

March 6, 2012

The first regular meeting of the Lafayette Township Committee was held on Tuesday, March 6, 2012 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

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

Mayor Corcoran opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

**Minutes** - Motion by Bruning, seconded by Henderson, to accept and place on file the minutes of February 21, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

### Reports

**Tax Collector** - For February 2012

|                    |                |
|--------------------|----------------|
| Prior Year Taxes   | \$155,129.03   |
| Current Year Taxes | \$1,509,714.25 |
| Interest           | \$4,370.04     |
| Total              | \$1,669,213.32 |

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

### Animal Control Officer

| Month of February 2012             | <u>This Month</u> | <u>To Date</u> |
|------------------------------------|-------------------|----------------|
| Total Deposits                     | \$1,639.00        | \$5,056.00     |
| Amount Paid to State of New Jersey | \$274.80          | \$770.40       |
| Licenses Sold                      | 141               | 434            |
| Kennel Licenses Sold               | 0                 | 2              |
| Dogs Picked Up                     | 0                 | 0              |
| Cats Picked Up                     | 3                 | 4              |
| Dogs Taken to Pound                | 0                 | 0              |
| Cats Taken to Pound                | 3                 | 4              |
| Dogs Redeemed                      | 0                 | 0              |
| Cats Redeemed                      | 0                 | 0              |
| Miscellaneous (Kennel Licenses)    | 0                 | \$50.00        |
| Late Fees Collected                | 0                 | 0              |
| Lost Tags                          | \$2.00            | \$2.00         |

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

### Committee Reports

**Fire House Well** - Bruning reported the well was drilled to 440 feet with a yield of 30 gallons per minute. The water will be tested on March 15, 2012.

**Streets and Roads** - D'Angeli reviewed the Road Foreman's report. The purchase of a roller and Little Road drainage work were discussed.

Roller Spending Ordinance - Motion by Bruning, seconded by D'Angeli, to introduce the following ordinance and set the public hearing for March 20, 2012:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF A WACKER RD12A 1 TON VIB. ROLLER AND APPROPRIATING \$12,729.00 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1. The funding for the purchase of a Wacker RD 12A 1 ton Vib. Roller is hereby authorized; and the cost is not to exceed \$12,729.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$12,729.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

Motion by D'Angeli, seconded by Bruning, to purchase a roller for a cost not to exceed \$12,729. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Little Road Drainage Repair Spending Ordinance - Motion by D'Angeli, seconded by Bruning, to introduce the following ordinance and set the public hearing for March 20, 2012:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REPAIR OF LITTLE ROAD AND APPROPRIATING \$17,000.00 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1: The funding for the repair of Little Road is hereby authorized and the cost is not to exceed \$17,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$17,000.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

**Affordable Housing** - Hughes reported Advance Housing is waiting for a response from HUD for Phase II.

**Fire Department** - Henderson reported the Fire Department responded to seven (7) calls.

**Open Space (OSAC)** - Henderson reported the \$500,000 additional funding grant was submitted to Green Acres for the Lawler property. Also, there is no money on the County level for the Allison farm on Gorney Road.

**EMS** - Corcoran reported EMS responded to 22 calls in January and 18 calls in February. A letter from the accountant was received stating there are no discrepancies in the EMS accounts from December 2011 to December 2011.

Corcoran reported EMS is in the process of purchasing radios, coats and uniforms for the members.

**Land Use Board** - Corcoran reported a meeting was held on February 23, 2012; and they are trying to resolved the Barnside Inc. litigation.

### **Correspondence**

1. From Linda Glosinski, TLC, to Howard Wachenfield, Esq. re: Yorkshire Country Club
2. Hampton Township resolution opposing A1811/S959-Water Supply Fluoridation Act
3. From Marianne Smith, Hardyston Twp. Manager, to Senator Stephen Sweeney re: S959/A1811 – Mandatory Fluoridation of Public Water Supplies
4. Sparta Township Ordinance amending Chapter 18-Zoning
5. Byram Township Resolutions:
  - a. Opposing A-1811/S959 – Water Supply Fluoridation Act

- b. Opposing S1085 – Forest Harvest on State Lands  
6. From Robert Confer, NJDEP re: SCMUA Draft Solid Waste Facility Permit

**Old Business**

**Municipal Electricity** - Corcoran reported all Township accounts are commercial. He distributed a copy of the service agreement from AMBIT Northeast LLC. Corcoran recommended pursuing changing the electrical supplier to save approximately \$1,500-\$1,800 per year.

Hughes recommends investigating transferring to a third-party supplier. He asked that the CFO proceed directly with energy suppliers and report to the Township Committee. Hughes said he give support to the CFO and handle questions.

**Advance Housing PILOT and Taxes** - Hughes reported the information submitted has been reviewed and recommends reimbursing Advance Housing for taxes paid per the agreement.

Motion by Hughes, seconded by Henderson, to refund to Advance Housing \$8,150.69 in paid taxes. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

**New Business**

**Exceed CAP Ordinance** - Motion by D'Angeli, seconded by Hughes, to introduce the following ordinance and set the public hearing date of March 20, 2012:

CALENDAR YEAR 2012 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two (2) succeeding years; and,

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$11,546.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2012 budget year, the final appropriations of the Township of Lafayette shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$40,411.00, and that the CY 2012 municipal budget for the Township of Lafayette be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

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

**Tax Collection Percentage Resolution** - Motion by D'Angeli, seconded by Hughes, to adopt the following resolution:

WHEREAS, the Township of Lafayette, County of Sussex, realized 95.33% of current tax collections for the year 2011; and

WHEREAS, the tax collection percentage was adversely impacted by tax appeals; and

WHEREAS, the percentage of cash collections on current taxes for the three (3) prior years was as follows:

| <u>Year</u> | <u>Percentage</u> |
|-------------|-------------------|
| 2008        | 95.82%            |
| 2009        | 97.00%            |
| 2010        | 97.34%            |

AND, WHEREAS, the Mayor and Township Committee believe the tax collections for the year 2012 will improve over the year 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee that permission be requested by the Director of the Division of Local Services to permit the Township to anticipate a current tax collection percentage of 96.72% for the year ended December 21, 2012.

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

**2012 Municipal Budget** - Motion by Henderson, seconded by D'Angeli, to introduce the 2012 Municipal Budget and set the public hearing date of April 3, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

**Self-Examination Resolution** - Motion by D'Angeli, seconded by Hughes, to adopt the following resolution:

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lafayette has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lafayette that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Township Committee has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth.
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

**Fire House Well Drilling Spending Ordinance** - Motion by Henderson, seconded by Bruning, to introduce the following ordinance and set the public hearing date of March 20, 2012:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE DRILLING OF A WELL FOR THE LAFAYETTE TOWNSHIP FIRE HOUSE AND APPROPRIATING \$9,500.00 AVAILABLE IN THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1: The funding for the drilling of a new well for the Lafayette Township Fire House is hereby authorized and the cost is not to exceed \$9,500.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$9,500.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

**OSAC Environmental Hiring** - Motion by D'Angeli, seconded by Bruning, to approve JM Sorge, Inc. to conduct a limited soil delineation investigation on the Lawler property for a cost not to exceed \$6,150.00 as recommended by the Open Space Advisory Committee. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

**Time Limit Repeal Resolution** - Motion by D'Angeli, seconded by Bruning, to adopt the following resolution:

WHEREAS, the Township Committee of the Township of Lafayette was asked by a Township resident/business owner to install parking spaces along Route NJ 15 east side; and

WHEREAS, after a request to and inspection by the New Jersey Department of Transportation (NJDOT), it is recommended the spaces be installed and the thirty (30) minute time limit of parking be repealed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, NJ to repeal the 30 minute time limit parking zone along Route NJ 15 (east side):

(Repeal) Parking Time Limited On Certain Streets:

The following thirty (30) minute time limit parking between the hours of 7:00am. and 9:00pm. "daily" is hereby repealed as follows:

| <u>Name of Street</u> | <u>Side(s)</u> | <u>Limit</u>  | <u>Hours</u>             | <u>Location</u>   |
|-----------------------|----------------|---------------|--------------------------|---|
| Route NJ 15           | East           | 30<br>Minutes | 7:00 AM<br>to<br>9:00 PM | Beginning at a point<br>35 feet north of the<br>northerly curb line of<br>Meadows Road and<br>extending 105 feet<br>northerly therefrom |

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

**2013 Assessment** - Motion by Bruning, seconded by Hughes, to adopt the following resolution:

**RESOLUTION SUPPORTING A TOWN WIDE REASSESSMENT FOR THE YEAR 2013**

WHEREAS, it is the request of the Tax Assessor, and concurrence of Municipal Counsel and the Township Committee of the Township of Lafayette, that a reassessment be performed for the 2013 tax year; and,

WHEREAS, the Township of Lafayette was under an Order entered by the Director of the Division of Taxation to perform a town wide revaluation for the 2006 year; and,

WHEREAS, the real estate market was at its peak in 2003, 2004 and 2005 and values were based on sales from those years; and,

WHEREAS, the real estate market has been in an economic downturn since 2006 and the usable sales are limited, and according to the tax assessor, assessments are inequitable; and,

WHEREAS, the CFO advises that there is sufficient funds to undertake a reassessment for 2013; and,

WHEREAS, a reassessment is necessary as a result of the revaluation being performed at the peak of the market.

NOW, THEREFORE, BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that the Township Committee of the Township of Lafayette support the Tax Assessor and Municipal Counsel of the Township of Lafayette in their request to the Sussex County Tax Board for a town wide reassessment for the year 2013.

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

**SCMUA-Certified Recycling Coordinator Resolution** - Motion by D'Angeli, seconded by Bruning, to adopt the following resolution:

**RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2011 RECYCLING TONNAGE REPORT TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA"), among other things, employs a District Recycling Coordinator as the designated operating agency within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

WHEREAS, the Township of Lafayette will prepare the 2011 Lafayette Township Recycling Tonnage Report; and

WHEREAS, the Township of Lafayette is requesting the services of the SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2011 Lafayette Township Recycling Tonnage Report to NJDEP by April 30, 2012; and

WHEREAS, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by Lafayette Township and electronically submit it to NJDEP on behalf

of Lafayette Township under the terms and conditions set forth in the Shared Services Agreement.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lafayette, in the County of Sussex, and State of New Jersey as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement, a copy of which is attached hereto, with Sussex County Municipal Utilities Authority for the provision of a Certified Recycling Professional Services to certify and submit the 2011 Recycling Tonnage Report to NJDEP.
2. This Resolution shall take effect immediately.
3. All SCMUA Staff and Professionals are authorized to take any and all necessary actions to see to the implementation of this Resolution.

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

**Raffle License** - Motion by Henderson, seconded by D'Angeli, to approve a raffle license for Hampton Township Educational Foundation for March 31, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

**Lafayette Township School Budget** - Hughes reported the proposed 2012-2013 Lafayette Township School would have a 1.3 cents increase.

**Audience**

Ms. Gizelle Garren, a member of the "Save the Homestead" committee asked the Township Committee to support not selling the Homestead nursing home and put the issue on November ballot as a county-wide referendum. Ms. Garren will submit further information.

Mr. Ron Decker, Morris Farm Road, asked where the money is coming from for drilling the well at the fire house. Committeeman Hughes said it would come from the capital account.

**Adjournment**

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

Respectfully submitted,

ANNAROSE FEDISH, RMC  
Municipal Clerk