

August 4, 2015

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, August 4, 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, CFO Magura, 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 Hughes, to accept and place on file the minutes of July 7, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**Tax Collector's Report** - For July 2015

|                    |              |
|--------------------|--------------|
| Lieu of Tax        | \$422.07     |
| Tax Map Fee        | \$150.00     |
| Prior Year Taxes   | \$21,922.87  |
| Current Year Taxes | \$440,232.83 |
| Prepaid Taxes 2016 | \$544.94     |
| Interest           | \$1,437.27   |
| Total              | \$464,709.98 |

Motion by Hughes, seconded by Henderson, 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.

Motion by Henderson, seconded by D'Angeli, to adopt the following Resolutions:

**RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO CANCEL 2015 TAXES BILLED IN THE AMOUNT OF \$96.42 FOR BLOCK 20, LOT 3, QFARM, DUE TO THE ACQUISITION OF THE PROPERTY BY LAFAYETTE TOWNSHIP**

WHEREAS, on February 2, 2015, Lafayette Township acquired Block 20, Lot 3, QFarm; and the property will be tax exempt beginning year 2016; and

WHEREAS, taxes had previously been billed for the second half of 2015 in the amount of \$96.42.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, to authorize Daryn Cashin, Tax Collector, to cancel the 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes due in the amount of \$96.42.

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.

**RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO CANCEL 2015 TAXES BILLED IN THE AMOUNT OF \$93.63 FOR BLOCK 20, LOT 3.04, QFARM, DUE TO THE ACQUISITION OF THE PROPERTY BY LAFAYETTE TOWNSHIP**

WHEREAS, on February 2, 2015, Lafayette Township acquired Block 20, Lot 3.04, QFarm; and the property will be tax exempt beginning year 2016; and

WHEREAS, taxes had previously been billed for the second half of 2015 in the amount of \$93.63.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, to authorize Daryn Cashin, Tax Collector, to cancel the 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes due in the amount of \$93.63.

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.

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO CANCEL INTEREST ACCRUED ON VARIOUS PROPERTIES AFFECTED BY THE STATE TAX BOARD JUDGEMENTS FOR OLDE LAFAYETTE VILLAGE

WHEREAS, on March 3, 2015, the Lafayette Township Committee resolved to settle tax appeals on Block 8, Lots 17.02, 26.01, 26.05, and 26.06; and Levin Management, the receivers for these properties, agreed to waive any interest due in regards to the judgement, and instead of a refund for the year 2014, they agreed that the aggregate tax dollar refunds would be applied as a credit to years 2015 & 2016, until the credit is satisfied; and

WHEREAS, in anticipation of receiving the credits, Levin Management did not pay the 2<sup>nd</sup> quarter taxes on the affected properties, and judgement was not made by the Tax Court of New Jersey until June 5, 2015, docket # 007213-2014.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that Daryn Cashin, the Tax Collector, be authorized to cancel any interest that may have accrued on the affected properties from non-payment of the 2<sup>nd</sup> quarter 2015 taxes.

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.

|   |                           |                |
|---|---------------------------|----------------|
| <b>Treasurer’s Report</b>               | Cash Report for July 2015 |                |
| Cash Balances as of June 30, 2015       |                           | \$2,738,311.67 |
| Cash Receipts for July 2015             |                           | \$480,755.26   |
| Total                                   |                           | \$3,219,066.93 |
| Cash Disbursements for July 2015        |                           | \$413,743.65   |
| Cash Balances as of July 30, 2015       |                           | \$2,805,323.28 |
| Account Balances as of July 30, 2015    |                           |                |
| Current – Checking                      |                           | \$1,015,505.05 |
| Capital – Checking                      |                           | \$1,359,545.09 |
| Escrow – Checking                       |                           | \$80,312.33    |
| COAH - Developers Fees                  |                           | \$20,252.60    |
| COAH - Rehab Reserves                   |                           | \$44,106.99    |
| Open Space Municipal Tax                |                           | \$122,502.09   |
| Snow Trust                              |                           | \$7,430.55     |
| Trust Accounts for Developers Agreement |                           | \$140,098.29   |
| Special Rec. – Checking                 |                           | \$4,310.24     |
| Special Donations                       |                           | \$7,545.91     |
| Dog Trust Account                       |                           | \$3,714.14     |
| Total Account Balance                   |                           | \$2,805,323.28 |

Motion by Hughes, seconded by D’Angeli, 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.

**Committee Reports**

**Board of Health** - Corcoran reviewed the July 27, 2015 meeting. He stated the new sanitarian is Anita.

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

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

**Fire Department** - Henderson reported the Fire Department responded to nine (9) fire calls and conducted one (1) drill in July.

**Open Space (OSAC)** - Henderson reported paperwork is being gathered for the reimbursement of costs for the Castimore/Moose property purchase.

**Strategic Growth** - Hughes reported a meeting will be held with the County planning and engineering departments to promote economic growth.

**Affordable Housing** - Hughes reported the subcommittee recently met and a response is will be submitted.

**Emergency Management** - Motion by Hughes, seconded by D'Angeli, to introduce the following spending ordinance and set the public hearing for September 1, 2015:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF TWO (2) ELECTRONIC MESSAGE BOARDS AND APPROPRIATING \$13,000 FROM THE RESERVE FOR FEMA EMERGENCY MANAGEMENT EQUIPMENT FROM 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 purchase of two (2) electronic message boards is hereby authorized; and the cost is not to exceed \$13,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$13,000.00 is hereby appropriated from the Reserve for FEMA Emergency Management Equipment 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, Hughes-yes, D'Angeli-yes, Bruning-yes.

Motion by Hughes, seconded by D'Angeli, to purchase two (2) message boards for a cost not to exceed \$13,000.00. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

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

**Recreation Commission** - Bruning reported the Recreation Commission is sponsoring a Family Movie Night on Saturday, August 15, 2015. Entertainment begins at 7:00pm and the movie, "Despicable Me 2", at approximately 8:00pm. Free refreshments will be available.

### **Correspondence**

1. Resolutions from Sussex County Freeholders and Franklin Borough supporting establishing outpatient clinic in Sussex County by US Dept. of Veterans Affairs

Motion by Hughes, seconded by D'Angeli, to adopt the following Resolution:

RESOLUTION OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY SUPPORTING THE ESTABLISHMENT OF A U.S. DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC IN SUSSEX COUNTY

WHEREAS, the U.S. Department of Veterans Affairs identifies a total of 46,229 veterans living in Sussex County and the bordering counties as of September 20, 2014; and

WHEREAS, the U.S. Department of Veterans Affairs Community Based Outpatient Clinic is located at the East Orange Campus approximately 40 miles from the County center; and

WHEREAS, Dr. Jean-Paul Bonnet has stated interested in providing space at 406 Route 23 North in Franklin, NJ for veterans services at an annual rent of \$1.00 per year; and

WHEREAS, the Sussex County veterans community has identified the need for a U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Sussex County.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette supports the establishment of a U.S. Department of Veterans Affairs Community Based Outpatient Clinic in Sussex County; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Ken Mizrach, Director, VA New Jersey Health Care System, 385 Tremont Avenue, East Orange, NJ 07018; Hon. Rodney P. Frelinghuysen, United States Congressman, 30 Schuyler Place, 2<sup>nd</sup> Floor, Morristown, NJ 07960; Hon. Cory Booker, United States Senator, Gateway One, Suite 2300, 11-43 Raymond Plaza West, Newark, NJ 07102; Hon. Scott Garrett, United States Congressman, 266 Harristown Road, Suite 104, Glen Rock, NJ 07452; Hon. Robert Menendez, United States Senator, 208 White Horse Pike, Suite 18, Barrington, NJ 08007; and to the 24<sup>th</sup> Legislative District, 115 Demarest Road, Suite 2B, Sparta, NJ 07871.

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

2. Byram Township Resolution regarding Route 206 NJDOT Project not being complete

3. From Terry Newhard, Exec. Dir., requesting Proclamation recognizing NORWESCAP's 50<sup>th</sup> Anniversary
  4. From Leslie D. Hirsch, Pres./CEO, regarding St. Clare's Health System
  5. From NJLM regarding Mayors Committee on Life Sciences
  6. From Stephanie Pizzulo re: Lafayette Day Thank You
- Mayor Bruning read the following letter into record:

Dear Township Committee,

I just wanted to take a moment to thank all of the people and organizations that helped to make our first annual Lafayette Day a huge success. Without these people the day would not have been what it was.

First, I want to thank Bill Macko for all of his help with Lafayette Day. He spent many hours of his own time helping with the planning, organizing and getting contact information as well as helping set up and clean up at the pond. He was a big help in securing permission from the State Police to use our newly trained fire police. He was also responsible for making sure we had traffic signage on Route 15 that he borrowed from the County Sheriff's Office. He did countless tasks to get the pond area clean, secure and ready for the day's events.

I want to thank the Lafayette Fire Department for getting their personnel trained as fire police and then being present on Lafayette Day to help cross the pedestrians across Route 15. They did a fabulous job. Also, thank you to the fire department for their presence at Lafayette Day and the use of the fire truck. The kids had a great time knocking the targets down with the fire hose.

Thank you to the Lafayette EMS for being part of the day's events and for being present in case of an emergency. The blood pressure screenings were great but knowing they were on hand and ready to assist in an emergency was a comfort to all.

A big thank you to Joan Smith and the Lafayette Center Preservation Foundation for all of their help and support and their never ending list of creative ideas. The Miss Lafayette contest was well attended with standing room only.

Thank you to Lisa Frye, Andy Frye, Racheal Start, Debbie Johnson, Anna Rose Fedish, Victoria Pizzulo and Joyce Franklin for coming in early to help set up and staying late to clean up.

Thank you to the LAA and Kevin O'Leary for their donation of the bounce house and manning it throughout the day. It was a great attraction for the kids.

Thank you to Dave Astor for volunteering to drive people from the pond to our remote parking lots. It turned out that we had plenty of parking; however Dave stayed the whole day ready to assist if needed.

Thank you to the Girl Scouts and Boy Scouts for setting up activities for other children to enjoy. It was wonderful to see our local scouts participating in Lafayette Day.

Thank you to Sue Van Sickle and Lafayette Auto Parts for running a wonderful custom car and tractor show for everyone to enjoy.

Thank you to the Lafayette Recreation Commission for their participation in Lafayette Day.

And finally, thank you to the Township Committee for your support.

I hope I did not forget to thank anyone; but if I did please know that the day was only successful because of everyone's effort and hard work. Thank you to everyone who helped and participated. I hope Lafayette will continue this wonderful tradition.

Sincerely, Stephanie Pizzulo

#### **Vouchers**

|                                   |           |
|-----------------------------------|-----------|
| Accurate Waste Systems, Inc.      | 400.00    |
| Ace Well & Pump, LLC              | 150.00    |
| Agra Environmental Services, Inc. | 63.00     |
| American Wear                     | 152.00    |
| Andover Township                  | 21,714.00 |
| Aquatic Analysts, Inc.            | 760.00    |
| Atlantic Communications           | 680.00    |
| Beaver Run Farms                  | 1,205.22  |
| Bollinger, Inc.                   | 500.00    |
| CenturyLink                       | 554.11    |
| Chelbus Cleaning Co., Inc.        | 275.00    |
| Chemung Supply                    | 2,489.35  |
| Clark Equipment Company           | 58,445.41 |
| Finch Fuel Oil Co., Inc.          | 935.39    |

|   |            |
|---|------------|
| Finelli Consulting Engineers, Inc.          | 95.00      |
| Frankford Township                          | 14,413.04  |
| Garden State Plumbing & Heating, Inc.       | 285.00     |
| George & Debra DeFeo                        | 793.36     |
| High Point Regional High School             | 364,616.68 |
| Home Depot Credit Services                  | 271.95     |
| JCP&L                                       | 1,249.11   |
| Johnny On The Spot, LLC                     | 75.00      |
| Laddey, Clark & Ryan, LLP                   | 2,208.00   |
| Lafayette Auto Parts Supply, LLC            | 423.70     |
| Lafayette EMS                               | 1,487.03   |
| Lafayette Twp. Board of Education           | 526,937.50 |
| MaryPaul Laboratories, Inc.                 | 195.00     |
| MGL Printing Solutions                      | 182.00     |
| Montage Enterprises, Inc.                   | 372.27     |
| Montague Tool & Supply Co.                  | 204.17     |
| Morris Asphalt Co., Inc.                    | 126.06     |
| ND Engineering, LLC                         | 3,969.00   |
| NJ Dept. of Health & Senior Services        | 27.60      |
| Rachael Start                               | 112.57     |
| Roy E. Kurnos                               | 8,677.20   |
| Service Electric Cable TV                   | 17.00      |
| Sparta Lanes                                | 117.00     |
| Staples Business Advantage                  | 166.77     |
| Statewide Insurance Fund                    | 23,344.50  |
| Summit Soundz Entertainment, LLC            | 700.00     |
| Sussex County Municipal Utilities Authority | 250.00     |
| Sussex County Treasurer                     | 404,667.30 |
| Sussex County Treasurer                     | 2,528.85   |
| Sussex County Treasurer                     | 11,947.41  |
| Sussex County Treasurer                     | 1,928.44   |
| Sussex County Assessor's Assoc.             | 100.00     |
| Swank Motion Picture, Inc.                  | 351.00     |
| The New Jersey Herald                       | 198.00     |
| Tire King                                   | 440.00     |
| TruGreen Commercial                         | 550.00     |
| US Postal Service                           | 225.00     |
| Verizon Wireless                            | 165.24     |
| Weldon Quarry Co., LLC                      | 2,062.76   |

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

**Ordinances** – The following Ordinances were tabled until September 1, 2015 due to the loss of communication for advertising with The New Jersey Herald:

AN ORDINANCE TO AMEND THE LAFAYETTE TOWNSHIP OFFICIAL MAP

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, FOR IMPROVEMENTS TO PELLETOWN ROAD IN THE AMOUNT OF \$103,000 AND IMPROVEMENTS TO VARIOUS ROADS IN THE AMOUNT OF \$52,000 FROM FUNDS AVAILABLE IN THE CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$155,000

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE ZONING CHAPTER, SPECIFICALLY SECTION 13-13E, ENTITLED "RIDGELINE AND HILLSIDE VIEWSHED PROTECTION OVERLAY ZONE" AND TO AMEND CHAPTER XIV, BEING THE LAND USE PROCEDURES CHAPTER, TO REVISE SCHEDULES H AND I, REGARDING APPLICATION FEES AND REVIEW FEE ESCROW DEPOSITS

### **New Business**

**Raffle License** - Motion by D'Angeli, seconded by Henderson, to approve a raffle license for Kiwanis Club of Sparta for September 24, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**JCP&L Resolution** - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

**RESOLUTION DECLARING SUPPORT FOR THE JCP&L MONTVILLE-WHIPpany REINFORCEMENT PROJECT**

WHEREAS, the Township of Lafayette recognizes that reliable electric service plays a crucial role in the daily lives of Township residents; and

WHEREAS, the Township of Lafayette recognizes that reliable electric service, also, is critical to the local businesses within our community and drive commerce in our Township and across the region; and

WHEREAS, the Township of Lafayette supports efforts to enhance our energy infrastructure to continue to provide families and businesses the reliable source of energy they need; and

WHEREAS, the Township of Lafayette believes Jersey Central Power and Light Company's (JCP&L) Montville-Whippany Reinforcement project will enhance service reliability and system redundancy and meet the ever-increasing demand for power in our township; and

WHEREAS, the Township of Lafayette has been informed that in the event of a transmission disruption or during periods of great demand, this new line can reroute electricity to help reduce the frequency and duration of outages; and

WHEREAS, the Township of Lafayette has been informed that the approximate \$35 million investment will provide greater flexibility for rerouting power; and

WHEREAS, the Township of Lafayette understands that this project will help to enhance the reliability of electric service today and in the future for approximately 86,000 customers in Morris and Sussex Counties; and

WHEREAS, the Township of Lafayette believes that JCP&L has made a good-faith effort to keep the community informed about this project and to limit any disturbances to our local businesses or the fine families that comprise the Township of Lafayette.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette hereby finds and declares:

1. That the Montville-Whippany Reinforcement Project will benefit residents and businesses in the Township of Lafayette and throughout Sussex County by enhancing the reliability and redundancy of the electric system and by limiting disruptions to our electric service.

2. The Montville-Whippany Reinforcement Project should be approved by the New Jersey Board of Public Utilities.

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

**SECTV Consent Ordinance** - Motion by D'Angeli, seconded by Hughes, to introduce the following Ordinance and set the public hearing date of September 1, 2015:

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM**

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

**SECTION 1. Introductory Provisions/ Purpose of the Ordinance.**

The Municipality hereby grants to the company its non-exclusive consent to place in, upon, along, across, above, over and under the highway, streets, alleys, sidewalks, public ways, and public places in the Municipality, poles, wires, cables, and fixtures necessary for the maintenance and operation in the Municipality of a cable television system and cable communications system. Construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

**SECTION 2. Definitions.**

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions given by the Federal Communications Commission (F.C.C.) Rules and Regulations, 47 C.F.R. subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with federal or state definitions:

(a) "Municipality" or "Township" is the Township of Lafayette, County of Sussex, State of New Jersey.

(b) "Company" is the grantee of rights under this Ordinance and is known as Service Electric Cable T.V. of New Jersey, Inc.

(c) "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendment thereto, section 48:5A-1 *et seq.*

**SECTION 3. Statement of Findings.**

A public hearing concerning the consent herein granted to the Company was held, after proper public notice, on July 7, 2015 pursuant to the terms and conditions of the Act. Said hearing, having been held and fully open to the public, and the Municipality having received all comments regarding the qualifications of the Company to receive this consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial, and other qualifications, and that the Company's operating and construction arrangements are adequate and feasible.

**SECTION 4. Grant of Municipal Consent.**

The Township hereby grants to the Company consent to the issuance of a non-exclusive franchise by the New Jersey Board of Public Utilities to construct, erect, operate, modify and maintain, in, upon, along, across, above, over, and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto, in the Township of Lafayette, such poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Township of a cable television system and cable communications system for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The rights so granted include the right to use and occupy said highways, streets, alleys, public ways and public places, and all manner of easements for the purposes herein set forth and as provided by federal and state law, and are subject to the terms and conditions herein.

**SECTION 5. Duration of Franchise and Extension of Service.**

The consent herein granted shall expire on January 11, 2026, ten (10) years from the date of expiration of the current Certificate of Approval as issued by the Board of Public Utilities (BPU). The Company shall be required to proffer service to any persons, residents or businesses in conformance with its Tariff on file with the Office of Cable Television including any policies for line extension and/or non-standard installations.

**SECTION 6. Franchise Fee.**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers to its cable television reception service in the Municipality, or any amount permitted by the Cable Television Act or otherwise allowable by law.

**SECTION 7. Rates.**

In accordance with N.J.S.A. 48:5A-11, the Board of Public Utilities, through the Office of Cable Television, shall, consistent with federal law, prescribe just and reasonable rates, charges and classifications for the services rendered by a cable television provider. The Township acknowledges that under the Act, municipalities do not have the authority to regulate the rates the Company charges subscribers for its services.

**SECTION 8. Territory.**

The consent granted herein to the Company shall apply to the entirety of the Municipality, and any property hereafter annexed.

**SECTION 9. Construction Requirements.**

Restoration: In the event that the Company or its agents shall disturb any pavement, streets, surfaces, sidewalks, driveways or other surfaces in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed to as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay and relocate its equipment, at the expense of the Company.

The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings, and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when required by the Municipality, in which case the Company shall bear the cost.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Municipality, so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

**SECTION 10. Local Office.**

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office in Sussex County for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment, malfunctions, and similar matters. Said local business office shall be open during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m. Monday through Friday.

**SECTION 11. Municipal Complaint Officer.**

The Office of Cable Television is hereby designated as the complaint officer for the Municipality, pursuant to N.J.S.A. 48:5a-26(b).

All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.

**SECTION 12. Performance Bond.**

During the life of the franchise, the Company shall give bond to the Municipality, which bond shall be in the amount of \$25,000.00.

Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application and incorporated herein.

**SECTION 13. Local Programming and Public Educational and Governmental Access.**

The Company shall provide public, educational, and governmental (PEG) access channels and facilities in accordance with its Application for Renewal of Municipal Consent.

**SECTION 14. Free Services.**

The Company shall provide services in accordance with its Tariff for cable television service approved by the Board of Public Utilities on January 1, 2015. In addition, the Company shall provide the following locations with complimentary, expanded basic cable service:

1. One (1) cable connection for the Municipal Garage located at 16 Morris Farm Road, Lafayette.
2. Thirty-six (36) cable connections for the Lafayette Township School located at 178 Beaver Run Road, Lafayette.
3. One (1) cable connections for the Lafayette Fire Department located at 126 Route 15, Lafayette.
4. One (1) cable connection for the Lafayette EMS located at 16 Morris Farm Road, Lafayette.

In addition, one (1) complimentary cable connection shall be provided to the Lafayette Township Municipal Building (33 Morris Farm Road, Lafayette) upon the Township's payment of the applicable installation fees associated with same.

The complimentary services provided herein are for expanded basic cable service only. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any installation of service and with each digital box that the subscriber maintains, which fees are determined by the Company in accordance with the type of digital box(es) that the subscriber maintains.

**SECTION 15. Programming.**

Although nothing herein shall require the Company to carry or transmit any particular television stations or programming source, the Company shall provide the subscribers in the Township with at least the same broad categories of programming, in approximately the same quantity, as are now provided, and which appear in the Application for Municipal Consent.

**SECTION 16. Liability Insurance.**

The Company agrees to maintain and keep in full force and effect, at its sole expense, at all times during the term of this consent, sufficient liability insurance naming the Municipality as an insured and insuring against loss by any such claim, suit, judgment, execution or demand, in the minimum amount of one million dollars (\$1,000,000.00) combined single limit for bodily injury or death to one person, five hundred thousand dollars (\$500,000.00) for property damage resulting from any one accident, and an excess liability (or umbrella) policy in the amount of ten million dollars (\$10,000,000.00).

The contractor building the cable television lines shall file a worker's compensation certificate of insurance with the Township Clerk prior to commencing any work.

**SECTION 17. Filing with Township Engineer.**

The Company shall cause all construction plans relating to work which could have significant impact on public works within the Township, to be filed with the Township Engineer's Office.

**SECTION 18. Activities Prohibited.**

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Township.

**SECTION 19. Incorporation of the Application.**

All of the commitments and statements contained in the Application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and any other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, as long as it does not conflict with state or federal law.

**SECTION 20. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 21. Consistency with Future Federal and State Statutes, Regulations, Rules and Orders.**

This Ordinance is subject to all provisions of the Act and to all lawful rules and regulations of the Board of Public Utilities and the Office of Cable Television., adopted pursuant thereto. The Company shall at all times comply with the rules and regulations governing cable television operations lawfully promulgated and adopted by the Board of Public Utilities. Should any of the Federal or State Acts, Regulations, or pronouncements applicable to the regulation of cable television service be modified in any way, such modification, to the extent it embodies required terms and conditions, and meaningfully can be incorporated into this Ordinance, shall be so incorporated, consistent with any applicable effective dates specified in such modification. To the extent that any such modification(s) place(s) limits on permissible terms and conditions, and any provision of this Ordinance becomes invalid by virtue of such modification(s), the preceding section, **SECTION 20**, shall apply.

**SECTION 22. Effective Date of Consent.**

This Ordinance shall take effect upon its final passage and publication according to law. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**Quick Chek Maintenance Bond Release** - Motion by Henderson, seconded by D'Angeli, to release the Maintenance Bond #105305347 for Quick Chek as per the Township Engineer's inspection and report dated August 3, 2015. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**Beaver Run Quarry** - Motion by D'Angeli, seconded by Hughes, to authorize the mayor to sign the Developer's Agreement for the Beaver Run Quarry Restoration. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**Hamburg Borough Shared Services-Tax Assessor** - Motion by Henderson, seconded by D'Angeli, to renew the Tax Assessor Shared Services Agreement with Hamburg Borough through September 30, 2019. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**OPRA Settlement – Hopkins v. Lafayette** - At the recommendation of the Township Attorney, the Township will settle the case of Hopkins v. Lafayette which involves tax assessing information. Motion by D'Angeli, seconded by Corcoran, to pay \$300 to settle the case of Hopkins v.. Lafayette. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, Hughes-yes, D'Angeli-yes, Bruning-yes.

**Intersection of Routes 15 & 94 and Sunset Inn Road** - Discussion ensued regarding the NJDOT's invoice of \$6,000 for 25% of the cost of the work. It was decided that the \$6,000 would be paid upon completion of the project. The Clerk will send a letter to the NJDOT stating this and asking for a copy of the plan.

**Township Zoning Violations** - Henderson commented there are still some properties that have not been cleaned up. The Clerk was asked to speak to the Zoning Officer to inspect and follow through on the ordinances.

**Audience**

Mr. Kevin O'Leary, LAA Member, said that free popcorn, hot dogs and hamburgers will be available to the families on movie night.

**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