

June 6, 2012

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, June 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, 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 D'Angeli, seconded by Henderson, to accept and place on file the minutes of May 15, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Reports

Tax Collector - For May 2012

Prior Year Taxes	\$6,455.97
Current Year Taxes	\$1,566,157.19
Interest	\$2,725.16
Total	\$1,575,338.32

Motion by D'Angeli, seconded by Hughes, 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.

Treasurers Report

Cash Report for May 2012

Cash Balances as of April 30, 2012	\$1,584,474.52
Cash Receipts for May 2012	\$1,670,787.34
Total	\$3,255,261.86
Cash Disbursements for May 2012	\$687,186.15
Cash Balances as of May 31, 2012	\$2,568,075.71
Account Balances as of May 31, 2012	
Current – Checking	\$1,035,284.20
Capital – Checking	\$884,031.71
Escrow – Checking	\$44,145.52
COAH-Developers Fees	\$131,072.56
Open Space Municipal Tax	\$311,233.80
Trust Accounts for Developer's Agreements	\$140,665.33
Special Rec. – Checking	\$7,907.12
Special Donations	\$7,544.48
Dog Trust Account	\$6,190.99
Total Account Balances	\$2,568,075.71

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

Old Business

SCARC, Inc.

Richard Lecher, CEO

Mr. Lecher explained a family wants to donate a home to SCARC; and he is asking for help with the development. He said this would be a new, four(4) bedroom home, which would give the Township eight (8) affordable housing credits.

Committeeman Hughes recommended \$65,000 be donated to SCARC from the affordable housing trust fund. Also, the planner should be paid out of the trust fund for work on the spending plan.

Motion by Hughes, seconded by Bruning, to adopt the following resolution:

1

RESOLUTION TO CONTRIBUTE AFFORDABLE HOUSING
TRUST FUNDS TO SCARC, INC.
RESOLUTION 2012-30

WHEREAS, the Lafayette Township Committee has determined that it is in the best interest of Lafayette Township to work with the SCARC, Inc. and its authorized representatives towards the contribution of \$65,000 from the Township Affordable Housing Trust Fund to SCARC, Inc., a duly incorporated nonprofit organization, so as to facilitate the development of housing and care for persons having developmental disabilities in accordance with N.J.S.A. 40A:12-21 (h); and

WHEREAS, the facility developed and operated by SCARC, Inc. will qualify for affordable housing credits as set forth in N.J.A.C.5:93 and 5:94; and

WHEREAS, it is understood that the owner of Block 21, Lot 29.02 (the "Property") will convey the Property to SCARC, Inc. for the development of housing and care for persons having developmental disabilities; and

WHEREAS, the Lafayette Township Committee has determined after due deliberation that the Property should be developed for affordable housing.

NOW THEREFORE, BE IT RESOLVED, by the Lafayette Township Committee as follows:

1. Upon the conveyance of good and marketable title to SCARC, Inc. of the Property and upon execution of an agreement between SCARC, Inc. and the Township, the Township shall cause to be paid to SCARC, Inc. the sum of Sixty-Five Thousand Dollars (\$65,000) towards the development of the Property. The payment of the amount of Sixty-Five Thousand Dollars (\$65,000) shall be made from the Lafayette Township Affordable Housing Trust Fund. The payment should be made as soon as practicable so that the monies available to be utilized for affordable housing in Lafayette and do not escheat or otherwise revert to the State of New Jersey or any other governmental agent.
2. Richard Hughes is authorized to execute all contracts, agreements and other writings to effectuate the transaction on behalf of the Township of Lafayette and its Affordable Housing Trust Fund.
3. Nothing herein shall confer upon SCARC, Inc. any grant or right beyond that specifically set forth and in particular to the Remainder of the Township Affordable Housing Trust Funds, if any.
4. Development of the Property is subject to:
 - 4.1. Funding of the Development through other funding sources to finance the development of housing and care for persons in accordance with N.J.S.A. 40a:12-21(h).
 - 4.2. All governmental approvals that are required and that have jurisdiction over the Property and its development, including the Lafayette Township Land Use Board, the Sussex County Planning Board and the Sussex County Health Department and any State of New Jersey or Federal authority.

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

Committee Reports

Recreation - Motion by Bruning, seconded by Hughes, to hire the following: Summer Swim Director, Lauren Geaney, at \$1,000 for the season; Lifeguards at a rate of \$9.00 per hour – Andrew Forino, Brendon McEvoy, Destin Muller, Nicholas O'Connor, Samantha Ritter and Christopher Sarao; Summer Rec Program at same rates as last year – Becky Alcaro, Alissa Jiroux and Ashley LeBelle. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Bruning reported the Recreation Commission is suggesting the installation of a gate by the pond parking lot to keep people from driving onto the grass areas. Quotes will be pursued.

The new park sign will be installed soon.

Fire House Well - Bruning reported the well has been approved; and the well in the building will be abandoned tomorrow.

Streets and Roads - D'Angeli reviewed the Road Foreman's report. Motion by D'Angeli, seconded by Hughes, to approve the purchase of a Stihl chain saw for a cost not to exceed \$281.56. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Road Foreman Macko explained his request for a subscription to a weather service. The Lafayette Township School would pay half of the cost of \$1,460.00. This issue will be carried to the next meeting on July 3, 2012.

D'Angeli suggested a section of the curb along the handicap area be removed to prevent falls. The Committee unanimously approved this project.

Stormwater - Hughes reported the education portion did not receive enough points; and elected officials need training.

Route 15 Intersection - Hughes reported the NJDOT did an inspection; and an engineer is working on the issue. A letter will be sent to the Township detailing the work.

Affordable Housing

Advance Housing is anticipating closing with HUD on Phase II in July; and construction will begin soon after. Phase I has nine (9) out of the ten (10) rented as the 10th unit needs repairs.

Spending Plan and affordable housing ordinance are being worked on and will be paid through the affordable housing trust.

2013 Reassessment - Hughes reported an answer is forthcoming from the State.

Tax Appeals - Hughes reported a few more appeals need to be heard.

Fire Department - Henderson reported there were 15 calls in May; and Scott Thomas has been appointed Foreman #2.

Open Space (OSAC)-Lawler Property, Warbasse Junction Road - Motion by Henderson, seconded by Bruning, to approve the sharing of the cost of soil remediation to be completed by JM Sorge, Inc. with Mr. Lawler with the Township's share not to exceed \$3,750. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-no, Bruning-yes, Corcoran-yes.

EMS - Motion by Corcoran, seconded by Henderson, to approve the new EMS charter with the addition of a statement about being a 501(c)(3) non-profit. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Land Use Board - Corcoran reported revising the sign ordinance will be discussed at the next Land Use Board meeting.

Vouchers

ANDOVER TOWNSHIP	10,200.00
AQUATIC ANALYSTS, INC.	440.00
CENTURY LINK	493.81
CHELBUS CLEANING CO., INC.	275.00
CINTAS CORP #111	320.35
D. LOVENBERG'S PORTABLE TOILET	130.00
FINCH FUEL OIL CO., INC.	3,041.98
FINELLI CONSULTING ENGINEERS, INC.	738.75
G & G DIESEL SERVICE INC.	409.57
GATES FLAG & BANNER CO., INC.	62.00
HIGH POINT REG HIGH SCHOOL	209,983.83

INTERNATIONAL CODE COUNCIL, INC.	193.00
INTERNATIONAL SALT CO., LLC	11,505.63
JCP & L	248.20
KUPERUS FARMSIDE GARDENS	140.00
LADDEY, CLARK & RYAN, LLP	795.00
LAFAYETTE AUTO PARTS SUPPLY LLC	656.30
LAFAYETTE EMS	1,899.27
LAFAYETTE TWP BD OF ED	300,900.00
MACMILLAN OIL CO, OF ALLENTOWN	127.50
MGL PRINTING SOLUTIONS	355.50
MONTAGUE TOOL & SUPPLY CO.	12.55
ND ENGINEERING, LLC	535.50
NJ DIV. OF ABC	9.00
NJ STATE LEAGUE OF MUNICIPALITIES	16.00
OLD DOMINION BRUSH	477.84
OPDYKE'S SALES & SERVICE	272.49
PITNEY BOWES INC.	48.00
POLOWY STONE & MASON	63.00
RICHARD DAVIES	100.00
ROY E. KURNOS	5,731.85
STAPLES BUSINESS ADVANTAGE	231.78
THE NEW JERSEY HERALD	35.70
TOWN OF NEWTON	9,000.00
TRI COUNTY REFRIGERATION	199.50
VERES ELECTRICAL SERVICE INC.	227.50
WEST PAYMENT CENTER	280.00
ZION GROVE TROUT HATCHERY	1,093.00
ACE WELL & PUMP LLC	130.00
AGRA ENVIRONMENTAL SERVICES, INC.	220.50
ANTHONY & KIMBERLY D'AGOSTINO	30.00
LADDEY, CLARK & RYAN, LLP	585.00
NJ DEPT OF HEALTH & SENIOR SERVICES	3.60
TOWNSHIP OF WANTAGE	2,158.00
J M SORGE, INC.	7,357.08

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

Correspondence

1. From Joe Pennacchio, Senator re: S-302/Transparency in Government Act
2. From James Simpson re: 2012 Transportation Enhancement Program
3. Andover Township Resolution re: Click It or Ticket Mobilization
4. Hampton Township Resolution Opposing S-1914/User Fees
5. Monroe Township Resolution supporting fair distribution of State aid for education
6. Hampton & Stillwater Townships Resolution re: Open Space PILOT Funding
7. Town of Newton & Andover & Vernon Townships Resolution supporting Employment Initiative Program
8. Andover, Hampton & Stillwater Townships Resolution supporting Phased-In Funding Restoration
9. Hampton Township Resolution supporting Extending A-1338 & S-742 "Permit Extension Act of 2008"

Old Business

Resolution Supporting A-2950 & S-2011 - Motion by Hughes, seconded by Bruning, to adopt the following resolution:

RESOLUTION SUPPORTING A-2950 & S-2011

Extends time municipalities have to commit fees and payments-in-lieu of constructing affordable units to six years

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 "committed" as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; 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-2950 and S-2011**, which will provide a two (2) 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 sponsors of A-2950 & S-2011, Assemblyman Jerry Green, Senator Brian Stack, Senator Steven Oroho, Assemblyman Gary Chuisano, Assemblywoman Alison McHose, members of the Assembly Housing and Local Government Committee and Senate Community and Urban Affairs 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.

Municipal Liens - Motion by Bruning, seconded by Hughes, to direct the Township Attorney to foreclose on the following properties: Block 21, Lot13 and Block 32, Lots 21.03, 21.04, 21.05; and the cost to be paid out from the legal line item. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D’Angeli-yes, Bruning-yes, Corcoran-yes.

New Business

Joint Court - The Clerk was directed to contact the joint court for a meeting regarding additional court sessions to review the budget to handle the additional costs.

Liquor Licenses

Lafayette Restaurant Holdings - Motion by Bruning, seconded by Henderson, to adopt the following resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, to renew Liquor License No. 1913-33-001-006 issued to Lafayette Restaurant Holdings, LLC, P.O. Box 853, Franklin Lakes, NJ for the 2012-2013 license term pursuant to N.J.S.A. 33:1-12:39 subject to a Special Condition requiring activation by June 30, 2012.

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

Lafayette Management, Inc. - Motion by Bruning, seconded by Henderson, to adopt the following resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, to renew Liquor License No. 1913-33-002-007 issued to Lafayette Management, Inc., t/a Lafayette House, Olde Lafayette Village, Box 100, Lafayette, NJ for the 2012-2013 license term.

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

A's Country Spirits - Motion by Bruning, seconded by Henderson, to adopt the following resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, to renew Liquor License No. 1913-44-003-002 issued to A's Country Spirits, 154 Route 15, Lafayette, NJ for the 2012-2013 license term.

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

Audience

Mr. Nick Corrado, 61 Bunn Road, Hamburg/All Leasing, asked for consistency of enforcement of the ordinances. He feels this is not being done. Mr. Corrado said a ticket was given to Cailey Jewelers; and Jeff Fette, Zoning Ordinance, did not follow the law regarding issuance and compliance.

Mr. Corrado said Sew-N-Sew received a violation for a banner but Marty's Shoes in Olde Lafayette Village is still violating the sign ordinance.

Mr. Corrado said he is considering a lawsuit. Committeeman Hughes stopped Mr. Corrado from going further as the Township Committee needs to have its lawyer present to continue. Mr. Corrado said he has tapes of meetings and two (2) television stations are interested. He, also, said he knows the Governor and Bruce Springsteen is his cousin.

Mr. Kevin O'Leary, LAA & Land Use Board/Open Space, asked that he receive copies of the bills being paid for the pavilion.

Mr. O'Leary noted the sad passing of Wini Straub and said she needs to be replaced on the Land Use Board and Open Space Advisory Committee.

Adjournment

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

Respectfully submitted,

ANNAROSE FEDISH, RMC
Municipal Clerk