

JEFFERSON TOWNSHIP COUNCIL
MEETING LOCATION: JEFFERSON TOWNSHIP HIGH SCHOOL
1010 WELDON ROAD
OAK RIDGE, NJ 07849
CONTACT: 973-208-6132/33
www.jeffersontownship.net

APRIL 7, 2021
REGULAR MEETING – 7:00 PM
MINUTES

1. CALL TO ORDER

Council President Senatore read the meeting statement as follows: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of **April 7, 2021** was included in a list of meetings notice sent to the official newspapers of the Township, the Daily Record and the Star Ledger, on **January 8, 2021** and was posted on the bulletin board in the Municipal Building on **January 8, 2021** and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. The change in location was noticed on **April 1, 2021**.

Council President Senatore called the meeting to order at 7:00 pm.

2. ROLL CALL

	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	

Ms. Reilly called the roll. All Council members were present. Also in attendance were Administrator Debi Millikin, Mayor Eric Wilsusen, Chief Financial Officer Bill Eagen, Health Office Peter Tabbot, IT Director Dave Van Valer and Chief Paul Castimore.

2. SALUTE TO THE FLAG

Council President Senatore led the flag salute.

Council President Senatore that Council would go to the Media Center for Executive Session and then return to public session.

3. EXECUTIVE SESSION

RESOLUTION #21-87 – 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.
 - Union Negotiations – PBA
- (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 **April 7, 2021 at 7:00 P.M.** in the **Jefferson Township High School Auditorium, 1010 Weldon Road, Oak Ridge, 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		X	X			
Mr. Kalish			X			
Mr. Smith			X			
Vice President Dunham	X		X			
President Senatore			X			

4. SPECIAL PRESENTATIONS

- **Proclamation for National Public Health Week**

Mayor Wilsusen presented the proclamation to Health Officer Peter Tabbot, Health Nurse Gail Johnson, and Health Educator Kristine Wilsusen and said he wanted to recognize and thank the Health Department for their hard work, particularly during the pandemic. Mr. Tabbot thanked the Mayor and Council for their support.

5. 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 and address for the record.

Robert Vander Ploeg Jr. – 14 Crystal Road

Mr. Vander Ploeg commented on Resolution #21-88 regarding Senate Bill 3454 and said he hoped the Township would have some impact in the State because he felt the bill was terrible. He also commented on Ordinance #21-03 and asked why the Township is offering redevelopment options on a piece of vacant land.

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

6. ORDINANCES –PUBLIC HEARING AND VOTE FOR ADOPTION

ORDINANCE #21-05 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2021 PURSUANT TO N.J.S.A. 40A:4-45.14

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.0% unless authorized by Ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by Ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of Jefferson in the County of Morris finds it advisable and necessary to increase its **CY 2021** budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a **2.5% increase** in the budget for said year, amounting to **\$523,606.06** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Jefferson, in the County of Morris, State of New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the **CY 2021** budget year, the final appropriations of the Township of Jefferson shall, in accordance with this Ordinance and N.J.S.A. 40A: 4-45.14, be increased by **3.50%, amounting to \$733,048.49** and that the **CY 2021** municipal budget for the Township of Jefferson be approved and adopted in accordance with this Ordinance.

BE IT FURTHER ORDAINED AS FOLLOWS:

1. That any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.
2. A certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction.
3. A certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

PUBLIC HEARING

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

With no one wishing to be heard, Council President Senatore closed the public hearing.

INTRODUCTION: MARCH 24, 2021

ADOPTION: APRIL 7, 2021

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

7. COUNCIL AND MAYOR DISCUSSION

• Council Endorsement of Strategic Plan

Mayor Wilsusen said he would appreciate the governing body giving its blessing to the plan by passing a non-binding resolution. He stated that Council has seen the plan and the administration will do its best to follow it, although the plan is fluid. He explained that a lot of time and effort had gone into developing the plan and he thinks it's a good plan for Jefferson. Mayor Wilsusen said Ms. Millikin has copies of all the backup documentation in her office in case any Council member would like to have it.

Councilman Birmingham said parts of the plan have already been put into effect with the most recent budget process. He said the plan is a work in progress but a vital tool. Mayor Wilsusen mentioned that the water/sewer part of the plan is still being finished. Council President Senatore said she appreciated that the plan gives an account of everything the Township owns and what changes and upgrades will be needed in the future. She said this will help Council be better prepared for the budgets.

Council consensus was that the non-binding resolution endorsing the strategic plan should be placed on the next Council agenda.

8. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR – Mayor Wilsusen

Mayor Wilsusen wished everyone a Happy Easter. He reported that Covid numbers are increasing in Jefferson and asked everyone to be diligent with following the appropriate protocols.

Mayor Wilsusen said he, Ms. Millikin and Chief Castimore attending a ribbon cutting for a new business, as well as a Chamber event on March 25th where he made a presentation to the business owners.

Mayor Wilsusen said the Mohawk House donated food to the residents of Jefferson Chase on March 26th and he thanked Ms. Millikin for coordinating the event. He said he, Ms. Millikin and Chief Castimore distributed the food.

Mayor Wilsusen told Council that he would have a trails presentation at the next meeting. He talked about ecotourism and said that with the help of the Economic Development Committee a private donor has been secured to fund a new trails project on Township property located behind the Texaco Station on Compton-Goble Road.

Mayor Wilsusen said many residents have reported their unhappiness with Altice/Optimum. He said some other municipalities have asked the BPU to conduct an investigation into Altice/Optimum and he sent a letter on behalf of the residents to the Board of Public Utilities asking that Jefferson be included. Mayor Wilsusen said Altice/Optimum is Jefferson's only provider but that will change when Planet Networks begins installing fiber. Ms. Millikin said they would be starting work on Route 181 in May.

Mayor Wilsusen said his newsletter is almost done and will be sent out shortly.

Mayor Wilsusen reported on personnel and said Lieutenant Kropp retired effective April 1st, he swore in new Lieutenant Joe Hale today, and that Robin Cosentino retired from the Building Department on April 1st.

Mayor Wilsusen talked about the Mayor's Wellness Campaign and thanked his wife, who is Jefferson's community health educator, for helping make Jefferson a "healthy town to watch". He said the ultimate goal is to be named a "Healthy Town".

Mayor Wilsusen thanked Council for considering the resolution to support the strategic plan.

Ms. Millikin said the crane needed for the Police Department antenna project is on site and the project should take about 2-3 weeks to complete. She reported that the some of the municipal building HVAC units have been installed and converted to natural gas and the rest will be installed and converted shortly. She said the Milton First Aid Squad took possession of the new ambulance on March 25th and that the library's new electronic signboard has been delivered and will be installed in a month. Ms. Millikin stated that negotiations with the white collar, blue collar, and foremen unions continue. She commended the Recreation Department for their successful Easter egg hunt on March 27th,

9. COUNCIL REPORTS – Presiding Officer

Councilman Birmingham said the timing of the Library Board sign is good and that it will be put to good use with things opening up and many activities being scheduled. He said the DPW did a great job fixing Taylor Road, which is especially important now that many people are using it.

Council Birmingham said he talked to Chief Castimore tonight and that some of the items touched on in the Council resolution to repeal Senate Bill 3454 have already been amended. Mr. Ryan replied that the Governor signed into law one modification, which now allows for the police to send a written notification to a parent or guardian after the first offense. He said the third “whereas” clause in the resolution is no longer relevant but the fifth “whereas” is still relevant, as many limitations to law enforcement remain in the bill, such as using the odor of marijuana as reasonable suspicion and that no one under the age of 21 can consent to a search. Councilman Birmingham asked if the third whereas should be removed. Mr. Ryan suggested Council could consider the resolution in its entirety and declare “success” on paragraph 3. Council President Senatore agreed Council should move forward with the resolution as listed on the agenda.

Councilman Kalish stated that he has had a very interesting and informative two weeks with a lot to absorb, and thanked Ms. Reilly, Ms. Millikin and Mayor Wilsusen for their help in bringing him up to date. He said he appreciated everyone’s support and thanked Council for welcoming him. Councilman Kalish reported attending the Recreation Easter Egg event with the Mayor and said it was a great opportunity to meet people. He said he’s been reading a lot to educate himself on the budget, PBA contract and the strategic plan and that he thinks the strategic plan is tremendous. He said he looks forward to representing the people of Jefferson.

Councilman Smith thanked Ms. Millikin for bringing him into the office and clarifying the details of the PBA contract. He reported as a member of the Lake Hopatcong Commission and said he can’t go into details but that he has been part of a meeting with Commission, the quarry and the DEP. He said there will be some kind of settlement and cleanup which will be beneficial to the residents of the Cove who have complained about the quarry causing dust in the air and pollution in the lake.

Councilman Smith mentioned that he was upset at what had happened at the last Council meeting with the process of the appointment of the Council replacement. Councilman Smith said Council has appointed four (4) people in the last eleven (11) years and he has researched the process and did not understand Councilman Birmingham’s comments regarding transparency. He quoted from previous agendas and minutes and said Council used to go into Executive Session. Councilman Smith stated that Council President Senatore took the initiative to have the process done in public and said he thinks Councilman Birmingham owes the rest of the Council an apology for inferring that Council did anything underhanded or behind closed doors. Councilman Birmingham questioned how Councilman Smith was able to obtain his documents.

Council President Senatore mentioned that April is Autism Awareness Month. She said former Mayor Felter first proclaimed Autism Awareness Month when her son was three (3) and said she is happy that Jefferson has embraced the special needs population. She said the schools have wonderful programs, there is a Challenger program for sports, and the Police Department has been trained on autism awareness. She stated that her son, who is now seventeen (17) brought her to the school board and she might not be where she is today without him.

Mayor Wilsusen brought up the Weldon Road Bridge and said he asked the DOT for a virtual meeting and status update. He said he expects to receive a timeline during the meeting scheduled for April 16th and the plan still appears to be to reinforce the bridge and then complete the construction necessary to open one lane in either direction.

Council Vice President Dunham reported that the Milton First Aid Squad thanks the Council and Administration for the new vehicle and for their support and that it has already saved some lives. He said he wanted to commend Dispatcher Travis Luecht for his efforts last night and said Travis did an excellent job during a very busy time which occurred during shift change.

10. ORDINANCES – FIRST READING

ORDINANCE #21-03 – ORDINANCE ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 3, TO ALLOW PUBLIC STORAGE FACILITIES AS A PERMITTED USE, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, Redevelopment Area 3 governs a portion of the Jefferson Township Rehabilitation Area, designated and adopted by the Township of Jefferson on April 15, 2009 via Ordinance 10-09, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., and amended on September 9, 2009, April 20, 2011 and September 3, 2014; and

WHEREAS, in accordance with the Redevelopment Law and upon Planning Board recommendation, the Township Council designated property identified as Block 273.03, Lot 1 as a non-condemnation area in need of redevelopment under the Redevelopment Law (the “Redevelopment Area”), which designation authorized the Township Council to use all those powers permitted by the Redevelopment Law for use in a redevelopment area, except the power of eminent domain; and

WHEREAS, in accordance with the Redevelopment Law and by resolution duly adopted on November 11, 2020 (Resolution No. 20-265), the Township Council of the Township of Jefferson (the “Township”) authorized and directed the Township Planning Board (the “Planning Board”) to review the draft Redevelopment Plan Amendment, pursuant to N.J.S.A. 40A-12A-7(e); and

WHEREAS, following such review, the Planning Board has rendered its report and recommendations to the Township Council and noted the Redevelopment Plan is not inconsistent with the Township’s Master Plan, and with comments and recommendations, pursuant to N.J.S.A. 40A-12A-7(e); and

WHEREAS, the Township Council hereby finds it appropriate for an Amendment to the Redevelopment Plan to be adopted for the Redevelopment Area, adding public storage facilities as a permitted use, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Township; and

WHEREAS, the Planning Board recommended certain amendments to the Redevelopment Plan, which the Township wishes to incorporate therein, amending the Redevelopment Area 3 to permit public storage facilities as a public use with the following zone schedule requirements: front yard setback 35’; rear yard setback 30’; building height 40’; building coverage 30%, and impervious coverage 70%; and

WHEREAS, the Township Council now desires to adopt the Amendment to the Redevelopment Plan and to direct the applicable provisions of the Township’s Zoning Ordinance and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson as follows:

1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Adoption. The Amendment to the Redevelopment Plan, as filed in the Office of the Township Clerk is hereby approved and adopted.

3. Amendment of Zoning Ordinance and Map. The sections of the Township's Zoning Ordinance and Map are hereby amended to incorporate and reflect the Redevelopment Plan, to add public storage as a permitted use, with the following zone schedule requirements: front yard setback 35'; rear yard setback 30'; building height 40'; building coverage 30%, and impervious coverage 70%,
4. Severability. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of the Ordinance.
5. Public Review. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. Effective Date. This Ordinance shall take effect 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 **April 21, 2021**.

Ms. Millikin stated the Block should be reflected as 272.01 Lot 8. Mayor Wilsusen said the location of the property is the old garden center on Route 15 in between the car lots. Mr. Ryan said this was a ministerial amendment so Council could proceed with the introduction.

INTRODUCTION: APRIL 7, 2021

ADOPTION:

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

ORDINANCE #21-06 – ORDINANCE AMENDING CHAPTER 256 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED “FIRE PREVENTION”

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 256 of the Jefferson Township Municipal Code is hereby amended as follows:

SECTION I:

§256-18(A) is deleted in its entirety and replaced with the following:

A. Appointment and qualifications of Fire Official/Fire Marshal. The Fire Official/Fire Marshal shall be certified by the state and appointed by the governing body from a list of qualified candidates submitted through civil service records. The Fire Official's/Fire Marshal's appointment shall be probationary for six months, at which time a review will be conducted. The Fire Official/Fire Marshal shall not be removed from office except by the governing body and may succeed himself/herself upon successful completion of the probationary period. The Fire Official/Fire Marshal will report to the Township Mayor or the Township Mayor's designee.

§256-19 is deleted in its entirety and replaced with the following:

§ 256-19 Duties of enforcing agency.

A. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

B. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures and premises within the established boundaries of the Township of Jefferson other than one- and two-unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures and premises owned and operated by the federal government, interstate agencies or the state.

C. All Non-Life Hazard Use (NLHU) inspections will be inspected at a minimum of once every two years.

D. In the event it is determined necessary by the fire official/fire marshal to have one or more fire inspectors/fire officials to stand by at a special event or incident, a fee of \$40.00 per hour per inspector/official shall be charged with a two hour minimum. The individual or group responsible for the event/incident will be responsible for payment of all fees. If fire inspectors/fire officials are not available, Fire Fighters, as approved by the Fire Official/Fire Marshal, may be used for Fire Watch at a fee of \$30.00 per hour per Fire Fighter and shall be charged with a two hour minimum. The individual or group responsible for the event/incident will be responsible for payment of all fees.

E. The local enforcing agency shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

F. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Township Administrator of the municipality. It shall contain all proceedings under this article, with such statistics as the Fire Official/Fire Marshal may wish to include therein. The Bureau of Fire Prevention shall also recommend any amendments to this article which, in its judgment, shall be desirable.

§256-20(A) is deleted in its entirety and replaced with the following:

A. All Non-Life Hazard Use (NLHU) inspections shall register with the local enforcing agency. For each required inspection, a fee of \$50 shall be payable to the Township of Jefferson and sent to the Township of Jefferson Bureau of Fire Prevention within 30 days of the initial inspection date. All NLHU inspection fees shall be placed in the Bureau of Fire Prevention Trust account.

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 **April 21, 2021**.

INTRODUCTION: APRIL 7, 2021

ADOPTION:

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

ORDINANCE #21-07 – ORDINANCE AMENDING CHAPTER 490, ZONING, ARTICLE IX, ADMINISTRATION AND ENFORCEMENT, SECTION 41, BUILDING PERMITS; SURVEY; SECTION 44, FEES AND ARTICLE XI, HIGHLANDS REGIONAL REQUIREMENTS, SECTION 58, PRESERVATION AREA EXEMPTIONS, OF THE CODE OF THE TOWNSHIP OF JEFFERSON

WHEREAS, the Township of Jefferson desires to amend Section 490-41, Building permits; survey of the Jefferson Township Municipal Code, to include the requirements for an engineering plot plan; and

WHEREAS, the Township of Jefferson desires to amend Section 490-44, Fees of the Jefferson Township Municipal Code, to include the fees for an engineering plot plan; and

WHEREAS, the Township of Jefferson desires to amend Section 490-58, Preservation Area exemptions of the Jefferson Township Municipal Code, to revise the fees for a Municipal Exemption Determination;

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

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Section 490-41, Building permits; survey; Section 490-44, Fees and Section 490-58, Preservation Area Exemptions is amended as follows:

SECTION I

Jefferson Township Code, Subsection B of Section 490-41, “Building permits; survey” shall be amended in part, to include the following:

New buildings, additions to existing buildings that are over 500 square feet in size, accessory buildings that are over 500 square feet in size or inground pools shall be accompanied by an engineering plot plan of the subject lot showing the location of the buildings and structures in relation to the property and zoning setbacks, existing and proposed topographic features on the property, existing and finished grades and other such information as may be required to show that the proposed buildings and site development comply with all of the requirements of this chapter and land development regulations. The engineering plot plan application shall be designed considering the relationship of the lot in question with other adjoining properties for proper grading, erosion control and surface drainage away from the building and lot in question on a sound neighborhood development basis and without adverse effect upon adjoining properties or public streets.

SECTION II

Jefferson Township Code, Section 490-44, “Fees” shall be amended in part, to include the following:

The fee at the time of application for an engineering plot plan for a new building shall be \$300.00 and for additions, accessory buildings or inground pools shall be \$200.00.

SECTION III

Jefferson Township Code, Subsection D(4)(i) of Section 490-58, “Preservation Area Exemptions” is hereby repealed in its entirety and replaced as follows:

The fee at the time of application for a Municipal Exemption Determination shall be \$500.00 or \$250.00 if an engineering plot plan application is also required.

SECTION IV

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

SECTION V

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

SECTION VI

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

SECTION VII

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

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **April 21, 2021**.

Council Vice President Dunham made a statement, which was confirmed by Ms. Millikin, that the Township must pass this to comply with the Highlands Act.

INTRODUCTION: APRIL 7, 2021

ADOPTION:

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

ORDINANCE #21-08 – ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$692,620 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The improvements described in Section 2 of this Ordinance are hereby authorized as general improvements to be made or acquired by The Township of Jefferson, in the County of Morris, State of New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$692,620 from moneys available in the Capital Improvement Fund of the Township.

Section 2. The improvements hereby authorized and the several purposes for which said appropriation is made are as follows: the acquisition of new and additional communications and computer equipment for use by various departments of the Township; the acquisition of new and additional equipment including equipment for use by Fire Company #1 and Fire Company #2 of the Township, cameras, gas masks, computer equipment, and police car conversion kits for use by the Police Department of the Township, file cabinets for use by the Finance Department of the Township, shop equipment, a light tower and generator, for use by the Department of Public Works of the Township, office furnishings for use by the Health Department of the Township, and kitchen appliances and equipment for use by Camp Jefferson of the Township; the improvement of municipally-owned facilities and locations in and by the Township including the Municipal Building by the upgrade of the front door, the Department of Public Works Building by the renovation thereof and the improvement of the salt shed, the Recycling Center by the improvement thereof, the Health Center by the installation of new flooring, and the Animal Shelter by the installation of a new fire alarm system; and the improvement of various roads by the line striping thereof, together with, for all of the foregoing, all necessary and appurtenant equipment, accessories, attachments, work and materials, and all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 4. This Ordinance shall take effect after publication after final adoption, 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 **April 21, 2021**.

ORDINANCE #21-12 – BOND ORDINANCE APPROPRIATING \$530,000 AND AUTHORIZING THE ISSUANCE OF \$530,000 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW JERSEY, FOR THE SANITARY SEWERAGE SYSTEM OF THE TOWNSHIP

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, (not less than two-thirds of all the members affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Jefferson, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$530,000.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$530,000 appropriations, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$530,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$530,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional vehicular equipment including one (1) utility vehicle, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$52,000	\$52,000
(b) Improvement of the sanitary sewerage system in and by the Township, including the acquisition and installation, as necessary of a new rotating biological contractor, the upgrade of the pump station and the improvement of the wastewater treatment plant, together with all structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	<u>478,000</u>	<u>478,000</u>
Totals	\$530,000	\$530,000

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 36.56 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Township determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$530,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$55,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in paragraph (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to be issued for a purpose which is self-liquidating within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to paragraph (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Township.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this Bond Ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Bond Ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the prices obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by the Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Township and, unless paid from the revenues of the sanitary sewerage system of the Township, the Township shall be obligated to levy ad valorem taxes upon all the taxable property with the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **April 21, 2021**.

INTRODUCTION: APRIL 7, 2021

ADOPTION:

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

ORDINANCE #21-13 – BOND ORDINANCE APPROPRIATING \$3,780,203 AND AUTHORIZING THE ISSUANCE OF \$3,591,193 BONDS OR NOTES OF THE TOWNSHIP, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF JEFFERSON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, (not less than two-thirds of all the members affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Township of Jefferson, in the County of Morris, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums, except as described below, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$3,780,203 including the aggregate sum of \$189,010 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and including also in the case of the improvement or purpose described in Section 3(b) hereof, the aggregate sum of \$351,700 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose (and in particular the improvement of Ridge Road).

Section 2. For the financing of said improvements or purposes and to meet the part of said \$3,780,203 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,591,193 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,591,193 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of municipally-owned properties and facilities in and by the Township, including the Municipal Building by the acquisition and installation of a new generator, the Police Department Headquarters by the upgrade of the jail cells, and the Dogwood Pickle Ball Court by the upgrade thereof, together with for all the aforesaid all architectural designs, planning, equipment, structures, site work, furnishings, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	\$467,549	\$445,000
(b) Improvement of various roads in and by the Township by the reconstruction and resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway surface of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including Ridge Road, Winona Trail, Clover Terrace, Sachem Road, Lorettacong Road, Woodport Road, Teepee Road, Mohawk Trail, Ledgewood Road, Allegheny Trail, Virginia Avenue, Delaware Avenue, New		

York Avenue, Ohio Street, Chincoppee Road, Iowa Avenue, Utah Street, Rhode Island Street, Carolina Avenue and Illinois Street, including also, the improvement of various roads in The Peaks Development in and by the Township by the crack sealing and microsealing thereof, together with for all the aforesaid all oil and chipping, guide rails, reflectors, signage, dividers, curbing, milling, drainage structures and improvements, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved, the \$1,983,062 appropriation hereby made therefor being inclusive of the sum of \$351,700 received or expected to be received by the Township from the New Jersey Department of Transportation as a grant-in-aid of financing the improvement to Ridge Road

	1,983,062	1,888,000
(c) Acquisition by purchase of new and additional vehicular equipment including one (1) mason dump truck and one (1) pickup truck for use by the Department of Public Works of the Township, including also the substantial refurbishment of a fire truck for use by the Fire Company #2 of the Township, together with all attachments, appurtenances and equipment necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	393,325	368,193
(d) Acquisition, by purchase, of new and additional firefighting equipment for the preservation of life and property in the Township, consisting of one (1) fire truck for use by Fire Company #1 of the Township, together with all equipment, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved.	616,303	586,000
(e) Acquisition by purchase and installation, as necessary, of new and additional equipment, including one (1) electronic message board for use by the Police Department of the Township, one (1) mini-excavator, one (1) front end loader and one (1) generator for use by the Department of Public Works of the Township, and four (4) portable light towers for use by the Recreation Department of the Township, together with for all the aforesaid all attachments, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Township Clerk and hereby approved	319,964	304,000
Totals	\$3,780,203	\$3,591,193

Except as otherwise stated in paragraph (b) above with respect to the said \$350,000 grant-in-aid of financing said improvement to Ridge Road, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

- Section 4.** The following additional matters are hereby determined, declared, recited and stated:
- (a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Township may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
 - (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.53 years.
 - (c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,591,193, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
 - (d) Amounts not exceeding \$380,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Township on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3(b) of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Township authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this Bond Ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Bond Ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the prices obtained and the name of the purchaser.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property with the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 9. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **April 21, 2021.**

Council President Senatore said she would like the Ordinance to reflect Dogwood Court Pickleball or Kennedy Field. She said she objected to spending \$85,000 on something new when Kennedy Field, which is used for girls' softball, is already owned by the Township and needs to be fixed. Ms. Millikin and Mayor Wilsusen advised Council that the issue at Kennedy Field had recently been discovered. Mayor Wilsusen said substantial rocks are coming up through the sandy clay; however, he doesn't see repairs costing \$85,000. Council President Senatore said the field also needs drainage. Mr. Eagen's recommendation was to treat the Kennedy Field project separately. He said that, depending on the cost, the project may be able to be self-funded instead of funded through a bond. Ms. Millikin said she asked Park Director John Burns to obtain a cost for fixing the field and she would address it with Mr. Eagen on Monday.

INTRODUCTION: APRIL 7, 2021

ADOPTION:

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

12. NEW BUSINESS

RESOLUTION #21-88 – Resolution Authorizing the Immediate Repeal of Senate Bill No. 3454 (P.L. 2021 C. 25)

WHEREAS, on February 22, 2021, New Jersey Governor Phil Murphy signed legislation entitled "The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" to allow adult use of marijuana and decriminalize possession of marijuana and related substances; and

WHEREAS, the Governor also affixed his signature to companion legislation, specifically S3454, that purportedly clarified marijuana and cannabis use and possession penalties for individuals younger than 21 years old; and

WHEREAS, the majority of New Jersey residents last fall voted in favor to legalize marijuana for use by adults at least 21 years of age. There is no question, nor debate, on the outcome of the ballot question. However, New Jersey residents were not aware at the time of their vote that this would eventually lead to the New Jersey Legislature voting to make law enforcement officers "guilty of a crime" if they notify parents of children under the age of 18 that their child was caught with marijuana or alcohol, on the first offense; and

WHEREAS, parents must be encouraged to be involved in the lives of their children, not separated from them by state legislation, especially when minors are found possessing or consuming substances considered problematic enough that the state controls both adult and underage usage; and

WHEREAS, the legislation is treacherous to law enforcement officers because it creates a penalty of 3rd Degree Deprivation of Civil Rights if an officer uses the odor or possession of marijuana or alcoholic beverages as the reason for initiating an investigatory stop of a person. The new law states that a law enforcement officer cannot use the odor of marijuana or alcohol as reasonable articulable suspicion to initiate an investigatory stop. The new law states that no one under the age of 21 can consent to be searched and that a law enforcement officer no longer has probable cause to search a minor for illegally using marijuana or alcohol. And if an officer violates a minor's rights by using marijuana or alcohol as the reason for a search then the officer will be charged with the crime of deprivation of civil rights; and

WHEREAS, various law enforcement organizations have urged the Governor and the New Jersey State Legislature to immediately change this and other provisions of S3454, including the Sheriffs' Association of New Jersey, the New Jersey State Policemen's Benevolent Association, New Jersey State Fraternal Order of Police, New Jersey State Association of Chiefs of Police; and

WHEREAS, those agencies have noted S3454 additionally prevents officers from initiating an investigatory stop of underage individuals, even if they smell the odor of marijuana, hashish and cannabis, and that officers are prohibited from initiating a search of those individuals even when they observe them openly possessing alcoholic beverages, marijuana, hashish, or cannabis; and

WHEREAS, any law enforcement officers found not complying with the provisions of S3454 face criminal penalties, specifically conviction

of a third-degree crime that carries the potential of imprisonment for 3 to 5 years, a \$15,000 fine or both.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that Governor Phil Murphy and the New Jersey State Legislature are strongly urged to revisit and revise provisions of S3454, specifically those identified by the Sheriffs' Association of New Jersey, the New Jersey State Policemen's Benevolent Association, New Jersey State Fraternal Order of Police, New Jersey State Association of Chiefs of Police, which prevent parental notification when children are found with controlled substances and tie the hands of law enforcement officers who discover underage people with alcohol, marijuana, hashish, or cannabis.

Ms. Reilly asked if Council would like to discuss changes or removal of the third "whereas". Council President Senatore said the resolution was fine as is. Mr. Ryan said he felt that the whereas could be left in the resolution as it would reflect the sentiment of the Council if the resolution was passed. Council Vice President Dunham agreed and said leaving in the third whereas reiterates what the Council feels about the Senate bill.

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			

RESOLUTION #21-89 – Resolution Accepting and Approving the Annual Length of Service Award Program (LOSAP) Contribution Report and Authorizing Payment of Purchase Order #21-00756

WHEREAS, the Township of Jefferson established a Length of Service Awards Program (LOSAP), in accordance with Chapter 388 of the Laws of 1997, to reward members of the Jefferson Township Volunteer Fire Departments, Milton Fire Company #1 and Lake Hopatcong Fire Company #2, the Jefferson Township Rescue Squad and the Milton First Aid Squad for their loyal, diligent and devoted services to the residents of Jefferson; and

WHEREAS, the Township of Jefferson makes annual contributions to qualifying volunteers into a Deferred Compensation Plan; and

WHEREAS, the Chief Financial Officer has submitted the 2020 LOSAP Contributions report to the Township Council of the Township of Jefferson for review and approval; and

WHEREAS, the Chief Financial Officer has also submitted to the Township Council purchase orders for payment to the Township's LOSAP provider for review and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, does hereby approve and accept the 2020 LOSAP Contribution Report and does hereby authorize payment of Purchase Order 21-00756 in the amount of \$147,028.00.

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

RESOLUTION #21-90 – Resolution Approving the Collective Negotiations Agreement With The Jefferson PBA Local 190 For Years 2021-2025 And Authorizing the Execution Thereof

WHEREAS, the negotiations teams for the Township of Jefferson and Township of Jefferson PBA Local 190 have reached agreement on the terms for a new five (5) year collective negotiations agreement for January 1, 2021 through December 31, 2025; and

WHEREAS, the previous Contract with PBA Local 190 expired on December 31, 2020; and

WHEREAS, the parties have been negotiating a renewal of the Contract for PBA Local 190, retroactive to January 1, 2021; and

WHEREAS, the new 2021-2025 Agreement has been drafted and reviewed by the Township Administration and subsequently reviewed and approved by the Township Labor Counsel and fully incorporates the terms of the Memorandum of Understanding; and

WHEREAS, the Governing Body of the Township of Jefferson wishes to ratify the 2021-2025 Agreement as negotiated and in the form attached hereto.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the PBA Local 190 Collective Negotiations Agreement for 2021-2025, in the form attached hereto, is approved.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are authorized to execute the 2021-2025 Agreement with PBA Local 190.

Councilman Birmingham asked to make a comment. He stated that a number of years ago there was a provision made to an existing contract that changed the benefits package. He said Council was advised at the time by the Labor Attorney not to take action because it could open up a Pandora's Box down the road. Councilman Birmingham said Council operated at the time against the advice of the labor attorney and are now being told that because of past practice, certain items must be included in this contract. He advised that in the future the Council should take the attorney's advice. He said Council created the problem and the taxpayers will pay the price.

Mayor Wilsusen said he would like to point out that the advice was not given by the current attorney.

Council Vice President Dunham said he agreed with Councilman Birmingham but wanted to point out that when the exception was made for the two (2) officers who were retiring at that time, he was told by the previous administration that the provision would affect the two (2) officers up to Badge 39. He said now the information has changed. He stated that it was explained to him entirely differently than what it turned out to be. Council Vice President Dunham said he believes the new document clarifies the issue and makes it perfectly understandable that this provision will be coming to an end.

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

12. MINUTES
February 17, 2021 – Regular Meeting
March 17, 2021 – Special Meeting

Ms. Reilly asked Council to remove the March 24, 2021 minutes from the agenda as they required further editing.

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			

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

***APPOINTMENTS**

- None

***CONSENT AGENDA RESOLUTIONS:**

- 21-91 Resolution Authorizing the Payment of Bills
- 21-92 Resolution Authorizing the Refund of Overpayment (s) of Utility Fees
- 21-93 Resolution Applying for Governor’s Council on Alcoholism and Drug Abuse – Fiscal Grant Cycle July 2020-June 2025
- 21-95 Resolution Approving Current Estimate #2 – TSUJ Corp – For Generator Replacement – Contract No. UTL-20-5
- 21-96 Resolution Authorizing Change Order No. 1 and Approving Current Estimate No. 2 (Final Payment) – Mike Fitzpatrick Contractors, Inc. – For Brady Road Improvements Phase 2 – Contract RDE-19-2
- 21-97 Resolution Authorizing Change Order No. 1 and Approving Current Estimate No. 2 (Final Payment) – Mike Fitzpatrick Contractors, Inc. – For Brady Road Improvements Phase 1 – Contract RDE-18-2
- 21-98 Resolution Authorizing Contract Through NJ State Contract #T-0106 For The Purchase Of Police Body Cameras – Axon Enterprise, Inc.
- 21-99 Resolution Authorizing Contract for Township of Jefferson Police Department Addition – North Creek, LLC

Prior to the vote on the Consent Agenda, Council Vice President Dunham requested that Resolution #21-94, Resolution Authorizing a Professional Services Agreement for Planning Services – Jill A. Hartmann, PP, AICP –For Period Ending December 31, 2021 be removed for separate consideration and vote.

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			

RESOLUTION #21-94

Resolution Authorizing a Professional Services Agreement for Planning Services – Jill A. Hartmann, PP, AICP – For Period Ending December 31, 2021

Councilman Smith made a motion to authorize the agreement but received no second. Mr. Ryan said the motion dies with no second. Councilman Smith said he wanted to withdraw his motion. Council Vice President Dunham said he would prefer the Township go out for RFP rather than renewing the appointment. Council President Senatore said she agreed.

13. 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 and address for the record.

Donna Vander Ploeg – 14 Crystal Road

Ms. Vander Ploeg addressed her comments to Councilman Smith and said she was very uncomfortable with his previous comments to Councilman Birmingham.

Council President Senatore said the last meeting was very uncomfortable for her when people were stating things were not transparent. She said she relies on the Vice President and the Clerk to make sure things are run correctly, as well as the advice from the Township Attorney.

She said she also relies on her fellow Council members and the Mayor and Administrator. Council President Senatore said everyone works hard to make sure that the audience and residents know everything that goes on.

Robert Vander Ploeg Jr. – 14 Crystal Road

Mr. Vander Ploeg said he was looking for previous minutes and it seems there have been changes to the website as it now only goes back three (3) years.

Mayor Wilsusen said the website has been upgraded. Ms. Reilly said not everything was moved from the old website to the new website during transition. Council President Senatore asked if there was a requirement for having a certain amount of minutes on the website and Ms. Reilly said the State does not require the posting of minutes to the website. She said putting more minutes on the website could be handled with the website coordinator. Mayor Wilsusen said if Council wanted more minutes put up then IT could do that. Councilman Birmingham said if information was available five (5) years ago it should still be available now.

Kathy Hammond – 32 Old Fourth Drive

Ms. Hammond said older minutes are available on the Township Code page.

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

16. ADJOURNMENT AT 8:46 PM

Motion made by Council Vice President Dunham, second by Council President Senatore, to adjourn the meeting at 8:46 pm, with all members in favor signifying by “Aye.”

April 7, 2021

Michele Reilly, RMC, Township Clerk

Melissa Senatore, Council President

CONSENT AGENDA RESOLUTION #21-91

“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 **April 7, 2021** and on file and available for public inspection in the Office of the Treasurer and approved by him/her for payment, be paid.

CONSENT AGENDA RESOLUTION 21-92

“RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT(S) OF UTILITY FEES”

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

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

WHEREAS, the Director of Utility 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. Overpayment at Closing	2. High Billing Estimates	3. Meter Reading Error
4. Credit X-Rate	5. Overpayment	6. Meter/Remote Discrepancy
7. Stuck Remote	8. Remote Reading Error	9. Account Reset Error
10. Meter Error	11. Reading Input Error	12. New Construction/Service Off
13. Inadvertent payment JTMU	14. Bill Code Error	15. Reimbursement for Repairs/Usage/Conn

BLOCK/LOT	NAME	AMOUNT	YEAR	CODE
453/4.01	Berkshire Ridge Homeowners Assn c/o Wilken Management Group 1655 Valley Road, Suite 300 Wayne, NJ 07470	\$18,528.00	2021/Q1	8
		TOTAL:	\$18,528.00	

CONSENT AGENDA RESOLUTION #21-93

“RESOLUTION APPLYING FOR GOVERNOR’S COUNCIL ON ALCHOLISM AND DRUG ABSUE
FISCAL GRANT CYCLE JULY 2020 – JUNE 2025”

FORM 1B

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township of Jefferson, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the (name) Municipal Alliance grant for fiscal year July 2020 to June 2025 in the amount of:

DEDR \$12,920.00
Cash Match \$ 4,845.00

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

CONSENT AGENDA RESOLUTION #21-95

“RESOLUTION APPROVING CURRENT ESTIMATE NO. 2 - TSUJ CORP – FOR GENERATOR REPLACEMENT
CONTRACT NO. UTL -20 -5”

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

WHEREAS, the Township Engineer has submitted **Current Estimate No. 2** in the amount of **\$40,367.49** 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 \$40,367.49 to TSUJ Corp, P.O. Box 4621, Wayne, New Jersey, 07470.**

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

CONSENT AGENDA RESOLUTION #21-96

“RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND APPROVING CURRENT ESTIMATE NO. 2 (FINAL PAYMENT) –
MIKE FITZPATRICK CONTRACTORS, INC. – FOR BRADY ROAD IMPROVEMENTS- PHASE 2- CONTRACT RDE-19-2”

WHEREAS, a contract was awarded to Mike Fitzpatrick Contractors, Inc. for Brady Road Improvements- Phase 2 **Contract RDE-19-2**; and

WHEREAS, the Township Engineer has submitted and recommended **Change Order. No. 1** in the amount of (\$16,888.01) to reflect as-built quantities, decreasing the contract total to \$207,651.99 (a decrease in -7.52%); and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 2** in the amount of **\$19,536.86** 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 **Change Order No. 1 and Current Estimate No. 2 for final payment in the amount of \$19,536.86 to Mike Fitzpatrick Contractors, Inc., 18 Cozy Lake Road, Oak Ridge, NJ 07438.**

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

CONSENT AGENDA RESOLUTION #21-97

“RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND APPROVING CURRENT ESTIMATE NO. 2 (FINAL PAYMENT) –
MIKE FITZPATRICK CONTRACTORS, INC. – FOR BRADY ROAD IMPROVEMENTS- PHASE 1- CONTRACT RDE-18-2”

WHEREAS, a contract was awarded to Mike Fitzpatrick Contractors, Inc. for Brady Road Improvements- Phase 1, **Contract RDE-18-2**; and

WHEREAS, the Township Engineer has submitted and recommended **Change Order No. 1** in the amount of (\$3,813.22) to reflect as-built quantities, decreasing the contract total to \$215,098.78 (a decrease in -1.74%); and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 2** in the amount of **\$42,220.63** 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 **Change Order No. 1 and Current Estimate No. 2 for final payment in the amount of \$42,220.63** to Mike Fitzpatrick Contractors, Inc., **18 Cozy Lake Road, Oak Ridge, NJ 07438.**

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

CONSENT AGENDA RESOLUTION #21-98

“RESOLUTION AUTHORIZING CONTRACT THROUGH NJ STATE CONTRACT #T-0106 FOR THE PURCHASE OF POLICE BODY CAMERAS- “AXON ENTERPRISE, INC.”

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

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

WHEREAS, **NJ State Contract #T-0106** was awarded to **Axon Enterprise, Inc., 17800 N. 85th Street, Scottsdale, AZ 85255** for the purchase of Police Body Cameras and accessories; and

WHEREAS, the Township of Jefferson desires to purchase, in an **amount not to exceed \$28,380.00 for 30 Police Body Cameras and Accessories** through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current NJ State contract; 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

C-04-55-916-004-910

C-04-55-917-004-910

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to purchase **30 Police Body Cameras and Accessories from the approved NJ State Contract # T-0106 in an amount not to exceed \$28,380.00 from Axon Enterprise, Inc., 17800 N. 85th Street, Scottsdale, AZ 85255.**

CONSENT AGENDA RESOLUTION #21-99

“RESOLUTION AUTHORIZING CONTRACT FOR TOWNSHIP OF JEFFERSON POLICE DEPARTMENT ADDITION”

WHEREAS, the Township of Jefferson received bids for the **Township of Jefferson Police Department Addition on March 3, 2021;** and

WHEREAS, seventeen (17) bids were received; and

WHEREAS, **North Creek LLC** was the lowest responsible bidder with a bid of **\$1,087,000.00;** and

WHEREAS, the Township Architect, Fredrick T. Wawra of Fox Architectural Design PC recommends awarding the contract to **North Creek LLC,** in his letter dated **March 23, 2021;** and

WHEREAS, the Township Attorney has reviewed and accepted the bid package submitted by **North Creek, LLC;** 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 **\$1,087,000.00**

C-04-55-921-001-901

C-04-55-918-006-901

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, hereby awards the contract for the Township of Jefferson Police Department Addition to North Creek, LLC, PO Box 112, Essex Fells, New Jersey 07021 in the amount of \$1,087,000.00.