

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

JUNE 23, 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. Notice of this meeting, as well as a change in location, was sent to the official newspapers of the Township, the Daily Record and the Star Ledger, on **June 11, 2021**. In addition, notice was posted on the bulletin board in the Municipal Building on **June 11, 2021** and is and has been available to the public and is on file in the office of the Municipal Clerk.

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

2. ROLL CALL – Township Clerk

	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, and Assistant Township Engineer Jim Lutz.

3. SALUTE TO THE FLAG

Council President Senatore led the flag salute.

4. SPECIAL PRESENTATIONS

There were no special presentations listed on the agenda for June 23, 2021.

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.

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

6. ORDINANCES –PUBLIC HEARING AND VOTE FOR ADOPTION

There were no Ordinances for public hearing or vote for adoption listed on the agenda for June 23, 2021.

7. COUNCIL AND MAYOR DISCUSSION

• **Amending Chapter 429, Streets and Sidewalks – Jim Lutz, Engineering**

Mr. Lutz explained to Council that this storm water Ordinance should be updated as required by the Township's DEP storm water permit. He said the update will include a requirement for private property owners to upgrade storm drain inlets when repaving private parking lots. He said the upgraded inlets have reduced openings which prevents larger litter debris from entering the storm water system. Mr. Lutz said upgrades to public streets have already been captured and this Ordinance deals specifically with private roads and parking lots. Council consensus was that the Ordinance should be placed on the next Township Council meeting agenda.

Mr. Lutz addressed questions posed at the previous Council meeting regarding soil moving and potential penalties for the trucking company. He said Mr. Ryan had spoken with the Township Prosecutor and it is possible to cite both the trucking company and the property owner and that the Court would make the final determination as to the responsible party. Mr. Lutz mentioned that penalties are cumulative so quantities of soil can trigger higher penalties.

• **Amending Chapter 403, Smoking; Sale of Tobacco Products**

Ms. Millikin suggested updating Chapter 403 to include cannabis products. Mr. Ryan said the current Ordinance states "no smoking" but the language should be cleaned up to include cannabis and CBD products, as these are not necessarily considered tobacco products. Ms. Millikin confirmed a prohibition on vaping was included in the current Ordinance.

8. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR

Mayor Wilsusen offered condolences to Recreation Director Grace Rhinesmith on the death of her husband Jim.

Mayor Wilsusen mentioned that NJDOT is having a public comment period through June 27th regarding the Berkshire Valley Road/Route 15 intersection upgrade. He said it looks like the project is finally moving ahead and will include adding two (2) left turn lanes as well as other improvements.

Mayor Wilsusen stated that he has had two (2) trail meetings so far and has a very eager committee. He said plans are moving forward and that he is meeting next week with John Burns, the Engineering Department, and former Mayor Felter.

Mayor Wilsusen announced that the Local Emergency Planning Committee (LEPC) will meet tomorrow night.

Mayor Wilsusen reminded everyone that the Miss Lotta Veteran's Day Cruise will be held this Saturday. He said many organizations are participating, including the Fire, EMS and Police Departments, the Boy Scouts, the High School Band, and the Blue Knights. He invited everyone to come out and salute the veterans and stated that the muster will be held on Brady Bridge between 8:30 and 8:45 am.

Mayor Wilsusen said he will be attending an Eagle Scout ceremony this Saturday at 1 pm at the Lake Hopatcong Legion pavilion.

Mayor Wilsusen reported he and Ms. Millikin participated in the fourth grade presentation on local government.

Mayor Wilsusen said the Liffey Island Hike with the Mayor and the Lake Hopatcong Foundation was successful with approximately twenty-five (25) hikers attending.

Ms. Millikin said the police department addition is progressing and framing has begun.

Ms. Millikin reported that the cape sealing in the Peaks has been delayed due to weather and the new start date is July 6th. She said the company will be hand delivering notices to residents three (3) days prior to starting work.

Ms. Millikin said the pre-construction paving meeting had been held and American Paving is also planning a July 6th start date. She said the milling will take about seven (7) days and the paving is expected to take about nine (9) days and that Raccoon Island had been informed as this might affect the ferry.

Ms. Millikin mentioned that the pre-construction meeting for Ridge Road paving will be held this Friday and that drainage work may start next week.

Ms. Millikin reported emailing dashboard reports to the Township Council.

Ms. Millikin stated that Camp Jefferson is up and running. She said the count this week is a little low as some schools are still in session, and she is hoping the number of campers increases.

Ms. Millikin announced a meeting on Friday regarding Jefferson Fest, which is scheduled for July 10th, and a rain date of July 11th.

9. COUNCIL REPORTS

Councilman Kalish offered his condolences to Ms. Rhinesmith and her family. He stated that he gets many calls about cannabis and explains to residents that the Council is stepping back and evaluating each of the classes to decide what is best for the Township instead of jumping in and being locked in.

Councilman Birmingham reported attending the RRWC (Rockaway River Watershed Cabinet) meeting via Zoom. He said topics of discussion were the Emerald Ash Borer, stream cleanups and grant opportunities. He said he is happy about that the Berkshire Valley Road/Route 15 improvement project is moving forward and this will make a big difference to a lot of people.

Councilman Birmingham mentioned that he attended the Morris County League of Municipalities event. He said the speak, Morristown Medical Center President Tricia O'Keefe, gave a fantastic presentation about their Covid response.

Councilman Birmingham reminded everyone that there will be a Community Band Concert at the gazebo on Friday night. He said there will be patriotic songs and residents should bring blankets and lawn chairs.

Councilman Smith commended the Emergency Services response to the recent boat accident on Lake Hopatcong. He mentioned that the Lake Hopatcong Foundation has sponsored a boating safety class a few weeks ago.

Council Vice President Dunham asked when Berkshire Valley Road will be lined now that it has been paved. He said he is fearful that people would not obey the posted speed limit of 45 mph. Mayor Wilsusen said the County will be paving and replacing the rumble strips.

Council Vice President Dunham asked if the Township had submitted paperwork for the Coronavirus Local Financial Recovery Funds and Ms. Millikin said it was submitted yesterday.

Council Vice President Dunham asked how the Township was moving forward with the Planner position. Ms. Millikin said the Township would be putting out a request for proposals (RFP) and the Mayor said the Planner has been advised.

Council President Senatore mentioned the Clean Communities Grant of \$56,000 listed on the consent agenda. She said the money that the Township has been receiving in grant funds has been tremendous. She commended everyone in the Township for going above and beyond to apply for grants and to get some extra money back.

Councilman Birmingham mentioned that Patty Romano applies for the Clean Communities Grant and that Jefferson gets an increase in funding every year. He said that some towns use the grant funds to sponsor tire collection days or shredding days for residents. He said the grant money is used to offset employee overtime and equipment and suggested Jefferson might consider this.

Council Vice President Dunham said that Ms. Millikin wrote a note to Jefferson's State Representatives regarding the Senate/Assembly bill dealing with bargaining and discipline for employees. He said he is not against unions but it seems this bill tips too much control to one side and forces a lot of issues to arbitration. He commented that the process will be more expensive and more onerous for the taxpayers.

Ms. Millikin said she sent the email to Senator Pennachio, Assemblywoman DeCroce and Assemblyman Webber and her comments were based off of information she received from Mr. Ryan. She said a big concern is that the Senate came out of committee with changes but these changes have not yet been released and the vote is in the next few days. Councilman Birmingham said the legislation eliminates the last, best offer. Mr. Ryan stated that if passed, the bill will send so much more to the arbitration process. He said the protections being sought in the bill are already being provided through civil service.

10. ORDINANCES – FIRST READING

ORDINANCE #21-14 – ORDINANCE AMENDING CHAPTER 490 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE, SPECIFICALLY ARTICLE VII, SECTION 27 ENTITLED “PROHIBITED USES” AND PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWNSHIP OF JEFFERSON

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Jefferson Township Council of the Township of Jefferson has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Jefferson in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Jefferson’s residents and members of the public who visit, travel, or conduct business in the Township of Jefferson, to amend the Township of Jefferson’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Jefferson; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Jefferson, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 490-27 of the Jefferson Township Municipal Code is hereby amended by adding to the list of prohibited uses, the following: “All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”
3. Any article, section, paragraph, subsection, clause, or other provision of the Jefferson Township Municipal Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Morris County Planning Board, and as otherwise provided for by law.

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, chapter, subchapter, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, chapter, subchapter, 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 **August 4, 2021**.

Ms. Reilly mentioned that the Ordinance will be refereed back to Land Use Board for review but the Township will be able to adopt the Ordinance prior to the August 21st deadline. Mr. Ryan added that the Land Use Board will be asked for any input. Council Vice President Dunham said that he thought the Economic Development Committee should be involved in determining reasonable options for the town once more detail from the State is available.

INTRODUCTION: JUNE 23, 2021

ADOPTION:

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

ORDINANCE #21-15 – ORDINANCE AMENDING CHAPTER 130 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED “VEHICLES AND TRAFFIC”, SPECIFICALLY PART 4, ARTICLE XXI, SECTION 130-55 ENTITLED “ENGINE BRAKING”

WHEREAS, the Township of Jefferson desires to amend the Jefferson Township Municipal Code to repeal the language in Section 130-55 relating to “Engine Braking Regulations” as it currently exists; and

WHEREAS, the Township of Jefferson desires to add language to Section 130-55 directing that enforcement of “Engine Braking” and other prohibited vehicular muffler noises be enforced through the applicable New Jersey State Statute N.J.S.A. 39:3-70.

WHEREAS, the Township Council has reviewed this matter with the Township Attorney and have determined that the revisions are appropriate.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Section 130-55 of the Jefferson Township Municipal Code is hereby amended as follows:

SECTION I

Ordinance Section 130-55 “Engine Braking Regulations” is repealed in its entirety. A new section shall be adopted under §130-55 which states as follows:

§130-55 **Enforcement of excessive or unusual noise coming from a vehicle’s exhaust.**

- A. Enforcement of any excessive or unusual noise within the Township coming from a vehicle’s muffler including what is known as “engine braking” shall be done through the applicable State Statute found at N.J.S.A. 39:3-70.

SECTION II

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 **July 7, 2021**.

INTRODUCTION: JUNE 23, 2021

ADOPTION:

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

ORDINANCE #21-16 – ORDINANCE AMENDING CHAPTER 273 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED “FOREST, TREE AND SOIL PRESERVATION AND MITIGATION”

WHEREAS, the Township of Jefferson desires to amend Chapter 273, Forest, Tree and Soil Preservation and Mitigation; of the Jefferson Township Municipal Code, which has been reviewed and determined that revisions are necessary; and

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

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Chapter 273, entitled “Forest, Tree and Soil Preservation and Mitigation” is amended as follows:

SECTION I

Jefferson Township Code, Subsection A(1) and A(2) of Section 273-3, “Exemptions” shall be deleted and replaced as follows:

- A. (1) The disturbance of less than 2,500 square feet and/or less than 50 cubic yards of soil during any calendar year; provided, however, that no disturbance area exists as a result of disturbance which occurred during a prior calendar year and which has not been restored.
- A. (2) Projects requiring Engineering Plot Plan approval unless the project includes the removal of more than one specimen tree.

Jefferson Township Code, Subsection A of Section 273-3, "Exemptions" shall be amended in part to include the following:

- A. (10) Soil disturbance by the Township or its contractors.
- A. (11) Excavations for the construction or repair of individual subsurface sewage disposal systems (septic systems) when such construction or repair is performed pursuant to a permit duly issued by the Jefferson Township Health Department.

SECTION II

Jefferson Township Code, Section 273-5, "Application requirements" shall be amended in part, to include the following:

- Q. Certification from the soil/fill supplier that the soil/fill being imported does not contain any contaminants exceeding the current requirements of Non-Residential and Residential Direct Contact Soil Remediation Standards pursuant to N.J.A.C. 7:26D Remediation Standards.

SECTION III

Jefferson Township Code, Subsection B of Section 273-11, "Replacement Trees" shall be amended in part, to include the following:

If the replacement trees are not planted within 1 year of project completion, the escrow shall be forfeited to Jefferson Township to mitigate hazardous trees within the Township.

SECTION IV

Jefferson Township Code, Section 273-13, "Soil removal application requirements" is hereby repealed in its entirety and replaced to include a new title "Soil Disturbance application requirements", as follows:

Section 273-13. Soil Disturbance application requirements.

- A. Applications which include soil disturbance in excess of 100 cubic yards shall provide the following additional information:
 - (1) The kind and quantity, in cubic yards, of soil to be disturbed and the projected daily movement in cubic yards.
 - (2) The destination of soil to be moved, the route over which the material will be transported and hours of operation.
 - (3) The proposed date of commencement and completion of the soil disturbance.
 - (4) The name, address and telephone number of the person having direct charge over the soil disturbance operation.
- B. The plan submitted shall show the following additional information:
 - (1) Existing and proposed topography with two-foot contour interval.
 - (2) Slope stabilization details.
 - (3) Retaining wall construction details.

SECTION V

Jefferson Township Code, Subsection A(1) and A(2) of Section 273-18, "Violations and penalties; restoration of property" shall be deleted and replaced as follows:

- A. (1) For each 2,500 square feet of soil disturbance, a fine of up to \$500 and restoration of the site.
- A. (2) For disturbance of each 50 cubic yards of soil, a fine of up to \$500 and restoration of the site.

SECTION VI

Jefferson Township Code, Section 273-19, "Fees" is hereby repealed in its entirety and replaced, as follows:

- A. Upon the filing of any application, there shall be a permit fee paid in the amount of \$200 which shall be considered a fee for the administrative costs of review of any application for any area to be disturbed of 2,500 square feet or less, and for each area to be disturbed in excess of 2,500 square feet, the fee shall be the sum of \$50 for each additional area of 2,500 square feet or less of disturbance.
- B. In addition to the fees established above, an additional fee of \$0.50 per cubic yard shall be charged for soil disturbance in excess of 50 cubic yards.

SECTION VII

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

SECTION VIII

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 IX

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 **July 7, 2021**.

INTRODUCTION: JUNE 23, 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 #21-17 – ORDINANCE AMENDING CHAPTER 490 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED ‘ZONING’, SPECIFICALLY, ARTICLE IX, SECTION 45 ENTITLED ‘VIOLATIONS AND PENALTIES’ AND ARTICLE X, SECTION 51 ENTITLED OBTAINING A ZONING COMPLIANCE PERMIT AND SECTION 55 ENTITLED FEE”

WHEREAS, the Township of Jefferson desires to amend Section 490-45, Violations and penalties, of the Jefferson Township Municipal Code, which has been reviewed and determined that revisions are necessary; and

WHEREAS, the Township of Jefferson desires to amend Section 490-51, Obtaining a zoning compliance permit, of the Jefferson Township Municipal Code, which has been reviewed and determined that revisions are necessary; and

WHEREAS, the Township’s attorney’s office, as well as the Zoning Officer, Construction Official and the Township Engineer have reviewed the proposed Ordinance and related documents and agree that it is acceptable.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that Section 490-45, Violations and penalties and Section 490-51, Obtaining a zoning compliance permit is amended as follows:

SECTION I

Jefferson Township Code, Subsection B of Section 490-45, “Violations and penalties” is hereby repealed in its entirety and replaced as follows:

A. Violations:

- (1) No building or structure shall be erected, constructed, altered, repaired, converted, maintained or used in violation of this chapter. In addition to their right to institute an action seeking the imposition of the penalties set forth in Section 490-45B hereof, the local authorities of the Township of Jefferson or any interested party may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Each and every day such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a separate and distinct violation.
- (2) Every owner or user of real property which is developed, constructed, altered, repaired, converted, maintained or used pursuant to an approval of the Land Use Board or pursuant to a permit or permits issued under the authority of the Township Engineer, Construction Official, Construction Subcode Official(s) or Zoning Officer is required to develop, construct, alter, repair, convert, maintain or use such real property in strict compliance with all conditions of such approvals or permit, including but not limited to strict compliance with all site plans, plot plans, blueprints, architectural drawings, schematics, renderings, surveys, and the like which such owner, user, or other person acting under the authority of an owner or user submitted to the Township as part of an application for Board approval and/or for the issuance of a permit and upon which the Township’s issuance of such approvals and/or permits were predicated. Failure to comply with the provisions hereof shall constitute a violation of this chapter. In addition to their right to institute an action seeking the imposition of penalties set forth in Section 490-45B hereof, the local authorities of the Township of Jefferson or any interested party may institute any appropriate action or proceedings to prevent any development, construction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Each and every day such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a separate and distinct violation.

B. Penalties. For any and every violation of any written provision of this chapter and upon failure to comply with written notice thereof or order to remove such violation within five days after service of such notice or order, the owner, agent or contractor of a building, structure, premises, lot or land where such violation has been committed or shall exist and the lessee or tenant of an entire building, structure, premises, lot or land where such violation has been committed or shall exist and the owner, agent or contractor, lessee or tenant of any part of a building, structure, premises, lot or land in which part such violation has been committed or shall exist and the agent, architect, builder or contractor or any other person who commits, takes part or assists in such violation or who maintains any building, structure, premises, lot or land in which such violations shall exist shall be subject to a fine not exceeding \$2,000 or to imprisonment for not more than 90 days, or both, and each and every day the violation continues after the owner, agent or contractor of the building, structure, premises, lot or land which such violation occurred has been notified thereof shall be deemed a separate and distinct violation.

SECTION II

Jefferson Township Code, Section 490-51, “Obtaining a zoning compliance permit” shall be amended in part, to include the following:

The use, erection, construction, reconstruction, alteration, conversion or alteration of a structure or building shall not occur without first obtaining a zoning compliance permit from the Jefferson Township Zoning Officer.

SECTION III

Jefferson Township Code, Section 490-55, “Fee” is hereby repealed in its entirety and replaced as follows:

Every application for a zoning compliance permit shall require a fee of \$50.

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 **August 4, 2021**.

INTRODUCTION: JUNE 23, 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 #21-18 – ORDINANCE AMENDING CHAPTER 146 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED "ANIMALS", SPECIFICALLY SECTION 146-1 ENTITLED "DEFINITIONS", SECTION 146-3 ENTITLED "KENNELS, PET SHOPS, SHELTERS AND POUNDS", SECTION 146-6 ENTITLED "ANIMAL CONTROL OFFICER", SECTION 146-26 ENTITLED "LICENSING REQUIREMENTS", AND SECTION 146-31 ENTITLED "PET COLLECTIVE"

WHEREAS, the Jefferson Township Council has reviewed the Township Code regarding animals permitted within the Township and has determined that revisions are necessary.

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

SECTION I. Chapter 146. Animals is amended as follows:

Section 146-1 Definitions. For the purpose of this article, the following terms shall have the meanings indicated:

ANIMAL CARE FACILITIES

Collective term to include kennels, pet shops, shelters, pounds, animal rescue organizations and animal foster homes.

ANIMAL CONTROL AUTHORITY

Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this article.

ANIMAL RESCUE ORGANIZATION

An individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

ANIMAL RESCUE ORGANIZATION FACILITY

The home or other facility in which an animal rescue organization houses and cares for an animal.

FOSTER HOME

Placement of an animal with an individual or group that is not an animal rescue organization for the purpose of temporarily caring for the animal, without the individual or group assuming ownership and with the intent of the individual or group relinquishing the animal to a suitable owner when one is located.

KENNEL

Any establishment wherein or whereon the business of boarding or selling animals for sale is carried on, except a pet shop.

LICENSING AUTHORITY

The agency or department of Jefferson Township or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

NEUTERED

Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER

Shall be liberally construed under this article to include any person who has proprietorship in an animal, including any person having care, custody or control of, or harboring, said animal or keeping the same under his dominion. A person shall be deemed to have an animal in his keeping and under his dominion or control whenever the ownership or custody of any animal is in the possession of an un-emancipated family member or other member of his/her household.

POUND

An establishment for the confinement of animals seized either under the provisions of this article or otherwise.

SHELTER

An establishment where animals are received, housed and distributed.

SUFFER

Includes the failure of the owner, harborer, keeper or person having care, custody or control of an animal to prevent the occurrence of any act or the coming into existence of any condition or otherwise regulated by this article, regardless of the prior knowledge thereof by such owner, harborer, keeper or person having care, custody or control of the animal.

Section 146-3 Kennels, pet shops, shelters and pounds shall be amended and retitled as “Animal Care Facilities”

A. Any person who keeps or operates or proposed to establish an animal care facility in the case of a renewal of the license, apply to the licensing authority. Applications for the creation of new establishments shall be made to the Township Council through the Municipal Clerk’s Office.

B. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained and shall be accompanied by the original written approval of the Township Division of Health showing compliance with local and state rules and regulations governing locations of and sanitation at such establishments. The application shall also be accompanied by written approval from the Township Zoning Officer showing compliance with local rules and regulations governing Township Zoning.

E. The total number of licenses issued **to animal care facilities** combined shall not exceed ten (10), excluding the Township of Jefferson pound.

G. The annual license fee for an Animal Care Facility providing accommodations for ten (10) or fewer dogs shall be \$50, and for more than ten (10) dogs shall be \$100. No fee shall be charged for the Township pound.

Section 146-6 Animal Control Officer.

B. All police officers of the Township, regular and special, the Code Enforcement Officer, the Animal Control Officer and the Health Law Enforcement Officer (HLEO) are hereby given full power and authority and are charged with the duty to enforce this article.

Section 146-26 Licensing requirements.

M. Each property shall have no more than eight (8) cats. Properties harboring seven (7) or more cats and not being an Animal Care Facility as defined in Article I of Chapter 146 must register as a Pet Collective as defined in Article V of Chapter 146.

Section 146-31 Pet collective.

Any household located in the Township of Jefferson wherein there is kept or harbored more than seven (7) animals, whether dogs or cats, subject to licensing pursuant to Chapter 146 and not being an Animal Care Facility as defined in Article 1 of Chapter 146.

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 **July 7, 2021**.

INTRODUCTION:

JUNE 23, 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		X									
President Senatore			X									

11. NEW BUSINESS

There was no new business listed on the agenda for June 23, 2021.

12. CONSENT AGENDA*

***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:**

- 21-169 Resolution Authorizing the Payment of Bills
- 21-170 Resolution Authorizing the Purchase of Fire Truck for Fire Company #1 Through the Houston-Galveston Area Council (H-GAC) Cooperative
- 21-171 Resolution Approving Current Estimate No. 4 – TSUJ Corp – For Generator Replacement Contract No. UTL-20-5
- 21-172 Resolution Authorizing Contract With Storr Tractor Company Through MCECCPS/ESCNJ Coop
- 21-173 Resolution Authorizing a Professional Services Agreement for Tree Removal & Trimming Services – JP Tree Works, Inc. – For Period Ending December 31, 2021
- 21-174 Resolution Authorizing the Sale of Surplus Personal Property No Longer Needed for Public Use On An Online Auction Website
- 21-175 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 For the 2021 Clean Communities Grant in the Amount of \$56,068.14
- 21-176 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 For the 2021 Municipal Court Alcohol Education Rehabilitation and Enforcement Fund Grant in the Amount of \$8,406.36
- 21-177 Resolution Authorizing the Auction Sale of Abandoned Vehicles and the Conveyance of Ownership to Any Successful Bidder
- 21-178 Resolution Authorizing Emex, LLC to Conduct a Reverse Auction for Electricity and Street Lighting Meters for the Township of Jefferson
- 21-179 Resolution Approving Submission of a Grant Application and the Execution of a Grant Contract With the New Jersey Department of Transportation (NJDOT) for Russia Road Improvements.
- 21-180 Resolution Authorizing the Sale of Certain Personal Property No Longer Needed for Public Use
- 21-181 Resolution Authorizing the Cancellation of Checks More Than Six (6) Months Old in the Jefferson Township Water Operating Fund Account #040834654
- 21-182 Resolution Authorizing Contracts for Purchase E50 R-2 Series Bobcat Compact Excavator With Performance Package Through ESCNJ #18/19-25
- 21-183 Resolution Authorizing the Renewal of Liquor Licenses – Tiny’s Inc. (Tiny’s Tavern) – 1414-33-028-004
- 21-184 Resolution Authorizing the Renewal of Liquor Licenses – Tomdi Inc. (Taphouse 15) – 1414-33-018-008
- 21-185 Resolution Authorizing the Renewal of Liquor Licenses – Bash & Bela Inc. (Casa Bianca) – 1414-33-030-007
- 21-186 Resolution Authorizing the Renewal of Liquor Licenses – The Whistle Stop LLC – 1414-33-013-007
- 21-187 Resolution Authorizing the Renewal of Liquor Licenses – Patel, Nakul – 1414-33-004-011
- 21-188 Resolution Authorizing the Renewal of Liquor Licenses – New Club 15 Inc (Club 15) – 1414-33-016-018
- 21-189 Resolution Authorizing the Renewal of Liquor Licenses – McKenna’s Publick House LLC – 1414-33-020-008
- 21-190 Resolution Authorizing the Renewal of Liquor Licenses – Berkshire Valley Ventures LLC/Valley Tavern – 1414-33-007-011
- 21-191 Resolution Authorizing the Renewal of Liquor Licenses – Milton Pines Inc (The Grill Room) – 1414-33-014-005
- 21-192 Resolution Authorizing the Renewal of Liquor Licenses – Milton Inn Inc. – 1414-32-005-006
- 21-193 Resolution Authorizing the Renewal of Liquor Licenses – NMT Inc. (Berkshire Bottle Shop) – 1414-33-024-004
- 21-194 Resolution Authorizing the Renewal of Liquor Licenses – The VGB Group LLC (Bella Vista Ristorante) – 1414-33-002-009

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			

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.

Richard “Chet” Corney– 27 South Lakeside Avenue
 Boy Scout Corney mentioned that the Scouts do a lot of cleanups. He asked if the Township could place built-in stationary trash cans on the trails. Mayor Wilsusen asked if he was referring to the Prospect Point trails and said he thought the Township could at least put one by the bridge.

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

14. EXECUTIVE SESSION

There was no Executive Session listed on the agenda for June 23, 2021.

15. ADJOURNMENT AT 7:42 PM

Motion made by Councilman Smith, second by Council Vice President Dunham, to adjourn the meeting at 7:42 pm, with all members in favor signifying by “Aye.”

June 23, 2021

Michele Reilly, RMC, Township Clerk

Melissa Senatore, Council President

CONSENT AGENDA RESOLUTION #21-169

“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 **June 23, 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 #21-170

“RESOLUTION AUTHORIZING THE PURCHASE OF FIRE TRUCK FOR FIRE COMPANY #1 THROUGH THE HOUSTON- GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE”

WHEREAS, pursuant to P. L. 2011, c. 139 all contracting units are permitted to use contracts awarded by national or regional cooperatives that were already competitively bid without competitively bidding the goods or services themselves; and

WHEREAS, on July 20, 2016, the Township Council authorized the Township to enter into an agreement with the Houston- Galveston Area Council Cooperative, hereinafter referred to as H- GAC, to purchase goods and/ or services in order to make the procurement process more efficient and to provide costs savings to the Township; and

WHEREAS, the H- GAC awarded a contract to **Fire & Safety Services, Ltd., 200 Ryan Street, South Plainfield, New Jersey, 07080** under **H- GAC contract# FS12-19, Fire Service Apparatus (All Types)** and

WHEREAS, **Fire & Safety Services, Ltd.** is an authorized Pierce vendor under the **H- GAC Cooperative, Contract# FS12-19;** and

WHEREAS, the Township of Jefferson wishes to purchase a **Pierce Enforcer Pumper Fire Truck in an amount not to exceed \$598,661.25 through the H- GAC Cooperative;** and

WHEREAS, the Township is in receipt of the requisite documentation required in order to award this contract through the H- GAC Cooperative; and

WHEREAS, the determination by the Township to award this contract under this national cooperative was previously advertised both in the official newspaper of the Township and on the Township website; 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 \$598,661.25.**

C-04-55-921-013-904

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to purchase a **Pierce Enforcer Pumper Fire Truck in an amount not to exceed \$598,661.25 through the H- GAC Cooperative, Contract#FS12-19, Product Code FS19VC07.**

CONSENT AGENDA RESOLUTION #21-171

“RESOLUTION APPROVING CURRENT ESTIMATE NO. 4 - 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. 4** in the amount of **\$50,089.37** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Current Estimate No. 4** for a payment in the amount of **\$50,089.37** 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 #21-172

“RESOLUTION AUTHORIZING CONTRACT WITH STORR TRACTOR COMPANY THROUGH MCESCCPS/ESCNJ COOP”

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 contracts entered on behalf of the MCESCCPS/ESCNJ Co-Op; and

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

WHEREAS, the Township of Jefferson intends to enter into a contract in an amount not to exceed **\$59,531.20 with Storr Tractor Company, 3191 Route 22, Somerville, New Jersey 08876, for 2 groundsmaster 7210 no deck, 72 inch side discharge deck, 72 inch side discharge recycler kit, and universal sunshade through this resolution and properly executed contract, which shall be subject to all the conditions and applicable to the #65MCESCCPS Bid #ESCNJ 18/19-25 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 the funds for said contract are available and are designated to a line item appropriations designated below and totaling **\$59,531.20**

C-04-55-921-009-901

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to purchase a groundsmaster 7210 no deck, 72 inch side discharge deck, 72 inch side discharge recycler kit, and universal sunshade as outlined in their proposal dated June 8, 2021, through the #65MCESCCPS Bid #ESCNJ 18/19-25 Contracts in the amount of \$59,531.20 from Storr Tractor Company, 3191 Route 22, Somerville, New Jersey 08876.

CONSENT AGENDA RESOLUTION #21-173

**“RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
FOR TREE REMOVAL & TRIMMING SERVICES – JP TREE WORKS, INC., – FOR PERIOD ENDING DECEMBER 31, 2021”**

WHEREAS, the Township of Jefferson has a need for professional Tree Removal & Trimming 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, JP Tree Works, Inc. has submitted a proposal for Tree Removal & Trimming services will be provided; and

WHEREAS, an annual fee for \$25,000.00 per year; shall not be exceeded; and

WHEREAS, JP Tree Works, Inc. 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 JP Tree Works, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer (CFO) of the Township has determined and certified in writing that the value of each acquisition will not exceed \$25,000.00; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5 (b) a certificate showing availability of funds has been provided to the Township by the Chief Financial Officer of the Township, certifying that funds for said contract are available and are designated to a line item appropriations designated below and totaling \$25,000.00.

1-01-26-260-191-271

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, in the County of Morris, State of New Jersey that this professional contract is hereby authorized and approved by the Township Council.

BE IT ALSO RESOLVED:

Section 1. The Mayor and Township Clerk are hereby authorized and directed to execute an agreement with JP Tree Works, Inc., 46 B Sanford Street, Dover, New Jersey, 07801 for Tree Removal & Trimming services to the Township of Jefferson for an annual fee not to exceed \$25,000.00 per year.

Section 2. This contract is awarded as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 3. The term of this agreement shall be for one year, from January 1, 2021 through December 31, 2021.

Section 4. 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 #21-174

“RESOLUTION AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE”

WHEREAS, the Township of Jefferson has determined that the personal property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Township of Jefferson intends to utilize the online auction services of Municibid located at 1635 Market Street Suite 1600, Philadelphia, Pennsylvania 19103; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services’ Local Finance Notice 2019-15.

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 Township is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled municibid.com.

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between Municibid and the Township of Jefferson are available at municibid.com and in the Township Clerk’s office.

CONSENT AGENDA RESOLUTION #21-175

“RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION
UNDER N.J.S.A. 40A:4-87 FOR THE 2021 CLEAN COMMUNITIES GRANT IN THE AMOUNT OF \$56,068.14”

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 2021 Clean Communities Grant in the amount of \$56,068.14 and wishes to amend its 2021 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 to approve the insertion of an item of revenue in the budget of the year 2021 in the total amount of \$56,068.14, 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:
2021 Clean Communities Grant \$56,068.14

BE IT FURTHER RESOLVED that a like sum of \$56,068.14 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:
2021 Clean Communities Grant \$56,068.14

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 #21-176

“RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION
UNDER N.J.S.A. 40A:4-87 FOR THE 2021 MUNICIPAL COURT ALCOHOL EDUCATION REHABILITATION AND ENFORCEMENT
FUND GRANT IN THE AMOUNT OF \$8,406.36”

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 2021 Municipal Court Alcohol Education Rehabilitation and Enforcement Fund Grant in the amount of \$8,406.36 and wishes to amend its 2021 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 to approve the insertion of an item of revenue in the budget of the year 2021 in the total amount of \$8,406.36, 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:
2021 Municipal Court Alcohol Education Rehabilitation
and Enforcement Fund Grant \$8,406.36

BE IT FURTHER RESOLVED that a like sum of \$8,406.36 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:
2021 Municipal Court Alcohol Education Rehabilitation
and Enforcement Fund Grant
Municipal Court: Salaries and Wages \$8,406.36

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 #21-177

“RESOLUTION AUTHORIZING THE AUCTION SALE OF ABANDONED VEHICLES
AND THE CONVEYANCE OF OWNERSHIP TO ANY SUCCESSFUL BIDDER”

WHEREAS, the Township of Jefferson determined that the following vehicles were abandoned and have been stored at the direction and order of the Police Department of the Township of Jefferson:

2015 NISSAN ALTIMA VIN# 1N4AL3AP5FC450491

and

WHEREAS, the Township is desirous of selling said abandoned vehicles; and

WHEREAS, the Township wishes to offer for sale to the public the aforesaid abandoned vehicles at a public auction to be advertised by the Township; and

WHEREAS, the Township has a right to place a reserve on the price to be offered for said vehicles.

NOW, THEREFORE, be it resolved by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Township is desirous of selling said vehicles, and authorizes the administration to sell said vehicles at a public auction upon notice to the public in accordance with law.

BE IT FURTHER RESOLVED, that should there be a successful bid for any said vehicles, and the consideration for said bid paid, that the Township Clerk and other appropriate municipal officials are hereby authorized to execute such documents as may be necessary to facilitate the sale of said vehicles to the successful bidder or bidders.

CONSENT AGENDA RESOLUTION #21-178

"RESOLUTION AUTHORIZING EMEX, LLC TO CONDUCT A REVERSE AUCTIONS FOR ELECTRICITY AND STREET LIGHTING METERS FOR THE TOWNSHIP OF JEFFERSON"

WHEREAS, the Local Unit Technology Pilot Program and Study Act(P.L. 2001, c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and

WHEREAS, EMEX, LLC, a State of New Jersey approved vendor for the purchase of energy generation services, has proposed to conduct a reverse auction for electricity for the Township of Jefferson, and;

WHEREAS, the Township of Jefferson has determined to move forward with the EMEX Reverse Auction I order procure electricity for the Jefferson Township and

WHEREAS, the Township of Jefferson will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, there is no fee charged to the Township of Jefferson by EMEX, LLC for the services associated with the reverse auction, and;

WHEREAS, EMEX, LLC is paid by the successful bidder for electricity for the Township of Jefferson, and;

WHEREAS, initial customer pricing analysis projects for a twelve (12) month term, savings of over twelve percent (12%) from current rates for general electricity and seven percent (7%) for street lighting meters, and;

WHEREAS, terms of eighteen (18), twenty-four (24), thirty-six (36), forty-eight (48) hours, and sixty (60) months are also available.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, in the County of Morris and State of New Jersey, that they do hereby authorize EMEX, LLC to conduct the reverse auctions for general electricity and street lighting meters on June 24, 2021.

BE IT FURTHER RESOLVED, the Business Administrator and/or Chief Financial Officer is authorized, upon review and approval of the contract by the Township Attorney, to accept the bid of the successful bidder for up to a thirty-six (36) month period if adequate savings are achieved.

CONSENT AGENDA RESOLUTION #21-179

"RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR RUSSIA ROAD IMPROVEMENTS"

WHEREAS, the Township Engineer recommends said grant application to the New Jersey Department of Transportation (NJDOT); and

WHEREAS, the Township Engineer asks the Governing Body that he be and is authorized to apply for said grant.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Jefferson, in the County of Morris and State of New Jersey, formally approves the grant application for the above stated project, Russia Road Improvements.

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as MA-2022-Russia Road Improvements-00413 to the NJDOT on behalf of the Township of Jefferson.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Jefferson and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

CONSENT AGENDA RESOLUTION #21-180

"RESOLUTION AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE"

WHEREAS, the Township of Jefferson is the owner of one (1) used single partition cage for a Ford police utility vehicle (the "Cage") that is no longer needed by the Township. The Borough of Ogdensburg has offered to purchase the Cage for \$200.00. In its "as is" condition; and

WHEREAS, the Township's Police Chief has confirmed that the Cage is no longer needed for public use; and

WHEREAS, the Township is desirous of selling this surplus property by private sale to the Borough of Ogdensburg in accordance with the provisions of N.J.S.A. 40A:11-36: and

WHEREAS, the sale is contingent upon the Borough of Ogdensburg countersigning the bill of sale for the Cage confirming that it is being sold "as is" and without any warranties of any nature.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the surplus Cage is hereby declared not to be needed for public use any longer by the Township of Jefferson and that the same be sold to the Borough of Ogdensburg for \$200.00 in accordance with the provisions of N.J.S.A. 40A:11-36.

BE IT FURTHER RESOLVED that the sale of the Cage is in its "as is" condition and without any express or implied warranties.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are authorized to sign a bill of sale conveying title to the Cage.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately, however it shall be void and of no effect in the event that the Borough of Ogdensburg fails to adopt a resolution authorizing the purchase and/or fails or refuse to sign the bill of sale.

CONSENT AGENDA RESOLUTION #21-181

**"RESOLUTION AUTHORIZING THE CANCELLATION OF CHECKS MORE THAN SIX (6) MONTHS OLD
IN THE JEFFERSON TOWNSHIP WATER OPERATING FUND ACCOUNT# 040834654"**

WHEREAS, the Finance Office recommends the following outstanding checks be cancelled as they are more than six (6) months old; and

WHEREAS, the Mayor of the Township of Jefferson does recommend said outstanding checks be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Chief Financial Officer (CFO) be and is hereby authorized to cancel the listed checks.

<u>CHECK #</u>	<u>AMOUNT</u>
7784	\$ 52.60
<u>TOTAL</u>	<u>\$ 52.60</u>

CONSENT AGENDA RESOLUTION #21-182

**"RESOLUTION AUTHORIZING CONTRACTS FOR PURCHASE E50 R2-SERIES BOBCAT COMPACT EXCAVATOR THROUGH
ESCNJ #18/19-25"**

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 State Contract; and

WHEREAS, the Township of Jefferson has the need to purchase a E50 R2-Series Bobcat Compact Excavator with Performance Package (24" MX4 XCHG TEETH, 12" MX4 XCHG TEETH & PCF34 Plate Compactor) through ESCNJ Contract; and

WHEREAS, ESCNJ Contract #18/19-25 E50 R2-Series Bobcat Compact Excavator with Performance Package (24" MX4 XCHG TEETH, 12" MX4 XCHG TEETH & PCF34 Plate Compactor) was awarded to Bobcat of North Jersey, 201 Maltese Drive, Totowa, N.J. 07512; and

WHEREAS, the Township of Jefferson desires to purchase in the amount of \$79,249.05 ESCNJ CONTRACT #18/19-25 a E50 R2-Series Bobcat Compact Excavator with Performance Package (24" MX4 XCHG TEETH, 12" MX4 XCHG TEETH & PCF34 Plate Compactor) through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the State 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 the funds for said contract are available and are designated to a line item appropriations designated below and totaling \$79,249.05

C-04-55-921-013-909

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to purchase R2-Series Bobcat Compact Excavator with Performance Package (24" MX4 XCHG TEETH, 12" MX4 XCHG TEETH & PCF34 Plate Compactor) through ESCNJ in the amount of \$79,249.05 to Bobcat of North Jersey, 201 Maltese Drive, Totowa, N.J. 07512.

CONSENT AGENDA RESOLUTION #21-183

**"RESOLUTION AUTHORIZING THE RENEWAL OF LIQUOR LICENSES –
TINY'S INC. (TINY'S TAVERN) - 1414-33-028-004"**

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 **2021-2022**.

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, 2021 to June 30, 2022**:

- Tiny'sInc. (Tiny's Tavern) Liquor License Number #1414-33-028-004

