

January 6, 2009

The first regular meeting for the year 2009 was held on Tuesday, January 6, 2009 at 7:30pm. 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

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 Bruning, to accept and place on file the Minutes of December 16, 2008. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Reports

Tax Collector - For the Month Ending December 31, 2008

Print Outs	\$10.00
Prior Year Taxes	\$4,496.48
Current Year Taxes	\$140,959.69
Prepaid Taxes 2009	\$25,658.56
Interest	\$3,923.44
Total	\$175,048.17

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.

Animal Control Officer

Month of December 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 Sweeney, 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 - Bruning reported the volleyball area has been seeded & hayed.

Fire Department - Sweeney reviewed the December 2008 report.

EMS - Corcoran reviewed the December 2008 report. He reported that elections of officers was held on December 20, 2008; and the new officers are Larry Decker, Captain; Joe Cammerata, Lieutenant; Mike Cammerata, Secretary; and Karen Macko, Treasurer.

Board of Health - Corcoran reported the next meeting will be held at the end of this month.

Emergency Management - Hughes reported the County outreach was to mobilize tonight for the winter storm watch. He said there was a report of a possible earthquake in Hopatcong today. However, after an investigation by the local observatory, it was deemed not so.

Hughes reported a meeting will be held next Tuesday, January 13th, at 7:00pm. to discuss dispatch services.

Affordable Housing - Hughes reported the plan has been submitted and awaiting comments.

Website - Hughes reported the information has been sent and anticipate the site being up and running within a week.

Lafayette Township School - Hughes reported negotiations are in progress; and budget sessions are to start at the end of this month.

Streets and Roads - D'Angeli reported routine work is being done. Road Department applications are being reviewed; and interviews will be held soon.

Correspondence

1. Land Use Board Resolution re: Ordinance Revisions

Motion by Hughes, seconded by Bruning, to introduce the following ordinance and set the public hearing for February 3, 2009:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 13 OF THE CODE OF THE TOWNSHIP OF LAFAYETTE ENTITLED "ZONING"

BE IT ORDAINED by the Township Committee of the Township of Lafayette that the Ordinance entitled "Chapter XIII Zoning Ordinance of the Township of Lafayette" shall be and is hereby amended to provide as follows:

MOTOR VEHICLE FUELING STATION ORDINANCE AND MOTOR VEHICLE SERVICE STATION ORDINANCE

§13-5 Definitions:

Motor Vehicle Fueling Station - means the entire lot on which there is a land area, building or other premises used for the retail dispensing or sales of motor fuels.

Motor Vehicle Service Station - means the entire lot on which there is a land area, building or other premises used for the servicing and repair of motor vehicles.

§12 - "Exhibit 1 - Trip Generation Rates by Major Land Use Categories" - reference to service stations is amended to read "motor vehicle fueling station."

§13-12.2.b - Conditional Uses Permitted - Services Stations - is hereby repealed.

§13-14.b.5. - Motor Vehicle Fueling Stations - fueling stations as a conditional use is hereby repealed.

New language for §13-14.b.5:

§13-14.b.5. - Motor Vehicle Service Stations - Motor Vehicle Service Stations shall be a conditional permitted use provided the following conditions can be met:

1. Distance requirements. The motor vehicle service station shall be at least two hundred (200') feet from any residential zone line and two hundred (200') feet from any property upon which is located any building used as a theater, auditorium or other place of public assembly, capable of seating over 100 persons, such as but not limited to a church, hospital for humans, college, school, public library, or institution for dependents or children or any public playground or athletic field. The measurement for purposes of determining this distance requirement shall begin at the lot line of the motor vehicle service station and extend to the nearest lot line of the residential zone or property in question.

2. Mixed use. No part of any motor vehicle service station shall be used for any other purpose.

3. Minimum lot area and frontage. The minimum lot size for any lot upon which any motor vehicle service station is located shall be three acres and the minimum street frontage of said lot shall be two hundred (200') feet.

4. Driveways. Driveways to and from any lot upon which is located a motor vehicle service station shall have an unrestricted width of not less than sixteen (16') feet nor more than twenty-five (25') feet, shall be located not nearer than fifteen (15') feet from any lot line nor fifty (50') feet from any street intersection and shall be designed so that exiting vehicles do not have to back out across any public sidewalk, street, highway, or right-of-way. There shall be no more than two (2) driveways on any one street.

5. Off-Street Parking.

a. The minimum number of on-site parking spaces required is two (2) spaces for each bay, plus one (1) space for each employee on the largest shift.

b. Parking shall be screened from public view using building location and landscaping, to the maximum extent possible.

6. Paving requirements. The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a motor vehicle service station shall be paved.

7. Outdoor repair prohibited. On any premises upon which a motor vehicle service station is located, all services or repairs to or for motor vehicles, other than such minor items as the changing or filling of tires with air, shall be conducted within the confines of a building capable of being wholly enclosed.

8. Vehicle Sales. Sales and display of vehicles are prohibited.

9. Setback restrictions. No part of any building used as a motor vehicle service station nor any part of any accessory structure shall be erected within thirty-five (35) feet of any lot line. This area shall be fully landscaped and parking and circulation aisles shall be prohibited in this area with the exception of access drives.

10. Landscaping. Fifty (50%) percent of the planted trees and shrubs shall be evergreen species.

11. Expansion of motor vehicle service stations. No permit for the alteration or expansion of any existing motor vehicle stations shall be issued except under compliance by the applicant with all the provisions of this Chapter.

12. Fuel and propane dispensation. The dispensation of motor fuels and propane is not permitted.

§13-14.1 - Motor Vehicle Fueling Stations - Motor vehicle fueling stations existing as of the effective date of this chapter are permitted as prior nonconforming uses. Motor vehicle fueling stations are regulated as follows:

a. Modifications. No deviation from the approved site plan which first permitted the construction of a fueling station or combined fueling station with a convenience store is permitted without returning before the Land Use Board for site plan approval to make changes and must comply with the design standards of the Gateway Plan where appropriate.

b. Paving requirements. The area of all driveways and other areas over which motor vehicles are intended to be driven or parked on any lot upon which is located a motor vehicle fueling station shall be paved; however, no expansion of impervious coverage is permitted without returning before the Land Use Board for site plan approval to make changes.

c. Repairs. Repairs are prohibited other than such minor items as pumping air into tires or the adding of oil to motor vehicles.

d. Vehicle sales. The sale and display of vehicles is prohibited.

e. Propane tanks. Propane tanks shall be located underground for onsite use.

f. Signage. Motor vehicle fueling stations shall comply with the sign ordinance located at §13-17. In addition, customary lettering or other insignia which are a structural part of a motor fuel pump consisting only of the brand name, lead warning sign, price indicator and other information required by law is permitted.

g. Outdoor dining. Outdoor dining is only permitted where it conforms to the outdoor dining ordinance located at §13-15.2.

h. Litter. Litter from food or other items purchased on site is not permitted and is a violation of §3-2.1 of the Lafayette General Ordinance.

i. Lighting. Lighting shall comply with the lighting plan approved at the time of Site Plan Approval. Any proposed change must be reviewed by the Land Use Board and conform with Gateway Plan design standards and the lighting ordinance located at §12-7.2.a.11.

j. Inflatables. Inflatable figures cannot be displayed as part of a promotion, advertisement or seasonal celebration.

k. Landscaping. The landscaping of the motor vehicle fueling station shall comply and be maintained in accordance with the plan provided by the landscape architect at the time of original Site Plan Approval or the owner shall return before the Land Use Board to obtain approval for changes which shall conform with the Gateway Plan found at §12-8.e if applicable.

l. Buffering. Buffering of all kinds required as part of Site Plan Approval shall be maintained. If the owner wishes to deviate from the approved plan, the owner shall return before the Land Use Board with a landscaping plan that illustrates the proposed changes and conforms with §12-8.e(4).

m. Propane sales. The sale of propane is not permitted.

§13-6.11 - Prohibited Uses in All Zones

h. Motor Vehicle Fueling Stations.

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

2. From Lt. Mark S. Rozek re: Sparta Dispatch Services
3. Frankford Township Ordinance re: Affordable Housing
4. Hampton Twp. Planning Board Resolution re: Master Plan Amendment
5. From Reenee Casapulla, SCMUA re: Solid Waste Management Plan
6. From Neil VanEss re: Municipal Alliance Program

Old Business

Budget - Budget information is needed for all departments for the budget meeting next week. Discussion ensued regarding the Township Committee reviewing Township organization bank statements.

Review of Vouchers - Bruning suggested the Committee review all vouchers/bills prior to meetings. It was the consensus of the Township Committee that Bruning review them.

Fiddlers Way - Bruning reported he and Road Foreman Macko inspected the road; and the situation has been taken care of.

New Business

2009 Temporary Budget - Motion by Corcoran, seconded by Hughes, to adopt the following resolution:

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2009 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriation in the 2008 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,677,161 and

WHEREAS, 26.25% of the total appropriations in the 2008 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance in said budget is the sum of \$440,255.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey, that the following appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

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

Budget Meeting - The budget meeting will be scheduled for Wednesday, January 14, 2009 at 3:00pm.

Defend Tax Appeals Resolution - Motion by Bruning, seconded by Sweeney, to adopt the following resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette that the Municipal Assessor and Municipal Attorney be and they are hereby authorized to defend before the Sussex County Board of Taxation and Tax Court of the State of New

Jersey all contested appeals and to initiate municipal appeals to correct the Township of Lafayette tax list including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as are necessary to correct the assessments for the Township of Lafayette; and

BE IT FURTHER RESOLVED that the Municipal Assessor and Municipal Attorney be and hereby designated as agents of the Township of Lafayette for the purpose of signing settlements of the foregoing matters by stipulation.

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

Junkyard License - Motion by Bruning, seconded by Sweeney, to approve the junkyard license renewal for Lafayette Salvage, Inc. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Executive Session Minutes - Motion by Corcoran, seconded by Hughes, to accept the Executive Session Minutes of August 5, 2008 and not release them due to ongoing litigation. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Recycling Coordinator - Motion by Bruning, seconded by Corcoran, to hire Edith McGrath as Township Recycling Coordinator for the salary of \$2,000.00, payable quarterly. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Employee Personal Business - Bruning stated that employee's personal business should be done on their own time. Otherwise, vacation time will be used. The Clerk was directed to send a memo to the Township employees.

Audience

Mr. Ron Decker, Fire Department and EMS Member, asked about the reviewing of bank statements. Committeeman Bruning said the Committee is concerned about where the money goes and want to review the statements.

Mr. Decker said the Fire Department's checkbook is audited the beginning of every year by the Treasurer, Assistant Chief and one (1) other person. He suggested the Township Committee obtain a letter stating an internal audit was done.

Committeeman Hughes said he will speak to the Township Attorney for guidelines and asked that this matter be carried to the next meeting on January 20, 2009.

Mr. Joe Cammerata, EMS Lieutenant, presented applications for Township Committee approval. The applications of Judy Decker and William Hunt are incomplete.

Motion by Hughes, seconded by Bruning, to approve and authorize the Mayor to sign the applications of William Macko, Gregory Corcoran and Scott Thomas as Auxiliary Members. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Mr. Cammerata said the by-laws will be reviewed further.

Adjournment

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk