

May 7, 2013

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, May 7, 2013 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

Members Present: Mayor Hughes, Committeemen Corcoran, Henderson, Bruning

Members Absent D'Angeli

Also Present: Clerk Fedish, Attorney Kurnos, Road Foreman Macko

Mayor Hughes opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

Minutes - Motion by Henderson, seconded by Corcoran, to accept and place on file the minutes of April 16, 2013 Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

School Budget Presentations

Lafayette Township School Anne Hessler, BA
David Astor, Superintendent Andrew Frye, BOE President

Ms. Hessler explained the Township school's budget. There will be an increase of \$1.19.

High Point Regional High School Alice Bresett, BA

Ms. Bresett explained the high school's budget. There will be a 1.1 percent decrease.

Reports

Tax Collector - For April 2013

Tax Searches	\$20.00
Tax Map Fee	\$100.00
Prior Year Taxes	\$16,754.40
Current Year Taxes	\$429,474.71
Interest	\$2,373.31
Total	\$448,722.42

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

Committee Reports

Recreation Commission - Bruning reported the policies and procedures are being worked on.

EMS - Corcoran reported the EMS responded to 15 calls in the month of April.

Land Use Board - Corcoran reviewed the Land Use Board meeting of April 25, 2013.

Board of Health - Corcoran reviewed the Board of Health meeting of April 22, 2013.

Fire Department - Henderson reported the installation dinner was recently held.

Henderson reported 27 leaks were found in the tanker. He recommends, and the Township Committee agreed, stopping all work, pay Amthor for their work up to today and proceed with specifications for a new tanker.

Affordable Housing

Advance Housing - Hughes reported the Advance Housing project is continuing; and they are screening applicants.

SCARC - Hughes reported the SCARC project is continuing; and they are anticipating opening some time this year.

COAH - Hughes reported Dave Banisch, Planner, and Gail Magura, CFO, are working on the trust fund paperwork. He said \$65,000 was used last year. The spending plan has been submitted and funds are allocated; however, no contracts have been signed to date. Hughes said the report is due to the State by May 21, 2013.

Motion by Hughes, seconded by Henderson, to proceed with the submission to COAH based on the attorney's concurrence. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Streets and Roads - Road Foreman Macko reviewed the road projects needed to be done.

Motion by Corcoran, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of June 5, 2013:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REPAIR OF VARIOUS ROADS AND APPROPRIATING \$24,000.00 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 repair of various roads is hereby authorized and the cost is not to exceed \$24,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$24,000.00 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: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Motion by Bruning, seconded by Henderson, to authorize the joint project on Meadow Ridge Lane with Frankford Township for a cost not to exceed \$9,500 and to introduce the following Ordinance and set the public hearing date of June 5, 2013:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE REPAIR OF MEADOW RIDGE LANE AND APPROPRIATING \$9,500.00 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 repair of Meadow Ridge Lane is hereby authorized and the cost is not to exceed \$9,500.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$9,500.00 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: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Overlaying Roads - Road Foreman Macko asked about overlaying some roads. This issue will be tabled until the next meeting on May 21, 2013 to enable Committeeman D'Angeli and Road Foreman Macko to discuss this issue.

Safety Grant - Road Foreman Macko asked about obtaining a safety grant for guide rail for the northern portion of Meadows Road to Beaver Run Road.

Correspondence

a. From Mike Finelli re: outstanding invoices

Attorney Kurnos said he has written to the landowner and Lafayette Asphalt and has responded to Mr. Finelli.

b. Superior Court of NJ Morris/Sussex re: Hiring Process for Court positions

c. Sparta Township Ordinances Amending Chapter 18-Zoning

d. Stillwater Township Resolution Supporting S-1896/A-1503

e. Hardyston Township Ordinance Amending Chapter 185-Zoning

f. From Fred Brody re: Municipal Consent for Cross River Fiber

Vouchers

Adeline Migliaccio	8,650.76
Sussex County Treasurer	434,391.16
Sussex County Treasurer	12,250.69
Sussex County Treasurer	31,609.52
Sussex County Treasurer	2,180.62

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

Old Business

Amend Salary Ordinance - Mayor Hughes open the public hearing for the following Ordinance:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS IN THE TOWNSHIP OF LAFAYETTE FOR THE YEAR 2013” WHICH WAS ADOPTED DECEMBER 18, 2012

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

Motion by Bruning, seconded by Corcoran, to adopt the Amending Salary Ordinance. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Green Acres Agreement - Kevin O’Leary, OSAC Chairman, explained the need for the resolution and agreement.

Motion by Henderson, seconded by Corcoran, to adopt the following resolution and authorize the Mayor to sign the Green Acres Project Agreement.

STATE OF NEW JERSEY - DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM - ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Lafayette desires to further the public interest by obtaining a loan of (\$0) and/or a grant of \$1,125,000 from the State to fund the following project(s):

#1913-06-005 – Lafayette Open Space and Recreation Plan

NOW, THEREFORE the Township Committee of the Township of Lafayette resolves that Richard Hughes or the successor to the office of Mayor is hereby authorized to:

- (a) Make application for such loan and/or such a grant,
- (b) Provide additional application information and furnish such documents as may be required,
- (c) Act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes and is willing to enter into an agreement with the State for the above named project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as #1913-06-005 – Lafayette Open Space and Recreation Plan.
2. The applicant has its matching share of the project, if a match is required, in the amount of \$1,125,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.
4. The applicant agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.
5. This resolution shall take effect immediately.

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

Mr. O’Leary said the updated ROSI will be follow when completed.

New Business

Annual Audit Resolution - Motion by Bruning, seconded by Henderson, to adopt the following Resolution:

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Duplicate Tax Sale Certificate #363 Resolution - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A DUPLICATE TAX SALE CERTIFICATE ADELINE MIGLACCIO, PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the tax collector has received a request from Adeline Migliaccio for a duplicate tax sale certificate to be issued for certificate #363, issued on June 22, 1998 to Adeline Miglaccio against Block 29, Lot 3.01; and,

WHEREAS, Adeline Miglaccio has indicated that the original Tax Sale certificate has been lost or misplaced and has filed an Affidavit of Lost Tax Sale Certificate with the Tax Collector; and,

WHEREAS, the Tax Collector certifies that the above mentioned certificate has been satisfied but the original certificate has not been returned.

NOW, THEREFORE, BE IT RESOLVED by of the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey that the Tax Collector be authorized to issue a duplicate tax sale certificate upon receiving a fee of \$100.00 from the lienholder to replace the one destroyed or lost, pursuant to NJSA 54:5-52.1.

AND BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, and Township Auditor for their records.

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

Duplicate Tax Sale Certificate #364 Resolution - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A DUPLICATE TAX SALE CERTIFICATE ADELINE MIGLACCIO, PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997

WHEREAS, the tax collector has received a request from Adeline Migliaccio for a duplicate tax sale certificate to be issued for certificate #364, issued on June 22, 1998 to Adeline Miglaccio against Block 30, Lot 1, Q0063; and,

WHEREAS, Adeline Miglaccio has indicated that the original Tax Sale certificate has been lost or misplaced and has filed an Affidavit of Lost Tax Sale Certificate with the Tax Collector; and,

WHEREAS, the Tax Collector certifies that the above mentioned certificate has been satisfied but the original certificate has not been returned; and,

NOW, THEREFORE, BE IT RESOLVED by of the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey that the Tax Collector be authorized to issue a duplicate tax sale certificate upon receiving a fee of \$100.00 from the lienholder to replace the one destroyed or lost, pursuant to NJSA 54:5-52.1.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, and Township Auditor for their records.

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

Cancel Summer Meetings - Motion by Henderson, seconded by Corcoran, to cancel the following summer meetings: June 18, 2013, July 16, 2013 and August 20, 2013. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Road Department Cell Phones - Motion by Bruning, seconded by Corcoran, to authorize the CFO to proceed with the purchase of five (5) cell phones from Verizon Wireless with the push-to-talk feature. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Audience

Mr. Joe Farischon, Fire Department Member, presented the Junior Fireman application for Nicholas Farischon for approval. Motion by Bruning, seconded by Henderson, to approval Nicholas Farischon as a Junior member in the Lafayette Township Fire Department. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Mr. David Astor, Lafayette Township School Superintendent, said the LEAF run/walk was well attended with 245 participants.

Mr. Glenn McCarrick & Ms. Sue Van Sickle - Mr. McCarrick said he and Ms. Van Sickle were awarded the farming on the Township's recreational property on Warbasse Junction Road; however, someone has cleared & planted the parcel. He has the fertilizer and seed for planting.

Committeeman Bruning said Andersen Farms has a lease to farm the "Lawler" property and assumed it was for both parcels. He said this was an honest mistake on Mr. Andersen's part.

Ms. Van Sickle said she has been waiting a number of weeks for a lease for her parcel. Committeeman Corcoran said there is no lease with anyone for the recreational property.

Motion by Henderson, seconded by Corcoran, to authorize the Township Attorney to draw up a license agreement for Mr. Andersen for the recreational property to expire December 31, 2013 and a lease agreement for Ms. Van Sickle to begin January 1, 2014 for a five (5) year term. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Bruning-yes, Hughes-yes.

Mr. Kevin O'Leary, Land Use Board Chairman, asked the Township Attorney to review professional contracts for a provision of the exhaustion of escrow.

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