

March 3, 2015

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, March 3, 2015 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish

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

Minutes - Motion by Hughes, seconded by Henderson, to accept and place on file the minutes of February 17, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

Tax Collector's Report - For February 2015

Tax Map Fee	\$400.00
Prior Year Taxes	\$6,483.70
Current Year Taxes	\$1,694,945.08
Interest	\$1,369.10
Total	\$1,703,197.88

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

Committee Reports

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

9-1-1 - Hughes reported the 9-1-1 Communications Center will have an open house on March 16, 2015.

Affordable Housing - Hughes reported the rehabilitation project will be inspected on Friday. The financial report has been submitted.

Tax Maps - Hughes reported John Sims (Finelli Consulting) is working with the Tax Assessor, Jason; and updates are being made.

Fire Department - Henderson reported the insurance company agreed to ServPro for cleaning the fire house due to the recent furnace puff back at a cost of approximately \$16,000.

Henderson reported the ceiling tiles need to be replaced at a cost of approximately \$72,000.

Land Use Board - Corcoran reviewed the meeting of February 26, 2015.

EMS - Corcoran reported the EMS responded to 25 calls in the month of February.

Economic Development - Bruning reported he and Hughes met with Tammie Horsfield, Sussex County Chamber of Commerce, to discuss attracting businesses to the Township. The issue of tax abatements was discussed. Bruning will contact the Township attorney for a draft tax abatement ordinance. The next meeting is scheduled for March 24, 2015.

Correspondence

- a. From NJDOT re: \$70,000 allotment for Old Beaver Run Rd. reconstruction
- b. From Patricia Taggart re: Village Drive acceptance
- c. From Liane Jenkins, Lafayette PTO, re: Tiger Chase 5K May 30, 2015
- d. NJ Clean Communities Environmental Student Exchange, March 19th
- e. NORWESCAP request for proclamation to serving community

- f. Andover Township Resolutions: amending Township codes; Restoring funding to State park programs; Request Sussex County Engineering Dept. investigate Newton-Sparta Rd. improvements
- g. Roselle Park Borough Resolution to implement stricter rules & regulations for organizations housing/care for individuals with developmental disabilities
- h. Montague Township Resolution restoring funding to State park programs

Vouchers

Gail Magura	100.00
Verizon Wireless	226.40

Motion by Corcoran, seconded by Henderson, to pay the bills on the Bills List. Motion carried by everyone responding Aye.

Lafayette Day

Mrs. Stephanie Pizzulo explained that Lafayette Day should be held at the park to help the businesses. If traffic safety is an issue, the Sheriff’s Department (\$77/hr) or the State Police (\$88/hr) can be hired. Committeeman D’Angeli suggested using the fire department for traffic control. Mrs. Pizzulo said message boards can, also, be used.

Mrs. Pizzulo updated the Township Committee about her conversations with various organizations and businesses. The Miss Lafayette contest would be held at the Mabee House; and the LAA will contribute a bounce house for the day.

Lafayette Day will be held on Saturday, June 6, 2015 with a rain date of Sunday, June 7th.

Committeemen Henderson and Corcoran feel this should be held at the school due to safety and mostly Lafayette families will be attending.

Mayor Bruning read the Recreation Commission’s concerns if it were to be held at the park, i.e. costs, shelter from rain, school support and need of volunteers.

Motion by D’Angeli, seconded by Hughes, that Lafayette Day be held at Lafayette Park. Motion carried by roll call vote: Corcoran-no, Henderson-no, Hughes-yes, D’Angeli-yes, Bruning-yes.

Old Business

Copier Spending Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF A KYOCERA TASKalfa 3501i COPIER AND APPROPRIATING \$6,596.00 FROM THE CAPITAL IMPROVEMENT FUND

With there being no public comments, Mayor Bruning closed this portion of the meeting.

Motion by Corcoran, seconded by Hughes, to adopt the copier spending Ordinance. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D’Angeli-yes, Bruning-yes.

New Business

Exceed Cap Ordinance - Motion by Henderson, seconded by Hughes, to introduce the following Ordinance and set the public hearing date of March 17, 2015:

CALENDAR YEAR 2015 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two (2) succeeding years; and,

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the

previous year's final appropriations, in the interest of promoting health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 2% increase in the budget for said year, amounting to \$23,117.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2015 budget year, the final appropriations of the Township of Lafayette shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$40,454.00, and that the CY 2015 municipal budget for the Township of Lafayette be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

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

2015 Municipal Budget - Motion by Henderson, seconded by Hughes, to introduce the 2015 Municipal Budget and set the public hearing date of April 7, 2015 Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

Self-Examination Resolution - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lafayette has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lafayette that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Township Committee has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated.
- b. Items of appropriation are properly set forth.
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Tax Appeal Settlement for Olde Lafayette Village Resolution - Motion by Corcoran, seconded by Henderson, to adopt the following Resolution:

RESOLUTION AUTHORIZING SETTLEMENT OF THE TAX APPEAL
ENTITLED "LEVIN MANAGEMENT CO., RECEIVERS FOR OLDE
LAFAYETTE VILLAGE, LTD. V. LAFAYETTE TOWNSHIP"
DOCKET NO. 006260-2013
DOCKET NO. 007213-2014
FOR YEARS 2013 AND 2014

FOR THE PROPERTIES DESIGNATED AS BLOCK 8, LOTS 26.01, 26.05, 26.06 AND 17.02

WHEREAS, tax appeals have been filed for tax years 2013 and 2014 for the tax assessments of the properties designated on the Township's tax map as Block 8, Lots 26.01, 26.05, 26.06 and 17.02 (the "Property");

WHEREAS, the Property is a retail shopping center located at Route 15 in the Township of Lafayette; and

WHEREAS, settlement of the 2013 and 2014 appeals is in the best interest of the Township of Lafayette.

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

1. Settlement of the tax appeals filed in the Tax Court of New Jersey under Docket Nos. 006260-2013 and 007213-2014 on the Property for years 2013 and 2014 is authorized as set forth on Exhibit "A" to this Resolution.
2. Interest is to be waived for tax years 2013 and 2014.
3. The total aggregate 2015 assessment for the properties shall be \$3,700,000.00.
4. The aggregate tax dollar refund shall be given as a credit against taxes due for the tax year 2015 and 2016, until the credit is satisfied.
5. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
6. The Resolution shall take effect immediately.

EXHIBIT "A" TO RESOLUTION 2015-22

Block:	8		
Lot:	26.01		
Street Address:	75 Route 15		
Year: <u>2013</u>	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$1,849,500	None	\$1,849,500
Improvements:	\$3,205,800	Direct	\$3,205,800
Total:	\$5,055,300	Appeal	\$5,055,300
Year: <u>2014</u>	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>
Land:	\$1,849,500	None	\$1,849,500
Improvements:	\$3,205,800	Direct	\$1,223,800
Total:	\$5,055,300	Appeal	\$3,073,300

Block:	8		
Lot:	26.06		
Street Address:	79 Route 15		
Year: <u>2013</u>	Original <u>Assessment</u>	County Board <u>Judgment</u>	Tax Court <u>Judgment</u>

Land:	\$ 324,800	None	\$ 324,800
Improvements:	\$ 933,300	Direct	\$ 933,300
Total:	\$1,258,100	Appeal	\$1,258,100
Year: <u>2014</u>	Original	County Board	Tax Court
	<u>Assessment</u>	<u>Judgment</u>	<u>Judgment</u>
Land:	\$ 324,800	None	\$ 324,800
Improvements:	\$ 933, 300	Direct	\$ 453,300
Total:	\$1,258,100	Appeal	\$ 778,100

Block:	8		
Lot:	26.05		
Street Address:	77 Route 15		
Year: <u>2013</u>	Original	County Board	Tax Court
	<u>Assessment</u>	<u>Judgment</u>	<u>Judgment</u>
Land:	\$ 224,300	None	\$ 224,300
Improvements:	\$ 877,200	Direct	\$ 877,200
Total:	\$1,101,500	Appeal	\$1,101,500
Year: <u>2014</u>	Original	County Board	Tax Court
	<u>Assessment</u>	<u>Judgment</u>	<u>Judgment</u>
Land:	\$ 224,300	None	\$ 224,300
Improvements:	\$ 877,200	Direct	\$ 445,200
Total:	\$1,101,500	Appeal	\$ 669,500

Block:	8		
Lot:	17.02		
Street Address:	67 Route 15		
Year: <u>2013</u>	Original	County Board	Tax Court
	<u>Assessment</u>	<u>Judgment</u>	<u>Judgment</u>
Land:	\$329,700	None	\$329,700
Improvements:	\$447,100	Direct	\$447,100
Total:	\$776,800	Appeal	\$776,800
Year: <u>2014</u>	Original	County Board	Tax Court
	<u>Assessment</u>	<u>Judgment</u>	<u>Judgment</u>
Land:	\$329,700	None	\$329,700
Improvements:	\$447,100	Direct	\$144,400
Total:	\$776,800	Appeal	\$474,100

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

Audience

Mrs. Liane Jenkins, Lafayette PTO representative, is the race director for the PTO's Tiger Chase 5k Race to be held on May 30, 2015 from 9:00-11:00am. She asked the Committee for its support for the temporary closing of Beaver Run and Meadows Roads, Cliffview Terrace and Indian Trail. She said the State Police will provide a patrol for the runners' safety.

The Township Committee unanimously supported the race.

Mr. Norman Kangas, 265 Warbasse Junction Road, feels that his property was mistakenly zoned Light Industrial (LI) from Residential years ago when a neighboring property owner asked to be included in the LI zone during a Master Plan hearing. He is requesting that his property be returned to the Residential zone.

Mr. Kangas was informed he needs to seek a change from the Land Use Board who will then make a recommendation for the change to the Township Committee.

Adjourn

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk