

November 4, 2009

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, November 4, 2009 at 7:30pm. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, CFO Magura, Attorney Kurnos

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 Hughes, seconded by Sweeney, to accept and place on file the Minutes of October 20, 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 October 31, 2009**

Duplicate Bills	\$102.00
Print Out	\$4.00
Tax Map Fee	\$100.00
Current Year Taxes	\$541,057.46
Prepaid Taxes – 2010	\$83.06
Interest	\$1,611.16
Total	\$542,957.68

Motion by Corcoran, seconded by Hughes, 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.

**Treasurer's Report**

**Cash Report for October 2009**

Cash Balances as of September 30, 2009	\$2,161,806.89
Cash Receipts for October 2009	\$966,661.31
Total	\$3,128,468.20
Cash Disbursements for October 2009	\$1,053,811.75
Cash Balances as of October 31, 2009	\$2,074,656.45
Account Balances as of October 31, 2009	
Current – Checking	\$959,565.94
Capital – Checking	\$408,751.29
Escrow – Checking	\$95,707.18
COAH-Developers Fees	\$107,193.19
Open Space Municipal Tax	\$274,681.97
Trust Accounts for Developer's Agreements	\$214,453.89
Special Rec. – Checking	\$5,962.45
Special Donations	\$7,543.00
Dog Trust Account	\$797.54
Total Account Balances	\$2,074,656.45

Motion by Hughes, seconded by Corcoran, 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.

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

WHEREAS, there is a need for adjustments to the 2009 municipal budget appropriations; and

WHEREAS, N.J.S.A. 40:4-58 permits transfers to be made in the last two (2) months of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that the following transfers be made in the amounts so noted:

<u>From</u>	<u>Amount</u>	<u>To</u>
Group Ins. for Employees	\$ 6,300.00	Snow Removal s/w
Group Ins. for Employees	\$ 2,700.00	Board of Health o/e
Group Ins. for Employees	\$ 5,000.00	Engineering o/e
Mayor & Council	\$ 500.00	Recreation o/e
LUB – Engineering	\$ 3,500.00	COAH o/e
Assessment of Taxes o/e	\$ 1,000.00	COAH o/e
Total Transfers	\$19,000.00	

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

**Animal Control Officer**

Month of October 2009	<u>This Month</u>	<u>To Date</u>
Total Deposits	0	\$4,910.00
Amount Paid to State of New Jersey	0	\$1,003.20
Licenses Sold	0	528
Kennel Licenses Sold	0	2
Dogs Picked Up	0	0
Cats Picked Up	0	14
Dogs Taken to Pound	0	0
Cats Taken to Pound	0	14
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: No dogs or cats picked up and taken to the pound. No expenses incurred for the month of October.

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

**Committee Reports**

**Fire Department** - Sweeney said the report has been submitted.

**EMS** - Corcoran reported potential new members are taking the EMT course. He inquired if it is possible for a person to ride the ambulance to gain some experience before becoming a new member. The insurance company will be contacted.

**Land Use Board** - Corcoran reviewed the meeting of October 22, 2009.

**Board of Health** - Corcoran reviewed the meeting of October 26, 2009 and stated an ordinance was adopted increasing the fees for new septic and wells.

**Affordable Housing** - Hughes reported the SCARC open house is scheduled for Monday, November 23, 2009.

**Advance Housing** - Hughes reported the groundbreaking will be soon for the 10 rehab units. They are asking for a letter of support for the new construction of 10 units.

**School Liaison** - Hughes reported the school will refinance \$3.6 million and save approximately \$15,000 per year until 2021 when it will be paid in full.

**Emergency Management** - Hughes reported that with the upgrade of three (3) junior members to full, two (2) turnout gear sets are fine; but they will need to buy one (1) set. They will, also, need to purchase one (1) set next year for a returning member.

**Streets and Roads** - D’Angeli reported routine work is being done.

## Correspondence

1. From Michael Russo, NJDOT re: Denial of grant for Pelletown Road
2. From Linda Alvarez, HPRHS School Business Administrator  
re: Brief presentation for facilities renovation project  
A 15 minute presentation is to be scheduled for Tuesday, December 1, 2009.
3. Green Township Resolution objecting to Septic System Maintenance and Contaminant Source Management Ordinances
4. From Mukesh Shah, NJDOT re: Maintenance Roadway Repair Contract
5. Hampton Township Ordinance re: Regulating Development on Land Underlain by Carbonate Bedrock
6. From Maureen Kaman, CTA re: Need for new printer  
The Township Committee denies the purchase of a new printer noting there are other color printers in the Building and Finance offices that can be utilized.
7. From Morton Goldfein re: Proposed solar producing system on B-4, L-2.03

## Vouchers

A & G PIZZA	72.85
AIRGAS EAST	71.86
ANIMAL GENERAL VETERINARY HOSPITAL	2,726.00
BANISCH ASSOCIATES INC.	2,285.00
BEAVER RUN FARMS	1,900.00
CENTRAL ALLIANCE	1,724.00
CHELBUS CLEANING CO., INC.	275.00
CINTAS CORP #111	111.01
CMX ENGINEERING	7,135.50
D. LOVENBERG'S PORTABLE TOILET	210.00
EMBARQ	406.14
EMBARQ COMMUNICATIONS INC.	48.18
FINCH FUEL OIL CO., INC.	740.62
FINELLI CONSULTING ENGINEERS, INC.	825.28
G & G DIESEL SERVICE INC.	173.00
HAMBURG PLUMBING SUPPLY CO., INC.	209.45
HIGH POINT REG HIGH SCHOOL	165,230.64
JCP & L	1,983.59
LADDEY, CLARK & RYAN, LLP	1,560.00
LAFAYETTE AUTO PARTS	135.14
LAFAYETTE SENIOR CITIZENS	1,000.00
LAFAYETTE TOWNSHIP FIRE DEPARTMENT	1,200.00
LAFAYETTE TWP BD OF ED	293,300.00
POLOWY STONE & MASON	129.15
ROY E. KURNOS	4,800.00
SPATIAL DATA LOGIC, INC.	5,500.00
STAPLES BUSINESS ADVANTAGE	197.16
SUSSEX COUNTY TREASURER	479,604.16
SUSSEX COUNTY TREASURER	12,266.02
SUSSEX COUNTY TREASURER	34,515.11
SUSSEX COUNTY TREASURER	4,684.53
TC/TREAS ASSOC OF NJ	22.00
TC/TREAS ASSOC SUSSEX/WARREN	50.00
THE NEW JERSEY HERALD	49.00
TILCON NEW YORK INC.	175,386.34
U.S. POSTAL SERVICE	500.00
FINELLI CONSULTING ENGINEERS, INC.	1,200.03
SNOOKS EXCAVATING INC.	360.00
CERENZIO & PANARO, P.C.	714.00
FINELLI CONSULTING ENGINEERS, INC.	1,031.25
LADDEY, CLARK & RYAN, LLP	90.00

Motion by Bruning, seconded by Hughes, 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.

## Old Business

**Nouvelle Wastewater Management Plan Amendment Resolution** - Motion by Bruning, seconded by Sweeney, to adopt the following resolution:  
RESOLUTION ENDORSING A PLAN AMENDMENT TO THE LAFAYETTE

## WASTEWATER MANAGEMENT PLAN AND SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN

### 1. Statement of Facts:

1.1 The Lafayette Township Committee is charged with the responsibility of providing for the orderly development of wastewater facilities within the Township of Lafayette (the "Township").

1.2 The New Jersey Department of Environmental Protection ("NJDEP") requires that any proposed wastewater treatment plant and conveyance facility and wastewater treatment service area be erected and operated in conformance with an approved Wastewater Management Plan ("WMP").

1.3 Nouvelle Associates LLC ("Nouvelle") is the owner of real property within the Township and depicted on the official tax map of the Township as Block 9, Lots 21.01, 6, 7, and 17 and Block 10, Lots 3, 3.02 and 4. All lots are contiguous and make up one parcel of approximately 283 acres. A portion of the tract is bounded by Route 15, 94 and Sunset Inn Road, a/k/a County Route 623. This parcel is part of Block 9, Lot 21.01 and is located within the Gateway Commercial District (the "Commercial Parcel"). The remainder of the property is in the R-5 and R-4 zoning districts.

1.4 Nouvelle has received major subdivision and site plan approval from the Lafayette Township Land Use Board to subdivide approximately 39 acres of the Commercial Parcel within the Gateway Commercial District. This district permits office and retail use. The approval permits the construction of approximately 100,000 sq. feet of commercial/retail space. As a condition of approval, Nouvelle must obtain approval for, and actually construct, a wastewater treatment plant to service the commercial/retail use. The proposed discharge is less than 20,000 gallons per day.

1.5 As the first step in obtaining the approval to construct a wastewater treatment plant, Nouvelle caused to be submitted to the Lafayette Township Committee an application to amend the Township's WMP. In support of the amendment Nouvelle submitted a report prepared by Suburban Consulting Engineers, Inc., 100 Valley Road, Suite 202, Mt. Arlington NJ 078956 entitled, "Proposed Amendment to the Lafayette Township Wastewater Management Plan for Nouvelle Associates LLC, in the Township of Sussex County, New Jersey".

1.6 The submission by Nouvelle did not seek or propose a change in the WPM with respect to the remainder of its property. That property is situated in the R-5 and R-4 zoning districts, which permit single family residential dwellings on a minimum of five (5) and four (4) acre lots, respectively. The remainder property, if developed, will be serviced by individual septic systems.

1.7 The Commercial Property to be serviced by a proposed wastewater treatment plant is designated on the approved preliminary subdivision plat as Block 9, Lots 21.07 and 21.08. The proposed amendment of the WMP does not include or cover the remainder of the Nouvelle property.

1.8 The Township by Resolution duly adopted appointed Cerenzio & Panaro PC, Sparta NJ as its engineering expert to review the proposed amendment to the WMP. The resolution further required the posting by Nouvelle of an escrow to cover the engineering and legal fees associated with the review of the proposed amendment to the WMP.

1.9 Cerenzio & Panaro issued a letter report dated June 18, 2009 (the "Initial Report"). The Initial Report detailed deficiencies in the proposed amendment to the WMP. The Township Committee acting on the Initial Report directed Nouvelle to have the proposed amendment to the WMP corrected or otherwise revised to comply with the technical and hydro geologic deficiencies set forth in the Initial Report. On July 16, 2009 Nouvelle submitted to the Township a revised amendment to the WMP (the "Revised WMP"). Nouvelle also alleged that many of the deficiencies identified in the initial report were matters to be resolved by the NJDEP or the County of Sussex and should not be resolved at the Township level.

1.10 On August 14, 2009 Cerenzio & Panaro requested the inclusion of certain additional information in the proposed amendment to the WMP, which request was complied with by Nouvelle.

1.11 On October 2, 2009 Cerenzio & Panaro issued a letter report recommending endorsement of the Revised WMP (the "October 2 '09 Report"). The October 2 '09 Report further recommended that as part of the endorsing resolution the Township adopt the comments made by Cerenzio & Panero in its initial review letter as part of the resolution of approval so that the resolution endorsing the amendment to the

Lafayette Township Wastewater Management Plan and approval of a Revised WMP was subject to the comments of Cerenzio & Panaro. in particular, the deficiencies noted by them to the proposed amendment to the WMP.

2. Based on the above recited findings, it is resolved on this 4<sup>th</sup> day of November, 2009 as follows:

2.1 The Lafayette Township Committee hereby endorses the proposed Plan Amendment to the Lafayette Township Wastewater Manage Plan (“WMP”), as follows:

a. to permit the discharge for the proposed commercial/retail structure(s) referenced in paragraph 1.3 in conformance with the report of Suburban Consulting Engineers referenced in paragraph 1.4 to provide for “onsite” groundwater discharge area designated for Block 9, Lots 21.07 and 21.08.

b. to condition this approval subject to the comments set forth in the report of Cerenzio & Panaro PC, dated June 18, 2009, a true copy of which is attached hereto, for consideration by the New Jersey DEP and the County of Sussex and all other interested parties.

3. This endorsement shall be submitted to the Sussex County Policy Advisory Committee, the Sussex County Board of Chosen Freeholders, NJDEP and all other interested parties.

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

**Liquor License Renewals** - Motion by Bruning, seconded by Sweeney, to adopt the following resolutions:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, to renew Liquor License No. 1913-33-001-005 issued to Lafayette Restaurant Holdings, LLC, P.O. Box 894, 6 Apple Tree Lane, Sparta, NJ for the 2008-2009 license term pursuant to N.J.S.A. 33:1-12.18 and 33:1-12.39 subject to a Special Condition requiring activation by June 30, 2012.

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, to renew Liquor License No. 1913-33-001-005 issued to Lafayette Restaurant Holdings, LLC, P.O. Box 894, 6 Apple Tree Lane, Sparta, NJ for the 2009-2010 license term pursuant to N.J.S.A. 33:1-12:39 subject to a Special Condition requiring activation by June 30, 2012.

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

**Footbridge** - Motion by Bruning, seconded by Hughes, to authorize Finelli Consulting Engineers to perform the work for the flood hazard permit per their proposal dated November 4, 2009, not to exceed \$3,850, to be filed by the end of November and to introduce the following ordinance and set the public hearing for December 1, 2009:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE PRELIMINARY ENGINEERING EXPENSES FOR THE FOOTBRIDGE REPLACEMENT AT LAFAYETTE PARK AND APPROPRIATING \$3,850.00 FROM THE RESERVE FOR RECREATION IN 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 preliminary engineering expenses for the footbridge replacement at Lafayette Park is hereby authorized and the cost is not to exceed \$3,850.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$3,850.00 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.

**Dennis Road** - Bruning reported the concept plan has been submitted. The Wreden’s agree with it and are asking for a decorative wall, vegetative screening and the removal of at least six (6) trees. The cost would be approximately \$150,000. Bruning said temporary construction and drainage easements are needed.

It was the consensus of the Township Committee that Finelli Consulting Engineers relay the Township's agreement with the decorative wall but not the vegetation or trees. The easements are to be signed before any work is done. Bruning will pursue this with Mike Finelli.

#### **New Business**

**Annual Christmas Party** - D'Angeli reported the annual Christmas party for the Township employees and Board volunteers will be held on Wednesday, December 16, 2009 from 6:00-8:00pm at the Lafayette House.

**Mower Spending Ordinance** - Motion by Hughes, seconded by Bruning, to introduce the following ordinance and set the public hearing for December 1, 2009:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE PURCHASE OF A SCAG 61" CUB LAWN MOWER AND APPROPRIATING \$7,500.00 FROM THE RESERVE FOR ROAD EQUIPMENT 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 a Scag 61" Cub Lawn Mower is hereby authorized and the cost is not to exceed \$7,500.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$7,500.00 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.

**Fire Department Reappointment** - Motion by Corcoran, seconded by Sweeney, to reappoint Luke Wikander as a member of the Fire Department upon his returning from a leave of absence. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Raffle License** - Motion by Bruning, seconded by Sweeney, to approve a raffle license for Lafayette Center Preservation Foundation for December 12, 2009 and waive the local fee. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Central Municipal Alliance** - Motion by Hughes, seconded by Corcoran, to approve the bylaws of the "Central" Municipal Alliance Coalition on Alcoholism and Drug Abuse. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Municipal Budget** - The Clerk was asked to send letters to all departments to submit their 2010 budgets by December 31, 2009.

#### **Adjournment**

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

Respectfully submitted,

ANNAROSE FEDISH, RMC  
Municipal Clerk