

JEFFERSON TOWNSHIP COUNCIL
MEETING LOCATION: JEFFERSON TOWNSHIP MUNICIPAL BUILDING
1033 WELDON ROAD
LAKE HOPATCONG, NJ 07849
CONTACT: 973-208-6132/33
www.jeffersontownship.net

AUGUST 4, 2021
REGULAR MEETING – 7:00 PM
AGENDA

**TO THE
EXTENT
KNOWN
AS OF
7.30.21**

1. CALL TO ORDER – Presiding Officer

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of **August 4, 2021** was included in a list of meetings notice sent to the official newspapers of the Township, the Daily Record and the Star Ledger, on **January 8, 2021** and was posted on the bulletin board in the Municipal Building on **January 8, 2021** and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. The change in location was noticed on **June 11, 2021**.

Proper notice having been given, the Township Clerk is directed to include this statement in the minutes of this meeting.

2. ROLL CALL – Township Clerk

| | Present | Absent |
|---------------------------------|---------|--------|
| Mr. Birmingham | | |
| Mr. Kalish | | |
| Mr. Smith | | |
| Vice President Dunham | | |
| President Senatore | | |
| Mr. Frodella, Township Attorney | | |
| Ms. Reilly, Township Clerk | | |

Let the record reflect the following members of the Administration are present: Mayor Eric Wilsusen.

3. SALUTE TO THE FLAG – Presiding Officer

4. SPECIAL PRESENTATIONS – Presiding Officer

- None for August 4, 2021

5. PUBLIC COMMENT – Presiding Officer

Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

6. ORDINANCES –PUBLIC HEARING AND VOTE FOR ADOPTION – Township Clerk

ORDINANCE #21-14 – ORDINANCE AMENDING CHAPTER 490 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE, SPECIFICALLY ARTICLE VII, SECTION 27 ENTITLED “PROHIBITED USES” AND PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWNSHIP OF JEFFERSON

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Jefferson Township Council of the Township of Jefferson has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Jefferson in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Jefferson's residents and members of the public who visit, travel, or conduct business in the Township of Jefferson, to amend the Township of Jefferson's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Jefferson; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Jefferson, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 490-27 of the Jefferson Township Municipal Code is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."
3. Any article, section, paragraph, subsection, clause, or other provision of the Jefferson Township Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Morris County Planning Board, and as otherwise provided for by law.

SECTION II

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

SECTION III

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

SECTION IV

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

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

INTRODUCTION:

JUNE 23, 2021

ADOPTION:

| Council Member | By | 2 nd | Yes | No | Abstain | Absent | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | X | | | | | | | | | |
| Mr. Kalish | | | X | | | | | | | | | |
| Mr. Smith | | X | X | | | | | | | | | |
| Vice President Dunham | X | | X | | | | | | | | | |
| President Senatore | | | X | | | | | | | | | |

ORDINANCE #21-17 – ORDINANCE AMENDING CHAPTER 490 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED 'ZONING', SPECIFICALLY, ARTICLE IX, SECTION 45 ENTITLED 'VIOLATIONS AND PENALTIES' AND ARTICLE X, SECTION 51 ENTITLED OBTAINING A ZONING COMPLIANCE PERMIT ANDSECTION 55 ENTITLED FEE"

WHEREAS, the Township of Jefferson desires to amend Section 490-45, Violations and penalties, of the Jefferson Township Municipal Code, which has been reviewed and determined that revisions are necessary; and

WHEREAS, the Township of Jefferson desires to amend Section 490-51, Obtaining a zoning compliance permit, of the Jefferson Township Municipal Code, which has been reviewed and determined that revisions are necessary; and

WHEREAS, the Township's attorney's office, as well as the Zoning Officer, Construction Official and the Township Engineer have reviewed the proposed Ordinance and related documents and agree that it is acceptable.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Section 490-45, Violations and penalties and Section 490-51, Obtaining a zoning compliance permit is amended as follows:

SECTION I

Jefferson Township Code, Subsection B of Section 490-45, "Violations and penalties" is hereby repealed in its entirety and replaced as follows:

A. Violations:

- (1) No building or structure shall be erected, constructed, altered, repaired, converted, maintained or used in violation of this chapter. In addition to their right to institute an action seeking the imposition of the penalties set forth in Section 490-45B hereof, the local authorities of the Township of Jefferson or any interested party may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Each and every day such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a separate and distinct violation.
- (2) Every owner or user of real property which is developed, constructed, altered, repaired, converted, maintained or used pursuant to an approval of the Land Use Board or pursuant to a permit or permits issued under the authority of the Township Engineer, Construction Official, Construction Subcode Official(s) or Zoning Officer is required to develop, construct, alter, repair, convert, maintain or use such real property in strict compliance with all conditions of such approvals or permit, including but not limited to strict compliance with all site plans, plot plans, blueprints, architectural drawings, schematics, renderings, surveys, and the like which such owner, user, or other person acting under the authority of an owner or user submitted to the Township as part of an application for Board approval and/or for the issuance of a permit and upon which the Township's issuance of such approvals and/or permits were predicated. Failure to comply with the provisions hereof shall constitute a violation of this chapter. In addition to their right to institute an action seeking the imposition of penalties set forth in Section 490-45B hereof, the local authorities of the Township of Jefferson or any interested party may institute any appropriate action or proceedings to prevent any development, construction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Each and every day such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a separate and distinct violation.

B. Penalties. For any and every violation of any written provision of this chapter and upon failure to comply with written notice thereof or order to remove such violation within five days after service of such notice or order, the owner, agent or contractor of a building, structure, premises, lot or land where such violation has been committed or shall exist and the lessee or tenant of an entire building, structure, premises, lot or land where such violation has been committed or shall exist and the owner, agent or contractor, lessee or tenant of any part of a building, structure, premises, lot or land in which part such violation has been committed or shall exist and the agent, architect, builder or contractor or any other person who commits, takes part or assists in such violation or who maintains any building, structure, premises, lot or land in which such violations shall exist shall be subject to a fine not exceeding \$2,000 or to imprisonment for not more than 90 days, or both, and each and every day the violation continues after the owner, agent or contractor of the building, structure, premises, lot or land which such violation occurred has been notified thereof shall be deemed a separate and distinct violation.

SECTION II

Jefferson Township Code, Section 490-51, "Obtaining a zoning compliance permit" shall be amended in part, to include the following:

The use, erection, construction, reconstruction, alteration, conversion or alteration of a structure or building shall not occur without first obtaining a zoning compliance permit from the Jefferson Township Zoning Officer.

SECTION III

Jefferson Township Code, Section 490-55, "Fee" is hereby repealed in its entirety and replaced as follows:

Every application for a zoning compliance permit shall require a fee of \$50.

SECTION IV

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

SECTION V

If any article, section, subsection, paragraphs, 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 VI

The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Planning Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Morris County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION VII

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

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

INTRODUCTION: JUNE 23, 2021

ADOPTION:

| Council Member | By | 2 nd | Yes | No | Abstain | Absent | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | X | X | | | | | | | | | |
| Mr. Kalish | | | X | | | | | | | | | |
| Mr. Smith | | | X | | | | | | | | | |
| Vice President Dunham | X | | X | | | | | | | | | |
| President Senatore | | | X | | | | | | | | | |

ORDINANCE #21-19 - ORDINANCE AMENDING CHAPTER 429, STREETS AND SIDEWALKS, OF THE CODE OF THE TOWNSHIP OF JEFFERSON”

WHEREAS, the Township of Jefferson desires to amend Chapter 429, Streets and Sidewalks; of the Jefferson Township Municipal Code, to comply with changes to the Stormwater Management Rules, N.J.A.C. 7:8-1.1, et seq. and

WHEREAS, the New Jersey Department of Environmental Protection has directed all Municipalities to make the required changes to their respective Stormwater Control standards; and

WHEREAS, the Township’s attorney’s office, as well as the Township Engineer have reviewed the proposed Ordinance and related documents and agree that it is acceptable; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 429, entitled “Streets and Sidewalks” is amended as follows:

SECTION I

Jefferson Township Code, Chapter 429, shall be amended in part, to include a new Article IV entitled “Private Storm Drain Inlet Retrofitting:

Chapter 429, STREETS AND SIDEWALKS, ARTICLE IV – PRIVATE STORM DRAIN INLET RETROFITTING

§ 429-37. Purpose.

This article requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Jefferson so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 429-38. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)” - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Jefferson, and is designed and used for collecting and conveying stormwater.

“PERSON” - Any individual, corporation, company, partnership, firm, association, any other type of entity or political subdivision of this State subject to municipal jurisdiction.

“STORM DRAIN INLET” - An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

“WATERS OF THE STATE” - Means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 429-39. Prohibited Conduct.

No Person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in Section 429-40 below prior to the completion of the project.

§ 429-40. Design standard.

Storm drain inlets identified in Section 429-39 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see paragraph C below.

- A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

A. This standard does not apply:

(1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 429-41. Enforcement.

This ordinance shall be enforced by the Engineering Department and/or the Department of Public Works of the Township of Jefferson.

§ 429-42. Violations and Penalties.

Any person(s), corporation, occupant, or entity that violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder, shall be subject to a fine not to exceed \$1,000 for each storm drain inlet that is not retrofitted to meet the design standard.

SECTION II

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

SECTION III

If any article, section, subsection, paragraphs, 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 IV

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

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

INTRODUCTION:

JULY 7, 2021

ADOPTION:

| Council Member | By | 2 nd | Yes | No | Abstain | Absent | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | X | | | | | | | | | |
| Mr. Kalish | | X | X | | | | | | | | | |
| Mr. Smith | X | | X | | | | | | | | | |
| Vice President Dunham | | | | X | | | | | | | | |
| President Senatore | | | X | | | | | | | | | |

7. **COUNCIL AND MAYOR DISCUSSION – Presiding Officer**
 - Amend Chapter 47, Section 9, Fire Department Membership
 - Amend Chapter 490, Section 35, Add Use of Apartment Buildings Above Commercial Units in C-1 and C-2 Districts
 - Morris County Solid Waste Management Plan Administrative Action Request – Jefferson Recycling, LLC – Class B Recycling Facility Modification for Block 272 Lots 8 and 9
8. **ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR – Mayor Wilsusen**

- 9. COUNCIL REPORTS – Presiding Officer
- 10. ORDINANCES – FIRST READING – Township Clerk

ORDINANCE #21-20 - ORDINANCE AMENDING CHAPTER 403, SMOKING; SALE OF TOBACCO PRODUCTS, SPECIFICALLY SECTION 403-1 ENTITLED “DEFINITIONS” OF THE CODE OF THE TOWNSHIP OF JEFFERSON

WHEREAS, the Jefferson Township Council has reviewed the Township Code regarding smoking and has determined that revisions are necessary to include cannabis products in the smoking prohibition.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Jefferson Township Municipal Code is hereby amended to revise Section 401-1 “Definitions” as follows:

SECTION I Section 403-1 of the Jefferson Township Municipal Code is hereby amended by adding the following definitions:

HASHISH

The resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

MARIJUANA

All parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

SMOKING

The burning of a cigar, cigarette, pipe or any other matter or substance which contains any form of tobacco, marijuana, or hashish. Said definition shall include the use of nicotine delivery systems, electronic cigarettes, or personal vaporizers using tobacco, marijuana, or hashish or their by-products.

SECTION II

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

SECTION III

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

SECTION IV

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

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **September 1, 2021**.

INTRODUCTION:

ADOPTION:

| Council Member | By | 2 nd | Yes | No | Abstain | Absent | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | | | | | | | |
| Mr. Kalish | | | | | | | | | | | | |
| Mr. Smith | | | | | | | | | | | | |
| Vice President Dunham | | | | | | | | | | | | |
| President Senatore | | | | | | | | | | | | |

ORDINANCE #21-21 - ORDINANCE AMENDING CHAPTER 490, ZONING, SPECIFICALLY SECTION 490-30 ENTITLED “SIGNS” OF THE CODE OF THE TOWNSHIP OF JEFFERSON

WHEREAS, the Jefferson Township Council has reviewed the Township Code regarding signage and has determined that revisions are advisable.

NOW THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Jefferson Township Municipal Code is hereby amended to revise Section 490-30 “Signs” as follows:

SECTION I Section 490-30 of the Jefferson Township Municipal Code is hereby deleted in its entirety and replaced with the following:

§490-30. Signs

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ATTACHED SIGN

Any sign on or affixed to any exterior surface of a building, provided such sign does not project beyond six inches from said exterior surface, does not project past any exterior corner of the building or project beyond any portion of the roof.

BANNER SIGN

Any sign printed or displayed upon cloth or other flexible material, with or without frames.

BILLBOARD SIGN

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

FREESTANDING SIGN

Any permanent sign which is not attached to the exterior surface of a building, window or canopy and excluding moveable signs.

SIGN

Any object, device, display or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

SIGN, ANIMATED OR MOVING

Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

SIGN AWNING

A sign mounted, painted or attached to an awning or other window or door canopy that is otherwise permitted by ordinance.

SIGN, BUSINESS

A sign which specifically or directly calls attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is affixed.

SIGN, CONSTRUCTION

A sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractor or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL

Signs limited to directional messages such as "one way," "entrance," and "exit."

SIGN, EXHIBITIONS

A sign posted in conjunction with a permitted exhibition.

SIGN, FREESTANDING

Any nonmovable sign not affixed to a building.

SIGN, FLASHING

Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GROUND

A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

SIGN, HANGING

A freestanding sign supported by the extended arm of a single pole with the top edge of the sign face not exceeding eight feet above grade level.

SIGN, HEIGHT

The height of any sign shall mean the distance between the ground and the highest structural component.

SIGN, HOME OCCUPATION

A sign containing only the name and occupation of a permitted home occupation.

SIGN, IDENTIFICATION

A sign giving the nature logo, trademark or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development or establishment on the premises where it is located.

SIGN, ILLUMINATED

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, NONCONFORMING

A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.

SIGN, PORTABLE

Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs to be transported on wheels; sandwich board signs; and signs on balloons and umbrellas.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

SIGN, REAL ESTATE

A sign pertaining to the sale or lease of premises, or a portion of the premises, on which the sign is located.

SIGN, ROOF

A sign that is mounted on the roof of a building or that is wholly dependent upon the building for support and that projects above the top edge or roofline of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the decline of a building with a mansard roof.

SIGN, SPECIAL EVENT

A sign advertising a public or quasi-public event that is sponsored by a nonprofit or governmental agency.

SIGN, TEMPORARY

Defined in Sections 490-30(D) and 490-30(F) of the Township Code

SIGN, WINDOW

A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window solely for the purpose or effect of identifying any premises from the sidewalk or street, or a temporary sign advertising events or products.

- B. Permitted signs. In all districts, the maximum permitted sizes of signs of each listed type shall be in accordance with the regulations contained in the following schedule:
- (1) Residential districts.
 - (a) The following kinds of signs are permitted in residential zone districts:
 - [1] Freestanding or attached sign identifying the name of the occupant.
 - [2] Attached sign identifying a permitted home occupation.
 - [3] Attached or freestanding sign identifying a permitted professional use.
 - [4] Signs for political speech purposes.
 - (b) One customary professional, home occupation sign or nameplate sign not more than two square feet in area, which may be illuminated, provided that the sign is not internally lit and the direct source of light is shielded in such a manner that it is not visible from the street nor any adjoining residential property, unless a porch light or lamppost light.
 - (c) No permanent sign except a sign attached to a mailbox shall be closer than 15 feet to a property line.
 - (d) A nonilluminated sign, pertaining to the lease for sale of the premises upon which it is placed not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
 - (e) Real estate "Open House" nonilluminated sign. One sign, in addition to the "for sale" sign, may be placed on the subject property. The sign shall not exceed six square feet in size and may be placed up to seven days prior to the open house and shall be removed immediately following the open house.
 - (f) Subdivision developments involving six or more residential lots may contain a sign advertising the sale of the dwellings contained therein, as approved by the Land Use Board, as follows:
 - [1] One nonilluminated sign no larger than eight square feet shall be permitted at each entrance of the development. In addition, nonilluminated trade and professional signs no larger than four square feet shall be permitted on the lots being developed.
 - [2] All signs permitted under this section shall be removed within seven days after signing the contract for sale, signing of a sale transaction or the execution of a lease of the last house in the development.
 - (g) Agricultural uses may have the following signs:
 - [1] Two signs advertising the sale and price of seasonal and farm produce, provided that the total area of such signs does not exceed 32 square feet.
 - [2] One identification sign of not more than two square feet, which may be indirectly illuminated, stating the name of the agricultural use, the address and the name of the owner.
 - (h) Permitted identification signs for a subdivision development shall not be larger than eight square feet at each entrance.
 - (i) Permitted identification signs for a multifamily residential complex shall not be larger than 12 square feet at each entrance.
 - (j) The height of a freestanding sign shall not exceed four feet.
 - (2) Neighborhood Commercial and Village Commercial Districts.
 - (a) The following kinds of signs shall be permitted in the Neighborhood Commercial and the Village Commercial Districts:
 - [1] Free standing signs.
 - [2] Projecting signs.
 - [3] Attached and awning signs.
 - [4] Menu board signs.

- [5] Window signs.
 - [6] Signs for political speech purposes.
 - (b) A total of two signs, one of any category of sign listed above, shall be permitted for each use. (Temporary signs, political-speech signs and window signs occupying less than 50% of the glass area are exempt from this count.)
 - (c) The maximum area for each kind of sign is as follows:
 - [1] Freestanding sign: 15 square feet.
 - [2] Attached or awning sign: 24 square feet.
 - [3] Projecting sign: six square feet.
 - [4] Menu board sign: four square feet.
 - (d) No freestanding sign shall be closer than 10 feet from the right-of-way or exceed a height of eight feet. A freestanding sign shall be permitted only where there is a thirty-foot front yard and where landscaping is provided. The determination as to adequate space and landscaping will be made by the Land Use Board during the review of the sign application.
 - (e) No attached sign or projecting sign shall be installed that projects above the roofline of the structure or facade to which it is attached.
 - (f) A nonilluminated sign, pertaining to the lease or sale of the premises upon which it is placed, not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
 - (g) Real estate "Open House" nonilluminated sign. One sign, in addition to the "for sale" sign, may be placed on the subject property. The sign shall not exceed six square feet in size and may be placed up to seven days prior to the open house and shall be removed immediately following the open house.
- (3) Highway Business, Office and Professional, and Business Park Districts (C-2, O and BP Districts).
- (a) The following kinds of signs shall be permitted in the Highway Business, Office and Professional, and Business Park Districts:
 - [1] Freestanding signs.
 - [2] Attached or awning signs.
 - [3] Window signs.
 - [4] Changeable message signs.
 - [5] Banners.
 - [6] Signs for political speech purposes.
 - (b) One freestanding sign is permitted for each commercial property and, where multiple uses are located on one commercial property, the freestanding signage for each use must be accommodated on one sign.
 - (c) One attached sign or awning sign is permitted for each use. (Temporary signs, political-speech signs and window signs up to 50% of the window are not included in this count.)
 - (d) The maximum area for each kind of sign is as follows:
 - [1] Freestanding signs:
 - [a] One to four uses: 50 square feet.
 - [b] Five or more uses: 12 square feet use, provided that no sign exceeds 144 square feet.
 - [2] Attached or awning signs:
 - [a] Zero to 1,000 square feet storefront: 5% or 50 square feet of facade, whichever is less.
 - [b] One thousand and one to 2,000 square feet storefront: 5% or 50 square feet of facade, whichever is larger.
 - [c] Two thousand and one to 4,000 square feet storefront: 4% or 100 square feet of facade, whichever is larger.
 - [d] Four thousand and one square feet and over storefront: 3.5% or 150 square feet of facade, whichever is larger.
 - (e) Changeable message signs are permitted in conjunction with an attached or freestanding sign and must be accommodated so that the area of all signage does not exceed the total area permitted.
 - (f) The height of the freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of three feet from the ground.

- (g) A freestanding sign shall be set back 10 feet from the public right-of-way.
 - (h) The upper horizontal edge of an attached or awning sign shall not be installed higher than the extent of the vertical wall to which it is attached.
 - (i) Both internal and external sign lighting is permitted; however, lighting shall not produce glare.
 - (j) Signs permitted at automobile sales, service and vehicle rental establishments.
 - [1] The following kinds of signs are permitted:
 - [a] Freestanding signs.
 - [b] Attached or canopy signs.
 - [c] Signs over entrance bays.
 - [d] Customary lettering or other insignia which are a structural part of the gasoline pump.
 - [e] Credit card signs.
 - [f] Waste oil recycling signs.
 - [g] Banner signs.
 - [h] Signs for political speech purposes.
 - [2] The number of signs shall be limited as follows:
 - [a] One freestanding sign.
 - [b] Three attached signs.
 - [c] One sign over each bay.
 - [d] One oil-recycling-facility sign.
 - [e] Two credit card signs.
 - [f] Pump signs as required by law.
 - [3] The maximum size of signs permitted shall be limited as follows:
 - [a] Freestanding sign: 50 square feet.
 - [b] Attached sign: 20 square feet.
 - [c] Sign over bay: four square feet.
 - [d] Credit card sign: four square feet.
 - [e] Pump signs: as required by law.
 - [f] Oil-recycling-facility sign: four square feet.
 - [4] Freestanding sign shall have a maximum of two sides.
 - [5] No freestanding sign shall be located closer than 10 feet from the right-of-way and exceed 24 feet in height. The height of the freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of 10 feet from the ground.
 - [6] One sign located inside the property line and specifically advertising special seasonal servicing shall be permitted, provided that the sign does not exceed seven square feet in area. The use of any such seasonal-servicing sign shall be limited to a 30-day period.
 - [7] Directional signs displayed over individual entrance doors or bays consisting only of the words, "washing", "lubrication", "repairs", "mechanic on duty" or other closely similar words shall be Permitted, provided that there shall only be one such sign over each entrance or bay, the letters thereof shall not exceed 12 inches in height, and the total area of each sign shall not exceed two square feet.
 - [8] Both internal and external sign lighting is permitted; however, lighting shall not produce glare.
 - (k) A nonilluminated sign, pertaining to the lease or sale of the premises upon which it is placed not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
 - (l) Real estate "Open House" nonilluminated sign. One sign, in addition to the "for sale" sign, may be placed on the subject property. The sign shall not exceed six square feet in size and may be placed up to seven days prior to the open house and shall be removed immediately following the open house
- (4) Industrial Park District (IP District).
- (a) The following kinds of signs are permitted in the Industrial Park District:

- [1] Freestanding signs.
- [2] Attached signs.
- [3] Signs for political speech purposes.
- (b) No more than one freestanding sign and one attached sign is permitted for any use. Where there is more than one use on said property, the freestanding sign for each use must be accommodated on one sign.
- (c) The maximum area of signs in the Industrial Park District are as follows:
 - [1] Freestanding sign: 50 square feet.
 - [2] Attached signs: 40 square feet.
- (d) No permanent sign shall be installed closer than 10 feet from the property line or higher than the extent of the vertical wall.
- (e) Both internal and external sign lighting is permitted, however, lighting shall not produce glare.
- (f) A nonilluminated sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- (g) Real estate "Open House" nonilluminated sign. One sign, in addition to the "for sale" sign, may be placed on the subject property. The sign shall not exceed six square feet in size and may be placed up to seven days prior to the open house and shall be removed immediately following the open house

(5) Commercial Recreation District (CR District).

- (a) The following kinds of signs are permitted in the Commercial Recreation District:
 - [1] Freestanding signs.
 - [2] Attached and awning signs.
 - [3] Signs for political speech purposes.
- (b) No more than one freestanding sign is permitted. Where there is more than one use on said property, the freestanding sign for each use must be accommodated on one sign.
- (c) The maximum area of signs in the Commercial Recreation District are as follows:
 - [1] Freestanding sign: 50 square feet.
 - [2] Attached signs: 50 square feet total for all attached/awning signs.
- (d) The height of the freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of seven feet from the ground.
- (e) A freestanding sign shall be set back 10 feet from the public right-of-way.
- (f) The upper horizontal edge of an attached or awning sign shall not be installed higher than the extent of the vertical wall to which it is attached.
- (g) Both internal and external sign lighting is permitted; however, lighting shall not produce glare.
- (h) Nonilluminated sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding four square feet. Such signs shall be removed within seven days after signing the contract for sale, the signing of a sale transaction or the execution of a lease.
- (i) Real estate "Open House" nonilluminated sign. One sign, in addition to the "for sale" sign, may be placed on the subject property. The sign shall not exceed six square feet in size and may be placed up to seven days prior to the open house and shall be removed immediately following the open house

C. Prohibited signs. The following types of signs or artificial lighting are prohibited in all zones:

- (1) Billboards.
- (2) Mobile signs. This type of sign shall include licensed trucks and trailers with advertising signs.
- (3) Any flashing, moving or animated or sequentially lighted signs.
- (4) Any sign whose lighting or central mechanism causes radio or television interference.
- (5) Signs utilizing the colors red or green in their illumination within 100 feet of a street intersection.
- (6) Signs that resemble, simulate, or may be mistaken for a traffic sign within 20 feet of a roadway.
- (7) Signs that are menaces to public safety.
- (8) Roof signs.

- (9) Signs affixed to trees, rocks or other natural things.
- (10) Signs affixed or painted on water towers or similar structures.
- (11) Freestanding pylon signs located in public rights-of-way or approved sight easements.
- (12) String banners, string flags, aluminum ribbons or similar attention-getting devices.
- (13) Signs that obstruct motorists' vision, traffic signs or signals or business identification signs outside the lot on which the banner is located.

D. Permitted temporary signs. A temporary sign permit allowing the posting of a temporary sign shall be issued by the Zoning Officer upon the demonstration that the sign will conform to the regulations enumerated herein. The following temporary signs shall be permitted:

- (1) Land development signs. Signs advertising the sale of property or structures in developments of two or more lots and signs advertising the opening or construction of a new business shall be permitted for a period of three months, or until the signing of the contract or transaction of sale or lease of the last lot or structures in the development, or until a certificate of occupancy is issued for a new business, whichever occurs last. Such signs are renewable for cause by the Construction Official. No such sign shall exceed 20 square feet in size and shall otherwise conform to the sign regulations of the affected district. No such sign shall be permitted until subdivision and/or site plan approval, as required, has been granted by the appropriate Jefferson Township Board.
- (2) "Building under construction" sign. One sign advertising a building under construction that has received site plan approval and has been issued a building permit. The sign shall be no larger than 12 square feet. The sign shall be removed within five days after the issuance of the certificate of occupancy or the installation of approved permanent signs, whichever may be sooner.
- (3) Festival, exhibitions, special event or show signs. One sign indicating the location of a festival, exhibition or show is permitted at the location of the event and one directional sign is permitted off site in conjunction with a festival, exhibition or show. A festival, exhibition or show sign shall not exceed 12 square feet. One sign per lot may be installed to announce any educational, charitable, civic, religious or like event. No such sign shall exceed six square feet in area. Special event banners flown over Berkshire Valley Road shall not exceed 100 square feet. The use of any sign or banner described in this subsection (6) shall be limited to a 30-day period, except that the use of directional signs shall be limited to the days the subject event is occurring.

E. The following temporary signs shall be permitted upon the issuance by the Zoning Officer of a permit for the same, and provided that the signs will conform to the regulations enumerated herein. The permit application shall include an informal site plan designating the location of the proposed signs and the distance of the proposed signs from the property lines. In deciding whether or not to grant a permit, the Zoning Officer shall take into consideration any obstruction of sight distance.

- (1) Banner signs. A maximum of two banner signs shall be permitted at any given time on any property used for commercial purposes within the Township. Such signs shall not exceed 24 square feet in size and shall be located so as not to obstruct traffic, nor obstruct sight distances. Such signs shall not be included in the calculation of permitted permanent signs for any site. The use of any banner sign shall be limited to a 30-day period
- (2) Sandwich board signs. A maximum of one sandwich board sign shall be permitted at any one time on any property used for commercial purposes within the Township. Such sign shall not exceed 24 square feet in size and the sign shall be removed at the close of the business each day. Such signs shall be located so as not to obstruct traffic, nor obstruct sight distances.

F. General sign requirements. All signs in Jefferson Township shall:

- (1) Conform to standards set forth in the preceding sections and the Township Building Code.
- (2) All support, braces, hooks, anchors and other fastening devices of any sign shall be of sturdy and substantial construction, shall be kept in good repair and shall be maintained in a clean, safe and orderly appearance.
- (3) The owner of the property upon which a sign is located shall be responsible for maintaining the sign and its surroundings.
- (4) Indirect or interior lighting is permissible, provided that the source of light will not cause glare upon a street or adjacent property.
- (5) Permanent signs shall be located only on the premises of the use or activity to which they are calling attention.
- (6) No sign shall be placed as to interfere with or be mistaken for a traffic light or similar safety device.
- (7) No sign shall be lighted by means of flashing, intermittent or sequentially lighted illumination. All lights used for the illumination of any use or building or the areas surrounding them or for the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties. Floodlights used for the illumination of such premises or of any sign thereon, whether or not such floodlights are attached to or separate from the building, shall not project above the highest elevation of the front wall of the building nor shall they reflect onto or into other properties.
- (8) No sign as permitted shall extend or project above the highest elevation of the wall to which it is attached or above the height of the building as defined in this chapter.
- (9) No sign shall extend further than 15 inches from the face of the building upon which it is attached.
- (10) The area of a sign shall be computed as the total square foot content of the background and frame upon which the lettering, illustration or display is presented. If there is no background, the sign area shall be computed as the product

of the largest horizontal dimension and the largest vertical dimension of the lettering, illustration or display. Each side of a two-sided sign shall be allowed the maximum permitted area.

- (11) All signs shall be limited to noniridescent colors, including the background, with the exception of safety and directional signs of not more than two square feet.
- G. Nonconforming signs. Any sign is defined as "nonconforming" which does not meet the requirements of this section. Any sign legally constructed and existing at the time of passage of this section that fails to comply with the minimum requirements of this section shall constitute a nonconforming use. A nonconforming sign shall not be altered, rebuilt, enlarged or extended, unless such action creates a conforming use. Section 490-31, entitled "Nonconforming uses, buildings and structures," shall apply to nonconforming signs.
- H. Permit requirements and fees.
- (1) Unless a sign is approved by an approving agency as part of an overall site plan or subdivision approval, before the erection of any sign, a permit shall be required.
 - (2) Applications. Application for a permit shall be made upon forms.
 - (3) Fees. The fee for a permit to construct a sign shall be as provided in § 182-2 of the Township Ordinances.
 - (4) Exemptions. The following signs do not require a permit and are exempt from the provisions of this section:
 - (a) Tablets indicating the name of a building and the date of erection, not exceeding three square feet.
 - (b) Public signs erected by the state, county or municipality in the performance of a public duty.
 - (c) Signs that are located for policing or parking purposes, not exceeding two square feet.
 - (d) Customary warning, trespassing and posted signs.
 - (e) Signs for political speech purposes.
- I. Permanent permits for signs.
- (1) The following signs or similar signs require a special permit, unless said signs have been approved as part of a site plan or subdivision approval. This permit shall be granted by the Land Use Board subsequent to a finding that the sign conforms to the intent and purposes of this section.
 - (a) Signs integrated or structurally incorporated into the architecture of a building.
 - (b) Signs made of landscape materials or plantings.
 - (c) Off- and on-premises directional signs.
 - (d) Signs displaying time or temperature.
 - (e) Temporary signs on new construction sites, except permitted signs, and one sign not to exceed four square feet stating the contractor's name, address and telephone number.
 - (f) Supergraphics.
 - (g) Three-dimensional signs.
 - (h) Ground signs. All signs with less than 10 feet of vertical clearance between the level of the center line of the adjacent road and the bottom of the sign.
 - (2) Submission of application; requirements.
 - (a) The applicant shall file at least 14 days before the date of the regular public meeting of the Land Use Board eight copies of a site plan or plat and three copies of an application for a special permit sign, together with all other drawings and documentation required herein or by any rule of the Land Use Board, with the Township Clerk. The applicant shall obtain all necessary forms from the Township Clerk. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board. A fee shall accompany the application in the amount set forth in § 182-2.
 - (b) Approval by County Planning Board required. All applications for site plan approval for signs on a county road shall be submitted to the County Planning Board for its review and recommendation and, where applicable, approval where required by state statute or county requirements. The applicant shall furnish proof of such submission within 10 days of the submission of his application to the Township Reviewing Board by presenting a copy of his site plan with an indication from the county that it has been filed with it. Any application for site plan approval shall not be deemed complete in the absence of proof that it has been filed with the County Planning Board, if required. If the County Planning Board has failed to grant or deny approval of the site plan at the time of approval of the applicant's application, such approval shall be conditioned on approval of such site plan by the County Planning Board.
 - (c) Notice and publication required. A public hearing, after proper notice and publication by the applicant in accordance with Chapter 58, the Land Use Procedures Ordinance of the Township, shall be held on all applications.
 - (d) Plat details. A complete application for a special permit sign shall also consist of the following:
 - [1] A plat or map with the following details and information.

- [a] The boundaries of the tax lot where the proposed sign is to be located and dimensions of said lot.
- [b] The tax lot and block number of said lot.
- [c] The location of all structures within 100 feet of the proposed sign location, including underground utilities.
- [d] The location and dimensions of the existing paved surface.
- [e] The distance from the paved surface of the road.
- [f] A sketch showing the design of the proposed sign and the dimensions of the same. Said sketch may be contained on the same sheet as the map showing the location of the sign but in a separate area thereof. Said drawing shall be of sufficient size to clearly show the proposed sign design, including the height of the lettering. The materials to be used in the construction of the sign shall be specified thereon, as well as sign colors.
- [g] An affidavit of ownership and consent of the property owner shall be submitted if the applicant is not the owner of the subject property where the sign is to be located.
- [h] The applicant shall submit, in written narrative form, a statement specifying:
 - [i] The necessity for the sign.
 - [ii] Whether the sign will obstruct the view of motorists in the area.
 - [iii] The nature of the sign, e.g., advertising, directional, informational, decorative, etc.
- [2] The Board may require the applicant to submit a survey of the subject premises, showing the location and dimension of the road right-of-way and the exact location of the proposed sign. Said survey shall be prepared, signed, sealed and certified to by a surveyor or engineer licensed under the laws of the State of New Jersey.

SECTION II

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

SECTION III

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

SECTION IV

Upon introduction of this Ordinance, it shall be referred to the Township’s Planning Board for review pursuant to N.J.S.A 40:55D-26 & 64, prior to final adoption by the Township Council.

SECTION V

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

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **September 14, 2021**.

INTRODUCTION:

ADOPTION:

| Council Member | By | 2 nd | Yes | No | Abstain | Absent | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | | | | | | | |
| Mr. Kalish | | | | | | | | | | | | |
| Mr. Smith | | | | | | | | | | | | |
| Vice President Dunham | | | | | | | | | | | | |
| President Senatore | | | | | | | | | | | | |

11. NEW BUSINESS – Presiding Officer

RESOLUTION #21-208 - “RESOLUTION CONSENTING (WITH RECOMMENDATIONS) TO THE MODIFICATION REQUEST TO THE MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN FOR JEFFERSON RECYCLING LLC, BLOCK 272, LOTS 8 AND 9, TO EXPAND ITS CLASS B RECYCLING PERMIT TO INCLUDE THE PROCESSING OF TIRES”

WHEREAS, the County of Morris received a letter from George D. Cascino, Consulting Engineer, representing Jefferson Recycling, LLC, requesting approval to make some modifications to their Class “B” Recycling Facility located at 710 State Route 15 North, Block 272, Lots 8 and 9 in Jefferson Township; and

WHEREAS, by letter dated May 17, 2021 the Morris County Municipal Utilities Authority requested that the Township review Jefferson Recycling’s proposed modification and adopt a resolution setting forth its position relative to the proposed revision to the existing plan of this recycling facility in the County’s Solid Waste Management Plan; and

WHEREAS, the revised modification would modify stockpile areas and add another Class B material, the processing of tires, to Jefferson Recycling’s permitted flow; and

WHEREAS, Jefferson Recycling’s proposed modification and supporting documents were reviewed by various Township Department Heads. These professionals have no objection to the modification of stockpile areas at Jefferson Recycling and their processing tires; however, there is concern with regard to the Site Plan that was submitted; and

WHEREAS, the Township of Jefferson’s professionals feel that the Morris County Municipal Utilities Authority should be made aware of the insufficient detail on the Site Plan provided dated 2013. There are no sanitary facilities shown and there is no septic permit on file for this facility. Additionally, there is no permanent water supply, dust control or fire protection for the workers. Since the last Site Plan on file is dated 2013 and there have been many changes to the site, it is recommended that an amended Site Plan be presented to the Land Use Board.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Township consents to the modification request to the Morris County Solid Waste Management Plan for Jefferson Recycling LLC, Block 272, Lots 8 and 9, to expand its Class B Recycling Permit to include the processing of tires; however, Jefferson Township would like to go on record and bring it to the attention of the officials of the Municipal Utilities Authority that the Township does not approve the Site Plan that was submitted with the modification requested.

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

12. MINUTES – Township Clerk

February 24, 2021 – Budget (Kalish absent)

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

April 7, 2021 – Regular

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

April 21, 2021 – Regular

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

May 5, 2021 – Regular (Smith Absent)

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

May 19, 2021 – Regular

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

July 7, 2021 - Regular

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

13. 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.

*PERMITS/LICENSES

- 21-01 SunAir Campground – (License Valid Through 6/30/2022)

*APPOINTMENTS

- Fire Company #2 – Ira C. Kronenfeld

*CONSENT AGENDA RESOLUTIONS:

- 21-209 Resolution Authorizing the Payment of Bills
- 21-210 Resolution Authorizing the Refund of Overpayment(s) of Taxes
- 21-211 Resolution Authorizing the Reduction of Taxes Due to Successful County Tax Appeals
- 21-212 Resolution Authorizing Contract With DFFLM, LLC, T/A Ditschman/Flemington Ford Through Morris County Cooper (MCCPC) Contract #15-3, Item #11 For 2022 Ford F-350 Regular Cab 4x4 Pick Up
- 21-213 Resolution Authorizing Contracts with Certain Approved New Jersey Cooperative Purchasing Alliance (NJCPA)-CK04 Contract Vendors for Contracting Units – Rapid Pump & Meter Services, Co. Inc.
- 21-214 Resolution Accepting the Award of SFY21 Body-Worn Camera Grant Program From The State of New Jersey Department of Law & Public Safety, Office of the Attorney General
- 21-215 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 For the SFY21 Body-Worn Camera Grant Program In the Amount of \$61,140.00
- 21-216 Resolution Authorizing Change Order #2 for Township of Jefferson Police Department Addition
- 21-217 Resolution Approving Current Estimate No. 1 – American Asphalt & Milling Services, LLC – For 2021 Road Paving Program, Contract No. RDE-21-1
- 21-218 Resolution Approving Current Estimate No. 5 – TSUJ Corp – For Generator Replacement, Contract No. UTL-20-5
- 21-219 Resolution Approving Current Estimate No. 1 – Riverview Paving, Inc. – For Improvements To Ridge Road Phase 1 (NJDOT 2021 Aid), Contract No. RDE-20-10
- 21-220 Resolution Authorizing An Extraordinary Unspecifiable Good and Services Agreement For Brent Materials Company – For Period Ending December 31, 2021
- 21-221 Resolution Authorizing Refund of Overpayments(s) of Recreation Fees
- 21-222 Resolution Authorizing Submission of a Strategic Plan to the Governor’s Council on Alcoholism and Drug Abuse On Behalf of the Jefferson Township Municipal Alliance For a Grant For Morris County Fiscal Year July 1, 2021 Through June 30, 2022

| Council Member | By | 2 nd | Yes | No | Abstain | Absent |
|-----------------------|----|-----------------|-----|----|---------|--------|
| Mr. Birmingham | | | | | | |
| Mr. Kalish | | | | | | |
| Mr. Smith | | | | | | |
| Vice President Dunham | | | | | | |
| President Senatore | | | | | | |

14. PUBLIC COMMENT – Presiding Officer

Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

15. EXECUTIVE SESSION – Township Clerk

- None for August 4, 2021

16. ADJOURNMENT AT _____ PM - Presiding Officer

Michele Reilly, RMC, CMR
 Township Clerk
 973-208-6133 mreilly@jeffersontownship.net

FUTURE MEETINGS will begin at 7:00 p.m. on each of the dates set forth below, at the Jefferson Township Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey, unless otherwise noticed below or as amended during the year by a vote of the Township Council.

REGULAR MEETING SCHEDULE

- Wednesday, September 1st
- Tuesday, September 14th
- Wednesday, October 6th
- Wednesday, October 20th
- Wednesday, November 10th
- Wednesday, December 1st
- Wednesday, December 15th
- Wednesday, January 5th, 2022 - Reorganization

CONSENT AGENDA RESOLUTION #21-209

“RESOLUTION AUTHORIZING THE PAYMENT OF BILLS”

WHEREAS, the Business Administrator has reviewed and approved purchase orders requested by the Township Department Heads; and

WHEREAS, the Finance Office has certified that funds are available in the proper account; and

WHEREAS, the Finance Office has approved payment, upon certification from the Township Department Heads that the goods and/or services have been rendered to the Township; and

WHEREAS, purchases under State Contract or under Morris County Cooperative Purchasing Agreement were made where applicable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the current bills, dated August 4, 2021 and on file and available for public inspection in the Office of the Treasurer and approved by him/her for payment, be paid.

CONSENT AGENDA RESOLUTION #21-210

“RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT(S) OF TAXES”

WHEREAS, there appears on the tax records overpayment(s) as shown below; and

WHEREAS, said overpayment(s) were created by the reasons indicated; and

WHEREAS, the Collector of Taxes recommends the refund(s) of such overpayment(s).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the proper officers are hereby authorized and directed to issue checks to refund such overpayment(s) as hereafter shown below:

CODE OF REASONS

- | | | | | |
|-----------------------|-----------------------------|------------------------------|------------------------------------|---------------------|
| 1. Incorrect Payment | 2. Adjustment of Assessment | 3. Homestead Rebate | 4. Overbilled | 5. Third Party Lien |
| 6. Duplicate Payment | 7. Exempt | 8. County/State Board Appeal | 9. Overpayment | |
| 10. Return of Premium | 11. New Jersey Saver | 12. Return of Recording Fee | 13. Vets, Senior Citizen Deduction | |

| BLOCK | LOT | NAME | AMOUNT | CODE | YEAR |
|-------|-----|----------------------------|--------------|--------------------|------|
| 324 | 7 | FEDIGAN LLC | \$18,210.92 | 5 | 2021 |
| 324 | 7 | FEDIGAN LLC | \$13,500.00 | 10 | 2021 |
| 269 | 2 | SAYRE INVESTMENT GROUP LLC | \$39,970.41 | 5 | 2021 |
| 441 | 11 | JASON WANG | \$ 2,485.15 | 6 | 2021 |
| | | | | | |
| | | | TOTAL | \$74,166.48 | |

CONSENT AGENDA RESOLUTION #21-211

“RESOLUTION AUTHORIZING THE REDUCTION OF TAXES DUE TO SUCCESSFUL COUNTY TAX APPEALS”

WHEREAS, the Tax Collector of the Township of Jefferson has determined that action is required as a result of the 2021 tax reductions granted by the State of New Jersey and the Morris County Board of Taxation; and

WHEREAS, the Tax Collector has certified to the foregoing as well as to the amount of the tax cancellations, which are set forth along with the Name and Block and Lot of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the required tax cancellations be made:

| <u>BLOCK</u> | <u>LOT</u> | <u>NAME</u> | <u>TAX CANCELLATION</u> |
|--------------|------------|----------------------------------|-------------------------|
| 191 | 11.01 | N.E.R Family Associates., LLC | \$ 2,707.39 |
| 196 | 30 | Dos Santos, Thomas | \$ 1,799.34 |
| 233.03 | 29.031 | Viana Associates, Inc. | \$ 3,411.47 |
| 240 | 3 | Herrera, Andres | \$ 1,369.06 |
| 240.01 | 3 | Isaacson, Danielle & Devon | \$ 2,095.50 |
| 273.01 | 2.04 | Jefferson Green LLC | \$ 4,889.50 |
| 292 | 8 | Cho, Hee Lyoun | \$ 1,419.35 |
| 319 | 2 | Steamboat Properties LLC | \$ 279.40 |
| 339 | 2.203 | Leigh, R/Baird E & Baird, N & F | \$ 502.92 |
| 360 | 13.01 | Lee, Martha W | \$ 1,022.60 |
| 385 | 6 | Kwong, Kenneth/Pui Lui | \$ 698.50 |
| 387 | 7 | Pine Camp Assn, Inc. % L Hertzog | \$ 1,050.54 |
| 445.01 | 5.02 | Mangiameli, Jane/Frank | \$ 963.93 |
| 447.01 | 4 | Smart Cap Holding LLC | \$ 419.10 |
| 453 | 4.1158 | F&S Holdings LLC | \$ 279.40 |
| 456 | 60 | Arnowitz, Samuel | \$ 692.91 |
| 522 | 9.10 | Del Rio, Enrique & Michelle | \$ 2,794.00 |
| 567 | 1.09 | Galinsky-Derti, Dee Anna/Muham | \$ 279.40 |
| 567 | 2.31 | Jedrejczyk, Tomasz/Elzbieta | \$ 1,855.22 |
| 574 | 1 | JBL19 LLC | \$ 2,956.05 |

CONSENT AGENDA RESOLUTION #21-212

“RESOLUTION AUTHORIZING CONTRACT WITH DFFLM, LLC, T/A DITSCHMAN/FLEMINGTON FORD THROUGH MORRIS COUNTY COOP(MCCPC) CONTRACT #15-C, ITEM #11 FOR 2022 FORD F-350 REGULAR CAB 4X4 PICK UP”

WHEREAS, the Township of Jefferson may by resolution and without advertising for bids, in accordance with N.J.S.A. 40A:11-11 of the Local Public Contracts Law, purchase goods or services under the contracts entered on behalf of the MCCPC; and

WHEREAS, the Township of Jefferson has the need on a timely basis to purchase goods or services utilizing cooperative contracts and;

WHEREAS, the Township of Jefferson intends to enter into a contract in an amount not to exceed **\$31,568.00 with DFFLM, LLC., T/A Ditschman/Flemington Ford, 215 US Highway 202, Flemington, NJ 08822, for a 2022 Ford F350 Regular Cab 4X4 Pick-up with extended powertrain warranty (7 years, 100,000 miles) through this resolution and properly executed contract, which shall be subject to all the conditions and applicable to the MCCPC Contract #15-C, Item #11;** and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b) a certificate showing availability of funds has been provided to the Township by the Chief Financial Officer of the Township, certifying that the funds for said contract are available and are designated to a line item appropriations designated below and totaling **\$31,568.00.**

C-04-55-921-013-907

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to purchase **a 2022 Ford F350 Regular Cab 4X4 Pick-up with extended powertrain warranty (7 years, 100,000 miles) through MCCPC Contract #15-C, Item #11 in the amount of \$31,568.00 from DFFLM, LLC., T/A Ditschman/Flemington Ford, 215 US Highway 202, Flemington, NJ 08822.**

CONSENT AGENDA RESOLUTION #21-213

“RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED NEW JERSEY COOPERATIVE PURCHASING ALLIANCE (NJCPA)-CK04 CONTRACT VENDORS FOR CONTRACTING UNITS- “RAPID PUMP & METER SERVICES, CO. INC.”

WHEREAS, the Township of Jefferson, may by resolution and without advertising for bids, in accordance with N.J.S.A. 40A:11-11 of the Local Public Contracts Law, purchase goods or services under the New Jersey Cooperative Purchasing Alliance (NJCPA) contracts entered into on behalf of the County of Bergen; and

WHEREAS, the Township of Jefferson has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Jefferson passed a resolution on June 2nd, 2021, resolution #21-147 to enter into contract in an amount of \$67,420.00 using the **NJCPA Contract CK04-#21-13** which was awarded to **Rapid Pump & Meter Service Co., Inc. 285 Straight Street, Paterson, NJ 07509** for Sewer and Water parts and repairs through that resolution and properly executed contract, which shall be subject to all the conditions applicable to the **NJCPA Contract**; and

WHEREAS, since the passing of that resolution there will be additional purchases from said contract vendor for an **additional amount not to exceed \$60,000.00** through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current **NJCPA Contract CK04-#21-13**; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b) a certificate showing availability of funds has been provided to the Township by the Chief Financial Officer of the Township, certifying that the additional funds for said contract are available and are designated to a line item appropriations designated below and totaling \$60,000.00.

1-05-55-500-000-556
1-07-55-500-000-571
C-08-55-520-011-501
C-08-55-521-012-503
C-08-55-521-012-504

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to purchase additional Sewer and Water parts and repairs **from the approved NJCPA Contract CK04-#21-13 for the total amount not to exceed \$127,420.00 from Rapid Pump & Meter Service Co., Inc. 285 Straight Street, Paterson, NJ 07509.**

CONSENT AGENDA RESOLUTION #21-214

“RESOLUTION ACCEPTING THE AWARD OF SFY21 BODY-WORN CAMERA GRANT PROGRAM FROM THE STATE OF NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL ”

WHEREAS, the Township of Jefferson has been awarded a grant in the sum of \$61,140.00 from the State of New Jersey Body-Worn Camera Grant Program; and

WHEREAS, these funds will assist the Township of Jefferson and the Jefferson Police Department with the purchase of Body-Worn Cameras; and

WHEREAS, the Township’s contribution or local match toward the grant will be the zero dollars (\$0.00); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, in the County of Morris, New Jersey that the Township of Jefferson hereby does accept this grant, award number 21-BWC-214, in the amount of \$61,140.00 for the award period January 1, 2021 through December 31, 2025.

BE IT FURTHER RESOLVED by the Township Council of the Township of Jefferson that the Business Administrator, Chief of Police, and any other officer deemed appropriate is authorized to execute any and all documents necessary to accept this grant.

CONSENT AGENDA RESOLUTION #21-215

**“RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION
UNDER N.J.S.A. 40A:4-87 FOR THE SFY21 BODY-WORN CAMERA GRANT PROGRAM IN THE AMOUNT OF \$61,140.00”**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Jefferson, has been awarded a **SFY21 Body-Worn Camera Grant** in the amount of **\$61,140.00** and wishes to amend its **2021** budget to include this amount as an item of revenue.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2021** in the total amount of **\$61,140.00**, which will be available as a revenue from:

| | |
|---|---------------------------|
| Miscellaneous Revenues | |
| Special Items of General Revenue Anticipated with Prior Written | |
| Consent of the Director of Local Government Services – Public | |
| And Private Revenues Offset with Appropriations: | |
| SFY21 Body-Worn Camera Grant | <u>\$61,140.00</u> |

BE IT FURTHER RESOLVED that a like sum of **\$61,140.00** be and the same is hereby appropriated under the caption of:

| | |
|---|---------------------------|
| General Appropriations | |
| A. Operations – Excluded from CAPS | |
| Public and Private Programs Offset by Revenues: | |
| SFY21 Body-Worn Camera Grant | <u>\$61,140.00</u> |

BE IT FURTHER RESOLVED that the Chief Financial Officer submit one copy of the Chapter 159 certification form and two copies of this resolution to the Director of the Division of Local Government Services.

CONSENT AGENDA RESOLUTION #21-216

**“RESOLUTION AUTHORIZING CHANGE ORDER #2 FOR TOWNSHIP OF JEFFERSON POLICE
DEPARTMENT ADDITION”**

WHEREAS, the Township of Jefferson awarded a contract on April 7, 2021 to **North Creek, LLC**, through Resolution 21-99 in the amount of \$1,087,000.00; and

WHEREAS, the Township of Jefferson approved Change Order #1 on May 19, 2021 through Resolution #21-128 to **North Creek LLC** for a total contract price of \$1,136,597.02; and

WHEREAS, **North Creek LLC** has provided Change Order #2 for two windows to be installed in the conference room for the Jefferson Police Addition; and

WHEREAS, **North Creek LLC** advised there would be an increase for the two windows in the amount of **\$3,696.71**; and

WHEREAS, the Township Architect, Fredrick T. Wawra of Fox Architectural Design PC recommends the change order based on his email dated July 2, 2021; and

WHEREAS, the total contract is now **\$1,140,193.73** for the Jefferson Police Addition;

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b) a certificate showing availability of funds has been provided to the Township by the Chief Financial Officer of the Township, certifying that the funds for said contract are available and are designated to a line item appropriations designated below and totaling **\$1,140,193.73**

C-04-55-921-001-901

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, hereby approved **Change Order #2** for the Township of Jefferson Police Department Addition to **North Creek, LLC, PO Box 112, Essex Fells, New Jersey 07021** by **\$3,696.71** for a total contract of **\$1,140,193.73**.

CONSENT AGENDA RESOLUTION #21-217

**“RESOLUTION APPROVING CURRENT ESTIMATE NO. 1 – AMERICAN ASPHALT & MILLING SERVICES, LLC. – FOR 2021
ROAD PAVING PROGRAM, CONTRACT NO. RDE-21-1”**

WHEREAS, a contract was awarded to American Asphalt & Milling Services, LLC. for the 2021 Road Paving Program, **Contract RDE-21-1**; and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 1** in the amount of **\$794,790.97** for work completed and accepted; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said payment.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 1 for a payment in the amount of \$794,790.97 to American Asphalt & Milling Services, LLC., 96 Midland Avenue, Kearny, NJ 07032.**

BE IT FURTHER RESOLVED that this payment will be made pending receipt of the State of New Jersey Monthly Project Manning Report and certified payroll records.

CONSENT AGENDA RESOLUTION #21-218

“RESOLUTION APPROVING CURRENT ESTIMATE NO. 5 - TSUJ CORP – FOR GENERATOR REPLACEMENT CONTRACT NO. UTL -20 -5”

WHEREAS, a contract was awarded to **TSUJ Corp** for **Generator Replacement Contract UTL- 20-5**; and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 5** in the amount of **\$12,617.69** for work completed and accepted; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said payment.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 5 for a payment in the amount of \$12,617.69 to TSUJ Corp, P.O. Box 4621, Wayne, New Jersey, 07470.**

BE IT FURTHER RESOLVED that this payment will be made pending receipt of the State of New Jersey Monthly Project Manning Report and certified payroll records.

CONSENT AGENDA RESOLUTION #21-219

“RESOLUTION APPROVING CURRENT ESTIMATE NO. 1 – RIVERVIEW PAVING, INC. – FOR IMPROVEMENTS TO RIDGE ROAD PHASE 1 (NJDOT 2021 AID), CONTRACT NO. RDE-20-10”

WHEREAS, a contract was awarded to Riverview Paving, Inc. for Improvements to Ridge Road Phase 1 (NJDOT 2021 AID), **Contract RDE-20-10**; and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 1** in the amount of **\$211,482.19** for work completed and accepted; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said payment.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 1 for a payment in the amount of \$211,482.19 to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, NJ 07840.**

BE IT FURTHER RESOLVED that this payment will be made pending receipt of the State of New Jersey Monthly Project Manning Report and certified payroll records.

CONSENT AGENDA RESOLUTION #21-220

“RESOLUTION AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE GOOD AND SERVICES AGREEMENT FOR BRENT MATERIAL COMPANY- FOR PERIOD ENDING DECEMBER 31, 2021”

WHEREAS, the Township of Jefferson has a need for **Drainage Pipe & materials**; and

WHEREAS, the Township of Jefferson has decided to award the contract for this service as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, **Brent Materials Company**, has submitted a proposal for **Drainage Pipe & materials** will be provided; and

WHEREAS, an annual fee for **\$50,000.00 per year**; shall not be exceeded; and

WHEREAS, **Brent Materials Company** has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate, committee or employee for those positions listed on the Business Entity Disclosure Certification Form in the previous one year, and that the contract will prohibit **Brent Materials Company** from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer (CFO) of the Township has determined and certified in writing that the value of each acquisition will **not exceed \$50,000.00**; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b) a certificate showing availability of funds has been provided to the Township by the Chief Financial Officer of the Township, certifying that funds for said contract are available and are designated to a line item appropriations designated below and **totaling \$50,000.00**.

**1-05-55-500-000-556
C-04-55-918-009-909
C-04-55-919-011-907
C-04-55-920-013-916**

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, in the County of Morris, State of New Jersey that this professional contract is hereby authorized and approved by the Township Council.

BE IT ALSO RESOLVED:

- Section 1.** The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with **Brent Material Company, 325 Columbia Turnpike, Florham Park, NJ 07932** for **Drainage Pipe & materials** to the Township of Jefferson for an annual fee **not to exceed \$50,000.00 per year**.
- Section 2.** This is awarded as an Extraordinary Unspecifiable goods and services contract in accordance with N.J.S.A. 40A:11-6.1(b) of the Local Public Contracts Law.
- Section 3.** The term of this agreement shall be for one year, from **January 1, 2021 through December 31, 2021**.
- Section 4.** A notice of this action shall be printed once in the legal newspaper of the Township of Jefferson.
- Section 6.** The resolution authorizing the award of contract for “Extraordinary Unspecifiable goods and services” and the contract itself must be available for public inspection per the requirement of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)
- Section 7.** The Business Entity Disclosure Certification and the Determinations of Value be placed on file with this resolution.

CONSENT AGENDA RESOLUTION #21-221

“RESOLUTION AUTHORIZNG REFUND OF OVERPAYMENT(S) OF RECREATION FEES”

WHEREAS, there appears on the Recreation Department records overpayment(s) as shown below; and

WHEREAS, said overpayment(s) were created by the reasons indicated; and

WHEREAS, the Recreation Department recommends the refund(s) of such overpayment(s).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the proper officers are hereby authorized and directed to issue checks refund such overpayment(s) as hereafter shown below:

CODE OF REASONS

- 1. Incorrect Payment
- 2. Duplicate Payment
- 3. Withdrawal from Program
- 4. Program Cancelled
- 5. Expelled Participant

| PAYEE | PROGRAM | AMOUNT | CODE |
|---|-----------------------|---------------|------|
| Vianna Vilaysane 79 Castle Rock Road Lake Hopatcong, NJ 07849 | 2021 Summer Camp | 860.00 | 5 |
| | Total Refunds: | 860.00 | |

CONSENT AGENDA RESOLUTION #21-222

“RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN TO THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE ON BEHALF OF THE JEFFERSON TOWNSHIP MUNICIPAL ALLIANCE FOR A GRANT FOR MORRIS COUNTY FISCAL YEAR JULY 1, 2021 - THROUGH JUNE 30, 2022”

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Council of the Township of Jefferson, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the Township Council does hereby authorize submission of a strategic plan for the **Jefferson Township Municipal Alliance grant for Morris County fiscal year 2022 in the amount of:**

| | |
|-----------------------|-------------------|
| DEDR: | \$ 8650.00 |
| 25% Cash Match | \$ 2162.50 |
| In-Kind | \$ 6487.50 |

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.