

Roll Call**Present**

Mrs. Merz
 Mr. Sanchelli
 Mr. Birmingham
 Vice President Hardy
 President Yocum
 Howard Vex, Township Attorney
 Lydia Magnotti, Township Clerk

Absent

Arrived at 7:33 p.m.

Mrs. Magnotti said, "Let the record show that Administrator James Leach and Mayor Felter are present.

Salute to the Flag

Council President Yocum asked everyone to rise for the Pledge of Allegiance.

Moment of Silence

Council President Yocum asked everyone to join him in a Moment of Silence for a long time resident of Jefferson Township who recently passed, Joe Florida. Joe was a member of St. Thomas Church. He was also a member and past President of the 4th Degree Regalia of the Knights of Columbus and past Treasurer of the Golden Age Club in Milton.

Notice of Presiding Officer

Council President Yocum said, "This Regular Council meeting for December 2, 2009, commencing at 7:30 p.m. has been properly noticed in accordance with the Open Public Meetings Act by notice to the official newspapers of the Township on November 25, 2009."

Approval of Minutes of Previous Meetings

Ø November 11, 2009 Regular Meeting All Members Present

Motion: Sanchelli, second Hardy

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Public Hearing Upon Adoption for Ordinances on Second Reading and Final Hearing:

ORDINANCE #34-09: ORDINANCE AMENDING CHAPTER 235 OF THE JEFFERSON TOWNSHIP MUNICIPAL CODE ENTITLED "FEES, GENERAL" BY CREATING A NEW SUBSECTION KNOWN AS SECTION 235-15, ENTITLED "HEALTH DEPARTMENT FEES" IS OFFERED FOR ADOPTION ON SECOND READING AND FINAL HEARING.

BE IT ORDAINED by the Township Council of the Township of Jefferson, Morris County, State of New Jersey that Chapter 235 of the Jefferson County Municipal Code, entitled "Fees, General" is hereby amended by creating subsection 235-15, entitled "Health Department Fees," as follows:

Section I

§235-15. Health Department Fees.

- A. Burial Permit Fee: \$15.
- B. Disinterment Permit for removal or relocation of remains: \$15.

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All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of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, paragraph, 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 be in full force and effect from and after its adoption and any publication as may be required by law.

Yocum opened the meeting to the public for questions and comments specific to proposed Ordinance #34-09 and seeing no one come forward, he closed the public portion of the meeting.

Motion: Hardy, second Birmingham

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Council Reports

Motion to Start the December 16, 2009 meeting at 6:00 p.m.

Motion: Sanchelli, second Merz

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Hardy had no report this evening.

Birmingham had no report this evening.

Merz had no report this evening.

Sanchelli had no report this evening.

Administrative Reports of Mayor and Administrator

Felter reported that two H1N1 Clinics were held at the Municipal Building and everything ran quite well. One more Clinic will be held on December 15. The totals for the clinics were 458 and 404.

Leach reported that there has been further negotiations regarding the fingerprinting between the Bureau and the State Police. The State Police believe that they will continue to take computer prints for fire, EMS and any employment applications.

Leach said that there was also a question about the Dover Milton Road intersection at the last meeting. After speaking with the Police, they still stand by the need for the stop sign and there have been no accidents. Leach said that Lynne Stanlick, the School Transportation Coordinator, was involved in the whole discussion about realigning the intersection. Leach said he spoke with her assistant and it is their opinion that the intersection works well and that it should remain.

Leach said that due to the State's Budget crisis, they are not mailing out the full December Aid checks. Leach said that fortunately, the town will only be owed \$1,187 and that is the amount that will not be received.

Yocum said that he would like to thank Leach for dealing with the State Police in the fingerprint issue. Leach said that Captain Wilsusen has been taking care of that matter. Yocum asked Leach to express his thanks to Captain Wilsusen.

Miscellaneous/Public Portion

Yocum opened the meeting up to the public for questions or comments. Cliff Beebe came forward and said he would like to draw the Council's attention to a Federal Law. Beebe said that he came across a Federal Ruling that makes the localities liable for the civil rights abuse. Beebe said that they all have an interest in keeping the lake full. Beebe said that there are a lot of people in agreement with him. Yocum thanked Beebe and said that they appreciate his efforts.

Yocum asked if anyone else has any questions or comments at this time and seeing no one come forward, he closed the public portion of the meeting.

Unfinished Business

• Update on Liquor License Restrictions

Yocum said that Merz and Sanchelli have been asked to review all the restrictions that have been placed on liquor licenses and determine if they all still make sense. Merz reported that there were 7 licenses on the list with restrictions; 1 immediately came off the list because the restriction is Court mandated; 1 voluntarily said they are temporarily closing and there was no need to discuss the restriction; and 1 is inactive on an undeveloped piece of property. Merz explained that they met with the 4 that were left on the list; The Thirsty Moose, Alice's, Gatwyn's II, and Sneaky Petes. Yocum asked Merz and Sanchelli to submit a report to the Council prior to the December 16 Council

meeting. Merz commented that she also contacted the Detective Bureau in the Police Department to find out if there have been any police reports from these establishments to see if there is any reason why the restrictions should remain. The Police advised that there was no reason for the restrictions since there is a law on the books regarding noise and closing times. The Police also do drive-bys to make sure establishments are closed.

- **Land Use Referendum Discussion**

Felter commented that he feels the Council and Administration should take another look at this issue with an independent committee that has no connection to the Boards. This Committee will be given the parameters of what is needed and will be asked to come back with a recommendation sometime in early February. Yocum said that he spoke to Felter and is in agreement with that plan. Yocum said he would like to see a single page document that rolls all the numbers up in a clear comparison. Yocum said that people who are outside the situation can take a business-like look at this and come back with a written recommendation. Merz said that she can appreciate that statement, however, she wishes that statement was made 18 months ago because she feels it was a waste of time for Mangold, Valva, Hartery, Deutsch and herself to sit through numerous meetings and pull research together at the request of the Council. Merz said that she realizes that the Council read the information but perhaps it should have been presented so that the Council could have understood more clearly. Merz said that she does not consider herself biased because she walked in thinking that it would be a cost savings but as she researched she was turned around. Yocum said that the new group will be taking the information that was gathered from the original Land Use Committee and that is what the recommendation will be based on. Yocum said they are simply asking for an opportunity to ask this unassociated group of people to take a look at this issue. Hardy asked about the results of the non-binding referendum. Yocum said that the results were overwhelmingly in favor of combining the boards. Birmingham said they were 70 percent in favor. Yocum said that when the Council gets the information from the Committee, then a decision will be made. Hardy said that they have to keep in mind that the public has told them what they want. Birmingham said that he disagrees. Birmingham said that he has no problem with the committee, however, he thinks the people elected them to sometimes make tough decisions. He has no problem with having a committee look over an ordinance that is drafted by the attorney and help determine how many members should sit on the Board and how it works. But now this would be a third time going back to the drawing board to decide whether they should go forward with this. Birmingham said that over 70 percent of the people voted they would like to combine services. Birmingham said that the committee that was drafted before was supposedly an unbiased committee that was going to look over everything. Birmingham said that if it was unbiased, then they should use the same committee again. Yocum said that he spoke to the Mayor about having this group take one last look and come back to the Council in February because even though it was on the ballot, they want to be sure it will save money. Yocum said that he wants to be sure that they do not do an emotional thing in the hopes of saving money. Birmingham said that the people overwhelmingly support this. Birmingham said that the Mount Olive Planning Department came up with a \$30,000 savings. Birmingham said that if Jefferson comes up with no savings, then someone is doing something wrong. Birmingham said that he does not feel the Council has to be the ones to decide who will be on the Board or what the name will be. Sanchelli asked if the Council should vote on the new committee. Hardy said that he is in favor of the committee, however, they have to remember that when the information comes back they have to keep in mind that it was voted on by the public and weigh that as part of the equation.

Felter said that he just wants to make sure that people understood the ballot question. Felter said that there was a lot of information going around and people were throwing savings around. Felter said that he certainly does not want to disenfranchise the voters. Felter said he feels they probably should do the Land Use Board but he wants to be sure because they will lose members of the public who have had input. Birmingham said that people didn't just vote for this because of the money, they voted because they want more concise government and they want layers of government striped. Applications are dropping from 70 down to less than 30 and the horizon is showing that more and more meetings are being cancelled.

Yocum said that there is a Motion on the floor to have the Township Attorney draw up the Ordinance to create the single board. Yocum said that the motion can be passed and they can still move ahead with getting a group of people together to give the Council a final on their take on the costs. Yocum said that there is one statement that came out of the Committee's meetings that stuck in his mind and that had to do with money being saved if there are 12 meetings or less per year. If there are more, then it would not represent a cost savings based on the financials that the Committee handed the Council.

Motion: Ask Attorney To Draw Up Ordinance Creating Single Board Taking Into Account Jefferson Township's Population and Fact that Over 100 Municipalities in State have Already Combined Boards and Taking Into Account Non-Binding Referendum Vote

Motion: Birmingham, second Yocum

Mrs. Merz	Nay
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Sanchelli said that if the Mayor puts this committee together, he would like to have them receive a copy of this proposed ordinance so they will be able to consider the ordinance in their recommendation. Felter said he would like to ask the committee to be available to talk to the Planning Board Secretary and whatever resources they need will be made available to them. Felter said that a notice will be put in the paper and anyone that is interested can contact his office. Magnotti commented that according to the new law, anyone interested in being on any committee in the Municipality must fill out an application which comes through the Municipal Clerk's Office. The form is currently online. Birmingham said that with regard to the money savings, at the time of the original committee there were only 2 meetings cancelled and since that time there have been 6 meetings cancelled.

• Ordinance Request by Police for Public Parks and Halloween Curfew

Officer Rodriguez said the Police Department would like to have an ordinance put in place to establish a curfew on Township owned land of 10 p.m. to 7 a.m. Rodriguez said that in the past there have been many issues at Lakeside Field and Chamberlain Field, especially in the summer months. The Police go to the area and ask them to move and later the Police return and the individuals have returned. Currently, there is no ordinance in place. Rodriguez said that the other ordinance they are looking at concerns a mischief night and Halloween night curfew. This ordinance states that no person under the age of 18 years of age will be permitted on in a public area after 9 p.m. unless accompanied by an adult. Rodriguez explained that this is especially for communities like Water's Edge, the Peaks and White Rock. Sparta has had this Mischief/Halloween Curfew for the past 20 years and they have had no problems with it and their Officers have not had to write any summonses. No one has challenged the curfew. Rodriguez said that they advertise the week prior to Halloween in the local paper advising the residents about the curfew. Sanchelli said he just read the Hanover Township curfew. Sanchelli said he does not have a problem with it although he does not like curfews. Sanchelli said that if it helps the Police and if it helps alleviate the nuisance in some of the neighborhoods, he is fine with it. Merz said that with any ordinance, they have to give them the ability for enforcement so she is in full favor of it. Hardy asked if the areas at Lakeside and Chamberlain are lighted areas. Rodriguez said that they are lighted. Hardy asked if there is an ordinance regarding what time the lights go off. Rodriguez said right now all they have is a policy and usually if there is a game, the umpire or coaches are supposed to turn the lights off. Most games are done by 10:00 p.m. or 10:30 p.m. Rodriguez said he spoke to Rhinesmith and they are trying to create a new system. Instead of giving out keys a card system will be created to see who is operating the lights. Rodriguez said that he just feels this is another tool that the Officers will have to enforce. Hardy said that with regard to Halloween and Mischief nights, this is a time when they can ask the schools to cooperate with the town. Hardy said that they have a program in place with the schools to explain to the kids why the ordinance is being passed. Birmingham asked about the surrounding towns and if they will be coordinating with West Milford. Rodriguez said he did not check with West Milford but Mount Arlington has one. Rodriguez stated that they would just like those evenings to be safe and there are extra officers working on those evenings. Leach said that he will speak to Rhinesmith and the ordinance should be specific and state that the use of the fields is from 7 a.m. to 10 p.m. unless by permit.

New Business Resolutions

Resolution #09-88: Place to Place Liquor License Transfer for License No. **(157-A)**
1414-33-006-007/Takis Seretis, Inc. t/a Jefferson Diner & Family Restaurant

Yocum announced that a written objection was received from John Visicaro. John Visicaro came forward and said that he does not object to the Jefferson Diner having a liquor license to improve their business. He objects to the considerations, compromises and exceptions made to that area that the Jefferson Diner happens to be in. Visicaro said that when you take into consideration the size of Jefferson and the small area that the Diner is located in, it is small. Visicaro said that the Diner spent \$100,000 on their license in order to place it in that small area. Yocum asked Visicaro if he has a map of that redevelopment zone. Visicaro said he has a map of Zone 3. Visicaro asked about the grandfathering of licenses in Zone 3.

Howard Shapiro of 623 Skyline Drive came forward and said that he feels that redevelopment is a very positive thing. Shapiro said that small businesses should be encouraged to grow. Shapiro said he does not oppose

anyone having a liquor license and healthy competition is growth. Shapiro said it peaks his curiosity and this particular instance today is possibly benefiting one entity. Sanchelli said that he has been trying to abolish the one-mile restriction, it is a dinosaur. Hardy said that it sounds like they are denying licenses and they are not. Hardy said that in order for the diner to do better with this license, another business went out of business because that is how the license was bought. The number of licenses are limited. Shapiro said that he understands, however, if someone is willing to make the investment, they should have the opportunity. Visicaro said that he did have the opportunity to purchase that same license under contract and he could not place the license so he had to turn down the contract because of the one mile rule.

Cliff Beebe came forward and said that he feels there should not be a mile radius on anything. It is arbitrary and capricious. Beebe said that the town has changed since many of these rules were made. Hardy said that he fought the one mile limitation around 7 years ago and he has always felt it was a violation of free enterprise. A capitalist society can work on a competitive basis and the market should prevail. Hardy said that he still feels that way.

Yocum said that he would like to remind everyone that this is a discussion of Proposed Resolution #09-88 which is the Place-to-Place Liquor License Transfer for License #1414-33-006-007. Yocum asked if anyone in the audience has any additional questions or comments on this proposed Resolution and seeing no one come forward, he closed the public portion of the meeting.

Yocum read from the Township Code: No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or allow the consumption of any alcoholic beverages on licensed premises on weekdays between the hours of 3:00 a.m. and 7:00 a.m. or on Sundays between the hours of 3:00 a.m. and 9:00 a.m. Yocum explained that he is reading this portion of the ordinance into the record because this particular business operates 24 hours a day.

Yocum asked the licensee if they had a conversation with the Administration about a restriction on their license prohibiting the sale of package goods. Merz asked why they would do this because the Liquor License Committee did not recommend any restrictions. Leach said that it came up during discussions of the redevelopment. Leach said that the Chamber of Commerce did a survey and two things the people wanted was a Family Restaurant and dollar store. Yocum said that it also changes the impact of the business with the number of trips in and out. Leach said that there are already parking issues. Yocum said that the Motion should include a restriction on the sale of package goods.

Motion: Merz, second Sanchelli

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-89: Authorize Change to NJSHBP for Average Number Hours Of Employment Per Week for "Full-Time" Being 30 Hours **(158-A)**

Motion: Sanchelli, second Birmingham

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-90: Authorize Change to NJSHBP Post-Retirement Medical Benefits of Qualified Retirees or Employees **(158-B)**

Motion: Sanchelli, second Birmingham

Mrs. Merz	Not Voting
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-91: Acceptance of White Collar Unit Employment Contract **(158-C)**

Ending December 31, 2011

Motion: Sanchelli, second Hardy

Mrs. Merz	Not Voting
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-92: Acceptance of Blue Collar Unit Employment Contract (158-D)

Ending December 31, 2011

Motion: Hardy, second Birmingham

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-93: Authorize Submission of Highlands Petition for Plan Conformance (158-E)

Motion: Birmingham, second Sanchelli

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-94: Approval of Bills with Addendum (159-A)

Motion made to remove any and all reimbursements from NJ State League of Municipalities to recheck for compliance with policy

Motion: Merz, second Hardy

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Resolution #09-95: Authorize Passage of Consent Agenda (159-B)

#4 – Conditional upon fire extinguishers being installed.

Motion: Birmingham, second Hardy

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Hardy said on behalf of Sanchelli and himself, he would like to thank Leach for his help during the negotiations with the White Collar and Blue Collar unions.

Miscellaneous/Public Portion

Yocum opened the meeting up to the public for questions and comments. Dennis DiFrisco came forward and said he would like to talk about the Land Use Board. DiFrisco said he would like to say shame on the Council because they have put themselves in this position by not following their own recommendation. DiFrisco said that the decision could have been made on the information and with logic and now it has turned into a political problem. There were two votes to one clearly because someone was told that they are going to save money. DiFrisco said that he feels Birmingham's assumptions are wrong. DiFrisco said that if they want to save money, they will not have an ordinance written. Their logic is ridiculous. Birmingham said that the figures he looked at were given by the Clerk's Office and were given to everyone. DiFrisco asked the Council to look at the information he provided to them even if it is biased on his side. Birmingham said that he did not campaign in favor of this and when it was brought up, he had the same

facts in front of him as everyone else. Based on the money that was spent last year and the money that was spent to date, those were the facts that were mentioned. Birmingham said that the Board is cancelling meetings now, that was not being done in July.

Bob Vanderploeg came forward and said that the reason there are less applications is because the economy is bad. People are not making investments in their homes at this time. Vanderploeg said that people would have to wait longer. Vanderploeg said he hopes it just doesn't come down to the vote.

Ed Mangold came forward and said that 6 meetings were cancelled this year for the Board of Adjustment. Every one of those meetings was cancelled at the prior meeting. Birmingham said that he is looking at the Planning Board which cancelled 3 meetings. Mangold said that he just wants to be sure that the Council has the facts to make an educated decision. Mangold said he would think that the new committee would want to poll the existing boards to see who would come on the combined board. It will probably be tough to come up with one board out of the two boards. Mangold said it will be a lot more work with longer meetings. Everyone will also have to go back to school.

Birmingham commented that over 100 towns have done this so they should check how those people were able to find volunteers and probably most of the people on the Planning Board and Board of Adjustment would step up. Yocum said that hopefully over the next 30 to 45 days a lot of this will be figured out and the decision will be based on the facts.

Felter said that he takes exception to the way that Birmingham is being treated. Felter commented that if this was being done for purely political reasons, there would not even be a discussion. Felter said that even if there was nothing in the statement about cost savings, as long as the word merge was in there, people associate merge with saving money. People assume that merging is cost effective.

Yocum said that while presiding over meetings, he has a very strong feeling about people showing respect for each other regardless of whether they agree or disagree.

Sanchelli said that he does not need to defend Birmingham, he is capable of doing that himself, however, he takes exception to the Chairman of one of their Boards making those comments about the Council's judgment.

Hardy said that he wants the public to be clear that a non-binding referendum leaves the decision to the Council.

Cliff Beebe came forward and said that there is a big difference between the Board of Adjustment and the Planning Board. Vex said that a combined board has a different set of rules.

Yocum asked if any other members of the public would like to come forward with a question or comment and seeing no one, he closed the public portion of the meeting.

Adjournment at 8:55 p.m.

Motion: Birmingham, second Yocum

Mrs. Merz	Aye
Mr. Sanchelli	Aye
Mr. Birmingham	Aye
Vice President Hardy	Aye
President Yocum	Aye

Dated: December 2, 2009

Attested:

Approved:

Lydia Magnotti, Township Clerk

Richard W. Yocum, Council President

