

April 6, 2010

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 6, 2010 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, Attorney Kurnos, Road Foreman Macko

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

Minutes

Motion by Sweeney, seconded by Corcoran, to accept and place on file the minutes of March 16, 2010 and February 17, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

At this time, Mayor Bruning amended to agenda to conduct the public hearing for the franchise renewal of Service Electric Cable TV, Inc.

SECTV, Inc. Mike Meliti, Esq. Sherri LoPreston, SECTV Rep.
Ron D'Argenio, Esq.

Mr. Meliti explained SECTV is before the Township Committee to hold a public hearing on their franchise renewal. He said they now offer a triple play of cable TV, phone and internet services. Mr. Meliti reviewed the application submitted and explained they are a non-exclusive franchise asking for a ten (10) year renewal.

Committeeman D'Angeli asked if the entire Township is covered by cable. Mr. Meliti said some areas in Lafayette are not covered due to the lack of homes. He explained a sample ordinance will be submitted to the Township for the Committee's and Attorney's review. If there is non-agreement between the Township and SECTV, the application would go to the Board of Public Utilities (BPU).

Attorney Kurnos asked about the payment of the advertising for this public hearing. Mr. Meliti said SECTV pays two (2%) percent of its yearly revenue to the Township, which would be used to cover the costs of the advertisement.

Mr. Ron Decker, EMS Captain, asked for access to cable for the EMS section of the Township garage. Mr. Meliti the Township garage has internet service for cost at \$17.00 per month.

Mr. D'Argenio explained that if SECTV brought service into an area and only picked up three (3) or four (4) subscribers, this would not be cost effective.

With there being no further comments, Mayor Bruning closed the public hearing.

The Clerk was asked to compile a list of services already received by the Road Department, EMS, Fire Department and Township School.

School Budget Presentations

Lafayette Township School

Keith Neuhs, Superintendent

Colleen Burlace, BOE President

Mr. Neuhs said the school lost \$212,084 in State aid; and he reviewed the proposed 2010-2011 school budget. The budget proposes an increase of \$0.18.

Mrs. Jean D'Anella, Meadows Road, asked about the cost of education per student and what type of account the surplus is.

Mr. Neuhs said education costs approximately \$13,616 per student. The surplus is held in an interest bearing account.

Mr. Bill Macko, Dennis Road, asked about putting the transportation out to bid. Mr. Neuhs said this was done approximately ten (10) years ago. Ms. Burlace said Sussex Tech's bid was approximately \$10,000-15,000 less than others. Mr. Macko suggested bidding as Sussex Tech may come in with a lower bid.

High Point Regional High School

John Hannum, Superintendent
Linda Alvarez, B.A.

Walter Stumpf, Lafayette Rep.

Ms. Alvarez said HPRHS has had a decrease of 16% in State aid; and she reviewed the budget. She explained they are reducing staff due to a drop in enrollment, the operating costs are 1.2% lower than last year and three (3) mortgages are being retired in June.

Committeeman Hughes asked what was reduced in the teachers' contract as the salaries and benefits have increased. Dr. Hannum said the contract was ratified in January with a 3.7% salary increase, which is below the County average.

Ms. Alvarez said the school does take advantage of professional development grants; but they do need to budget for some. She said this increased 6.6% in the budget.

Mr. Bill D'Anella, Meadows Road, asked why the tax rate is very high for Lafayette Township. Ms. Alvarez explained this is based on a formula of average assessment of homes.

Mr. D'Anella explained how households and businesses must operate in a down-turned economy and questioned the school's operations. Dr. Hannum explained the school's operations and said they can only have two (2%) of the operating budget in surplus.

Committee Reports

Tax Collector - For the Month Ending March 31, 2010

Duplicate Bills	\$6.00
Outside Liens	\$16,448.18
Printouts	\$6.00
Prior Year Taxes	\$31,557.08
Current Year Taxes	\$148,489.94
Interest	\$4,313.32
Total	\$200,820.52

Motion by Corcoran, seconded by D'Angeli, to accept the Tax Collector's report as submitted and adopt the following resolution:

Be it resolved to return to Katherine Maurer & William A. Winters, Esq., 199 Route 18 South, East Brunswick, NJ 08816, the amount of \$2,960.75 due to State Tax Appeal for 2009 on Block 10.01, Lot 8.

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

Animal Control Officer

Month of March 2010	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$896.00	\$4,818.00
Amount Paid to State of New Jersey	\$156.00	\$1,002.00
Licenses Sold	75	520
Kennel Licenses Sold	0	2
Dogs Picked Up	0	1
Cats Picked Up	1	1

Dogs Taken to Pound	0	1
Cats Taken to Pound	1	1
Dogs Redeemed	0	0
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	\$230.00	\$230.00
Lost Tags	0	0

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

Fire Department - Sweeney explained the well situation. It will cost approximately \$7,500.00 to drill a new well, which they are pursuing. Sweeney said the status report for the trucks will be submitted shortly.

Land Use Board - Corcoran reviewed the meeting of March 25 stating the Lafayette Asphalt application was approved. The Land Use Board is reviewing the current sign ordinance.

EMS - Corcoran reviewed the meeting of March 10.

Emergency Management - Hughes stated the next meeting is scheduled for April 28, 2010.

Affordable Housing

Advance Housing - Hughes reported construction is proceeding on the first ten (10) units. The funding application for the second ten (10) units has been submitted.

COAH - Hughes reported COAH is proceeding with the Task Force. A meeting is scheduled for April 21 for Nouvelle's motion to have Lafayette removed from COAH's jurisdiction. He reported a letter was sent to Laura Griffa, NJ DCA, requesting a delay.

Affordable Housing Engineer - Hughes reported CMX Engineering has closed all of its offices. He asked Attorney Kurnos to send a letter requesting Lafayette's files.

PAC - Hughes reported PAC supported Nouvelle's amendment to the Township's wastewater management plan. He noted the resolution failed to include Lafayette's information and concerns. Hughes asked the Clerk to send a letter to PAC, copying the Freeholders, requesting the resolution be amended to include Lafayette's information.

Streets and Roads - D'Angeli reviewed the Road Foreman's report noting the street sweeping will take place between April 19-26, 2010.

Road Foreman Macko explained the drainage work needed to be done on Monroe Road and private property due to last week's storm.

Mayor Bruning asked Mr. Macko to have the Road Department clean the windows.

Correspondence

1. Resolution Opposing Senate Bill S-458
From Fredon, Green, Pittsgrove, Sandyston & Stillwater Townships
2. Stillwater Township Resolutions:
Opposing Time of Decision Rule
Supporting Senate Bill S-1
3. Wantage Township Ordinance Regulating Outdoor Furnaces and Boilers.

Vouchers

Kathie Reimels	\$1,344.49
Katherine Maurer & William A. Winters	\$2,960.75

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

\$20,000 Emergency Appropriation - Mayor Bruning opened the public hearing on the following ordinance:

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S. 40A:5-53 FOR THE ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION OF A MASTER PLAN OR PLANS WHEN REQUIRED IN ORDER TO CONFORM TO THE PLANNING LAWS OF THE STATE

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

Motion by Corcoran, seconded by D'Angeli, to adopt the \$20,000 Emergency Appropriation ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

New Business

Temporary Budget Resolution - Motion by D'Angeli, seconded by Corcoran, 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 2010 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the total appropriation in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,906,532; and

WHEREAS, 1/12th of the total appropriations in the 2009 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance in said budget is the sum of \$158,878.

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, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Annual Audit Certification Resolution - Motion by D'Angeli, seconded by Hughes, to adopt the following resolution:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Personnel Policies and Procedures Manual Resolution - Tabled to the next meeting on April 21, 2010.

2011 Reassessment Resolution - Hughes reported three (3) quotes were received for a reassessment in 2011. Motion by D'Angeli, seconded by Corcoran, to adopt the following resolution:

RESOLUTION SUPPORTING A TOWNWIDE REASSESSMENT FOR THE YEAR 2011

WHEREAS, it is the request of the Tax Assessor, and concurrence of Municipal Counsel and the Township Committee of the Township of Lafayette, that a reassessment be performed for the 2011 tax year; and,

WHEREAS, the Township of Lafayette was under an Order entered by the Director of the Division of Taxation to perform a town wide revaluation for the 2006 year; and,

WHEREAS, the real estate market was at its peak in 2004 and 2005 and values were based on sales from those years; and,

WHEREAS, the real estate market has been in an economic downturn since 2006 and the usable sales are limited; and,

WHEREAS, the CFO advises that there is sufficient funds to undertake a reassessment for 2011; and,

WHEREAS, a reassessment is necessary as a result of the revaluation being performed at the peak of the market.

NOW, THEREFORE, BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that the Township Committee of the Township of Lafayette support the Tax Assessor and Municipal Counsel of the Township of Lafayette in their request to the Sussex County Tax Board for a town wide reassessment for the year 2011.

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

Motion by Hughes, seconded by Corcoran, to hire Appraisal Systems, Inc. for \$30,300 to support the Tax Assessor and reassessment for 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Open Space Advisory Committee (OSAC) - Mr. Kevin O'Leary, OSAC Secretary, explained three (3) proposals were received for appraisals on the Lawler property. The property owner will be asked to share the cost of the appraisals; and the fees would be paid from the Open Space account. OSAC recommends hiring Joshua Mackoff and Norman Goldberg for \$2,000 and \$2,425, respectively. Mr. O'Leary said the original asking price was \$1.2 million.

Mr. O'Leary said the Yorkshire parcel is still being worked on.

Motion by Corcoran, seconded by D'Angeli, to hire Joshua Mackoff for \$2,000 and Norman Goldberg for \$2,425 for appraisals on the Lawler property. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Corrective Action Plan - The corrective action plan for the 2009 audit was received from the CFO.

2010 Municipal Budget - The Township Committee asked the Clerk to contact the auditor to attend the next meeting on April 21, 2010 to discuss the budget.

Municipal Liens - The Township Attorney will pursue this issue with the Tax Collector.

Audience

Mr. Bill Macko, Dennis Road, asked when the last revaluation was done. Committeeman Hughes said it was completed in 2005 and effective 2006.

Executive Session - Motion by Hughes, seconded by Corcoran, to adopt the following resolution:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey as follows:

A matter relating to ongoing litigation and personnel shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

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

Executive Session - Ongoing Litigation and Personnel

Motion by Corcoran, seconded by D'Angeli, to adjourn to the regular meeting. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Mayor Bruning stated ongoing litigation and personnel were discussed in Executive Session.

Adjournment

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk