

June 3, 2009

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, June 3, 2009 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, CFO Magura, Attorney Kurnos, Road Foreman Macko, Auditor Heidi Wohlleb

Mayor D'Angeli 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 May 19, 2009. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

### Reports

**Tax Collector** - For the Month Ending May 31, 2009

Duplicate Bills	\$6.00
Prior Year Taxes	\$16,656.23
Current Year Taxes	\$1,412,129.20
Interest	\$3,609.24
Total	\$1,432,400.67

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

Motion by Bruning, seconded by Corcoran, to adopt the following Tax Collector's resolution:

WHEREAS, Wachovia-Cust/Sass Muni V Dtr, 123 S. Broad St., PA 1328S, Philadelphia, PA 19109, has paid for a lien against Block 17, Lot 2.05 for the years 2005, 2006, 2007 & 2008 in the amount of \$21,706.67 with interest and statutory fees of \$5,407.36 and sale cost of \$67.94 totaling \$27,181.97 plus premium of \$5,000.00; and

WHEREAS, the homeowner paid the lien on said Block and Lot.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that the proper officials be authorized and hereby instructed to refund the amount of \$32,181.97 to Wachovia-Cust/Sass Muni V Dtr.

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

### Treasurer's Report

Cash Report for May 2009

Cash Balances as of April 30, 2009	\$1,788,129.32
Cash Receipts for May 2009	\$1,457,728.03
Total	\$3,245,857.35
Cash Disbursements for May 2009	\$1,059,793.72
Cash Balances as of May 31, 2009	\$2,186,063.63
Account Balances as of May 31, 2009	
Current – Checking	\$1,300,662.74
Capital – Checking	\$94,044.71
Escrow – Checking	\$120,271.13
COAH-Developers Fees	\$229,185.27
Open Space Municipal Tax	\$207,973.99
Trust Accounts for Developer's Agreements	\$218,994.50
Special Rec. – Checking	\$5,890.32
Special Donations	\$7,543.00
Dog Trust Account	\$1,497.97
Total Account Balances	\$2,186,063.63

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

**Animal Control Officer**

Month of May 2009	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$27.00	\$4,820.00
Amount Paid to State of New Jersey	\$6.60	\$985.80
Licenses Sold	3	520
Kennel Licenses Sold	0	2
Dogs Picked Up	0	0
Cats Picked Up	0	1
Dogs Taken to Pound	0	0
Cats Taken to Pound	0	1
Dogs Redeemed	0	0
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	0	\$255.00
Lost Tags	0	0

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

**Committee Reports**

**Recreation Commission** - Motion by Bruning, seconded by Corcoran, to hire Emily Slate as a Lifeguard for the 2009 swim season at an hourly rate of \$9.00 per hour. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Bruning reported he received a \$16,200.00 quote to replace the existing footbridge at Lafayette Park with a galvanized footbridge.

Motion by Bruning, seconded by Corcoran, to authorize the Township Engineer to proceed with the permit process to replace the existing footbridge at Lafayette Park for a cost not to exceed \$7,100.00 and to introduce the following ordinance and set the public hearing date of July 7, 2009:

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 preliminary engineering expenses for the footbridge replacement at Lafayette Park is hereby authorized and the cost is not to exceed \$7,100.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$7,100.00 is hereby appropriated from the reserve for recreation in 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: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

At this time, Mayor D'Angeli amended the agenda for the 2009 Municipal Budget hearing and amendment introduction.

**2009 Municipal Budget**

Mayor D'Angeli opened the public hearing for the 2009 Municipal Budget. With there being no comments from the public, Mayor D'Angeli closed the public hearing.

Motion by Bruning, seconded by Sweeney, to adopt the following 2009 municipal budget amendment resolution and set the public hearing and budget adoption date of June 17, 2009 at 2:00pm:

RESOLUTION TO AMEND INTRODUCED BUDGET

WHEREAS, the local municipal budget for the year 2009 was approved on the 22<sup>nd</sup> day of April, 2009; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, that the following amendments to the approved budget of 2009 be made:

Recorded Vote (insert last names)	AYES	{ Hughes { Corcoran { Sweeney	{ Bruning { D'Angeli		
NAYS	{ { None {	ABSTAINED	{ None {	ABSENT	{ None {
				<u>From</u>	<u>To</u>
8. General Appropriations:					
(C) Capital Improvements-Excluded from "CAPS"					
Capital Improvement Fund				<u>\$255,000.00</u>	<u>\$296,000.00</u>
Total Capital Improvements Excluded from "CAPS"				<u>\$435,000.00</u>	<u>\$476,000.00</u>
(E) Deferred Charges-Municipal-Excluded from "CAPS":					
Deferred Charges to Future Taxation-Unfunded- Ordinance #2003-04				<u>\$121,000.00</u>	<u>\$80,000.00</u>
Total Deferred Charges-Municipal- Excluded from "CAPS"				<u>\$179,000.00</u>	<u>\$138,000.00</u>

BE IT FURTHER RESOLVED that three (3) certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for their certification of the local municipal budget so amended.

AND, BE IT FURTHER RESOLVED that a public hearing on said amendment is to be held at the Lafayette Township Municipal Building, 33 Morris Farm Road, Lafayette, NJ on Wednesday, June 17, 2009 at 2:00pm.

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

**Committee Reports**

**Fire Department** - Sweeney reviewed the May 2009 report.

**EMS** - Corcoran reviewed the May 2009 report.

**Land Use Board** - Corcoran reported there were no public hearings at the May 28, 2009 meeting. He reported the planner was authorized to work on the ridge line protection ordinance.

Corcoran reported the escrow accounting procedure was discussed. According to the MLUL, the municipality's CFO is to be in charge of the accounts. Attorney Kurnos said the secretary to most boards notifies the applicant if the account is needed to be replenished. This is a procedural issue.

**Affordable Housing** - Hughes reported a letter was received from COAH for mediation. Motion by Bruning, seconded by Hughes, to adopt the following resolution:

RESOLUTION 2009-24

RESOLUTION AUTHORIZING ENGAGEMENT IN MEDIATION

AND OTHER MATTERS PURSUANT TO *N.J.A.C. 5:95-7.2 (f)*

WHEREAS, the Township of Lafayette (the Township) filed a Petition for Substantive Certification with the Council on Affordable Housing (COAH) on December 29, 2008; and

WHEREAS, *N.J.A.C. 5:95-3.6* requires a 45-day period of public review of the petition and Housing Element and Fair Share Plan and all supporting documentation; and

WHEREAS, during the forty-five (45) day comment period as provided in the *New Jersey Administrative Code* objections to the Petition were filed by Nouvelle Associates LLC; and

WHEREAS, *N.J.A.C. 5:95-7.2* provides for mediation and that pursuant to subsection (f), the Township "shall be permitted three (3) representatives in addition to a member of the municipal planning board to participate in the mediation"; and

WHEREAS, *N.J.A.C. 5:95-3.7* provides that prior to the commencement of the mediation the Township "shall designate their representatives and authorize their representatives to negotiate on their behalf and authorize one (1) or more of their representatives to execute any written agreement reached during mediation on the behalf of the Township"; and

WHEREAS, pursuant to *N.J.A.C. 5:95-3.7* the Township shall submit in writing to COAH and objectors and other interested parties their designated representatives; and

WHEREAS, subsection (f) of 5:95-7.2 provides that the Township shall submit its designations and authorizations to the Council in the form of a duly adopted resolution;

NOW, THEREFORE, BE IT RESOLVED on this 3<sup>rd</sup> day of June, 2009 by the Township of Lafayette as follows:

The following members of the Township Committee are hereby designated as representatives of the Township in the COAH:

Richard Hughes

The following attorney is hereby designated to represent the Township:

Roy E. Kurnos

The following member of the Lafayette Township Municipal Land Use Board is hereby designated to participate in the mediation:

Kevin O'Leary

The following planner or housing administrator is hereby designated to represent the Township: David Roberts or designee

Richard Hughes, a member of the Township Committee, together with the signature of Kevin O'Leary, the designee from the Land Use Board, is hereby authorized to sign any written agreement reached during the mediation on behalf of Lafayette Township.

BE IT FURTHER RESOLVED that at any mediation session those representatives that are present shall collectively have full authority to act.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed with the Clerk of Lafayette Township.

SO RESOLVED, as aforesaid

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

**Streets and Roads** - D'Angeli reported routine work is being done. He thanked the Road Department for a job well done on cleaning the municipal building.

Road Foreman Macko reviewed the work being done at the intersection of Route 15 and Morris Farm. He said Meadows Road will be closed from Van Sickle Road to Route 15 on Tuesday, June 9, 2009.

Road Foreman Macko said the Bitler family will be given a cost estimate to repair the guide rail that was damaged when their car rolled down the driveway and across the road.

Road Foreman Macko reported a proposal is to be submitted by the Township Engineer for the repair of the wall on Dennis Road.

### Vouchers

AMERICAN TRAFFIC & STREET SIGN CO	140.75
BASSANI POWER EQUIPMENT, LLC	182.15
CASAGRANDE USA	700.00
CHELBUS CLEANING CO., INC	275.00
CINTAS CORP #111	171.79
D. LOVENBERG'S PORTABLE TOILET	130.00
EMBARQ	414.76
FINCH FUEL OIL CO., INC	303.07
FINELLI CONSULTING ENGINEERS, INC	997.50
HIGH POINT REG HIGH SCHOOL	174,185.03
HOME EXPOT CREDIT SERVICES	109.72
JCP & L	1,860.44
LADDEY, CLARK & RYAN, LLP	555.00
LAFAYETTE TWP BD OF ED	289,526.00
MICROSYSTEMS-NJ.COM, LLC	1,200.00
MONTAGUE TOOL & SUPPLY CO	2,193.45
MULCH CONCEPT LLC	340.00
MUNIDEX, INC	206.00
NEWTON TROPHY & SPORTS CENTER, LLC	27.59
NJ DIV. OF ABC	6.00
STAPLES BUSINESS ADVANTAGE	127.07
THE NEW JERSEY HERALD	182.50
US POSTMASTER	185.00
VERES ELECTRICAL SERVICE INC	130.60
WACHOVIE-CUST/SASS MUNI V DTR	32,181.97
CERENZIO & PANARO, PC	225.65
FINELLI CONSULTING ENGINEERS, INC	1,167.50
LADDEY, CLARK & RYAN, LLP	150.00

LISA DEUTSCH, ACO 52.75  
NEWTON VETERINARY HOSPITAL 148.00  
NJ DEPT OF HEALTH & SENIOR SERVICES 6.60

Motion by Hughes, seconded by Bruning, to pay the bills on the Bills List. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

### **Correspondence**

1. Nouvelle Associates, LLC Revision of Conditions by Superior Court of NJ
2. From Herb & Karen Wreden re: Stormwater problem on their property
3. SCLOM, Fredon Township & Sussex Borough Resolutions  
re: Requesting Amendment of Open Public Records Act
4. From SC Freeholder Board re: Ordinance Amending SC Administrative Code
5. Franklin Borough Resolution urging approval of Senate Bill 3738
6. Hardyston Township Zoning Ordinances:
  - a. Personal Recreational Facilities in Residential Zones
  - b. Amending Low & Moderate Income Housing

### **Old Business**

**Cul-De-Sac Ordinance** - Mayor D'Angeli opened the public hearing for the cul-de-sac ordinance. With there being no public comments, Mayor D'Angeli closed the public hearing.

Motion by Corcoran, seconded by Sweeney, to adopt the cul-de-sac ordinance:

ORDINANCE 2009-12 - AN ORDINANCE ADDING CUL-DE-SACS TO SCHEDULE I OF CHAPTER VII, TRAFFIC, OF THE TOWNSHIP OF LAFAYETTE CODE TO RESTRICT PARKING

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

**Dolan & Dolan Escrow Bills** - Discussion ensued regarding the bills in dispute for the Land Use Board's previous attorney. Bruning suggested a letter be sent asking for copies of all of the bills referenced on the invoices. The letter is to, also, state that the Township Committee is reviewing the bills and an answer will be forthcoming.

**Affordable Housing – Demarest Farms** - Hughes asked about the status of the PILOT for Advance Housing. Attorney Kurnos said he needs to discuss this further with their attorney.

Motion by Bruning, seconded by Corcoran, to authorize the Township attorney to negotiate with Advance Housing's attorney and the Mayor is authorized to sign the agreement. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Liquor License Renewals** - Motion by Corcoran, seconded by Sweeney, to adopt Resolutions to renew the Liquor Licenses of A's Country Spirits and Lafayette Management, Inc., trading as Lafayette House, for the year 2009-2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Junior Fire Department Member Appointment** - Motion by Bruning, seconded by Sweeney, to appoint Joshua Vincent Maat a member of the Lafayette Township Volunteer Fire Department-Junior Division. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**NJDOT Grants** - Motion by Bruning, seconded by Sweeney, Motion to adopt resolutions approving the submittal of grant applications for Pelletown Road Resurfacing and Garrison Road Resurfacing.

#### RESOLUTION 2009-25

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PELLETOWN ROAD RESURFACING PROJECT (MA-2010-LAFAYETTE TOWNSHIP-00269)

BE IT RESOLVED that the Township Committee of the Township of Lafayette formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Lafayette Township-00269, to the New Jersey Department of Transportation on behalf of Lafayette Township.

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lafayette and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2009-26

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GARRISON ROAD RESURFACING PROJECT (MA-2010-LAFAYETTE TOWNSHIP-00287)

BE IT RESOLVED that the Township Committee of the Township of Lafayette formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Lafayette Township-00287, to the New Jersey Department of Transportation on behalf of Lafayette Township.

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lafayette and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**Audience** - Mr. Ron Decker, Fire Department Member, asked Attorney Kurnos the procedure for supplying accident reports to victims' attorney. Attorney Kurnos said he would review Mr. Decker's information.

**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