

February 16, 2010

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, February 16, 2010 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Also Present: Clerk Fedish, CFO Magura

Mayor Bruning opened the meeting stating that it was being held in compliance with the Public Laws of 1975, Chapter 231, Sections 4 and 13.

Minutes - Motion by Corcoran, seconded by D'Angeli, to accept and place on file the minutes of January 19, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

Motion by Corcoran, seconded by D'Angeli, to accept and place on file the minutes of February 2, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-abstain.

Reports

Treasurer

Cash Report for January 2010

Cash Balances as of December 31, 2009	\$1,935,448.96
Cash Receipts for January 2010	\$473,076.20
Total	\$2,408,525.16
Cash Disbursements for January 2010	\$666,824.74
Cash Balances as of January 31, 2010	\$1,741,700.42
Account Balances as of January 31, 2010	
Current – Checking	\$738,351.82
Capital – Checking	\$394,640.05
Escrow – Checking	\$64,042.13
COAH-Developers Fees	\$107,340.08
Open Space Municipal Tax	\$277,979.41
Trust Accounts for Developer's Agreements	\$143,883.04
Special Rec. – Checking	\$5,316.01
Special Donations	\$7,543.00
Dog Trust Account	\$2,604.88
Total Account Balances	\$1,741,700.42

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

Committee Reports

Recreation - Bruning reported the Recreation Commission recommends continuing, and signing a contract, with Aquatic Analysts for pond maintenance. Motion by Bruning, seconded by Corcoran, to authorize the Mayor to sign the contract for pond maintenance with Aquatic Analysts per their proposal dated December 15, 2009. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

Alarm System - Bruning reported a contract from Discover Security for the amount of \$420.00 was received for the annual monitoring and daily testing of the municipal building's alarm system. Motion by D'Angeli, seconded by Corcoran, to authorize the Mayor sign the contract for Discover Security for the amount of \$420.00. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

Open Space Advisory Committee - Motion by Bruning, seconded by D'Angeli, to authorize the Mayor to sign the contract with The Land Conservancy for \$10,500.00 per

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

Affordable Housing

COAH - Hughes reported Governor Christie signed an Executive Order to suspend COAH from taking action on applications. Senate Bill S-1, to abolish COAH, is in committee.

Advance Housing - Hughes reported the construction is progressing. There should be a decision by the end of the month regarding the financing of the next ten (10) units of the project.

Streets and Roads - D'Angeli reported routine work is being done, as well as plowing from the recent snow storm. Motion by D'Angeli, seconded by Sweeney, to approve paying the Road Department double time for work done on Sunday's effective May 1, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, D'Angeli-yes, Bruning-yes.

Correspondence - Sparta Township Ordinance – Amending Zoning

Vouchers

20/20 BUSINESS SOLUTIONS INC.	125.00
A & G PIZZA	81.95
AFFORDABLE HOUSING ADMINISTRATORS	2,100.00
AIRGAS EAST	25.06
AMERIGAS – CHESTER	1,495.82
ATLANTIC SALT, INC.	18,181.50
BANISCH ASSOCIATES INC.	637.00
BBC PRINTING	604.90
BEAVER RUN FARMS	1,494.70
BOB'S MACHINING LLC	60.00
CASAGRANDE USA	315.34
CENTURY LINK	427.39
CENTURYLINK COMMUNICATIONS, INC.	47.92
CERENZIO & PANARO, P.C.	134.00
CHELBUS CLEANING CO., INC.	275.00
CINTAS CORP #111	171.99
CULLIGAN	11.35
D. LOVENBERG'S PORTABLE TOILET	65.00
DIAMOND SAND AND GRAVEL, INC.	33.74
FINCH FUEL OIL CO., INC.	1,719.21
FINELLI CONSULTING ENGINEERS, INC.	613.75
G & G DIESEL SERVICE INC.	1,186.86
GARDEN STATE PLUMBING & HEATING	345.00
HIGH POINT REG HIGH SCHOOL	165,230.65
JCP & L	1,936.95
LADDEY, CLARK & RYAN, LLP	3,540.00
LAFAYETTE AUTO PARTS	485.70
LAFAYETTE TWP BD OF ED	511,332.50
MILLSIDE CAFE	349.47
MONTAGUE TOOL & SUPPLY CO.	38.87
MOORE-WALLACE NORTH AMERICA INC.	66.58
MUN. CLERKS ASSOC OF NJ	100.00
MUNICIPAL SOFTWARE INC.	5,808.00
NEXTEL COMMUNICATIONS	338.37
NORTH JERSEY GARAGE DOORS LLC	185.00
PUBLIC WORKS ASSOC. OF NJ	60.00
ROY E. KURNOS	4,800.00
SERVICE ELECTRIC CABLE TV	17.00
SK OFFICE SUPPLY INC.	22.99
SK PAPER SHRED	65.00
SNOOKS EXCAVATING INC.	700.00
STAPLES BUSINESS ADVANTAGE	171.17
SUSSEX CTY LEAGUE OF MUNICIPALITIES	60.00
THE LAND CONSERVANCY OF NEW JERSEY	2,625.00
THE NEW JERSEY HERALD	325.44
TOWNSHIP OF RANDOLPH	1,100.00
TREASURER, S/NJ	500.00
TREASURER, S/NJ	100.00
U.S. POSTAL SERVICE	500.00

WELDON QUARRY CO., LLC	93.45
FINELLI CONSULTING ENGINEERS, INC.	1,717.25
LADDEY, CLARK & RYAN, LLP	1,488.71
NJ DEPT OF HEALTH & SENIOR SERVICES	601.20
SANDYSTON TOWNSHIP	40.00
TOWNSHIP OF WANTAGE	600.00
WM. E. KAUFMAN SR.	40.00

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

Old Business

Turnout Gear Purchase - Chief Decker was asked to submit verification of the number of turnout gear that has been purchased and the attendance of each member attending calls.

Motion by Hughes, seconded by D'Angeli, to purchase a set of turnout gear from MES per their quote of \$2,294.00 dated January, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-no.

Land Use Board Ordinance Amending Residential Zones - Motion by Corcoran, seconded by D'Angeli, to introduce the following ordinance and set the public hearing for March 16, 2010:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE

13-8 R-5.0, R-4.0 AND R-2.5 RESIDENTIAL ZONES.

13-8.1 Permitted Principal Uses and Buildings.

The following **principal uses** and **buildings** shall be permitted:

- a. **Dwelling Unit, Single Family Detached**
- b. **Agricultural Uses** containing a Minimum **lot area** of Five (5) Acres.

Agriculture uses shall not include the keeping of **domestic animals** for boarding, training, sale and resale, where such activities are not in connection with the pursuit of **agriculture** and are themselves the **principal use**. **Nurseries**, greenhouse under 500 square feet and the boarding of horses shall be permitted on a **farm**.

It is intended that a **dwelling unit, single family detached** may be constructed on the same **lot** utilized for **agricultural uses** as set forth above. In that event, the **lot** shall then have a minimum **lot area** of one (1) acre for the **dwelling unit, single family detached** use in addition to the required minimum of five (5) acres set forth above.

13-8.2 Conditional Uses Permitted.

The following **conditional uses** shall be permitted:

- a. **Public facilities.**
- b. **House of worship** subject to the requirements of Section 13-14 b, 1 of this chapter.
- c. **Schools** provided that all such **schools** meet the highest, current published standards of lot size and building construction of the New Jersey Department of Education and comply with the requirements of Section 13-14 b, 2 of this chapter. (*consider what to do with home schooling*)
- d. **Essential services** subject to the requirements of Section 13-14 b, 3.
- e. Community residences for developmentally disabled, victims of domestic violence, terminally ill, persons with head injuries and adult family care homes for elderly persons and physically disabled adults as provided for in N.J.S.A. 40:55D-66.1 et. seq.

- f. Family Day Care homes as provided in N.J.S.A. 40:55D-66.5b et. seq.

13-8.3 Permitted Accessory Uses.

The following **accessory uses** shall be permitted:

- a. **Garage, private.**
- b. Swimming pool, tennis courts, and similar **family recreational facilities.**
- c. The housing of **large animals** provided that:
 1. One (1) **large animal** shall be permitted on the one and one-half (1 1/2) acres encompassing the **principal structure.**
 2. One-half (1/2) acre additional shall be required for each additional **large animal.**

3. **Large animals** shall be sheltered in a **structure** located at least fifty (50) feet from the **principle structure** and fifty (50) feet from any **lot line**.

4. An adequate supply of feed and non-stagnant drinking water shall be maintained.

5. Proper disposition shall be made of animal waste, garbage, refuse or vegetable matter in such manner as to prevent unhealthy or unsanitary conditions.

6. This shall not include the keeping of **domestic animals** for boarding, training, sale and resale, where such activities are not in connection with the pursuit of **agricultural uses** and are themselves the **principle use**.

d. **Home occupations**

e. All **buildings, structures, motor vehicles and large animals** incident to **agricultural uses**, including **roadside stands**. **Roadside stands** shall require approval by the Lafayette Construction Code Official as to traffic safety.

13-8.4 Building Height.

No **principal building** or **principal structure** shall be erected or enlarged to exceed thirty-five (35) feet in height except as provided in subsection 13-6.8 or 13-6.16 of this chapter.

13-8.5 Lot Area and Density Requirements.

a. Provided there is sufficient **unconstrained land** in accordance with paragraph d. of this section, the minimum **lot area** requirements for **conventional development** shall be as follows:

Conventional Development

<i>Zone</i>	<i>Minimum Lot Area</i>
R-5.0	5.0 acres
R-4.0	4.0 acres
R-2.5	2.5 acres

b. **Lot Averaging Development**. Provided there is sufficient **unconstrained land** in accordance with paragraph d. of this subsection, the Land Use Board may approve a **development** employing the use of **lot averaging** provided the following requirements are met:

Lot Averaging Development

<i>Zone</i>	<i>Minimum Lot Area</i>	<i>Minimum Average Lot Area</i>
R-5.0	3.0 acres	5.0 acres
R-4.0	2.0 acres	4.0 acres
R-2.5	1.5 acres	2.5 acres

Where an **applicant** elects to utilize the technique of **lot averaging**, the following requirements shall apply:

1. The **land** being developed shall have a minimum **lot area** of fifty (50) acres.

2. The arithmetic average **lot area** of all the lots created by the **development** plus any **open space** created under subsection 13-8.5 b. shall not be less than the required minimum average **lot area** in the above table.

3. In no case shall a **lot** be created for **development** which has less than the required minimum **lot area** in the above table.

4. No more than forty (40) percent of the **lots** created shall be less than the required minimum average **lot area** in the above table.

5. No **lot** created as a result of utilizing the technique of **lot averaging** shall be further subdivided and the deed for such lot shall contain a restriction against its further **subdivision** for the purposes of creating any additional **lots**.

6. **Final approval** shall not be given for more **lots** than would be permitted by the requirements of the chapter in a **conventional lot** application. A **density plan** showing those attainable **conforming lots** without **lot averaging** shall be submitted with the **lot averaging application**.

7. The approval of a **lot averaging application** is discretionary with the Land Use Board and must be predicated upon the uniqueness and the topographic characteristics of the **land** and the ability of the proposed **development** to ensure the preservation of **open space**.

c. **Cluster Subdivision**. Provided there is sufficient **unconstrained land** in accordance with paragraph d. of this subsection, the Land Use Board may approve a **cluster subdivision** provided the following requirements are met:

Cluster Subdivision

<i>Zone</i>	<i>Minimum Lot Area</i>	<i>Maximum Density</i>
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R-5.0	3.0 acres	1 Dwelling, Single-Family Detached /5.0 acres
R-4.0	2.0 acres	1 Dwelling, Single-Family Detached /4.0 acres
R-2.5	1.5 acres	1 Dwelling, Single-Family Detached /2.5 acres

Where an **applicant** elects to use the **development** technique of **cluster subdivision**, the following requirements shall apply:

1. The **land** being **developed** shall have a minimum **lot area** of one hundred (100) acres.
2. The total number of **lots** created for **single-family detached dwelling development** shall not exceed the required maximum **density** in the above table.
3. In no case shall a **lot** be created for **development** which has less than the required minimum **lot area** in the above table.
4. The **cluster subdivision** shall produce at least one (1) **open space** with a minimum area of ten (10) acres and with a shape and location acceptable to the Land Use Board.
5. The **cluster subdivision** shall comply with all of the requirements of Section 13-16.
6. **Final approval** shall not be given for more **lots** than would be permitted by the requirements of this chapter in a **conventional development**. A **density** plan showing those attainable **conforming lots** without **cluster subdivision** shall be submitted with the **cluster subdivision application**.
7. The approval of a **cluster subdivision** is discretionary with the Land Use Board and must be predicated upon the uniqueness and topographic characteristics of the **land** and the ability of the proposed **development** to ensure the preservation of **open space**.

d. **Unconstrained Lands.** On any **lot** proposed for **development** there shall be a minimum three quarter (.75) acre of **contiguous unconstrained land** which has a shape and characteristics that can reasonably accommodate **principal** and **accessory structures, domestic well, and septic system**. No surface or stormwater management facility shall be included within the minimum **contiguous unconstrained land**.

13-8.6 Yard and Dimensional Requirements.

a. **Single-family detached dwelling unit conventional development** shall comply with the following **yard** and dimensional requirements for **principal** and **accessory structures and buildings**:

Single-Family Detached Dwelling Conventional Development Zone Classification

<i>Requirement</i>	<i>R-5.0</i>	<i>R-4.0</i>	<i>R-2.5</i>
Minimum lot width	250 ft.	200 ft.	150 ft.
Minimum lot frontage	300 ft.*	250 ft.*	200 ft.*
Minimum lot depth	300 ft.	250 ft.	200 ft.
Minimum front yard	75 ft.**	75 ft.**	50 ft.
Minimum side yard	60 ft.	50 ft.	40 ft.
Minimum rear yard	125 ft.	125 ft.	100 ft.
Maximum lot coverage	10%	12%	20%
Maximum permitted disturbed land area	35,000 sf.	30,000 sf.	25,000 sf.

*The minimum required **lot frontage** may be reduced by fifty (50) percent where a lot fronts on a cul-de-sac turnaround.

On existing streets, the minimum required **front yard may be reduced to the average of the **front yards** of the **principal structures** on the same side of the street as the subject **lot** by calculating the **front yard** of the **principal structures** on **lots** on both sides of the subject **lot** and within four hundred (400) feet of the subject **lot**, but in no case shall the minimum required **front yard** be reduced to less than fifty (50) feet.

b. **Single-family detached development** which utilizes **lot averaging** or **cluster subdivision** techniques shall comply with the following **yard** and dimensional requirements for **principal** and **accessory structures and buildings**:

Lot Averaging or Cluster Subdivision

Development Zone Classification

<i>Requirement</i>	<i>R-5.0</i>	<i>R-4.0</i>	<i>R-2.5</i>
Minimum lot width	250 ft.	200 ft.	150 ft.

Minimum lot frontage	300 ft.*	250 ft.*	200 ft.*
Minimum front yard	75 ft.**	75 ft.**	50 ft.
Minimum side yard	50 ft.	40 ft.	30 ft.
Minimum rear yard	100 ft.	100 ft.	75 ft.
Maximum lot coverage	15%	18%	25%
M a x i m u m permitted	35,000 sf.	30,000 sf.	25,000 sf.
disturbed land area			
Minimum lot depth	300 ft.	250 ft.	200 ft.

*The minimum required **lot frontage** may be reduced by fifty (50) percent where a lot fronts on a cul-de-sac turnaround.

The minimum required **front yard may be reduced to the average of the **front yards** of the **principal structure** on the same side of the street as the subject lot by calculating the **front yard** of the **principal structures** on lots on both sides and within four hundred (400) feet of the subject **lot**, but in no case shall the **front yard** be reduced to less than fifty (50) feet.

c. **Accessory structures and buildings** shall not be located in the required **front yard** and shall comply with the **side and rear yard** for **principal structures**.

d. All **development** other than single-family **development** shall comply with the minimum **yards** and dimensions in the above table. Such **development** shall have a minimum lot size of 5.0 acres in the R-5.0, R-4.0 and R-2.5 zones where it can be demonstrated that 5.0 acres are sufficient to accommodate the potable water and septic system needs of the **use**. Larger lot sizes may be required for certain uses in order to assure that the carrying capacity of the **lot** complies with the standards established in the Lafayette Township Master Plan and Wastewater Management Plan.

13-8.7 Parking Area.

The following requirements shall apply:

a. A minimum of two (2) **parking spaces** for each **dwelling unit**, which may include spaces within a **private garage**.

b. The maximum parking of one (1) **commercial vehicle** provided the vehicle does not exceed a rated capacity of one (1) ton.

c. **Recreational vehicles** that have sleeping facilities may be parked or stored only. They may not be occupied at any time.

13-8.8 Signs.

Refer to Section 13-17.

13-8A AH-1 AFFORDABLE HOUSING ZONE.

13-8A.1 Purpose.

The purpose of the **Affordable Housing (AH-1) Zone** is to provide a realistic opportunity for the construction of **affordable housing** as part of a comprehensively planned housing development, in conformance with the township's approved Housing Element and Fair Share Plan and the regulations of this chapter governing **affordable housing**.

13-8A.2 Permitted Principal Uses.

In the AH-1 Zone there shall be permitted:

a. **Single-family detached dwelling units, duplex, triplex, efficiency or apartment** in accordance with paragraphs a. 1 through 4. below and the **development** standards enumerated in subsection 13-8A.4 of this section.

1. **Special needs housing**.

2. **Dwelling units** may be age restricted in accordance with the Fair Housing Act, 42 USC 3601 et seq. and the Rules and Regulations promulgated by the New Jersey Council on Affordable Housing (COAH) as the Rules and Regulations may be amended from time to time.

3. The **dwelling units** shall be constructed as **low or moderate income housing** and for individuals with **special needs**, which units shall be governed by deed restrictions insuring long term affordability controls in accordance with the Rules and Regulations promulgated by the New Jersey Council on Affordable Housing (COAH) as the Rules and Regulations may be amended from time to time. Each **affordable housing** unit shall be deed-restricted using COAH approved deed restrictions in accordance with N.J.A.C. 5:93-9.2 et seq.

4. The **development**, phasing and marketing of the **dwelling units** constructed for **low and moderate income** households shall be undertaken in accordance with the Rules and Regulations promulgated by the New Jersey Council

on Affordable Housing (COAH) as the Rules and Regulations may be amended from time to time.

b. **Public facilities.**

c. **Essential services** subject to the requirements of section 13-14b.3.

13-8A.3 Permitted Accessory Uses.

The **accessory uses** as provided in subsection 13-8.3, entitled, Permitted **Accessory Uses** of this chapter with the caveat that all **accessory structures** shall be designed to serve or be developed in relation to the **affordable housing development** and shall be subject to **site plan** approval.

13-8A.4 Development Standards.

<i>Type</i>	<i>Requirement</i>
a. Minimum lot area	2 acres
b. Minimum lot frontage	150 feet
c. Minimum setback lines (Principal structure)	
From front lot line	50 feet
From side or rear lot lines	25 feet
d. Minimum setback lines (Accessory structures)	
From front lot line	50 feet
From side or rear lot lines	25 feet
e. Maximum principle building height	35 feet
f. Parking area	See N.J.A.C. 5:21-1.1 et seq. (Statewide Residential Improvement Standards) for total number of spaces to be provided with the exception that there may not be a parking requirement for all or some of the special needs housing which, if so, shall be considered a de minimis exception to the RSIS Standards.
g. On-site rights-of-way (ROW) and roadway widths	See N.J.A.C. 5:21-1.1 et seq.
h. Maximum density	Six dwelling units per acre
i. Maximum impervious surface coverage	40%
j. Setbacks between buildings	Setbacks to interior streets and parking areas . In reviewing a site plan for any development in the AH-1 Zone, the Land Use Board shall have authority to review and approve all setbacks between buildings and between buildings and interior streets, parking areas and other structures in order to ensure the preservation of adequate light, air and open space .
k. Homeowners' Association	If a homeowners' association is formed, it shall be approved by the Township Committee after review by the Land Use Board.
l. Architectural Design Considerations. To the maximum extent feasible, the design of buildings and other improvements to the zone shall incorporate the rural, historic, and environmental priorities of Lafayette Township. These include:	
1. Preservation of the site's rural character through adaptive reuse of the existing barns, including the silo, and the design of any new buildings to reflect the rural and historic characteristics of Lafayette Township.	
2. Incorporation of common open space for passive/active recreation and community space.	
3. Incorporation of landscaping, building materials and design to minimize nuisances to adjoining properties and sky glow .	
4. Incorporation of "green" technologies that promote energy conservation and the use of environmentally-friendly building materials.	

Section 1. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such provision(s) shall be deemed severable; and the remaining portions of this Ordinance shall remain in full force and effect.

Section 2. All ordinances or parts of ordinance or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 5. This ordinance shall take effect after publication and passage according to law.

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

Ridgeline Ordinance - Mayor Bruning opened the public hearing for the following ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE

Mr. Kevin O'Leary, Land Use Board Chairman, reviewed the background of the ordinance.

With there being no further public comments, Mayor Bruning closed this portion of the meeting.

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

Resolution Opposing Senate Bill S-458 (Consolidation of Tax Services) - Motion by D'Angeli, seconded by Corcoran, to adopt the following resolution:

RESOLUTION IN OPPOSITION OF SENATE BILL S-458

WHEREAS, Senate Bill S-458, if signed into law, would remove the municipality's responsibility for assessing real property within the corporate bounds; and

WHEREAS, Senate Bill S-458, if signed into law, would remove the municipality's responsibility for collecting property taxes within the corporate bounds; and

WHEREAS, some municipalities within the county will inherit additional costs shifted to them from other municipalities within the same county particularly when costs pertain to the defense of tax appeals; and

WHEREAS, if signed into law, the bill will deprive the municipalities of efficient and diligent control of property taxes and expenditures, which, as has been proven time and again, is best left to municipal government officials; and

WHEREAS, a municipality is a corporate body organized to provide local government services designed to most effectively and efficiently serve the residents of that jurisdiction; and

WHEREAS, there exists no empirical data or factual studies showing a transfer of the assessing and collection functions to a county authority will in any way reduce the taxes for the municipality or the county; and

WHEREAS, a basic tenet of American political philosophy is that local governments have the inherent right to exercise authority to provide local services to its constituents and adopt ordinances and regulations for the good of the general public; and

WHEREAS, in New Jersey, municipalities are dubbed creatures of the State with the State exercising its supremacy in granting both implied and express powers to local governments while at the same time reserving unto itself the indispensable right to legislate mandates to be implemented by counties and municipalities; and

WHEREAS, local taxpayers will be at a loss of service they are accustomed to that they would typically received from the tax assessment and tax collection offices; and

WHEREAS, other municipal departments and the business community will be at a loss of services they are accustomed to receiving from the assessor's and collector's offices.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that:

1. They hereby adopt the facts and determinations as set forth in the preamble of this resolution as if the same were more fully set forth herein at lengths.

2. They hereby memorialize their vigorous opposition to the pending legislation known as S-458 and the inherent additional costs and dilution of services associated with it.

3. The Municipal Clerk shall forward a copy of this resolution to Governor Christopher Christie; Senate President Stephen M. Sweeney, Assembly Speaker Sheila Oliver, Senator Stephen Oroho, Assemblywoman Alison McHose, Assemblyman Gary Chuisano, The Tax Collectors and Treasurers Association of New Jersey (TCTANJ), the New Jersey Association of County Tax Boards (NJACTB), the Association of Municipal Assessors of New Jersey (AMANJ), the NJ State League of Municipalities and Sussex County Municipalities.

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

New Business

Supporting Resolution to Eliminate 4% Cap on Local Tax Levy - Motion by D'Angeli, seconded by Hughes, to adopt the following resolution:

RESOLUTION URGING THE ELIMINATION OF THE FOUR (4%) PERCENT CAP ON LOCAL TAX LEVY

WHEREAS, as a result of the 2006 Legislature's Special Session on Property Tax, P.L. 2007, c. 62 implemented the Joint Committee's recommendations of establishing homestead credits to reduce property taxes, imposing a four (4%) percent cap on local tax levies and permits the Local Finance Board to define capital and non-bondable current expenses; and

WHEREAS, in the preamble of the law it states that the "...Joint Committee found that property tax levy caps have been shown to hold down rising property taxes, and therefore, the Legislature should develop a property tax levy cap that accomplishes this goal but does not lead to unintended, adverse consequences"; and

WHEREAS, in the face of its own budget problems, the state eliminated the availability of the homestead relief to all but seniors and the disabled, yet failed to adjust the levy cap, which continues to cause problems in local budgeting; and

WHEREAS, the four (4%) percent cap on local tax levies was touted as crucial to controlling government spending and would force governments to "live within their means and encourage public officials to elevate the public interest" has adversely impacted not only municipal budgets but the ability of local officials to make sound decisions that meet the needs of their town and the demands of the taxpayers; and

WHEREAS, the four (4%) percent tax levy cap has proven to be counterproductive to sound fiscal policies forcing municipalities to draw down fund balances and reserves during good economic times and increase taxes during bad economic times; and

WHEREAS, the tax levy cap has forced municipalities to postpone infrastructure maintenance, eliminate programs and services for the needy and defer statutory expenses; and

WHEREAS, the four (4%) percent cap does not take into consideration expenses outside the control of local officials such as tax appeals, utility and other energy costs, state mandates, library appropriations or arbitrator's decisions; and

WHEREAS, prior to the levy cap municipalities could reduce their debt, realize savings and use that savings to implement new programs without increasing taxes; with the levy cap municipalities must reduce their levy by the savings; and

WHEREAS, after several budget cycles municipalities have attempted to make short-term and long-term structural changes to their budget to bring down long term cost.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette in the county of Sussex, State of New Jersey does hereby urge the Legislature to eliminate the arbitrary four (4%) percent tax levy cap.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Christopher Christie, Senator Steve Oroho, Assemblywoman Alison McHose,

Assemblyman Gary Chuisano, the NJ State League of Municipalities and Sussex County Municipalities.

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

Audience

Mr. Bill Killpatrick, 15 Garrison Road, has concerns about the road construction on Garrison Road. He said he saw the Road Foreman taking measurements and asked for an explanation.

Committeeman D'Angeli explained the Township received a \$100,000 grant from the State to straighten out the dangerous curve on Garrison Road. Mr. Killpatrick does not feel there is a safety issue as there has only been one (1) accident in the ten (10) years he has owned the property. He is concerned a portion of his front lawn will be taken as the house is located very close to the road.

Committeeman D'Angeli explained the work to be done and said plans are forthcoming.

Committeeman Hughes explained the process the Township Committee goes through for projects. The straightening of the curve will make that portion of the road safer and should not increase the speed on the road.

Mayor Bruning said plans will be made available for review when they are received.

Mr. David Decker, Fire Department Chief, presented an application for Sara Dolinski as a member of the Fire Department. Motion by Corcoran, seconded by Sweeney, to approve Sara Dolinski as a full member of the Fire Department. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Mr. Joe Farischon, Fire Department member, is questioned about the Committee's comments about percentages for the Fire Department members. Mayor Bruning the Committee is concerned about who attends, or does not attend, calls and who has gear. He explained it is the responsibility of the Township Committee to have all information to make decisions about equipment and not burden the taxpayers.

Adjournment

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk