

# JEFFERSON TOWNSHIP COUNCIL

## Regular Meeting

August 14, 2013

75

### Roll Call

Present	Absent
Mr. Dunham	
Mrs. Merz	
Mr. Birmingham	Vice President Sanchelli
President Yocum	
Richard Wenner, Township Attorney	
Lori Harvin, Township Clerk	

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

### Salute to the Flag

Council President Yocum asked everyone to rise and he then asked Greg Geiss to lead all in attendance in the Pledge of Allegiance.

### Notice of Presiding Officer

Council President Yocum said, "This Regular Council meeting for August 14, 2013, 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 August 8, 2013."

### Resolution Commending Greg Geiss and His Commitment to the Leukemia & Lymphoma Society's "Light the Night" Walk and Proclamation Declaring October 26, 2013 "Light the Night" in Jefferson Township

Yocum asked Greg Geiss to come forward along with his parents. Yocum presented Greg with a Resolution of commendation. Yocum then personally congratulated him on his remission and his outstanding support to help others. Mayor Felter read the Proclamation declaring October 26<sup>th</sup>, 2013, "Light the Night" in Jefferson Township. Greg received individual congratulations from the Council.

### Approval of Minutes of Previous Meeting

July 17, 2013 Regular Meeting All Members Present

<b>Motion:</b> Merz, second Dunham	
Mr. Dunham	Aye
Mrs. Merz	Aye
Mr. Birmingham	Aye
Vice President Sanchelli	Absent
President Yocum	Aye

### Council Reports

Birmingham had no report this evening.

Dunham thanked the DPW for responding so quickly to the report of downed trees at Waters Edge and Schoolhouse Road and Ridge Road. Dunham thanked the Clerk's Office and all the Departments for the cooperation with the Special Election.

Dunham asked about Assemblywoman DeCroce's proposed Bill 1563 for the assessment of watershed property and how the Administration and Council was going to proceed. Yocum asked if the Administration could review the Bill and present a brief report to the Council for the next Agenda.

Dunham asked if the new police vehicles have been delivered. Leach said he does not know if they are in service yet. Yocum asked the Administration for an update on the vehicles.

Merz reported that she attended a meeting at Senator Pennachio's office with Leach regarding changes to the OPRA legislation. The meeting was 3 hours long with a great deal of controversy. The rewritten legislation will be sent back out.

# JEFFERSON TOWNSHIP COUNCIL

## Regular Meeting

August 14, 2013

76

Merz reported that a Liquor License Committee meeting was held this evening. Merz commented that a current licensee would like to have some changes made to the restrictions on the license. Merz said a Court Order put many of the restrictions in place and the town has tried to comply with that Order since 1997. Merz said that the Council has a verbal opinion that the restrictions can be changed by Council Resolution. Merz asked for a legal opinion in writing. Yocum said there are 2 issues; the restrictions placed on the license by the Municipal Governing Body/Township Council which can be removed or increased. Yocum said the question comes in regarding the Township Council over-riding or superseding those restrictions that were issued through a Court Order against this license. Yocum said that the Council would like an opinion from the Attorney regarding the Court Ordered restrictions. Merz said the meeting was necessitated because of a tent housed at the location, which has been there for 9 years. There are other establishments that have tents. Merz said this came about to try to allow the tent to stay where it is from April to October. Other issues that arose include; serving food outside and under the tent – changing restriction from 10:00 p.m. to 12:00 a.m.; serving alcohol in outside area from 10:00 p.m. to 2:00 a.m. The number of people being served stays the same. Merz said it was mentioned that if this was amicable to the Council, this would be reviewed in 6 months time. Merz said she feels it is important that the Liquor License Review Committee: 1) go out and look at existing establishments that have tents and outdoor service to see what is actually being done; and 2) go back and look at previous year's compliance issues with this particular applicant; and 3) review this issue in 3 months time since the winter is coming up.

Yocum said that the Liquor License Committee should go out and look at the other establishments around the lake to see what they are doing. If other establishments are able to effectively operate their businesses in that manner, then this business should be able to also.

Merz said if the regular member of the Liquor License Committee cannot fulfill all those duties, then there should be a stand-in as there was today. Yocum said yes and Merz said there should be a consistency for all the review/inspection of establishments.

Leach said this Court Order was as a result of a Civil Matter concerning zoning issues. It started as a Board of Adjustment hearing.

Yocum reported that he is lucky that he has been an instructor at the Jefferson Township Police Department's Junior Police Academy for the last 6 years. The Department does a great job. Yocum said that he is always impressed by the participants and the instructors. The transformation that the kids make in that short period of time is amazing.

Yocum said National Night Out was extremely successful and well attended. A great job was done by all who worked and volunteered their time.

### **Administrative Report of Mayor and Administrator**

Felter commented that the Police do such a wonderful job with the Junior Police Academy. Felter said the National Night Out was a great success and he thanked all the organizations that helped including the Municipal Alliance, Rescue Squads and Emergency Services.

Felter said that the Lake Hopatcong Commission will be meeting here. Felter said that he is stepping down as Chairman and he will stay on until the Governor appoints a replacement. Felter said that he would like to thank his Administrative Assistant, Joanne Meyer, who handles many of the emails and phone calls.

Leach reported that construction will commence tomorrow on the County Bridge on Lower Berkshire Valley Road. A temporary traffic system will be implemented. The road will be realigned and raised. Felter said this should help with flooding in the area. Leach said the construction will take all winter.

### **Miscellaneous/Public Portion**

No one came forward.

# JEFFERSON TOWNSHIP COUNCIL

## Regular Meeting

August 14, 2013

77

Felter left the meeting at 7:28 p.m.

### New Business

Outdoor Gathering Permit for Jefferson Township Fire Co. No. 1: Wetdown, September 7, 2013, 6:00 p.m. to 12:00 a.m.  
Request Waiver of Fees: Application fee of \$25.00; Uniform Fire Safety Code Fee of \$42.00

Reports received from: Fire Official, Police Chief, Health Official

**Motion:** Dunham, second Birmingham

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

### Resolutions:

**Resolution #13-62:** Authorize 2013 Capital Budget Amendment

(77-A)

**Motion:** Merz, second Birmingham

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

### Ordinances for First Reading:

ORDINANCE #13-13: ORDINANCE VACATING A PORTION OF CHABON COURT, IN THE TOWNSHIP OF JEFFERSON, COUNTY OF MORRIS AND STATE OF NEW JERSEY IS OFFERED FOR ADOPTION ON FIRST READING WITH SECOND READING AND FINAL HEARING SCHEDULED FOR SEPTEMBER 4, 2013

**Motion:** Dunham, second Birmingham

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

ORDINANCE #14-13: ORDINANCE PROVIDING FOR THE IMPROVEMENT OF WELDON ROAD AND VARIOUS LOCATIONS FOR THE JEFFERSON TOWNSHIP BOARD OF EDUCATION BY THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$500,000 THEREFOR FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT AND FROM BOARD OF EDUCATION MONIES THROUGH A SHARED SERVICE AGREEMENT IS OFFERED FOR ADOPTION ON FIRST READING WITH SECOND READING AND FINAL HEARING SCHEDULED FOR SEPTEMBER 4, 2013

**Motion:** Birmingham, second Yocum

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

# JEFFERSON TOWNSHIP COUNCIL

## Regular Meeting

August 14, 2013

78

### Resolutions

**Resolution #13-63:** Person to Person Transfer of Liquor License (78-A)  
No. 1414-33-002-006, CDZ Properties, LLC to VGB Group, LLC

Yocum said that the Clerk's Office received a withdrawal of the Consent to Transfer by the current owner of the license. Township Attorney, Wenner, said that in light of the fact that the Consent to Transfer has been withdrawn by the transferor and there is some dispute between the parties, it is recommended to table the Motion until the issues are resolved.

**Motion: Table Resolution 13-63**

**Motion:** Merz, second Dunham

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

**Resolution #13-64:** Renewal of Liquor Licenses for Licensing Term (78-B)  
2013-14

License Numbers: 1414-33-001-006 and 1414-33-004-011

**Motion:** Merz, second Dunham

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

**Resolution #13-65:** Approval of Bills (78-C)

Removal of: PO 13-02443 PO 13-02162  
PO 13-02168 PO 13-02183  
PO 13-02317

**Motion:** Dunham, second Merz

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

**MOTION: Approval of PO No. 13-02443 Katie Della Terza - \$50.00**

**Motion:** Dunham, second Birmingham

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

**MOTION: Approval of:**

PO No. 13-02162 Headley Lumber Co. - \$348.79  
PO No. 13-02168 Headley Lumber Co. - \$66.46  
PO No. 13-02183 Headley Lumber Co. - \$24.40  
PO No. 13-02317 Headley Lumber Co. - \$248.53

**Motion:** Merz, second Birmingham

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

**Resolution #13-66:** Authorize Passage of Consent Agenda (78-D)  
Removal of Item No. 2

# JEFFERSON TOWNSHIP COUNCIL

## Regular Meeting

August 14, 2013

79

**Motion:** Birmingham, second Dunham  
Mr. Dunham Aye  
Mrs. Merz Aye  
Mr. Birmingham Aye  
Vice President Sanchelli Absent  
President Yocum Aye

**Resolution #13-70:** Reappointment of Township Clerk, Lori Harvin (79-A)

**Motion:** Birmingham, second Dunham  
Mr. Dunham Aye  
Mrs. Merz Aye  
Mr. Birmingham Aye  
Vice President Sanchelli Absent  
President Yocum Aye

**Resolution #13-67:** Authorize Execution of Lease Agreement Between Fire Company No. 2, Inc. and Township of Jefferson for Premises known as 15 Schwarz Boulevard, Lot 9, Block 56, for a Term of Thirty (30) Years (79-B)

**Motion:** Merz, second Dunham  
Mr. Dunham Aye  
Mrs. Merz Aye  
Mr. Birmingham Aye  
Vice President Sanchelli Absent  
President Yocum Aye

**Resolution #13-69:** Authorize Execution of Shared Services Agreement By and Between Jefferson Township and the Jefferson Township Board of Education Relative To The Paving And Improvement Of, *Inter Alia*, Various Board Of Education Parking Lots Within The Township Of Jefferson (79-C)

**Motion:** Dunham, second Birmingham  
Mr. Dunham Aye  
Mrs. Merz Aye  
Mr. Birmingham Aye  
Vice President Sanchelli Absent  
President Yocum Aye

### Miscellaneous/Public Portion

No one came forward.

### Adjournment at 7:40 p.m.

**Motion:** Dunham, second Merz  
Mr. Dunham Aye  
Mrs. Merz Aye  
Mr. Birmingham Aye  
Vice President Sanchelli Absent  
President Yocum Aye

**Dated:** August 14, 2013

Attested:

Approved:

---

Lori Harvin, Township Clerk

---

Richard W. Yocum, Council President