

May 3, 2011

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, May 3, 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 Bruning, to accept and place on file the minutes of April 19, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

2011-2012 Defeated School Budget

Joint Meeting with Lafayette Township Board of Education

Anne Hessler, Board Administrator

Andrew Frye, Board President

Robert McCann, Interim Superintendent

Mrs. Hessler said this is a frugal budget; and it is under the two (2%) percent cap. She said the tax levy must be certified by May 19, 2011.

Committeeman Hughes asked about concessions in pay raises. Mr. McCann said everything is on the table. Mr. Frye said the school is operating fiscally responsible.

Committeeman Bruning asked about shared services for a Superintendent. Mr. Frye said this has been looked into; but they still need a Principal and Vice-Principal. He said it is less expensive to have a Superintendent/Principal. Mr. McCann said the Vice-Principal is, also, doing guidance counseling. Mayor Sweeney is concerned about the Township's senior citizens being able to make ends meet.

Mrs. Linda Peoples, BOE member, asked what the savings would be if they cut \$44,000. Committeeman D'Angeli said it reflects one (1) penny. Mrs. Peoples is concerned any cuts will hurt the children.

Mrs. Tacey Allen, LEA President, read a letter to the Committee and asked that the budget be approved as presented.

Mrs. Christie Farber, William Way, said the nation is behind the world in education.

Mrs. Kim Alosio, Decker Road/Substitute Teacher, said all of the teachers work very hard and credited them for her sons' accomplishments. Mrs. Alosio said Lafayette pays the least per day for substitutes; but she is there because she loves working with this team.

Mrs. Karen Johnson, Art Teacher, said last year's cuts brought her to part-time; and ceramics and other special programs were eliminated. She noted art is vitality important.

Mr. David Astor, Vice-Principal, asked that the Committee consider that Lafayette pays the lowest salaries; and it is now a choice school.

Mrs. Cathy Clink, Beaver Run Road, doesn't want to cut classes but feels the administration salaries are too high. The Board Administrator's position was discussed.

Mrs. Click is very concerned that the number of students is reduced yet the costs are still high. Mr. McCann said the Board Administrator chose to freeze her salary for the last two (2) years. Mayor Sweeney stated the Township Committee has frozen their pay, also.

Discussion for another meeting ensued. A subcommittee meeting will be held Thursday, May 5, 2011 at 7:00pm. in the municipal building. A joint special meeting will be held on Wednesday, May 11, 2011 at 7:00pm. in the municipal building.

2011 Municipal Budget

Heidi Wohlleb, Auditor

Ms. Wohlleb said this budget represents a 1.7 cent increase. Mayor Sweeney opened the public hearing.

Mr. Carl Luthman, Brandywine Court, said his taxes have increased immensely since 2003. He said the ratable base has decreased by 6.3% but feels the municipal tax has increased 10%. He commented on a number of items.

Mr. Luthman said the host benefits from the landfill will disappear within the next five (5) years. Mayor Sweeney stated the Committee is aware of this and has been working on this for the past several years.

Mr. Luthman questioned the Township having six (6) trucks but only five (5) road employees. Committeeman D'Angeli said the need was discussed in the recent past. He noted the Road Department is presently working with four (4) road employees to save money. Committeeman Hughes stated the Committee needs to make sure the Township has enough equipment to keep the roads and school safe.

Mr. Luthman feels the \$130 per week salary for the Animal Control Officer is excessive. Committeeman D'Angeli said money is being saved by changing pounds.

Mr. Luthman said the fire department and EMS lines were cut but little was reduced from the parks line item; and he questioned the goose control being needed. Committeeman Bruning said this is needed because the area cannot be used otherwise. He, also, noted all departments were reduced 1.5%-5%. Mr. Luthman suggested comparing the 2011 and 2011 budgets. Committeeman D'Angeli stated the Township Committee works very hard to keep costs down.

Mr. Luthman questioned the Affordable Housing Administrator. Committeeman Hughes said this person is needed to deal with State requirements.

Mr. Luthman questioned the \$250,000 of unfunded charges from the last two (2) years. Ms. Wohlleb said everything is paid off as of December 31, 2010. Mr. Luthman noted the surplus has been decreasing over the past three (3) years. Ms. Wohlleb feels it can be made up to the same as last year.

Mr. Luthman feels the budget being reviewed by another person is good. He feels the Township Committee needs political courage; and he submitted suggestions.

Committeeman Hughes said the Committee did review information regarding garbage collection by other municipalities. He said the Township is saving approximately half of what other municipalities pay for their garbage collection contracts.

Mr. Luthman feels the Animal Control Officer and Fire Inspector should be shared services; and the fees for Land Use Board, animal control, Registrar and court should support the office. Committeeman Hughes said the construction, fire and land use fees have been amended. He said they are doing more research regarding the joint court.

Mr. Luthman suggested RFP's should be obtained before awarding a professional services contract.

Mrs. Cathy Clink, Beaver Run Road, asked about the Tax Collector's hours. The office hours are Monday through Thursday, 9:00am.-1:00pm.

Mrs. Anne Sellenger, Meadows Road, asked about the health benefits contribution. CFO Magura said Township employees are required to contribute 1.5% of their salary.

Mr. Charlie Clink, Volunteer Fireman, asked about the anticipated timeline for the fire house well. Committeeman Bruning said this is in the NJDEP's hands; and we are waiting for an answer, which may take approximately three (3) to six (6) months.

Mr. Kevin O'Leary, Brandywine Court, asked if host benefits for gas reclamation revenue sharing were reviewed. Committeeman Bruning said this will be reviewed.

As there were no further comments from the public regarding the municipal budget, Mayor Sweeney closed this portion of the meeting.

Motion by Bruning, seconded by Corcoran, to adopt the following resolution adopting the 2011 Municipal Budget:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of: \$806,698.82 for municipal purposes and \$44,330.50 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

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

Reports

Tax Collector - For April 2011

Prior Year Taxes	\$9,061.38
Current Year Taxes	\$472,669.67
Interest	\$550.56
Total	\$482,281.61

Motion by D'Angeli, seconded by Bruning, 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 April 2011	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$786.00	\$6,773.00
Amount Paid to State of New Jersey	\$102.60	\$1,002.00
Licenses Sold	47	534
Kennel Licenses Sold	0	2
Dogs Picked Up	1	2
Cats Picked Up	0	2
Dogs Taken to Pound	1	2
Cats Taken to Pound	0	2
Dogs Redeemed	1	2
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	\$260.00	\$560.00
Lost Tags	\$2.00	\$2.00

Motion by Corcoran, seconded by D'Angeli, 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

Recreation Commission - Bruning reported the fishing contest was held this past weekend; and it was a success with approximately 70 children in attendance.

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

Dennis Road - D'Angeli reported the Township is still waiting to hear about the discretionary aide application.

Morris County Cooperative - Road Foreman Macko reported he attended the annual CoOp meeting. The CoOp is asking that municipalities contact their State representatives to abolish the prevailing wage issue. Also, quantity sheets need to be filled out with accurate information for bidding purposes.

Affordable Housing

Advance Housing - Hughes reported a ribbon cutting was held to open the first ten (10) units; and they are still waiting to hear about the funding for the second ten (10) units.

COAH - Hughes reported the objection still being pursued.

Emergency Management - Hughes reported he is continuing with proposal for dispatch services.

Board of Health - Corcoran reported no meeting was held due to the lack of a quorum.

EMS - Corcoran reported the EMS responded to 11 calls in the month of April. Motion by Corcoran, seconded by Bruning, to approve Sara Dolinski as a member of the Lafayette Township EMS. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Land Use Board - Corcoran reported the Lafayette Asphalt application was approved; and the application of Chris Gernat was denied.

Fire Department - Sweeney reported the Fire Department responded to 13 calls in the month of April; and they are fixing the bathrooms in the fire house.

Fire Chief David Decker said the standpipe at the pond is broken. He, also, asked for reimbursement for the water payments as the fire house is a shelter. Committeeman Hughes said there is no line item in the Township budget for this expense.

Correspondence

1. From Daryn Cashin, Tax Collector re: examination of tax records
Committeeman Hughes recommended the liens be pursued. Attorney Kurnos will discuss this with the Tax Assessor.
2. Green Township Resolution Supporting A-196
3. Green Township Resolution Urging Open Public Records Act Amendment
4. SC Freeholders Ordinance Amending Fare Schedule for Skylands Rides

Vouchers

Kathie Reimels	184.29
Sussex County Treasurer	406,525.31
Sussex County Treasurer	10,981.57
Sussex County Treasurer	29,701.85
Sussex County Treasurer	7,308.64

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

Old Business

Renewable Energy Ordinance - Mayor Sweeney opened the public hearing for the following ordinance:

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

Mr. Chris Gernat, 20 Meadow Ridge Lane, asked if the applicability section only applied to the LI & EI districts and was told it does. Mr. Gernat said there is a bill before the House to include residential districts.

Mr. Gernat questioned how this ordinance will promote conservation and renewal energy as this is restrictive and not cost effective. Committeeman Hughes said a variance is only required if the applicant cannot comply with the ordinance. Otherwise, only a permit is required from the Construction Office.

Mr. Gernat asked if a variance was needed if the house faced south. Committeeman Bruning said it would. Mr. Gernat said his application was denied; but he felt he complied.

Mr. Gernat said the ordinance requires a lot to have at least three (3) acres for a ground mounted system. He is concerned because most lots in the Township are less than three (3) acres but are located in the five (5) acre zone. Mr. Gernat feels setbacks are enough of a restriction. Committeeman Hughes said the recommendation was to have at least three (3) acres. The evaluation was based on the size of the lot for ground coverage. Mr. Gernat feels this is not fair as future developments will be four (4) to five (5) acres in size; but the current residents have to deal with these restrictions.

Mr. Gernat asked about the height definition of 15' maximum for a ground mount system. Committee Bruning referred him to the Land Use Board with this technical question. Mr. Gernat feels the applicability section should be reviewed further as this is confusing.

Mr. Steve Rivlin, 101 Sunset Inn Road, has 6.1 acres and would like to cut a circle in the trees to use as a buffer. He suggested an addendum to allow a setback consideration.

Mr. Kevin O'Leary, Land Use Board Secretary, said the rooftop language was taken out; and the Board's planner, engineer and attorney did a full review of the ordinance. He said an addendum suggestion may not fit in but could, possibly, include a waiver request being done.

Ms. Christina Jacks, William Way, expressed her displeasure saying a fire insert was once allowed; and now it's not. She wants solar but might have to wait a few years to see if this is allowed in the future. She feels the Township should bend from the ordinances at times and stop saying no to everything. Ms. Jacks feels the Township needs to be more open to things.

Mr. Neil Weiss, REC Solar, said two (2) bills are before the Senate; and one (1) requires a minimum of 80% efficiency. Mr. Weiss said an easement for solar power by a neighbor will be a large portion of the bill. He will send more information to help with the ordinance.

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

Motion by Bruning, seconded by Corcoran, to not adopt the renewable energy ordinance and refer it back to the Land Use Board for further consideration.

Fire House Furnace Spending Ordinance - Mayor Sweeney opened the public hearing for the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE PURCHASE OF A HEATING SYSTEM FOR THE FIRE HOUSE AND APPROPRIATING \$5,000.00 AVAILABLE IN THE CAPITAL FUND FOR SUCH PURPOSE

Ms. Sara Dolinski, Fire Department Member, asked where the money was coming from. Committeeman Hughes explained \$8,000 is from capital improvements; and \$5,000 is from the Capital Fund.

As there were no other comments from the public, Mayor Sweeney closed this portion of the meeting.

Motion by Bruning, seconded by D'Angeli, to adopt the Fire House Furnace Spending Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

New Business

Advance Housing Tax Refund - Motion by D'Angeli, seconded by Bruning, to refund 2010 and 1st Quarter property taxes for Block 32, Lot 21.07 for Advance Housing for the amount of \$8,797.54. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Albulescu Tax Refund - Motion by D'Angeli, seconded by Bruning, to adopt the following resolution:

WHEREAS, on February 25, 2011, the Tax Court of New Jersey, granted a tax appeal for an assessment on Block 14, Lot 5.02 owners of record Andrei & Ana Albulescu for the year 2010, reducing the original assessment from \$347,300.00 to \$310,000.00, *and*,

WHEREAS, the reduction of assessment resulted in the 2010 taxes being reduced from \$6,449.36 to \$5,756.70, resulting in an overpayment \$692.66, and statutory interest is, also, due in the amount of \$15.87.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, in accordance with State Statutes that the Tax Collector be authorized to make the necessary refund, payable to Andrei & Ana Albulescu & William S. Winters, Esq., in the amount of \$708.53.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, Township Attorney, and Township Auditor for their records.

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

Burdge Tax Refund - Motion by Corcoran, seconded by D'Angeli, to adopt the following resolution:

WHEREAS, on February 25, 2011, the Tax Court of New Jersey, granted a tax appeal for an assessment on Block 5, Lot 14, owners of record James & Wendy Burdge, for the year 2010, reducing the original assessment from \$366,100.00 to \$305,000.00, *and*,

WHEREAS, the reduction of assessment resulted in the 2010 taxes being reduced from \$6,798.48 to \$5,663.85, resulting in an overpayment \$1,134.63, and statutory interest is, also, due in the amount of \$26.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, in accordance with State Statutes that the Tax Collector be authorized to make the necessary refund, payable to James & Wendy Burge & William S. Winters, Esq., in the amount of \$1,160.63.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, Township Attorney, and Township Auditor for their records.

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

Raffle License - St. Joseph Regional School

Motion by D'Angeli, seconded by Corcoran, to approve a raffle license for St. Joseph Regional School for May 19-22, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Fox Hill Road Vacation - Attorney Kurnos advised the Township Committee not to vacate a portion of Fox Hill Road due to another property owner not having access to their property except by traveling through the neighboring municipality. However, this issue can be referred to the Land Use board for a recommendation.

Mr. O'Leary, Board Secretary, said the Committee will have to make the ultimate decision regarding a road vacation; however, he has noted the conflict. He said this was not discussed at the Land Use Board due to their attorney referring this to the Township Committee. This issue will be reviewed by the Land Use Board.

Audience

Mr. Steve Rivlin, Sunset Inn Road, said there are solar panels in Sparta on Price's Road and at schools in Andover. He said the Governor is looking at filled landfills for ground mounted systems.

Adjournment

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk