

April 5, 2011

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 5, 2011 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

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

Mayor Sweeney 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 D'Angeli, to accept and place on file the minutes of March 15, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

2011 Municipal Budget - Heidi Wohlleb, Auditor

The 2011 Municipal Budget was reviewed. Ms. Wohlleb said this budget represents a 1.7 cents increase.

Motion by Corcoran, seconded by Hughes, to introduce the 2010 Municipal Budget and set the public hearing for May 5, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Lafayette Township 2011-2012 Budget Presentation

Anne Hessler, Board Administrator Robert McCann, Interim Superintendent
Andrew Frye, BOE President

Mrs. Hessler reviewed the proposed 2011-2012 budget and said it represents a 6.7 cents increase.

High Point Regional High School 2011-2012 Budget Presentation

Joseph Hoffmann, BOE Financial Committee Chair
Linda Alvarez, Board Administrator John Hannum, Superintendent
Walter Stumpf, Lafayette Representative/BOE President

Mr. Hoffman reviewed the proposed 2011-2012 budget and said it represents an 8.34 cents increase.

Reports

Tax Collector - For March 2011

Tax Map Fee	\$50.00
Prior Year Taxes	\$9,106.84
Current Year Taxes	\$98,504.89
Interest	\$2,522.12
Total	\$110,183.85

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

Animal Control Officer

Month of March 2011	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$1,376.00	\$6,022.00
Amount Paid to State of New Jersey	\$184.20	\$899.40
Licenses Sold	91	487
Kennel Licenses Sold	0	2
Dogs Picked Up	0	1

Cats Picked Up	1	2
Dogs Taken to Pound	0	1
Cats Taken to Pound	1	2
Dogs Redeemed	0	1
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	\$300.00	\$300.00
Lost Tags	0	0

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

Committee Reports

Streets and Roads - D'Angeli reviewed the Road Foreman's report and noted that Frank LoPorto gave two (2) weeks notice on April 1, 2011. His last day of employment will be Friday, April 15, 2011. Motion by D'Angeli, seconded by Bruning, to accept the resignation of Frank LoPorto whose last day of employment will be Friday, April 15, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Discussion ensued regarding the hiring of a replacement. Committeeman Bruning and D'Angeli will meet with Road Foreman Macko to discuss projects and work schedules to determine if a replacement is needed.

Affordable Housing

COAH - Hughes reported legal action is proceeding within COAH.

Advance Housing - Hughes reported a ribbon cutting is scheduled for Friday, April 29, 2011 at 10:00am. for the first ten (10) units. The funding for the second ten (10) is progressing. They should receive an answer within two (2) months.

Fire Department - Sweeney reviewed the report noting there were seven (7) calls in March. A fundraising fishing contest will be held on Saturday, April 9, 2011. Sweeney reported the Fire Department cannot hold fundraisers in the hall because of the water situation. Bruning reported the application has been submitted to the NJDEP; and he will contact the engineer for an update.

Correspondence

1. Michael Mihalic, NJDOT to Craig Ostertag re: Parking Space Markings on Route 15
The Clerk was asked to send a letter to Mr. Ostertag requesting more information be submitted to the Committee for their review.
2. Barbara H. Davis, TLC of NJ re: Land Preservation Specialist
3. Luis Rodriguez, FEMA re: Flood Insurance Rate Map
4. SC Freeholders Resolutions
 - a. Urging Bill to Amend the Open Public Records Act
 - b. Establishment of Interim Policy & Application Form
5. Hampton Township Resolution Opposing COAH Reform Bill S1/A3477
6. Andover Township Ordinance Amending "Zoning"

Old Business

Exceed Cap Ordinance - Mayor Sweeney opened the public hearing for the following ordinance:

CALENDAR YEAR 2011 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

With there being comments, Mayor Sweeney closed the public hearing.

Motion by D'Angeli, seconded by Bruning, to adopt the ordinance to exceed the cap. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Dennis Road - Bruning asked if the project would have to go out for bid if the Township did the work. He said the Township should hear about the discretionary funding application by the end of the month. Attorney Kurnos will review this issue.

9-1-1 Dispatch Services - Hughes reported Sparta Township is to be submitting a proposal; and the County is evaluating a central system.

Fire Department Furnace - Hughes reported three (3) estimates have been received on a heating system (furnace) for the fire house. These will be reviewed.

New Business

Renewable Energy Ordinance - Motion by Bruning, seconded by D'Angeli, to introduce the following ordinance and set the public hearing date of May 3, 2011:

AN ORDINANCE TO AMEND CHAPTER XIII OF THE TOWNSHIP OF LAFAYETTE CODE, BEING THE ZONING CHAPTER, TO PROVIDE A NEW SECTION REGARDING RENEWABLE ENERGY SYSTEMS

WHEREAS, the Governing Body of the Township of Lafayette has determined that renewable energy systems are an abundant, renewable, and nonpolluting energy resource; converting wind and solar rays to electricity will reduce dependence on nonrenewable energy resources, and decrease air and water pollution that results from the use of conventional energy sources; distributed renewable energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio; and renewable energy systems make the electricity supply market more competitive by promoting customer choice; and

WHEREAS, New Jersey's Renewable Portfolio Standards require each supplier/provider, as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, increasing to 22.5 percent by 2021; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-2 (n) provides that a purpose of zoning is utilization of renewable energy resources; and

WHEREAS, The Township finds that it is appropriate to standardize the requirements for renewable energy systems, so that they can be utilized in a cost-effective and appropriate manner in the Township.

NOW, THEREFORE, 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 "Definitions" shall be and is hereby amended to include the following new definitions:

Renewable Energy System shall mean a system that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity consistent with applicable provisions of the State Uniform Construction Code Act, N.J.S.A. 52:27D-119, *et seq.* and technical bulletins issued pursuant to N.J.S.A. 40:55D-66.13, and which will be used primarily for onsite consumption.

Solar Energy shall mean radiant energy (direct, diffuse, and reflected) received from the sun.

Solar Energy System shall mean any system or device which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels or collectors. It shall include panels, generators and all associated equipment, including any base, foundation, structural support, wire(s), batteries or other components necessary to fully utilize the solar energy.

Solar Panel shall mean one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy, heat water, or produce hot air or perform any other similar function by way of a solar energy system.

Solar Panel Array shall mean a combination of solar panels, including those which are ground and/or roof mounted.

System Height shall mean the height above grade of the renewable energy system.

Section 2. A new section §13-6.17 shall be and is hereby adopted as follows:

13-6.17- Renewable Energy System.

A. **Purpose.** The primary purpose of a **renewable energy system** shall be to provide power for the **principal use** of the property whereon said system is to be located

and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a **renewable energy system** designed to meet the energy needs of the **principal use**. For the purposes of this ordinance, the sale of excess power shall be limited, so that in no event is a renewable energy system generating more energy for sale than what is otherwise necessary to power the **principal use** on the property.

- B. **Applicability.** **Small wind energy** and **solar energy systems** shall be permitted as an accessory use on the same lot as the **principal use** in all districts, subject to the requirements of this section. **Renewable energy systems** shall be a permitted use on any lots comprising twenty (20) or more contiguous acres owned by the same person or entity within the LI Light Industry and EI Extractive Industry Districts. This ordinance shall not apply to roof-mounted solar energy systems which systems and equipment extend twelve (12) inches or less beyond the roofline or highest point of the roof structure on which the system is located. This ordinance shall also not apply to ground-mounted solar energy systems that consist of ten (10) or less panels, and are situated more than fifty (50) feet from the nearest property boundary line.

All **renewable energy systems** require approval from the zoning officer and the construction official prior to installation. Applications for **small wind energy** and **solar energy systems** shall include information demonstrating compliance with the provisions of this section. In the event that the zoning officer or construction official does not believe the provisions of this section are satisfied, an applicant may request and/or file a variance application with the Township Land Use Board.

1. **Small wind energy** and **solar energy systems** accessory to a permitted **principal use** shall be allowed in any zoning district and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s). This section applies to **small wind energy** and **solar energy systems** to be installed and constructed for both residential and commercial use.
 2. **Renewable energy systems** that are the **principal use** of a **lot** are governed by other sections of the Lafayette Township Zoning Ordinance, in accordance with the applicable zoning district regulations.
- C. **Design and Installation.** **Renewable energy systems** shall comply with the accessory structure restrictions contained in the zoning district where the system is located, unless otherwise set forth below:
1. The systems shall conform to all current industry standards, including the National Electric Code as adopted by the NJ Department of Community Affairs.
 2. All exterior electrical, utility and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit. All electrical, utility and/or plumbing lines leading down the side of a structure from rooftop installations shall be installed and maintained as aesthetically as possible.
 3. **Renewable energy systems** that connect to the electric utility shall comply with the applicable interconnection standards for Class I Renewable Energy Systems, as may be amended.
 4. The systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a **lot line**.
 5. The design of **renewable energy systems** shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the system into the natural setting and existing environment.
 6. The installation of a **wind or solar energy system** shall conform to the extent applicable to the Uniform Construction Code, as amended, and is subject to all local utility company requirements for interconnection.
- D. **Setbacks and Height Restrictions**
1. A **renewable energy system** must comply with all setback and height requirements for the zoning district where the system is to be installed, unless otherwise set forth in §13-6.17.
 2. When a building or cabinet is necessary for storage cells or related mechanical equipment, it must be documented as to the necessity. The building may not

exceed 120 square feet in area nor fifteen (15) feet in height and must be located at least the number of feet equal to the accessory building setback requirements of the Zoning District from any **lot line**. Any mechanical equipment associated with and necessary for operation, including any building or cabinet for batteries and storage cells, shall be equipped with a functioning lock and posted with a small sign notifying the existence of **renewable energy system** equipment on the outside of the building or cabinet, in order to notify emergency personnel.

E. Abandonment

A **renewable energy system** that is out of service for a continuous 12-month period shall be deemed abandoned. The municipal zoning officer may issue a notice of abandonment to the owner of an abandoned **renewable energy system**. The owner shall have the right to respond to the notice of abandonment within 30 days from the receipt date. The municipal zoning officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides the municipal zoning officer with information demonstrating the **renewable energy system** has not been abandoned. If the **renewable energy system** is determined to be abandoned, the owner of the **renewable energy system** shall remove the system at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the **renewable energy system**, the Township may pursue a legal action to have the system removed at the owner's expense.

F. Solar Energy Systems

Solar energy systems shall not be permitted in a front yard, and shall be located so that any glare is directed away from an adjoining property. **Solar panels** shall not add, contribute to or be calculated to cause an increase in **impervious surface coverage or ratio** of any lot.

1. Rooftop **Solar Panels**

Solar panels shall be permitted as a rooftop installation in any zoning district. The **solar panels** shall not exceed a height of twelve (12) inches above the highest point of the roof structure. In no event shall the placement of **solar panels** result in a total height, including building and panels, greater than one (1) foot in excess of what is permitted for the **principal structure** in the zoning district in which they are located. Panels installed in a rooftop configuration must be installed within the actual boundaries or edges of the roof area and cannot overhang any portion of the edge of roof. **Solar panels** installed in a rooftop configuration must be installed on the rear roof area unless the applicant makes a showing to the satisfaction of the Land Use Board that the rooftop configuration proposed cannot be installed on the rear roof area.

2. Ground-Mounted **Solar Panels**

Solar panels may be installed on a ground-mounted apparatus only on lots with a minimum lot size of three (3) acres. The principal building setback as required by the applicable zone shall be required between any ground-mounted **solar panel** and any **lot line**. Ground-mounted **solar panels** shall not exceed a **height** of fifteen (15) feet.

3. No additional rights.

Any approval of a **solar energy system** does not create any actual or inferred **solar energy system** easement against adjacent property and/or structures. The owner and/or property owner of a **solar energy system** shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the **solar energy system**. The approval of any **solar energy system** granted by the Township under this article shall not create any future liability or infer any vested rights to the owner and/or property owner of the **solar energy system** on the part of the Township or by any other officer or employee thereof for any future claims against said issuance of approval of the **solar energy system** that result from reliance on this article or any administrative decision lawfully made thereunder.

G. Small Wind Energy Systems.

1. Design Criteria.

- a. **Wind generators** shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower structure.
 - b. **Small wind energy systems** shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - c. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - d. The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground.
 - e. All moving parts of the **small wind energy system** shall be a minimum of ten (10) feet above ground level.
 - f. The blades on the **small wind energy system** shall be constructed of a corrosive resistant material.
 - g. All guy wires or any part of the wind energy system shall be located on the same lot as the energy system.
 - h. All equipment, sheds and tower bases shall be enclosed with a security chain link or wood fence of at least seven (7) feet in height, but no higher than eight (8) feet unless otherwise approved by the Zoning Officer. All fences shall include a functioning locking security gate.
 - i. The connection between the **small wind energy system** and the building, electrical grid or street shall be underground.
2. Bulk requirements:
- a. Minimum lot size ten (10) acres.
 - b. Minimum setbacks: All **wind generators** shall be setback from all setback lines a distance equal to 100% of the height of the structure plus 10 feet, including the blades.
 - c. **Wind generators** shall not be permitted in any front yards, unless application is made to and granted by the Land Use Board, based upon topographic conditions.
 - d. Maximum Height. Freestanding **wind generators** shall not exceed a height of 120 feet, plus blades but in no event higher than 145 feet. The maximum height shall include the height of the blades at its highest point. If a height variance is granted, any approved tower must be monopole construction.
 - e. No more than one **wind generator** shall be permitted on any parcel of property.
 - f. **Wind generators** shall not be allowed as rooftop installations.
 - g. **Wind generators** on properties shall have a nameplate capacity (maximum ability to generate energy) of 20 kilowatts or less. If a kilowatt variance is granted, then the approved tower must be of monopole construction.
 - h. Towers for the **wind generators** shall have footprints no larger than 13 feet x 13 feet in size.
 - i. The highest elevation of small wind energy systems shall be limited to 640 feet.
3. Noise. All **small wind energy systems** shall comply with the following:
- a. Between a residential use or zone, sound levels of the wind energy system shall not exceed a 55 dBA at a common property line and 50 dBA to the closest occupied structure.
 - b. In all other cases at a common property line sound levels of the wind energy system shall not exceed 65 dBA.
 - c. These levels may be exceeded during short-term events such as utility outages and/or severe windstorms, for a maximum of four (4) hours.
4. Site Location. It is important to preserve the scenic beauty of the Township's **ridgeline and hillside viewshed protection area**, with the

understanding that the ridgeline may be optimum site location. With that understanding, the location of the **wind generators** should take into consideration **ridgelines**, scenic vistas, the size of the generator proposed, the location of the residence on the property, nearby residences and other pertinent factors.

Section 3. 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 4. 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 5. 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 6. 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, Bruning-yes, Sweeney-yes.

Clothing Bin Ordinance - Motion by Bruning, seconded by D'Angeli, to introduce the following ordinance and set the public hearing date of April 19, 2011:

AN ORDINANCE TO AMEND CHAPTER III (POLICE REGULATIONS) OF THE TOWNSHIP OF LAFAYETTE CODE BY PROVIDING FOR THE REGULATION OF CHARITABLE DONATION CLOTHING BINS AS REQUIRED BY LAW

WHEREAS, Chapter 209 of the Laws of 2007 prohibits the placement or use of donation clothing bins for solicitation purposes unless the solicitor shall first have obtained a permit from the municipality in which the charitable clothing bin is located; and

WHEREAS, the Township of Lafayette is required to adopt an ordinance to place into effect the provisions of Chapter 209 of the Laws of 2007.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter III of the Township of Lafayette Code shall be and is hereby amended by the adoption of Section 3-11, entitled "Charitable Donation Clothing Bins"

SECTION 1. Section 3-11 of the Township of Lafayette Code, entitled "Charitable Donation Clothing Bins" is hereby adopted as follows:

3-11 **CHARITABLE DONATION CLOTHING BINS.**

3-11.1 Purpose

For the purposes of this section, "solicitation" or "solicit" means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind of value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

3-11.2 Permit Required

Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all of the following requirements are met:

A. The person has obtained a permit, valid for a specified period of time from the Township, in accordance with the following:

(1) In applying for such a permit, the person shall include:

(a) the location where the bin would be situated, as precisely as possible;

(b) the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed,

- and the method by which the proceeds of collected donations would be allocated or spent;
- (c) the name and telephone number of the bona fide office required pursuant to subsection (E) of this section, of any entity which may share or profit from any clothing or other donations collected via the bin; and
 - (d) written consent of the property owner to place the bin on his property.
- B. The Township shall not grant an application for a permit to place, use or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.
- C. An expiring permit for a donation clothing bin may be renewed upon application for renewal and payment of the fee imposed for such renewal. Such application shall include:
- (a) The location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;
 - (b) The manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and
 - (c) The name, and telephone number of the bona fide office required pursuant to subsection (E) of this section, of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal.
- D. The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to subsection (E) of this section.
- E. The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and
- (1) The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:
 - (a) The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
 - (b) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin;
 - (c) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and
 - (d) A statement, consistent with the information provided to the Township in the most recent permit or renewal application in paragraphs A and C of this section, indicating the manner in

which the person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

3-11.3 Fees

The fee for a charitable donation clothing bin permit shall be the sum of twenty-five (\$25.00) dollars. Each renewal of a charitable donation clothing bin permit shall be the sum of twenty-five (\$25.00) dollars.

3-11.4 Enforcement

The Township shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the Township that a person has engaged in, or is engaging in any act or practice in violation of Section 2 of P.L.2007, c.209 (C.40:48-2.60 et seq.) or this ordinance, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Township is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

In the event that the person who placed the bin does not rectify the violation or request, a hearing within 45 days of the posting of the warning, the Township may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the chief financial officer of the Township.

3-11.5 Penalties

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of P.L.2007, c.209 (C.40:48-2.60 et seq.) or this ordinance which results in seizure of the donation clothing bin shall be:

- A. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the municipal court or Superior Court as a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C:2A-58-10 et seq.), and any penalty monies collected shall be paid to the chief financial officer of the municipality; and
- B. Deemed ineligible to place, use or employ a donation clothing bin for solicitation purposes pursuant to Section 2 of P.L.2007, c.209 (C.40:48-2.61) and this ordinance. A person disqualified from placing, using or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (C.40:48-2.60 et seq.) and this ordinance may apply to the Township to have that person's eligibility restored. The Township may restore the eligibility of a person who:
 - (1) Acts within the public interest; and
 - (2) Demonstrates that he made a good faith effort to comply with the provisions of P.L.2007, c.209 (C.40:48-2.60 et seq.) this ordinance and all other applicable laws and regulations, or had not fraudulent intentions.

SECTION 2. 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 3. 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, Bruning-yes, Sweeney-yes.

Minor Site Plan Ordinance - Motion by D'Angeli, seconded by Bruning, to introduce the following ordinance and set the public hearing date of April 19, 2011:

AN ORDINANCE TO AMEND CHAPTER XII (LAND USE), CHAPTER XIII (ZONING) AND CHAPTER XIV (LAND USE PROCEDURES) OF THE TOWNSHIP OF LAFAYETTE CODE TO INCLUDE PROVISIONS REGARDING MINOR SITE PLANS AND FEE AND ESCROW REVISIONS

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XII (Land Use), Chapter III (Zoning) and Chapter XIV (Land Use Procedures) of the Township of Lafayette Code, shall be and are hereby amended as follows:

Section 1. A new section §12-5.6 “Submission of Minor Site Plan Plat” shall be and is hereby adopted as follows:

12-5.6 Submission of Minor Site Plan Plat

- a. Prior to the issuance of a permit for a minor site plan development, and as a condition for the issuance of any such permit for development, a site plan shall be submitted to the Land Use Board for its review and approval.
- b. Any approvals given pursuant to this subsection shall be conditioned upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- c. Any owner of land within the township who needs site plan review shall file with the Land Use Board Secretary fourteen (14) copies of the plat, application forms and other required information in accordance with the requirements of this chapter and the Land Use Procedures Chapter, Chapter XIV, of the township accompanied by the fees as specified in that chapter. Such submission shall be made at least twenty-one (21) days prior to any Land Use Board meeting at which time the application will be considered. If the applicant is not the record owner of the title to the property being reviewed, he shall file a written consent signed by the owner consenting to the making of the application and agreeing to be bound by the Land Use Board decision.
- d. If the Land Use Board finds that the application for development is incomplete, the developer shall be notified in writing of the application deficiencies within forty-five (45) days of submission of such application or the application shall be deemed complete.
- e. The developer shall file an application with the County Planning Board. The County Planning Board shall have thirty (30) days to review and respond. In the absence of a response within thirty (30) days, the County Planning Board shall be deemed to have approved the plat.
- f. Following approval and before construction begins, the developer shall pay the township for all projected inspection services by the Township Engineer at the rate of five (5%) percent of the total cost of improvements as estimated by the Township Engineer. If a dispute arises as to the reasonableness of the fees required, the Land Use Board shall fix the same after a hearing. Any unexpended portion of the inspection fees shall be returned to the developer. The developer shall pay to the township, from time to time, an escrow account for these inspection fees which exceed the five (5%) percent. No approvals shall be granted to any application where there is a deficiency in the escrow account.
- g. The applicant shall notify all persons entitled to notice of the hearing on the application in accordance with the provision of the Land Use Procedures Chapter of the Township and N.J.S.A. 40:55D-12. If the Land Use Board requires any substantial amendment to the application or to the improvements to be installed by the developer that have already been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development including the giving of notice in accordance with the provisions of N.J.S.A. 40:55D-12.
- h. Copies of the preliminary plat shall be forwarded by the Secretary of the Land Use Board prior to the hearing to the Land Use Board Engineer and such other municipal, county or State officials or consultants as directed by the Land Use Board.
- i. If the plat lies within two hundred (200) feet of another municipal boundary, a copy of the plat shall be sent to the adjoining municipality.
- j. Upon receipt of a completed application, the Land Use Board shall grant or deny approval within forty-five (45) days for a minor site plan. Such time can be extended upon written consent of the applicant. Failure of the Land Use Board to obtain an extension of time or to act within the above periods of time shall constitute an approval of the site plan.
- k. Approval of any application shall be conditioned on certification by the Sussex County Soil Conservation District of a plan for soil erosion and sediment control pursuant to the provisions of the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, et seq.

- l. If the Land Use Board acts favorably on a plat, the Chair and Secretary of the Land Use Board shall affix their signatures to the plat.
- m. Notice of the action taken by the Land Use Board shall be forwarded to the Township Clerk, to the applicant or his attorney, and to the official newspaper within ten (10) days of the decision.

Section 2. A new section §12-6.5 “Minor Site Plan Plat” shall be and is hereby adopted as follows:

12-6.5 Minor Site Plan Plat

The minor site plan plat shall be at a scale not less than one (1) inch equals one hundred (100) feet, prepared and certified to by a licensed surveyor and complying with all other requirements of the "Map Filing Law", N.J.S.A. 46:23-9.9 et seq., to enable the entire tract of which the minor site plan is a part to be shown on one (1) sheet, in one (1) of three (3) sizes, namely, fifteen (15) inches by twenty-one (21) inches, twenty-four (24) inches by thirty-six (36) inches or thirty (30) inches by forty-two (42) inches which shows or includes the following information:

- a. A key map showing the entire tract and its relation to the surrounding areas shall be not less than one inch equals two thousand (1" = 2,000') feet.
- b. The tax map sheet, block, and lot number, date reference, north arrow, graphic scale and the following names and addresses:
 1. Record owner or owners
 2. Developer
 3. Person who prepared the plat
- c. The names of all adjoining property owners within 200 feet in all directions from the subject property, as shown on the most recent Township tax records.
- d. Acreage of the entire tract to the nearest 0.01 acre, and to the nearest square foot. Lot areas shall be calculated exclusive of rights-of-way.
- e. Bearing of all property lines to the nearest second and distances of all property lines to the nearest 0.01 foot.
- f. The land use zone or zones as shown in the Township Zoning Ordinance and any other zones within two hundred (200) feet of the property.
- g. Any easements, rights-of-way, or other interests, existing, or proposed.
- h. Location of all existing structures and the distances of the structures from the existing property lines.
- i. Locations of all buildings, roads, road rights-of-way, drains, and drainage structures within two hundred (200) feet of portion to be developed.
- j. The location and dimensions on site and within two hundred (200) feet of the property lines of all drainage facilities, existing and proposed, including all pipes, inlets, manholes, outlets, connections, dry wells, detention basins and retention basins. Supporting calculations shall be included.
- k. Name of street and width of right-of-way on which the property fronts.
- l. The location on site and within two hundred (200) feet of the property lines of all streams, lakes, ponds, wooded areas and rock outcroppings.
- m. The locations of all areas having slopes of between fifteen (15) and twenty-four and nine-tenths (24.9) percent and all areas having slopes of twenty-five (25) percent or greater.
- n. The location and limits of the 100-year flood plain or New Jersey Flood Hazard Area Flood Limits (as defined by Title 58 of New Jersey Statutes and Chapter 7 of the New Jersey Administrative Code, as may be amended), of any river, stream, drainageway or ponding area within or adjacent to the portion to be developed and the supporting calculations thereof.

- o. The location and limits of the 100-year floodway limits or encroachment lines (as defined by Title 58 of New Jersey Statutes and Chapter 7 of the New Jersey Administrative Code, as may be amended) of any river or stream within or adjacent to the portion to be developed and the supporting calculations thereof.
- p. The locations of all freshwater wetlands and transition areas and supporting documentation including, if applicable, a copy of a "Letter of Interpretation" (LOI) from NJDEP including the "resource value" classification of the wetlands. Obtaining LOI's from NJDEP prior to submission of applications is recommended.
- q. Topographic data, if deemed necessary, in order to make an informed decision regarding the proposed development plan.
- r. Certification from the Tax Collector that all taxes are paid to date.
- s. Certification from the Municipal Clerk that all assessments are paid to date.
- t. Letter from Land Use Board Secretary indicating that initial escrow account deposits required for review services by the township's professional consultants have been made.

Section 3. §13-5 "Definitions" shall be and is hereby amended to include the following new definitions:

Major site plan shall mean any site plan not classified as a minor site plan.

Minor site plan shall mean a development plan of a single lot which does not involve any planned development or new street or extension of any off tract improvements, and is within the scope of development specifically permitted by this chapter as a minor site plan as follows:

- a. A change in use involving no building construction other than interior modification or interior structural alteration and no additional off street parking;
- b. Minor exterior structural changes to a non-residential building such as entry enclosures and other structural appurtenances including roof appurtenances;
- c. Alterations to the existing facade of existing non-residential buildings not involving expansions of the square footage of the existing buildings;
- d. Additions to existing non-residential structures between 500 and 2,000 square feet in size;
- e. Removal of vegetation or disturbance of soil in an area between 500 and 4,999 square feet; or
- f. Addition or alteration of parking facilities requiring the addition of between two (2) and five (5) more parking spaces.

Section 4. §14-2.12 Expiration of a Variance and Extension of Approvals shall be and is hereby revised to read as follows:

c. Any minor site plan and final site plan approval granted by the Land Use Board shall expire within two (2) years...

Section 5. §14-1.9(a) shall be and is hereby revised to read as follows:

a. *Certification of Completeness of Application.* If an application for development is found to be incomplete in accordance with the checklists that are made a part of this section as Schedules A through G, as applicable ...

Section 6. §14-1.9 Schedule A- Minor Subdivision Checklist of the Land Use Procedures Chapter shall be and is hereby revised to read as follows:

1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded				

	into 8 _ x 11 inches with the title block showing.				
48 Contiguous unconstrained land, per §138-8.5(d)				

Section 7. §14-1.9 Schedule B- Preliminary Major Subdivision Checklist of the Land Use Procedures Chapter shall be and is hereby revised to read as follows:

1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded into 8 _ x 11 inches with the title block showing.				
84 Contiguous unconstrained land, per §138-8.5(d)				

Section 8. §14-1.9 Schedule C- Final Major Subdivision Checklist of the Land Use Procedures Chapter shall be and is hereby revised to read as follows:

1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded into 8 _ x 11 inches with the title block showing.				
33 Contiguous unconstrained land, per §138-8.5(d)				

Section 9. §14-1.9 Schedule D- Preliminary Site Plan Checklist of the Land Use Procedures Chapter shall be and is hereby revised to read as follows:

1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded into 8 _ x 11 inches with the title block showing.				
96 Contiguous unconstrained land, per §138-8.5(d)				

Section 10. §14-1.9 Schedule E- Final Site Plan Checklist of the Land Use Procedures Chapter shall be and is hereby revised to read as follows:

1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded into 8 _ x 11 inches with the title				

	block showing.				
23 Contiguous unconstrained land, per §138-8.5(d)				

Section 11. §14-1.9 Schedule F- Variance Checklist of the Land Use Procedures Chapter shall be and is hereby revised to read as follows:

1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded into 8 _ x 11 inches with the title block showing.				
31 Contiguous unconstrained land, per §138-8.5(d)				

Section 12. §14-5 Schedule G of the Land Use Procedures Chapter shall be and is hereby revised by renaming current Schedule G- Application Fees & Miscellaneous Fees as Schedule H- Application Fees & Miscellaneous Fees, and revising new Schedule H- Application Fees & Miscellaneous Fees as follows:

SCHEDULE H – APPLICATION FEES & MISCELLANEOUS FEES

2. Site Plan

f. Minor Site Plan \$785.00

Section 13. §14-1.9 Schedule G of the Land Use Procedures Chapter shall be and is hereby adopted to read as follows:

**SCHEDULE G
MINOR SITE PLAN
LAFAYETTE TOWNSHIP**

DATE: _____ APPLICANT: _____ BLOCK: _____ LOT: _____

APPLICANT TOWNSHIP

		Complies	Waiver Request	Complies	Does Not Comply
1	Fifteen (15) copies of completed Application form.				
2	Fifteen (15) copies of the plans prepared, signed and sealed by a New Jersey professional land surveyor or New Jersey professional engineer or other professional as required and folded into 8 _ x 11 inches with the title block showing.				
3	Payment of applicable fees and deposits (escrow).				
4	Proof of ownership; if applicant is not owner, consent of owner to submit application.				
5	Certification of Tax Collector or Municipal Clerk that all taxes and assessments are paid to date.				
6	List of any approvals which may be required by other units of government or agencies thereof.				
7	If a corporation or partnership, names and addresses of all officers,				

	stockholders and/or partners with more than ten percent (10%) interest.				
8	Contiguous unconstrained land, per §138-8.5(d)				
9	Maps clearly and legibly drawn.				
10	Tax Map sheet, block and lot number in the title block.				
11	Name, address and telephone number of person who prepared plat.				
12	Applicant's and/or owner's name and address, telephone number and signature on drawings.				
13	Certification block for Land Use Board Engineer, Chairperson and Secretary of the Board's signature.				
14	Date of drawing and date of latest revision on each drawing and on cover sheet, if present.				
15	Permission to inspect premises.				
16	Graphic and numerical scale.				
17	Maps to be drawn to a scale not smaller than one (1) inch equals one hundred (100) feet.				
18	North arrow and reference meridian.				
19	Key map showing entire tract and relation to surrounding areas with lot lines (1" = 2,000' scale).				
20	Zone district and their boundaries on and within two hundred (200) feet of the property.				
21	Tabulation of zone district bulk requirements and proposed bulk requirements for each lot (zoning schedule).				
22	Names and addresses of adjoining property owner within 200 feet as shown on municipal tax records.				
23	Acreage of entire tract to nearest one-hundredth (0.01) acre and nearest square foot.				
24	Certified survey of the property showing distances of all property lines to nearest second and nearest one-hundredth (0.01) foot.				
25	Setback distance of existing structures (side, rear and front).				
26	Minimum building setback distances and lines (front, rear and side). Allowable building envelope).				
27	Any rights-of-way, existing or proposed.				
28	Topographic data (if deemed necessary).				
29	Location and area of all slopes between fifteen percent (15%) and twenty-five percent (25%).				
30	Location and area of all slopes				

	greater than twenty-five percent (25%).				
31	Any other significant natural terrain features.				
32	Location and limits of existing floodplain, as required by ordinance.				
33	Calculations supporting location of floodplain limits.				
34	Location on site and within two hundred (200) feet of the property lines of the following:				
	a. Watercourses.				
	b. Wooded Areas.				
	c. Easements.				
	d. Rights-of-way.				
	e. Roads				
	f. Railroads.				
	g. Canals.				
	h. Rivers.				
	i. Buildings.				
	j. Structures, including drainage structures.				
	k. Rock outcrops.				
	l. Ponds and lakes.				
35	Driveway location restrictions imposed due to sight distances.				
36	When revised drawings are resubmitted, provide one (1) copy with revisions highlighted on each applicable page. Also submit seven (7) additional sets of revised plans.				

I certify that the above checklist items have been accurately shown on the drawings and other application documents submitted with this application.

Applicant's Engineer/Surveyor

Section 14. §14-6 Schedule H of the Land Use Procedures Chapter shall be and is hereby revised by renaming current Schedule H- Escrow Fees as Schedule I- Escrow fees, and revising Escrow Fees as follows:

SCHEDULE I- ESCROW FEES

2. Site Plan

f. Minor Site Plan \$1,300.00

Section 15. §14-6 Schedule I the Land Use Procedures Chapter shall be and is hereby revised by the deletion of Section "4. Miscellaneous Fees".

Section 16. §14-5 Schedule H the Land Use Procedures Chapter shall be and is hereby revised by the addition of the following to Section "5. Miscellaneous Costs":

11. Requests for extension of Site Plan approval \$700.00

12. Request to Land Use Board for a zone change \$1,500.00

13. Technical Review Committee meeting, pursuant to §14-10 \$450.00

14. Enforcement of conditions for a resolution- if the municipality is forced to take action to enforce conditions of a resolution, the applicant shall pay all costs.

Section 17. §14-10(c) shall be and is hereby revised to read as follows:

c. The costs of appearing at the TRC, as determined by Schedule H, shall be paid prior to the meeting, which shall last no more than one (1) hour.

Section 18. 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 19. 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 20. 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. 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 21. 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, Bruning-yes, Sweeney-yes.

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

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION 2011-14

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 2010 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, Bruning-yes, Sweeney-yes.

Refund of Taxes to Advance Housing - Motion by D'Angeli, seconded by Hughes, to refund the 3rd and 4th quarter property taxes for Block 32, Lot 21.06 for Advance Housing for the amount of \$1,297.64. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Raffle Licenses

Fire Department Ladies Auxiliary - Motion by Bruning, seconded by D'Angeli, to approve two (2) raffle licenses for Lafayette Twp. Fire Dept. Ladies Auxiliary for May 5,

2011 and waive the local fee. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

St. Joseph's School - Motion by D'Angeli, seconded by Bruning, to approve one (1) raffle license for St. Joseph's School for May 19-22. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Corrective Action Plan - Motion by Bruning, seconded by D'Angeli, to accept and place on file the Corrective Action Plan for the 2010 Audit. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Audience

Charlie Clink, Fireman, complimented the Township Committee for pursuing the well issue at the Fire House.

Cathy Clink, Beaver Run Road, said she heard rumors about the Road Department's whereabouts and is concerned about the accountability of the employees. She, also, questioned the practice of providing uniforms for the Road Department. Committeeman D'Angeli said he will address these issues with the Road Foreman, Mr. Macko.

Mrs. Clink asked why the assessment on the Merck property was lowered and are they still paying taxes. Committeeman D'Angeli said they are paying taxes. Committeeman Bruning said this was a negotiated assessment. He explained that if Merck was to appeal the assessment this would take approximately three (3) years to hear; and if they were to win, the Township would have to pay the taxes back.

Tracey Mustachio, Lantz Road, asked if the Township Committee had any thoughts for ratables. Committeeman D'Angeli said the Land Use Board handles all applications.

Cathy Clink asked about the progress of Dennis Road. Committeeman Bruning said the Township has applied for a discretionary aide grant and is waiting for an answer.

Executive Session - Motion by Hughes, seconded by D'Angeli, 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, Bruning-yes, Sweeney-yes.

Exec. Session - Pending Litigation

Motion by Bruning, seconded by D'Angeli, to return to the regular meeting.

Mayor Sweeney stated pending litigation was discussed in Executive Session; and the minutes will be available to the public when the issue has been resolved.

Adjournment

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk