

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

FEBRUARY 8, 2023
SPECIAL MEETING – 6:00 PM
MINUTES

1. CALL TO ORDER

Council President Senatore called the meeting to order at 6:04 pm and read the meeting statement as follows: This Special Meeting is called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was sent to the official newspapers of the Township, the Daily Record and the Star Ledger, on **January 25, 2023**. In addition, notice was posted on the bulletin board in the Municipal Building on **January 25, 2023** and 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, as well as the purpose of this meeting, which is to hold a discussion regarding the 2023 budget as well as to discuss or act upon public business.

2. ROLL CALL

Ms. Reilly called the roll. All Council members were present, except for Councilman Kalish, who arrived at 6:12 pm. Also in attendance were Mayor Wilsusen, Administrator Debi Millikin and Chief Financial Officer Bill Eagen.

	Present	Absent
Mr. Birmingham	X	
Mr. Kalish		X*
Mr. Smith	X	
Vice President Dunham	X	
President Senatore	X	
Mr. Ryan, Township Attorney		X
Ms. Reilly, Township Clerk	X	

3. SALUTE TO THE FLAG

Council President Senatore led the flag salute.

4. PUBLIC COMMENT

Council President Senatore opened the public comment portion of the meeting with the consent of the members present and asked speakers to state their name for the record.

With no one wishing to be heard, Council President Senatore closed the public comment portion of the meeting.

5. ORDINANCES – FIRST READING

ORDINANCE #23-01 - ORDINANCE OF THE TOWNSHIP OF JEFFERSON, COUNTY OF MORRIS, STATE OF NEW JERSEY, REGULATING OUTDOOR WOOD-BURNING HEATING FURNACES AND BOILERS

WHEREAS, certain Residents of the Township of Jefferson utilize outdoor wood-burning furnaces and/or boilers to heat their buildings and/or to heat water; and

WHEREAS, the Township Committee of the Township of Jefferson in the County of Morris finds it in the best interest of the health and safety of its Residents to regulate the usage of outdoor wood-burning furnaces and boilers; 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-1 Outdoor Wood-Burning Heating Furnaces and Boilers.

All wood-fired hydronic (hot water) heating furnace and boiler systems not located within a residential dwelling and whether unenclosed by a roof and/or walls, while permitted as accessory uses in all zone districts, shall be subject to the following requirements and limitations.

Section-2 Compliance Required.

Such heating system shall be designed, manufactured, installed and operated in accordance with all State, Federal, County and Jefferson Township laws, statutes, codes, ordinances and regulations, including the provisions of this section.

Such systems shall be designed and operated so as to be compliant with the provisions of N.J.A.C. 7:27-3 which provides for the control and prohibition of smoke from combustion of fuel and which requires (subject to amendment or revision) that such systems: produce no smoke except for three minutes in any thirty-minute time period.

All installations and users shall comply with all state laws and regulations, including New Jersey Department of Environmental Protection regulations, New Jersey Department of Community Affairs and New Jersey State health regulations, as well as local and county Board of Health ordinances and regulations.

Section-3 Permit and Site Plan Required.

No person shall cause, allow or maintain the use of a wood-burning hydronic heating furnace or boiler system within the Township of Jefferson without first having obtained a permit from the Zoning Officer and all other requisite permits (plumbing, electrical, etc.) from the Jefferson Township Subcode Officials. Pursuant to Jefferson Ordinance §490-55, a \$50 permit fee is required for all zoning permit applications.

In order to demonstrate compliance with the provisions of § 4 herein, a site plan of the lot, which can be prepared by the applicant based upon a survey, tax map or other reliable information, shall be prepared showing the subject property and those located within 200 feet thereof and the approximate location of the residences on all properties located within 200 feet of the subject property. Said site plan shall be reviewed by the Zoning Officer and Construction Official to assure compliance, to the greatest extent practicable, with this and all other provisions of this section.

Section-4 Minimum Lot Size/Location on the Lot.

All such wood-burning hydronic furnaces, boilers and accessory and appurtenant structures, including the enclosure, if any, protecting same shall be located in the rear yard area of the lot, only, and shall have a minimum setback of 300 feet from any

property line. It may not be located in either the front yard setback area or in front of the principal structure located upon the lot and it may not be located within the side yard setbacks.

No such wood-fired hydronic heating furnace or boiler system shall be located on any lot which contains an area less than two acres. The location of such system shall, (in addition to being located outside the side yard and in compliance with side and rear yard setbacks applicable to principal structures) be situated on the lot so as to assure, to the greatest extent practicable, that the prevailing winds direct the smoke generated away from the nearest residences(s).

Section-5 Chimney Height.

All chimneys attending such systems shall have a diameter and height compliant with the manufacturer's requirements and/or recommendations. In addition, the top of the smoke stack or chimney must extend at least 20 feet above the top roofline of any neighboring residential building.

Section-6 Time Limitations of Use.

The use of all wood-fired hydronic (hot water) heating furnaces or boilers shall be allowed only during the period of October 15 to April 30. Any use outside this use period, whether to produce domestic hot water or for any other purpose, is specifically prohibited

Section-7 Prohibited Fuels.

Only seasoned firewood and untreated lumber shall be permitted to be burned in any such heating furnace or boiler. The burning of any and all other materials in such a furnace or boiler is specifically prohibited.

Section 8. Enforcement.

Pursuant to Jefferson Ordinance §7-7, the Code Enforcement Officer is empowered to enforce all provisions of the Jefferson Township Code, including this provision. This provision may also be enforced by the Jefferson Township Board of Health, the Jefferson Township Health Officer or the Jefferson Township Police Department.

Section 9. Violations and Penalties

Any person who shall violate any provision of this article shall, upon conviction thereof, be subject to a penalty of a maximum fine not more than \$100 for each violation. Each day that a violation continues shall be considered as a separate violation.

Section 10. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 11. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed to be valid and effective.

Section 12. This Ordinance shall take effect immediately upon passage and publication as required by law.

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **March 1, 2023.**

INTRODUCED: FEBRUARY 8, 2023

ADOPTED:

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

6. MINUTES
 February 1, 2023 (Regular – Kalish Absent)

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

7. NEW BUSINESS
RESOLUTION #23-73 - RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR AUDITING SERVICES – NISIVOCIA LLP – FOR PERIOD ENDING DECEMBER 31, 2023

WHEREAS, the Township of Jefferson has a need for professional **Auditing** services; and

WHEREAS, the Township of Jefferson solicited request for proposals through a fair and open process per N.J.S.A.40A: 11-4.5, receiving such proposals on **January 5, 2023 at 11:00 a.m.**; and

WHEREAS, **Nisivoccia LLP** has submitted a proposal indicating that **Auditing** services will be provided for an annual fee **not to exceed \$99,500**; and

WHEREAS, **Nisivoccia LLP** 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 **Nisivoccia LLP** 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 by the firm **Nisivoccia LLP 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 \$99,500**.

<u>Line Item No.:</u>	<u>Fund</u>	<u>Amount Certified:</u>
3-01-20-130-130-260	Current	31,000
3-05-55-500-000-570	Water Op	10,000
3-07-55-500-000-567	Sewer Op	4,500
T-16-56-860-000-804	Garbage	2,500
T-19-56-860-000-801	Open Space	4,500
3-01-25-265-268-260	Current - LOSAP	2,500
Paid Directly By Library	n/a	2,500
Various bond ordinances	Capital	<u>42,000</u>
		<u>99,500</u>

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 **Nisivoccia LLP, 200 Valley Road, Suite 300, Mt. Arlington, New Jersey, 07856** for **Auditing** services to the Township of Jefferson as set forth in a proposal dated **January 4, 2023** for an annual fee **not to exceed \$99,500** per remainder of year.
- 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 from time of appointment **through December 31, 2023**.
- 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.

Council Member	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			

8. COUNCIL AND MAYOR DISCUSSION

- **Budget Overview**

Ms. Millikin reviewed the Capital budget with Council and answered questions that had been forwarded to her prior to the meeting.

Ms. Millikin discussed the redevelopment plan updates budgeted under Administration and explained that American Rescue Funds monies will be used towards the redevelopment Counsel and Planner. She said \$25,000 has been included in the IT capital budget to fund a microphone system update for Council chambers. Mayor Wilsusen said the upgrade will include a speaker in the lobby.

Ms. Millikin discussed the two (2) Engineering requests for the Three Rivers Bridge Project and the Camp Jefferson Redevelopment. She told Council that the Township's portion of the one million dollars grant Jim Lutz secured from the County for the Three Rivers Bridge is \$200,000. Ms. Millikin said there is \$20,000 set aside and Jim Lutz requested an additional \$30,000 to utilize towards a concept plan for the camp. Mayor Wilsusen explained that one of his goals for his second term is to get Camp Jefferson up to speed; however, the Highlands will impact what can be done at this site. Ms. Millikin said Jim Lutz has the prior inventory, done in 2014, as a starting point. Councilman Birmingham suggested looking for grant money.

Ms. Millikin mentioned that there will be money in the capital budget to improve two (2) of the bathrooms at the municipal building. She reminded Council she has applied for a Community Development Block Grant to fund upgrading the front doors of the municipal building. She discussed the DPW facility improvements, to include fencing, new gates, paving, and line striping of the DPW parking lot.

Ms. Millikin reviewed the Fire Department requests, which include various equipment upgrades and which were offset by the Turn Out Gear Grant received. She said Fire Company #2 had requested funding for a new Chief's vehicle, and this was in line with the ten (10) year plan.

Ms. Millikin explained to Council the need for a new Captain's car and said the replacement vehicle will be a gas/hybrid car. She said two (2) automated license plate readers were requested but only one (1) was being funded at \$11,000. Mr. Eagen said that the Chief had approached him and was willing to forego any license plate readers and instead was requesting \$28,000 for a Lawsoft upgrade needed due to accreditation. Mayor Wilsusen said he had requested the Chief give an accreditation overview to Council on March 1. Council Vice President Dunham confirmed with Administration that the weapons being replaced could be traded in.

Communications was discussed next, and Ms. Millikin explained that the park camera upgrades would be for Lakeside and Chamberlain in the first phase, and that a subsequent phase would add more cameras at these two (2) locations plus some at Ackerson Field. Mayor Wilsusen commented that the cameras are used frequently and Ms. Millikin said the current cameras are fifteen (15) years old. She told Council that the Police computer equipment requests are in line with the ten (10) year capital plan and reminded Council that the \$71,000 request for Township computers includes \$25,000 for the Council chamber upgrades.

Ms. Millikin reviewed the DPW requests, including the \$60,000 request for a new F350 pickup and \$130,000 to replace a 2016 Mason Dump with 67,000 miles. Council and Administration discussed the effect salt has on the Township vehicles. Council Vice President Dunham pointed out that every vehicle is under coated and Township employees wash the vehicles to help with longevity. Ms. Millikin said all requests are in line with the ten (10) year capital plan.

Council had questions about the request to fund a road widener. Councilman Birmingham suggested sharing the expense with another town. Ms. Millikin explained that this is an attachment which would help with drainage projects. Councilman Kalish recommended looking into renting the equipment, which Ms. Millikin said is a possibility.

Ms. Millikin read off the list of roads scheduled for paving in 2023 and mentioned the need to pave the Police Range. Council asked Ms. Millikin to email them the list. Ms. Millikin explained the Township has a \$100,000 match for the Minnisink Road DOT Grant, and said she is waiting for the list of drainage projects to be provided by Troy Hackett.

Ms. Millikin left the meeting at 7:00 pm and returned at 7:17 pm.

Mayor Wilsusen discussed the \$40,000 capital request for acoustic barrier walls at the Dogwood pickleball court, due to the neighbor's complaints about the noise. Councilman Birmingham said he would rather see the money used towards another court on the other side of town. Mayor Wilsusen stated that the Recreation Director is also coming up with a set of rules which will be brought before Council. Councilman Kalish said he did not agree with funding this request. Council Vice President Dunham said he did not think the Mayor should have to continue to field complaints. Councilman Birmingham advocated trying to control the noise issues by using the new rules prior to spending any capital funds.

Mayor Wilsusen said the Health Department wanted to install an LED sign on Minnisink Road in order to advertise their clinics. He said the Township can use American Rescue Plan funds for this purchase.

Mayor Wilsusen told Council that the Lakeside turf field needs to be replaced. Mr. Eagen explained that, as in the past, the Township would buy down the cost of the project every year. Council President Senatore asked if more lines/stripping could be added so that the turf can be used for field hockey. Mr. Eagen said that would be a questions for John Burns. Council President Senatore said she would like to see the field made as multipurpose as possible, and the Township can recoup some of the costs with field rentals. Councilman Smith commented that the schools stripe their fields for five (5) different sports. Council Vice President Dunham asked if the Township would be eligible to receive any monies from the County for the turf field through Open Space. Mr. Eagen said he did not know.

Mayor Wilsusen mentioned that the Township applied for a DCA grant for replacement of the equipment at the Creative Playground. In response to Council questions he said the playground will remain the same size but will have handicapped accessible equipment suitable for grades Kindergarten through 12. He said that Senator Bucco sent in a letter of support on behalf of the Township. Ms. Millikin said if the grant is received it should total \$100,000. Council President Senatore asked that pictures of the proposed Creative Playground improvements be sent to Council.

Improvements to Camp Jefferson, like the decking at the movie theater, were discussed by Ms. Millikin and recommended by her due to safety concerns. In response to Council questions about the yearly contribution from the Cable TV agreement, Mr. Eagen said that the Township receives \$4,000 annually to be used for local programming and there is approximately \$30,000 in this account. He said the money could be used in the camp cabin where cable programming occurs, as the \$4,000 has strings attached and can only be utilized for specific purposes. Council members pointed out that local programming hasn't occurred for year. Councilman Birmingham suggested moving the equipment used for cable programming into the movie theater so that the Township could fund the deck replacement with the \$30,000 account balance.

In reference to Council questions about the water and sewer utility budget, Ms. Millikin stated that it is a separate budget and the customer's pay for it. She said if a resident has a well and doesn't pay for water, or uses a septic system, they don't pay for these capital improvements. She told Council that the Township needs to do GIS mapping of sewer and water, and would be able to use American Rescue Plan funds since this is considered an infrastructure project. She said that the Township will need a consultant in order to work on the PFOA treatment system and the Meredith Water Tank. Ms. Millikin said that she is going to see if the DEP will allow the Township an extension on testing and that maybe the PFOA treatment system would not be necessary.

Ms. Millikin said that the Township just received numbers on the RBC replacement, and that she thought a little more research needed to be done to make sure that this had to be replaced.

Mr. Eagen discussed some of the late capital requests, such as the \$75,000 requested for a mobile generator for the water/sewer capital budget. Ms. Millikin said this emergency generator will be portable, smaller, run on diesel, and can be used at any of the Township's sites. She said she and Mr. Eagen feel that American Rescue Plan funds can be used towards this purchase.

Council President Senatore asked Mr. Eagen if there were any figures on the tax increase to present to Council. Mr. Eagen said he didn't have any yet because he had been working on the Annual Financial Statement. Ms. Millikin said she would like feedback from Council prior to the next meeting. Mr. Eagen discussed introducing the budget in mid-March.

Councilman Birmingham had questions about the 2022 and 2023 auditors. Mr. Eagen said he holds the last quarterly payment until the audit is completed. He said the new auditors would start once an engagement meeting has been held.

Council Vice President Dunham asked about the increase in Emergency Management salary and wage. Ms. Millikin said this is due to a stipend increase for Fred Claus since he is doing grants. Council Vice President Dunham also asked about the increase in the Reserve for Tax Appeals, and Mr. Eagen replied that this was due to the possibility that the Newark settlement could be an issue.

Ms. Millikin told Council that Blue Diamond approached her and wanted to pass on the County's \$5.00 increase in tipping fees to the Township. She said Blue Diamond was told that the Township will not re-open the contract.

Councilman Kalish had questions about funding special police in the schools and said he was concerned about school safety. Councilman Smith explained that the Board of Education is autonomous. Councilman Birmingham mentioned that the Township funds two (2) School Resources Officers. Council Vice President Dunham said that the Township is helping out to the best of its ability and had increased its commitment, since previously only one (1) Officer had been provided.

Council Vice President Dunham asked for an update on South Lakeside. Ms. Millikin said she and some of the Township employees met with the residents on site. She said the DPW will go back out during the spring and monitor the situation, and there will be another on site meeting in June. She indicated that some property owners might need to do something on their personal property to prevent runoff, and she mentioned that many of the septic systems are under the road right-of-way.

Mr. Eagen stated that he will update Council on water, sewer and garbage funds at the next meeting.

9. ADJOURNMENT AT 8:04 PM

Motion made by Council Vice President Dunham, second by Councilman Birmingham to adjourn the meeting at 8:04 pm, with all members in favor signifying by "Aye."

February 8, 2023

Michele Reilly, RMC, Township Clerk

Melissa Senatore, Council President