

September 1, 2009

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 7, 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, Attorney Kurnos, Road Foreman Macko, Construction Official Fette

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 August 4, 2009. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

CCO Inspections for Real Estate Sales/Transfers - CO Jeff Fette

Mr. Fette said that CCO inspections are provided for in the Uniform Construction Code. He explained that violations can be found; and open building permits can be closed out. He can legally enter the home to see if illegal work has been or is being done and to make sure the use of the property is permitted. Mr. Fetter recommends the CCO inspection fee be \$100.

Bruning suggested this be carried to the next meeting to give the Committee time to construct an ordinance.

Reports

Tax Collector - For the Month Ending August 31, 2009

Tax Searches	\$10.00
Duplicate Bills	\$120.00
Tax Map Fee	\$50.00
Prior Year Taxes	\$3,416.14
Current Year Taxes	\$1,762,286.95
Prepaid Taxes – 2010	\$6,532.34
Interest	\$949.77
Total	\$1,773,365.20

Motion by Corcoran, seconded by Bruning, 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.

Animal Control Officer

Month of August 2009	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$8.00	\$4,883.00
Amount Paid to State of New Jersey	\$1.20	\$996.60
Licenses Sold	1	525
Kennel Licenses Sold	0	2
Dogs Picked Up	0	0
Cats Picked Up	1	1
Dogs Taken to Pound	0	0
Cats Taken to Pound	1	1
Dogs Redeemed	0	0
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	0	\$280.00
Lost Tags	0	0

Miscellaneous Notes: The annual “free” rabies clinic will be held on Saturday, September 26, 2009 from 9:00am.-12:00noon at the Lafayette Township Park pavilion on Route 15.

Motion by Bruning, seconded by Sweeney, 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 - Bruning reported the 2009 swim season is now over and was very successful. He reported the Recreation Commission wishes to purchase two (2) park benches at Lafayette Park.

Motion by Bruning, seconded by Sweeney, to introduce the following ordinance and set the public hearing date of September 15, 2009:

ORDINANCE 2009-16 - AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE PURCHASE OF TWO (2) PARK BENCHES FOR LAFAYETTE PARK AND APPROPRIATING \$1,000.00 FROM THE RESERVE FOR RECREATION AVAILABLE 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 purchase of two (2) park benches for Lafayette Park is hereby authorized and the cost is not to exceed \$1,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$1,000.00 is hereby appropriated from the Reserve for Recreation 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: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D’Angeli-yes.

Motion by Bruning, seconded by Sweeney, to purchase two (2) park benches for Lafayette Park from Ben Schaeffer for \$496.00 per bench for a total of \$992.00. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D’Angeli-yes.

Park Footbridge - Bruning reported survey work is continuing.

EMS - Corcoran reviewed the June and July reports.

Land Use Board - Corcoran reported a meeting was held on August 27, 2009; and reviewed the applications.

Emergency Management - Hughes reported a drill was recently held at Schering Corporation. The quarterly meeting will be held tomorrow, September 2, 2009.

Affordable Housing

SCARC - Hughes reported the tax exemption has been approved as of January 1, 2010. He said paid taxes will be reimbursed until that time.

Motion by Hughes, seconded by Corcoran, to approve the reimbursement of 3rd quarter 2009 paid taxes in the amount of \$1,652.56 to SCARC for 240 Warbasse Junction Road (Block 9, Lot 13.06). Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D’Angeli-yes.

Advance Housing - Hughes reported the \$125,000.00 previously approved by resolution to be given to Advance Housing can now be released as the Township’s spending plan has been approved by the State.

Hughes explained a resolution is needed for the Advance Housing project and to be attached to the PILOT. Motion by Hughes, seconded by Corcoran, to adopt the following resolution which is, also, to be sent to COAH and those listed on the service list:

WHEREAS, ADVANCE HOUSING, INC., a corporation of the State of New Jersey, having its principal office at 100 First Street, Suite 203, Hackensack, New Jersey 07601 (hereinafter referred to as the "Sponsor") proposes to construct a 20-unit housing project to be known as Demarest Farm, pursuant to preliminary major site plan approval granted by the Lafayette Township Land Use Board on July 26, 2007 (Application No. SP 07-8), memorialized August 23, 2007 and appended hereto as Exhibit A (hereinafter referred to as the "Project"); and

WHEREAS, the Project is being financed 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 et seq.*, and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Lafayette Township (hereinafter referred to as the "Municipality") on a site described as Lots 21.06 and 21.07, in Block 32, as shown on the Official Assessment Map of the Township of Lafayette, Sussex County, and commonly known as 10 NJSH Route 94 S; 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 may also be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the Agency; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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 proposed Project will meet or meets an existing housing need;

2. The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and,

3. The Committee does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit B; and

4. The Committee hereby authorizes and directs the Mayor of the Township of Lafayette to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit B.

This Resolution shall take effect immediately.

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

COAH - Hughes said a report has been received from Dave Roberts, CMX Engineering.

Streets and Roads - D'Angeli reported routine work is being done. The walking path at the school is near completion; and the catch basins being installed along Pelletown Road will be completed this week.

Dennis Road Project - Bruning feels a further report is needed. He will follow-up with the Township Engineer.

Correspondence

1. Lafayette Preservation Foundation requesting funding portable toilets for Country Fair

The Township Committee directed the Road Department to move the portable toilet next to the ball field up to the parking area near the existing one.

Motion by Bruning, seconded by Sweeney, to approve the rental of one (1) more portable toilet if the Preservation finds a need for it. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

2. Michelle Kalaskey requesting letter/certificate for Eagle Scout Matthew Robert McGuinness

3. Diane Maat requesting letter/certificate for Eagle Scout Daniel McDougal
The Township Committee directed the Clerk to send letters of congratulations to Messrs. McGuinness and McDougal.

4. Frankford Township Master Plan Amendments Hearing

5. NJ Division of Parks & Forestry - NJ Shade Tree Federation Meeting

Old Business

Chapters XII & XIV Amendment - Mayor D'Angeli opened the public hearing for the following ordinance:

AN ORDINANCE TO AMEND CHAPTER XII (LAND USE) AND CHAPTER XIV (LAND USE PROCEDURES) OF THE TOWNSHIP OF LAFAYETTE CODE

With there being no public comments, Mayor D'Angeli closed the public hearing.

Motion by Corcoran, seconded by Hughes, to adopt the Chapters XII and XIV Amendment. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Coded Systems Agreement - This issue will be carried to the next meeting on September 15, 2009 for further review.

Master Plan Review - Hughes reported that during mediation, it was discussed that 80 units be included in the Gateway Commercial District. He said the Land Use Board needs to consider a Master Plan amendment and zoning change.

Motion by Bruning, seconded by D'Angeli, to adopt the following resolution:

RESOLUTION 2009-36
STATEMENT OF FACTS

1. The Township has filed, with the State of New Jersey Council on Affordable Housing ("COAH"), a Housing Element and Fair Share Plan.

2. Objections to the Lafayette Plan have been made by Nouvelle Associates, LLC and filed with COAH.

3. COAH has directed mediation between the Township and Nouvelle, which mediation is ongoing.

4. The representatives appointed by Lafayette to advance the position of the Township have proffered without prejudice a settlement proposal that would require an amendment to the Lafayette Township Master Plan as well as the Zoning Ordinances of the Township.

5. The Township recognizes there may be a need to modify the R-5 Zone and create an R-AH Zone for the construction of affordable housing, all which require the study by the Lafayette Township Land Use Board (the "Board").

Notice must also be given to the Sussex County Planning Board.

REFERRAL TO LAND USE BOARD

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette to refer to the Land Use Board of the Township of Lafayette for study and feasibility of the adoption of an Ordinance creating an Affordable Housing Zone. Subject to the findings of the Land Use Board and the adoption of revisions to the Lafayette Township Master Plan and Zoning Ordinance, the representatives appointed by the Township may continue to advance the concept of an R-AH Zone so as to secure Substantive Certification from COAH.

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

