

October 7, 2008

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, October 7, 2008 at 7:30pm. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, Road Foreman Macko

Mayor Hughes opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

Minutes

Motion by Corcoran, seconded by Sweeney, to accept and place on file the Minutes of August 26, 2008 and September 2, 2008. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

At this point, Mayor Hughes amended the agenda for an update on the Sussex County Municipal Authorities (SCMUA).

SCMUA Progress Report

Tom Varro, Chief Operating Engineer

Jim Sparnum

Mr. Varro said all projects are nearly complete; they are taking care of punch list items. He explained the capping process and said the process makes it more efficient to capture landfill gas. After completing Phase 2B, more wells will be installed. The flare is 40' tall; and they have had a permit from the NJDEP to be operational since July 24, 2008. Mr. Varro said they will continue to optimize and improve the system.

Mr. Varro said that for Phase 3 they will have the facilities installed to capture the gas. They are anticipating becoming a greener facility by generating electricity.

Mr. Varro said the NJDEP gave them the permit to operate but included limitations of capturing future emissions. He said the SCMUA objects to the limitations as they are collecting up to 90% and do not want to change their operations.

Mrs. Nancy Podkowka, Route 15, asked about the raw garbage odors. Mr. Sparnum explained their procedures and that they will continue to monitor this issue.

A woman in the audience asked about water quality and testing. Mr. Varro said that as a courtesy, they do monitor residents' wells on a bi-annual basis.

A lengthy discussion ensued regarding the flare. Mayor Hughes requested Mr. Varro send a report in December regarding their progress.

Reports

Tax Collector - For the Month Ending August 31, 2008

Duplicate Bills	\$30.00
Print Outs	\$34.00
Prior Year Taxes	\$9,595.96
Current Year Taxes	\$999,915.71
Interest	\$5,630.32
Total	\$1,015,205.99

Motion by Bruning, seconded by D'Angeli, to accept the Tax Collector's report as submitted. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

Animal Control Officer

Month of September 2008	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$8.00	\$4,861.00
Amount Paid to State of New Jersey	\$1.20	\$1,022.80
Amount Paid to Lafayette Township	0	0
Licenses Sold	1	528
Kennel Licenses Sold	0	3
Dogs Picked Up	0	2
Cats Picked Up	1	10
Dogs Taken to Pound	0	2
Cats Taken to Pound	1	10
Dogs Redeemed	0	0
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$75.00
Late Fees Collected	0	\$190.00
Lost Tags	0	\$3.00

Miscellaneous Notes: Rabies Clinic held 9/27/08 – 58 dogs vaccinated and 52 cats vaccinated. A special “thank you” to all of the volunteers who gave their time for the annual rabies clinic. Wm. E. Kaufman, Sr., ACO

Motion by Corcoran, seconded by Sweeney, to accept the ACO’s report as submitted. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D’Angeli-yes, Bruning-yes, Hughes-yes.

Committee Reports

Streets and Roads - D’Angeli reviewed the report and said routine work is being done. Fall clean-up started this week with the County inmate program being utilized. The bucket platform has been obtained.

EMS - Corcoran reported a fund raising garage sale will be held this coming weekend.

Land Use Board - Corcoran reported the applications were carried to the next meeting.

Fire Department - Sweeney reviewed the September report.

Affordable Housing - Hughes reported the groundbreaking for the SCARC home was held today; and they anticipate completion in six (6) months.

COAH - Hughes reported the vacant land analysis was received; and a meeting is scheduled for October 14, 2008.

Emergency Management - Hughes said an updated list of radio frequencies and equipment is needed by October 15, 2008.

Correspondence

1. Land Use Board Resolution re: Chapter 14, Schedule H, TRC Fee
Motion by Corcoran, seconded by Hughes, to introduce the following ordinance and set the public hearing date for October 21, 2008:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 14 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE LAND USE PROCEDURES ORDINANCE, SPECIFICALLY SCHEDULE H-ESCROW FEES

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey that Chapter 14 of the Revised General Ordinances of the Township of Lafayette, being the Land Use Procedures Ordinance, is hereby amended by the addition of the following:

SECTION 1. SCHEDULE H - ESCROW FEES

<u>Matter For Review</u>	<u>Escrow Fee</u>
Technical Review	\$450.00

SECTION 2. Any ordinance or part of any ordinance that is inconsistent with this ordinance shall be and is hereby repealed to the extent of such inconsistency.

SECTION 3. Any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid or unlawful, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect after publication and passage according to law.

SECTION 5. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

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

2. From Lisa Burghart re: Thank you for building use & request for additional days
Motion by Bruning, seconded by D'Angeli, to approve the use of the building by the machine quilters for December 7, 2008; March 1, 2009 and June 7, 2009 subject to availability. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Hughes-yes.

3. From Eric Snyder, SC Planning Dir. Re: Recycling Plan adoption
4. To Donna Traylor from OSAC re: Diocese of Paterson application
5. From Tom Steven, NJDEP Green Acres re: Blue Heron Rookery
6. Frankford Township Resolution re: Opposing S-1455
7. Andover Township Ordinance re: Amending Chapter 190, "Zoning"

Old Business

Outdoor Wood Bruning Furnaces - The proposed ordinance for outdoor wood burning (OWB) furnaces was reviewed by the Township Committee. Mayor Hughes opened the meeting to the public for comment on the proposed ordinance.

Mr. Bob McDonnell, 13 Violet Trail, suggested furnaces be at least 1,000' from schools and day care centers.

Mr. Walter Albert, 175 Beaver Run Road, said he has a multi-functional furnace as it burns wood, oil and propane. He asked about restrictions on existing furnaces. Mayor Hughes said a copy of the owner's manual and site plan need to be submitted to the Construction Official. No modifications would be needed unless the unit is considered a nuisance or not installed per the manufacturer's instructions.

Mr. Steve Krulan, Greenwood Energy, said his company has indoor and outdoor units. They all have a UL listed burning device.

Mr. Imre Molnar, 15 Violet Trail, disagrees with his neighbor's complaints. He feels two (2) fireplaces make more smoke than the furnaces. Mr. Molnar said the unit only smokes when the door is opened and more wood loaded. He runs his year round for hot water but agreed to turn it off in the summer. Mr. Molnar said the unit is very efficient; and very little smoke is emitted.

Mr. Charlie Clink, Lafayette resident, said he does not have an OWB furnace but friends do. He asked why an ordinance is being proposed for OWB furnaces after one (1) complaint but nothing is being done with the odor at the SCMUA after many complaints. Committeeman D'Angeli said regulations are needed for the furnaces. Mr. Clink feels the ordinance should not be so restrictive; and the complaints should be given to the NJDEP for investigation.

Mr. Bob McDonnell said he approached the Township Committee approximately one (1) year ago. He is asking for an ordinance to protect the residents from health hazards. Mr. McDonnell said some children in the neighborhood needed medication for asthma.

Mr. Scott McGrath, Business Owner, supports a responsible ordinance being adopted but disagrees with the 1,000' distance requirement and site plan and questioned why the Township Attorney would develop a technical ordinance. He said this would restrict his business.

Catherine Moore, Reporter for The Advertiser, asked the Committee considered banning the furnaces. Mayor Hughes said no; and this ordinance would utilize the EPA criteria and set backs. Committeeman D'Angeli said existing furnaces would only need to be modified if a nuisance complaint was received.

With there being no other public comments, Mayor Hughes closed this portion of the meeting.

Mayor Hughes noted further research is required and stated this issue will be carried to the next meeting on October 21, 2008.

\$30,000 Repairs to Various Township Roads Ordinance - Mayor Hughes opened the public hearing for the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REPAIR OF VARIOUS TOWNSHIP ROADS AND APPROPRIATING \$30,000.00 FROM THE CAPITAL IMPROVEMENT FUND

With there being no public comments, Mayor Hughes closed the public hearing.

Motion by D'Angeli, seconded by Sweeney, to adopt the \$30,000 Repairs to Various Township Roads ordinance. Motion carried by roll call vote: Hughes-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Audience

Mr. Joe Farischon, Fireman, asked about the extrication equipment being ordered. The clerk is waiting for a letter from the Township Attorney regarding bidding.

Mr. Ron Decker, Fireman/EMS member, said the Fire Department will not hold the Halloween party at the firehouse due to lack of participation. Instead they will attend the PTO's trick-or-trunk on October 25, 2008 with the EMS.

Mr. Decker said the Christmas tree lights at the pond need replacement and estimates ten (10) sets are needed. He asked for a contribution from the Township Recreation Commission. He said the lights would be taken down after Christmas to avoid breakage.

Mr. Charlie Clink, Fireman, said the furnace at the fire house is 30+ years old; and they cannot afford its replacement. He asked that this be considered in the 2009 budget.

Mr. Clink asked about the gas line coming through the center of town. Mayor Hughes said the Township Committee has no information on this issue at this time.

Mr. Clink said the Lafayette Township Fire Department took two (2) second places in the County Fireman's Parade this past weekend.

Mr. Kevin O'Leary, Open Space Advisory Committee Secretary, said they have received three (3) proposals of appraisal for the Rosellini tract. The Open Space Committee recommends adopting a resolution to hire Joshua D. Mackoff for \$1,750 and, if a second appraisal is needed, Norman J. Goldberg, Inc. for \$2,750. The fees can be paid out of the trust fund.

Motion by Bruning, seconded by Corcoran, to adopt the following resolution to hire Joshua D. Mackoff for \$1,750 and, if a second appraisal is needed, Norman J. Goldberg, Inc. for \$2,750 with the fees being paid out of the trust fund.

WHEREAS, the Township of Lafayette, at the recommendation of the Township Open Space Advisory Committee and consistent with the Township open space plan, seeks to purchase certain lands identified on the official tax map of the township as Block

13, Lot 2, consisting of 65.278 acres for the purpose of providing open space and recreation opportunities, and;

WHEREAS, the Township of Lafayette intends to use funds from its New Jersey Green Acres Program Municipal Planning Incentive Grant, the Sussex County Open Space Trust, and the Lafayette Township Open Space Trust to meet the costs of acquisition, including administrative costs directly related to the acquisition, and;

WHEREAS, The Land Conservancy of New Jersey has obtained proposals from three (3) professional appraisers certified by the Green Acres Program between September 22 and October 2, 2008, who are identified as follows and whose proposals were received on the following dates for the following amounts:

<i>Proposals for Appraisal of Fee Acquisition of Rosellini Property</i>	
<i>Appraiser</i>	<i>Proposed Cost</i>
Joshua D. Mackoff	\$1,750
Norman J. Goldberg, Inc.	\$2,750
Landmark I Appraisal, LLC	\$3,250

...and;

WHEREAS, the Green Acres Program requires the two (2) fair market appraisals be conducted to determine the value of the property where the value of the property exceeds \$250,000, and;

WHEREAS, the Lafayette Township Committee has reviewed the above appraisals at a public meeting held on October 7, 2008 and on motion by Bruning, seconded by Corcoran, and after a vote of 5 to 0, decided to authorize Joshua D. Mackoff to conduct said appraisal and to authorize Norman J. Goldberg, Inc. to conduct a second appraisal if such appraisal is deemed necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Lafayette authorizes The Land Conservancy of New Jersey to, in turn, authorize Joshua D. Mackoff to proceed with an appraisal in keeping with regulations promulgated by the New Jersey Green Acres Program to determine the fair market value of the Property under current regulatory requirements and those in place as of January 1, 2004.

BE IT FURTHER RESOLVED that The Land Conservancy of New Jersey may authorize Norman J. Goldberg, Inc. to proceed with a second appraisal if such appraisal is deemed necessary.

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

Adjournment

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk