

JEFFERSON TOWNSHIP COUNCIL
MUNICIPAL BUILDING
1033 WELDON ROAD
LAKE HOPATCONG, NJ 07849
973-208-6100
www.jeffersontownship.net

TO THE EXTENT
KNOWN AS OF
7.10.2020

JULY 15, 2020
EXECUTIVE SESSION - 6:30 PM
REGULAR MEETING – 7:00 PM
AGENDA

1. CALL TO ORDER – Presiding Officer

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of **July 15, 2020** 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 3, 2020** and was posted on the bulletin board in the Municipal Building on **January 3, 2020** 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 to a meeting held via remote access only due to the Covid-19 pandemic and in response to State and Local Health Department guidelines, as well as the change in meeting time, was noticed on **July 10, 2020**.

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

2. ROLL CALL – Township Clerk

	Present	Absent
Mr. Birmingham		
Mr. Dunham		
Mrs. Merz		
Vice President Senatore		
President Finnegan		
Mr. Ryan, Township Attorney		
Ms. Reilly, Township Clerk		

Let the record reflect the following members of the Administration are present: Administrator Debi Millikin, Mayor Eric Wilsusen, Chief Financial Officer Bill Eagen, Auditor Tom Ferry.

3. SALUTE TO THE FLAG – Presiding Officer

4. EXECUTIVE SESSION - Presiding Officer

RESOLUTION #20-164 - 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.
 - Geib v. Township of Jefferson
 - Bowling Green Utility Easement
- (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 **July 15, 2020 at 6:30 P.M.** in the Township Municipal Building, 1033 Weldon Road, Lake Hopatcong, New Jersey, that the Township Council shall meet in Executive Session, from which the public shall be excluded, for the discussion of matters relating to the specific items designated above.

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

Council Member	By	2 nd	Yes	No	Abstain	Absent
Mr. Birmingham						
Mr. Dunham						
Mrs. Merz						
Vice President Senatore						
President Finnegan						

5. **SPECIAL PRESENTATIONS - Presiding Officer**
 - **2019 Audit Presentation - Tom Ferry, Auditor & Bill Eagen, CFO**
6. **PUBLIC COMMENT – Presiding Officer**
Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.
7. **ORDINANCES –PUBLIC HEARING AND VOTE FOR ADOPTION - Township Clerk**
 - **None for July 15, 2020**
8. **COUNCIL AND MAYOR DISCUSSION**
 - **Police Department Addition**
9. **ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR – Mayor Wilsusen**
10. **COUNCIL REPORTS – Presiding Officer**
11. **ORDINANCES – FIRST READING- Township Clerk**
 - **None for July 15, 2020**
12. **NEW BUSINESS – Presiding Officer**
 - **RESOLUTION #20-165- RESOLUTION OF THE GOVERNING BODY CERTIFYING THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year **2019** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Township Council of the Township of Jefferson; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the Township Council of the Township of Jefferson have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the Group Affidavit Form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than **forty-five days** after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Township Council of the Township of Jefferson have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52:

A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Jefferson, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance

Council Member	By	2 nd	Yes	No	Abstain	Absent
<u>Mr. Birmingham</u>						
<u>Mr. Dunham</u>						
<u>Mrs. Merz</u>						
<u>Vice President Senatore</u>						
<u>President Finnegan</u>						

13. MINUTES

June 10, 2020 (Regular)

Council Member	By	2 nd	Yes	No	Abstain	Absent
<u>Mr. Birmingham</u>						
<u>Mr. Dunham</u>						
<u>Mrs. Merz</u>						
<u>Vice President Senatore</u>						
<u>President Finnegan</u>						

June 24, 2020 (Regular)

Council Member	By	2 nd	Yes	No	Abstain	Absent
<u>Mr. Birmingham</u>						
<u>Mr. Dunham</u>						
<u>Mrs. Merz</u>						
<u>Vice President Senatore</u>						
<u>President Finnegan</u>						

14. 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**

- **Kennel License #20-04**
 The Dawg House
 July 1, 2020 Through June 30, 2021
- **Kennel License #20-05**
 Lake Hopatcong Animal Hospital and Kennel
 July 1, 2020 Through June 30, 2021

***APPOINTMENTS**

- None

***CONSENT AGENDA RESOLUTIONS:**

- 20-166 Resolution Authorizing the Payment of Bills
- 20-167 Resolution Authorizing the Refund of Overpayment(s) of Taxes
- 20-168 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 For The 2020 Morris County Paratransit (Dial-A-Ride) Grant In The Amount of \$18,000.00
- 20-169 Resolution Authorizing Contracts With Certain Approved Morris County Cooperative Pricing Council Contract Vendors For Contracting Units - Ditschman/Flemington Ford, LLC - Ford 350 Super Cab - Sewer Department
- 20-170 Resolution Authorizing Contracts With Certain Approved Morris County Cooperative Pricing Council Contract Vendors For Contracting Units - Ditschman/Flemington Ford, LLC - Ford 350 Regular Cab - Water Department
- 20-171 Resolution Authorizing The Execution of a Rights-Of-Way Use Agreement With Planet Networks, Inc. For Use Of The Township's Public Rights-Of-Way For Telecommunication Services
- 20-172 Resolution Authorizing A Professional Services Agreement For Public Defender Services For The Township of Jefferson With The Law Office of Daniel P. Agatino, LLC
- 20-173 Resolution Authorizing Current Estimate No. 1 - Riverview Paving, Inc. - For 2020 Road Paving Program - Contract No. RDE-20-1
- 20-174 Resolution Authorizing Current Estimate No. 1 - Riverview Paving, Inc. - For Ridge Road Improvements - Phase 2 - Contract No. RDE-19-4
- 20-175 Resolution Authorizing Current Estimate No. 1 - Mike Fitzpatrick & Son, Inc.- For Brady Road Improvements - Phase 2 - Contract No. RDE-19-2
- 20-176 Resolution Authorizing the Rejection of Sealed Bids For Purchase Of Motor Oil And Miscellaneous Lubricants, Contract RDE-20-2 And Authorizing A Rebid For Same
- 20-177 Resolution Authorizing the Renewal of Liquor Licenses - NMT Inc. (Berkshire Bottle Shop) - 1414-33-024-004
- 20-178 Resolution Authorizing the Renewal of Liquor Licenses - Milton Inn Inc. - 1414-32-005-006
- 20-179 Resolution Authorizing the Renewal of Liquor Licenses - Three Peaks Liquors LLC (Stonewater)- 1414-33-001-008
- 20-180 Resolution Authorizing the Renewal of Liquor Licenses - William H Flatt Jr Post 245 - American Legion -1414-31-033-001

Council Member	By	2 nd	Yes	No	Abstain	Absent
Mr. Birmingham						
Mr. Dunham						
Mrs. Merz						
Vice President Senatore						
President Finnegan						

15. **PUBLIC COMMENT – Presiding Officer**
 Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.
16. **ADJOURNMENT AT _____ PM - Presiding Officer**

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

FUTURE MEETINGS (7 PM START)	Wednesday, August 12th
Wednesday, September 2nd	Tuesday, September 15th
Wednesday, October 7th	Wednesday, October 21st
Wednesday, November 11th	Wednesday, December 2nd
Wednesday, December 16th	Thursday, January 6th, 2021 – Reorganization

CONSENT AGENDA RESOLUTION #20-166

“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 July 15, 2020 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 #20-167

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

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

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

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

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

CODE OF REASONS

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

BLOCK	LOT	NAME	AMOUNT	CODE	YEAR
266	3.02	TFUF ENTERPRISES	\$35,232.88	8	2020
		2017 Appeal - \$ 7,219.87			
		2018 Appeal - \$13,413.07			
		2019 Appeal - \$14,599.94			
264	1	US BANK CUST BV002 TRST&CRDTRS	\$33,668.01	5	2020
264	1	US BANK CUST BV002 TRST&CRDTRS	\$10,000.00	10	2020
			TOTAL	\$78,900.89	

CONSENT AGENDA RESOLUTION #20-168

“RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION UNDER N.J.S.A. 40A:4-87 FOR THE
2020 MORRIS COUNTY PARATRANSIT (DIAL-A-RIDE) GRANT
IN THE AMOUNT OF \$18,000.00”

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

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

WHEREAS, the Township of Jefferson, has been awarded a **2020 MORRIS COUNTY PARATRANSIT (DIAL-A-RIDE) GRANT** in the amount of **\$18,000.00** and wishes to amend its **2020** budget to include this amount as an item of revenue.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby requests the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget of the year **2020** in the total amount of **\$18,000.00**, which will be available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services – Public
And Private Revenues Offset with Appropriations:
2020 MORRIS COUNTY PARATRANSIT (DIAL-A-RIDE) GRANT **\$18,000.00**

BE IT FURTHER RESOLVED that a like sum of **\$18,000.00** be and the same is hereby appropriated under the caption of:
General Appropriations

A. Operations – Excluded from CAPS
Public and Private Programs Offset by Revenues:
2020 MORRIS COUNTY PARATRANSIT (DIAL-A-RIDE) GRANT
Dial-A- Ride: Salaries & Wages **\$18,000.00**

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

CONSENT AGENDA RESOLUTION #20-169

“RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT VENDORS FOR CONTRACTING UNITS –
DITSCHMAN/FLEMINGTON FORD, LLC”

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 **Morris County Cooperative Pricing Council (MCCPC) contracts entered into on behalf of the Township of Randolph**; and

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

WHEREAS, **MCCPC Contract #15-C, Item #12** was awarded to **Ditschman/Flemington Ford, LLC, 215 US Highway 202, Flemington, New Jersey, 08822 for 2020 Ford F350 Super Cab 4x4 Pickup Truck**; and

WHEREAS, the Township of Jefferson desires to purchase **one (1) new/unused 2020 Ford F350 Super Cab 4x4 Pickup Truck with options in an amount not to exceed \$42,961.75** through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current **Morris County Cooperative Pricing Council Co-op contracts**; 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 **\$42,916.75**.

C-08-55-520-007-501

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the Township Administrator is authorized to purchase **one (1) new/unused 2020 Ford F350 Super Cab 4x4 Pickup Truck with options from Ditschman/Flemington Ford, LLC, 215 US Highway 202, Flemington, New Jersey, 08822 in an amount not to exceed \$42,916.75**.

CONSENT AGENDA RESOLUTION #20-170

“RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
MORRIS COUNTY COOPERATIVE PRICING COUNCIL CONTRACT VENDORS FOR CONTRACTING UNITS –
DITSCHMAN/FLEMINGTON FORD, LLC”

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 **Morris County Cooperative Pricing Council (MCCPC) contracts entered into on behalf of the Township of Randolph**; and

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

WHEREAS, **MCCPC Contract #15-C, Item #13** was awarded to **Ditschman/Flemington Ford, LLC, 215 US Highway 202, Flemington, New Jersey, 08822 for 2020 Ford F350 Regular Cab 4x4 DRW Chassis Cab Truck with options**; and

WHEREAS, the Township of Jefferson desires to purchase one (1) new/unused 2020 Ford F350 Regular Cab 4x4 DRW Chassis Cab Truck with options in an amount not to exceed \$57,030.00 through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current **Morris County Cooperative Pricing Council Co-op contracts**; 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 \$57,030.00.

C-06-55-520-012-501

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the Township Administrator is authorized to purchase one (1) new/unused 2020 Ford F350 Regular Cab 4x4 DRW Chassis Cab Truck with options from Ditschman/Flemington Ford, LLC, 215 US Highway 202, Flemington, New Jersey, 08822 in an amount not to exceed \$57,030.00.

CONSENT AGENDA RESOLUTION #20-171

**“RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT
WITH PLANET NETWORKS, INC.
FOR USE OF THE TOWNSHIP’S PUBLIC RIGHTS-OF-WAY FOR TELECOMMUNICATION SERVICES”**

WHEREAS, Planet Networks, Inc. represents that it was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey and intends to provide telecommunication services in accordance with an Order entered by the Board of Public Utilities, and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, Planet Networks, Inc. (referred to herein as “Planet”) may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services provided that it secures municipal consent to use Public Rights-of-Way; and

WHEREAS, the Township of Jefferson (“Township”) and Planet will enter into a Rights-of-Way Use Agreement (the “Agreement”) with the Township of Jefferson (“Township”) for Planet’s non-exclusive use of the Township’s Public Rights-of-Way for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system, which Agreement shall be for a term of ten (10) years; and

WHEREAS, it is in the best interests of the Township and its residents to promote competition in the telecommunications market and the Township is empowered to enter into the Agreement pursuant to N.J.S.A.48:17-10 and 12, and to grant its consent to Planet to occupy and use the public rights-of-way in the manner set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, in the County of Morris, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute on behalf of the Township the Agreement with Planet.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately, however, it shall be void and of no effect in the event that Planet fails or refuses to execute the Agreement.

BE IT FURTHER RESOLVED if any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

CONSENT AGENDA RESOLUTION #20-172

**“RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT FOR PUBLIC DEFENDER SERVICES
FOR THE TOWNSHIP OF JEFFERSON WITH THE LAW OFFICE OF DANIEL P. AGATINO, LLC.”**

WHEREAS, the Township of Jefferson has a need for professional Public Defender services; and

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

WHEREAS, The Law Office of Daniel P. Agatino, LLC., has submitted a proposal indicating Public Defender services will be provided for an annual fee not to exceed \$7,000.00 per year; and

WHEREAS, The Law Office of Daniel P. Agatino, LLC., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate, committee or employee for those positions listed on the Business Entity Disclosure Certification Form in the previous one year, and that the contract will prohibit The Law Office of Daniel P. Agatino, LLC. from making any reportable contributions through the term of the 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 funds for said contract are available and are designated to a line item appropriations designated below and totaling \$7,000.00

T-15-56-860-000-806 O-01-43-491-491-261

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 AS FOLLOWS:

Section 1. The Mayor and Township Clerk are hereby authorized and directed to execute and agreement with The Law Office of Daniel P. Agatino, LLC, 41 Lakeside Boulevard, Hopatcong, New Jersey 07843 for Public Defender services to the Township of Jefferson for an annual fee not to exceed \$7,000.00 per year.

Section 2. Daniel P. Agatino is designated as the Township’s Public Defender.

- Section 3.** 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 4.** The term of this agreement shall be for one year, from July 1, 2020 through December 31, 2020.
- Section 5.** A notice of this action shall be printed once in the legal newspaper of the Township of Jefferson.
- Section 6.** The resolution authorizing the award of contract for "Professional Services" and the contract itself must be available for public inspection per the requirement of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)
- Section 7.** The Business Entity Disclosure Certification and the Determinations of Value be placed on file with this resolution.

CONSENT AGENDA RESOLUTION #20-173

**"RESOLUTION AUTHORIZING CURRENT ESTIMATE NO. 1 -
RIVERVIEW PAVING, INC. - FOR 2020 ROAD PAVING PROGRAM -
CONTRACT NO. RDE-20-1**

WHEREAS, a contract was awarded to **Riverview Paving, Inc. for 2020 Road Paving Program, Contract No. RDE-20-1;** and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 1** in the amount of **\$599,917.25** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 1 for a payment in the amount of \$599,917.25 to Riverview Paving, Inc., 13 Eagle Rock Avenue, East Hanover, New Jersey, 07936.**

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 #20-174

**"RESOLUTION AUTHORIZING CURRENT ESTIMATE NO. 1 -
RIVERVIEW PAVING, INC. - FOR RIDGE ROAD IMPROVEMENTS - PHASE 2 -
CONTRACT NO. RDE-19-4**

WHEREAS, a contract was awarded to **Riverview Paving, Inc. for Ridge Road Improvements -Phase 2, Contract No. RDE-19-4;** and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 1** in the amount of **\$263,779.52** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 1 for a payment in the amount of \$263,779.52 to Riverview Paving, Inc., 13 Eagle Rock Avenue, East Hanover, New Jersey, 07936.**

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 #20-175

**"RESOLUTION AUTHORIZING CURRENT ESTIMATE NO. 1 -
MIKE FITZPATRICK & SON, INC. - FOR BRADY ROAD IMPROVEMENTS - PHASE 2 -
CONTRACT NO. RDE-19-2**

WHEREAS, a contract was awarded to **Mike Fitzpatrick & Son, Inc. for Brady Road Improvements -Phase 2, Contract No. RDE-19-2;** and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 1** in the amount of **\$118,115.13** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 1 for a payment in the amount of \$118,115.13 to Mike Fitzpatrick & Son, Inc., 18 Cozy Lake Road, Oak Ridge, New Jersey, 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 #20-176

“RESOLUTION AUTHORIZING THE REJECTION OF SEALED BIDS FOR PURCHASE OF MOTOR OIL AND MISCELLANEOUS LUBRICANTS, CONTRACT RDE-20-2 AND AUTHORIZING A REBID FOR SAME”

WHEREAS, the Administrator of the Township of Jefferson caused a notice to be published in the Daily Record inviting the submission to the Jefferson Township Purchasing Office of sealed bids for “**Motor Oil & Miscellaneous Lubricants, Contract RDE-20-2**”, **due no later than 11:00 AM on May 28, 2020**; and

WHEREAS, one (1) bid was received from David Weber Oil Co. in the amount of \$17,261.18; and

WHEREAS, the Township reserved the right to reject bids in its bid specifications, and the receipt of only one (1) bid serves as a basis to reject the bid consistent with the Local Public Contract Law; and

WHEREAS, the Township of Jefferson also desires to review and potentially revise the bid specifications in anticipation of obtaining cost savings.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the bid is hereby rejected.

BE IT FURTHER RESOLVED that, after review of the bid specifications, the Administrator is hereby authorized to re-advertise for the receipt of sealed bids for “**Motor Oil and Miscellaneous Lubricants, Contract RDE-20-2**” for the Township of Jefferson.

CONSENT AGENDA RESOLUTION #20-177

“RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES – NMT INC. (BERKSHIRE BOTTLE SHOP) - 1414-33-024-004”

WHEREAS, the Township Council, Township of Jefferson, County of Morris, State of New Jersey has received applications for renewal of liquor licenses; and

WHEREAS, the following establishment has completed the necessary State of New Jersey Division of Alcoholic Beverage Control (ABC) applications and the correct fees have been paid to the Township Clerk for renewal of liquor licenses for the year **2020-2021**.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Jefferson approves the application for renewal of liquor licenses for the following establishment for the period **July 1, 2020 to June 30, 2021**:

- NMT Inc (Berkshire Bottle Shop) Liquor License Number #1414-33-024-004

CONSENT AGENDA RESOLUTION #20-178

“RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES – MILTON INN INC. - 1414-32-005-006”

WHEREAS, the Township Council, Township of Jefferson, County of Morris, State of New Jersey has received applications for renewal of liquor licenses; and

WHEREAS, the following establishment has completed the necessary State of New Jersey Division of Alcoholic Beverage Control (ABC) applications and the correct fees have been paid to the Township Clerk for renewal of liquor licenses for the year **2020-2021**.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Jefferson approves the application for renewal of liquor licenses for the following establishment for the period **July 1, 2020 to June 30, 2021**:

- Milton Inn Inc. Liquor License Number #1414-32-005-006

CONSENT AGENDA RESOLUTION #20-179

“RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES – THREE PEAKS LIQUORS LLC (STONEWATER) - 1414-33-001-008”

WHEREAS, the Township Council, Township of Jefferson, County of Morris, State of New Jersey has received applications for renewal of liquor licenses; and

WHEREAS, the following establishment has completed the necessary State of New Jersey Division of Alcoholic Beverage Control (ABC) applications and the correct fees have been paid to the Township Clerk for renewal of liquor licenses for the year **2020-2021**.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Jefferson approves the application for renewal of liquor licenses for the following establishment for the period **July 1, 2020 to June 30, 2021**:

- Three Peaks Liquors LLC (Stonewater) Liquor License Number #1414-33-001-008

BE IT FURTHER RESOLVED that the following conditions apply:

1. **Outdoor music** is prohibited in any form, whether live or recorded, amplified or unamplified, and whether through speakers or otherwise piped in **after 10:00 pm**.
2. All doors and windows will be **closed at 10:00 pm** when there is indoor music of any kind, live or recorded, amplified or unamplified, and whether through speakers or otherwise piped in.
3. **Port-a-johns** are prohibited on the property.

4. **Seating capacity** including the deck area shall be limited as determined by the Building Department and Fire Official– Total of two hundred twenty persons **(220)** persons.
5. **Consumption or service of food and beverages**, including alcoholic beverages, is limited to the 1st floor footprint of the building, which includes the deck area.
6. **Exterior seating** is prohibited beyond the 1st floor footprint of the building and deck area.
7. **Exterior chairs, tents, umbrellas and the like** are prohibited beyond the 1st floor footprint of the building, except such chairs, tables, umbrellas and the like as may be safely and reasonably placed within the exterior deck area.
8. All **vehicles** owned or operated by patrons must be removed from the premises within **forty-five (45)** minutes of closing.

CONSENT AGENDA RESOLUTION #20-180

**“RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES –
WILLIAM H FLATT JR POST 245 – AMERICAN LEGION - 1414-31-033-001”**

WHEREAS, the Township Council, Township of Jefferson, County of Morris, State of New Jersey has received applications for renewal of liquor licenses; and

WHEREAS, the following establishment has completed the necessary State of New Jersey Division of Alcoholic Beverage Control (ABC) applications and the correct fees have been paid to the Township Clerk for renewal of liquor licenses for the year **2020-2021**.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Jefferson approves the application for renewal of liquor licenses for the following establishment for the period **July 1, 2020 to June 30, 2021**:

- William H Flatt Jr Post 245 - American Legion Liquor License Number #1414-31-033-001