

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

SEPTEMBER 19, 2023
REGULAR MEETING – 7:00 PM
AGENDA

**DRAFT –
TO THE
EXTENT
KNOWN AS
OF 9.15.23**

**** PLEASE SILENCE ALL CELL PHONES

1. CALL TO ORDER – Presiding Officer

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of **September 19, 2023** 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 6, 2023** and was posted on the bulletin board in the Municipal Building on **January 6, 2023** 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.

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. Ryan, Township Attorney		
Ms. Reilly, Township Clerk		

Let the record reflect the following members of the Administration are present: Administrator Debi Millikin

3. SALUTE TO THE FLAG – Presiding Officer

4. SPECIAL PRESENTATIONS – Township Clerk

- None for September 19, 2023

5. PUBLIC COMMENT – Presiding Officer

Please state and spell your name 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

- None for September 19, 2023

7. COUNCIL AND MAYOR DISCUSSION – Presiding Officer

- Chapter 491, Section 7 – Housing and Rental Property Standards; Fees

8. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR – Presiding Officer

9. COUNCIL REPORTS – Presiding Officer

10. ORDINANCES – FIRST READING –Township Clerk

ORDINANCE #23-18 - “ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF JEFFERSON, NEW JERSEY TO CSC TKR, INC. D/B/A/ CABLEVISION OF MORRIS”

WHEREAS, the governing body of Township of Jefferson (hereinafter referred to as the “Township”) determined that CSC TKR, Inc. d/b/a Cablevision of Morris (hereinafter referred to as “the Company”) has the technical competence and general fitness to operate a cable television system in the Municipality (as defined in Section 1 of this Ordinance), and by prior ordinance granted its municipal consent for the Company’s predecessor in interest, Cablevision of Morris (“Cablevision”) to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Municipality; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about April 18, 2023, Cablevision, and the Company as its successor in interest, has sought a renewal of the Franchise; and

WHEREAS, with the prior approval of the Board of Public Utilities of the State of New Jersey (hereinafter the “Board”) the Company completed its purchase of the assets of Cablevision, including the cable television franchise for, and the cable television system within the territorial limits governed by, the Township, and

WHEREAS, the Township having held public hearings has made due inquiry to review the Company’s performance under the Franchise, and to identify the Township’s future cable-related needs and interests and has concluded that the Company has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Township’s future cable-related needs and interests;

WHEREAS, the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided the Company’s proposal for renewal embodies the commitments set forth below, the Township’s municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Township is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean the Company's application for Renewal of Municipal Consent, which application is on file in the Township Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Township" shall mean the governing body of the Township Jefferson in the County of Morris, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, Inc. d/b/a Cablevision of Morris, the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Municipality" shall mean the area contained within the present municipal boundaries of the Township of Jefferson in the County of Morris, and the State of New Jersey.
- (j) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (k) "State" shall mean the State of New Jersey.
- (l) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Township having received all comments regarding the qualifications of the Company to receive this consent, the Township hereby finds the Company possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to the Company its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the Municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television and cable communication system, and for the provision of any communication service over such facilities as permitted by federal and state law. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of seven (7) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If the Company seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Township and the Company shall be bound by the terms of this municipal consent until such time as the Company converts the municipal consent (and any certificate of approval) into a system-wide franchise, provided that such conversion is undertaken in compliance with the Act.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the Company shall apply to the entirety of the Municipality and any property hereafter annexed.

SECTION 7. SERVICE AREA

The Company shall be required to proffer video programming service along any public right-of-way to any person's residence or business within the "primary service area," as it exists on the effective date of any written approval order by the Board of this consent, at the Company's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

The Company shall extend service along any public right of way outside its primary service area to those residences and businesses within the franchise territory which are located in areas that have a residential home density of twenty (20) homes per mile or greater. In areas with less than twenty-five (25) homes per mile service shall be extended where residents and/or businesses agree to share the cost of such extension in accordance with the line extension formula as provided by the Company in its application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, the Company shall pay to the Township, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Municipality. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Township and the Company shall negotiate in good faith with respect to the

amount thereof provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by the Company that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Subject to applicable federal regulations, the Company shall, upon written request, provide free of charge, one (1) Standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Municipality, the requested locations are listed in Exhibit A.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

The Company shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Municipality:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove, or relocate its equipment, at the Company's expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, and has secured required permits or approvals, if any, from any other government or agency thereof, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same, unless such request is made by the Township for a Township project, in which case the Company shall bear the cost. In such cases, unless an emergency exists, the person requesting the temporary removal or relocation shall endeavor to provide the Company not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

The Company shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

The Company shall establish and maintain during the entire term of this consent a local area business office or agent, for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE AND INDEMNIFICATION

A. The Company agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of one million dollars (\$1,000,000.00) for bodily injury or death to one person, and five million dollars (\$5,000,000.00) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder. In addition, the Company shall maintain motor vehicle liability insurance with at least the minimum amount of coverage required in this Section.

B. The Company expressly agrees that it shall indemnify, defend and hold harmless the Township from, all claims, liability, damage, cost or expense, including reasonable attorney fees, arising from or out of all claims of any nature, including but not limited to, injury to persons or damage to property occasioned by reason of any conduct undertaken or omission(s) by the Company, its employees agents, contractors, servants and/or agents as a result of the construction, location, installation, operation, erection, repair, replacement, removal, control or maintenance of the Cable Television System authorized herein. The Township shall notify the Company's Legal Department within thirty (30) days after the presentation of any claim or demand to the Township, either by suit or otherwise, made against the Township on account of any acts or omissions by or on behalf of the Company, including but not limited to negligence or contract. If the Company does not engage its own legal counsel, the Company's obligation to indemnify, defend and hold harmless the Township shall include paying any and all reasonable attorney's fees and costs that the Township may incur, which are directly related to defending a claim set forth in this Section 15(B). The Company's responsibilities under this Section 15.A does not include claims involving any Township produced or sponsored programming on any Public Education and Government ("PEG") access channels or Education and Government ("EG") access channels on Company's system, or claims arising from the negligent acts of the Township.

SECTION 16. PERFORMANCE BOND

The Company shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. The Company shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

(i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,

- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Municipality files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Municipality. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

The Company shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In any subsequent municipal consent, Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, the Company at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless the Company, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. The Company shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Municipality as described in the Application for municipal consent. All the Company support for PEG access shall be for the exclusive benefit of the Company's subscribers.

B. The Company shall continue to provide one (1) dedicated public, educational and government access channel for use by the Township (the "PEG Channel"). Additionally, the Company shall if requested by the Township, install at the Company's expense, and continue to provide a return feed from the Municipal Building located at 1033 Weldon Road, and the equipment necessary to allow for the transmission of video and audio over the channel (not including production, programming and mixing equipment) without charge, to the Company's headend or other location of interconnection to the cable television system for public, educational or governmental use of the PEG Channel, which return feed, at a minimum, provides the ability for the Township to cablecast live or taped access programming, in real time, as may be applicable, to the Company's customers in the Municipality.

C. The Township agrees that the Company shall retain the right to use the PEG Channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the PEG Channel for purposes of providing PEG access programming. In the event that the Company uses the PEG Channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the PEG Channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on the PEG Channel.

D. The Company shall have discretion to determine the format and method of transmission of the PEG Channel provided for in this Section 21.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other written amendments thereto submitted by the Company in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid, preempted or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall be in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1 Court Square West, 49th Floor
Long Island City, NY 11101
Attention: Senior Vice President for Government Affairs

With a copy to:

CSC TKR, LLC
 c/o Altice USA
 1 Court Square West
 Long island City, NY 11101
 Attention: Legal Department

Notices to the Township shall be mailed to:
 Township of Jefferson
 1033 Weldon Road
 Jefferson, NJ 07849
 Attention: Business Administrator

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon The Company converting the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 27. BI-ANNUAL MEETINGS

The Company shall make available representatives to meet upon the request of the Township and upon thirty (30) days written notice on a bi-annual basis with the Township, for the purpose or reviewing the Company’s performance. The Company representatives shall respond to the reasonable requests for information made by the Township.

SECTION 28.

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

SECTION 29.

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 30.

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 **October 4, 2023**.

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

- 11. **COUNCIL BUSINESS – Presiding Officer**
 - **None for September 19, 2023**

12. **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
 - **None for September 19, 2023**

- *APPOINTMENTS:
 - **Fire Company #1 – Peter R. Fox**

- *CONSENT AGENDA RESOLUTIONS:
 - 23-256 Resolution Authorizing the Payment of Bills
 - 23-257 Resolution Authorizing the Refund of Overpayment(s) of Taxes
 - 23-258 Resolution Authorizing the Refund of Overpayment(s) of Utility Fees and Transfer of Said Fees to the Tax Account
 - 23-259 Resolution Authorizing a Disabled Veterans Exemption and the Cancellation of Taxes – Block 30, Lot 1
 - 23-260 Resolution Authorizing a Disabled Veterans Exemption and the Cancellation of Taxes – Block 457, Lot 3.14
 - 23-261 Resolution Approving Current Estimate No. 3 – Aurora Environmental Inc. – For a New DPW Fuel Facility – Contract #BLD-71-1G
 - 23-262 Resolution Approving Current Estimate No. 2 – Bulk Storage, Inc. – Furnish and Construction of 61’ Diameter Geodesic Domed Salt Shed – Contract #BLD-72-1L
 - 23-263 Resolution Authorizing Award of Non-Fair & Open Contract for Cleaning Services-Royalty Cleaning Services, Inc.
 - 23-264 Resolution Authorizing Award of Non-Fair & Open Contract for Surveying Services-Stewart Surveying & Engineering, LLC
 - 23-265 Resolution Authorizing Awards for Purchase of Certain Water/Wastewater Chemicals Not on MCCPC Contract
 - 23-266 Resolution Authorizing the Township Administrator to Execute a Treatment Works Application (TWA) on Behalf of the Municipality – Catholic Charities – Block 445, Lots 21 & 21.01
 - 23-267 Resolution Authorizing the Township Administrator to Execute a Treatment Works Application (TWA) on Behalf of the Municipality – Willow Lake Land Corp. (Charles Maltzman) – Block 329, Lot 5

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

- 13. **PUBLIC COMMENT – Presiding Officer**
 Please state and spell your name 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.
- 14. **EXECUTIVE SESSION –Township Clerk**
 - **RESOLUTION #23-268**

RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Township Council of the Township of Jefferson is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Jefferson to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
 - Attorney-Client Privilege – Cannabis Licensing Process
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose right could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, in the County of Morris and State of New Jersey, assembled in public session on **September 19, 2023 at 7:00 P.M.** in the Township Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey, that the Township Council shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED that it is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

15. ADJOURNMENT AT _____ PM - Presiding Officer

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

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, October 4	Wednesday, October 18
Wednesday, November 1	Wednesday, November 29
Wednesday, December 13	Wednesday, January 3, 2024 - Reorganization

CONSENT AGENDA RESOLUTION #23-256

“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 **September 19, 2023** 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 #23-257

“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
137	14	BALA PARTNERS LLC	\$1,418.24	5	2023
137	14	BALA PARTNERS LLC	\$2,200.00	10	2023
		TOTAL		\$3,618.24	

CONSENT AGENDA RESOLUTION #23-258

“RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT(S) OF UTILITY FEES AND TRANSFER OF SAID FEES TO THE TAX ACCOUNT”

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

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

WHEREAS, the homeowner requested the overpayment be transferred from the utility account (5000070-0) to the 4th quarter tax amount due (Block 453 Lot 53.11) and the Tax Collector concurs with the transfer.

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 transfer the amount below from the utility account to the tax account:

CODE OF REASONS

1. Incorrect Payment	2. Duplicate Payment

Block/Lot	Address	AMOUNT	CODE
453/53.11	7 Barbara Street	993.46	2

CONSENT AGENDA RESOLUTION #23-259

“RESOLUTION AUTHORIZING A DISABLED VETERANS EXEMPTION AND THE CANCELLATION OF TAXES –BLOCK 30, LOT 1”

WHEREAS, the Tax Assessor has approved an application for a totally Disabled Veteran Exemption for a resident property owner; and

WHEREAS, based on the approved permanently Disabled Veterans application date of **August 25, 2023**, the resident property owner is entitled to a refund of his 2023 3rd Quarter payment of taxes in accordance with N.J.S.A. 54:4-3.32; and

WHEREAS, the Mayor of the Township of Jefferson does recommend a refund of his 2023 2nd Quarter payment of taxes paid based on date of approved permanently Disabled Veterans application, **August 25, 2023**.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Chief Financial Officer be and is hereby authorized to issue checks for the payments appearing on the tax records as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>QUARTER/YR</u>
Block 30 Lot 1	74 New York Ave	\$1,594.24	3 rd 2023

BE IT ALSO RESOLVED that the Tax Collector be and is hereby authorized to cancel said taxes as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>QUARTER/YR</u>
Block 30 Lot 1	74 New York Ave	\$1,594.24	3 rd 2023
		\$1,798.23	4 th 2023
		\$1,770.97	1 st 2024
		\$1,770.96	2 nd 2024

CONSENT AGENDA RESOLUTION #23-260

“RESOLUTION AUTHORIZING A DISABLED VETERANS EXEMPTION AND THE CANCELLATION OF TAXES –BLOCK 457, LOT 3.14”

WHEREAS, the Tax Assessor has approved an application for a totally Disabled Veteran Exemption for a resident property owner; and

WHEREAS, based on the approved permanently Disabled Veterans application date of **August 18, 2023**, the resident property owner is entitled to a refund of his 2023 3rd Quarter payment of taxes in accordance with N.J.S.A. 54:4-3.32; and

WHEREAS, the Mayor of the Township of Jefferson does recommend a refund of his 2023 2nd Quarter payment of taxes paid based on date of approved permanently Disabled Veterans application, **August 18, 2023**.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Chief Financial Officer be and is hereby authorized to issue checks for the payments appearing on the tax records as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>QUARTER/YR</u>
Block 457 Lot 3.14	16 Linda Ln	\$2,300.52	3 rd 2023

BE IT ALSO RESOLVED that the Tax Collector be and is hereby authorized to cancel said taxes as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>	<u>QUARTER/YR</u>
Block 457 Lot 3.14	16 Linda Ln	\$2,300.52	3 rd 2023
		\$2,243.00	4 th 2023
		\$2,214.25	1 st 2024
		\$2,214.25	2 nd 2024

CONSENT AGENDA RESOLUTION #23-261

**“RESOLUTION APPROVING CURRENT ESTIMATE NO. 3 – AURORA ENVIRONMENTAL, INC. –
FOR A NEW DPW FUEL FACILITY, CONTRACT NO. BLD-72-1G”**

WHEREAS, a contract was awarded to Aurora Environmental, Inc. for New DPW Fuel Facility, **Contract BLD-72-1G**; and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 3** in the amount of **\$386,083.25** 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. 3** for a payment in the amount of **\$386,083.25** Aurora Environmental, Inc., **1102 Union Avenue, Union Beach, NJ 07735**.

BE IT FURTHER RESOLVED that this payment will be made subject to all the conditions and applicable to the **NJ State Contract #42274** and pending receipt of certified payroll records.

CONSENT AGENDA RESOLUTION #23-262

**“RESOLUTION APPROVING CURRENT ESTIMATE NO. 2 – BULK STORAGE, INC. – FURNISH AND CONSTRUCTION OF 61’
DIAMETER GEODESIC DOMED SALT SHED, CONTRACT- BLD-72-1L”**

WHEREAS, a contract was awarded to Bulk Storage, Inc. for Furnish and Construction of 61’ Diameter Geodesic Domed Salt Shed, **Contract BLD-72-1L**; and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 2** in the amount of **\$206,153.78** 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. 2** for a payment in the amount of **\$206,153.78** to **Bulk Storage, Inc., 2801 South Yates Avenue, Beecher, IL 60401**.

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 #23-263

**“RESOLUTION AUTHORIZING AWARD OF NON-FAIR AND OPEN CONTRACT FOR
CLEANING SERVICES TO ROYALTY CLEANING SERVICES, LLC.”**

WHEREAS, the Township of Jefferson has a need for Cleaning Services; and

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

WHEREAS, the Township of Jefferson solicited proposals from various vendors and has decided to award to the vendor with the second lowest quote as there were past performance issues with the vendor with the lowest quote; and

WHEREAS, **ROYALTY CLEANING SERVICES, LLC.**, has submitted a proposal dated July 13, 2023 indicating that **Cleaning Services** will be provided for a fee **not to exceed \$27,900.00** annually; and

WHEREAS, **ROYALTY CLEANING SERVICES, LLC.**, 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 **ROYALTY CLEANING SERVICES, LLC.** 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 the services will **exceed \$17,500 but will not to exceed \$27,900.00** annually 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 \$ 27,900.00** annually.

3-01-26-310-310-234

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 Non-Fair and Open 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 **ROYALTY CLEANING SERVICES, 602 Skyline Drive, Lake Hopatcong, NJ 07849** for **Cleaning Services**, to the Township of Jefferson for a fee **not to exceed \$27,900.00** annually.

Section 2. The Business Entity Disclosure Certification and the Determinations of Value be placed on file with this resolution.

Section 3. The term of this agreement shall be for 12 months, with an option to renew for up to another 12 months.

CONSENT AGENDA RESOLUTION #23-264

“RESOLUTION AUTHORIZING AWARD OF NON-FAIR AND OPEN CONTRACT FOR SURVEYING SERVICES TO STEWART SURVEYING & ENGINEERING, LLC.”

WHEREAS, the Township of Jefferson has a need for Surveying Services; and

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

WHEREAS, STEWART SURVEYING & ENGINEERING, LLC., has submitted a proposal dated September 1, 2023 indicating that Surveying Services for the Garnet Drive Project will be provided for a fee **not to exceed \$3,800.00**; and

WHEREAS, STEWART SURVEYING & ENGINEERING, LLC., 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 STEWART SURVEYING & ENGINEERING, LLC. 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 the services for all 2023 projects including the Garnet Drive Project will **exceed \$17,500 but will not to exceed \$22,000.00**; 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 \$22,000.00**.

3-01-20-165-165-250
 C-04-55-922-010-999
 C-04-55-923-012-999
 T-19-56-860-000-801

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 Non-Fair and Open 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 STEWART ENGINEERING & SURVEYING, LLC., 459 US 46, Kenvil, NJ 07847 for Surveying Services, to the Township of Jefferson for a fee **not to exceed \$22,000.00**.

Section 2. The Business Entity Disclosure Certification and the Determinations of Value be placed on file with this resolution.

Section 3. The term of this agreement shall be for 12 months or completion of pending projects.

CONSENT AGENDA RESOLUTION #23-265

“RESOLUTION AUTHORIZING AWARDS FOR PURCHASE OF CERTAIN WATER/WASTEWATER CHEMICALS NOT ON MCCPC CONTRACT”

WHEREAS, this Township has heretofore, in accordance with the Local Public Contracts Law of the State of New Jersey, received bids for **Water/Wastewater Chemicals not on MCCPC contract**; and

WHEREAS, 3 separate vendors provided bids for Line items 1-5 as follows:

Items	Brenntag Northeast, LLC.			Main Pool and Chemical			Shannon Chemical Corporation		
	81 W. Hulle Lane			110 Commerce Road			P.O. Box 376		
	Reading, PA 19605			Pittston, PA 18640			Malvern, PA 19355		
	per gallon			per gallon			per gallon		
	yr. 1	yr. 2	yr. 3	yr. 1	yr. 2	yr. 3	yr. 1	yr. 2	yr. 3
	s/c			s/c			s/c		
#1 GPAC 2000	no bid	no bid	no bid	\$4.67	\$5.37	no bid			
	-			-					no bid
#2 Methanol-bulk	no bid	no bid	no bid	\$3.93	\$4.42	no bid			
	-			-					no bid
#2 Methanol-drums	\$4.65	no bid	no bid	\$4.48	\$5.23	no bid			
	-			-					no bid
	per bag			per bag					
#3 Dry Soda Ash 50# bags dense	\$27.25	no bid	no bid	\$23.25	\$24.75	no bid			
	-			-					no bid
#4 Citric Acid 50# bags dry	\$155.00	no bid	no bid	\$187.50	\$210.00	no bid			
	-								no bid
	per gallon			per gallon					
#5 Orthophosphate	no bid	no bid	no bid	no bid	no bid	no bid	\$24.47	\$27.77	no bid
							-		

WHEREAS, Brenntag Northeast, LLC. Was the lowest bidder for Item #4 as shown above for One year. Main Pool and Chemical was the lowest bidder for Items #1-#3 as shown above for Two years and Shannon Chemical Corporation was the lowest bidder for Item #5 as shown for Two years.

WHEREAS, contracts should be awarded to the lowest vendor for each item; 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 an amount not to exceed \$60,000.00.**

3-05-55-500-000-552 3-07-55-500-000-552

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that a **contracts for the purchase of Water/Wastewater Chemicals not on MCCPC contracts** are hereby awarded to Brenntag Northeast, LLC., Main Pool and Chemical and Shannon Chemical Corporation; and

BE IT FURTHER RESOLVED that the Mayor and Clerk of this Township be and are hereby authorized and directed to execute the contracts and other necessary documents in order to effectuate the purpose of this resolution and that the Certificate of Availability of Funds supplied by the Chief Financial Officer (CFO) of this Township shall be attached to the original copy of this resolution.

CONSENT AGENDA RESOLUTION #23-266

**“RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A
TREATMENT WORKS APPLICATION (TWA)
ON BEHALF OF THE MUNICIPALITY –
CATHOLIC CHARITIES – BLOCK 445, LOTS 21 & 21.01”**

WHEREAS, Catholic Charities, Depart. For Persons with Disabilities, the owner of property known as 1049 and 1091 Weldon Road, Block 477, Lot 21 and 21.01 has made application to the NJDEP for a Treatment Works Approval (TWA) permit **to replace the existing failing septic systems and install a separate septic system that will dispose of laundry waste from each site;** and

WHEREAS, it is necessary that the municipality consent to the applications; and

WHEREAS, the applications have been reviewed by the Health Department and the Township Engineer and no objections to consent of submittal of the applications have been noted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, Morris County, New Jersey, that the Township Administrator is hereby authorized to execute the Treatment Works Application (TWA) for 1049 and 1091 Weldon Road, Block 477, Lot 21 and 21.01 signifying the consent of the Governing Body.

CONSENT AGENDA RESOLUTION #23-267

**“RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE A
TREATMENT WORKS APPLICATION (TWA)
ON BEHALF OF THE MUNICIPALITY –
WILLOW LAKE LAND CORP. (CHARES MALTZMAN) – BLOCK 329, LOT 5”**

WHEREAS, Willow Lake Land Corp (Charles Maltzman), the owner of property known as Willow Lake Day Camp, 200 State Route 181, Block 329, Lot 5 has made application to the NJDEP for a Treatment Works Approval (TWA) permit **to replace the existing, antiquated septic system with a new septic system that will service the proposed 1 ½ story main office building known as Building #44; and**

WHEREAS, it is necessary that the municipality consent to the applications; and

WHEREAS, the applications have been reviewed by the Health Department and the Township Engineer and no objections to consent of submittal of the applications have been noted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, Morris County, New Jersey, that the Township Administrator is hereby authorized to execute the Treatment Works Application (TWA) for Willow Lake Day Camp, 200 State Route 181, Block 329, Lot 5 signifying the consent of the Governing Body.

COPIES OF THE BILLS LIST MAY BE OBTAINED BY EMAILING JEFFERSONCLERK@JEFFERSONTOWNSHIP.NET