

April 17, 2012

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 17, 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 20, 2012 and April 3, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Reports

Treasurers Report

Cash Report for March 2012

Cash Balances as of February 29, 2012 \$2,716,382.57

Cash Receipts for March 2012 \$92,854.91

Total \$2,809,237.48

Cash Disbursements for March 2012 \$810,926.66

Cash Balances as of March 31, 2012 \$1,998,310.82

Account Balances as of March 31, 2012

Current – Checking \$431,648.65

Capital – Checking \$908,431.38

Escrow – Checking \$53,033.33

COAH-Developers Fees \$131,055.77

Open Space Municipal Tax \$311,193.18

Trust Accounts for Developer's Agreements \$140,697.98

Special Rec. – Checking \$7,905.80

Special Donations \$7,544.48

Dog Trust Account \$6,800.25

Total Account Balances \$1,998,310.82

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 pump has been installed and will be chlorinated this week. The permit to abandon the well inside the building is forthcoming.

Motion by Bruning, seconded by D'Angeli, to introduce the following ordinance and set the public hearing date of May 1, 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 \$8,100.00 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 \$8,100.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$8,100.00 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.

Streets and Roads - D'Angeli reviewed the Road Foreman's report. Garbage collection for the SCARC home on Warbasse Junction Road ensued. It is the consensus of the Committee that the garbage collection policy be complied with.

Emergency Management - Hughes reported the Sussex County traffic diversion plan is being worked on.

Business Sustainability and Growth Forum - Hughes reported the business meeting will be held on April 25, 2012 at 7:00pm.

2013 Town Wide Reassessment - Hughes reported the package has been submitted to the County Tax Board.

Fire Department - Henderson reported a subcommittee, which he is a member of, is working on guidelines for the Incident Command Vehicle.

Open Space (OSAC) - Henderson reported no meeting was held last month. Approximately 5.5 cubic yards of contaminated soil need to be removed from the Lawler property for a cost of approximately \$17,000. The Township Attorney will contact the owner for the payment of this removal.

Correspondence

1. From Michael Russo, NJDOT, re: 2012 Municipal Aid Program denial
The Clerk will ask the Township Engineer to submit applications for Pelletown and Monroe Roads.
2. NJDEP to NJDOT re: NJ Route 15 over Paulins Kill River Bridge Replacement
3. From George Graham, SCLM, re: Permit Extension Bill
4. From Hardyston Township Council re: Sale of the Homestead Nursing Home
5. From Don Purdy, Galloway Township re: Supporting Jessica Lunsford Act
6. Freeholder Board, Hampton Township & Resolutions Opposing Senate Bills 1451 and 1452

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

RESOLUTION OPPOSING SENATE BILLS 1451 and 1452

WHEREAS, legislation has been introduced to reform and modernize both the Open Public Meetings Act (5-1451) and the Open Public Records Act (5-1452); and

WHEREAS, the Township Committee of the Township of Lafayette agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

* A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and

* A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and

* A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and

* A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and

* A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and

* A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and

* A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

* A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies' ability to take necessary actions on personnel matters and could lead to costly litigation; and

* A new requirement that comprehensive minutes that must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the Township Committee of the Township of Lafayette agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

* The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and

* The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and

* The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and

* The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and

* A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and

* A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and

* A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do

not have access to a computer but does not define what is meant by "access to a computer"; and

* A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and

* A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the Township Committee of the Township of Lafayette strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, County of Sussex, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 24th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

7. Freeholder Board and Hardyston Township Resolutions Calling for the Restoration of Energy Taxes to Municipalities
 8. Hampton Township & Sandyston Township Resolutions Supporting A-2717
 9. Branchville Borough & Sandyston Township Resolutions Supporting a Referendum for the Sale of the Homestead Nursing Home
 10. Montague Township & Stanhope Borough Resolutions Opposing the New Jersey Public Water Supply Fluoridation Act (A1811/S959)
 11. Freeholder Board Ordinance re: Roadways, Driveways and Parking Facilities at the County Administrative Center
 12. Vernon Township Ordinance Amending Administrative Code Section 330-180; Signs
 13. From David Kuhn, NJDOT, re: Complete Streets Training Workshop
 14. From Helen Carew, District 24, re: Left Turn Signal at Routes 94 & 15
- It was the consensus of the Township Committee that this not be pursued as there is no cost estimate.

Vouchers

Agra Environmental Services, Inc.	220.50
Allegra Marketing	498.50
Amerigas-Chester	368.70
Anna Rose Fedish	70.00
Aquatic Analysts, Inc.	1,055.00
Atlantic Communications	653.50
Century Link	499.48
Chelbus Cleaning Co., Inc.	275.00
Cintas Corp. #111	539.42
Cooper Electric Supply Co.	104.74

D. Lovenberg's Portable Toilet	75.85
Decker's Fire & Safety	307.00
Finch Fuel Oil Co., Inc.	2,126.07
Finelli Consulting Engineers, Inc.	160.00
G&G Diesel Service, Inc.	22.25
G.F.O.A. of New Jersey	90.00
High Point Regional High School	209,983.84
IIMC	135.00
JM Sorge, Inc.	5,650.00
JCP&L	1,387.53
Johnny's Collision	361.26
Kathie Reimels	310.33
Lafayette Auto Parts Supply, LLC	177.72
Lafayette EMS	791.15
Lafayette Preservation Foundation	500.00
Lafayette Twp. Board of Education	300,950.00
MCANJ, Inc.	10.00
Millside Café	131.56
Nestle Pure Life Direct	56.44
Pitney Bowes, Inc.	48.00
Rowe & Company	15.95
Service Electric Cable TV	17.00
Sprint	141.70
Staples Business Advantage	381.59
Statewide Insurance Fund	21,392.00
Sussex County Treasurer	426,151.55
Sussex County Treasurer	11,404.34
Sussex County Treasurer	30,975.73
Sussex County Treasurer	3,690.18
TC/Treas. Assoc. Sussex/Warren	25.00
The New Jersey Herald	157.65
Tire King	85.00
Treasurer, S/NJ	272.41
Treasurer, S/NJ	25.00
United States Postal Service	1,094.20
W. Jiroux	1,250.00
Weisenbach Specialty Printing	112.50
Agra Environmental Services, Inc.	450.00
Garden State Plumbing & Heating	175.00
Montague Tool & Supply Co.	12,729.00
Peerless Concrete Products Co.	1,310.00
Finelli Consulting Engineers, Inc.	647.50
ND Engineering, LLC	255.00
NJ Dept. of Health & Senior Services	196.80
Wm. E. Kaufman, Sr.	535.00

Motion by D'Angeli, seconded by Hughes, 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 - Motion by Hughes, seconded by D'Angeli, to join the NJSEM cooperative for electricity, authorize the Mayor to sign the agreement, the CFO will work with the cooperative to transfer all accounts and adopt the following resolution:

RESOLUTION TO JOIN NEW JERSEY SUSTAINABLE ENERGY
(NJSEM) JOINT MEETING

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the Township of Lafayette has determined that membership in the Joint Meeting is in the best interest of the Township.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Township of Lafayette does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that the Mayor is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$150 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

AYES: Hughes, Henderson, D'Angeli, Bruning, Corcoran

NAYS: None

ABSTAIN: None

ABSENT: None

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

Animal Control Shared Services - Motion by D'Angeli, seconded by Bruning, to enter into a shared services agreement with Wantage Township for animal control and pounding services effective May 1, 2012 and terminate the current ACO services. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Repeal Section 5-17 (Keeping of Pigs) Ordinance - Mayor Corcoran opened the public hearing for the following ordinance:

AN ORDINANCE TO REPEALING SECTION 5-17 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, SPECIFICALLY "THE KEEPING OF PIGS"

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

Motion by Hughes, seconded by Bruning, to adopt the ordinance to Repeal Section 5-17 (Keeping of Pigs). Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Amend Chapter XIII-Outdoor Dining Ordinance - Mayor Corcoran opened the public hearing for the following ordinance:

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING "ZONING" OF SAID TOWNSHIP, SPECIFICALLY SECTION 13-15 "OUTDOOR DINING"

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

Motion by Bruning, seconded by D'Angeli, to carry this issue to the next meeting on May 1, 2012 to allow the Land Use Board to comment on the amendment. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Fire House Well Spending Ordinance (#2) - 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 \$3,000.00 AVAILABLE IN THE CAPITAL IMPROVEMENT FUND

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

Motion by Bruning, seconded by Henderson, to adopt the fire house well spending ordinance (#2). Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Sign Ordinance - Henderson asked for about receiving a report from the Zoning Officer the sign issues brought up by Mr. Corrado. D'Angeli said he spoke with the Zoning Officer and was told letters were sent to businesses.

New Business

Military Employment Initiative Program Resolution - Motion by Corcoran, seconded by D'Angeli, to adopt the following resolution:

RESOLUTION SUPPORTING THE EMPLOYMENT INITIATIVE PROGRAM OF THE NEW JERSEY EMPLOYER SUPPORT GUARD AND RESERVES

WHEREAS, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, "Above all, our freedom endures because of the men and women in uniform who defend it," and that "... this generation of heroes has made the United States safer and more respected around the world."; and

WHEREAS, the President, further, promised, "As they come home, we must serve them as well as they've served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation."; and

WHEREAS, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

WHEREAS, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

WHEREAS, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

WHEREAS, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

WHEREAS, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

WHEREAS, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

WHEREAS, The Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

WHEREAS, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

WHEREAS, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

WHEREAS, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

WHEREAS, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

WHEREAS, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up.

NOW, THEREFORE, BE IT RESOLVED on this 17th day of April, 2012 that the Township Committee of the Township of Lafayette recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

BE IT FURTHER RESOLVED, that in gratitude, Lafayette Township pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

ALSO, BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

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

Audience

Mr. Kevin O'Leary suggested contacting Mr. Ed Mueller about the LEAF 5K Run/Walk.

Mr. Bill Macko suggested the phone number for the new al Control Officer be posted on the Township's web site. Committeeman D'Angeli said it will be posted on May 1, 2012.

Adjournment

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

Respectfully submitted,

ANNAROSE FEDISH, RMC
Municipal Clerk