

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

**OCTOBER 7, 2020
REGULAR MEETING – 7:00 PM
MINUTES**

1. CALL TO ORDER

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of **October 7, 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.

Council President Finnegan called the meeting to order at 7:02 pm.

2. ROLL CALL

	Present	Absent
Mrs. Bennett	X	
Mr. Birmingham	X	
Mr. Dunham	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 were present except for *Council Vice President Senatore, who was not present but listening in via telephone. Also in attendance was Administrator Debi Millikin, Mayor Eric Wilsusen, Chief Paul Castimore, and Office of Emergency Management Coordinator Ed Mangold.

3. SALUTE TO THE FLAG

Council President Finnegan led the flag salute.

4. SPECIAL PRESENTATIONS

There were no special presentations on October 7, 2020.

5. 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.

6. COUNCIL AND MAYOR DISCUSSION

• Utility Issue – 61 Ripplewood Drive

Ms. Millikin explained that the property owner is requesting a waiver for a fee she has been charged based on Chapter 7, Section 124 A-3 of the Township Code, and that she would like her account adjusted to the minimum charge of \$95.55 per quarter. She stated that the property owner had been contacted numerous times by the Water Department as the meter needs to be changed out. Ms. Millikin said if Council chooses to approve the waiver, it would result in a \$613.35 credit on the account.

Council discussed the request. Councilman Birmingham asked if the letters from the Water Department were sent certified. Ms. Millikin said she was not sure. Council consensus was to take no action on the request, based on concerns about setting precedent. Councilwoman Bennett abstained from the informal poll as she said she knows the family involved.

7. ADMINISTRATIVE REPORTS OF MAYOR AND ADMINISTRATOR

Mayor Wilsusen gave a Covid update, and said there has been a slight increase in cases in the last ten (10) days.

Mayor Wilsusen mentioned that the OEM Coordinator had a call with JCP&L yesterday to review their response to the most recent storm. He said he had a call coming up as well.

Mayor Wilsusen announced the town wide cleanup on October 17th and said participants should muster at 8 am at Camp Jefferson. He said a local Girl Scout Troop and Patty Romano are spearheading the effort.

Mayor Wilsusen said the new signs have been installed in White Rock, and mentioned that this safety improvement is the result of a January meeting he had with a Brownie troop. He said that White Rock is one of the few places in Jefferson where students still walk to school. Mayor Wilsusen stated that the County is coming to Jefferson on the 14th to instruct the DPW on the installation of the 3D crosswalk. He thanked the DPW and Rodger Davis for their involvement in the project and said the Township also did some curb work at this location.

Mayor Wilsusen said he had held two (2) employee appreciation barbeques, one at the municipal building and Lakeside Field, and that he felt it was important for all the employees to know that their work is appreciated.

Mayor Wilsusen mentioned that the Mayor Wellness Campaign held a Yogathon and food a drive a few weeks ago. He said three (3) vehicles worth of food were delivered to the local food pantries.

Mayor Wilsusen announced that Table of Hope would be distributing food, including refrigerated goods, on October 14th at 1 pm, and that this was open to anyone in the area. He said he would be promoting this event on social media.

Mayor Wilsusen stated that Hope One had been in Jefferson three (3) times recently, once at Jefferson Chase, once at the Quick Chek and once at Gatwyn's, to offer Narcan training. He said about twenty (20) people had been trained. He said that Navigating Hope, the social services van, had also come to Jefferson. Mayor Wilsusen stated he welcomes these services in town.

Mayor Wilsusen reported that the Local Emergency Planning Committee (LEPC) held its quarterly meeting on September 24th. He also reported attending the staff meeting last week.

Mayor Wilsusen mentioned that the Health Office, Peter Tabbot, had provided some guidance on Halloween, and that trunk or treat events are considered high risk and not encouraged. Mayor Wilsusen said he shared this information on social media.

Mayor Wilsusen stated that the Recreation Department is running a movie night at the High School on October 23rd.

Mayor Wilsusen reported that the December 2nd tree lighting event had been cancelled and he was exploring virtual options.

Mayor Wilsusen pointed out the flags on Weldon Road near the entrance to the Municipal Building and said these had been put up by the Junior Women's Club for the Wrobo Run. He said the flags will stay up through Veteran's Day. He mentioned that the Rotary is selling banners for their Hometown Heroes program and these will be placed next to Memorial Park at the Municipal Building.

Ms. Millikin announced that she had participated in the Wrobo Run and said it was a great socially distanced event.

Ms. Millikin mentioned that negotiations with the PBA began on Tuesday.

Ms. Millikin stated that all department budgets have been received and department have been reminded to include information which needs to be added to the ten (10) year capital plan.

Ms. Millikin said she hopes to award the contract for the HVAC bid on October 21st and that Engineering is reviewing the generator bids that were received today.

Ms. Millikin said she held a staff meeting and reminded supervisors that staff evaluations are due November 1st. She said Ms. Reilly offered to take meeting notes so they could be distributed to anyone not present.

Ms. Millikin discussed the bridge on Three Rivers Drive and said she, Ed Mangold, Ed Haack, Mayor Wilsusen and John Schultz had visited this site. She said the structure is sound but the decking is deteriorating and Mr. Haack has recommended the installation of another steel plate. Ms. Millikin said the cost of the repair will be placed in the budget in the next year or so but currently, the decision has been made to limit the weight limit of vehicles able to cross the bridge. She said there are about twenty (20) homes in that area and a Department of Environmental Protection (DEP) permit will be required.

Ms. Millikin announced that flu shots have been received by the Health Department and that the clinics will be held October 22 and October 29th at the Health Center. She said a RAVE alert has been sent and residents interested in the shot must schedule appointments. She said flu shots are recommended this year as added protection.

Ms. Millikin discussed the letter from the Historical Society with Council. She stated that they are required to get an Outdoor Gathering Permit for the event they want to hold in December, as there will be a few tents set up and an outside bake sale. She said she was unsure if they would need a fire permit. Ms. Millikin said the Historical Society is requesting fee waivers.

In response to Council questions, Ms. Millikin said that two or three Outdoor Gathering Permits have been issued this year and each applicant has paid the required fee. Mayor Wilsusen said the building is located on Township property but the organization is not a non-profit. Councilwoman Bennett mentioned that the Township sponsors the Historical Society through funding in the budget, and that waivers were taken out of the Ordinance when it was recently revised. Both Council Vice President Senatore and Council President Finnegan raised concerns about the social distancing in such a small venue. Mayor Wilsusen said only guided tours were being offered and visitors had to wear masks. Council consensus was not to waive fees. Councilman Dunham abstained from the informal poll as he has a conflict of interest.

Council Vice President Senatore stated that she thought it was too soon to cancel the Christmas Tree Lighting as it was only October. Mayor Wilsusen said he had not officially announced the cancellation yet.

8. COUNCIL REPORTS

Councilwoman Bennett reminded those in attendance that this month is Domestic Violence Awareness Month. She asked Chief Castimore about the number of members on the Crisis Response Team (CRT) and the Chief said members are still needed as there are only two (2). Chief Castimore said he has not seen an increase in domestic violence cases since Covid-19 and that the number of cases this year is almost the same as the number of last year's cases. Mayor Wilsusen said he has been promoting the CRT program.

Councilwoman Bennett complimented the Police Department on bringing attention to Breast Cancer Awareness with their pink accessories.

Councilwoman Bennett congratulated the administration on using evaluations, especially as Jefferson is a civil service municipality, and said she was happy to know training has taken place. She said she is working on the Clerk's evaluation.

Councilwoman Bennett said she likes to see the flags and looks forward to seeing the banner project come to fruition. She mentioned that she recently had a birthday.

Councilman Birmingham reported attended the County League of Municipalities meeting, held outdoors in Mt. Arlington. He said the event was well attended and that the Director of the Morris County Chamber of Commerce gave a presentation encouraging companies to look at Morris County and also supporting current businesses.

Councilman Birmingham asked about the weight limit on Three Rivers Drive bridge and Ms. Millikin said she thought it is eight (8) tons.

Councilman Birmingham asked if the Hanukah display would be put up this year. Mayor Wilsusen said yes. Councilman Birmingham asked if more attention could be paid to making sure the number of lights gets changed daily.

Councilman Birmingham also congratulated the police on their support of Breast Cancer Awareness and said he had purchased some of the accessories for his family.

Councilman Birmingham mentioned the Clerk's Office is receiving a lot of calls in reference to the election. He said there are Frequently Asked Questions on the Township website. He said in his opinion this election is very disorganized and that he has heard reports of ballots being mailed to a deceased individual and also a person receiving a ballot in their maiden name and married name. Councilman Birmingham thought New Jersey should have tried a gradual process towards mail-in ballot voting as Maryland did.

Councilman Dunham mentioned the accident on Route 15 yesterday and thanked the dispatchers, police, fire, emergency services, and in particular the Office of Emergency Management. He said RAVE messages are sent very quickly to inform the public, like the one sent tonight about the Weldon Road closure.

Councilman Dunham said he heard the Wrobo run was safe and well organized.

Councilman Dunham thanked Ms. Millikin for mentioning the personnel evaluations and said he is glad this process is finally being instituted.

Councilman Dunham mentioned that he is finding the website very useful and that other residents have made similar comments to him.

Councilman Dunham said he signed up for a flu shot appointment and complemented the Health Department for being very well organized and having a good plan.

Councilman Dunham referenced a recent article in the Lake Hopatcong Regional News. He said the article was disturbing to him because it was not factual and that he had contacted the paper to express his opinion. He said the decision about the change in assessing properties was not decided by the Council, Mayor, or Administration but was a court decision. Councilman Dunham stated that school aid is decided by a formula which no one can find out. He pointed out that he doesn't agree with the lack of funding for Jefferson but there is nothing to base a factual statement on regarding the assessments affecting state aid.

Council Vice President Senatore thanked Councilman Dunham for bringing up the newspaper article and said she was going to make a similar comment.

Council Vice President Senatore said she the construction on Berkshire Valley Road has been manageable so far. Mayor Wilsusen said the work tonight is being done by New Jersey Natural Gas.

Council Vice President Senatore thanked Grace Rhinesmith, John Burns and staff for the condition of the fields, especially Lakeside. She said it's great to see the kids out and moving around and people following the rules about wearing masks and social distancing.

Council Vice President Senatore said she hopes the Christmas tree lighting can be figured out.

Council President Finnegan congratulated Councilwoman Bennett on her marriage.

Council President Finnegan thanked Mayor Wilsusen for setting up the Table of Hope food distribution and asked for the location. Mayor Wilsusen said Lakeside Field.

Council President Finnegan said she also set up a flu shot appointment and stated how hard the nurses are working. She mentioned that senior citizens may want to look elsewhere for the shot as they can get one with a higher dose of the vaccine.

Council President Finnegan said that Breast Cancer Awareness is a cause near and dear to her heart as her mom had breast cancer as well as several friends. She said the Police Department supports many causes and they are good representatives of the Township.

Council President Finnegan reported attending the training offered by the Hope Truck at Gatwyn's and said it was wonderful that so many people attended. She said she hopes that CARES is able to offer its services again soon at the squad building.

Council President Finnegan said the flags and the banner project presents a good opportunity to talk to kids about Veterans Day.

Council President Finnegan thanked OEM for all their efforts and said they do a great job of bringing all the Township organizations together so everything runs like clockwork.

Council President Finnegan reported attending the County League of Municipalities event.

Council President Finnegan stated the article in the paper upset her as well and she was glad the Mayor responded.

9. ORDINANCES – FIRST READING
ORDINANCE #20-20 -ORDINANCE AUTHORIZING THE PRIVATE SALE OF REAL PROPERTY PURSUANT TO N.J.S.A.
40A:12-13, BLOCK 92, LOT 14.01

WHEREAS, the Township of Jefferson is the owner of a parcel of real property designated as Jerry Drive, Block 92, Lot 14.01, Jefferson, New Jersey, (the "Property"), which land is not needed or required for municipal use; and

WHEREAS, Joseph and Lisa Leifken, (the "Leifkens" or "purchaser"), the owners of the contiguous property located at 3 Jerry Drive, Jefferson, New Jersey (Block 85, Lot 1) have expressed an interest in purchasing the Property; and

WHEREAS, the lot is less than the minimum size required for development under the municipal zoning ordinance and is without capital improvements thereon; and

WHEREAS, the Township Council of the Township of Jefferson has deemed it in the best interest of the Township of Jefferson to sell the Property to the Leifkens in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

WHEREAS, the Leifkens have offered to purchase the Property for its fair market value of \$35,000.00 as determined by the Township's appraiser, Newmark, Knight Frank in their report dated August 26, 2020.

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

1. The Township of Jefferson shall sell, pursuant to the provisions of N.J.S.A. 40A:12- 13(b)(5) and N.J.S.A. 40A:12-13.2, the lot known as Jerry Drive, Block 92, Lot 14.01 to the contiguous property owners, Joseph and Lisa Leifken, for the sum of \$35,000.00. The sale is subject to the right of other interested parties to offer an amount in excess of the amount offered pursuant to N.J.S.A. 40A:12-13(b)(5).
2. Upon final passage of this Ordinance as required by N.J.S.A. 40A:12-13(b)(5) the list attached to this Ordinance as Schedule A, containing the property being sold and the proposed sale price shall be published within five (5) days of adoption in the Township's official newspaper and this Ordinance shall also be posted on the bulletin board at the Municipal Building or other conspicuous space at the Municipal Building. Offers for the properties being sold may be made to the Township Council or its designee for a period of twenty (20) days following the advertisement, at not less than the minimum price.

3. The property shall be sold subject to the following terms and conditions:
 - A. The property shall be sold for not less than the amount set forth in Schedule A.
 - B. The sale shall be made by private sale, after legal advertisement of this Ordinance, and shall be made to the persons set forth in Schedule A or such higher offer as may be submitted within the twenty (20) day period as referenced in Paragraph 1 above, subject to the contiguous property owner's rights under N.J.S.A. 40A:12-13.2. In the event any contiguous property owner is interested in purchasing the property and notifies the Township of their interest, the Township Council may reconsider this Ordinance within thirty (30) days of its enactment and advertise the Property for public sale.
 - C. In the event of the sale to the Leifkens proceeds, the Property shall become consolidated with and merge with the Leifken's existing property located at 3 Jerry Drive, Jefferson, New Jersey (Block 85, Lot 1).
 - D. The Township does not warrant or certify title to the Property and in no event shall the Township of Jefferson be liable for any damages to the purchaser if title is found unmarketable for any reason and the purchaser waives any and all right in damages or by way of liens against the Township. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the purchaser to examine title to the property prior to the closing. In the event of closing and a later finding of defect of title, the Township shall not be responsible for the same, shall not be required to refund money or correct any defect in title or be held liable for damages.
 - E. Acceptance of the offer made as set forth in Schedule A shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
 - F. Upon adoption of this Ordinance the purchaser will be required to pay within two (2) business days ten percent (10%) of the purchase price, in certified funds or check; the payment shall be returned to the purchaser, without interest, if the title to the Property is legally determined to be unmarketable, providing claims made therefor within thirty (30) days from the date that this Ordinance is adopted.
 - G. A Quit Claim Deed will be delivered at the office of the Township Clerk or the Township Attorney's office on or before thirty (30) days after the publication of the passage of this Ordinance, at which time and place the balance of the purchase price, plus the legal fees and costs incurred by the Township in the amount of \$450.00, plus the actual costs that the Township incurs for publishing this Ordinance and any required notices, shall be required to be paid by certified or bank check. The Mayor and Clerk are hereby authorized to execute the Deed and any related documents.
 - H. The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Township of Jefferson and reserving an easement for all natural or constructed drainage systems, waterways and water easements on the properties, if any, and the continued right of maintenance and flow thereof.
 - I. The Property is sold subject to 2020 taxes, prorated from the date of sale.
 - J. The Governing Body does hereby reserve the right to withdraw this offer to sell.
4. Purchaser is advised:
 - A. To conduct all necessary title searches prior to the date of the sale.
 - B. That the description of the Property is intended as a general guide only and may not be accurate. No representation of any kind are made by the Township of Jefferson as to the conditions of the property, including habitability or usability; the Property is being sold in its present condition "as is".
 - C. That the sale is made subject to all applicable laws, statutes, regulations and ordinances of the United States, State of New Jersey and the Township of Jefferson.
 - D. That no employee, agent or officer of the Township of Jefferson has any authority to waive, modify or amend any of the conditions of the sale.
 - E. The Property will be conveyed subject to all covenants, restrictions, reservations and easements established of record or by prescription, and as set forth herein, and without representation as to character of title of the Property to be conveyed.
5. Additional Terms the Purchaser must comply with:
 - A. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
 - B. That the failure to close title as agreed shall forfeit to the Township of Jefferson any and all money deposited with the Township.
 - C. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any court of this State as grounds to support a challenge of the existing assessments with regard to other properties.
 - D. The Property being purchased shall be merged with purchaser's contiguous property and treated as one piece of property.
6. This Ordinance shall take effect after final passage and publication according to law.

SCHEDULE A

	<u>Tax Block</u>	<u>Lot</u>	<u>Location</u>	<u>Lot Size (acres)</u>	<u>Sale Price</u>
1.	92	14.01	Jerry Drive	0.916+/-	\$35,000

Following introduction, the above Ordinance will be published in accordance with the law and a Public hearing will be held on **October 21, 2020**.

INTRODUCTION: **OCTOBER 7, 2020**

ADOPTION:

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

ORDINANCE #20-21 - ORDINANCE AMENDING CHAPTER 146 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED "ANIMALS", SPECIFICALLY ARTICLE 1, "DOGS", SECTION 146-2, "LICENSE AND REGISTRATION TAGS; FEES; APPLICATION" ARTICLE 3, "CATS", SECTION 146-26, "LICENSING REQUIREMENTS", ARTICLE V, "PET COLLECTIVES", SECTION 146-32, "PET COLLECTIVE REGISTRATION AND INSPECTION" AND SECTION 146-33 "VIOLATIONS AND PENALTIES" AND ADDING ARTICLE, VI, "DOMESTIC ANIMALS", ARTICLE VII, "LIVESTOCK", ARTICLE VIII, "REGISTRATION FOR HARBORING ANIMALS" AND ARTICLE IX, "PRE-EXISTING NON-CONFORMING USE"

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

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, that the Jefferson Township Municipal Code is hereby amended to revise Sections 146-2 "License and registration tags; fees; application", Section 146-26, "Licensing Requirements", Section 146-32 "Pet Collective Registration and Inspection" and Section 146-33 "Violations and Penalties" and also to add, Article VI, "Domestic Animals", Article VII, "Livestock", Article VII, "Registration for Harboring Animals" and Article IX, "Pre-Existing Non-Conforming Use" as follows:

SECTION I. Section 146-2, "License and registration tags; fees; application" shall be amended with the addition of subsection E, as follows:

E. Each property shall have no more than eight (8) dogs. Properties harboring seven (7) or more dogs and not being a kennel, shelter or pet shop as defined in Article 1 of Chapter 146 must register as a Pet Collective as defined in Article V of Chapter 146.

SECTION II. Section 146-26, "Licensing requirements", shall be amended with the addition of subsection M, as follows:

M. Each property shall have no more than eight (8) cats. Properties harboring seven (7) or more cats and not being a kennel, shelter or pet shop as defined in Article 1 of Chapter 146 must register as a Pet Collective as defined in Article V of Chapter 146.

SECTION III. Section 146-32, "Pet collective registration and inspection", shall be amended as follows:
 Every owner, tenant, or principal occupier of a pet collective as defined herein shall be required to register with the Jefferson Township Department of Health on an appropriate form. Each pet collective shall pay an annual fee of \$25.00 in addition to any licensing fees as required by this chapter. The pet collective shall be subject to a minimum of one inspection per year by the Jefferson Township Department of Health and may be cited for any health violations or violations of Chapter 146.

SECTION IV. Section 146-33 B & C, "Violations and Penalties" shall be amended as follows:

- B. Second Offense: The penalty shall be \$500 for a second offense.
- C. Subsequent Offenses: Any subsequent violations of this article shall be punishable by the imposition of a fine of \$1,000.00 per offense.

SECTION V. Chapter 146, Article VI, "Domestic Animals", shall be adopted as follows:

ARTICLE VI. DOMESTIC ANIMALS

§146-34 Definitions

ANIMALS RUNNING AT LARGE. "At large" shall mean off the premises of the owner or custodian of the animal, and not under the immediate control of the owner or custodian.

DOMESTIC ANIMALS. Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter, and not raised for commercial gain; including among others dogs, cats, guinea pigs, reptiles, chickens and fish; and excluding: poisonous and dangerous animals such as lions and bears, livestock such as horses and cows, and other animals weighing more than 100 pounds.

FARM ANIMALS. An Animal which is normally found on a farm, ranch, or stable. Such animals include, but are not limited to horses, cattle, sheep, goats, swine, and chickens.

NONDOMESTICATED ANIMALS. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

§146-35 Domestic Animals

Domestic animals (no more than eight (8) cats and eight (8) dogs) shall be permitted on a property within all Zones within the Township of Jefferson.

§146-36 Animals Running at Large

No person shall permit any animal regularly housed on his property or in his possession to run at large, nor shall any animals be permitted upon the streets or other public ways of the Township unless under the immediate control of the owner or his authorized custodian. Such action is declared to be a nuisance and dangerous to the public health and safety.

§146-37 Standards for Keeping Chickens

The keeping of chickens in the Township of Jefferson shall be subject to the following requirements:

- A. A maximum of five (5) female chickens shall be permitted on lots one (1) acre or less.
- B. A maximum of ten (10) female chickens shall be permitted on lots two (2) acres or more.
- C. The keeping of roosters (mature male chickens) and cockerels (young male chickens) is prohibited except on farmland assessed property.
- D. Chickens shall be provided with a fully-enclosed shelter (coop) and a run or fenced enclosure, with the following requirements:
 1. Shelters and runs or fenced enclosures are permitted in the rear yard only;
 2. Shelters and runs or fenced enclosures shall be located a minimum of twenty-five (25') feet from a fenced in property line, and fifty (50') feet from any non-fenced in property line and a minimum of fifty (50') feet from any residential dwelling;
 3. Only one shelter shall be permitted on any lot, with a maximum permitted area of any shelter of 100 SF, and the total area of shelters and attached run shall be a maximum of 150 SF; and
 4. Shelters/coops shall not exceed six (6') feet in height.
- E. The shelter and enclosures shall remain in good repair and in a clean and healthy condition, free from accumulation of waste, free from noxious or offensive odor, and free from any condition which may breed flies or other insects. Slaughtering chickens in public view is prohibited.
- F. Storage of manure, waste and odor or dust producing substances shall be kept in a water-tight container and disposed of in accordance with health code and accepted agricultural practices; such manure and waste storage shall be located at least ten (10') feet from any lot line and a minimum of twenty-five (25') feet from any residential dwelling.

SECTION VI. Chapter 146, Article VII, "Livestock", shall be adopted as follows:

ARTICLE VII. LIVESTOCK

§146-38 Livestock Standards

The keeping of livestock, including but not limited to cows, horses, sheep, goats, ducks, pigs, llamas, alpacas, peacocks, chickens and roosters shall only be permitted on farmland assessed property, subject to the following additional provisions:

- A. Such uses are conducted upon a lot not less than five (5) acres in area.
- B. No building or structure used for shelter or enclosure of livestock shall be closer to any property line than 200 feet.

SECTION VII. Chapter 146, Article VIII, "Registration for Harboring Animals" shall be adopted as follows:

ARTICLE VIII. REGISTRATION FOR HARBORING ANIMALS

§146-39 Registration for Harboring Animals

Any person desiring to keep, raise or harbor more than two pet animals other than cats and dogs within the Township of Jefferson shall first apply to the Code Enforcement Office to register the animals on a yearly basis. The information provided to Code Enforcement Office must include a sketch of all buildings on the premises, the area to be occupied by the animals, proposed fences and enclosures and the type and number of pet animals to be kept.

SECTION VIII. Chapter 146, Article IX, "Pre-Existing Non-Conforming Use" shall be adopted as follows:

ARTICLE IX. PRE-EXISTING NON-CONFORMING USE

§146-40 Pre-Existing Non-Conforming Use

Any existing use of possessing, keeping or maintaining farm animals existing prior to the effective date of this section shall become and considered a preexisting nonconforming use, provided the owner registers the use with the Zoning Officer within the time provided by the Municipal Land Use Law. This provision shall not allow replacement of animals in numbers greater than permitted by this chapter.

SECTION IX.

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

SECTION X.

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 XI.

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 21, 2020.**

Prior to the vote on the introduction of the Ordinance, Ms. Millikin said she had received a phone call from Council Vice President Senatore, who suggested that eight (8) animals might be too many on smaller pieces of property. Council Vice President Senatore stated that she wanted to amend the Ordinance since lake houses tend to be smaller. Councilwoman Bennett said acreage might be a pertinent concern.

Mr. Ryan recommended that is the Council was considering significant changes to the Ordinance, it should be withdrawn and considered for reintroduction at a future meeting.

WITHDRAWN: OCTOBER 7, 2020

ADOPTION:

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

Ms. Millikin said she would make an attempt to amend the Ordinance, taking into account acreage.

10. MINUTES

September 2, 2020 (Regular)
 September 15, 2020 (Regular)

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

11. NEW BUSINESS

Resolution #20-236

Resolution of the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, Opposing the Petition of Jersey Central Power & Light For a Base Rate Increase

WHEREAS, on February 18, 2020 Jersey Center Power & Light (JCP&L) has submitted a verified petition for review and approval of a 7.8% rate increase, as well as other adjustments to, its rates and charges for electric service, and for approval of other proposed tariff revisions in connection therewith; and

WHEREAS, the adjusted annual rate increase would average 8.5% or \$104.76 per year for a residential customer using 766 kWh per month, or 9,192 kWh per year; and

WHEREAS, the requested rate increase has been requested at a time when the cost of energy has decreased along with overall consumption of energy; and

WHEREAS, JCP&L references confidential filings of five (5) supporting schedules that make it impossible to verify the need for a rate increase; and

WHEREAS, there has been a lack of investment by JCP&L in new technology and infrastructure which has resulted in power outages on a regular basis for Township of Jefferson residents and municipal needs; and

WHEREAS, despite having reported some upgrades to the power grid, JCP&L's overall service area and Morris County in particular continues to suffer from frequent power outages, insufficient communication regarding power restoration following tropical storms and other weather events; and

WHEREAS, JCP&L has displayed poor storm preparedness procedures causing crews to be unused or improperly assigned to streets where forestry had not yet cleared trees/power lines; and

WHEREAS, critical functions such as our storm water treatment stations and firehouse were running on generator power four days after the storm.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Jefferson, County of Morris, State of New Jersey, opposes the petition for review and approval of increases totaling 8.5% annually, or, \$104.76 per year, as well as, and other adjustments to, its rates and charges for electric service, and for approval of other proposed tariff revisions in connection therewith, and urges the Board of Public Utilities to reject JCP&L's request.

Prior to the vote, Councilman Dunham said he feels like this resolution sums up the Township's feelings about this company after their performance, or lack thereof, during the last weather event.

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

12. CONSENT AGENDA*

*Matters listed on the Consent Agenda Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

***PERMITS/LICENSES**

- None

***APPOINTMENTS**

- None

***CONSENT AGENDA RESOLUTIONS:**

- 20-237 Resolution Authorizing the Payment of Bills
- 20-238 Resolution Authorizing the Refund of Overpayment(s) of Purchasing Department Fees
- 20-239 Resolution of the Township of Jefferson Authorizing the Adoption of the 2020 Morris County, New Jersey Hazard Mitigation Plan Update
- 20-240 Resolution Authorizing The Refund of Overpayment(s) Of Taxes
- 20-241 Resolution of the Township of Jefferson Authorizing the Sale of Surplus Personal Property No Longer Needed For Public Use On An Online Auction Website

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

13. 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.

14. EXECUTIVE SESSION

RESOLUTION #20-242- 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
- (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 **September 15, 2020 at 7:00 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 for the purpose of voting on the adoption of Ordinance #20-18 and Resolution #20-243.

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

Council President called the public portion of the meeting back into session at 8:30 pm.

15. ORDINANCES –VOTE FOR ADOPTION
ORDINANCE #20-18 - ORDINANCE REVISING THE SALARY RANGE OF POLICE CIVILIAN EMPLOYEE - RECORDS MANAGER OF THE TOWNSHIP OF JEFFERSON

WHEREAS, the Township Council of the Township of Jefferson, Morris County, New Jersey, adopted Ordinance #17-27, on **January 1, 2017**, Ordinances # 19-06, on **January 1, 2019**, and **Ordinance # 20-16, on January 1, 2020 (salary Ordinances)**, establishing the salary ranges and other benefits with reference to the officers and employees of the Township of Jefferson; and

WHEREAS, subsequent to the adoption of the salary Ordinances, the title of **Records Manager** has been added and an agreement reached, requiring amendment to the previously adopted salary Ordinances.

NOW, THEREFORE, BE IT ORDAINED, as follows:

SECTION ONE: The salaries and/or rates of compensation for the officers and employees of the Township of Jefferson, set forth in Ordinances 17-27, 19-06, 20-16, shall be revised by the addition of the following:

POLICE DEPARTMENT	MINIMUM	MAXIMUM
CIVILIAN EMPLOYEES		
POSITION		
Police Records Manager	\$53,396	\$68,396

SECTION TWO: Nothing herein shall be intended to amend or in any way change any collective negotiations agreements with reference to those officers or employees who are members of the collective bargaining unit, and to the extent that there is a discrepancy between any collective negotiations Agreement and the range of salaries or benefits set forth herein, the terms of the Collective Bargaining Agreement shall prevail.

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

The PUBLIC HEARING on this Ordinance was held on September 2, 2020.

INTRODUCTION: AUGUST 12, 2020

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

TABLED: SEPTEMBER 2, 2020

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			

TABLED: SEPTEMBER 15, 2020

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

ADOPTION: OCTOBER 7, 2020

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

16. RESOLUTION 20-243
Resolution of the Township Council of the Township of Jefferson, County of Morris, Ratifying and Executing a Settlement Agreement

WHEREAS, the Township of Jefferson is the Defendant in the lawsuit captioned "Janice Geib v. Township of Jefferson and James M. Leach", filed in the Superior Court of New Jersey, County of Morris, bearing Docket No. MRS-L-688-18; and

WHEREAS, the Township of Jefferson has reached a settlement with Janice Geib as reflected in a certain Mutual Settlement Agreement and Release of all Claims ("Settlement Agreement") which has been negotiated between the parties; and

WHEREAS, the Township has been represented in this litigation by Gebhardt & Kiefer, P.C., through the Township's insurance carrier and it is on the recommendation of counsel that the Township Council approve the Settlement Agreement; and

WHEREAS, the Mayor and Township Counsel have been afforded an opportunity to review the Settlement Agreement and Janice Geib has executed the Settlement Agreement; and

WHEREAS, the Township seeks to ratify and execute the Settlement Agreement.

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

1. The Mutual Settlement Agreement and Release of All Claims between the Township of Jefferson and Janice Geib is hereby approved.
2. The Mayor and Township Clerk are authorized to sign the Settlement Agreement on behalf of the Township of Jefferson, as well as any other documentation necessary to effectuate this settlement.
3. The Resolution shall take effect immediately.

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

17. ADJOURNMENT AT 8:32 PM

Council President Finnegan announced the next meeting would be held via Zoom to better accommodate the public. She said there had been a number of attendees at previous meetings and some of them ended up sitting in the hallway due to the need for social distancing.

Motion made by Councilman Dunham, second by Councilwoman Bennett, to adjourn the meeting at 8:32 pm, with all members in favor signifying by "Aye."

October 7, 2020

 Michele Reilly, Township Clerk

 Kim Finnegan, Council President

CONSENT AGENDA RESOLUTION #20-237

“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 **October 2, 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 20-238

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

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

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

WHEREAS, the Purchasing Department 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. Duplicate Payment	3. Project Cancelled
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NAME	AMOUNT	CODE
EACM Corp. Attn: Ester Cambroner 1070 Ocean Avenue Sea Bright, NJ 07760	\$15.00	1
Iron Mountain Mechanical, LLC. Attn: Christine Snyder 132 Mt. Pleasant Rd. Columbia, NJ 07832	\$15.00	1

CONSENT AGENDA RESOLUTION #20-239

“RESOLUTION OF THE TOWNSHIP OF JEFFERSON AUTHORIZING THE ADOPTION OF THE 2020 MORRIS COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE”

WHEREAS, all jurisdictions within Morris County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Morris County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Morris County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson, County of Morris, State of New Jersey that the Township of Jefferson:

- 1) Adopts in its entirety, the 2020 Morris County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.

- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

CONSENT AGENDA RESOLUTION #20-240

“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
89	9	WOLF VESPASIANO LLC	\$2,061.75	8	2020
126	2	TFS C/F FIG CAP INV NJ13 LLC	\$32,161.45	5	2020
126	2	TFS C/F FIG CAP INV NJ13 LLC	\$18,000.00	10	2020
			TOTAL	\$52,223.20	

CONSENT AGENDA RESOLUTION #20-241

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

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

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

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

WHEREAS, the terms and conditions of the agreement between Municibid and the Township of Jefferson are available at municibid.com and on file with the Township Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Jefferson in the County of Morris, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled municibid.com.

SCHEDULE A	
Vehicle Description	VIN #
2009 Ford Escape Hybrid	1FMCU59309KB19076
Groomall Synthetic Turf Groomer	S/N FT00000665
EZ-Go Golf Cart	S/N 2422786
Meyer Snow Plow - 8 Ft.	S/N 00304109401
2003 Chrysler Sebring	4C3AG42G33E141883
7 Tires - Recaps 11R24.5	
2007 Ford Crown Victoria	2FAFP71W87X148710
2009 Ford Crown Victoria	2FAHP71V99X134060
2011 Ford Crown Victoria	2FABP7BV8BX157310