

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

SEPTEMBER 1, 2021
REGULAR MEETING – 7:00 PM
MINUTES

1. CALL TO ORDER

Council President Senatore read the meeting statement as follows: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of **September 1, 2021** was included in a list of meetings notice sent to the official newspapers of the Township, the Daily Record and the Star Ledger, on **January 8, 2021** and was posted on the bulletin board in the Municipal Building on **January 8, 2021** and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk. The change in location was noticed on **June 11, 2021**.

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

2. ROLL CALL

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

Ms. Reilly called the roll. All Council members were present. Also in attendance were Mayor Eric Wilsusen and Administrator Debi Millikin

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 August 4, 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.

Joe DiPasquale – 16 Timberwood Lane, Oak Ridge

Mr. DiPasquale referenced the letter he recently received from the Administration regarding Timberwood's private road status. He indicated he had a meeting with the Mayor and Administrator and had expressed his concern that the Township was no longer willing to maintain, plow and salt the road. He stated that the Township has been maintaining the road for thirty-five (35) years and he is now being told the Township won't help him, even though he pays the same ratables. Mr. DiPasquale said he provided a copy of his deed and survey to the Mayor and Administrator.

Mayor Wilsusen stated that Mr. Ryan is reviewing a newspaper article provided by Mr. DiPasquale and is conducting a title search. He said ownership of the road needs to be determined and right now the tax map reflects Timberwood as a private right of way. He said he cannot in good conscience spend public money on private properties and it is the best interest to get to the bottom of this with everyone involved. Mr. Ryan asked Mr. DiPasquale if he had retained an attorney that Mr. Ryan could contact and Mr. DiPasquale said no.

Al Porfido – 30 San Bar, Lake Hopatcong

Mr. Porfido stated that he has twenty-six (26) tenants at the San Bar Trailer Park. He said a nearby home had been remodeled, allegedly without permits, and that the owner had turned the property into an Airbnb. Mr. Porfido said this has caused problems with noise, alcohol and drugs and he requested the Township ban Airbnb's. He told Council that if they can't be banned, Airbnb's should be required to have a certain amount of property with a privacy fence, or that rentals should be for at least thirty (30) or sixty (60) days and not just for the weekend.

Mayor Wilsusen said he was aware of the issue and that Code Enforcement and the Fire Official were responding. Council President Senatore said the issue is being discussed and to please check the future agendas. She said she knew that surrounding towns had Ordinances regarding Airbnb's. Councilman Birmingham said he proposed addressing short term rentals and abandoned properties a few years ago.

Laura DeFelice – 9 San Bar, Lake Hopatcong

Ms. DeFelice stated that there were three (3) houses which were being remodeled and she didn't believe there were permits for the renovations as there were none on display. She expressed safety concerns and said the music was on all night long and this led to a physical altercation. She said her community is quiet and peaceful and the residents are mostly retired and disabled people. Ms. DeFelice named the property locations as 3 Betty, 1 Betty, and 4 San Bar. She said she was thankful for the Police Department as they had come out multiple times.

Mayor Wilsusen reiterated that Building, Code Enforcement and Fire were handling the issue.

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

6. ORDINANCES –PUBLIC HEARING AND VOTE FOR ADOPTION

ORDINANCE #21-20 - ORDINANCE AMENDING CHAPTER 403, SMOKING; SALE OF TOBACCO PRODUCTS, SPECIFICALLY SECTION 403-1 ENTITLED "DEFINITIONS" OF THE CODE OF THE TOWNSHIP OF JEFFERSON

WHEREAS, the Jefferson Township Council has reviewed the Township Code regarding smoking and has determined that revisions are necessary to include cannabis products in the smoking prohibition.

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 to revise Section 401-1 "Definitions" as follows:

SECTION I Section 403-1 of the Jefferson Township Municipal Code is hereby amended by adding the following definitions:

HASHISH

The resin extracted from any part of the plant Genus Cannabis L. and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

MARIJUANA

All parts of the plant Genus Cannabis L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds, except those containing resin extracted from such plant; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

SMOKING

The burning of a cigar, cigarette, pipe or any other matter or substance which contains any form of tobacco, marijuana, or hashish. Said definition shall include the use of nicotine delivery systems, electronic cigarettes, or personal vaporizers using tobacco, marijuana, or hashish or their by-products.

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.

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

PUBLIC HEARING

Please state and spell your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

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

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

Council Vice President Dunham asked if this Ordinance included vaping and Mayor Wilsusen said vaping is already referenced. Council Vice President Dunham said he thought Township properties had been included when this Ordinance was amended a number of years ago and asked where in the Ordinance it was stated that he cannot smoke outside the front door of the municipal building. Mr. Ryan said he did not have the full Ordinance in front of him. Council Vice President Dunham said he was also concerned that Section 403-6 did not include the Code Enforcement Officer as someone designated to enforce the Ordinance. Mr. Ryan said he believed the Code Enforcement Officer would be able to enforce the Ordinance by either his authority to enforce all codes or he could be the designee of the enforcement officer assigned in the Ordinance. Some Council discussion ensued about previous intent and Mr. Ryan said the point was well taken that the Ordinance should include language that smoking is prohibited inclusive of all municipal properties. Ms. Millikin confirmed the current Ordinance mentions the municipal building but not Township property. She also mentioned the Library is not included. Mr. Ryan confirmed that the intent of Council was no smoking on all municipal properties and that the Township has the authority to restrict smoking on Township properties. Mayor Wilsusen said the Ordinance as presented should still be adopted by Council and Mr. Ryan said he would write up another amendment.

INTRODUCTION: AUGUST 4, 2021

ADOPTION: SEPTEMBER 1, 2021

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

7. COUNCIL AND MAYOR DISCUSSION –

• Add New Chapter, Short Term Rental Property

Mayor Wilsusen mentioned the incident near San Bar, which he said occurred on August 18th. He said Code Enforcement, Building and Fire are issuing notices of violation. He said Airbnb's haven't been an issue until recently as it's a growing trend. He stated there are at least twenty-five (25) rentals in Jefferson listed on the Airbnb site currently.

Much Council discussion ensued. Council Vice President Dunham questioned whether an Airbnb was a business. Council President Senatore asked how this would be policed. Ms. Millikin said the Township would like to establish a registration and a fee and would look into a minimum lot size. Council President Senatore said she thought Hopatcong had an Airbnb Ordinance. Ms. Millikin and Mayor Wilsusen stated that they wanted to start the dialog with Council.

Ms. Millikin then brought up Jefferson Recycling and the resolution on the agenda. She stated that the Administration is looking to recommend modifications and wants the business to produce a site plan and the Township needs to put something on the record. Mr. Ryan stated that the resolution would indicate the Council is taking a public stance. Mayor Wilsusen mentioned that only part of the property is licensed for Class B Recycling.

Councilman Birmingham reported speaking with the gentleman from the County Municipal Utilities Authority this afternoon. He stated that the MUA representative said the County would abide by whatever the Township thinks is appropriate and that this information is different from what he was told originally. Council Vice President Dunham said he also spoke to the same gentlemen and was told that reviewing this application was simply a courtesy to Jefferson Township. Councilman Birmingham said the MUA representative stated that permit approval is not a foregone conclusion and it sounds like the Township is only in favor of the approval under certain conditions. Mr. Ryan said the MUA is the approving authority and will take input from Jefferson Township but will not cede authority as statutorily the MUA makes the decision.

Council Vice President Dunham asked Mayor Wilsusen if the Township asked for an updated site plan. Mayor Wilsusen said the Township received one but not an official engineering site plan. Council Vice President Dunham asked if the Township put in writing what was requested and Mayor Wilsusen said the Administration has met with the business owner numerous times. Mayor Wilsusen said he believes the business owner has placed a well on the property.

8. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR

Mayor Wilsusen reported the first EDC (Economic Development Committee) business roundtable at the JTowne Tavern. He said organizer Kim Finnegan did a great job and there were about fifty (50) business owners present. He said he attended the wetdown last Saturday and the Habitat for Humanity dedication on Monday. He mentioned attending the Lake Hopatcong Foundation's event on the Miss Lotta with Mickie Sherrill and many other elected officials and said it was good to get attention to the Lake again.

Mayor Wilsusen reported the following upcoming events: Eagle Scout Ceremony on September 5th, September 11th ceremony hosted by the Boy Scouts on September 11th at 9 am at the municipal complex, employee barbeques on September 10th and 24th, and a trail hike on September 7th. He invited Council members to attend the employee barbeques.

Ms. Millikin said the police addition is coming along, the dog van is now being used, and roof bids were received and the award is on tonight's agenda. She gave a shout out to Alan Ackerson for his lettering of the dog van.

Ms. Millikin said that test holes showed there is 2500 feet of cast iron main in Lake Shawnee and replacing this will cost more in the budget. She mentioned that New Jersey Natural Gas has completed their paving in Lake Shawnee.

Ms. Millikin told Council that there was a break-in at the Wastewater Treatment Plant in White Rock last week and some items were stolen. She said cameras will be installed and for now the utility vehicles are being parked at the DPW to ensure 24-hour surveillance. She said the employees are also taking the vehicle keys home. Councilman Birmingham asked if there was a dollar value regarding the stolen items and Ms. Millikin said she didn't know yet.

9. COUNCIL REPORTS

Councilman Kalish said he wanted to send condolences to the Zeglen family on Schoolhouse Road.

Councilman Kalish reported attending the Junior Republican Club kickball game, the Economic Development get together at the JTowne Tavern, Ed Haack's retirement function, the wetdown, and the event with Mickie Sherrill. He said Patty Romano did a great job organizing the function for Ed Haack.

Councilman Birmingham said he also attended Ed Haack's retirement and praised Ed for doing tremendous work for the town. He said he also attended the Economic Advisory Committee meeting and the Habitat dedication, as well as the wetdown, which he said was well attended. He asked Mr. Ryan a question about the ownership of private roads and Mr. Ryan confirmed that the property owner on either side would own half of the road to the middle.

Councilman Smith said he attended the Economic Development Council meeting and the Chamber of Commerce was there. He also reported attending Ed Haack's party and the cruise on the Miss Lotta with Mickie Sherrill.

Councilman Smith mentioned that Airbnb has a listing for a six (6) person boat docked on Lake Hopatcong at San Bar Marina. He said the boat is too big to get under Brady Bridge and the only pump station is at Flash Marina, so he questioned where they were dumping their waste. Ms. Millikin said she would ask Pam Mancini to look into it. Councilman Birmingham asked how much of the lake the town owns and Councilman Smith said the State owns the lake. Council Vice President Dunham suggested contacting the other towns surrounding the lake to see if they have regulations regarding sleeping on boats.

Council Vice President Dunham reported attending the wetdown and thanked the Council and Administration for providing the equipment to Emergency Services. He asked Ms. Millikin if Administration could inform Council when retirements occur. He thanked Emergency Services, Police and dispatch for their efforts with the accident Monday on Ridge and Holland Mountain Road. He mentioned that Jefferson seems to have a lot of overdoses lately and not just among young people. Councilman Birmingham mentioned the three (3) people recently arrested for dealing drugs and thanked the Prosecutor for his efforts in keeping two of the offenders in jail.

Council Vice President Dunham stated that he had asked the Clerk to give Council copies of the sample resolution opposing Senate Bill S3810. He said this bill would diminish the Township's negotiating authority if passed. Mr. Ryan said the bill seriously undermines managerial discretion and Council Vice President Dunham said it would hurt the taxpayers.

Council President Senatore said she attended the kickball game, the Economic Development meeting, the wetdown, and Mr. Haack's retirement function. She mentioned she also attended a Zoom meeting with Mayor Wilsusen, Recreation Director Grace Rhinesmith, and several County officials regarding grants for transportation. She said these grants would help facilitate Dial A Ride assisting special needs children with rides to and from jobs and school, as Dial a Ride could then operate on longer or different hours.

Council President Senatore said school is starting Wednesday and wished everyone a healthy and safe school year.

10. ORDINANCES – FIRST READING

ORDINANCE #21-22 – ORDINANCE AMENDING CHAPTER 47 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED “FIRE DEPARTMENT”, SPECIFICALLY ARTICLE 9, “SUSPENSION OF TERMINATION OF MEMBERSHIP”

WHEREAS, the Jefferson Township Council has reviewed the Township Code regarding fire department suspension or termination or membership 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 to revise Sections 47-9 "Suspension or Termination of Membership" as follows:

SECTION I. 47-9, "Suspension or Termination of Membership" shall be amended with the following revision, as follows:

Any member may be suspended or terminated for violation of this article by the Director of Public Safety. Additionally, any member may be suspended or terminated for violations of respective company bylaws or company or department policy upon recommendation and advice of their respective Company Chief. All suspensions and termination shall be reported, in writing, to the Director of Public Safety. A member that is terminated will not be permitted to apply for membership for any emergency service volunteer organization in the Township of Jefferson. Member appeals for termination may be brought to the Township Council for its recommendation.

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 **September 14, 2021.**

INTRODUCTION: SEPTEMBER 1, 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 #21-23 - ORDINANCE AMENDING SECTION 490-35, "CONDITIONAL USES", OF THE TOWNSHIP OF JEFFERSON MUNICIPAL CODE BY ADDING SUBSECTION Q PROVIDING FOR THE CONDITIONAL USE OF APARTMENT UNITS ABOVE COMMERCIAL USES WITHIN THE C-1 AND C-2 DISTRICTS

WHEREAS, the Jefferson Township Council has reviewed the recommendations provided in the Township Reexamination Report, adopted by the Jefferson Land Use Board on February 22, 2021, and has determined that the proposed zoning changes to the C-1 Neighborhood Business District and the C-2 Highway Business District are advisable.

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 to revise Section 490-35 "Conditional uses" as follows:

SECTION I Section 490-35 of the Jefferson Township Municipal Code is hereby amended to add new subsection Q as follows:

§490-35 Conditional uses.

Q.. Apartment units above ground floor of Commercial uses. Within the C-1 and C-2 Districts living and sleeping accommodations for households in conjunction with a permitted commercial use shall be permitted under the following conditions:

- (1) Only studio units, one-bedroom units and two-bedroom units are permitted.
- (2) The residential units shall have a separate and direct entrance via an unobstructed passageway from the ground.
- (3) The residential entrance shall provide adequate interior space for mail boxes and package deliveries.
- (4) No boarders shall be permitted to occupy such apartments, nor shall any portion of the space within the apartment be sublet or rented out for any period of time.
- (5) The residential use shall be incidental to the commercial use, shall be located in the principal building and shall only available above the ground floor of the permitted commercial use.
- (6) Off-street parking shall be in addition to the required parking for the commercial use and shall be provided in accordance with New Jersey Residential Site Improvement Standards.

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

Upon introduction of this Ordinance, it shall be referred to the Township's Planning Board for review pursuant to N.J.S.A 40:55D-26 & 64, prior to final adoption by the Township Council.

SECTION V

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 **October 6, 2021**.

INTRODUCTION: **SEPTEMBER 1, 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									

11. NEW BUSINESS

- **Resolution to Oppose S-3810 & A-5862**

Council discussed the proposed sample resolution and the consensus was that it be placed on the next Council meeting agenda.

12. OLD BUSINESS

RESOLUTION #21-223 - "RESOLUTION CONSENTING (WITH RECOMMENDATIONS) TO THE MODIFICATION REQUEST TO THE MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN FOR JEFFERSON RECYCLING LLC, BLOCK 272, LOTS 8 AND 9, TO EXPAND ITS CLASS B RECYCLING PERMIT TO INCLUDE THE PROCESSING OF TIRES"

WHEREAS, the County of Morris received a letter from George D. Cascino, Consulting Engineer, representing Jefferson Recycling, LLC, requesting approval to make some modifications to their Class "B" Recycling Facility located at 710 State Route 15 North, Block 272, Lots 8 and 9 in Jefferson Township; and

WHEREAS, by letter dated May 17, 2021 the Morris County Municipal Utilities Authority requested that the Township review Jefferson Recycling's proposed modification and adopt a resolution setting forth its position relative to the proposed revision to the existing plan of this recycling facility in the County's Solid Waste Management Plan; and

WHEREAS, the revised modification would modify stockpile areas and add another Class B material, the processing of tires, to Jefferson Recycling's permitted flow; and

WHEREAS, Jefferson Recycling's proposed modification and supporting documents were reviewed by various Township Department Heads. These professionals have no objection to the modification of stockpile areas at Jefferson Recycling and their processing tires; however, there is concern with regard to the Site Plan that was submitted; and

WHEREAS, the Township of Jefferson's professionals feel that the Morris County Municipal Utilities Authority should be made aware of the insufficient detail on the Site Plan provided dated 2013. There are no sanitary facilities shown and there is no septic permit on file for this facility. Additionally, there is no permanent water supply, dust control or fire protection for the workers. Since the last Site Plan on file is dated 2013 and there have been many changes to the site, it is recommended that an amended Site Plan be presented to the Land Use Board.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Township consents to the modification request to the Morris County Solid Waste Management Plan for Jefferson Recycling LLC, Block 272, Lots 8 and 9, to expand its Class B Recycling Permit to include the processing of tires; however, Jefferson Township would like to go on record and bring it to the attention of the officials of the Municipal Utilities Authority that the Township does not approve the Site Plan that was submitted with the modification requested.

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

13. MINUTES

August 4, 2021 - Regular

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

14. 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**

- **Animal Care Facility License #21-01**
 Jefferson Township Pound
 July 1, 2021 Through June 30, 2022

- **Animal Care Facility License #21-02**
 Clip Shoppe Groom & Board
 July 1, 2021 Through June 30, 2022

***APPOINTMENTS**

- **Fire Company #1 – Joshua Lee Cabrera**

***CONSENT AGENDA RESOLUTIONS:**

- 21-224 Resolution Authorizing the Payment of Bills
- 21-225 Resolution Authorizing the Refund of Overpayment(s) of Taxes
- 21-226 Resolution Authorizing the Reduction of Taxes Due to Approved State Tax Appeals
- 21-227 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 for the 2021 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant in the Amount of \$6,000.00
- 21-228 Resolution Awarding Guiderail Through Morris County Contract To Road Safety Systems, LLC for Various Roads
- 21-229 Resolution Authorizing Change Order No. 1 and Approving Current Estimate No. 2 (Final) – Riverview Paving Inc. – For Improvements to Ridge Road Phase 1 (NJDOT 2021 Aid) – Contract No. RDE-20-10
- 21-230 Resolution Authorizing Change Order No. 1 and Approving Current Estimate No. 6(Final) – TSUJ Corp – For Generator Replacement Contract No. UTL-20-5
- 21-231 Resolution Authorizing Change Order No. 1 and Approving Current Estimate No. 2(Final) – American Asphalt & Milling Services, LLC – For 2021 Road Paving Program – Contract No. RDE-21-1
- 21-232 Resolution Authorizing An Extraordinary Unspecifiable Good and Services Agreement for A&A Concrete Products Inc. – For Period Ending December 31, 2021

Prior to the vote on the Consent Agenda, Council Vice President Dunham asked that Permit #21-01 for SunAir Campground (license valid through 6/30/2022) be removed for separate consideration and vote. Council President Senatore asked that Resolution #21-233, Resolution Authorizing Contract for New Roof at Municipal Complex – Contract BLD-71-1K – Laumar Roofing Co, Inc. also be removed for separate considerate and vote.

CONSENT AGENDA

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			

21-01 SunAir Campground – (License Valid Through 6/30/2022)

Council Vice President Dunham said he asked for this resolution to be pulled as he would not be voting affirmatively.

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

Resolution #21-233

Resolution Authorizing Contract for New Roof at Municipal Complex – Contract BLD-71-1K – Laumar Roofing Co, Inc.

Council President Senatore remarked that the low bid was \$70,000 lower than the next highest bidder. Ms. Millikin said Mr. Haack spoke with the business owners and Mr. Bolcato from Laddey, Clark and Ryan reviewed the bid bond. She said Mr. Haack’s estimate for the project was \$346,700.

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

15. 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.

16. EXECUTIVE SESSION

There was no Executive Session listed on the agenda for September 1, 2021.

17. ADJOURNMENT AT 8:22 PM

Motion made by Councilman Smith, second by Council Vice President Dunham, to adjourn the meeting at 8:22 pm, with all members in favor signifying by "Aye."

September 1, 2021

 Michele Reilly, RMC, Township Clerk

 Melissa Senatore, Council President

CONSENT AGENDA RESOLUTION #21-224

"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 September 1, 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 #21-225

"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
63	2	LOPEZ	\$ 1,352.13	6	2021
362	28.01	ALVAREZ	\$ 2,644.43	6	2021
444	23	SUSNOSKY	\$ 2,401.54	7	2021
		CORELOGIC	\$13,097.81	6	2021
		B233 L29.25 KINNEY	\$2,159.71		
		B233.02 L29.06 MARTINO	\$3,221.75		
		B250.06 L77 GOSAIN	\$3,880.52		
		B260 L11 CERVERA	\$1,770.16		
		B573 L20 KIRSE	\$2,065.67		
142	35	BITTIGER ELIAS & TRIOLO	\$ 1,464.40	8	2021
			TOTAL	\$20,960.31	

CONSENT AGENDA RESOLUTION #21-226

"RESOLUTION AUTHORIZING THE REDUCTION OF TAXES DUE TO APPROVED STATE TAX APPEALS"

WHEREAS, the Tax Collector of the Township of Jefferson has determined that action is required as a result of the 2017 and 2021 tax reductions granted by the Tax Court of New Jersey; and

WHEREAS, the Tax Collector has certified to the foregoing as well as to the amount of the tax cancellations, which are set forth along with the Name and Block and Lot of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the required tax cancellations be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>TAX CANCELLATION</u>
142	25	Zurka, Stephen, Tammy & Shannon	\$1,464.40 - 2017
142	25	Zurka, Stephen, Tammy & Shannon	\$ 592.33 – 2021

CONSENT AGENDA RESOLUTION #21-227

**“RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION
UNDER N.J.S.A. 40A:4-87 FOR THE 2021 DRIVE SOBER OR GET PULLED OVER STATEWIDE LABOR DAY CRACKDOWN
GRANT IN THE AMOUNT OF \$6,000.00”**

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 **2021 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant** in the amount of **\$6,000.00** 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 **\$6,000.00**, 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:
**2021 Drive Sober or Get Pulled Over Statewide
Labor Day Crackdown Grant** **\$6,000.00**

BE IT FURTHER RESOLVED that a like sum of **\$6,000.00** 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:
**2021 Drive Sober or Get Pulled Over Statewide
Labor Day Crackdown Grant**
Police Department: Salaries and Wages

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 #21-228

**“RESOLUTION AWARDED GUIDERAIL THROUGH MORRIS COUNTY CONTRACT TO ROAD SAFETY SYSTEMS, LLC
FOR VARIOUS ROADS”**

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 COOP; and

WHEREAS, the Township of Jefferson requires the purchase of guiderail for various roads; and

WHEREAS, **MCCP #26** was awarded to **Road Safety Systems, LLC., 12 Park Drive, Shamong, New Jersey 08088**; and

WHEREAS, the Township of Jefferson desires to purchase the guiderail for various roads, through Road Safety Systems, LLC., in the amount of **\$131,782.50 through MCCP #26**, through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the Morris County 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 **\$131,782.50**.

C-04-55-920-013-917
C-04-55-921-013-913

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson that the Township Administrator is authorized to enter into a contract for guiderail for various roads through **Road Safety Systems, LLC., 12 Park Drive, Shamong, New Jersey 08088 through MCCP # 26 in an amount \$131,782.50**.

CONSENT AGENDA RESOLUTION #21-229

**“RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND APPROVING CURRENT ESTIMATE NO. 2 (FINAL) – RIVERVIEW
PAVING, INC.– FOR IMPROVEMENTS TO RIDGE ROAD PHASE 1 (NJDOT 2021 AID) -
CONTRACT NO. RDE-20-10”**

WHEREAS, a contract was awarded to Riverview Paving, Inc. for Improvements to Ridge Road Phase 1 (NJDOT 2021 AID), **Contract RDE-20-10**; and

WHEREAS, the Township Engineer has submitted and recommended **Change Order No. 1 dated 8/18/2021** in the amount of **\$3,431.54 to reflect an adjusted price for a change in as-built quantities.** increasing the contract total to **\$314,488.15 (an overall adjustment of 1.10% to the original contract amount;** and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 2 and FINAL** in the amount of **\$103,005.96** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Change Order No. 1 in the amount of \$3,431.54 and Current Estimate No. 2 and FINAL for a payment in the amount of \$103,005.96 to Riverview Paving, Inc., 859 Willow Grove Street, Hackettstown, NJ 07840.**

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 #21-230

“RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND APPROVING CURRENT ESTIMATE NO. 6(FINAL) - 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 and recommended **Change Order. No. 1 dated 8/17/2021 in the amount of -\$2000.00 to reflect an adjusted price for costs to repair Circuit Protection Equipment on Ultraviolet Treatment Equipment;** and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 6 and FINAL** in the amount of **\$6,020.58** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Change Order No. 1 in the amount of -\$2000.00 for the repairs as detailed.**

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. 6 and FINAL for a payment in the amount of \$6,020.58 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 #21-231

“RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND APPROVING CURRENT ESTIMATE NO. 2 (FINAL) – AMERICAN ASPHALT & MILLING SERVICES, LLC. – FOR 2021 ROAD PAVING PROGRAM – CONTRACT NO. RDE-21-1”

WHEREAS, a contract was awarded to American Asphalt & Milling Services, LLC. for the 2021 Road Paving Program, **Contract RDE-21-1**; and

WHEREAS, the Township Engineer has submitted and recommended **Change Order No. 1 dated 8/23/2021** in the amount of **\$95,191.22, in light of the low bid pricing, additional streets to be paved were added to the contract and Change Order No. 1 reflects an adjusted price for a change in as-built quantities,** increasing the contract total to **\$906,605.72 (an overall adjustment of 11.73% to the original contract amount;** and

WHEREAS, the Township Engineer has submitted **Current Estimate No. 2 and FINAL** in the amount of **\$111,814.75** for work completed and accepted; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey hereby approves **Change Order No. 1 in the amount of \$95,191.22 and Current Estimate No. 2 and FINAL for a payment in the amount of \$111,814.75 to American Asphalt & Milling Services, LLC., 96 Midland Avenue, Kearny, NJ 07032.**

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 #21-232

“RESOLUTION AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE GOOD AND SERVICES AGREEMENT FOR A&A CONCRETE PRODUCTS INC. - FOR PERIOD ENDING DECEMBER 31, 2021”

WHEREAS, the Township of Jefferson has a need for **Pre-Cast Catch Basins**; 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, **A&A Concrete Products, Inc.** has submitted a proposal for **Pre-Cast Catch Basins** will be provided; and

WHEREAS, an annual fee for **\$30,000.00 per year**; shall not be exceeded; and

WHEREAS, **A&A Concrete Products, 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 **A&A Concrete Products, 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 \$30,000.00**; 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 \$30,000.00**.

C-04-55-919-011-907
C-04-55-920-013-916

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 **A&A Concrete Products, Inc., 2 South Corporate Drive, Sparta, NJ 07457** for **Pre-Cast Catch Basins** to the Township of Jefferson for an annual fee **not to exceed \$30,000.00 per year**.
- Section 2.** This is awarded as an Extraordinary Unspecifiable goods and services contract in accordance with N.J.S.A. 40A:11-6.1(b) of the Local Public Contracts 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 "Extraordinary Unspecifiable goods and 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 #21-233

**"RESOLUTION AUTHORIZING CONTRACT FOR NEW ROOF AT MUNICIPAL COMPLEX -
CONTRACT- BLD-71-1K- LAUMAR ROOFING CO., INC."**

WHEREAS, the Township of Jefferson received bids for **the New Roof at Municipal Complex, Contract BLD-71-1K, on August 24, 2021**; and

WHEREAS, nine (9) bids were received as listed; and

BIDDER	BASE BID AMOUNT
Laumar Roofing Co., Inc.	\$270,300.00
VMG Group	\$346,500.00
Northeast Roof Maintenance, Inc.	\$369,950.00
Frank Cyrwus, Inc.	\$388,711.00
TNT Construction Group, LLC.	\$400,600.00
Journey Contracting, Co., Inc.	\$419,900.00
Mak Group, LLC.	\$434,758.00
Duga Construction, LLC.	\$543,300.00
D.A. Nolt, Inc.	\$564,974.00

WHEREAS, **Laumar Roofing Co., Inc. of Passaic, New Jersey** was the lowest apparent bidder with a bid of **\$270,300.00**; and

WHEREAS, **Laumar Roofing Co., Inc. of Passaic, New Jersey** had the lowest responsible bid of **\$270,300.00 which is 21.81% below the Engineer's estimate**; and

WHEREAS, the Township Engineer recommends the Township Council award the contract as the new roof will complete the repairs that started with the new HVAC units on the existing Municipal Building; 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 **\$270,300.00**.

C-04-55-920-013-901 \$270,300.00 Bldg Grounds- Roof Replacement

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby awards the contract for **the New Roof Municipal Complex, Contract BLD-71-1K to Laumar Roofing Co., Inc. of 426 Gregory Avenue, P.O Box 1504, Passaic, New Jersey in the amount of \$270,300.00**.

BE IT ALSO RESOLVED that the Mayor and Clerk of this Township be and are hereby authorized and directed to execute the contract and other necessary documents in order to effectuate the purpose of this resolution and that the Certificate of Availability of Funds supplied by the Chief Financial Officer (CFO) of this Township shall be attached to the original copy of this resolution.