

March 17, 2015

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, March 17, 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, Attorney Kurnos, Road Foreman Macko

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 Henderson, seconded by Corcoran, to accept and place on file the minutes of March 3, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

Treasurer's Report	Cash Report for February 2015
Cash Balances as of January 31, 2015	\$2,960,514.22
Cash Receipts for February 2015	\$1,747,094.79
Total	\$4,707,609.01
Cash Disbursements for February 2015	\$1,353,492.73
Cash Balances as of February 28, 2015	\$3,354,116.28
Account Balances as of February 28, 2015	
Current – Checking	\$1,330,265.22
Capital – Checking	\$1,367,665.54
Escrow – Checking	\$64,454.01
COAH-Developers Fees	\$65,001.24
Open Space Municipal Tax	\$362,548.35
Snow Trust	\$7,430.55
Trust Accounts for Developers Agreement	\$140,538.47
Special Rec. – Checking	\$3,820.60
Special Donations	\$7,544.91
Dog Trust Account	\$4,847.39
Total Account Balance	\$3,354,116.28

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

Beaver Run Farms Quarrying License

Megan Ward, Esq.

Charles Shotmeyer, Owner

Attorney Kurnos said he drafted a developer's agreement for Beaver Run Farms; and Ms. Ward said she agreed to its substance. The attorney's will work on the final draft for signature. It was noted that a bond must, also, be submitted.

Motion by Bruning, seconded by Henderson, to approve a seven (7) year license for Beaver Run Farms subject to a signed developer's agreement and the posting of the necessary bond and any applicable licensing fees. 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. D'Angeli recommended, and the Township Committee agreed, to the full repair of the spare truck for a cost not to exceed \$15,000.00.

Road Foreman Macko said the specifications for a new truck are ready. Motion by D'Angeli, seconded by Hughes, to bid for a new truck. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

Fire Department - Henderson reported the Fire Department responded to ten (10) calls in February.

Recreation Commission - Bruning reported the annual Easter egg hunt will be held on Sunday, March 29th at Lafayette Park at 12noon. Also, the fishing contest will be held on Sunday, May 17th at Lafayette Park at 12noon.

Correspondence

- a. Byram Township Letter to Gov. Christie re: Transportation Trust Fund
- b. Robt. Walker, Supr. WVRHS, re: Contributing to Fire Safety program
- c. SCMUA letter to SWAC opposing amendment to SWMP for Grinnell
- d. From Rhona Beadle, Ginnie’s House, re: Child Abuse Prevention Month
- e. Stanhope Borough Resolution supporting SCMUA’s Opposition to SWMP Amendment Motion by D’Angeli, seconded by Hughes, to adopt the following Resolution:

A RESOLUTION IN SUPPORT OF SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY’S (SCMUA) OPPOSITION TO A PROPOSED AMENDMENT TO THE
SUSSEX COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, on February 10, 2015 at a meeting of the Sussex County Solid Waste Advisory Council (“SWAC”), an amendment to the Sussex County Solid Waste Management Plan (“SWMP”) was proposed by Grinnell Recycling, Inc. and Cavalier Environmental Compliance Services; and

WHEREAS, the proposed amendment seeks to permit the Grinnell MRF/TS to accept ID13 Bulky Waste, in addition to the ID13C (Construction & Demolition), which is currently permitted; and

WHEREAS, in consideration of the proposal, SWAC requested that SCMUA submit a positional response to the proposed SWMP amendment; and

WHEREAS, by memorandum dated March 5, 2015, SCMUA formally responded to SWAC’s request; and

WHEREAS, SCMUA carefully set forth its position that SCMUA has developed a Sussex County solid waste and recycling system which allows it to provide free or subsidized services to Sussex County residents, businesses and institutions; and

WHEREAS, SCMUA is obligated under its agreement to both the County of Sussex and the solid waste facility bondholders that the solid waste system operated by SCMUA must be financially self-sufficient; and

WHEREAS, if allowed, the Grinnell amendment would negatively impact SCMUA’s future revenue stream with upward pressure on future tipping fees, including ID10 household waste; and

WHEREAS, ten (10) Sussex County municipalities presently provide for the collection and disposal of residentially generated ID10 household waste; and

WHEREAS, any reduction in SCMUA’s revenue stream will negatively affect its budget, possibly resulting in significant increases in tipping fees especially impacting those municipalities that provide for the collection and disposal of household waste by their residents; and

WHEREAS, the Township Committee of the Township of Lafayette fully agrees with the position taken by SCMUA and wishes to express its formal support of SCMUA’s opposition to the amendment to the SWMP as proposed by Grinnell Recycling, Inc. and Cavalier Environmental Compliance Services.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, that the Township hereby adopts this Resolution in support of SCMUA’s position in opposition to the proposed amendment to the Solid Waste Management Plans (SWMP) as proposed by Grinnell Recycling, Inc. and Cavalier Environmental Compliance Services; and

BE IT FURTHER RESOLVED that the Township of Lafayette hereby expresses its direct opposition to the proposed amendment to the SWMP as well.

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

- f. Stillwater Twp. & Hopatcong Borough Resolutions re: State Parks Funding
- g. Andover & Fredon Twps. Resolution Opposing Solar Project Settlement Agreements
- h. From Phillip Crabb, Freeholder Dir., re: Solar Project Settlement

Vouchers

1 st Alarm Security	125.00
AG Pizza	231.43
Agra Environmental Services, Inc.	126.00
American Wear	152.00
Amerigas-Chester	1,184.84
Banisch Associates, Inc.	487.50
Beaver Run Farms	974.05
Bergey Tire Service	381.20
Bob & Bill's Service Station	160.00
CenturyLink	544.29
Chelbus Cleaning Co., Inc.	275.00
Dover Brake & Clutch Co., Inc.	107.32
Family Ford, Inc.	83.31
Finch Fuel Oil Co., Inc.	6,609.74
G&G Diesel Service, Inc.	177.22
Glasscar Auto Glass	150.00
High Point Regional High School	185,746.00
Home Depot Credit Services	82.42
James Ando	125.00
JCP&L	1,559.65
Jonathon Verkon	125.00
Lafayette Auto Parts Supply, LLC	409.03
Lafayette Preservation Foundation	500.00
Lafayette Twp. Fire Department	7,500.00
Lafayette Twp. Board of Education	305,000.00
MacMillan Oil Co. of Allentown	245.02
Magarino Ford, LLC	205.17
MGL Printing Solutions	101.00
Kimball-Midwest	212.16
Millside Café	350.17
ND Engineering, LLC	1,615.50
Nisivoccia & Co., LLP	2,500.00
NJ Planning Officials	230.00
NJ State Treasurer	50.00
North Church Gravel, Inc.	3,698.06
Blue Tarp Financial	284.98
Opdyke's Sales & Service	368.42
Park Finance, LLC	83,992.81
Pitney Bowes, Inc.	71.25
R.S. Phillips Steel, LLC	55.00
Registrars Assoc. of NJ	35.00
Rowe & Company	952.80
Standard Springs, Inc.	1,670.40
Statewide Insurance Fund	23,344.50
Sussex County Treasurer	2,755.50
The New Jersey Herald	73.50
Van Dine's, Inc.	66.70
Winters Auto Parts, Inc.	131.10
Kyocera Document Solutions	6,355.00
Laddey, Clark & Ryan, LLP	64.00
ND Engineering	1,365.00
NJ Dept. of Health & Senior Services	281.40
The Land Conservancy of NJ	2,625.00

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

Old Business

Exceed Cap (COLA) Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

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)

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

Motion by D'Angeli, seconded by Hughes, to adopt the Exceed Cap (COLA) Ordinance.

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

Village Drive Acceptance - Attorney Kurnos reported he and the Township Engineer are working together to finalize the Township accepting Village Drive.

New Business

Park Finance LLC Tax Refund Resolution - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO PARK FINANCE, LLC IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 08-001 SOLD FOR DELINQUENT TAXES FOR BLOCK 21, LOT 33.08, IN THE AMOUNT OF \$83,992.81

WHEREAS, on December 29, 2008, tax sale certificate #08-001 was sold for delinquent 2007 taxes on Block 21 Lot 33.08, owners of record A. Bernard & Estate of J. Dibernardino, to Park Finance, LLC in the amount of \$4,049.80; and

WHEREAS, the lien holder, Park Finance, LLC, paid subsequent taxes from the 1st quarter 2008 thru 1st quarter 2015 in the amount of \$46,354.62; and

WHEREAS, on March 9, 2015, CCO Mortgage paid the lien and subsequent principal of \$50,404.42, recording and search fees in the amount of \$52.00, foreclosure related fees in the amount of \$1,275.00, penalties in the amount \$81.00 and interest in the amount of \$32,180.39 through March 18, 2015, for the redemption of Tax Sale Certificate #08-001.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, that upon certification of Daryn L. Cashin, Tax Collector, a refund be issued to Park Finance, LLC in the amount of \$83,992.81.

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, Hughes-yes, D'Angeli-yes, Bruning-yes.

Devine Court Judge Appointment Resolution - Motion by D'Angeli, seconded by Henderson, to adopt the following Resolution:

RESOLUTION OF THE TOWNSHIP OF LAFAYETTE RECOMMENDING JAMES G. DEVINE, ESQ. BE APPOINTED AS JUDGE OF THE MUNICIPAL COURT OF FRANKFORD, LAFAYETTE, BRANCHVILLE, SANDYSTON AND MONTAGUE

WHEREAS, the Township of Frankford, Township of Lafayette, Borough of Branchville, Township of Sandyston and Township of Montague of the County of Sussex, State of New Jersey, are have established the Municipal Court of Frankford, Lafayette, Branchville, Sandyston and Montague; and

WHEREAS, the Honorable James G. Devine has heretofore served as Judge of the Municipal Court of the Frankford, Lafayette, Branchville, Sandyston and Montague.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, at its regular meeting held on March 17, 2015, voted to recommend to the Governor of the State of New Jersey that James G. Devine, Esq. be appointed as Judge of the Municipal Court of Frankford, Lafayette, Branchville, Sandyston and Montague.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Township of Frankford, Borough of Branchville, Township of Sandyston and Township of Montague, which are hereby being requested to consider adoption of a similar Resolution.

AND BE IT FURTHER RESOLVED that upon adoption of said Resolution by the Township of Frankford, Township of Lafayette, Borough of Branchville, Township of Sandyston and the Township of Montague, a copy of said Resolutions shall be forwarded to the Honorable Chris Christie, Governor and to the Honorable Steven V. Oroho, State Senator.

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

Property Maintenance Ordinance - Motion by Henderson, seconded by Corcoran, to introduce the following Ordinance and set the public hearing for April 7, 2015:

AN ORDINANCE GOVERNING PROPERTY MAINTENANCE
OF COMMERCIAL AND INDUSTRIAL PROPERTIES

WHEREAS, there are properties, including improvements on those properties, located in the Township's commercial and industrial zones which are presently in substandard condition or which may become so in the future;

WHEREAS, the substandard conditions that are addressed by this Ordinance include: exterior structural deficiencies, unkempt and overgrown yards, trees in need of trimming or removal, the presence of garbage, structures where the exterior is not properly maintained, infestations of rodents and unmaintained walkways, stairs and parking areas;

WHEREAS, the failure to properly maintain the properties that are covered by this Ordinance endangers the public health, safety and welfare;

WHEREAS, the failure to properly maintain these properties has a deleterious effect on neighboring property values;

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

Section 1. Property Maintenance Code Established. This ordinance hereby establishes certain minimum standards for the maintenance and upkeep of all Covered Properties.

Section 2. Terms. Some terms used in this ordinance are defined in Section 7. These terms are to be given the meaning provided by this ordinance even if it varies from the terms ordinary meaning. All other terms shall be given their ordinary meaning and definition as the context implies.

Section 3. Property Maintenance Standard: A violation of this Ordinance occurs when a Prohibited Condition is present on a Covered Property. A Prohibited Condition consists of one or more of the following:

(1) Prohibited Conditions located on the exterior of a Covered Property are:

- (a) The non-trivial presence of garbage or rubbish;
- (b) The presence of any discarded appliances or major component of a building's mechanical system;
- (c) The presence of downed trees or tree limbs for more than 10 days;
- (d) The presence of trees that are in whole or in part dead or dying and need to be trimmed or removed;
- (e) The presence of lawns, hedges and shrubs that are overgrown from lack of maintenance;
- (f) The presence of any infestation of rodents or vermin;
- (g) The presence of motor vehicles, motor cycles, trailers and boats that are inoperable or have been abandoned;
- (h) The presence of any parts for motor vehicles, motorcycles, or boats; and/or
- (i) Parking areas, walkways and stairs that are broken, cracked or have pot-holes to the extent the use of the area by pedestrians or vehicles would represent a safety hazard.

(2) Prohibited Conditions that are part of an exterior structure on a Covered Property are:

- (a) Exterior foundation walls, piers or columns that are unsafe, unsound or dilapidated;
- (b) Exterior stairs, walkways, fire escapes or chimneys that are: (i) unsafe or unsound; (ii) deteriorating, rotting, crumbling so as to be in an unsafe or dangerous condition; and/or (iii) not properly maintained or missing pieces or elements as to be in an unsafe or dangerous condition.
- (c) Exterior doors and door frames that are broken, non-functional, rotted, deteriorating or dilapidated;
- (d) Exterior windows that are broken, cracked or missing;

- (e) Exterior window frames that are rotted, deteriorating or dilapidated;
 - (e) Roof flashing that is not tight and sound or that has defects that admit rain;
 - (f) Roof drains, gutters and downspouts that are non-maintained in good repair or that have obstructions;
 - (g) Exterior wood surfaces other than decay resistant wood that is not protected from the elements by painting or other treatments or where the paint is flaking and chipped;
 - (h) Exterior decorative features such as cornices, corbels, moldings and similar elements that are not maintained in good repair; and/or
 - (g) Exterior structures that are not maintained structurally sound and in good repair.
- (3) Any condition that would be considered a nuisance under New Jersey law.

Section 4. **Inspections for Violations.** Township Officials are authorized to conduct inspections and observations of all Covered Properties that are reasonably necessary to determine if there is a violation of this ordinance. In the first instance this shall be carried out by the Township's Zoning Officer. In the event the Zoning Officer believes it would be helpful or necessary to have the benefit of the expertise of another Township Official in order to evaluate or assess a condition on a Covered Property, the Zoning Officer shall have the right to request the assistance of that official who is also authorized by this ordinance to inspect and observe the property in question and to make recommendations to the Zoning Officer as to whether a violation exists.

Section 5. **Enforcement:** If after an inspection or observation of a Covered Property, one or more Township Officials determines there is violation of this ordinance the Zoning Officer shall proceed as set forth below. However, if the Township Zoning Officer has reason to believe the prohibited condition is actively being remediated or cured, he shall have the discretion to withhold enforcement action for a reasonable time to allow the condition to be remediated.

- (1) The Township Official shall issue a Notice to Cure to the Responsible Party. The Notice to Cure shall contain a description of all violations along with a citation to the appropriate section of this ordinance. The description shall be in sufficient detail so as to permit the Responsible Party to identify the violation in order to take corrective action. Except as otherwise provided in paragraph (4) below, the Notice to Cure shall also contain language advising the Responsible Party that they have 30 days to cure the violation, absent emergent conditions, and to contact the Zoning Officer for a re-inspection. The time to cure may be extended by up to an additional 30 days at the request of the Responsible Party who has agreed to make the necessary repairs at the discretion of the Township Official whose consent shall be liberally given.
- (2) If after the 30 day period to cure (along with any extension) a violation that was the subject of the Notice to Cure still exists, the Zoning Officer shall issue a summons against the Responsible Party in a manner consistent with due process.
- (3) To the extent reasonably practicable, the Township Official shall document any violation with photographs of the offending condition(s).
- (4) In the event a condition that is the subject of a Notice To Cure represents an immediate and eminent threat to the health, safety or well-being of any person, the provision permitting the Responsible Party 30 days to cure shall be eliminated and the Responsible Party shall be directed to take immediate

action to remedy the condition. In the event this directive is not complied with the Township Official shall issue a summons.

Section 6. **Violations and Penalties:** In the event a person or entity is convicted for a violation of this Ordinance the violator shall be subject to the following:

- (1) For a first offense: The minimum fine shall be \$100 for each violation with a maximum fine of \$500 for each violation;
- (2) For a second offence: The minimum fine shall be \$200 for each violation with a maximum fine of \$500 for each violation;
- (3) For a third and subsequent offense: The minimum fine shall be \$500 for each violation with a maximum fine of \$1,000 for each violation.
- (4) In addition to fines provided for in paragraphs (1) through (3) above, the court may impose an additional fine for each day the violation is not cured commencing on the court date. These fines shall be in the amount of \$100 a day for each violation on a first offense; \$200 a day for a second offense; and \$500 a day for a third and subsequent offense.
- (5) The court may suspend both the fine for first offense under (1) above, the daily fine for any offense, or both, if the violation is cured within a period of time to be set by the court after the court date not to exceed 21 days.
- (6) For purposes of this Section 6, a subsequent offense shall mean a subsequent violation occurring at the same property but not necessarily for the same condition. If one year should pass without a violation occurring on a property as determined by a conviction in court, any violation after that one year period shall be considered a first offense.
- (7) For any violation that is uncured after a conviction it shall be deemed a continuing violation of the original summons and a daily fine may be imposed without the necessity of issuing a further summons.

Section 7. **Definitions:** The terms below shall have the meanings set forth in this Section:

“Covered Property” means any lot or parcel of land located within the Township of Lafayette that is within a commercial or industrial zone as established by the Township Zoning Ordinance. It includes all buildings, Structures located on the property.

“Owner” means a person, persons, entity or entities: (a) holding legal title to a property in whole or in part through a deed, devise, inheritance or a tax sale certificate; or (b) who possesses legal authority to permit the occupancy of a property including an executor, administrator, trustee or trust but who is not a tenant.

“Prohibited Condition” means one or more of the conditions listed in Section 3 of this ordinance.

“Responsible Party” means a person, persons, entity or entities that is the Owner of a Covered Property or is a tenant or lessee of a Covered Property where that tenant or lessee is responsible for the area of the leased premises where the Prohibited Condition that is the subject of the violation is located or where the lease would make the tenant or lessee responsible to cure the violation.

“Rubbish” means any waste material, garbage, refuse or litter; anything that is no longer wanted and has been discarded.

“Structure” means all or any part of a building and other improvements to real property including walls and fences.

“Township” means the Township of Lafayette, New Jersey.

“Township Official” means any person employed by the Township, either full or part time, or who works for the Township on an independent basis and whose job duties include the enforcement of any ordinance, regulation, code or statute or making inspection to ensure compliance with any ordinance, regulation, code or statute.

Section 8. **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 9. **Codification.** This Ordinance may be renumbered for codification purposes.

Section 10. **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, D'Angeli-yes, Bruning-yes.

NJSLOM Scholarship - Clerk Fedish reported two (2) essays were submitted for the League scholarship competition. Motion by D'Angeli, seconded by Hughes, to submit the essay submitted by Grace Johnson for the NJSLOM Scholarship Competition. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

Adjourn

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk