

October 21, 2014

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, October 21, 2014 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent: None

Also Present: Clerk Fedish, CFO Magura, Road Foreman Macko

Mayor D'Angeli 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 October 7, 2014. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes.

Treasurer's Report	Cash Report for September 2014
Cash Balances as of August 31, 2014	\$3,755,447.83
Cash Receipts for September 2014	\$296,622.47
Total	\$4,052,070.30
Cash Disbursements for September 2014	\$405,481.30
Cash Balances as of September 30, 2014	\$3,646,589.00
Account Balances as of September 30, 2014	
Current – Checking	\$1,860,618.35
Capital – Checking	\$1,135,688.71
Escrow – Checking	\$66,474.25
COAH-Developers Fees	\$64,003.54
Open Space Municipal Tax	\$353,209.16
Snow Trust	\$7,886.05
Trust Accounts for Developers Agreement	\$141,263.64
Special Rec. – Checking	\$3,748.66
Special Donations	\$7,544.48
Dog Trust Account	\$6,152.16
Total Account Balance	\$3,646,589.00

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

Committee Reports

Recreation Commission - Bruning reported Lafayette Day was discussed; and Stephanie Pizzulo has volunteered to organize it.

Emergency Management - Hughes reported he is proceeding with the 9-1-1 dispatch with the County. He will get the phone numbers needed; and protocols will be set.

Affordable Housing - Hughes reported COAH published the final rules this week. The Township's plan is being updated.

Fire Department - Henderson congratulated the Fire Department on a first place win at the County parade.

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

Correspondence

- a. From Devereux Foundation re: Group home
- b. From Land Use Board re: Striping of parking lot for Sheep Thrills
- c. From Anita Kopera, NJDEP re: Radon Action Month

Vouchers

A&G Pizza	150.30
Bollinger, Inc.	500.00
Bucket Supply & Equipment Parts	740.00
Frankford Township	14,954.53
Hampton Convenience Store	315.44
JCP&L	203.29
Lafayette Auto Parts Supply, LLC	330.67
Montague Tool & Supply Co.	133.59
Morris Asphalt Co., Inc.	330.45
Service Electric Cable TV, Inc.	17.00
Smith Tractor & Equipment, Inc.	130.22
Staples Business Advantage	94.42
TC/Treas. Assoc. Sussex/Warren	20.00
The New Jersey Herald	25.20
TruGreen Commercial	550.00
William Macko	1,750.00
Winters Auto Parts, Inc.	43.19
Alert-All	1,149.18
Banisch Associates, Inc.	897.00
Staples Business Advantage	143.01
The Land Conservancy of NJ	2,625.00
Township of Wantage	8,120.00

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

Old Business

Christmas Timers Spending Ordinance - Mayor D’Angeli opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF EIGHT (8) TIMERS FOR CHRISTMAS LIGHTS AND APPROPRIATING \$5,000.00 FROM THE CAPITAL IMPROVEMENT FUND

With there being no comments from the public, Mayor D’Angeli closed the public hearing. Motion by Hughes, seconded by Corcoran, to adopt the Christmas Timers Spending Ordinance. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, Bruning-yes, D’Angeli-yes.

Ordinance 2014-10 – Building Height - The Clerk asked for clarification of what is to be forwarded to the Land Use Board. The Land Use Board is being asked to revise the height limitation of 30’ to 35’ in the Ridgeline area.

New Business

Revenue and Appropriation Resolution - Motion by Bruning, seconded by Corcoran to adopt the following Resolution:

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION - NJS 40A:4-87

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may, also, approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette in the County of Sussex, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$120,000.00, which is now available from the State of New Jersey Department of Transportation in the amount of \$120,000.00; and

BE IT FURTHER RESOLVED that the like sum of \$120,000.00 is hereby appropriated under the caption Statesville Quarry Road; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey Department of Transportation in the amount of \$120,000.00.

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

Pension Funding Resolution - Motion by Corcoran, seconded by Hughes, to adopt the following Resolution:

RESOLUTION EXPRESSING THE IMPORTANCE TO RECOGNIZE THE STRENGTH OF LOCAL PENSION FUNDING IN REGARDS TO RECOMMENDATIONS FROM GOVERNOR CHRISTIE'S PENSION & HEALTH BENEFIT STUDY COMMISSION

WHEREAS, State actuaries confirm by the latest Valuation Report the pension and benefit reform enacted in 2010 and 2011, coupled with the consistent pension payments made by employees and local governing bodies, have resulted in the savings; and

WHEREAS, the fiscal health of "Other Than State" public pension systems, report a distinction between local commitments and the commitments which are a State government's responsibility; and

WHEREAS, according to the latest Valuation Reports, local government Public Employees Retirement System (local PERS) and local Police and Fire Retirement System (local PFRS) are more sound, due to the fact municipalities and counties have funded full employer contributions as required for over a decade, with local PERS currently funded (comparing assets to liabilities) at 73.9% and local PFRS is currently funded at 76.9% according to the experts; and

WHEREAS, the State PERS, on the other hand, is currently funded at 48.1% and State PFRS is at 50.8%, and both will go lower for lack of payment; and

WHEREAS, the Officers of the League of Municipalities have submitted a statement to Governor Christie's Pension and Health Benefit Study Commission urging that the Final Report and Recommendations of that Study Commission not weaken the vitality of the local pension plans.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Lafayette Township, Sussex County, New Jersey according to the following:

1. The Lafayette Township Committee urges State policy-makers to recognize the deficit issues are State Funding problems and reject any recommendations that would threaten municipal budgets and property taxpayers to share the cost.
2. We recognize the State's budget problems and are anxious to see results, but cannot permit a shifting of the State burdens to our property taxpayers.
3. The Pension and Health Benefits commission must, also, address State mandated requirements which drive up the cost of funding health benefits insurance by property taxpayers.
4. A certified copy of this Resolution is to be forwarded to Governor Chris Christie, State Treasurer Andrew Sidamon-Eristoff, State Senator Steven Oroho, Assemblywoman Alison McHose, Assemblyman Parker Space and New Jersey League of Municipalities.

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

Hidden Valley Manor/Mtn. Ridge Estates Resolution - Motion by Corcoran, seconded by Henderson, to adopt the following Resolution:

RESOLUTION TO RELEASE PERFORMANCE BOND, ESTABLISH MAINTENANCE BOND AND ACCEPT AS TOWNSHIP ROADS VIOLET TRAIL AND McCLOUD LANE

WHEREAS, Nevitt Duvneck, the Township Engineer, has certified that the developer of Hidden Valley Manor/Mountain Ridge Estates ("Hidden Valley") has installed, to his satisfaction, the required site improvements; and therefore, the performance bond may be terminated; and

WHEREAS, Nevitt Duvneck has established the amount necessary for the required maintenance bond; and

WHEREAS, the Township Attorney has approved the form of the maintenance bond and the amount of the required cash bond has been posted with the Township; and

WHEREAS, the required road improvements to Violet Trail and McCloud Lane have been completed to the Township Engineer's satisfaction.

NOW, THEREFORE, BE IT RESOLVED:

1. The performance bond may be discharged.
2. The maintenance bond shall be held for the required two (2) year period.

The roads known as Violet Trail and McCloud Lane have been approved as roadways within the Township of Lafayette and the Township will accept maintenance of them upon the adoption of this resolution.

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

Tax Assessor - Motion by D'Angeli, seconded by Hughes, to hire Jason Laliker as Tax Assessor to fill an unexpired term effective January 1, 2015 for the salary of \$14,500.00. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes.

Best Practices - The Township Committee reviewed the Best Practices worksheet and noted financial aid will not be reduced.

Cancellation of November 18th Meeting - Motion by Henderson, seconded by Corcoran, to cancel the November 19th meeting due to League Convention attendance. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes.

"Lawler" Farm Lease Award - Motion by Bruning, seconded by Hughes, to award the "Lawler" Farm Lease to Raj Sinha of Liberty Farm a three (3) year lease for the amount of \$1,250.00 per year. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes.

Equipment Recovery Ordinance - Motion by Hughes, seconded by Bruning, to introduce the following Ordinance and set the public hearing date of November 5, 2014:

AN ORDINANCE PERMITTING AN EMERGENCY RESPONSE FEE TO BE CHARGED AND COLLECTED BY THE FIRE DEPARTMENT

WHEREAS, Lafayette Township is served by the Lafayette Township Volunteer Fire Department ("*LTVFD*") which is often the first responder to emergencies such as motor vehicle accidents occurring within the Township's borders;

WHEREAS, the response to these emergencies results in the LTVFD incurring certain costs and expenses for supplies, materials and provisions that are used or expended in the course of an emergency response, maintenance for equipment, repair and replacement of equipment and maintenance and fuel for emergency vehicles, and other similar costs;

WHEREAS, the LTVFD is dependent on volunteers in order to provide services that are essential for the general welfare of the community and has a limited budget to carry out this work;

WHEREAS, charging an emergency response fee shall result in the persons who receive the direct benefit of the emergency response services provided by the LTVFD contributes to the costs and expenses associated with those services; and

WHEREAS, permitting the LTVFD to recover for the costs and expenses incurred in providing emergency response services as set forth in this Ordinance is not prohibited by any law or regulation of the State of New Jersey.

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

Section 1. **Emergency Response Fee Authorized.** In the event the LTVFD is called upon to provide emergency services and responds to such a call, a reasonable and proportional amount may be billed to offset costs and expenses arising from the response for supplies, materials and provisions that are used or expended in the course of the emergency response, maintenance for equipment, repair and replacement of equipment and maintenance and fuel for emergency vehicles, and other similar costs as specified by the procedures set forth in this Ordinance.

Section 2. **Procedure.** The Chief of the LTVFD or his designee shall establish a schedule of fees for typical and common responses by the LTVFD. For any response falling within a category covered in the schedule the fee set forth in the schedule shall be used. The schedule shall be based upon a reasonable determination of the costs and expenses incurred as a result of the response. For any response that is not covered by the schedule the Chief of the LTVFD or his designee shall

prepare a bill based upon a reasonable determination of the costs and expenses actually incurred in carrying out the response. The schedule may be revised annually and a copy shall be filed with the Township Clerk.

Section 3. **Accounting.** No later than January 31st of each year the LTVFD shall provide to the Lafayette Township Clerk an accounting of all bills submitted and a list of all funds received during the prior year.

Section 4. **Billing.** All amounts that are authorized to be billed under this Ordinance shall be in writing and billed by the Chief of the LTVFD, his designee or a contracted billing entity. All bills shall be sent out within 30 days of the response.

Section 5. **Hardship Waiver:** The LTVFD shall create a single set of criteria that would allow for a hardship waiver from the response fee. Hardships shall be determined on a case by case basis by the LTVFD.

Section 6. **Codification.** This Ordinance may be renumbered for codification purposes.

Section 7. **Severability.** All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

Section 8. **Effective Date.** This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

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

Audience

Kevin O'Leary, Brandywine Court, asked if the new group home would qualify for COAH obligations. Committeeman Hughes said the planner is reviewing the information and will verify this with the State.

Anne Sellinger, Board of Education Representative, said the school audit is complete.

Adjourn

There being no further business, motion by Henderson, seconded by Corcoran, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk