

September 20, 2011

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, September 20, 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, 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.

### SCMUA Update

John Hatzelis, Superintendent Tom Varro, Chief Engineer

Mr. Varro said the SCMUA received 15" of rainfall over the last two (2) weeks; and there was no physical damage. He said that inbound tonnage was up 25% after the storm. The hours of operation and staffing were increased to accommodate residents.

Mr. Varro said the 443A landfill gas improvements contract is finished; and nine (9) new wells were installed in section 2B. Sections 1A and 1B are capped. Section 3A is being filled at the present time. The dewatering pumps have been installed. The project for 2012 will be installing wells in Section 3A.

Mr. Varro said the landfill gas is being sold; and 3.7 kwh are going back into the grid. The flare will be used as a backup for the facility.

Mr. Varro explained the long term landfill expectancy is now 2018. With improved recycling, the expectancy could be nine (9) months more.

They are, currently, looking at closure/post-closure plans. Solid waster disposal beyond 2018 could make the facility a transfer station, which would support resident services, such as recycling, brush, etc.

Mr. Hatzelis said they will be presenting the closure/post-closure plan to SWAC. He said the landfill must be maintained for 30 years after closure; and \$12 million will be set aside for this. After 2048, the area can be used as passive recreational.

Committeeman Bruning asked about the tonnage. Mr. Hatzelis explained that household garbage is approximately 2/3 of the total tonnage.

Mr. Kevin O'Leary, Brandywine Court, asked about the conversion of gas to energy as others do, or is this new? Mr. Hatzelis explained the process. Mr. O'Leary questioned the revenue split. Mr. Hatzelis said it is not 50/50 because of the company's responsibilities. Mr. Varro said it is based on the amount of gas, percent of methane content and sale of the energy.

**Minutes** - Motion by Corcoran, seconded by Hughes, to accept and place on file the minutes of September 6, 2011. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, D'Angeli-yes, Bruning-yes, Sweeney-yes.

### Reports

#### Treasurer

Cash Report for August 2011

Cash Balances as of July 31, 2011 \$1,514,784.33

Cash Receipts for August 2011 \$2,259,090.74

Total \$3,773,875.07

Cash Disbursements for August 2011	\$1,571,236.81
Cash Balances as of August 31, 2011	\$2,202,638.26
Account Balances as of August 31, 2011	
Current – Checking	\$850,947.10
Capital – Checking	\$666,338.61
Escrow – Checking	\$68,383.06
COAH-Developers Fees	\$128,033.21
Open Space Municipal Tax	\$324,061.28
Trust Accounts for Developer’s Agreements	\$144,105.38
Special Rec. – Checking	\$8,196.96
Special Donations	\$7,544.48
Dog Trust Account	\$5,028.18
Total Account Balances	\$2,202,638.26

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

**Fire House Well** - Bruning reported the Township received the permit for the well; and Mr. John McGowan will be putting the final design and specifications together.

**Streets and Roads** - D’Angeli reviewed the Road Foreman’s Report. Road Foreman Macko said that due to the recent storms drainage on some roads will need to be evaluated.

**Affordable Housing** - Hughes reported the first phase of the Advance Housing project has received the Governor’s Award for Excellence in Housing. Phase II funding is being worked on.

**COAH** - Hughes reported COAH has been eliminated with the work to be done by the Department of Community Affairs. The Township’s plan has been submitted; and there is still the issue of the outstanding objection by Sunrise Properties.

**Emergency Management** - Hughes reported he has attended FEMA meetings and has spoken to CFO Magura about tracking costs related to the recent storms.

Hughes has met with some residents to offer guidance. He reported one (1) resident was evacuated due to structural damage.

**9-1-1 Dispatch Center** - Hughes reported he will continue to get proposals. The County will not be ready on January 1, 2012.

**Fire House Boiler** - Hughes reported work will begin next week.

**Board of Health** - Corcoran reported the annual free rabies clinic will be held this Saturday, September 24 from 9:00am.-12:00noon at the pavilion.

**EMS** - Corcoran reported the EMS will reapply to the State for a tax exempt number.

**Fire Department** - Sweeney reported there is no report due to the Chief being ill. Mr. Frank Chiacarella , Fireman, asked about the timing for the fire house well. Committeeman Bruning explained the process.

**Correspondence**

a. From Maureen Kaman, CTA re: Shared services agreement with Hamburg Borough  
The Township Committee agreed to a shared service with Hamburg Borough. An agreement will be drawn up. Hughes suggested the costs related to the Tax Assessor’s certification be shared.

b. From Alice Demarest, Sr. Club President re: Thank you for park use

c. Sandyston Township resolution opposing D-2795 and A-3835

**Vouchers**

A & G PIZZA	85.40
AGRA ENVIRONMENTAL SERVICES, INC.	30.00
ALLIED OIL, LLC	1,165.00
AQUATIC ANALYSTS, INC.	575.00
BANISCH ASSOCIATES INC.	1,154.95
BEAVER RUN FARMS	858.12
BERGEY'S COMMERCIAL TIRE	872.52
CENTURY LINK	474.93
CENTURYLINK COMMUNICATIONS, INC.	33.53
CHELBUS CLEANING CO., INC.	275.00
CHEMUNG SUPPLY	1,635.00
CINTAS CORP #111	333.87
CULLIGAN	37.50
D. LOVENBERG'S PORTABLE TOILET	360.00
E.A. MORSE & CO., INC.	237.92
FINCH FUEL OIL CO., INC.	2,415.73
FINELLI CONSULTING ENGINEERS, INC.	2,725.00
G & G DIESEL SERVICE INC.	86.94
GARDEN STATE PLUMBING AND HEATING	285.00
HERMAN GOBLE	1,385.00
HIGH POINT REG HIGH SCHOOL	209,983.84
HOME DEPOT CREDIT SERVICES	47.52
JAMES ANDO	213.00
JCP & L	3,284.60
LAFAYETTE ASPHALT	466.35
LAFAYETTE AUTO PARTS SUPPLY, LLC	338.45
LAFAYETTE TWP BD OF ED	270,950.00
LIMECREST QUARRY DEVELOPERS, LLC	652.60
LIMECREST QUARRY DEVELOPERS, LLC	190.83
MARYPAUL LABORATORIES, INC.	440.00
MONTAGE ENTERPRISES, INC.	180.96
MONTAGUE TOOL & SUPPLY CO.	226.42
NJ STATE LEAGUE OF MUNICIPALITIES	35.00
NORTH JERSEY GARAGE DOORS, LLC	457.00
PITNEY BOWES, INC.	81.14
ROY E. KURNOS	4,800.00
S/NJ DEPT OF LABOR & WORKFORCE DEV	67.50
SERVICE ELECTRIC CABLE TV	34.00
SNOOKS EXCAVATING, INC.	3,800.00
SPRINT	330.40
STAPLES BUSINESS ADVANTAGE	96.13
SUSSEX COUNTY CLERK	8.00
TC/TREAS ASSOC SUSSEX/WARREN	25.00
THE LAND CONSERVANCY OF NEW JERSEY	7,875.00
THE MORVILLE AGENCY	350.00
THE NEW JERSEY HERALD	172.04
THE ROY COMPANY, INC.	43.45
TREASURER, S/NJ	356.00
TREASURER, S/NJ	496.31
TROPICANA HOTEL	285.00
UNITED STATES POSTAL SERVICE	1,005.50
VISION SUPPLY, INC.	653.60
W. JIROUX	2,500.00
WARD'S FLOWERS AND GIFTS	71.95
WELDON QUARRY CO., LLC	3,922.71
BANISCH ASSOCIATES, INC.	2,048.30
FINELLI CONSULTING ENGINEERS, INC.	2,341.88
HABITAT BY DESIGN, LLC	4,000.00
LADDEY, CLARK & RYAN, LLP	1,065.00
ROY E. KURNOS	540.00
BECKY JIROUX	110.69
SPARTA LANES	87.50
SPARTA LANES	90.00
NEWTON VETERINARY HOSPITAL	106.50
NJ DEPT OF HEALTH & SENIOR SERVICES	10.80

Motion by D'Angeli, seconded by Corcoran, 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**

**Outdoor Dining Ordinance** - Motion by D'Angeli, seconded by Bruning, to introduce the following ordinance and set the public hearing for October 18, 2011:

AN ORDINANCE TO AMEND CHAPTER XIII (ZONING)  
OF THE TOWNSHIP OF LAFAYETTE CODE, SPECIFICALLY  
SECTION 13-15.2, OUTDOOR DINING

**BE IT ORDAINED** by the Township Committee of the Township of Lafayette that Chapter XIII (Zoning) of the Township of Lafayette Code, shall be and are hereby amended as follows:

**Section 1. 13-15.2 Outdoor Dining Ordinance.**

a. Outdoor dining areas are permitted as an accessory use for Restaurants including fast food Restaurants (collectively Restaurant) subject to the following conditions:

1. Permitted Areas. Outdoor dining areas shall be permitted on the same lot as an existing and legally operating Restaurant in an area under the control of the Restaurant. Outdoor dining shall be permitted so that the service and dining does not endanger or interfere with pedestrian traffic.

2. Design Standards. Outdoor dining areas shall be designed to be architecturally compatible with the existing structures on the property. Fencing and screening should be consistent with the architecture of the Restaurant.

3. Limitation on Seating. Seating for outdoor dining shall not exceed twenty (20) seats unless the Applicant can demonstrate to the Township Code Enforcement Officer that more than twenty (20) seats can reasonably be accommodated in the proposed outdoor dining area. In the event there is no indoor seating, the outdoor dining shall not exceed six (6) seats.

4. Location. Outdoor dining areas shall be located so as to minimize the impact upon adjacent property owners.

5. Signage. Signs shall conform with Section 13-17 of the Lafayette General Ordinance.

6. Outside Food and Drink Preparation. No food preparation, preparation equipment or bars shall be permitted in the outside dining area, including heating or cooking of food on open flames.

7. Furniture Storage. Outdoor furniture, equipment and other amenities must be removed from the outdoor dining area for extended periods of non-use and during the off-season.

8. Noise. Outdoor noise and sound systems must comply with Section 18-1 of the Lafayette General Ordinance.

9. Lighting. The outside dining area must have adequate illumination during evening hours and comply with the lighting design standards appropriate to the zone.

10. Alcoholic Beverages. Service of alcoholic beverages shall comply with Chapter VI of the Lafayette General Ordinance.

11. Maintenance. The outdoor dining area shall be maintained in accordance with Chapter III of the Lafayette General Ordinance. The outdoor dining area shall be maintained in an aesthetically appealing manner.

12. Application for Permit. An application shall be filed annually with the Township Clerk on forms supplied by the Clerk. The forms shall require the following information and such additional information as deemed necessary for the Code Enforcement Officer to enforce this ordinance:

(a) The name and address of the applicant.

(b) The name and address of the restaurant requesting the permit.

(c) Consent of the owner if other than the applicant.

(d) The hours of operation for the outdoor dining area.

(e) The initial payment of a permit fee in the amount of fifty (\$50.00) dollars. The permit shall be renewed annually at a fee of fifty dollars (\$50.00). Permits are valid from January 1 through December 31.

(f) An illustration showing seating capacity, the location of the proposed outdoor dining and the location of the restaurant, parking and nearby road or roads. All outdoor seating shall be located within the store front width or frontage that the seating services and not encroach on any adjoining store front. Outdoor seating may be located along the side of a store provided there is sufficient space to allow for pedestrian access and is subject to the discretion of the Code Enforcement Officer. All outdoor dining applications must include sufficient information as to the style and stability of the seating proposed.

(g) The signature of the party who will be responsible for compliance with this ordinance.

(h) A review process to ensure the location and design selected for outdoor dining is appropriate so as to minimize impacts upon neighboring properties.

13. Appeal. Any applicant who is denied approval of a permit may appeal the denial. The appeal, which shall be in writing, shall be mailed to the Clerk within five (5) days of the denial. The Township Committee shall hear the appeal within thirty (30) days of the Clerk's receipt of the appeal.

14. Transferability. An outdoor dining permit may be transferred to a new owner or operator so long as there are no changes.

15. Enforcement. This section shall otherwise be enforced by the Code Enforcement Officer but is not intended to limit enforcement by the Board of Health as to the Sanitary Code or any other appropriate entity.

16. Hours of Operation. Hours of operation shall comply with Section 18-1 of the Lafayette General Ordinance and be the same as the establishment's hours of operation.

17. In the event three (3) or more businesses located on the same tax lot make application for outdoor dining whether simultaneously or at different times, a revised site plan shall be required to be filed with the Lafayette Township Land Use Board, by the property owner, to consider all outdoor dining locations at the property.

**Section 2.** 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 3.** 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 4.** 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 5.** 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.

**Mountain Ridge Estates** - This issue will be carried to the next meeting on October 4, 2011.

#### **New Business**

**Municipal Alliance Grant Resolution** - Motion by Bruning, seconded by Corcoran, to adopt the following resolution:

WHEREAS, the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of an application for the Central Municipal Alliance grant for calendar year 2012 in the amount of \$19,902.00.
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**Monroe Road Grant Application Resolution** - Motion by Bruning, seconded by Hughes, to adopt the following resolution:

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MONROE ROAD RESURFACING PROJECT (MA-2012-LAFAYETTE TOWNSHIP-00509)

WHEREAS, the Township Committee of the Township of Lafayette, Sussex County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on behalf of the Township of Lafayette.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-LAFAYETTE TOWNSHIP-00509, Monroe Road Resurfacing to the New Jersey Department of Transportation on behalf of the Township of Lafayette.

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lafayette and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**Pelletown Road Grant Application Resolution** - Motion by Corcoran, seconded by Hughes, to adopt the following resolution:

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PELLETOWN ROAD RESURFACING PROJECT (MA-2012-LAFAYETTE TOWNSHIP-00508)

WHEREAS, the Township Committee of the Township of Lafayette, Sussex County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on behalf of the Township of Lafayette.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-LAFAYETTE TOWNSHIP-00508, Pelletown Road Resurfacing to the New Jersey Department of Transportation on behalf of Lafayette Township.

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lafayette and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

#### **Audience**

Mr. Todd Deming, Business Owner, expressed his dissatisfaction of Route 15 being closed during the recent storms as businesses were unable to be reached. Committeeman Hughes said the New Jersey Department of Transportation's (NJDOT) traffic diversion plan handled the Route 15 closure; and he explained the process. He noted no message boards were available.

Committeeman Hughes said the traffic diversion plan will be reviewed and communication will improve. Training exercises are done at times to bring information up to date.

Mr. Deming asked about the Township putting up signs. Committeeman D'Angeli said businesses are permitted to put up temporary signs during a disaster. Mr. Deming feels the Township should put up the signs and work to make things better for businesses and churches that were shut down. He does not feel this is incumbent on businesses to do.

A gentleman (Vietnam Veteran), asked the Township to reconsider making the walkway from the bridge to the Mabee House wheelchair accessible. Committeemen D'Angeli and Bruning agreed to pursue this issue.

The gentleman thanked the Road Department for the beautiful job they did to clean up the lawn and monument area for the Veterans annual memorial service.

**Executive Session** - Motion by D'Angeli, seconded by Corcoran, 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 property acquisition 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 - Property Acquisition

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

Mayor Sweeney stated that property acquisition was discussed in Executive Session.

**Adjournment**

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

Respectfully submitted,

ANNAROSE FEDISH, RMC  
Municipal Clerk