmingham			X						X			
Mr. Dunham	X		X				X		X			
Mrs. Finnegan					X						X	
Vice President Merz		X	X					X	X			
President Sanchelli			X						X			

7. COUNCIL REPORTS

Council President Sanchelli said that the Council was aware that there was a group of residents requesting a zip code change for Lake Shawnee. He said the United States Postal Service would be sending out a neighborhood survey and that his recommendation was that the Council supports the results of the survey. Mr. Dunham said he would prefer to have the results of the survey prior to issuing a statement of support.

Mr. Birmingham said he had attended the Library Board meeting and had missed the Rockaway River Watershed Coalition meeting (RRWC), but thanked Jefferson resident and RRWC member Alex Coccoziello for attending. Mr. Birmingham reported that Mr. Coccoziello had successfully advocated for the RRWC to maintain water testing sites in Jefferson. He said that Mr. Coccoziello will be making a presentation to the Morris County Tech at Jefferson High School Academy for Environmental Science students and that they will be included in the water monitoring process.

Mr. Birmingham mentioned that Jefferson was one of the first municipality's to take advantage of energy deregulation and that per the Chief Financial Officer, the Township has saved more than two hundred fifty thousand dollars (\$250,000) on energy expenses since 2012 by going out to reverse bid.

Mr. Birmingham said that the issue of the Emerald Ash Borer and its impact on municipalities was discussed at the Morris County League of Municipalities dinner two weeks ago. He said he was hoping First Energy (JCP&L) would develop a biological solution and that this would help keep municipal costs down. Mayor Felter said that Morris County and the State of New Jersey were very active and out front on the ash borer issue. He mentioned that recreation areas and rights of way (ROW) are major areas of concern for most municipalities. Mayor Felter said that JCP&L has done a great job with their tree program and the Township will have to take steps to educate residents and will consider a harvesting program. He also said that a biological solution has been developed but it's extremely expensive, requires spraying the ash trees continuously for fifteen to twenty (15-20) years, and cannot be done from the air like the gypsy moth spraying but must be done at ground level.

Mr. Dunham reported attending the September 11th remembrance ceremony with Mr. Birmingham and Mrs. Finnegan, the Planning Board meeting, the Lake Hopatcong drawdown/DEP public comment meeting, labor contract negotiations, the Utility Advisory Board meeting, and the League of Municipalities dinner.

Mrs. Finnegan reported attending the September 11th remembrance ceremony, the League of Municipalities dinner and the Utility Advisory Board meeting with Mr. Dunham. She said she had spent a morning with the Health Officer and with Animal Control and that she would be helping with animal adoptions. She mentioned that she would be attending the Recreation Committee meeting on Tuesday.

Council Vice President Merz said she had attended the League of Municipalities Dinner and would be attending the Blue Star Celebration at the High School on October 15th at 10:00 am. She mentioned the Narcan training which will be held at the Health Center in October and November and talked about the efforts of the Municipal Alliance to combat the opiate crisis.

Council Vice President Merz stated that she had attended the Board of Education's first of three strategic planning meetings on September 26th. She said the three (3) workshops will be done in conjunction with the New Jersey School Board Association. She mentioned that there was good attendance and that she had heard positive comments about the relationship between the Board of Education and Township Council, the fields, and the Student Resource Officer (SRO). Council Vice President Merz said she plans to attend the next two meetings and asked Council members to advise her of any concerns they might wish to have addressed.

Council President Sanchelli commended the Department of Public Works for the excellent job cleaning the Berkshire Valley Road drain on Solar Road. He also praised the recycling center for its cleanliness and organization.

Council President Sanchelli stated that police around the country are going through a rough time, and the Jefferson Police Department deserves community support. He said that a blue stripe will be painted at a place to be determined in order to show support for law enforcement and to make the community aware of the dedication of Jefferson's Police Department. He announced that in the future, a red stripe would be painted to represent support for Fire/EMS, and a green stripe would be painted to represent support for active military and veterans.

Council Vice President Merz mentioned that the County Clerk is hosting a program tomorrow to honor and acknowledge police officers who are also veterans. She said Jefferson has seven (7) police officers attending.

8. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR

Mayor Felter said he also attended the Lake Hopatcong drawdown/DEP public comment meeting. He said that due to the changing weather patterns he is in favor of a twenty-two (22) inch drawdown limit as opposed to the standard twenty-six (26) inch limit.

Mayor Felter said that the CARES center has opened and has had some attendees.

Mayor Felter left the meeting after his report in order to attend a wake.

Mr. Leach passed out an email he had received about a public meeting to be held regarding New Jersey’s drought conditions. He mentioned that the Township has a drought plan stated in the Ordinance which allows the Mayor to place water restrictions on residents who utilize Township water. Council President Sanchelli said he had recently received a call from a resident whose well had run dry and was wondering what resources the Township could provide for residents in this situation. Mr. Leach said there were a few options and to refer the resident to him.

**9. NEW BUSINESS
Discussion - Solicitors**

Mr. Cohen expressed objections to the proposal to limit solicitation in the Township. He said in his opinion, the current Township Ordinance was sufficient and better police enforcement might be needed.

Council President Sanchelli suggested increasing public awareness and updating the website to inform residents of the Township parameters regarding solicitation and thought the newspaper might also consider printing this information.

Council President Sanchelli mentioned that the Mayor Keith Kazmark and the Council of Woodland Park had printed bumper stickers expressing support for their Police Department. He asked the Township Clerk to obtain prices so the Council could consider printing similar bumper stickers supporting the Jefferson Police.

Council President Sanchelli said that he expected to have a discussion about fee waivers at the next Council meeting.

10. RESOLUTIONS – Township Clerk

- **CONSENT AGENDA* – Township Clerk**

***Matters listed on the Consent Agenda Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.**

***MINUTES:
September 20, 2016**

- *PERMITS/LICENSES:**
- **OUTDOOR GATHERING PERMIT**
08-16 Jefferson Arts Committee – (Christmas in the Village)-December 3, 2016 10 am-4 pm
Reports: Police Chief; Health Officer; Fire Official

- *FEE WAIVER REQUEST**
- Jefferson Arts Committee – Christmas in the Village
\$50.00 Application Fee
\$42.00 Fire Bureau Fees/Uniform Fire Safety Fees per vendor (# of vendors undetermined)
 - Jefferson Township High School Band Parent Association
\$42.00 Fire Bureau Fees/Uniform Fire Safety Fees (4 vendors = \$168.00)

- *CONSENT AGENDA RESOLUTIONS:**
- 16-181 Resolution Authorizing the Approval of Bills
 - 16-182 Resolution Establishing A Written Policy Requiring the Tax Assessor To Notify The Township Council and Chief Financial Officer of All Tax Appeals
 - 16-183 Resolution Authorizing the Overpayment(s) of Taxes
 - 16-184 Resolution Cancelling Developer Escrow Account to Accutrack Fund
 - 16-185 Resolution of the Governing Body Certifying the Annual Audit
 - 16-186 Resolution Authorizing the Place-To-Place/Expansion of Premises Transfer of 57 Route 181, Lake Hopatcong (Township of Jefferson), New Jersey – Topsy Tom’s (Charley’s)
 - 16-187 Resolution Supporting a Fair School Funding Formula

Council Member	By	2 nd	Yes	No	Abstain	Absent
Mr. Birmingham		X	X*			
Mr. Dunham	X		X**			
Mrs. Finnegan			X			
Vice President Merz			X***			
President Sanchelli			X			

*Mr. Birmingham abstained from voting on Purchase Order #16-02786, Robert Birmingham
 **Mr. Dunham abstained from voting on Purchase Order #16-00548, Headley Lumber, and #16-03014, Jay Dunham
 ***Council Vice President Merz abstained from voting on Purchase Order #16-03042, Millie Blazovic

**11. PUBLIC COMMENT – Presiding Officer
Please state your name and address for the record.**

Council President Sanchelli opened the public comment portion of the meeting with the consent of the Council and asked speakers to state their name and address for the record.

With no one wishing to be heard, Council President Sanchelli closed the public comment portion of the meeting.

12. ADJOURNMENT AT 8:41 PM

Motion made by Mr. Dunham, second by Council Vice President Merz, to adjourn the meeting at 8:41 pm, with all members in favor signifying by "Aye".

ATTEST: October 5, 2016

Michele Reilly, Township Clerk

Michael J. Sanchelli, Council President