

September 6, 2011

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, September 6, 2011 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent Committeeman Hughes

Also Present: Clerk Fedish, Attorney Kurnos, 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 August 2, 2011. Motion carried by roll call vote: Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Reports

Tax Collector - For August 2011

Prior Year Taxes	\$12,187.12
Current Year Taxes	\$2,008,505.74
Prepaid Taxes – 2012	\$484.51
Interest	\$5,079.78
Total	\$2,106,257.15

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

Animal Control Officer

Month of August 2011	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$80.00	\$7,013.00
Amount Paid to State of New Jersey	\$10.80	\$1,034.40
Licenses Sold	4	546
Kennel Licenses Sold	0	2
Dogs Picked Up	1	3
Cats Picked Up	0	4
Dogs Taken to Pound	1	4
Cats Taken to Pound	0	4
Dogs Redeemed	0	3
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	\$30.00	\$615.00
Lost Tags	0	\$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: Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Committee Reports

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

Land Use Board - Corcoran reviewed the August 25, 2011 meeting noted the solar application for Beaver Run Farms was approved; and the dining ordinance was reviewed and sent back to the Township Committee.

EMS - Corcoran reported a report has not been received. He reviewed the status of the identification number for tax exemption purposes.

Fire Department - Sweeney reported a report has not been received.

Correspondence

- a. From Governor Chris Christie re: \$166,000 grant for Dennis Road Wall
D’Angeli reported the Township Engineer and Township Attorney will work on the bid package.
- b. From Lori Grifa, DCA re: 2011 Governor’s Housing Award – Advance Housing
- c. From Alan Spector re: 2011-12 Tax Bill
- d. Freeholder Board Resolution – September 11, 2011 as day of solemn commemoration of events of September 11, 2011
- e. From William Harclerode, Union Township Environmental Commission - Support to help reduce noise from diesel truck mufflers
- f. From Katherine Vaughan re: Meadows Road construction
- g. From Sen. Frank Lautenberg re: 9/11 National Moment of Remembrance
Motion by D’Angeli, seconded by Bruning, to adopt the following resolution:

RESOLUTION 2011-34

LAFAYETTE TOWNSHIP JOINING THE NATIONAL MOMENT OF
REMEMBRANCE OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH

WHEREAS, the Township Committee of the Township of Lafayette expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm’s way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the Township Committee of the Township of Lafayette calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Lafayette encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable, ceasing all work or other activity; and marking the moment in an appropriate manner, including ringing bells, blowing whistles, or sounding sirens.

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

Old Business

Pay to Play Ordinance - Mayor Sweeney opened the public hearing for the following Ordinance:

AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE TOWNSHIP OF LAFAYETTE IN THE COUNTY OF SUSSEX

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

Motion by D'Angeli, seconded by Corcoran, to adopt the Pay-to-Play Ordinance. Motion carried by roll call vote: Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Outdoor Dining Ordinance - This issue will be carried to the next meeting on September 20, 2011 to allow further review.

Mountain Ridge Estates - Attorney Kurnos received a letter from the developer's attorney asking that the bond be extended. Attorney Kurnos said the bonding company would need to agree to an extension; and approximately \$15,000-\$30,00 would need to be deposited into the escrow account to cover the engineering inspection fees.

This issue will be carried to the next meeting on September 20, 2011.

Excessive Inventory - There is no information at this time.

New Business

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

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO
AUTHORIZE THE TAX COLLECTOR TO CANCEL BILLING FOR THE THIRD
AND FOURTH QUARTERS OF 2011 FOR BLOCK 18, LOT 10.03, QFARM IN THE
AMOUNT OF \$298.85 DUE TO A DUPLICATE ASSESSMENT.

WHEREAS, the 2011 tax duplicate reflects a property known as Block 18, Lot 10.03, QFarm, with an address of 180 Route 15, which is a duplication of Block 18, Lot 10, QFarm, also known as 180 Route 15. Per the Tax Assessor, Block 18, Lot 10.03 QFarm does not exist and was created erroneously; *and*,

WHEREAS, resulting from the erroneous assessment the taxes were billed \$298.85 for the year 2011 and remain unpaid; *and*,

NOW, THEREFORE, BE IT RESOLVED by of the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey that upon recommendation of the Tax Assessor and Tax Collector the 2011 taxes be cancelled for this property in the amount of \$298.85.

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

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

\$166,000 Grant Resolution - Motion by D'Angeli, seconded by Corcoran, to adopt the following resolution:

RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; *and*

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Lafayette in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$166,000.00, which is now available from NJ DOT Local Aid Infrastructure Fund in the amount of \$166,000.00.

BE IT FURTHER RESOLVED that the like sum of \$166,000.00 is hereby appropriated under the caption NJ DOT Grant – Dennis Road Wall Reconstruction.

BE IT FURTHER RESOLVED that the above is the result of funds from NJ DOT Local Aid Infrastructure Fund in the amount of \$166,000.00.

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

Renewal of MCCPC Membership Agreement Resolution - Motion by D'Angeli, seconded by Corcoran, to adopt the following resolution:

AUTHORIZING EXECUTION OF AN AGREEMENT WITH
THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL
TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF
OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2016

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Lafayette desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2011 through September 20, 2016.

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

1. The Township Committee of the Township of Lafayette hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.

2. The Lafayette Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Lafayette Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

Central Municipal Alliance Grant Resolution - This issue will be carried to the next meeting on September 20, 2011 for further review.

Raffle Licenses - Motion by Corcoran, seconded by D’Angeli, to approve two (2) raffle licenses for Our Lady Queen of Peace Church for October 13, 2011. Motion carried by roll call vote: Corcoran-yes, D’Angeli-yes, Bruning-yes, Sweeney-yes.

Audience

Mr. Nicholas Corrado, 61 Bunn Road, Hardyston, NJ-owner of 191 Route 15.

Mr. Corrado complained he did not get information regarding the seating plan for the pizza store at his strip mall. He feels the Zoning Officer is selectively enforcing the ordinance; and the secretary loses everything. Mr. Corrado reviewed information regarding recent events and violations at the strip mall. He, also, feels the Zoning Officer is discriminating against the Dunkin Donuts owner.

Mr. Corrado was asked what he wants done. He said that because this is a government job, he feels the Zoning Officer will not be fired to not doing his job; but he feels he should be reprimanded. He said the Zoning Officer should not be a bully and work with people. Mr. Corrado would like the Township Committee to right this injustice.

Committeeman D’Angeli said phone calls to individual committee members were not appropriate. This type of matter must be discussed at a Township Committee meeting with the entire Committee.

Charlie Clink, volunteer fireman, asked about the status of the firehouse well. Committeeman Bruning said that because this is the first application in the State additional information is being asked to be submitted. He is waiting to hear from the engineer.

Mr. Clink would like to speak to someone in Trenton. Committeeman Bruning said they need a permit from the NJDEP for the filtering system. Senator Oroho has been made aware of the situation.

Mr. Clink said one and a half (1-1/2) years of fundraising are gone; and they cannot afford to keep filling the water buffalo.

Mr. Louis Molinari, owner of 11 Route 15, asked about the outdoor dining ordinance. Committeemen D'Angeli and Corcoran explained it.

Committeeman Corcoran said Committeeman Hughes will be scheduling a meeting with business owners to discuss issues. Mr. Molinari feels the business owners will appreciate this meeting for their input. Committee Corcoran reminded Mr. Molinari that all Township meetings are open to the public.

Executive Session - Motion by Bruning, 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 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: Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

Exec. Session - Litigation

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

Mayor Sweeney stated litigation was discussed in Executive Session.

Adjournment

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

Respectfully submitted,

ANNAROSE FEDISH, RMC
Municipal Clerk