

JEFFERSON TOWNSHIP COUNCIL

Special Meeting

September 24, 2015

Jefferson Township High School, Auditorium

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Roll Call	Present	Absent
Mr. Dunham		
Mr. Sanchelli		
Mr. Birmingham		
Vice President Merz		
President Yocum		
Township Attorney, Lawrence Cohen		
Lori Harvin, Township Clerk		

Mrs. Harvin said, "Let the record show that Mayor Felter and Administrator, James Leach, are present. Also present is Tax Assessor, Shawn Hopkins, and Matthew Krauser of Integra Realty Resources.

Salute to the Flag

Yocum asked everyone to rise to salute the flag.

Notice of Presiding Officer

President Yocum said, "This Special Council meeting for September 24, 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 September 17, 2015."

Opening Remarks

- **Council President Statement**

Yocum read a prepared statement regarding the process that the Township has had to follow with regard to the endorsement of the long-term loan application with the State of New Jersey and the subsequent assessment for the repayment of that loan. Yocum followed this statement with a brief request for all in attendance to remain respectful during the hearing for the Administration, the Council and for anyone who is up at the podium.

(92-A)

- **Legal Overview – Township Attorney, Lawrence Cohen**

Cohen stated that the original loan has not been rolled into this new loan. The original loan has been satisfied as of April of 2015 by the Swannanoa Sentinal Society. Cohen stated that the amount of the assessment is \$865,501.07 and that appears on page 12 of the Assessment Report. This amount was lowered because of the cooperation between the town and the Swannanoa Lake Association. The Report is a compilation of 9 years of the methodology used in reaching the proposed assessment numbers. Cohen said that State Law mandates how an assessment for benefits is done. The assessment amounts are at a rate of 2 percent over 20 years. The Association could not receive the loan unless the town was a co-signer. The loan mandates that when the town is a co-signer, the town is obligated to collect from the homeowners who receive an enhancement in home value. Cohen said that once this hearing is over, the Council must come to a decision. In order to impose the assessments there must be an Ordinance. An Ordinance must be Introduced at a public meeting and then there must be another Public Hearing. Cohen explained that aggrieved parties may appeal to the Superior Court of New Jersey.

- **Assessment Report Preparation – Tax Assessor, Shawn Hopkins**

Hopkins explained that he was given the Appraisal Assignment to prepare the Assessment Report for the Lake Swannanoa dam repair loan. The assignment included a determination if there is value added to properties because of Lake Swannanoa. Sales for the time period January 1, 2006 through December 31, 2014 were utilized to develop a land residual model. Hopkins explained the review of comparable sales within the Lake Swannanoa area to determine the effect on the value of properties based on their proximity to the lake. After looking at the sales over the 9 year period, only those properties that appear in yellow or "lake adjacent" show an enhancement in market value. Hopkins explained that the prices per square foot for these properties was 33 percent higher in value.

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Questions Submitted to the Council and Administration:

- 1) Egan, 23 Manor Drive: Feels that his property appears twice in the report and may be assessed twice.

Hopkins explained that 23 Manor Drive only appears once on the Swannanoa Special Assessment Schedule and is only receiving one Special Assessment.

- 2) Healy, 3 Manor Drive: Property was not part of the original assessment and feels it should not be included in this assessment.

Hopkins stated that based on the data, an enhancement to benefit for this property.

- 3) Dyl, Joseph: Feel that all the properties should be assessed equal shares.

Hopkins explained that the State Statute does not allow the equal dividing of the assessment. The Assessment must be split according to an assessment for benefit.

Cohen stated that there were a few questions about the 10 foot strip running around the Lake. Hopkins said that during the assessment process, he was well aware of the 10 foot strip and that is why he is using the terminology, lake adjacent. The 10 foot strip is similar to a sidewalk or the Township easement along the roadway that most people maintain as their own.

Public Hearing/Comments

Yocum opened the meeting up to the public for questions or comments regarding the Lake Swannanoa Enhancement of Benefits Assessment Report.

Dale Anderson of 10 Lenape Trail came forward. Anderson had a question about the value of the home and how improvements to a home may affect the special assessment.

Krauser said that the appraisal is being done on an incremental value of the land since it is lake adjacent. Hopkins reiterated that this assessment for benefits is not on the home, only on the land portion of the assessment. Improvements for the house were removed and it is solely on the land.

Jennifer Fetterman of 38 Pequot Trail came forward. Fetterman said that she feels it is flawed to say that those who do not live on the lake do not receive a benefit. Fetterman said that she feels everyone in the entire Lake Swannanoa Reservation should be assessed.

Hopkins said that the appraisal data supported the enhancement in land value for those properties that are lake adjacent.

James Sisco of 27 Moquis Trail came forward. Sisco asked if he will be a member of the Lake Association as a result of this Assessment. Sisco said he has not maintained the 10 foot strip of land and will he receive a deed for the 10 foot strip of land.

Hopkins said that he will not become a member automatically and he will not receive a deed for that land.

Pierse Plumly of 3 Lakeview Court came forward. Plumly asked why he was not advised of the impending lien. Plumly then asked about unclosed permits for his home when he purchased the home.

Hopkins said that there is currently no lien on any property. The Township Council must pass an Ordinance first for there to be an Assessment Lien. Hopkins said that he must speak with Plumly further and review his property to answer questions regarding any unclosed permits.

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Barbara Katz of 4 Lakeview Court came forward. Katz said she feels there are some discrepancies in the report and some homes that should be included. Katz brought paperwork to be presented to the Tax Assessor.

Stephen O'Toole of 2 Cayuga Trail came forward. O'Toole said that he has a problem with the use of the word benefit. O'Toole said he feels that instead of 123 homes, there should be 300 homes assessed.

Mrs. O'Toole of 2 Cayuga Trail came forward. O'Toole asked what will happen if one of the 123 homes assessed defaults.

Cohen answered that the assessment is the same as taxes. The default by one property owner does not affect the assessment of the other property owners. A lien will be placed on the property that defaults.

O'Toole asked why the Special Assessment is based on 9 years of data. Hopkins said that he used 9 years of assessment data because that is the number of years' worth of data that is available in the system.

Pamela Alheidt came forward and asked if the Lake can become Township owned so it can be used by all the residents. The Administration explained that the Lake is privately held and it will not be taken over by the Township.

Irene Egan of 23 Manor Drive came forward. Egan asked how the bill will be paid. Leach explained that the bill will most likely be paid yearly in two installments. The residents with an assessment will receive a post card with 2 tear off portions and the payments will be collected by the Tax Office.

A resident of Manor Drive came forward and stated that the Township receives a benefit from the Lake in the form of drainage, etc. He asked if the Township is paying a portion of the assessment. The Mayor stated that the Township has paid for the work on the dam in the form of use of the Township Engineer and the work that was done by the Township's DPW on the actual repair of the dam. These services total approximately \$130,000.

Yocum asked if any other members of the audience would like to come forward with a question or comment. Yocum said that residents who had a question that was not answered this evening will receive further information from a member of the Administration. Yocum encouraged anyone with a question or comment to contact the Clerk's Office.

Katz of 4 Lakeview Drive stated that she would like to thank the members of the Council and the Administration for the work that was done in cooperation with the Lake Swannanoa Association.

Yocum thanked everyone who attended the meeting.

Adjournment at 8:35 p.m.

Motion: Dunham, second Birmingham

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

Dated: September 24, 2015

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Attested:

Approved:

Lori Harvin, Township Clerk

Richard W. Yocum, Council President

MINUTES PREPARED FROM CLERK'S NOTES
DUE TO MALFUNCTION OF RECORDING SYSTEM