

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

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

1. CALL TO ORDER

Council President Finnegan read the meeting statement as follows: 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**.

Council President Finnegan called the meeting to order at 6:32 pm.

2. ROLL CALL

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

Ms. Reilly called the roll. All Council members and the Township Clerk were present remotely except for Councilwoman Merz, who was absent, and Council Vice President Senatore, who joined the meeting at 6:34 pm. Also in attendance remotely were Mayor Wilsusen, Administrator Debi Millikin, IT Director Dave Van Valer, Chief Financial Officer Bill Eagen, Auditor Tom Ferry, Chief Paul Castimore and Captain Robert Bush. Members of the public were able to listen to or view the meeting via a "Zoom" link. Members of the public were able to participate in public comment and public hearings remotely either through the Zoom webinar or via phone through the "Zoom" link.

3. SALUTE TO THE FLAG

Council President Finnegan led the flag salute.

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
- Police Captain's Agreement

(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.

Ms. Reilly read the resolution by title and announced that the Council would be entering into an Executive Session for the purposes as stated. She said once the Executive Session was over, the Council would enter back into Public Session at 7:00 pm.

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

5. SPECIAL PRESENTATIONS

• **2019 Audit Presentation - Tom Ferry, Auditor & Bill Eagen, CFO**

Mr. Ferry stated that he had a very detailed meeting with Mayor Wilsusen, Ms. Millikin and Bill Eagen and the bottom line is everything looks good. He explained that his firm had completed the Audit pre Covid but could not submit it to Council until the State numbers were received. He said that internal controls and procedures in place in Jefferson are good and that there was only one comment and recommendation, which is that the Municipal Court reassign tickets over 180 days. Mr. Ferry said the Court is required to reassign tickets and this is basically a house cleaning chore for the Court Administrator, as she needs to recall them.

Mr. Ferry reminded Council that taxes represent the biggest bulk of revenue and to also keep in mind that the Township is the collection agency for the school and County He said that sixty-three percent (63%) of what is collected is distributed.

Mr. Ferry said the current fund balance has increased slightly to approximately four (4) million dollars and this means the Township brought in more than what was used in the budget. He stated that a perfect fund balance would be about 7.5 million dollars, representing ten percent (10%) of the total levy, but the Township is doing well. He mentioned that the State did affirm that a municipality may use money from other than the current fund if there is a cash issue due to Covid. Mr. Ferry said that the current fund's cap of two percent (2%) minus adjustments makes it difficult to increase fund balance.

Mr. Ferry stated that the May tax collections were good and the August collection will be a determination of the Township's financial position. He said he did not know if the State would permit an extension of the August 10th tax due date.

Mr. Ferry reviewed the water utility, sewer utility and garbage district statistics. He said that the water utility does not have what he would call a healthy fund balance with only \$123,000 in reserve. He said the sewer utility had a nice healthy fund balance of \$489,000. He pointed out a slight decrease in the garbage district fund balance but said the revenue and expenditures were almost equal so he did not consider the decrease in fund balance to be a negative.

Mr. Ferry told Council that Jefferson has a steady tax collection rate with not much fluctuation. He explained that the Reserve for Uncollected Taxes (RUT) is based upon the previous year's tax collection rate, and that when the rate goes down, the RUT is statutorily required to increase. He said the Township is still responsible for paying school and County taxes in full even if property owners don't pay their taxes. He mentioned a slight increase since 2017 in delinquent taxes owed and tax title liens and said that is kind of a bad sign. Mr. Ferry said the idea is to foreclose on liens and then sell them to generate tax revenue, since the Township is required to pay County and school taxes on municipal liens.

Mr. Ferry discussed the Township's debt. He said Jefferson is at .622, and that this is manageable. He explained that municipalities are allowed to borrow three and a half percent (3 ½%) of their net debt divided by the three (3) prior years' average equalized value. Mr. Ferry also explained that the water and sewer utility are self-liquidating, meaning the rents received pay for operating, maintenance, and debt service.

Mr. Ferry mentioned that \$700,000 in principal will totally be paid off in 2022, meaning that in 2023 the CFO will have to decide if the Township should put more money into the capital improvement fund, fund projects with cash, pay off more bond anticipation notes, or possibly permanently refinance some Bond Anticipation Notes that are required to be paid off by bonds. He said that Bond Anticipation Notes must be permanently financed after ten (10) years and that the Township is paying off notes in the amount of \$710,000 a year, \$610,000 from the current fund and \$100,000 from parks and recreation.

Council President Finnegan asked Mr. Eagen if he had anything to add and Mr. Eagen replied no, he thought Mr. Ferry gave a very thorough presentation.

6. PUBLIC COMMENT

Council President Finnegan 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 Finnegan closed the public comment portion of the meeting.

7. ORDINANCES –PUBLIC HEARING AND VOTE FOR ADOPTION - Township Clerk

There were no Ordinance for public hearing and adoption on July 15, 2020.

8. COUNCIL AND MAYOR DISCUSSION

• **Police Department Addition**

Mayor Wilsusen stated that Administrator Debi Millikin, Chief Paul Castimore and Captain Robert Bush would be commenting. Ms. Millikin added that CFO Bill Eagen might also have comments.

Ms. Millikin stated that Council had been provided a spreadsheet with several options for financing the project. She reminded Council that \$850,000 was previously funded and another \$1.44 million will need to be funded. She said that Mr. Eagen came up with some options which included: paying off the 2018 Ordinance in 2021 and 2022, permanently financing the \$1.44 million, permanently financing both Ordinances, or paying off both Ordinances without bonding.

Chief Castimore and Captain Bush both commented that the plan will be great for the Police Department.

Councilman Dunham asked Mr. Eagen for his first choice. Mr. Eagen said his choice is to get the Ordinance adopted so the Township can go out to bid and start construction next spring, and to monitor the market. He said the Township has a very good Bond Counsel and a good financial advisor in the Township Auditor and the town should rely on its professionals. Councilman Dunham confirmed that the Council didn't have to choose an option immediately and Mr. Eagan affirmed. He stated that he would like to stick with the long term goal of eliminating debt but that sometimes it makes sense to permanently finance a legacy project if that is what the market dictates.

Councilman Birmingham had questions about paying the bond counsel and suggested it might be less costly to finance once versus recurring costs for yearly Bond Anticipation Notes. Mr. Eagen said there are notes rolled over every year so he felt costs would be similar.

Ms. Millikin said the next step is to prepare the Bond Ordinance and also finalize the plans with Fox Architects. She said she would like to introduce an Ordinance August 12th, adopt it September 2nd, place an ad on or about September 8th, and therefore be able to bid the project in October.

Councilman Birmingham mentioned the Community Development Block Grant for ADA accessibility projects will be coming out towards the end of the year. Ms. Millikin said she will reach out to the County but she wasn't sure if the Township would be eligible since the project will have already been developed and the County typically likes to have a say in project design.

Chief Castimore stated that the furniture company is now on State contract which should mean lower pricing.

9. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR

Mayor Wilsusen gave his Covid update and said Jefferson's cases are slowing, although cases are increasing in other parts of the country. He said the total number of cases in Jefferson is at 236. He mentioned the restrictions are hard for restaurants and particularly gyms.

Mayor Wilsusen announced that he promoted the new Chief on July 1st and promoted the Captain this morning. He said he anticipates doing some interviews and possible promotions in late summer / early fall.

Mayor Wilsusen said the Township is on the third week of the "slow down" sign program. He stated that the signs are put up in neighborhoods and remain there for two (2) weeks. He mentioned that the Police have seen an increase in aggressive driving and are trying to address it with patrols and radar trailers. Mayor Wilsusen said the number one complaint he receives in a neighborhood is about speeding.

Mayor Wilsusen reported that the Land Use Board approved additional parking on the lot next to Alice's Restaurant and this will expand the parking by about fifty (50) spots. He said the Shaw Apartments by Quick Check and Tru Value Hardware were also approved, which adds sixty-seven (67) apartments between the two (2) buildings on that property.

Mayor Wilsusen said he is hoping the paving at the Jefferson Township Rescue Squad will be completed sometime next week. He said he is pleading with the County to pave Espanong Road by Star of the Sea Church this year. He stated that the County will be paving Berkshire Valley Road from the two (2) mile marker to Blue Road and the bridge on Russia Road has been closed due to construction.

Ms. Millikin reported that cape sealing is being completed this week and the micropave will cure over the next several weeks. Mayor Wilsusen said cape seal does not replace paving but is a preventive maintenance measure which extends the life of the road. He said he and Ms. Millikin have been out every day to look at the cape sealing and he is satisfied with the results.

Ms. Millikin stated that the milling and paving of Brady Road is completed, the June dashboard reports were emailed to Council, and all items auctioned through Municibid have been picked up and the Township gained roughly \$71,000 in revenue. She said Dude Solutions is progressing and that the engineering company which did the actual physical assessment has submitted the final draft of their report and she has signed off on it. She explained that the next step is for Dude Solutions to upload the data into their software and then train the municipal users, and she expects that will occur at the beginning of September. Ms. Millikin said the capital plan is being finalized by Civitas and their report, which will include the police addition, is expected end of September beginning of October.

Chief Castimore added that two (2) new police officers will graduate from the Police Academy tomorrow and Captain Bush will be scheduling them for patrol. He said that unfortunately there will be no ceremony due to Covid. Mayor Wilsusen told Council that he hired one (1) new police officer and is looking at a possible transfer. Chief Castimore said the new police officer's name is Jenelle Conahay and she will start the Academy on July 27th. In reference to a question from Councilman Dunham, Chief Castimore said he thinks Officer Cannarozzi may retire at the end of 2020.

10. COUNCIL REPORTS

Councilman Birmingham said Lake Hopatcong is in excellent shape this year and people are happy it is open. He said the microseal process is much better than the oil and chip process and commended the Mayor and Engineer for considering this option. He stated that the garbage and recycling bids have been out for a few weeks.

Councilman Birmingham asked if the CFO could start giving quarterly updates again, as was done last year. He stated that the dashboards are helpful but he would appreciate a recap and that it is very helpful in seeing how the town is progressing through the budget. Ms. Millikin recommended the CFO could give a report at the beginning of September as the August numbers from taxes would be available.

Councilman Birmingham stated that it upsets him that bigger counties with a population of over 500,000 have already received money directly from the federal government and that the state is holding up monies from the federal government's CARES program for counties with a population of under 500,000, like Morris county. He said other counties have been able to help their businesses and help people get back on their feet. He said it is disgusting that other counties have the money and those counties under 500,000 are in a holding pattern. Mayor Wilsusen said he has not heard anything as far as funding is concerned.

Councilman Dunham thanked the Mayor, Administrator, and Police for the speed signs on Berkshire Valley Road and for the speed monitoring around town. He thanked the Administrator for the dashboard reports. He mentioned the cape sealing and said although it is a temporary measure, residents should know they are receiving attention.

Councilman Dunham commended the Mayor for being cooperative and open minded regarding the restaurants and bars in town and also commended the administration and various departments for their efforts. He thanked residents for cooperating with efforts to keep them safe, such as wearing face coverings and social distancing.

Councilman Dunham thanked the Clerk's Office for handling election day. He mentioned it was a logistical challenge and thought they did the best they could under the circumstances.

Council Vice President Senatore said the paving looks great. She mentioned that she was excited to see the reports and recommendations from Dude Solutions and was happy to know the process is moving along. She thanked John Burns for keeping the fields looking great. Council Vice President Senatore said the lake has been packed and hopefully everyone will stay safe and the restaurants will stay busy. She wished everyone a safe summer.

Council President Finnegan congratulated the new Chief and Captain and new officers. She said the roads look great and thanked Ms. Millikin and Mayor Wilsusen for all the reports and updates. She mentioned the traffic on the lake and thanked everyone in town for supporting local businesses. She also wished everyone a safe summer.

Councilman Dunham asked Council President Finnegan if a little more emphasis can be placed on getting the agenda tied up and tied down by Friday afternoon. He said this issue was something Council had discussed a few meetings ago but it seems like every week the agenda is getting a little bit later. Council President Finnegan said there have been discussions regarding agenda items and hopefully it's getting better.

Mayor Wilsusen said he and the Administrator try their best to get things in and would take a little blame for the agenda issues. He mentioned that when there is only one meeting in July and August there is a bit of panic trying to get items submitted. He said he appreciated the Council bending and the Clerk helping to place things on the agenda. Mayor Wilsusen said he realizes things aren't always an emergency but wants to make sure business is being taken care of.

Council President Finnegan mentioned that sometimes items are submitted but once the Clerk reviews them there are questions. Councilman Dunham said he understood, but that it seems this is occurring every agenda. Councilman Birmingham mentioned that in the past, Council has received an agenda with just topics on a Tuesday or Wednesday and he thought it would be great to go back to that. Council President Finnegan asked the Clerk if this was doable. Ms. Reilly replied that she preferred to send Council a complete agenda so that she does not have to work continuously on the agenda but can give attention to other matters. Council President Finnegan said she was planning to have a sit down soon anyway so would address this topic in more detail.

11. ORDINANCES – FIRST READING

There were no Ordinances for introduction on July 15, 2020.

12. NEW BUSINESS

- 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
Mr. Birmingham		X	X			
Mr. Dunham	X		X			
Mrs. Merz						X
Vice President Senatore			X			
President Finnegan			X			

- **RESOLUTION #20-180 - RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF JEFFERSON AND JEFFERSON TOWNSHIP POLICE CAPTAIN**

WHEREAS, the Township of Jefferson and the Jefferson Township Police Captain have reached agreement on the terms for an Agreement dated July 15, 2020; and

WHEREAS, the Agreement has been drafted and reviewed by the Township Administration; and

WHEREAS, the Township Council of the Township of Jefferson wishes to enter into the Agreement with the Jefferson Township Police Captain in the form attached hereto.

NOW THEREFORE IT BE RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the Agreement with the Jefferson Township Police Captain is approved and that the Mayor and Township Clerk are authorized to finalize and execute the Agreement.

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

13. 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**

- **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 the Rejection of Sealed Bids For Purchase Of Motor Oil And Miscellaneous Lubricants, Contract RDE-20-2 And Authorizing A Rebid For Same
- 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 Renewal of Liquor Licenses - William H Flatt Jr Post 245 - American Legion -1414-31-033-001
- 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

Councilman Dunham said he appreciated the ten (10) year term attached to the Planet Networks resolution which he said was the same term as given to Verizon.

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

14. PUBLIC COMMENT

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

Robert Boyle - 1 Ivy Crescent Lane

Mr. Boyle thanked Council for passing the resolution and said that his company, Planet Networks, looked forward to working with Jefferson.

Councilman Dunham asked Mr. Boyle if his network provided Channel 12 and Mr. Boyle said no, that channel is owned by the cable company. Council President Finnegan said she received a lot of positive feedback after the last meeting as residents are excited about another option, and asked Mr. Boyle realistically when Planet Networks would be able to offer services. Mr. Boyle said he would first be building to the Skylands Medical Facility on Route 15 and is trying to figure out how to get service to the municipal building. He said his company is starting to plan for Jefferson and should be laying the first fiber late this year or very early next year.

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

15. CONTINUATION OF EXECUTIVE SESSION

Council President Finnegan stated that the Council needed to back into Executive Session and Ms. Millikin said the reason was to further discuss the Geib issues. Mayor Wilsusen stated he would like the Chief to attend the Executive Session.

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

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

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

16. ADJOURNMENT AT 8:20 PM

Motion made by Councilman Dunham, second by Councilman Birmingham to adjourn the meeting at 8:20 pm, with all members in favor signifying by "Aye".

July 15, 2020

 Michele Reilly, Township Clerk

 Kim Finnegan, Council President

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

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 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 #20-173

“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 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

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.
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