

March 20, 2012

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, March 20, 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, CFO Magura, 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 Hughes, seconded by Henderson, to accept and place on file the minutes of March 6, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Reports

Treasurers Report

Cash Report for February 2012

Cash Balances as of January 31, 2012	\$2,118,595.64
Cash Receipts for February 2012	\$1,937,037.90
Total	\$4,055,633.54
Cash Disbursements for February 2012	\$1,339,250.97
Cash Balances as of February 29, 2012	\$2,716,382.57
Account Balances as of February 29, 2012	
Current – Checking	\$1,140,615.47
Capital – Checking	\$918,356.88
Escrow – Checking	\$53,058.13
COAH-Developers Fees	\$131,050.38
Open Space Municipal Tax	\$311,180.39
Trust Accounts for Developer's Agreements	\$140,692.20
Special Rec. – Checking	\$7,905.17
Special Donations	\$7,544.48
Dog Trust Account	\$5,979.47
Total Account Balances	\$2,716,382.57

Motion by D'Angeli, seconded by Henderson, 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.

Committee Reports

Fire House Well - Bruning reported the total coliform and E.Coli are negative in the new well. The results of the heavy metals test should be received in a couple of weeks.

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

Affordable Housing

Advance Housing - Hughes reported Advance Housing received HUD approval for Phase II and will commence construction soon.

COAH - Hughes reported David Banisch is working on the spending plan.

Open Space Advisory Committee - Henderson reported the next meeting of the OSAC is scheduled for next Tuesday, March 27, 2012.

Fire Department - Henderson reported the fire department responded to 11 calls since the last report.

Discussion ensued regarding the accident involving the incident command vehicle. The Township received a check for the amount of the repairs minus the \$1,000 deductible, which will come out of the fire department's budget. A bill is needed before payment is made.

Land Use Board - Corcoran reported the last meeting was held on March 15, 2012. Barnside litigation is continuing.

Correspondence

- a. From Lafayette Board of Health re: repealing Ordinance 5-17 "Keeping of Pigs"
This issued will be tabled to the next meeting on April 3, 2012
- b. From Thomas Ryan, Esq. re: Sparta dispatching shared services
- c. From Michael Mihalic, NJDOT re: Mid-block crosswalk/Route 94
This issued will be tabled to the next meeting on April 3, 2012
- d. From Dennis McConnell, Esq. re: Sale of Homestead Nursing Home
- e. Frankford Township Land Use Board public hearing for circulation plan element

Vouchers

Agra Environmental Services, Inc.	63.00
Airgas East	160.68
American Traffic & Street Sign Co.	503.75
Amerigas-Chester	1,515.89
Andover Township	10,200.00
Aurora Electrical Supply	93.94
CenturyLink	495.27
Chelbus Cleaning Co., Inc.	275.00
Cintas Corp #111	64.07
D. Lovenberg's Portable Toilet	65.00
Deluxe International Trucks, Inc.	23.20
Dover Brake & Clutch Co., Inc.	488.58
Finch Fuel Oil Co., Inc.	1,924.25
Finelli Consulting Engineers, Inc.	1,677.50
G&G Diesel Service Inc.	100.76
High Point Regional High School	209,983.84
Home Depot Credit Services	56.78
JCP&L	1,393.29
Kathie Reimels	964.12
Laddey, Clark & Ryan, LLP	1,185.00
Lafayette Auto Parts Supply LLC	239.98
Lafayette Township Fire Department	5,698.44
Lafayette Twp. Board of Education	300,950.00
LCB Services	99.00
Montague Tool & Supply Co.	298.48
Municipal Software, Inc.	6,071.30
ND Engineering, LLC	765.00
North Church Gravel, Inc.	89.21
Opdyke's Sales & Service	1,238.60
Pitney Bowes, Inc.	48.00
Rowe & Company	78.49
Roy E. Kurnos	546.00
Royal Pontiac-Buick-GMC	86.99
RR Donnelley	62.50
Service Electric Cable TV	17.00
SK Office Supply, Inc.	11.99
Sparwick Contracting	109,905.97
Sprint	141.31
Staples Business Advantage	509.88
Statewide Insurance Fund	21,392.00
The New Jersey Herald	250.75
Town of Newton	9,000.00
Trius, Inc.	230.00
Weldon Quarry Co., LLC	118.30
Ace Well & Pump LLC	9,340.00
Franklin Precast	208.60

ND Engineering, LLC	1,981.50
Tri-State Power & Pump	1,047.63
Laddey, Clark & Ryan, LLP	225.00
ND Engineering, LLC	229.50
Roy E. Kurnos	195.00
Newton Veterinary Hospital	421.69
NJ Dept. of Health & Senior Services	274.80

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

Old Business

Electric Utility Supplier - This issue will be carried to the next meeting on April 3, 2012.

Restoration of Energy Taxes Resolution - Motion by Hughes, seconded by Henderson, to adopt the following resolution:

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lafayette that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

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

Cap Bank Ordinance - Mayor Corcoran opened the public hearing for the following ordinance:

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)

With there being no comments from the public, Mayor Corcoran closed the public hearing.

Motion by Hughes, seconded by D'Angeli, to adopt the Cap Bank ordinance. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Fire House Well Drilling Spending Ordinance - Mayor Corcoran opened the public hearing for the following ordinance:

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

With there being no comments from the public, Mayor Corcoran closed the public hearing.

Motion by Bruning, seconded by D'Angeli, to adopt the Cap Bank ordinance. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Roller Spending Ordinance - Mayor Corcoran opened the public hearing for the following ordinance:

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

With there being no comments from the public, Mayor Corcoran closed the public hearing.

Motion by D'Angeli, seconded by Hughes, to adopt the Cap Bank ordinance. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-no, Corcoran-yes.

Little Road Repair Spending Ordinance - Mayor Corcoran opened the public hearing for the following ordinance:

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

With there being no comments from the public, Mayor Corcoran closed the public hearing.

Motion by Bruning, seconded by D'Angeli, to adopt the Cap Bank ordinance. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

New Business

Best Practices Inventory - Motion by Bruning, seconded by D'Angeli, to endorse the Best Practices Inventory. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

2013 Town Wide Reassessment - Motion by Bruning, seconded by Henderson, to award Appraisal Systems the contract to perform a town wide reassessment for a cost not to exceed \$29,700.00 and authorize the Mayor to sign the contract. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Zoning Map Approval - Motion by Bruning, seconded by Henderson, to adopt the 2012 Zoning Map, latest revision date 1/13/2012, and include it in Chapter 13-Zoning. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

SWAC - D'Angeli reviewed the report.

Noise Complaint - D'Angeli reported the Zoning Officer sent a letter to the owner of 98 Route 15 regarding complaints of noise being received. The owner responded by sending a letter to the tenants.

Road Grants - D'Angeli reported the Township is waiting to hear from the State regarding the status of the applications.

Affordable Housing - Motion by Hughes, seconded by D'Angeli, to adopt the following resolution:

RESOLUTION SUPPORTING A-2717 EXTENDING THE TIME PERIOD FOR MUNICIPALITIES TO COMMIT TO EXPEND COLLECTED DEVELOPMENT FEES AND PAYMENTS-IN-LIEU OF CONSTRUCTION AFFORDABLE UNITS

WHEREAS, P.L. 2008, c. 46 established a four (4) year timetable for municipal housing trust dollars to be "committed for expenditure, or risk forfeiture to the State"; and

WHEREAS, the 2008 Act did not define the term "committed for expenditure" and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to the requirements to be met for "committee" as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs (DCA) has adopted, nor proposed, the regulations pursuant PL 2008, c. 446; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its "3rd round regulations" establishing municipal obligations under the "Fair Housing Act"; and

WHEREAS, COAH's 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight (8) years of litigation over COAH's methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations and certainty that such commitment would count towards its housing obligation; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette urges our State Legislators to **support and approve A-2717**, which will provide a four (4) year extension for municipalities to commit the municipal housing trust fund dollars; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the sponsor of A-2717, Assemblyman Anthony Bucco, Senator Steven Oroho, Assemblyman Gary Chiusano, Assemblywoman Alison McHose, members of the Assembly Housing and Local Government Committee, the New Jersey State League of Municipalities and the Office of the Governor.

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

Audience

Mr. Nick Corrado, 61 Bunn Road, Hardyston (owner of 191 Route 15 strip mall), feels the Zoning Officer, Jeff Fette, is selectively enforcing the ordinances regarding businesses not complying with outside seating and signs. He said he has corresponded with the Zoning Officer and nothing has changed. Mr. Corrado feels the only business that complies with the ordinances is the pizza establishment at his strip mall.

Mr. Corrado would like the Township Committee to direct the Zoning Officer to enforce the ordinances. Committeeman D'Angeli will speak with the Zoning Officer.

Mr. Ron Decker, EMS Captain, asked about Township disbursements. Committeeman Hughes said the procedure has not changed. Mr. Decker said the EMS paid the deductible for last year's ambulance accident.

Mr. Decker suggested a policy/guideline manual for motor vehicle accidents be made.

Ms. Gizelle Garren, "Save the Homestead" Committee, asked the Township Committee to send a letter to the Freeholders opposing the sale of the Homestead and place a referendum on the ballot for the residents to vote on.

Ms. Anne Schellinger, Lafayette Board of Education liaison, said a PAC meeting will be held on Thursday, March 29, 2012 at 7:00pm. at the school. Bruning and Henderson will attend.

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 personnel 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, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Exec. Session - Personnel

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

Mayor Corcoran stated personnel 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