

April 16, 2008

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, April 16, 2008 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

Members Present: Committeepersons Sweeney, Corcoran, D'Angeli and Bruning

Members Absent Mayor Hughes

Also Present: Clerk Fedish, CFO Magura

Deputy Mayor D'Angeli opened the meeting stating that it was being held in compliance with the Public Laws of 1975, Chapter 231, Sections 4 and 13.

Minutes - Motion by Corcoran, seconded by Bruning, to accept and place on file the minutes of April 1, 2008. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Reports

Treasurer

Cash Report for March 2008

Cash Balances as of February 29, 2008	\$2,577,969.87
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Cash Receipts for March 2008	\$164,789.22
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Total	\$2,742,759.09
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Cash Disbursements for March 2008	\$685,068.91
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Cash Balances as of March 31, 2008	\$2,057,690.18
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Account Balances as of March 31, 2008

Current – Checking	\$875,629.49
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Capital – Checking	\$603,955.36
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Escrow – Checking	\$118,120.69
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Tax Map Updates	\$1,599.56
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COAH-Developers Fees	\$149,568.23
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Open Space Municipal Tax	\$139,355.23
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Trust Accounts for Developer's Agreements	\$133,674.23
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Special Rec. – Checking	\$6,227.11
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Special Donations	\$22,174.00
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Dog Trust Account	\$7,386.28
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Total Account Balances	\$2,057,690.18
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Motion by Bruning, seconded by Corcoran, to accept the Treasurer's report as submitted.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Committee Reports

Recreation Commission - Bruning reported the fishing contest is scheduled for this Saturday, April 19 from 9:00am-12:00noon with registration beginning at 8:30am.

Bruning stated the Township is in need of lifeguards and summer program director. The Clerk said the ad has been placed in the local newspaper.

Streets and Roads - D'Angeli reported routine work is being done. He said he and Road Foreman Macko met with a FEMA representative to review discrepancies in paperwork from last year's spring storm.

D'Angeli said the removal of the cul-de-sacs on Cliffview Drive and Indian Terrace would cost approximately \$89,000 plus the cost of fuel. Bruning recommends discussing this at a later time when the budget is finalized. CFO Magura suggested introducing the budget at the next meeting; and she will notify the auditor of this.

D'Angeli recommends a section of Statesville Quarry Road, from Little to Gorney Roads, be the subject of the 2009 road grant. The Township Committee agreed.

D'Angeli said containment for truck washing is needed by 2009; and Road Foreman Macko will be pursuing this issue.

Road Foreman Macko informed D'Angeli that salt is to increase drastically in the second half of this year and recommends purchasing some soon. CFO Magura will review the budget situation to purchase salt this month. Bruning suggested reducing the use of salt. This issue will be table to a future meeting.

Correspondence

1. Franklin Borough resolution re: Closure of High Point State Park
2. From Sierra Club re: Closing of State parks
3. Freeholders Ordinance re: Land development standards in Sussex County
4. Hampton Township Ordinance re: Farm Stands
5. Andover Township Ordinance re: Amending Chapters 159 and 131

Vouchers

Airgas East	\$ 78.50
Amerigas-Fredon	1,751.60
Atlantic Communications	225.00
Aurora Electrical Supply	45.78
Chelbus Cleaning Co., Inc.	275.00
Cintas Corp. #111	428.70
Culligan	11.00
D. Lovenberg's Portable Toilet	65.00
Decker's Fire & Safety	645.00
Deptcor	225.00
Dolan & Dolan, PA	2,104.38
Dover Brake & Clutch Co., Inc.	314.77
Embarq	400.97
Embarq Communications Inc.	54.34
Finch Fuel Oil Co., Inc.	2,274.68
Fineli Consulting Engineers, Inc.	181.25
High Point Chevy	61.04
High Point Regional High School	172,039.94
IIMC	140.00
JCP&L	1,560.97
Kathie Reimels	683.88
Lafayette Auto Parts	238.40
Lafayette Twp. Board of Education	278,390.00
Lafayette Township School	300.00
MGL Printing Solutions	44.00
Millside Café	48.12
Morris Land Conservancy	2,500.00
Nextel Communications	237.87
Office of Public Health Nursing	30.00
Office of Public Health Nursing	30.00
Office of Public Health Nursing	30.00
Rowe & Company	174.78
Rutgers, The State University	147.00
Service Electric Cable TV	17.00
Sparta Township	8,031.25
Staples Business Advantage	92.74
Sussex County League of Municipalities	180.00
TC/Treas. Assoc. of NJ	285.00
TC/Treas. Assoc. of NJ	75.00
The Mower Doctor, LLC	26.00
The New Jersey Herald	58.05
Tropicana Hotel	261.00
Troy McKinney	47.00
van den Heuvel & Fountain, Inc.	2,129.00
Associated Artists	285.00
The New Jersey Herald	43.20

Dolan & Dolan, PA	46.78
Finelli Consulting Engineers, Inc.	2,287.55
H2M Associates Inc.	5,966.86
NJ Dept. of Health & Senior Services	143.40
Wm. E. Kaufman, Sr.	499.00
Enforsys Fire Systems Inc.	450.00

Motion by Bruning, seconded by Sweeney, to pay the bills on the Bills List. Bruning recommended no more spending on truck radios. This issue will be tabled to the next meeting. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Old Business

Demarest Farms Resolutions

Motion by Corcoran, seconded by Bruning, to adopt the following resolution:

RESOLUTION AUTHORIZING THE TOWNSHIP OF LAFAYETTE TO ENTER INTO A TAX EXEMPTION AGREEMENT WITH PAYMENTS IN LIEU OF TAXES FOR THE PROPERTY KNOWN AS BLOCK 32, LOTS 21.06 AND 21.07 (10 ROUTE 94 SOUTH) PURSUANT TO THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1, ET SEQ.

WHEREAS, Demarest Farms of Lafayette, LP (the "Partnership"), owns property known as Block 32, Lots 21.06 and 21.07 (the "Property") in the Township of Lafayette, Sussex County, New Jersey for the purpose of constructing a low/moderate-income housing complex which will meet in part the Township's obligation to provide low/moderate-income in the Township; and

WHEREAS, the Partnership will apply for an allocation of low-income housing credits from the New Jersey Housing and Mortgage Finance Agency (NJHMFA) for the purpose of funding acquisition and construction costs for the low/moderate-income development; and

WHEREAS, the Partnership may qualify as an urban renewal entity under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. and will change its name to Demarest Farms of Lafayette Urban Renewal, LP (the "Owner"); and

WHEREAS, the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., permits a municipality to enter into a financial agreement exempting real property owned by an urban renewal entity from tax assessment and providing for payments in lieu of taxes when the property is a qualified subsidized housing project for low/moderate-income persons under the statute; and

WHEREAS, it is necessary for the Owner to obtain a tax exemption in order to receive five (5) points in its application for the low-income tax credits.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that:

1. The Township Committee (the "Committee") finds that the proposed development will meet an existing housing need in the Township and that the development will be an improvement made for the purpose of providing low/moderate-income rental housing.

2. The Committee makes its determination and findings pursuant to and in conformity with the Long Term Tax Exemption Law of the State of New Jersey, N.J.S.A. 40A:20-1 et. seq.

3. The proposed development and improvements, after construction of the low/moderate-income housing project thereon shall be exempt from real property taxation as provided in N.J.S.A. 40A:20-1 et. seq. and the Financial Agreement for the thirty (30) year term of the Financial Agreement.

4. In lieu of real property taxes for the thirty (30) year term of the Financial Agreement, the Owner shall make payment to the Township of Lafayette of an annual service charge for municipal services supplied to the housing development in an amount equal to two (2%) percent of the annual gross rents derived from such housing development less project utility costs. In the years 16-30, the payment is subject to a minimum amount as provided in the form Financial Agreement which is during years 16-

21 not less than the amount specified in NJS 40A:20-12(b)(2)(b), and in years 22-27 not less than the amount specified in NJS 40A:20-12(b)(2)(c) and in years 28-29 not less than the amount specified in NJS 40A:20-12(b)(2)(d) and in year 30 not less than the amount specified in NJS 40A:20-12(b)(2)(e). Throughout the thirty (30) year term, the minimum annual service fee shall be as is provided by the Long Term Tax Exemption Law reduced by any land taxes paid. Any land taxes paid shall reduce the payment in lieu of taxes.

5. The Township of Lafayette shall require of the Owner the following:

a. That a copy of its Certificate of Limited Partnership as an approved urban renewal entity be filed with the Clerk before the Financial Agreement is executed.

b. That the Owner shall submit annually, within ninety (90) days after the closing of its fiscal year, its auditor's reports to the Township Committee and to the Director of the Division of Local Government Services in NJ Department of Community Affairs.

c. That the Owner shall, upon request of the Township, permit inspection of the Property, equipment, buildings and other facilities of the entity, and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the Township or the State.

d. Upon request of the Township, proof be provided to the Township of adherence to the provisions of any federal regulatory agreement or other federal regulations serving to regulate the operating of the development.

6. The New Jersey Housing and Mortgage Finance Agency (NJHMFA) may rely upon this Resolution for the purposes stated herein.

7. A copy of this resolution shall be placed on file with the Township Clerk and with the Tax Assessor of the Township of Lafayette.

8. The Committee hereby authorizes the Mayor and Township Clerk of the Township of Lafayette to execute on behalf of the Township a Financial Agreement reflecting the annual service charge in lieu of taxes in substantially the form submitted to the Township Committee with the application for the payment in lieu of taxes.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Motion by Corcoran, seconded by Sweeney, to adopt the following resolution:

WHEREAS, DEMAREST FARMS OF LAFAYETTE, LP., as assignee of ADVANCE HOUSING, INC. (hereinafter referred to as the "Sponsor") proposes to construct twenty (20) units of affordable housing in two, one-story buildings, one of which is an abandoned barn being renovated and converted into housing and both of which will maintain the farm theme with architectural amenities, including preservation of an existing silo (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (*N.J.S.A. 55:14K-1 et seq.*), the rules promulgated thereunder at *N.J.A.C. 5:80-1.1 et seq.*, and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Lafayette (hereinafter referred to as the "Municipality") on a site described as Lots 21.06 and 21.07 in Block 32, as shown on the Tax Assessment Map of the Township of Lafayette, Sussex County and commonly known as "Demarest Farms", at 10 Route 94 South, Lafayette Township, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with *N.J.S.A. 52:27D-320* and applicable rules promulgated thereunder at *N.J.A.C. 5:43-1.1 et seq.*, and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the Township Committee of the Township of Lafayette hereby determines that there is a need for this housing project in the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette (the "Committee") that:

- (1) The Committee finds and determines that the Demarest Farms Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Committee further finds and determines that the Demarest Farms Project proposed by the Sponsor meets or will meet all or part of the Township's low and moderate income housing obligation;
- (3) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Demarest Farms Financial Agreement Ordinance - Motion by Corcoran, seconded by Sweeney, to introduce the following Ordinance and set the public hearing date of May 6, 2008:

AN ORDINANCE TO APPROVE A FINANCIAL AGREEMENT WITH DEMAREST FARMS OF LAFAYETTE URBAN RENEWAL, LP

WHEREAS, Demarest Farms of Lafayette, LP owns property know as Block 32, Lots 21.06 and 21.07 in the Township of Lafayette for the purpose of the construction of low and moderate income housing; and

WHEREAS, in order to assist it in its financing it will qualify under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq and change its name to Demarest Farms of Lafayette Urban Renewal, LP. As an Urban Renewal Entity it wishes to enter into a financial agreement assuring the Township of Lafayette of payments in lieu of taxes. An application for such agreement has been made to and approved by the Mayor, which has been forwarded on to the Township Committee for approval and was approved by Resolution on April 16, 2008; and

WHEREAS, it is in the interest of the Township of Lafayette and the promotion of the public good that this agreement be entered into, all in accordance with applicable statute.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex and State of New Jersey, as follows:

SECTION 1. At such time as Demarest Farms of Lafayette Urban Renewal, LP shall receive its qualification under the Long Term Tax Exemption Law as an Urban Renewal Entity, the Mayor and Township Clerk be and are hereby authorized to enter into a financial agreement between the Township of Lafayette and Demarest Farms of Lafayette Urban Renewal, LP pursuant to N.J.S.A. 40A:20-1 et seq., in the form annexed hereto and made a part hereof.

SECTION 2. Prior Inconsistent Ordinances Superseded. All ordinances or parts of ordinances contrary to or inconsistent with this ordinance are hereby superseded.

SECTION 3. Invalidity. If any section or provision of this Ordinance be adjudged invalid or unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any other section or provision hereof.

SECTION 4. Effect. This ordinance shall take effect immediately upon final passage and publication, or otherwise as provided by law.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Meadows Road \$11,000 Spending Ordinance - Motion by Bruning, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date of May 6, 2008:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REPAIR OF MEADOWS ROAD AND APPROPRIATING \$11,000.00 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1: The funding for the repair of Meadows Road is hereby authorized and the cost is not to exceed \$11,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$11,000.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

New Business

Shared Services Meeting - A meeting is scheduled for Thursday, April 18, 2008 at 4:00pm. to discuss shared services with Frankford Township. Messrs. Bruning and D'Angeli will attend.

Tax Appeal Expert - Discussion ensued regarding the hiring of a tax appeal expert for the Olde Lafayette Village tax appeal. Motion by Bruning, seconded by Sweeney, to hire, per Tax Assessor Kaman's recommendation, Mike Holenstein for the Olde Lafayette Village tax appeal based on his proposal dated April 9, 2008. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes.

Audience

Mr. Larry Decker, Lafayette Twp. Vol. Fire Dept., thanked the Township for the rescue truck and asked about the purchase of the extrication tools (jaws). He explained the cost is approximately \$40,000; and they have \$20,000 in donations toward the purchase. Discussion ensued regarding the cost and Fire Department's budget.

Motion by Corcoran, seconded by Sweeney, to approve the purchase of the extrication tools and introduce the following ordinance and set the public hearing date of May 6, 2008:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF EXTRICATION EQUIPMENT (JAWS OF LIFE) AND RELATED APPURTENANCES AND APPROPRIATING \$20,000.00 FROM THE RESERVE FOR THE FIRE DEPARTMENT IN THE CAPITAL FUND FOR SUCH PURPOSE

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1. The funding for the Acquisition of Extrication Equipment (Jaws of Life) and related Appurtenances is hereby authorized and the cost is not to exceed \$20,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$20,000.00 is hereby appropriated from the Reserve for the Fire Department available in the Capital Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-no.

Kevin O'Leary, Open Space Advisory Committee, has spoken to Jillian Lawrence of the NJDEP Dam Safety Division regarding the No-Name Dam on Father John's Lane. She is willing to meet with the Township Committee for a public hearing on the dam. The Clerk was asked to contact Ms. Lawrence to attend the meeting on May 20, 2008 and place and ad in the local newspaper announcing this meeting.

Adjournment

With there being no further business, motion by Bruning, seconded by Sweeney, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk