

July 5, 2011

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, July 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, Road Foreman Macko, CFO Magura

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 June 8, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

At this time, Mayor Sweeney amended the order of business.

Solar Energy Presentation - Mike O'Hagen, SunRay Solar Representative
Mr. O'Hagen said the proposal for the Township would be for 15 years. The Township would pay 10 cents per kilowatt; and after the 15 years, the Township would own the system. Mr. O'Hagen said a \$5,000 deposit is required as good faith and would be credited towards the first year's bill. After the first year, the Township would be billed quarterly. If the BPU were to deny the application, the \$5,000 deposit would be returned.

Committeeman D'Angeli questioned the \$5,000 deposit. Mr. O'Hagen will look into the fee being waived.

Vacation of portion of Fox Hill Road

Megan Ward, Esq. Charles Shotmeyer, Beaver Run Farms Owner

Mr. Shotmeyer is Fox Hill Road has been closed since 1989; and there have been acts of vandalism and trespassing on his property. He is asking that the portion of his property along Fox Hill Road be vacated; and he would grant an easement for emergency services.

Mr. Emil Conforth, adjoining property owner, said the road was only to be closed temporarily and would be reopened if needed. He said Beaver Run Road should be available if he were to develop his property. It takes longer to get to his property by going around the entire length of Fox Hill Road from the other side.

Mr. Conforth said he has 30 acres next to the proposed solar farm and feels this is ideally suitable for development. He is not planning any development at this time; but does not want to lose access. Mr. Conforth said he is, also, considering preservation.

Committeeman Hughes asked what the hardship would be if the road was vacated. Mr. Conforth said there would not be any access to Beaver Run Road; however, he could come in from the other side. Committeeman Hughes said the cost of the road may exceed the property's worth.

Mr. Jose Alves said he owns 30 acres in Wantage and wants to put horses on 10 acres on Fox Hill Road. He said he cannot get to his property without going through the gate on Beaver Run Road. He cannot get his equipment down a hill and across water on the other end.

Motion by D'Angeli, seconded by Bruning, to introduce the following ordinance and set the public hearing date of August 2, 2011:

AN ORDINANCE TO RELEASE AND EXTINGUISH THE RIGHT OF THE PUBLIC ON A PORTION OF FOX HILL ROAD

WHEREAS, the Township Committee of the Township of Lafayette has determined, after a hearing and the consideration of documentary evidence, including, but not limited to, the fact that on December 19, 1989, the Lafayette Township Committee adopted a resolution to temporarily close Fox Hill Road for a period of six (6) months from Beaver Run Road to Spreen Road; and

WHEREAS, it has been demonstrated that a portion of Fox Hill Road has been essentially blocked off since 1989 to prevent the dumping of debris and to limit trespassers from utilizing the road to gain access to private property contiguous to Fox Hill Road; and

WHEREAS, it has been demonstrated that the portion of Fox Hill Road described in this ordinance is not needed for public use and would not prevent police and emergency vehicles from accessing properties on that portion of Fox Hill Road that is not vacated; and

WHEREAS, this vacation and the adoption of this ordinance is contingent on the owner of Block 25, Lots 2Q, 4.01, 4.01Q and Block 30, Lot 6, commonly known as 283 Beaver Run Road, to grant to the Township an Easement to permit access to the road by police, emergency vehicles, the Township DPW and such other persons or entities the Township Committee, from time to time, in its reasonable discretion may authorize.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that a portion of Fox Hill Road described by the metes and bounds on Schedule "A" attached be, subject to the terms and conditions that follow, vacated.

Section 1. That portion of the right-of-way of Fox Hill Road described on Schedule "A" annexed and incorporated in this ordinance consisting of 1.75 acres be vacated and the public rights in the road extinguished.

Section 2.

1. After being introduced and having passed a first reading, this ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage.
2. At least one (1) week prior to the time fixed for further consideration of this ordinance for final passage, a copy thereof, together with notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person, whose lands are contiguous to the vacated portion of Fox Hill Road as described on Schedule "A" or to all other persons the Township Committee reasonably believes are the owners of lands that may be affected by this ordinance. The Township Clerk shall mail said notice in accordance with N.J.S.A. 40:49-6.
3. As a condition precedent to the final passage of this ordinance, the current owners of Block 25, Lots 2Q, 4.01, 4.01Q and Block 30, Lot 6, commonly known as 283 Beaver Run Road, shall grant, in a form acceptable to the Lafayette Township attorney, an Easement to allow police, emergency vehicles, the Township of Lafayette DPW and such other persons or entities the Lafayette Township Committee may, from time to time in its reasonable discretion, may authorize.

Section 3. The Mayor and Township Clerk are authorized and directed to execute any documents as may be required to complete the transfer of whatever interest the public may have had, now vacated, in the property described above.

Section 4. Severability. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the ordinance. Any ordinance or portion thereof that may be inconsistent with the ordinance is hereby repealed to the extent of the inconsistency.

Section 5. Effective Date. This ordinance shall take effect in the time and manner prescribed by law.

Committeeman Hughes said the issues will be continued to be researched and presented at the public hearing.

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

Reports

Tax Collector - For June 2011

Prior Year Taxes	\$991.89
Current Year Taxes	\$48,068.08
Interest	\$883.10
Total	\$49,943.07

Motion by Corcoran, seconded by Hughes, 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.

Treasurer

Cash Report for June 2011

Cash Balances as of May 31, 2011	\$2,263,784.50
Cash Receipts for June 2011	\$143,235.28
Total	\$2,407,019.78
Cash Disbursements for June 2011	\$600,397.97
Cash Balances as of June 30, 2011	\$1,806,621.81
Account Balances as of June 30, 2011	
Current – Checking	\$457,435.14
Capital – Checking	\$666,537.00
Escrow – Checking	\$78,002.08
COAH-Developers Fees	\$128,017.07
Open Space Municipal Tax	\$312,483.26
Trust Accounts for Developer’s Agreements	\$144,087.23
Special Rec. – Checking	\$7,615.60
Special Donations	\$7,544.48
Dog Trust Account	\$4,899.95
Total Account Balances	\$1,806,621.81

Motion by D’Angeli, seconded by Corcoran, to accept the Treasurer’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 June 2011	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$36.00	\$6,869.00
Amount Paid to State of New Jersey	\$6.60	\$1,014.00
Licenses Sold	3	539
Kennel Licenses Sold	0	2
Dogs Picked Up	0	2
Cats Picked Up	0	3
Dogs Taken to Pound	0	3
Cats Taken to Pound	0	3
Dogs Redeemed	0	3
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	0	\$560.00
Lost Tags	0	\$2.00

Motion by Hughes, seconded by Corcoran, 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 lifeguards have started. If parties at the pond exceed 25 people, payment will be made to the Township for an additional lifeguard at the hourly rate of \$15.

Buildings and Grounds - Bruning reported the municipal building well failed for coliform. It has been chlorinated, reported to the DEP and will be retested.

Fire House Well - Bruning reported the application is in technical review. Committeeman D’Angeli was asked to contact Senator Oroho for help to get the application reviewed as soon as possible.

Streets and Roads - D'Angeli reviewed the Road Foreman's report. He reported there has been no news of the discretionary funding application for Dennis Road. D'Angeli asked the Clerk to contact the Township Engineer regarding road grant applications.

Affordable Housing - Hughes reported the Advance Housing funding application is still pending for the second ten (10) units. Everything is on schedule for the first ten (10) units.

Fire House Boiler - Motion by Hughes, seconded by D'Angeli, to hire Garden State Plumbing & Heating to replace the hot water boiler in the fire house for a cost not to exceed \$11,850. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-abstain, Sweeney-yes.

Land Use Board - Corcoran reviewed the June meeting.

EMS - Corcoran said he has not received a report. Motion by Corcoran, seconded by D'Angeli, to upgrade Rebecca Strowe to a full EMS member. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-abstain, Sweeney-yes.

Fire Department - Sweeney said he has not received a report from the Chief.

Correspondence

a. From Marianne Smith, Hardyston Twp. Mgr., re: Senate Bill S-2794

Motion by D'Angeli, seconded by Corcoran, to adopt the following resolution:

A RESOLUTION OPPOSING SENATE BILL NO. 2794, AN ACT PROMOTING THE SHARING OF SERVICES AMONG LOCAL GOVERNMENT UNITS AND GRANTING THE LOCAL UNIT ALIGNMENT, REORGANIZATION, AND CONSOLIDATION COMMISSION (LUARCC) GREATER POWERS AND DUTIES

WHEREAS, New Jersey's citizens pay the highest property taxes in the nation and are in desperate need of real property tax relief; and

WHEREAS, the sharing of services among local government units and the possible consolidation of local units have the potential to produce municipal savings and promote relief for our property taxpayers; and

WHEREAS, Lafayette Township has been proactive in establishing shared service agreements with neighboring municipalities and local government units, with over 20 shared service agreements in place to date; and

WHEREAS, there is a need for reform to remove many of the impediments to shared services and consolidations caused by terminal pay requirements, employee tenure provisions and Civil Service statutes and regulations; and

WHEREAS, many of the provisions in Senate Bill No. 2794 have the potential to lower the costs of shared services, however there are other provisions of the bill in its current form that raise serious concerns; and

WHEREAS, the Township of Lafayette is opposed to Senate Bill No. 2794 as proposed in its current form for the following reasons:

1. The provision in Section 7.f of the bill provides that if a majority of the voters of a municipality do not approve a shared services proposal as recommended/ordered by LUARCC and implement that agreement within 14 months, the State shall reduce the amount of state aid allocated to the municipality by the total net savings estimated in the shared services proposal. The Township opposes any proposal that on one hand allows the voters to express their will; but on the other hand informs the voters that will be punished if their will does not agree with that of the majority of the LUARCC members.
2. The bill as proposed requires a legislative veto to void a LUARCC proposal. The Township opposes the imposition of a Legislative veto of a LUARCC proposal instead of vesting the decision to reject the proposals in the local governing body who are elected and must answer directly to the citizens who would be affected by the shared service proposal.
3. The bill as proposed requires that every recommendation by the LUARCC be subject to a vote by the citizens of the affected municipality. The Township opposes this requirement because in most instances the local governing body is

better to able to judge the merit of the proposal in a more expeditious and cost-effective matter, and can determine when a proposal should go before the voters.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette strongly believes in the cost-saving benefits of shared service agreements as a mechanism for property tax relief and more efficient government.

BE IT FURTHER RESOLVED the Township Committee opposes Senate Bill 2794 in its current form and urges the New Jersey Legislature to not adopt the bill in its current form and to consider amending the bill to address the concerns detailed above.

AND BE IT FURTHER RESOLVED that the Clerk is hereby authorized to forward certified copies of this resolution to Senator Stephen Sweeney, Senator Steven Oroho, Assemblywoman Alison McHose, Assemblyman Gary Chiusano and the New Jersey League of Municipalities.

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

b. Fredon & Wantage Townships resolution Supporting Veterans Cemetery in Northern New Jersey

c. Sussex Borough Resolutions:

1. Supporting Increase of Safety & Public Awareness on Route 23
2. Supporting Assembly Bill A-196

Vouchers

AGRA ENVIRONMENTAL SERVICES, INC.	150.00
AQUATIC ANALYSTS, INC.	220.00
BANISCH ASSOCIATES, INC.	2,297.35
BASSANI POWER EQUIPMENT, LLC	33.19
BIRDSALL BROTHERS LANDSCAPING	200.00
CENTRAL ALLIANCE	1,724.00
CENTURY LINK	433.03
CENTURYLINK COMMUNICATIONS, INC.	34.21
CHELBUS CLEANING CO., INC.	275.00
CINTAS CORP #111	109.32
D. LOVENBERG'S PORTABLE TOILET	130.00
DELUXE INTERNATIONAL TRUCKS INC.	6.95
FINCH FUEL OIL CO., INC.	1,576.67
FINELLI CONSULTING ENGINEERS, INC.	1,660.00
G & G DIESEL SERVICE INC.	270.24
HOME DEPOT CREDIT SERVICES	42.16
IDEAL FARM & GARDEN CENTER	76.65
INTERNATIONAL CODE COUNCIL, INC.	645.32
JCP & L	1,700.28
LADDEY, CLARK & RYAN, LLP	5,880.00
LAFAYETTE ASPHALT	176.66
LAFAYETTE PRESERVATION FOUNDATION	600.00
LAFAYETTE TOWNSHIP FIRE DEPARTMENT	15,825.00
LAFAYETTE TWP BD OF ED	300,950.00
MGL PRINTING SOLUTIONS	450.00
MONTAGE ENTERPRISES INC.	360.99
RER SUPPLY	105.00
ROWE & COMPANY	11.27
ROY E. KURNOS	4,800.00
S & L EQUIPMENT	528.29
SERVICE ELECTRIC CABLE TV	17.00
SPRINT	160.11
STAPLES BUSINESS ADVANTAGE	107.10
STATEWIDE INSURANCE FUND	20,892.00
SUSSEX COUNTY BD OF ELECTIONS	446.28
SUSSEX COUNTY CLERK	234.98
THE NEW JERSEY HERALD	52.15
THE PRINTING CENTER INC.	1,399.30
TIRE KING	324.00
TOWNSHIP OF SPARTA	17,810.00
TRI-STATE POWER & PUMP	125.00
U.S. POSTAL SERVICE	500.00
W. JIROUX	1,250.00
AGRA ENVIRONMENTAL SERVICES, INC.	30.00
BANISCH ASSOCIATES INC.	4,759.00
FINELLI CONSULTING ENGINEERS, INC.	12,382.50
LADDEY, CLARK & RYAN, LLP	2,430.00
NJ DEPT OF HEALTH & SENIOR SERVICES	6.60

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

Old Business

Flood Damage Prevention Ordinance - Mayor Sweeney opened the public hearing for the following ordinance:

AN ORDINANCE AMENDING CHAPTER XVII, FLOOD DAMAGE PREVENTION, OF THE TOWNSHIP OF LAFAYETTE CODE

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

Motion by D'Angeli, seconded by Bruning, to adopt the Flood Damage Prevention Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

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, Meadow Ridge Lane, asked how the three (3) acre minimum was established for a system. Committeeman Hughes explained this was the recommendation from the Land Use Board professionals due to the setbacks for a ground mounted system. Mr. Gernat does not feel there are many lots with more than three (3) acres; and it will be cost prohibitive to residents. He feels the three (3) acre requirement should be removed.

Motion by Bruning, seconded by D'Angeli, to carry the adoption of this ordinance to the next meeting on August 2, 2011 for further Land Use Board review and comment on the ground mounted systems.

Mr. Kevin O'Leary, Land Use Board Chairman, said there is an exemption included in the ordinance; and ten (10) or less panels are permitted. Mr. Gernat feels ten (10) panels is a very small system and will not work for most.

Committeeman Bruning withdrew his motion; and Committeeman D'Angeli withdrew his second on the motion.

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

Motion by Hughes, seconded by D'Angeli, to adopt the Renewable Energy Ordinance as discussed. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Andover Shared Court - No report.

New Business

Continuing Certificate of Occupancy (CCO) - Motion by D'Angeli, seconded by Hughes, to amend Chapter 8-3 of the General Code to include a continuing certificate of occupancy (CCO).

Hughes said this would ensure that home improvements were done properly; however, it is the homeowner's responsibility to obtain the permits. This could, potentially, hold up the sale of a home; and he does not agree with the CCO. Bruning said Sparta Township did have a CCO ordinance years ago and withdrew it because of problems.

Motion failed by a roll call vote: Hughes-no, Corcoran-no, D'Angeli-yes, Bruning-no, Sweeney-no.

Jorritsma Farmland Preservation - Motion by Bruning, seconded by Hughes, to adopt the following Resolution:

BE IT RESOLVED that the Mayor and Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey, does hereby express its support for the Farmland Preservation program and gives preliminary approval of the following application(s) for the 2011 Sussex County funding round.

BE IT, ALSO, RESOLVED that approval is given for this application to be submitted to the State Agriculture Development Committee by the Sussex County Agriculture Development Board for county reimbursement consideration when state funding for farmland preservation is available.

Ben & Jan Jorritsma

Block 17, Lots 1.01, 1.02 (part of)
1.03, 2.02

approx. 81 acres

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

Mountain Ridge Estates Developer's Agreement - Bruning reported the majority of the development is complete with only two (2) homes yet to be constructed; however, the road improvements have not been completed. Attorney Kurnos will send a letter to the developer stating the improvements must be installed.

Outdoor Dining Ordinance - The proposed amendment to the outdoor dining ordinance is to be referred to the Land Use Board for their review. This issue is tabled until the next meeting on August 2, 2011.

Green Acres Program - Hughes reported Liz Mataset sent an amendment for the Township's project funds. The Township has until 2013 to use the funds. Hughes reported the Township will have new representatives from the Green Acres Program and The Land Conservancy of New Jersey.

Pension and Healthcare - CFO Magura said the changes to the pension and healthcare will be made soon with 1.5% to be the number until the end of this year.

Audience

Mr. Charlie Clink, Fireman & Route 15 resident, asked if the money from the fire department ordinance can be applied to the boiler. Committeeman Hughes explained they are two (2) different ordinances. If one is not used, it is cancelled; and the money is returned to the general fund.

Mr. Clink said the fire department cannot run fundraisers because the water is not usable. Committeeman Bruning said the application is in the State's hands; and numerous phone calls have been made and emails have been sent. He said Committeeman D'Angeli is to contact our State Senator for help.

Mr. Clink applauded Committeeman D'Angeli for his efforts to have a CCO inspection be made before a house is sold in the Township. He said he has seen many problems that have not been found and fixed until the new owner occupies the home.

Mr. Bill Tubito, Route 15, said he heard the Merck property may be sold to a tax exempt entity. He suggested the Township contact Merck to donate the property. He, also, said the Township can try to purchase the property with the help of the EDA (Economic Development Authority) and a local bank. Mr. Tubito suggested the Township renting the property until a buyer purchases it as is with the buildings. He feels Merck should donate the property.

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