

May 5, 2015

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, May 5, 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 Corcoran, seconded by Henderson, to accept and place on file the minutes of April 21, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

### **2015 Municipal Budget Amendment Public Hearing**

Mayor Bruning opened the public hearing for the 2015 Municipal Budget Amendment.

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

Motion by Hughes, seconded by D'Angeli, to adopt the following Resolution and to adopt the 2015 Municipal Budget:

Be it resolved by the Governing Body of the Township of Lafayette, County of Sussex, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of: \$865,079.63 for municipal purposes and \$32,542.00 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

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

### **Tax Collector's Report - For April 2015**

Lieu of Tax	\$819.54
Tax Map Fee	\$500.00
Prior Year Taxes	\$136,914.25
Current Year Taxes	\$403,655.53
Interest	\$8,520.91
Total	\$550,410.23

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.

**EMS** - Corcoran reported the EMS responded to 20 calls in April.

**Board of Health** - Corcoran reviewed the meeting of April 27, 2015. The Clerk was asked to contact the Sussex County Health Department for an update regarding the removal of animals from the 186 Route 94 property.

**Land Use Board** - Corcoran reviewed the April 23, 2015 meeting.

**Affordable Housing** - Motion by Hughes, seconded by Henderson, to adopt the following Resolution:

**WHEREAS**, in recognition of the Township's continuous voluntary commitment to and participation in the COAH process and extensive ongoing planning to address the Township's

Mount Laurel obligations, including adoption of a third round Fair Share Plan and petition to the NJ Council on Affordable Housing (COAH) which the agency never acted upon due to litigation arising from the previously proposed third round methodologies; and

**WHEREAS**, the NJ Supreme Court recently resolved a long period of uncertainty attributable to the legal challenges to COAH’s prior third round rule iterations as well as COAH’s more recent failure to adopt new third round rules as ordered by the Court with a ruling, which now sets forth a judicial process for municipal compliance with municipal Mount Laurel obligations; and

**WHEREAS**, in order to facilitate the Township’s efforts to continue to comply voluntarily with its Mount Laurel obligations and to enable the Township to make informed decisions, the Township Committee finds it prudent to create a Mount Laurel Subcommittee which will meet, as needed, and will provide informed recommendations to the Township Committee and Land Use Board.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Township hereby creates a “Mount Laurel Subcommittee” to work with the Township’s professionals to facilitate the production of affordable housing and to address the ever changing laws that determine what the Township’s responsibilities are and how the Township may address them.

2. In particular, the Mount Laurel subcommittee shall assist the Township’s professionals in (a) investigating the facts and all the issues relevant to the Township’s affordable housing obligations; (b) reviewing and discussing all draft ordinances, resolutions, and other relevant documents associated with the Township’s affordable housing compliance plan and all related planning documents; (c) discussing any issues relevant to the Township’s efforts to address future obligations as defined by the courts, the legislature, and/or various state agencies and (e) making recommendations to the Township Committee.

3. The initial chairman of the Mount Laurel Subcommittee shall be Richard Hughes.

4. The Township Committee hereby designates the following persons to the Mount Laurel Subcommittee:

(i) Township Committee Person: Richard Hughes & Alan Henderson

(ii) Land Use Board Member: Kevin O’Leary & William Allison

(iii) Township Attorney Roy Kurnos, Esq.

(iv) Special Mount Laurel Counsel [if there be one]: N/A

(v) Planner, David Banisch

(vi) Land Use Board Attorney, Ursula Leo, Esq.

5. The Mount Laurel Subcommittee shall meet periodically to discuss the current status of the law and to take such steps as may assist the Township in meeting its objective of creating affordable housing.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

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

### **Correspondence**

a. Frankford Township Resolution re: Supporting Sandyston Township’s Resolution #19-2015

b. Fredon Township Resolution re: Exclude joint base McGuire-Dix-Lakehurst and Picatinny Arsenal in future defense cuts

c. Vernon Township Resolution re: Supporting Transparent Tax Act of 2015

d. From Cavalier Environmental to SCMUA re: Solid Waste Amendment

e. From Leslie Hirsch re: St. Clare’s Health Services Sale

f. D.A.R.E. New Jersey, Inc. re: Closing

### **Vouchers**

Centurylink	555.08
Chelbus Cleaning Co., Inc.	275.00
Cooper Electric Supply Co.	330.18
Cooper Electric Supply Co.	25.80
Dennis Noonan	33.75
Fastenal Company	24.85
Finch Fuel Oil Co., Inc.	409.26
Frankford Township	14,479.54
G&G Diesel Service Inc.	15,063.07
JCP&L	194.27
Laddey, Clark & Ryan, LLP	384.00
Merkin Equipment	858.00

Kimball-Midwest	145.00
Montague Tool & Supply Co.	82.03
ND Engineering, LLC	621.00
Opdyke's Sales & Service	541.98
SCMCA	5.00
Staples Business Advantage	120.77
Sussex County Treasurer	436,561.97
Sussex County Treasurer	14,868.57
Sussex County Treasurer	32,812.50
Sussex County Treasurer	2,137.34
Sussex County League of Municipalities	50.00
Verizon Wireless	127.51
Weldon Quarry Co., LLC	243.00
Banisch Associates, Inc.	2,821.00
Laddey, Clark & Ryan, LLP	96.00
ND Engineering, LLC	297.00

Motion by D'Angeli, seconded by Corcoran, 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**

**Excavator 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 BOBCAT EXCAVATOR AND APPROPRIATING \$60,000.00 FROM THE CAPITAL IMPROVEMENT FUND

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

Motion by D'Angeli, seconded by Corcoran, to adopt the Excavator Spending Ordinance.

Motion carried by roll call vote: Corcoran-yes, Henderson-no, Hughes-yes, D'Angeli-yes, Bruning-yes.

**109 Route 15 (Old Lafayette House)** - Motion by Hughes, seconded by Corcoran, directing the Township Attorney to send a letter of interest to purchase to the owner obtaining an answer within 90 days and subject to the Township obtaining the necessary permits. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**Tax Abatement** - A tax abatement letter of interest will be sent to the two (2) properties owned by Nouvelle, Olde Lafayette Village, Exxon and Carson & Roberts.

**Land Use Board** - Henderson reported the website is not up to date with Land Use Board minutes. Mr. Kevin O'Leary, Land Use Board Chairman, said they were behind at one time but are now caught up. Henderson is concerned the public is not being kept informed.

**Carlwood Development** - The Township Committee would like a written report from the Zoning Officer.

**Lafayette Day** - An update will be given at the next meeting.

**New Business**

**Audit Resolution** - Motion by D'Angeli, seconded by Henderson, to adopt the following Resolution:

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
RESOLUTION 2015-35**

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 2014 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, Hughes-yes, D’Angeli-yes, Bruning-yes.

**Farmland Preservation** - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

BE IT RESOLVED that the Mayor and Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey, does hereby express its support for the Farmland Preservation program and gives final approval of the following application.

BE IT, ALSO, RESOLVED that approval is given for this application to be submitted to the State Agriculture Development Committee by the Sussex County Agriculture Development Board for county reimbursement consideration when State funding for farmland preservation is available.

Sharon Duddy	Block 22, Lot 13
Double D Farm	± 64 acres

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

**Hopkins v. Byram Township, et al. OPRA Case** - The Township Attorney will pursue this issue.

**Summer Meetings Cancellation** - Motion by Henderson, seconded by Corcoran, to cancel the following summer meetings: June 16, 2015, July 21, 2015 and August 18, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D’Angeli-yes, Bruning-yes.

**Sunrise House Foundation** - Bruning reported the Sunrise House was sold to a for-profit business. Attorney Kurnos said a zoning permit is needed; and the Township can issue a certificate from the Zoning Officer stating they may continue as a non-conforming use.

#### **Audience**

Mr. Kevin O’Leary, Land Use Board Chairman, suggested reviewing the 1997 Resolution for Sunrise House. He feels a Certificate of Compliance can be issued.

Mr. O’Leary said the Castimore/Moose property is now owned by Lafayette Township. The property can go back to nature or the Township may lease it for farming.

Mr. John Strowe, EMS Captain, asked for a copy of the St. Clare’s correspondence.

Mr. Bill Macko, Road Foreman, is concerned about the lack of ratables in the Township as Lion Technology received approval in Sparta.

Ms. Anne Sellinger, Lafayette BOE Representative, said the tricky tray was a success. Approximately 84% of the students took the PARCC tests.

**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