

September 21, 2010

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, September 21, 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, CFO Magura, 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.

Executive Session - Motion by Corcoran, seconded by Hughes, 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 pending litigation 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 - Pending Litigation

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

Mayor Bruning stated pending litigation was discussed in Executive Session.

Minutes - Motion by Corcoran, seconded by Sweeney, to accept and place on file the minutes of September 7, 2010. Motion carried by roll call vote: Hughes-abstain, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Treasurer's Report

Cash Report for August 2010	
Cash Balances as of July 31, 2010	\$2,250,789.84
Cash Receipts for August 2010	\$1,410,914.19
Total	\$3,661,704.03
Cash Disbursements for August 2010	\$1,249,072.60
Cash Balances as of August 31, 2010	\$2,412,631.43
Account Balances as of August 31, 2010	
Current – Checking	\$1,425,956.03
Capital – Checking	\$370,476.38
Escrow – Checking	\$53,191.57
COAH-Developers Fees	\$124,934.04
Open Space Municipal Tax	\$278,212.15
Trust Accounts for Developer's Agreements	\$144,003.51
Special Rec. – Checking	\$5,953.23

Special Donations	\$7,544.48
Dog Trust Account	\$2,360.04
Total Account Balances	\$2,412,631.43

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

Committee Reports

Affordable Housing - COAH - Hughes reported the response to COAH must be completed in one (1) month and being worked on by David Banisch.

Land Use Board - Corcoran reported a concept for a solar farm was discussed at the last Land Use Board.

Board of Health - Corcoran reported the annual rabies clinic is scheduled for this Saturday, September 25, 2010 from 9:00am-12:00noon at the pavilion.

Fire Department - Sweeney reported the fire house well is totally contaminated with E. coli and coliform. A solution is being worked on.

Streets and Roads - D'Angeli reviewed the Road Foreman's report.

Road Foreman Macko asked that a letter be sent to the Sheriff's Department thanking the SWAP for their help in painting the new footbridge.

Recycling - Bruning reported Melissa Dietz is interested in the Recycling Coordinator position and willing to become certified. Motion by Bruning, seconded by D'Angeli, to appoint Melissa Dietz the Township's Recycling Coordinator for an annual salary of \$2,500. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Fire House Well - Bruning reported he has an appointment on Monday, September 27, 2010 with a well water manager.

Salt Shed Roof - Bruning reported he received three (3) proposals for a new roof on the salt shed. He suggested a metal roof as the materials would cost approximately \$2,000 and can be installed by the Road Department employees.

Motion by Bruning, seconded by Sweeney, to authorize the Road Department to install a metal roof on the salt shed. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

At this time, Mayor Bruning amended the agenda to discuss the Beaver Run Farms solar farm concept.

Beaver Run Farms

Kevin D. Kelly, Esq.	Tim Shotmeyer, Co-Owner
Charlie Shotmeyer, Co-Owner	Kevin Jones, Manager
Chuck Shotmeyer, Co-Owner	

Mr. Kelly reviewed the proposed solar facility which would encompass approximately 125 acres. The project would be done in phases with the first phase encompassing four (4) acres with two and a half (2 ½) acres of panels. He said they are asking the Township Committee for support. Mr. Kelly said this is a public utility but not permitted in the residential zone; and they only need to address the negative criteria.

Committeeman D'Angeli asked about benefits to the Township, i.e. host benefits. Mr. Kelly will pursue this issue. Mr. Charlie Shotmeyer said they would employ four (4) people, as well as the construction workers.

Mr. Kelly explained the timeframe for the submittal of information to the Land Use Board.

Correspondence

- a. From Pat Davies thanking EMS for recent response
- b. From Stephanie Pizzulo requesting use of meeting room for Girl Scouts
The Township Committee approved the use of the meeting room by the Girl Scouts.
- c. From 24th District Representatives re: Meeting with Lori Grifa, DCA Comm.

Vouchers

AIRGAS EAST	34.74
AQUATIC ANALYSTS, INC.	1,306.66
BEAVER RUN FARMS	1,269.40
CENTURY LINK	424.40
CENTURYLINK COMMUNICATIONS, INC.	48.31
CHAMBERS TRACTOR SALES, INC.	55.08
CHELBUS CLEANING CO., INC.	275.00
CINTAS CORP #111	286.65
CODED SYSTEMS LLC	3,859.00
CULLIGAN	37.50
D. LOVENBERG'S PORTABLE TOILET	210.00
FINCH FUEL OIL CO., INC.	2,315.91
FINELLI CONSULTING ENGINEERS, INC.	8,647.50
G & G DIESEL SERVICE INC.	110.86
GARDEN STATE PLUMBING AND HEATING	250.00
HAMBURG PLUMBING SUPPLY CO., INC.	225.89
HERMAN GOBLE	1,160.00
HIGH POINT REG HIGH SCHOOL	368,834.34
HOME DEPOT CREDIT SERVICES	26.94
JCP & L	2,248.55
JOHN JOSEPH INC.	2,200.00
LADDEY, CLARK & RYAN, LLP	4,155.00
LAFAYETTE AUTO PARTS	128.40
LAFAYETTE TWP BD OF ED	298,200.00
LENTINI REDI-MIX INC.	81.00
M.E.I.A. of NJ, Inc.	60.00
MARYPAUL LABORATORIES INC.	500.00
MONTAGUE TOOL & SUPPLY CO.	194.46
NJ STATE LEAGUE OF MUNICIPALITIES	185.00
NJ STATE TREASURER	50.00
NORMAN J. GOLDBERG, INC.	2,425.00
PETERSON & SON TREE SERVICE INC.	1,102.00
PITNEY BOWES INC.	48.00
POLOWY STONE & MASON	63.00
ROY E. KURNOS	84.00
S/NJ DEPT OF LABOR & WORKFORCE DEV	67.50
SERVICE ELECTRIC CABLE TV	34.00
SNOOKS EXCAVATING INC.	351.48
STAPLES BUSINESS ADVANTAGE	293.86
SUSSEX COUNTY BD OF ELECTIONS	237.69
SUSSEX CTY LEAGUE OF MUNICIPALITIES	20.00
THE NEW JERSEY HERALD	46.90
THE ROY COMPANY INC.	37.05
TIRE KING	1,300.00
TRI COUNTY REFRIGERATION	191.50
TROPICANA HOTEL	206.00
W. JIROUX	1,250.00
WELDON QUARRY CO., LLC	270.97
BEAVER RUN FARMS	1,379.77
BRUNING CONSTRUCTION	235.09
FINELLI CONSULTING ENGINEERS, INC.	4,732.50
KUIKEN BROTHER CO., INC.	66.01
LENTINI REDI-MIX INC.	251.50
LIMECREST QUARRY DEVELOPERS LLC	2,068.76
MES- DEPOSITORY ACCOUNT	2,259.00
R.S. PHILLIPS STEEL LLC	17,500.00
VISION SUPPLY INC.	88.65
FINELLI CONSULTING ENGINEERS, INC.	2,601.25
LADDEY, CLARK & RYAN, LLP	855.00
BECKY JIROUX	13.91

LASER ONE	160.00
SPARTA LANES	181.50
NJ DEPT OF HEALTH & SENIOR SERVICES	3.60
TOWNSHIP OF WANTAGE	600.00

Motion by D'Angeli, seconded by Hughes, to pay the bills on the Bills List leaving off the budget requests for Lafayette Amateur Athletics and Lafayette Township Fire Department until copies of their budgets are received prior to the next meeting on October 5, 2010. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Old Business

Home Occupation Ordinance - Motion by Corcoran, seconded by D'Angeli, to introduce the following ordinance and schedule the public hearing for Tuesday, October 19, 2010:

AN ORDINANCE TO AMEND CHAPTER XIII OF THE TOWNSHIP OF LAFAYETTE CODE, BEING THE ZONING CHAPTER.

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Township of Lafayette Code, being the Zoning Chapter, shall be and is hereby amended as follows:

Section 1. §13-5 shall be and is hereby amended by deleting in its entirety the current definition of "home occupation" and adopting a new definition of "home occupation" to read as follows:

Home occupation shall mean any employment or occupation conducted within a dwelling which shall constitute either entirely or partly a source of income of a person living in such dwelling.

Section 2. §13-8.3(d) shall be and is hereby amended to read as follows:

d. **Home Occupations**, provided that:

1. Not more than one (1) person living outside of such dwelling is employed on the premises.
2. Not more than two (2) customers will visit the dwelling during a day.
3. Not more than twenty-five (25%) percent of the total floor area or five hundred (500) square feet of such dwelling, whichever is smaller, can be devoted to such employment or occupation.
4. There shall be no display of goods offered for sale in connection with such employment or occupation which is visible from the street or any adjoining lot, and there shall be no motor vehicle or equipment or other items used in connection with or upon which any service is performed in connection with such employment or occupation stored or kept in any location on the lot except in an enclosed building.
5. No equipment or process shall be used in such employment or occupation which creates noise, vibration, glare, fumes, odors, hazardous waste, electrical, radio or television interference or other condition detectable to the normal senses off the premises of which constitutes a nuisance. All noise created by the home occupation shall be in accordance with the provisions of the "Noise Ordinance" of the Lafayette Township Ordinances.
6. The residential character of the building or buildings shall not be changed.
7. The use does not increase the parking or yard requirements of the principal residential use.
8. No signs other than those permitted in Section 13-17 shall be allowed.

Section 3. §13-8.5(f) is deleted in its entirety and §13-8.5(e) shall be and is hereby amended to read as follows:

- (e) **Maximum Permitted Disturbed Land Area.** For conventional residential development, the **maximum permitted land disturbance area** for each lot shall be forty-five (45) percent of the **lot area**.

For residential developments utilizing lot averaging or clustering, the **maximum permitted land disturbance area** shall be fifty (50) percent of the **lot area**. However, land disturbed to create active recreation facilities

which are approved by the Planning Board in accordance with subsection 12-8.3c. of the Lafayette Land Use Ordinance concerning "Recreational Open Space Requirements for Residential Developments" shall be excluded from the calculation of the **maximum permitted land disturbance area**.

Section 4. 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 5. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 6. The Township Clerk is directed to give notice at least ten 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. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the 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 7. This Ordinance shall take effect after publication and passage according to law.

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

Firemen Appointments - Motion by Hughes, seconded by Corcoran, to approve Dustin P. Krysa and Brandon M. Kalaskey as full members of the Lafayette Township Fire Department. Motion carried by roll vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Dennis Road - Hughes reported a letter has been received from the Wreden's new attorney requesting until the end of this month to respond to the Township's request of the easements being signed by September 17, 2010. D'Angeli is concerned about the safety of the residents and emergency vehicles needing to pass on Dennis Road. Attorney Kurnos feels a judge would feel it unreasonable not to grant an extension.

Discussion ensued regarding the work only being done in the Township's right-of-way. Motion by Bruning, seconded by Hughes, to send a letter to the Township Engineer requesting a proposal to stabilize the road and prepare a plan for work in the right-of-way. If the Wreden's submit signed easements before work is done and money is spent, the Township will consider the previous plan. Motion carried by roll vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Road Foreman asked about removing the blocks from the Wreden's property. Bruning said this will be done when the project starts.

New Business

Health Insurance - Motion by Corcoran, seconded by D'Angeli, to adopt the following resolution canceling participation in the State Health Benefits Program effective January 1, 2011:

A RESOLUTION TO TERMINATE PARTICIPATION UNDER THE STATES HEALTH BENEFITS PROGRAM AND SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM (INCLUDING PRESCRIPTION DRUG PLAN AND/OR DENTAL PLAN COVERAGE)

BE IT RESOLVED by the Township Committee of the Township of Lafayette:

1. The Township of Lafayette, Sussex County, New Jersey, hereby resolves to terminate its participation in the program (Medical Plan, Prescription Drug Plan, and/or Dental Plan coverage) thereby canceling coverage provided by the State Health Benefits Program and/or School Employees' Health Benefits Program (N.J.S.A. 52:14-17.25 et seq.) for all of its active and retired employees.

2. We shall notify all active employees of the date of their termination of coverage under the program.

3. We understand that the Division of Pensions and Benefits will notify retired employees of the cancellation of their coverage.

4. We understand that all COBRA participants will be notified by the Division of Pensions and Benefits and advised to contact our office concerning a possible alternative health, prescription drug and dental insurance plan.

5. We understand that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission or School Employees' Health Benefits Commission.

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

Motion by Corcoran, seconded by D'Angeli, to enroll in Horizon BCBS Advantage health program for all eligible employees effective January 1, 2011. Motion carried by roll vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Sweeney-yes, Bruning-yes.

Audience

Mr. Ron Decker, EMS Captain, said the squad has been very busy and working very hard.

Adjournment

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

Respectfully submitted,

ANNAROSE FEDISH, RMC
Municipal Clerk