

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

OCTOBER 4, 2023
REGULAR MEETING – 7:00 PM
AGENDA

**DRAFT – TO
THE EXTENT
KNOWN AS
OF 9.28.23**

**** 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 **October 4, 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 and Mayor Eric Wilsusen.

3. SALUTE TO THE FLAG – Presiding Officer

4. SPECIAL PRESENTATIONS – Township Clerk

- None for October 4, 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 October 4, 2023

7. COUNCIL AND MAYOR DISCUSSION – Presiding Officer

- None for October 4, 2023

8. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR – Presiding Officer

9. COUNCIL REPORTS – Presiding Officer

10. ORDINANCES – FIRST READING –Township Clerk

ORDINANCE #23-18 - ORDINANCE AMENDING THE JEFFERSON TOWNSHIP MUNICIPAL CODE, CHAPTER 491, SECTION 7 – “FEES”

WHEREAS, the Township Council of the Township of Jefferson desires to amend the Jefferson Township Municipal Code, Chapter 491, Section 7 “Fees” in order to adjust the fees for short term rentals.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 491, Section 7 of the Jefferson Township Municipal Code is hereby amended as follows:

SECTION I.

Chapter 491, Section 7 - Fees, shall be amended, effective January 1, 2024, as follows:

Fees.

A. Registration and inspection: \$200

B. Amended registration: \$75

C. Reinspections: \$75

D. If any fee is not paid within 30 days of its due date, a late fee charge in the amount of \$50 applies.

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.

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **October 18, 2023**.

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 #23-19 - ORDINANCE AMENDING THE JEFFERSON TOWNSHIP MUNICIPAL CODE, CHAPTER 320, SECTION 3 – “DAMAGE TO MAILBOX BY TOWNSHIP”

WHEREAS, the Township Council of the Township of Jefferson desires to amend the Jefferson Township Municipal Code, Chapter 320, Section 3, “Damage to Mailbox by Township”, in order to clarify the process for reimbursement requests.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 320, Section 3 of the Jefferson Township Municipal Code is hereby amended as follows:

SECTION I

Chapter 320, Section 3 - Fees, shall be amended as follows:

In the event that any privately owned mailbox and/or mailbox support is destroyed or damaged during the course of Township business by a Township vehicle(s) and/or Township employee(s), the Township shall pay no more than \$25 for replacement of a mailbox and no more than \$15 for replacement of a support; and in no circumstances more than a total of \$40.

The Township reserves the right to refuse any such payment if the damage is not reported in writing to the Superintendent of Public Works within seven (7) calendar days of its occurrence.

Residents are required to submit receipts within 45 (forty-five) days of the date of occurrence to the Superintendent of Public Works in order to be eligible for reimbursement.

In the event that the mailbox and/or support damaged do not comply with the requirements of this Chapter and the construction specifications outlined in 320-1, the Township reserves the right to refuse payment or to make a payment at a lower amount.

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.

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **October 18, 2023**.

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 #23-20 - ORDINANCE REPEALING CHAPTER 103 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED “POLITICAL CAMPAIGN CONTRIBUTIONS AND CONTRACTING”

WHEREAS, the New Jersey Legislature repealed N.J.S.A. § 40A:11-51, which gave municipalities the authority to regulate political campaign contributions and contracting; and

WHEREAS, the New Jersey statutes, as amended, now preempt all local ordinances and rules governing political campaign contributions and contracting; and

NOW, THEREFORE, BE IT ORDAINED BY the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that a new Ordinance is adopted as follows:

SECTION I

CHAPTER 103 REPEALED

Chapter 103, which governed Political Campaign Contributions and Contracting is hereby repealed in its entirety.

SECTION II.

NEW JERSEY STATUTES GOVERN

New Jersey Statute 19:44A-1 *et seq.* and 19:44-1 *et seq.* now exclusively govern political campaign contributions and contracting.

SECTION III

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

SECTION IV

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 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 **October 18, 2023.**

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. **COUNCIL BUSINESS – Presiding Officer**
- Mobile Vendors discussion – Township Attorney
 - Cannabis Ordinance discussion

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 October 4, 2023

- *APPOINTMENTS:
- None for October 4, 2023

- *CONSENT AGENDA RESOLUTIONS:
- 23-269 Resolution Authorizing the Payment of Bills
 - 23-270 Resolution Authorizing the Refund of Overpayment(s) of Taxes
 - 23-271 Resolution Authorizing a Disabled Veterans Exemption and the Cancellation of Taxes – Block 466, Lot 11
 - 23-272 Resolution Approving Current Estimate No. 4 – Aurora Environmental, Inc. – For A New DPW Fuel Facility, Contract No. BLD-72-1G
 - 23-273 Resolution Authorizing DeBlock Environmental Services, LLC to Provide License Water Operator and Utility Consulting Service for the Township of Jefferson Water and Sewer Utility

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**
- None for October 4, 2023

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

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 **October 4, 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 #23-270

“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
295	26	BALA PARTNERS LLC	\$1,044.31	5	2023
295	26	BALA PARTNERS LLC	\$1,800.00	10	2023
145	3	EVOLVE BANK & TRUST	\$16,812.21	5	2023
145	3	EVOLVE BANK & TRUST	\$43,000.00	10	2023
510	16	WSFS C/F TOWER DBXII	\$4,968.79	5	2023
510	16	WSFS C/F TOWER DBXII	\$3,100.00	10	2023
13	6	CHRISTIANA T C/F CE1/FIRSTRUST	\$27,913.26	5	2023
13	6	CHRISTIANA T C/F CE1/FIRSTRUST	\$31,000.00	10	2023
			TOTAL	\$129,638.57	

CONSENT AGENDA RESOLUTION #23-271

“RESOLUTION AUTHORIZING A DISABLED VETERANS EXEMPTION AND THE CANCELLATION OF TAXES –BLOCK 466, LOT 11”

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 **September 26, 2023**, the resident property owner is entitled to an exemption of taxes in accordance with N.J.S.A. 54:4-3.32; and

WHEREAS, the Mayor of the Township of Jefferson does recommend an exemption of his taxes based on date of approved permanently Disabled Veterans application, **September 26, 2023**.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, 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 466 Lot 11	19 Brookside Dr	\$2,378.61	4 th 2023
		\$2,348.12	1 st 2024
		\$2,348.12	2 nd 2024

CONSENT AGENDA RESOLUTION #23-272

“RESOLUTION APPROVING CURRENT ESTIMATE NO. 4 – 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. 4** in the amount of **\$148,903.65** 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. 4 for a payment in the amount of \$148,903.65** 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 #23-273

“RESOLUTION AUTHORIZING DE BLOCK ENVIRONMENTAL SERVICES, LLC TO PROVIDE LICENSE WATER OPERATOR AND UTILITY CONSULTING SERVICES FOR THE TOWNSHIP OF JEFERSON WATER AND SEWER UTILITY”

WHEREAS, the Township of Jefferson has a need to for a licensed water operator and utility consulting services for the Jefferson Water and Sewer Utility; and

WHEREAS, the Township of Jefferson received a proposal from De Block Environmental Service, LLC., dated September 14, 2023 for the consulting cost of \$10,000 per month; and hourly rate for other items as required; and

WHEREAS, De Block Environmental Services, LLC., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political 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 **De Block Environmental 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 acquisition by the **De Block Environmental Services, LLC will exceed \$17,500;** 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 \$30,000.00.**

3-05-55-500-000-501
3-05-55-500-000-564
3-07-55-500-000-501
3-07-55-500-000-562

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 and agreement **with De Block Environmental Services, LLC.** for **Licensed Water Operator and Utility Consulting Services** to the Township of Jefferson for Jefferson Water and Sewer Utility as set forth in a **proposal September 14, 2023** for an annual fee **not to exceed \$30,000.00.**
- Section 2.** This contract is awarded as a “Professional Service” in accordance with N.J.S.A. 40A: 11-5 (1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.
- Section 3.** The term of the agreement shall be for the remainder of the year.
- Section 4.** A notice of this action shall be printed once in the legal newspaper of the Township of Jefferson.
- Section 5.** The resolution authorizing the award of the contract for “Professional Services” and the contract itself must be available for public inspection per the requirement of the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq).
- Section 6.** The Business Entity Disclosure Certification and the Determination of Value be placed on file with the resolution.

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