

June 8, 2016

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, June 8, 2016 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

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

Mayor Henderson 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 Hughes, to accept and place on file the minutes of May 17, 2016. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-abstain, D'Angeli-yes, Henderson-yes.

Zoning Official James Cutler

Residential Zone Accessory Structures Setbacks - Mr. Cutler proposed new accessory setbacks for accessory structures in the residential zone. He explained the existing setbacks are costing Township residents a lot of money for garden sheds and pools.

The Township Committee asked the Clerk to refer the setbacks to the Land Use Board for review and answer back by the Committee's next meeting on July 5, 2016.

Vacant/Abandoned Properties - Discussion ensued regarding Mr. Cutler inspecting vacant/abandoned properties. The Clerk, Mr. Cutler and Tax Collector will work together on this issue.

Motion by Bruning, seconded by D'Angeli, to introduce the following Ordinance and set the public hearing date of July 5, 2016:

AN ORDINANCE AMENDING CHAPTER XXIII, ENTITLED "PROPERTY MAINTENANCE" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, NEW JERSEY, ADDING A NEW SECTION TO ESTABLISH STANDARDS FOR THE REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES INCLUDING PROPERTIES IN FORECLOSURE

WHEREAS, the mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, in situations where properties are not in mortgage foreclosure, neglected and/or abandoned properties can create a range of problems; and

WHEREAS, P.L. 2003, c.210 authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of neglected, vacant or abandoned residential properties; and

WHEREAS, P.L. 2014, c.35 authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of neglected, whether occupied or unoccupied, vacant or abandoned residential properties for which a mortgage or lien holder has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Township of Lafayette to establish a mechanism to identify and track neglected, vacant or abandoned residential properties in the Township including those properties which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance.

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

Section 1. The Revised General Ordinances of the Township of Lafayette are hereby amended by the addition of a new section to Chapter XXIII, Property Maintenance, to read as follows:

Registration and Maintenance of Vacant and Abandoned Residential Properties and Vacant and Abandoned Residential Properties in Foreclosure

a. Definitions

1. "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Mortgage Act", P.L. 2009, c.53 (C.17-11,C-51 et seq) any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec. 17 as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

2. "Neglected, Vacant and Abandoned" residential property means, consistent with Section 1 of P.L. 2012, c.70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e.1 of this Section and subsection b. of section 1 of P.L. 2014, c.35 (C.40:48-2.12s), or property which any condition of its own or combined with other conditions present would lead a reasonable person to believe that the property is, or has been, vacant for three (3) or more months.

Residential property shall further be deemed neglected, vacant and abandoned where a mortgaged property is not occupied by a mortgagor or tenant.

Such evidence would include, but is not limited to, evidence of the existence of two (2) or more of the following conditions at the property:

(a) overgrown or neglected vegetation;

(b) the accumulation of newspapers, circulars, flyers or mail on the property;

(c) disconnected gas, electric, or water utility services to the property;

(d) the accumulation of junk. Litter, trash or debris on the property;

(e) the absence of window treatments such as blinds, curtains or shutters;

(f) the absence of furnishings and personal items;

(g) statements of neighbors, association management, delivery persons or government employees indicating that the residence is vacant and abandoned;

(h) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;

(i) doors to the property that are smashed through, broken off, unhinged or continuously unlocked;

(j) a risk to the health, safety or welfare of the public or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct or the physical destruction or deterioration of the property;

(k) an uncorrected violation of a municipal building, housing or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;

(l) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

(m) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;

(n) any other reasonable indicia of abandonment.

3. "Owner" means the titleholder, any agent of the titleholder having authority to act with respect to the vacant property or any other entity determined by the Township of Lafayette to act with respect to the property.

b. Registration or Vacant and Abandoned Properties

1. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, or the Owner of a Vacant and Abandoned property, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (3) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later, or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Township for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the Vacant and Abandoned property.

2. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

3. The registration statement shall include the name, street address, telephone number and email address (if applicable) of a person twenty-one (21) years or older, designated by the Creditor or the Owner as the authorize agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.

4. The registration statement shall include the name, street address, telephone number and email address (if applicable) of the firm and actual name(s) of the Owner of the Vacant or Abandoned property or the firm's individual principal(s) responsible for maintaining the Vacant and Abandoned property. The Owner or individual or representative of the firm responsible for maintaining the Vacant and Abandoned property shall be available by telephone or in person on a twenty-four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons. In the case of a Creditor, both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

5. The registration shall remain valid for one (1) year from the date of registration except for the initial registration, which shall be valid through December 31st of the year in which it was filed. The Owner of the property or the Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.

6. The annual renewal shall be completed by January 1st of each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

7. The Owner of the property or the Creditor shall notify the municipal clerk within thirty (3) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.

8. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the Creditor.

c. Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$1,500.00) dollars; and the fee for the second annual renewal shall be three thousand (\$3,000.00) dollars. The fee for any subsequent annual renewal beyond the seconded renewal shall be five thousand (\$5,000.00) dollars.

d. Responsibility for Vacant and Abandoned Properties

1. The Owner of the property or a Creditor filing a summons and complaint in an action to foreclose on a residential property within the Township shall be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property after the property becomes Vacant and Abandoned as defined in this Section.

2. Where a Creditor is located out-of-state, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of Paragraph d.1 of this Section. Notice of said representative or agent shall be provided to the municipal clerk pursuant to Paragraph b.3 and 4 of this Section and pursuant to paragraph (1) of section a. of Section 17 of P.L. 2008, c.127 (C.46:10B-51).

e. Notice

1. The enforcement officer(s) designated in this Section shall be authorized to issue a notice to the Owner of the property, or a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the enforcement officer(s) determines that the Owner of the property, or Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, has violated this Section by failing to provide for the care, maintenance, security and upkeep of the exterior of a Vacant and Abandoned property. Where a Creditor is an out-of-State Creditor, the notice shall be issued to the representative or agent that has been identified by the Creditor pursuant to Paragraph d.2 of this Section and Paragraph (1) of section a. of Section 17 of P.L. 2008, c.127 (C.46:10B-51).

2. The notice referenced in Paragraph e.1 of this Section shall require the Owner or Creditor to correct the violation(s) within 30 days of receipt of the notice or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety.

3. The issuance of a notice pursuant to Paragraph e.1 of this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section.

f. Enforcement Officers

The duty of administering and enforcing the provisions of this Section is conferred upon the municipal clerk, construction official, zoning officer, housing officer, health officer and any other duly appointed representatives.

g. Violations and Penalties

1. The Owner of a property, or a Creditor subject to this Section, that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security or upkeep violation cited in a notice issued pursuant to this Section shall be subject to a fine of one thousand five hundred (\$1,500.00)

dollars for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

2. An out-of-State Creditor subject to this Section that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Section shall be subject to a fine of two thousand five hundred (\$2,500.00) dollars for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in State representative or agent shall commence on the day after the 10-day period set forth in Paragraph (1) of Subsection a. of Section 17 of P.L. 2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

3. The Owner of a property, or a Creditor subject to this Section, that is found by the municipal court of the Township, or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant to Paragraph b. of this Section shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars. Any fines imposed on a Creditor under this Paragraph shall commence 11 days following receipt of notice from the Township pursuant to Paragraph b.1 of this Section.

4. No less than twenty (20%) percent of any money collected by the Township pursuant to this Section shall be utilized by the Township for municipal code enforcement purposes.

5. Nothing in this Section is intended, nor shall be read, to conflict or prevent the Township from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in the applicable provisions of the Code of the Township and/or the Uniform Construction Code. Further, any action taken under any such Code provision, other than the demolition of a structure, shall not relieve the Owner from its obligation under this Section.

6. Municipal powers to rehabilitate abandoned property. The Township hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55:19-1 thru 77). These statutory powers are collectively referred to as the "Enabling Statutes".

Section 2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. This ordinance shall take effect 20 days after final passage and publication according to law.

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

Residential Property Maintenance - Motion by Bruning, seconded by Hughes, to introduce the following Ordinance and set the public hearing date of July 5, 2016:

AN ORDINANCE GOVERNING PROPERTY MAINTENANCE OF RESIDENTIAL PROPERTIES

WHEREAS, there are properties, including improvements on those properties, located in the Township's residential 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;
 - (f) Roof flashing that is not tight and sound or that has defects that admit rain;
 - (g) Roof drains, gutters and downspouts that are non-maintained in good repair or that have obstructions;
 - (h) 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;
 - (i) Exterior decorative features such as cornices, corbels, moldings and similar elements that are not maintained in good repair; and/or
 - (j) 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 offense: The minimum fine shall be \$200 for each violation with a maximum fine of \$1,000 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 residential 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. A responsible party shall include a mortgagee whether in possession, in foreclosure or with notice, that the mortgagor of the property is in violation of this Ordinance.
 “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: Hughes-yes, Corcoran-yes, Bruning-yes, D’Angeli-no, Henderson-yes.

Reports

Tax Collector - For May 2016

Township Liens	\$1,293.23
Tax Map Fee	\$100.00
NFS Check	\$20.00
Prior Year Taxes	\$12,670.05
Current Year Taxes	\$1,334,507.15
Interest	\$3,216.61
Total	\$1,351,807.04

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

Resolutions

Alward Refund – B:9, L-2.01 - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES PAID IN ERROR AND TO CANCEL ACCRUED INTEREST DUE FOR BLOCK 9, LOT 2.01 KNOWN AS 11 VILLAGE DRIVE

WHEREAS, On February 9, 2016, CoreLogic Tax Service paid the 1st quarter taxes in the amount of \$5,072.20 for Block 9, Lot 2.01, known as 11 Village Drive; and

WHEREAS, the owner, Jeffrey Alward, was told in February that his taxes had been paid by his mortgage company; and

WHEREAS, CoreLogic sent a letter to the Tax Collector on May 23, asking for the tax payment back, as it was paid to Lafayette in error, and was intended for property in Vernon Township with the same address; and

WHEREAS, the Tax Collector would like to cancel accumulated interest, as Mr. Alward had attempted to make payment in February.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, authorize Daryn Cashin, Tax Collector, to refund the erroneous payment to CoreLogic in the amount of \$5,072.20, and to cancel any interest accrued, if payment is received, for the 1st quarter taxes on or before June 15, 2016.

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: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Lien Redemption – B-14, L-49 - Motion by Corcoran, seconded by Hughes, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO D1 SOFTBALL IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 2014-001 SOLD FOR DELINQUENT TAXES FOR BLOCK 14, LOT 49 IN THE AMOUNT OF \$20,239.17

WHEREAS, on October 27, 2014, tax sale certificate #2014-001 was sold for delinquent 2013 taxes on Block 14, Lot 49, owner of record KM Real Estate C/O Prevete, to D1 Softball in the amount of \$3,961.24; and

WHEREAS, the lien holder, D1 Softball, paid subsequent taxes from the 1st quarter 2014 thru the 2nd quarter 2016 in the amount of \$13,606.43; and

WHEREAS, on June 1, 2016, Alfred Scott, the new owner, paid the lien and subsequent principal of \$17,567.67, recording and search fees in the amount of \$52.00, penalties in the amount of \$79.22, and interest in the amount of \$2,540.28 through June 8, 2016, for the redemption of Tax Sale Certificate #2014-001.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that upon certification of Daryn L. Cashin, Tax Collector, a refund be issued to D1 Softball in the amount of \$20,239.17.

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: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Treasurer's Report Cash Report for May 2016

Cash Balances as of April 30, 2016	\$2,752,960.30
Cash Receipts for May 2016	\$1,502,865.19
Total	\$4,255,825.49
Cash Disbursements for May 2016	\$1,034,837.57
Cash Balances as of May 31, 2016	\$3,220,987.92
Account Balances as of May 31, 2016	
Current – Checking	\$1,499,972.19
Capital – Checking	\$1,239,649.75
Escrow – Checking	\$59,843.75
COAH - Developers Fees	\$13,052.74

COAH - Rehab Reserves	\$44,129.04
Open Space Municipal Tax	\$156,685.13
Snow Trust	\$1,669.82
Trust Accounts for Developers Agreement	\$190,826.09
Special Rec. – Checking	\$4,666.42
Special Donations	\$7,545.91
Dog Trust Account	\$2,947.08
Total Account Balance	\$3,220,987.92

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

Committee Reports

Streets and Roads - D’Angeli reviewed the Road Foreman’s report. Committeeman Bruning thanked the Road Department for the great job they did with the plantings. Committeeman D’Angeli thanked Mr. Macko and the Road Department for their help with Lafayette Day.

Recreation Commission - Motion by Bruning, seconded by Corcoran, to hire Charlie Toepfer and Mackenzie Macken as lifeguards for the 2016 swim season for an hourly rate of \$9.00. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Henderson-yes.

Risk Management and Safety Plans - Attorney Kurnos has reviewed the plans from the Secretary and finds everything in order.

The Township Committee will carry the issue of having two (2) lifeguards on duty at all times to the next meeting on July 5, 2016.

EMS - Corcoran reported the EMS responded to 19 calls during the month of May.

Land Use Board - Corcoran reviewed the meeting of May 26, 2016.

Hughes reported a Technical Review Committee (TRC) meeting was held with a Sunset Inn Road property owner regarding a proposed cemetery. The Land Use Board will be working on an overlay for the property.

Affordable Housing - Hughes reported draft zoning and design standards are being worked on for Sunrise Properties on Sunset Inn Road.

Fire Department - Henderson reported the Fire Department responded to nine (9) calls during the month of May.

Correspondence

- a. From Montague Township to Legislatures re: Restore School Budget Elections
- b. SC Freeholders, Hardyston Township & Stanhope Borough Resolution
re: Supporting C.L.E.A.R. Program
- c. From Stephanie Pizzulo re: Lafayette Day Thank You
Letter read into record by Mayor Henderson

Vouchers

Allied Oil, LLC	1,605.43
American Wear	91.00
Aquatic Analysts, Inc.	380.00
CenturyLink	578.38
Chelbus Cleaning Co., Inc.	275.00
Clark Equipment Company	63,814.37
CoreLogic	5,072.20
D1 Softball c/o Goldstein	20,239.17
Deptcor	306.75
G&G Diesel Service, Inc.	28.59
Halo Branded Solutions	1,953.23
Halo Branded Solutions	1,581.48
High Point Regional High School	175,732.50
Home Depot Credit Services	1,678.97

James Ando	125.00
JCP&L	230.49
Johnny On The Spot, LLC	195.00
JPMonzo Municipal Consulting, LLC	30.00
Laddey, Clark & Ryan, LLP	646.00
Lafayette Twp. Board of Ed.	315,000.00
MacMillan Oil Co. of Allentown	423.26
MGL Printing Solutions	348.60
MicroSystems-NJ.Com, LLC	814.76
Montague Toll & Supply Co.	121.45
Morris Asphalt Co., Inc.	73.51
ND Engineering, LLC	3,777.05
NJ Division of ABC	6.00
NJ State League of Municipalities	20.00
Old Dominion Brush	400.00
Opdyke's Sales & Service	605.66
Pyskaty Bros. Trucking, Inc.	712.00
R&S Business Machines	90.00
Shop Rite of Newton	53.91
Sparta Redi-Mix	410.00
Staples Business Advantage	634.66
Sussex County MUA	250.00
Sussex County Assessor's Association	100.00
Swank Motion Picture, Inc.	403.00
TC/Treas. Association Sussex/Warren	85.00
The New Jersey Herald	98.70
Tire King	282.00
Tri County Refrigeration	432.35
Tri-State Rentals/Party World, Inc.	68.46
Verizon Wireless	285.58
West Payment Center	440.00
Wingle Supply Company, Inc.	1,608.58
eCivis, Inc.	1,100.00

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

Old Business

Improvements to Pelletown-Old Beaver Run Roads Spending Ordinance - Mayor Henderson opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO PELLETOWN ROAD AND OLD BEAVER RUN ROAD AND APPROPRIATING \$135,000 AVAILABLE IN THE CAPITAL IMPROVEMENT FUND

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

Motion by D'Angeli, seconded by Corcoran, to adopt the Improvements to Pelletown-Old Beaver Run Roads Spending Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Underage Drinking Ordinance - Annmarie Shafer Elise McGaughran

Bruning feels this would take away home rule; and he is not in favor of the ordinance. Hughes suggested contacting the State Police township representative for enforceability and understanding.

Ms. Shafer said this would put the onus on the minor. She said the current State law would produce a record for the minor; however, an ordinance would not. She said police usually apply the ordinance because no record would be made.

This issue will be carried to the next meeting on July 5, 2016.

Weight Limits on Township Roads - The current Ordinance needs to be amended to include all Township roads except for Ice Plant Road due to this being the only road trucks can use to safely get onto Route 15.

New Business

Recreation/Pavilion Use - The Clerk explained there have been issues for residents wanting to reserve the pavilion at the pond. The Clerk will keep the calendar and collect all forms and payments for its use.

High Point Regional High School Representative - The Clerk was asked to send Mr. Todd Miller, Township Representative to the HPRHS Board of Ed, a letter requesting his presence at the next meeting on July 8, 2016 to meet him and discuss any issues.

Morris County Cooperative Pricing Council (MCCPC) - Motion by D'Angeli, seconded by Hughes, to adopt the following Resolution and authorize the Mayor to sign the agreement:
AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021

WHEREAS, the Morris County Cooperative Pricing Council ("MCCPC") was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Lafayette desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency to **renew** its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

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

1. The Township Committee of the Township of Lafayette hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.

2. The Lafayette Township Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Lafayette Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

A's Country Spirits Liquor License Renewal - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey, to renew Liquor License No. 1913-44-003-002 issued to A's Country Spirits, 154 Route 15, Lafayette, NJ for the 2016-2017 license term.

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

Raffle License - Motion by D'Angeli, seconded by Corcoran, to approve a raffle license for H.E.L.P. Foundation for October 15, 2016. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Henderson-yes.

Cancel Old Ordinances Resolution - Motion by Bruning, seconded by D'Angeli, to adopt the following Resolution:

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund, or credited to Surplus, and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that the following unexpended and dedicated balances of the General Capital Appropriations be cancelled:

Date	Project Description	Amount Cancelled
2013	2013-15 – Turnout Gear	\$ 37.42
2013	2013-14 – Timers	\$ 5,006.01

2013	2013-17 – FD Cylinders	\$ 7,000.00
2014	Christmas Light Timers	\$ 3,108.72
2015	Purchase of Copier	\$ 241.00
2015	Purchase of Bobcat Excavator	\$ 1,554.59
2015	Purchase 2016 Int'l Dump	\$ 2,268.00
2015	2015-07 – Old Beaver Run	\$ 2,865.12
2016	2015-10 – Pelletown Rd	\$11,550.01
	Total Improvements Cancelled	\$33,630.87

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

Skid Steer Equipment Spending Ordinance - Motion by D'Angeli, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date for July 5, 2016:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, FOR PURCHASE OF ADDITIONAL EQUIPMENT FOR THE SKID STEER LOADER IN THE AMOUNT OF \$1,200.00

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

Section 1. The funding for Purchase of additional equipment for the skid steer loader in the amount of \$1,200 which sum is hereby appropriated for such purposes.

Section 2. The sum of \$1,200 is hereby appropriated from the Reserve for the Purchase of Road Equipment.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

Improvements to Various Roads Spending Ordinance - Motion by Corcoran, seconded by Bruning, to introduce the following Ordinance and set the public hearing date for July 5, 2016:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, FOR IMPROVEMENTS TO VARIOUS ROADS FROM FUNDS AVAILABLE IN THE CAPITAL IMPROVEMENT FUND IN THE AMOUNT OF \$140,000.00

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

Section 1. The funding for Improvements to Various Roads in the amount of \$140,000.00 which sum is hereby appropriated for such purposes.

Section 2. The sum of \$139,113.47 is hereby appropriated from the Capital Improvement Fund and the sum of \$886.53 from the Reserve for Improvements to Various Roads.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

Economic Development Committee Ordinance - Motion by Bruning, seconded by Hughes, to introduce the following Ordinance and set the public hearing date for July 5, 2016:

AN ORDINANCE AMENDING CHAPTER II ENTITLED "ADMINISTRATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ADDING A NEW SECTION FOR THE CREATION OF AN ECONOMIC DEVELOPMENT COMMITTEE

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

Section 1. Creation of an Economic Development Committee

There is hereby created an Economic Development Committee which will be known as the "Economic Development Committee of the Township of Lafayette". This Committee shall be advisory to the Township Committee and shall consist of not less than five (5) or more than nine (9) members.

Section 2. Appointment of Members; Terms; Meetings

a. The term of office of Committee members shall be for three (3) years; and terms shall be arranged so that approximately one-third (1/3) of the total membership shall expire each year.

b. The Committee members shall be appointed by the Township Committee and consist of one (1) Township Committeeperson, one (1) Land Use Board member, two (2) or more Township residents, and two (2) or more Township business owners.

c. The Economic Development Committee shall meet on a schedule devised by its members, but not less than four (4) times each year.

d. A quorum shall consist of a majority of the whole number of members.

Section 3. Officers

The Committee shall organize annually by the election of one (1) of its members as Chairman. The Committee shall, also, elect a Vice Chairman. The Committee shall, also, appoint a Secretary, which Secretary need not be a member of the Committee.

Section 4. Duties

The Economic Development Committee shall have and perform the following duties:

a. The development of plans and programs to encourage the expansion and strengthening of existing business and commercial enterprises in Lafayette Township consistent with the best interests of the Township as a whole.

b. The development of plans and programs which will attract new business and commercial enterprises to the Township of Lafayette which are in the best interests of the Township as a whole.

c. The investigation, analysis and submission of regular reports to the Township Committee on any obstacles to the expansion of the industrial and commercial tax base of Lafayette Township.

d. The making of recommendations to the Township Committee regarding any ways or means by which the Township can assist in meeting the needs of any development deemed appropriate.

e. The Economic Development Committee may designate one (1) of its members to be a liaison with the Sussex County Economic Development Advisory Committee and the Office of Economic Development.

f. The Economic Development Committee may participate in appropriate County and regional economic development activities.

g. The Economic Development Committee shall develop ways and means of promoting and attracting Lafayette Township's economic development assets for industry, resort/tourism, transportation, governmental and other potential economic interests.

h. The Economic Development Committee shall not exercise any power of condemnation and shall not be authorized to pledge the credit of the Township of Lafayette or to create any debt against the Township or in any manner act as the agent of the Township, except as specifically authorized by resolution of the Township Committee.

i. The Economic Development Committee is authorized to expend such monies as may be appropriated for its use in the annual Township budget to carry out the purposes of the Committee as hereinabove set forth.

j. The Economic Development Committee shall make an annual report to the Mayor and Township Committee setting forth, in detail, its operations and transactions for the preceding twelve (12) months. The Committee shall keep complete and accurate records of its accounts, shall not exceed its budget and monies received from the Township of Lafayette shall be expended only for the purposes for which they have been appropriated.

Section 5. Oath of Office

Each member and officer of the Committee shall, before assuming office, take and subscribe an oath that he/she will faithfully and impartially discharge the duties of his/her office.

Section 6. Bylaws; Employee Qualifications and Compensation

To effectuate its purposes, the Economic Development Committee shall have the power to adopt suitable bylaws for the management of its affairs and to determine the qualifications and duties of its employees and to fix, subject to the budget for the Committee as adopted by the Township Committee, the compensation to be paid to any of its employees.

Section 7. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 8. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 9. This ordinance shall take effect 20 days after final passage and publication according to law.

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

Speed Limits - The Township Engineer will be consulted for this issue.

Audience

Mr. Kevin O'Leary, Land Use Board Chairman, does not feel the setbacks issued will be ready for the Township Committee's next meeting because the Board Engineer will not be present at the Land Use Board meeting. The Township Committee asked for action on this issue.

Mr. O'Leary feels the property maintenance ordinance may be a problem due to the Right to Farm Act.

Mr. O'Leary thanked Mrs. Pizzulo for coordinating Lafayette Day. The day was enjoyed by all.

Mr. O'Leary said the LAA pays for the port-a-johns and reviewed costs. Road Foreman Macko said he has, and will again, ask the MCCPC to acquire bids for port-a-johns.

Adjourn

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC
Municipal Clerk