

September 4, 2012

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, September 4, 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, 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 August 7, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

### Reports

#### Tax Collector - For July 2012

Duplicate Bill	\$5.00
Tax Map Fee	\$150.00
Cost of Sale	\$136.89
Prior Year Taxes	\$38,833.88
Current Year Taxes	\$1,618,635.88
Prepaid Taxes - 2013	\$170.44
Interest	\$7,679.25
Total	\$1,665,611.34

Motion by Bruning, 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.

### Treasurers Report

Cash Report for August 2012	
Cash Balances as of July 31, 2012	\$2,384,937.18
Cash Receipts for August 2012	\$980,185.41
Total	\$3,365,122.59
Cash Disbursements for August 2012	\$438,457.29
Cash Balances as of August 31, 2012	\$2,926,665.30
Account Balances as of August 31, 2012	
Current - Checking	\$1,093,776.31
Capital - Checking	\$1,114,107.17
Escrow - Checking	\$46,928.84
SCARC Housing	\$65,000.00
Green Acres Trust	\$27,838.50
COAH-Developers Fees	\$67,087.74
Open Space Municipal Tax	\$350,768.06
Trust Accounts for Developer's Agreements	\$139,743.69
Special Rec. - Checking	\$9,118.57
Special Donations	\$7,544.48
Dog Trust Account	\$4,751.94
Total Account Balances	\$2,926,665.30

Motion by Bruning, seconded by D'Angeli, 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.

Motion by Hughes, seconded by D'Angeli, to authorize the Township Engineer to review the developer's agreements allowing a maximum of reviewing time of two (2) hours each. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

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

### **Committee Reports**

**Recreation Commission** - Bruning reported the swim season is over. The summer recreation program was a success with approximately 60 children enrolled.

**Streets and Roads** - D'Angeli reviewed the Road Foreman's report. The drainage complaint from 116 Meadows Road was discussed. Because the problem is out of the Township right-of-way and may set a precedent, it was the consensus of the Committee that this will not be taken care of by the Township.

### **Affordable Housing**

COAH - Hughes reported the spending plan has been submitted to COAH.

Advance Housing - Hughes reported Phase II will close soon and start construction.

SCARC - Bruning said a letter from Rich Lecher was submitted requesting a refund of tax payments from construction to certificate of occupancy and rollback taxes. It was the consensus of the Township Committee that the tax payments be refunded until the certificate of occupancy is issued, at which time, after meeting all qualifications, they will qualify for tax exempt status. However, the rollback taxes are to be paid and not refunded as they are the responsibility of the seller.

**Fire Department** - Henderson reviewed the Fire Department's report.

**Open Space (OSAC)** - Henderson reported the Lawler property is to be closed on shortly.

**Land Use Board** - Corcoran reviewed the August 23, 2012 meeting.

**EMS** - Corcoran deferred to Captain Ron Decker who reported there were 35 calls in July and 30 in August.

### **Vouchers**

ZEP Manufacturing Co.	181.91	
Advance Housing, Inc.	7,014.44	
Appraisal Systems, Inc.	4,200.00	
Aquatic Analysts, Inc.	335.63	
Atlantic Communications	106.00	
CenturyLink	544.97	
Cintas Corp #111	68.18	
E.A. Morse & Co., Inc.	238.50	
Finch Fuel Oil Co., Inc.	1,768.13	
Finelli Consulting Engineers, Inc.	577.50	
Gail Magura	72.82	
Hambug Plumbing Supply Co., Inc.	367.58	
Herman Goble	1,276.00	
Home Depot Credit Services	190.19	
JCP&L	242.62	
Laddey, Clark & Ryan, LLP	1,380.00	
Lafayette Twp Board of Education	297,750.00	
Kimball-Midwest	101.88	
Montage Enterprises, Inc.	170.90	
ND Engineering, LLC	229.50	
Opdyke's Sales & Service	203.73	
S/NJ Dept. of Labor & Workforce Dev.	66.00	
Service Electric Cable TV	17.00	
Smith Tractor & Equipment, Inc.	124.22	
Snooks Excavating, Inc.		900.00
Sprint	141.21	
Staples Business Advantage	220.75	
The Phillips Companies		62.70
The New Jersey Herald	134.10	

Township of Wantage	10.00
U.S. Postal Service	500.00
Veres Electrical Service, Inc.	132.50
Weldon Quarry Co., LLC	1,958.71
Laddey, Clark & Ryan, LLP	405.00
ND Engineering, LLC	2,065.50
NJ Dept. of Health & Senior Services	30.00

Motion by Bruning, 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.

### **Correspondence**

a. From Daryn Cashin, CTC re: State Audit of Senior Citizen & Disabled Deduction

b. From John Mount re: Reach The Beach Relay, Friday, October 12<sup>th</sup>

The Clerk was asked to send a letter stating the Committee's approval of this activity.

c. From Richard Lecher, SCARC re: Taxes Reimbursement (B-21, L-29.02)

The Clerk was asked to send a letter stating the paid taxes from construction to completion will be refunded when a certificate of occupancy is received. The rollback taxes must be paid and are non-refundable.

d. From Eric Snyder, County Planner re: SC Future Sewer Service Area Map

e. From Maureen Kaman, CTA re: Soraci Tax Court Appeal

The Township Committee agreed with Mrs. Kaman's suggestion regarding the tax appeal.

### **Old Business**

**Amend Chapter 5 (Animal Control) Ordinance** - Mayor Corcoran opened the public hearing on the following ordinance:

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

Mr. John Strowe, Decker Road, asked if he is grandfathered because he has a kennel license. Committeeman D'Angeli said this would not affect him.

With there being no other public comments, Mayor Corcoran closed the public hearing. Motion by Bruning, seconded by D'Angeli, to adopt the Ordinance to Amend Chapter 5 (Animal Control). Motion carried by roll call vote: Hughes-yes, Henderson-yes, D'Angeli-yes, Bruning-yes, Corcoran-yes.

**Amend Chapters VIII and XIII (Regarding Sign Regulations) Ordinance** - Mayor Corcoran opened the public hearing on the following ordinance:

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

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

Motion by Bruning, seconded by D'Angeli, to adopt the Ordinance to Amend Chapters VIII and XIII (Regarding Sign Regulations). In discussion, the size of the sign was a concern. Committeemen Bruning and D'Angeli withdrew their motion and second; and this ordinance was not adopted and will be referred back to the Land Use Board for further review.

**Resolution Opposing A-323/S-2074** - Motion by D'Angeli, seconded by Bruning, to adopt the following resolution:

**WHEREAS**, A-323 was approved by the General Assembly on March 15, 2012 and has been received in the state Senate and referred to the Senate Economic Growth Committee, joining its Senate companion, S-2074; and

**WHEREAS**, A-323/S-2074 would permit owners of preserved farmland to hold "special occasion events," such as weddings or other "lifetime milestone events," on their farms, provided that the annual income from those events accounts for less than 50% of the annual gross income of the preserved farmland; and

**WHEREAS**, A-323/S-2074 would permit activities on farmlands that have no connection to agriculture, and would transform those farms into conventional commercial or quasi-commercial “event venues”; and

**WHEREAS**, A-323/S-2074 would subvert the purpose of the Farmland Preservation Program, as well as the purpose of the New Jersey Right to Farm Act; and

**WHEREAS**, A-323/S-2074 directly contradicts the sensible interpretation of the Right to Farm Act that has been advanced by the State Agricultural Development Committee, which has determined that weddings and other “life milestone events” are not agricultural-related activities within the meaning of the Right to Farm statute; and

**WHEREAS**, A-323/S-2074 makes no provision for local control or regulation over these events, despite the obvious noise, traffic and public safety issues they raise; and

**WHEREAS**, A-323/S-2074 makes no provision for interests of other municipal stakeholders - such as residents of the surrounding neighborhood, other commercial enterprises, or local elected officials – that might be directly affected by the frequency and duration of the events it permits; and

**WHEREAS**, A-323/S-2074 takes a “one-size-fits-all” approach that fails to recognize the diversity of New Jersey’s municipalities, and that does not permit each municipality to tailor its approach to “special events” to its particular balance of residential, agricultural, commercial and rural land uses; and

**WHEREAS**, the Township of Lafayette believes it in its best interests, and in the best interests of the State of New Jersey, that A-323/S-2074 not be enacted in its present form;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Lafayette formally opposes the enactment of A-323/S-2074 into law as written, for the reasons set forth above, and urges all members of the state legislature to oppose the legislation and to work for its withdrawal or amendment; and

**BE IT FURTHER RESOLVED**, that copies of this resolution, once adopted, be forwarded to Senator Steven Oroho, Senate President Sweeney, members of the Senate Economic Growth Committee, the State Agricultural Development Committee, the League of Municipalities, and the Governor of the State of New Jersey.

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

**Municipal Liens** - Discussed ensued regarding the progress of foreclosures. The Township Attorney was directed to start foreclosures on three (3) lots of Old Beaver Run Road and one (1) lot off Statesville Quarry Road.

### **Municipal Court**

Nuisance Ordinance - Bruning reported the Municipal Court wants uniform ordinances. Drafts will be sent to the municipalities.

DUI Backlog - Hughes noted no information has been given to the Township regarding the progress of completing DUI cases that the Court asked for money to complete. He will contact the Court Administrator for an update.

### **New Business**

**Raffle** - Motion by Henderson, seconded by D’Angeli, to approve two (2) raffle licenses for Our Lady Queen of Peace Church for October 25, 2012. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D’Angeli-yes, Bruning-yes, Corcoran-yes.

**Best Practices Inventory** - Motion by Bruning, seconded by D’Angeli, to acknowledge the CY 2012 Best Practices Inventory as prepared by the Chief Financial Officer. Motion carried by roll call vote: Hughes-yes, Henderson-yes, D’Angeli-yes, Bruning-yes, Corcoran-yes.

**Central Alliance Grant Resolution** - Motion by Bruning, seconded by Hughes, to adopt the following resolution:

WHEREAS, the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey hereby recognizes the following:

The Township Committee does hereby authorize submission of an application for the Central Municipal Alliance grant for calendar year 2013 in the amount of \$19,902.00.

The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**Snow Removal Trust Rider Resolution** - Motion by Bruning, seconded by D'Angeli, to adopt the following resolution:

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR SNOW REMOVAL RESERVE TRUST FUND REQUIRED BY PL 2001, c.24 AND NJS 40A:4-62.1

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, PL 2001, c. 24 and NJS 40A:4-62.1 provides for receipt of excess balance in snow removal salary and wages and operating expenses of current budget by the municipality to provide for the operating costs to administer this act; and

WHEREAS, NJS 40A:4-39 provides the dedicated revenues anticipated from the Snow Removal budget are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Snow Removal Reserve Trust Fund.

The Clerk of the Township of Lafayette, County of Sussex is hereby directed to forward two (2) certified copies of the Resolution to the Director of the Division of Local Government Services.

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

**Wind Turbines** - Discussion ensued regarding the placement of wind turbines on public property and putting an ordinance in place to regulate them. The Township Attorney will review this issue.

#### **Audience**

Mr. John Strowe, EMS Member, said he and Sergio were the first to respond to the pond incident. He commended the lifeguards on performing CPR before emergency squads arrived.

Mr. Ron Decker, EMS Captain, said the swim staff was very professional in their handling of this sad incident. Mr. Decker had a team from the hospital help the lifeguard and supervisor.

#### **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