

December 2, 2008

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, December 2, 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, Attorney Kurnos  
Land Use Board: Chairwoman Winifred Straub, Carl Luthman, Peter Randazzo, Arthur Hahn, Tamara Didyk, Kevin O'Leary, Don Leuthe, Bob Taylor, Attorney Nancy Reading  
Maureen Fullaway, Affordable Housing Administrator  
Dave Roberts, PP, CMX Engineering

Mayor Hughes opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13 and will begin with a joint meeting with the Lafayette Township Land Use Board to discuss and adopt the Master Plan Housing Element and Fair Share Plan.

**Joint Special Meeting with Land Use Board - Master Plan Housing Element and Fair Share Plan**

Ms. Maureen Fullaway said the Council on Affordable Housing (COAH) was sued and lost the case. They are now dealing with revised third round rules; and the numbers have increased. She said the growth share is now one (1) unit for every three (3) built. For non-residential, it is one (1) for every 16 jobs. The housing rehabilitation was zero (0) and is now three (3). A consultant would be needed to run this program as Sussex County does not have this program in place. There would be a ten (10) year lien on the property; and after ten (10) years, it is forgiven.

Ms. Fullaway said the prior round of units was 21; and it is now 27 units. She explained the Township will get credit for seven (7) from the two (2) Willowglen residences, three (3) for the new SCARC home, and 20 units for the new group home on Route 94. Ten (10) units can be used for the prior round and ten (10) for the growth share.

Ms. Fullaway said COAH feels that by 2018 the Township would need 96 affordable units for growth share. However, if the Township does not grow, the units will not be owed.

Mr. Dave Roberts said the COAH employees reviewed areas and discounted approximately 1,600 acres as they are not usable for COAH calculations.

Ms. Fullaway said that as of May 2008 the Township owes eight (8) units. She explained this further and said a portion must be used for families, which can be accessory apartments. Ms. Fullaway explained the Township would subsidize approximately \$20,000-\$25,000; and the property would be deed restricted for ten (10) years. However, septic systems could deter this program.

Ms. Nancy Reading asked about restrictions for off-street parking, owner-occupancy, etc. Ms. Fullaway said the unit must be marketed; however, the owner chooses who will be the tenant.

Mr. Kevin O'Leary asked what would happen to the property after ten (10) years. Ms. Fullaway said it would remain two-family. Mayor Hughes said there is some allowance in the commercial area for mixed use. Ms. Fullaway said an inclusionary zoning ordinance would cover other units. She noted that a subdivision of five (5) or more lots would require one (1) unit to be constructed.

Committeeman Bruning asked about a builder's contribution. Ms. Fullaway said \$186,000 would equal one (1) unit. She noted the Township does not have to accept an in lieu payment. The developer would need to build the unit on or off site.

Committeeman Bruning asked about ECHO units for family. Ms. Fullaway said this could only be used as a rehab unit as it is a removable unit and not deed restricted.

Committeeman Sweeney asked about the calculation for the creation of jobs. Ms. Fullaway said the square footage of the building is used. Employment calculations were reviewed.

At this time, Land Use Board Chairwoman Straub opened the meeting to the public. With there being no comments from the public, Chairwoman Straub closed this portion of the meeting.

Land Use Board Resolution: Motion by O'Leary, seconded by Hahn, to adopt a resolution to amend the Township of Lafayette Master Plan Housing Element and Fair Share Plan dated November 13, 2008. Motion carried by roll call vote: Hughes-yes, Luthman-yes, Randazzo-yes, Corcoran-yes, Hahn-yes, Didyk-yes, O'Leary-yes, Leuthe-yes, Straub-yes.

Motion by O'Leary, seconded by Hahn, to adopt a resolution recommending the Township Committee adopt the Master Plan Housing Element and Fair Share Plan as amended. Motion carried by roll call vote: Hughes-yes, Luthman-yes, Randazzo-yes, Corcoran-yes, Hahn-yes, Didyk-yes, O'Leary-yes, Leuthe-yes, Straub-yes.

Executive Session - Motion by Randazzo, seconded by Didyk, to adjourn the meeting into Executive Session to discuss pending litigation. Motion carried by roll call vote: Hughes-yes, Luthman-yes, Randazzo-yes, Corcoran-yes, Hahn-yes, Didyk-yes, O'Leary-yes, Leuthe-yes, Straub-yes.

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

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,  
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE  
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

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

A matter relating to pending litigation shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

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

Motion by O'Leary, seconded by Randazzo, to return to the joint meeting. Motion carried by roll call vote: Hughes-yes, Luthman-yes, Randazzo-yes, Corcoran-yes, Hahn-yes, Didyk-yes, O'Leary-yes, Leuthe-yes, Straub-yes

Motion by Bruning, seconded by D'Angeli, to return to the joint meeting. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-abstain, Hughes-yes

Land Use Board Chairwoman Straub and Mayor Hughes stated pending litigation was discussed in Executive Session.

The joint meeting was adjourned; and the Township Committee continued its regular meeting.

**COAH Petition** - Motion by D'Angeli, seconded by Sweeney, to the following resolution:

**RESOLUTION RE-PETITIONING WITH AN AMENDED  
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, the Land Use Board of Lafayette Township, Sussex County, State of New Jersey, adopted an amended Housing Element and Fair Share Plan on December 2, 2008; and

WHEREAS, a true copy of the resolution of the Land Use Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, Sussex County, State of New Jersey hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Lafayette Township Land Use Board; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Lafayette, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.4, submits this re-petition for substantive certification of the amended Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that all objectors and owners of sites in the Housing Element and Fair Share Plan have received notice of the re-petition; and

BE IT FURTHER RESOLVED that notice of this re-petition for substantive certification shall be published in a newspaper of county-wide circulation pursuant to N.J.A.C. 5:96-3.5 within seven (7) days of issuance of the notification letter from the Executive Director of the Council on Affordable Housing indicating that the submission is complete and that a copy of this resolution, the adopted amended Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Lafayette Township Municipal Clerk's office located at 33 Morris Farm Road, Lafayette, NJ 07848, during the hours of 8:00am.-3:00pm., Monday through Friday, for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

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

**Minutes**

Motion by Corcoran, seconded by D'Angeli, to accept and place on file the Minutes of November 5, 2008. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D'Angeli-yes, Bruning-abstain, Hughes-yes.

**Reports**

**Tax Collector** - For the Month Ending November 30, 2008

Duplicate Bills	\$3.00
Print Outs	\$4.00
Current Year Taxes	\$1,071,816.07
Prepaid Taxes 2009	\$8,259.91
Interest	\$1,052.29
Total	\$1,081,125.27

Motion by D'Angeli, seconded by Corcoran, 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 November 2008	<u>This Month</u>	<u>To Date</u>
Total Deposits	0	\$4,861.00
Amount Paid to State of New Jersey	0	\$1,022.80
Amount Paid to Lafayette Township	0	0
Licenses Sold	0	528
Kennel Licenses Sold	0	3
Dogs Picked Up	1	3
Cats Picked Up	3	13
Dogs Taken to Pound	1	3
Cats Taken to Pound	3	13

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

Motion by Bruning, seconded by D'Angeli, 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 reported routine work is being done. The Statesville Quarry Road grant of \$180,000 was approved by the State. The Pelletown Road grant was denied. The repair near the Paulins Kill River will be done at the Road Foreman's discretion.

**Land Use Board** - Corcoran reported the Land Use Board met on November 13; and the Lafayette Federated Church application was approved.

**EMS** - Corcoran reviewed November's report. Hughes reported the new ambulance has been received. The election of new officers was done at the last meeting.

**Gypsy Moth Spraying** - Corcoran reported he spoke with Howie Patton from the State Department of Agriculture and was told the survey was done by drive-by. It is unknown how much, if any, the reimbursement would be from the Forestry Department.

**Fire Department** - Sweeney reviewed the October and November reports.

**Website** - Hughes reported Jean Perlee is working on the website with the staff.

**SCARC** - Hughes reported they are ahead of schedule.

**Advance Housing** - Hughes reported they are proceeding and estimate breaking ground in the spring.

**Emergency Management** - Hughes reported he is proceeding with conversations for follow-up calls.

### **Correspondence**

1. From Gail Magura, CFO re: Bank Proposals  
The Committee will follow Mrs. Magura's recommendation of staying with Lakeland Bank.
2. From Santo Munafo, US Census Bureau re: Request to use room for interviews  
The Committee agreed to allow Mr. Munafo the use of the meeting room subject to availability.
3. From Michael Russ, NJDOT re: Pelletown Road Grant denial
4. From Henry Undersill, Sparta Twp. Manager re: PSAP Services Contract  
Mr. Underhill will be asked to attend the next meeting on December 16<sup>th</sup>
5. From Linda Jordan, NJDEP re: Radon Education

### **New Business**

**Recycling Ordinance** - This issue will be carried to the next meeting on December 16, 2008. The Clerk was asked to notify Mrs. Podkowka (Recycling Coordinator) to contact the Township Attorney, Roy Kurmos, to resolve this matter.

**Budgets** - Bruning suggested letters be sent to the Fire Department, EMS and LAA for their budgets and copies of their last two (2) bank statements. To keep financial matters in check, Bruning suggested bills be submitted to the CFO; and the Township Committee review the distribution of funds.

**Audience**

Mr. Ron Decker, EMS Captain, is concerned about the losing of some funds for the EMS as they have been doing their own fundraising. Committeeman Bruning said nothing would be cut. He feels there needs to be some accountability. Mr. Decker said the EMS worked hard with fundraising for the new ambulance; and he thanked Schering Corporation. Committee D’Angeli said they need to account to the town as to what is being done with the money. Mr. Decker is just concerned that no money be cut. He stated he is very proud of the EMS and for their help with his wife’s recent fall.

Mr. Decker said the tree lighting is scheduled for Saturday, December 13, 2008 at 6:00pm.

Mr. Bill Macko, Road Foreman, suggested Hardyston Township being contacted for a proposal for dispatch services.

**Executive Session** - Motion by Bruning, seconded by Corcoran, to adopt the following resolution:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,  
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE  
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

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

A matter relating to personnel shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

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

Motion by Bruning, seconded by D’Angeli, to return to the regular meeting. Motion carried by roll call vote: Sweeney-yes, Corcoran-yes, D’Angeli-yes, Bruning-yes, Hughes-yes.

Mayor Hughes stated personnel was discussed in Executive Session.

**Salary Ordinance** - Motion by D’Angeli, seconded by Corcoran, to introduce the following ordinance and set the public hearing date for December 16, 2008:

AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS IN THE  
TOWNSHIP OF LAFAYETTE FOR THE YEAR 2008

1. The annual salaries of all officer names hereafter for the year 2009 and for each year thereafter, until amended or repealed are hereby established and fixed at the following sums in lieu of any and all fees and remuneration to which the respective incumbents of said office might otherwise be entitled, except, however, that which may be authorized by resolution of the Township Committee, to wit:

	Annually	Minimum	Maximum	Payable
Mayor	\$ 2,868.80			Quarterly
Committee Member	2,639.30			Quarterly
Municipal Clerk	35,648.41			Bi-weekly
Treasurer/CFO	27,765.74			“
Tax Collector	38,452.61			“
Deputy Tax Collector	1,000.00			“
Tax Assessor	16,627.61			“
Construction Official/ Driveway Inspector	32,136.75			“
Fire Subcode Official	3,229.95			“
Police	1,000.00			“
Animal Control Officer	6,418.25			Quarterly
Secretary to the Land Use Board				

Construction Official, Board of Health	25,819.27			Bi-weekly
Recycling Coordinator	5,667.65			Quarterly
Plumbing Subcode Official	5,641.50			Bi-weekly
Electrical Subcode Official	11,087.18			“
Tax Search Officer	1,000.00			“
Assessment Search Officer	1,000.00			“
Registrar	1,000.00			“
Zoning Officer	4,000.00			“
Road Foreman		17.00	35.00 PH	Bi-weekly
Assistant Road Foreman		15.00	25.00 PH	“
Road Employee #1		10.00	19.00 PH	“
Road Employee #2		10.00	17.00 PH	“
Road Employee #3		10.00	17.00 PH	“
Temporary Road Employee		13.50 PH		Monthly
Temporary Snow Plowing		13.50 PH		Monthly
Fire Prevention Official	2,646.16			Bi-weekly
Fire Inspector	25.00 per inspection			Quarterly
Life Guard		7.00	11.00 PH	Bi-weekly
Recreation Director		13.00	16.00 PH	“
Assistant Recreation Director		7.00	11.00 PH	“

That the aforesaid salaries shall be paid at the time and in the manner established by the Township Committee for payment of salaries. Any and all portions of any and all ordinance that may be inconsistent with the provision of this ordinance are hereby rescinded.

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

**Adjournment**

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC  
Municipal Clerk