

August 7, 2012

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, July 3, 2012 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent Henderson

Also Present: Clerk Fedish, CFO Magura, Attorney Kurnos

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 Bruning, to accept and place on file the minutes of July 3, 2012. Motion carried by roll call vote: Hughes-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

Reports

Tax Collector - For July 2012

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|----------------------|--------------|
| Tax Map Fee | \$50.00 |
| Current Year Taxes | \$569,482.50 |
| Prepaid Taxes - 2013 | 2,776.44 |
| Interest | \$1,494.82 |
| Total | \$573,803.76 |

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

Treasurers Report

Cash Report for July 2012

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|---|----------------|
| Cash Balances as of June 30, 2012 | \$2,080,891.67 |
| Cash Receipts for July 2012 | \$702,698.42 |
| Total | \$2,783,590.09 |
| Cash Disbursements for July 2012 | \$491,491.41 |
| Cash Balances as of July 31, 2012 | \$2,292,098.68 |
| Account Balances as of July 31, 2012 | |
| Current - Checking | \$804,227.84 |
| Capital - Checking | \$868,064.58 |
| Escrow - Checking | \$47,633.84 |
| COAH-Developers Fees | \$67,083.37 |
| Open Space Municipal Tax | \$344,231.02 |
| Trust Accounts for Developer's Agreements | \$139,699.93 |
| Special Rec. - Checking | \$9,211.86 |
| Special Donations | \$7,544.48 |
| Dog Trust Account | \$4,401.76 |
| Total Account Balances | \$2,292,098.68 |

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

Committee Reports

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

Affordable Housing

Advance Housing - Hughes reported Advance Housing has a confirmed commitment from HUD; and Phase II is to start construction soon.

COAH - Hughes reported the letter and SCARC agreement have been signed; and all information will be sent to the State this week. Hughes thanked everyone involved.

Land Use Board - Corcoran reported the meeting of July 26th was cancelled due to the lack of electricity in the building.

Board of Health - Corcoran reviewed the meeting of July 23rd. Motion by Corcoran, seconded by Bruning, to introduce the following ordinance and schedule the public hearing for September 4, 2012:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING "ANIMAL CONTROL" OF SAID TOWNSHIP

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter V (Animal Control) of the Township of Lafayette Code, shall be and is hereby amended to provide as follows:

SECTION 1 - 5-1 Licensing of Dogs

5-1.1 - Definitions - Kennel

Kennel shall mean any establishment where in or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop, and shall include any establishment wherein there is carried on the business or practice of boarding, grooming, selling or breeding dogs or where dogs are kept or maintained for any commercial purpose whatever, except pet shops as herein mentioned.

5-1.2 - License Required; Compliance with Chapter.

a. To remain as is.

b. No more than four (4) dogs shall be licensed at any one residence.

c. b to become c.

SECTION 2 - Severability - If any section, paragraph, sentence, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, sentence, clause or provision; and the remainder shall be deemed valid and effective.

SECTION 3 - This ordinance shall take effect immediately upon passage and publication in the manner provided by law.

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

Vouchers

| | | |
|--|------------|--------|
| Airgas East | 37.32 | |
| Andover Township | 10,200.00 | |
| Aquatic Analysts, Inc. | 760.00 | |
| Bassani Power Equipment, LLC | | 159.84 |
| CenturyLink | 503.57 | |
| Chelbus Cleaning Co., Inc. | 275.00 | |
| Cintas Corp #111 | 409.08 | |
| D. Lovenberg's Portable Toilet | 210.00 | |
| Finch Fuel Oil Co., Inc. | 2,393.58 | |
| Finelli Consulting Engineers, Inc. | 87.50 | |
| Frankford Township | 15,014.72 | |
| Harter Equipment, Inc. | 681.36 | |
| Home Depot Credit Services | 411.25 | |
| Institute for Professional Development | | 99.00 |
| JCP&L | 1,477.00 | |
| Lafayette Auto Parts Supply, LLC | 42.14 | |
| Lafayette EMS | 1,983.72 | |
| Lafayette Twp Board of Ed | 297,750.00 | |
| Lauren Geaney | 37.81 | |
| MaryPaul Laboratories, Inc. | 420.00 | |
| Montague Tool & Supply Co. | 42.99 | |
| Municipal Software, Inc. | 1,811.00 | |
| Nestle PureLife Direct | 40.36 | |
| Polowy Stone & Mason | 10.00 | |
| Registrars Assoc. of NJ | 49.00 | |
| RER Supply | 192.00 | |
| Roy E. Kurnos | 4,800.00 | |
| Service Electric Cable TV | 17.00 | |
| Snooks Excavating, Inc. | | 800.00 |
| Sprint | 141.21 | |
| Staples Business Advantage | 619.02 | |
| Statewide Insurance Fund | 21,634.00 | |

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|--------------------------------------|------------|
| Sussex County Treasurer | 426,151.55 |
| Sussex County Treasurer | 11,404.33 |
| Sussex County Treasurer | 30,975.73 |
| The Grand Hotel | 358.00 |
| The Land Conservancy of NJ | 2,625.00 |
| The New Jersey Herald | 9.60 |
| Tire King | 1,128.00 |
| Town of Newton | 9,000.00 |
| Treasurer, S/NJ | 547.26 |
| Treasurer, S/NJ | 25.00 |
| Tri-State Power & Pump | 460.00 |
| United States Postal Service | 509.50 |
| US Postal Service | 190.00 |
| Weather Works | 1,460.00 |
| Weldon Quarry Co., LLC | 610.61 |
| ND Engineering, LLC | 331.50 |
| NJ Dept. of Health & Senior Services | 2.40 |

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

Correspondence

1. From Maureen Kaman, CTA re: 2013 Reassessment Update
 2. From David Muscalo re: Fire house Property
 3. From Patricia Steele, NJDOT re: Additional signal/upgrade at 54 Route 15
- The Clerk was directed to send a letter supporting the investigation

4. From Elizabeth Ashton, NJ Dept. of Treasury re: \$250 property tax deduction audit
 5. From Greg Gorman, NJ Sierra Club re: Ban fracking waste in NJ
 6. From Sen. Loretta Weinberg re: S1451/S1452
 7. Hampton Township Resolution Opposing A-323/S-2074
- This issue will be carried to the next meeting on September 4, 2012

8. Frankford Township Ordinance amending and supplementing the Code
9. From Elaine Morgan, Clerk of Freeholder Board re: Submittal of future sewer service area maps for Sussex County

Old Business

Sign Ordinance - Motion by Hughes, seconded by D'Angeli, to introduce the following ordinance and schedule the public hearing for September 4, 2012:

AN ORDINANCE TO AMEND CHAPTERS VIII AND XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE BUILDING AND HOUSING AND ZONING CHAPTERS, REGARDING SIGN REGULATIONS

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, being the Zoning Chapter, shall be and is hereby amended as follows:

Section 1. §8-1.3(a)(4) shall be and is hereby amended to read as follows:

4. Sign Permit. The fee for a permit to construct a sign shall be one (\$1.00) dollar per square foot of the surface area of each sign, computed on one (1) side only for double-faced signs, provided that the minimum fee for each sign shall be thirty-five (\$35.00) dollars. The fee for a permit for a temporary sign shall be thirty-five (\$35.00) dollars, which shall be valid for a maximum of six (6) months.

Section 2. §13-7.2.j. shall be and is hereby amended to read as follows:

j. *Window Signs.* Window signs designed to promote the sale of any merchandise or business activity shall not exceed twenty (20%) percent of any total window area. "Open" signs shall not be counted as part of the twenty (20%) percent total.

Section 3. §13-17.8.k. shall be and is hereby amended to read as follows:

k. *Neon signs,* with the exception of one sign designating the business as "open", as provided for in Ordinance 13-17.13(h).

Section 4. §13-17.8.m. shall be and is hereby amended to read as follows:

m. *LED signs,* with the exception of one sign designating the business as "open" as provided for in Ordinance 13-17.13(h).

Section 5. §13-17.10.b.2. shall be and is hereby amended to read as follows:

2. Special promotion and event signs may be displayed not more than fourteen (14) consecutive days in any 3-month period, and not more than fifty-six (56) days in any calendar year. Special promotion and event signs shall be erected no more than twelve (12) days prior to the event, and shall be removed not more than two (2) days after the event. Grand opening signs may be displayed not more than forty-four (44) consecutive days. Grand opening signs shall be erected no more than thirty (30) days prior to the grand opening, and shall be removed not more than fourteen (14) days after the grand opening.

Section 6. §13-17.11 shall be and is hereby amended by adding the following new paragraph:

The **sign height** of freestanding signs shall be limited to ten (10) feet.

Section 7. §13-17.13.g. shall be and is hereby amended to read as follows:

g. One (1) freestanding sign may be permitted on each lot, not exceeding eighteen (18) square feet in area. Shopping centers and multi-tenanted **limited industrial use** shall be permitted to have one (1) additional freestanding sign for the shopping center or multi-tenanted **limited industrial use**, and the size of such additional freestanding sign shall only list the shopping center or industrial park name and/or list the tenants, and shall be limited to two (2) square feet per tenant or a maximum of twenty-five (25) square feet, whichever is less.

Section 8. A new section §13-17.13.h. shall be added and shall read as follows:

h. One (1) internally illuminated sign designating the business as “open”, provided the sign is an interior window sign, is no larger than 3.5 square feet, and provided the said sign is continuously lit and is not blinking, flashing, flickering, and/or using sequential lighting.

Section 9. 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 10. 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 11. 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. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. 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 12. This Ordinance shall take effect after publication and passage according to law.

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

New Business

Lifeguard New Hire - Motion by Bruning, seconded by D’Angeli, to hire Thomas Crockford as a Lifeguard for the 2012 swim season at a rate of \$9.00 per hour. Motion carried by roll call vote: Hughes-yes, D’Angeli-yes, Bruning-yes, Corcoran-yes.

Lawler Property Purchase Resolution - Motion by Hughes, seconded by Bruning, to adopt the following resolution:

RESOLUTION OF THE TOWNSHIP OF LAFAYETTE TO PURCHASE PROPERTY KNOWN AS BLOCK 4, LOTS 13.02, 14 AND A PORTION OF 13.01 SUBJECT TO A DEED RESTRICTION

WHEREAS, the Township of Lafayette (“Township”) has entered into a contract with Jean E. Lawler (“Seller”) to purchase real property known as Block 4, Lots 13.02, 14 and a portion of 13.01; and

WHEREAS, the Township will pay to the Seller the amount of Four Hundred Fifty-Five Thousand Six Hundred Seventy-Seven Dollars (\$455,677.00) subject to customary adjustments; and

WHEREAS, the Purchase Price will be funded partially from a grant from the Sussex County Open Space and Farmland Preservation Trust Fund, the State of New Jersey Green Acres and the Lafayette Township Open Space Fund; and

WHEREAS, the purpose of the acquisition of the Property is to provide recreation for the citizens of the Township, Sussex County, the State of New Jersey and the United States and to preserve farm land and open space in perpetuity for future generations; and

WHEREAS, a requirement of obtaining the funds necessary to purchase the Property is for the Township to grant the following Land Use Restriction to run with the land, in perpetuity:

1. The Property described on Schedule "A" annexed hereto was acquired with the aid of a grant from the County of Sussex ("County") and Green Acres funds and shall not be disposed of or diverted to a use other than recreation and conservation purposes without the approval of the County pursuant to N.J.S.A. 40:12-15.4 or without the approval of the Commissioner of Environmental Protection and the State House Commission under N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36.

NOW, THEREFORE, BE IT RESOLVED that the Lafayette Township Committee, Lafayette Township, Sussex County, New Jersey hereby adopts this Resolution authorizing the purchase of the Property for the sum of Four Hundred Fifty-Five Thousand Six Hundred Seventy-Seven Dollars (\$455,677.00) and the placing in the Deed for the Property that runs with the land in perpetuity the restrictions limiting the use of the Property to recreation and conservation purposes and for no other purpose without the County of Sussex pursuant to N.J.S.A. 40:12-15.4 and the Commissioner of Environmental Protection and State House Commission pursuant to N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36 as the same may be amended from time to time.

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

Ordinance Review - Hughes reported the Land Use Board will be reviewing ordinances regarding windmills on public property.

Businesses - Hughes reported Olde Lafayette Village has a new management firm; and Limecrest has a new owner. He suggested a meeting being held to help the businesses and welcome them into the Township.

Audience

David Astor, Lafayette Twp. School Superintendent, said he contacted the management company for Old Lafayette Village and offered his services as superintendent of the school.

Mr. Astor asked if Meadows Road would be completed before school starts. The Clerk will contact the Road Foreman and give the information to Mr. Astor.

Pete Nieswand, 15 Garrison Road, asked why the Township is maintaining the property on Warbasse Junction Road when no one is using it and the Township does not own it. Mayor Corcoran said the Township is maintaining it per the lease agreement. However, the lease with Merck ends with the sale of the property. Therefore, no games were scheduled.

Mr. Nieswand questioned the Township buying property that includes two (2) homes and then demolishing the homes. He feels it should be left alone as the Township is losing three (3) tax items. Committeeman Bruning said there will not be development on the property.

Mr. Nieswand asked if the Township is helping to sell the Merck property and offer a tax abatement. Mayor Corcoran said a real estate company is handling the selling of the property. There is a contract of sale for the property.

Adjournment

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

Respectfully submitted,

ANNAROSE FEDISH, RMC
Municipal Clerk