

# JEFFERSON TOWNSHIP COUNCIL

## Regular Meeting

December 2, 2015

Jefferson Township Municipal Building

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### Roll Call

Present

Absent

Mr. Dunham

Mr. Sanchelli

Mr. Birmingham

Vice President Merz

Township Attorney, Lawrence Cohen

Lori Harvin, Township Clerk

President Yocum

Mrs. Harvin said, "Let the record show that Mayor Russ Felter and Administrator, James Leach, are present.

### Salute to the Flag

Yocum asked everyone to rise to salute the flag.

### Notice of Presiding Officer

President Yocum said, "This Regular Council meeting for December 2, 2015, commencing at 7:00 p.m. has been properly noticed in accordance with the Open Public Meetings Act by notice to the official newspapers of the Township on November 25, 2015."

### Approval of Minutes of Previous Meeting

November 10, 2015 Regular All Members Present

**Motion:** Sanchelli, second Dunham

Mr. Dunham Aye

Mr. Sanchelli Aye

Mr. Birmingham Aye

Vice President Merz Aye

President Yocum Absent

ORDINANCE #20-15: ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$67,000 THEREFOR FROM THE WATER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP IS OFFERED FOR ADOPTION ON SECOND READING AND FINAL HEARING

Merz opened the meeting up to the public for questions or comments specific to proposed Ordinance 20-15. Seeing no one come forward, she closed the public portion of the meeting.

Motion to close the Public Portion of the Meeting.

**Motion:** Sanchelli, second Dunham

Mr. Dunham Aye

Mr. Sanchelli Aye

Mr. Birmingham Aye

Vice President Merz Aye

President Yocum Absent

Motion to Adopt 20-15

**Motion:** Sanchelli, second Dunham

Mr. Dunham Aye

Mr. Sanchelli Aye

Mr. Birmingham Aye

Vice President Merz Aye

President Yocum Absent

ORDINANCE #21-15: ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW

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JERSEY, AND APPROPRIATING \$114,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP IS OFFERED FOR ADOPTION ON SECOND READING AND FINAL HEARING

Merz opened the meeting up to the public for questions or comments specific to proposed Ordinance 21-15. Seeing no one come forward, she closed the public portion of the meeting.

**Motion:** Dunham, second Sanchelli

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

ORDINANCE #22-15: ORDINANCE ADOPTING THE REPORT OF THE TOWNSHIP ASSESSOR WITH REFERENCE TO THE ASSESSMENT FOR BENEFITS FOR THE REPAIR OF THE LAKE SWANNANOA DAM AND SETTING SPECIAL ASSESSMENTS THEREFOR IS OFFERED FOR ADOPTION ON SECOND READING AND FINAL HEARING

Merz opened the meeting up to the public for questions or comments specific to proposed Ordinance 22-15.

James Sisco of 27 Moquis Trail came forward. Sisco stated that he has been a resident for 35 years and he stated that there is a 10 foot buffer between his property and the Lake. Sisco asked if he will have rights to the buffer and the Lake. Cohen explained that this Assessment Ordinance does not address the issue of the buffer and the use of the Lake. That is a matter to be taken up with the Lake Swannanoa Association. Cohen stated that the property is lakefront for purposes of assessment only. Cohen said this does not grant Mr. Sisco any legal rights that he may or may not have to the Lake. Sisco referred to the answers he received to questions he posed and Cohen stated that Mr. Sisco has a right to access the Lake with the condition that he pay the Lake Association dues. Cohen advised Sisco that he has a right to go to Court regarding his right to utilize the Lake.

Merz asked Sisco if he has any questions with regard to Ordinance 22-15. Sisco said that if he has no right to the Lake and the 10 foot strip, then he feels he does not have Lakefront property. Cohen stated that anyone who is being assessed under this Ordinance has 45 days from the date when the Ordinance is adopted and published to appeal the decision in Court.

Diane McWilliams of 1 Manor Drive came forward. McWilliams said that she is not Lakefront, she cannot see the Lake from her house and she is on the stream

Bill Healy of 3 Manor Drive came forward to assist Mrs. McWilliams. Healy said that his house and McWilliams' house sit next to the Rockaway River. Healy said that on the map they are the only two houses not on the Lake that are being assessed. Healy said that he has a nice view of the Lake from his house but he does not believe that Diane's house is being enhanced by the Lake.

Cohen said the Council has the report of the Assessor and he believes this issue came up at the meeting of September 24 and it was explained by the Assessor. Cohen said everyone had the right to submit specific questions and Healy said that he did submit a question. Healy said the answer was that the properties are enhanced by the Lake and he disagrees. Cohen said that the Council has made a determination to adopt the Assessor's Report as submitted, including the assessments on your properties. Cohen repeated, that if you feel the enhancement to the value on your property is not what the assessor contends what it is, you have the right to appeal. Cohen said that appeal should be made within 45 days from the date of adoption.

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Merz asked if any other members of the public would like to come forward with a question or comment. Merz closed the public portion of the meeting.

Sanchelli commented that the Council is bound by law. Sanchelli encouraged any resident that feels they are being mis-assessed to appeal.

Dunham agreed with Councilman Sanchelli, who because of the shape of their property or house, to appeal to satisfy their own mind. The Council is obligated to follow certain parameters.

Birmingham said that he concurs that this was forced upon the Council by the State. Birmingham said that it has been a long arduous process and it was a lot of work for the Tax Assessor and the Administration but it is finally resolved.

Merz commented that there were a number of properties that the Council asked the Tax Assessor to go back and give the Council more information about so the Council would have a better grasp of the picture. The information that came back was enough so that the Council accepted the entire report.

Cohen clarified some minor wording changes that were made after the Introduction of the Ordinance.

Harvin read the following paragraph into the record, as minor wording amendments after the First Reading on 11/10/15:

**BE IT FURTHER ORDAINED** that the owners of the properties sought to be assessed herein shall have the right to elect to pay said assessments in installments over a seventeen-year period, which installments shall be paid semi-annually, and shall be due February 1 and August 1. In the event that any such installments shall fail to be paid within thirty (30) days of the due dates stated, the same shall carry interest at the same rate of interest for delinquent taxes.

Cohen commented that on the first page, the following minor amendment should be made:

**WHEREAS**, pursuant to N.J.S.A. 58:4-12 requires that the cost of payment

The changes were duly noted. Seeing no further comments, Merz called for a motion on the amendments.

**Motion:** Sanchelli, second Dunham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

**Motion to Approve Ordinance 22-15 As Amended**

**Motion:** Sanchelli, second Birmingham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

### Council Reports

- Motion: Change Start Time of December 16, 2015 Council Meeting from 7:00 p.m. to 6:00 p.m.

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**Motion:** Sanchelli, second Dunham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

Sanchelli reported that on Friday night the tree lighting will be held at the gazebo and Santa will be at Camp Jefferson from 10 to 2.

Birmingham reported that he attended the meeting of the Rockaway River Watershed Cabinet in Denville. The Rockaway Township representative has been attending Picatinny Arsenal meetings. Next year, Picatinny is going to aggressively cleaning up some of their hazardous areas using a new contractor. Picatinny will be cleaning up 28 different sites on arsenal property.

Birmingham reported that two weeks ago he attended a meeting in Denville with Administrator Leach regarding the new Environmental Academy which is scheduled to open in Jefferson in the Fall of 2016. The meeting was held with the Supervisor of the Science Department, the Supervisor of Curriculum for the Academy in Denville and it looks like everything is going very well. The Academy is scheduled to begin with 24 students from all over the County. Birmingham said that each year a new class will be added and within 4 years the hope is to have 100 students involved in this Academy which is associated with Kean University. In their Senior year, college credits will come from Kean University. The students will be involved with environmental projects within Jefferson Township. The Rockaway River Watershed Cabinet endorses the academy.

Dunham reported that he attended the League of Municipalities conference in Atlantic City and while there attended a crisis management seminar. Dunham commented on the use of Facebook as a communication tool. Dunham asked the Administration if this is something that the Chief may want to look at for the disbursement of information.

Dunham reported that he attended the Senior meeting on Monday as the liaison and the Budget Committee meeting. Dunham thanked the Administration for obtaining the \$300,000 grant for Babbling Brooke.

Merz reported that this weekend is filled with activities run through the Recreation Department beginning on Friday with the tree lighting through Monday with the Menorah lighting. The Recreation Department has put out an entire schedule which is available on the Township's website. Merz urged the Township's residents to take advantage of these activities. Birmingham commented that this is the 25<sup>th</sup> anniversary of the Community Band. Merz said the Light Illuminary will be held at the Gazebo on Sunday night to remember those that have been lost to suicide.

Merz reported that she attended the Budget Committee meeting. Merz asked the Administration how the 2016 Budget is coming along and when the Council can expect to receive the Budget. Leach said that the temporary Budget will be given to the Council on January 6, 2016.

### **Administrative Reports of Mayor and Administrator**

Felter made the appointment of:

Peter Sederas to the Planning Board for an unexpired term to 12/31/15.

Felter stated that he has the completed report on the issues that were brought up recently concerning the Animal Pound. Felter reported that out of the 25 items on the list, there was one item that needed to be addressed. Felter said that the most serious allegation was an issue concerning licenses for the controlled substances: Telazol and Ketamine. There are no licenses for those substances because the Pound does not have those drugs and does not use those drugs. Felter said there were

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questions about the Budget for the Pound and well over \$20,000 a year is spent on food and supplies. The \$1300 is budgeted for O&E and the remainder comes out of the animal trust. Felter invited anyone who wishes to inspect or tour the Pound to visit. A Health Official along with another Animal Control Officer from another town was at the Pound today doing an inspection. The report will be made available.

Merz commented that the reports and inspection reports will be made available to the Council and the public.

Leach reported that he stops in at the Animal Pound periodically and twice over the last 3 years the SPCA has made surprise inspections at the shelter. Leach said that last year the Vet of record met with him, the ACO and the Director of the Health Department to go over all procedures. Leach said that all maintenance is done at the facility.

### Miscellaneous/Public Portion

No one came forward.

### New Business

- Request: Appeal for Senate and Assembly Sponsorship and Support for Watershed Assembly Bill A4068 and Senate Bill S3223

Merz commented that she reached out to Senator Pennachio in reference to this Bill and at this time he is looking to co-sponsor this Bill. Merz asked the Council if there is agreement regarding sending a letter to the Township's representatives seeking their support for this legislation. Sanchelli commented that this is a bi-partisan bill. Birmingham commented that the Township has never really partnered with West Milford before, however, there are a lot of mutual interests as far as Watershed concerns. The Council was in agreement.

- Authorize Fee Waiver of \$331.00 for Fire Permit to Sars Auto Wreckers, Inc. in Lieu of Using Their Property for Jefferson Township Recreation

**Motion:** Sanchelli, second Dunham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

### Unfinished Business

- **Gypsy Moth Survey Results & Spraying Program 2016 Presentation**

Leach commented that the representatives from the NJ Department of Agriculture did the presentation at the last Council meeting and the State must be notified by December 18. The 2016 program would include 2,545 acres at a cost to participate of \$138,703 there is the possibility of a reimbursement of 50 percent. Leach commented that the Township recently purchased 2 properties, one for a little over \$500,000 and the other for a little less than \$300,000. Money can be used from the Open Space Trust Fund for maintenance of open space and park lands. Leach said there is about \$400,000 coming back to that fund from Green Acres. Leach said that if the Council decides to participate, the money would be appropriated from that fund. Merz polled the Council. Birmingham said that this topic came up at the Rockaway River Watershed meeting. Birmingham said that he does not think that Rockaway is participating in the spraying program. The RRWC feels that trees that may die along the river will have an impact on the canopy of the river. Leach said that Rockaway and West Milford did not spray last year. Birmingham said that hopefully if the County sprays it will compliment what Jefferson does. The Council discussed the ramifications of not spraying. The Council decided to spray the entire recommended areas. Leach said that a Motion is needed to participate in the 2016 Spraying Program, naming him as the representative to attend the May meeting.

**Motion:** Participate in 2016 Gypsy Moth Spraying Program  
James Leach, as Representative

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**Motion:** Sanchelli, second Dunham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

### Resolutions

**Resolution #15-85:** Approval of Bills

(114-A)

**Motion:** Sanchelli, second Dunham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

**Motion:**

PO No. 15-01776 Headley Lumber- \$23.68  
PO No. 15-03609 Headley Lumber- \$334.93  
PO No. 15-01776 Headley Lumber- \$833.13

**Motion:** Sanchelli, second Birmingham

Mr. Dunham	Not Voting
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

**Motion:**

Terri Tate PO No. 15-03716 - \$2,000.00

**Motion:** Dunham, second Birmingham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Not Voting
President Yocum	Absent

**Resolution #15-86:** Authorize Passage of Consent Agenda

(114-B)

**Motion:** Sanchelli, second Birmingham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

**Resolution #15-87:** Canceling Various Adopted Budget Revenues

(114-C)

**Motion:** Birmingham, second Dunham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

**Resolution #15-88:** Appropriation Transfers for 2015 Budget

(114-D)

**Motion:** Dunham, second Birmingham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

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**Miscellaneous/Public Portion:** No one came forward.

**Adjournment** at 7:55 p.m.

**Motion:** Dunham, second Birmingham

Mr. Dunham	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Merz	Aye
President Yocum	Absent

**Dated:** December 2, 2015

Attested:

Approved:

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Lori Harvin, Township Clerk

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Richard W. Yocum, Council President