

JEFFERSON TOWNSHIP COUNCIL

Regular Meeting

June 25, 2014

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Municipal Building, Council Chambers

Green Acres. Leach explained that the Open Space Hearing will be in October and hopefully the town will be successful and receive the Grant in November.

Yocum opened the meeting up to the Public for questions or comments. Seeing no one come forward, he closed the Public Hearing.

Felter thanked the Administrator for preparing this Application. Felter explained that there is another piece of property that is of significance and after that piece of property, all the property from Taylor Road all the way through Mahlon Dickerson to Paderewski will be preserved property.

Motion: Morris County Open Space Application 2014

Motion: Dunham, second Birmingham

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

Public Hearing Liquor License Restrictions

- **I Said Corp. t/a Mason Street Pub**

Yocum asked Herb and Susan Moore to come forward along with their Attorney, Lisa Thompson. Township Fire Official, Vinny Corsaro, came forward to advise the Council on the issues concerning the Notice of Violation that was initially served on May 15, 2014 concerning the tent. Yocum commented that the Council received a letter from Thompson regarding the restrictions; the tent issue must be addressed; and the issue of the Court Order from 1997. Yocum said the Liquor License Review Committee has held two meetings regarding these issues. Cohen said he will listen to the applicant regarding these issues. Thompson said that with the Liquor License renewal pending, this seemed like a good time to address these issues.

Merz arrived at 7:20 p.m.

Herb Moore said he is just trying to get permission to put the tent up. Yocum said that the approval process has to be followed. Corsaro said that the tent is in violation of the State Fire Code. Corsaro said there are processes that have to be followed and because of the Order that is in place, he cannot follow those processes.

Thompson went over the conditions and revision of the conditions that were submitted by the applicant in the June 4, 2014 letter. Yocum commented that there are a few conditions being addressed on this list that are not Council decisions, such as, occupancy limits. Thompson said that the purpose of the letter was to place all the items in one list.

(69-A)

Yocum asked Herb Moore about the issues with the septic system as noted in the Health Department's June 12, 2014 letter. Moore stated that he repaired the septic system four years ago. Yocum referred to the Health Department's letter stating that the system was operating on a temporary permit pending future replacement. Moore denied knowledge of this information and said he pumps the system every month. Yocum said that the work in 2010 was done with a permit but follow up work needs to be done. This does not pertain to the license but it is work that needs to be done.

Dunham questioned the map that was provided and asked if all the seating was noted on Exhibit A-1. Dunham asked about the second tent. Susan Moore said that the second tent was provided for smoking. Dunham said that there is also a table under that tent along with seats. There are also seats at a sandbox with Adirondack chairs and these are also places to consume alcohol. Moore commented that the entire property is licensed. Sanchelli said the entire property is licensed, the issue is that there is a tent located on the property. Dunham commented about the request for port-o-johns. Herb Moore said the port-o-johns are for the boat slip customers. Birmingham

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asked how the occupancy is being monitored at this point to keep to the 50 outside and 60 inside. Susan Moore stated that patrons move around the property and patrons are not served at the lawn chairs.

Merz commented on the safety of the roadway and maintaining a clear roadway for emergency vehicles. Merz said that she is concerned that some parking spaces have been lost with changes that have been made on the property over the years. Merz asked if the area where the smoking tent stands was previously used for parking. If the cars are now parking on the road, that is a problem. Sanchelli said the footprint of the building has not changed, however, parking is a major issue and that may need to be addressed as a municipality. Yocum added that the Township Health Department must follow up with the septic issue. Yocum said that it is in the best interests of the neighborhood not to change any of the restrictions at this time. If these things are taken seriously: the tent, the site plan, the septic and there is an effort to address these issues and get the proper approvals, then in the future, the Council can talk about relaxing liquor license restrictions. But these have been long term issues, but this is not a good situation. Yocum said the Council has a large report of incidents from the Police Department and there may be reasons for that in terms of the volume of business and the location of the business.

Cohen said that Mason Street Pub is a non-conforming use because it does not conform with the current zoning. It is in a residential zone. The Pub existed prior to the establishment of the current zoning. Cohen said that back in 1997, an application was brought pertaining to the use of the premises and whether or not there was an expansion of the premises. Judge Stanton found that it was a non-conforming use and there was expansion of the use for the bar and for the docks. Stanton found that the use was allowed to continue along with the patio and he placed conditions on that use which are outlined in the Order. Cohen said that an application can be made to the Board of Adjustment to expand that use. Cohen said that at this time, that application process to the Board of Adjustment has been skipped and this is illegal and it is in violation. Cohen said this has nothing to do with the liquor license. The tent is in violation of the fire codes, there is no site plan, and it is an illegal expansion of a non-conforming use. It is not the jurisdiction of the Council. The Council can impose reasonable restrictions on a liquor license. Yocum commented that other establishments with seasonal tents also have to follow the rules and procedures for licensing those tents. Cohen said that a site plan is needed for the tent and it is part of the process. In the meantime, the tent must immediately come down or it is subject to substantial fines. Cohen said that is a condition that can be placed on the license. Cohen said 50 seats are allowed on the patio. A smoking tent is not allowed and that tent must come down. Cohen said people can walk down to the dock but they cannot be served down there. Cohen said if the site plan application is made, the Moores may want to request, chairs in that area. Cohen said that as far as a request for port-o-johns, they are a temporary item and there are environmental concerns.

Cohen said that as far as restrictions on the license, the tent must come down; and the chairs should be removed from the property in the areas where they are restricted. Cohen noted that the Council may require restrictions on outside music; clearing of the parking lot; service outside; and restrictions to reduce disturbance to the neighbors. With regard to the police reports, there can be better policing of the parking lot and area outside to reduce disturbances. Cohen said that the owners can control how much patrons drink.

Yocum opened the meeting up to the public.

Charlotte Tagliareni came forward and stated that she was a resident on the street during the original lawsuit and subsequent Court Order of 1997. Tagliareni stated that the restrictions imposed by the Court Order have not been monitored. Tagliareni said that the conditions in the neighborhood have not changed so there is no need to bring about any changes. The roads have not widened, nothing has changed to lift any of the restrictions. Tagliareni said that a lot of money was spent to bring those restrictions and to conform to the neighborhood. Tagliareni said that caution has to be

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taken. Tagliareni asked at what point, if the Court Order is lifted, would the town be responsible for any problems that arise, if the roads are blocked. Tagliareni said that she has not made any recent complaints, however, slowly things are changing again. A cap has to be put on this again.

A resident of Glenwood Road came forward and stated that there should be more Police presence in the neighborhood. There are bottles on the lawn and at the bus stop. The roadway is blocked many times because there is parking on both sides of the street.

Yocum said that there are quality of life issues. There are site plan issues, which need to be dealt with by the Board of Adjustment. The renewal of the license will be contingent upon the tent coming down within 48 hours. Corsaro commented that there is a concern with the Bouncer controlling the headcount. The Bouncer is in charge of security and that individual is not able to accurately monitor the headcount. Corsaro advised the Moores to register the business with the State.

Felter commented that Officer Davis will be sent out and he will be asked to prepare a traffic safety report on Mason and Glenwood.

Resolution #14-71: Renewal of I Said Corp. t/a Mason Street
Pub Liquor License for Licensing Term 2014-2015
With Current Restrictions to Remain in Place
Contingent Upon Removal of all Tents by 6/27/14

(71-A)

Motion: Sanchelli, second Birmingham

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

Recess

The Council adjourned for Recess at 8:31 p.m. and reconvened at 8:40 p.m.

Council Reports

Motion: Schedule Special Meeting on July 7, 2014 at 7:00 p.m.

Motion: Yocum, second Merz

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

Sanchelli had no report this evening.

Merz had no report this evening.

Birmingham reported that he attended the ceremony to honor Councilwoman Merz by the Mental Health Awareness Association. Birmingham thanked Merz for her work to bring Awareness to the Community.

Dunham said that he was privileged to also attend the ceremony along with Councilman Birmingham, the Mayor and Administrator for Councilwoman Merz. It was greatly appreciated and there was a good representation from Jefferson Township. Dunham reported that he was able to attend the Eagle Scout Ceremony last week for Verdes along with the tag sale for Jefferson Township Rescue.

Sanchelli said he was not able to attend Merz's ceremony since he was recovering from surgery, however, he sends his well wishes.

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Yocum congratulated Merz on this award and said it is well deserved.

Administrative Reports of Mayor and Administrator

Mayor Felter had no report this evening.

Leach reported that the Surplus Property Auction was held yesterday. After paying the auctioneer, there was a surplus of about \$20,000.

Yocum thanked the Administration for acting so quickly on the Fire Hydrant issue that was brought to their attention.

Miscellaneous/Public Portion

Yocum opened the meeting up for questions for comments.

Kim Reid came forward and said that she is speaking on behalf of the Jr. Women's Club and their president Shawn Peters, who cannot be here tonight. Reid said that one of the biggest fundraisers is the Annual Wrobo Run. Reid spoke about the support that the Juniors gave toward the creation of the Wrobo Teen Rec Center for a total of \$22,000. Reid said that these funds have been held in an account for 10 years and at some point totaled \$28,000. Reid asked the Mayor, Administration and Council to either begin the work on the Center or either; 1) turn the funds over to the Juniors for another project or; 2) let the Juniors use the funds to create the center themselves.

Leach said that as soon as the Summer Camp is over, all the Buildings at Camp Jefferson are being inspected to see what structure work needs to be done. Yocum asked that this item be scheduled on the agenda for the first meeting in October for a follow up report.

New Business

Ordinances for First Reading:

ORDINANCE #14-14: ORDINANCE AMENDING CHAPTER 403 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED "SMOKING; SALE OF TOBACCO PRODUCTS" AND MORE PARTICULARLY SECTION 403-1, ENTITLED "DEFINITIONS" TO INCLUDE THE SALE OR USE OF ELECTRONIC CIGARETTES, ETC. IS OFFERED FOR ADOPTION ON FIRST READING WITH SECOND READING AND FINAL HEARING SCHEDULED FOR JULY 16, 2014

Merz asked that this Amendment be communicated to the Superintendent of Schools and shared with the School Resources Officers.

Motion: Sanchelli, second Dunham

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

Resolutions

Resolution #14-66: Liquor License Renewals 2014-2015

(72-A)

Motion: Sanchelli, second Yocum

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

Resolution #14-67: Person to Person Transfer of Plenary Retail Consumption License 1414-33-032-009 Wearhouse Grille, LLC to KJP Assets Management LLC t/a Upstream Grille, Inc.

(72-B)

Motion: Merz, second Dunham

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

Resolution #14-68: Designating a Portion of Jefferson Township Along State Highway 15 at Tierney Road, As An Area in Need of Redevelopment **(73-A)**

Motion: Sanchelli, second Dunham

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

Resolution #14-69: Approval of Bills **(73-B)**

Motion: Sanchelli, second Dunham

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

Motion to Approve:

PO No. 14-01794 Renee Lopez - \$250.00

PO No. 14-01795 JTHS PTSA - \$500.00

PO No. 14-01796 Morris County, Prevent, Is Key, Inc. - \$160.00

Motion: Sanchelli, second Dunham

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

Resolution #14-70: Authorize Passage of Consent Agenda **(73-C)**

Motion: Sanchelli, second Dunham

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

Miscellaneous/Public Portion

No one came forward.

Adjournment at 9:08 p.m.

Motion: Sanchelli, second Dunham

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

Dated: June 25, 2014

Attested:

Approved:

Lori Harvin, Township Clerk

Richard W. Yocum, Council President