

May 2, 2017

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, May 2, 2017 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

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

Mayor Corcoran 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 April 18, 2017. Motion carried by roll call vote: Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes, Corcoran-yes.

### Reports

#### Tax Collector - For April 2017

Tax Searches	\$50.00
Tax Map Fee	\$100.00
Prior Year Taxes	\$3,042.97
Current Year Taxes	\$500,964.65
Interest	\$909.32
Total	\$505,066.94

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

### Committee Reports

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

Discussion ensued regarding the approximate cost of \$9,975.00 for guide rail along the north portion of Meadows Road. This issue will be carried to the next meeting on May 16, 2017.

**Recreation Commission** - Bruning reported a painting session for Township residents was held on April 29, 2017. It was a success with approximately 30 people in attendance; and Chris from The Painted Barn instructed the class.

**EDC** - Bruning reported the EDC would like a temporary sign ordinance for banners for businesses that receive special awards. The Committee is referring this matter to the Land Use Board.

**Fire Department** - Henderson reported the Fire Department responded to five (5) calls and held two (2) drills in the month of April.

**Elizabethtown Gas** - Hughes reported the expansion of the gas line is being pursued. A letter will be sent to Elizabethtown Gas asking to extend the line into neighborhoods.

**Emergency Management** - Hughes reported he needs to know the number of radios that are outdated.

**EMS** - Corcoran reported the EMS responded to 19 calls in the month of April.

**Board of Health** - Corcoran reviewed the meeting of April 24, 2017.

### Correspondence

1. Lafayette Center Preservation Foundation - \$1,000 donation for silo mural  
A thank you letter will be sent.

2. David Muscalo - Silo mural suggestions
3. Robert Brown/Steven Palmer - Property maintenance (Violet Trl/McCloud Ln)  
NOV issued 4/27/2107

A letter will be sent stating the Committee is following up on suggestions.

**Vouchers**

ZEP Manufacturing Co.	106.99
Banisch Associates, Inc.	2,322.70
Bergey Tire Service	541.99
Laddey, Clark & Ryan, LLP	306.00
ND Engineering, LLC	1,323.00
Sussex County Treasurer	2,866.82
Sussex County Treasurer	451,126.13
Sussex County Treasurer	6,022.91
Sussex County Treasurer	28,167.93
Sussex County Treasurer	2,018.12
Verizon Wireless	244.42
Acuity Specialty Products Group	154.87

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

**Old Business**

**Amend Salary Ordinance** - Mayor Corcoran opened the public hearing for the following Ordinance:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS IN THE TOWNSHIP OF LAFAYETTE FOR THE YEAR 2017” WHICH WAS ADOPTED JANUARY 17, 2017

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

Motion by Henderson, seconded by Hughes, to adopt the Salary Amendment Ordinance.

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

**Silo Spending Ordinance** - Mayor Corcoran opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE BEAUTIFICATION OF THE SILO ON BLOCK 14, LOT 38.01 AND RELATED APPURTENANCES AND APPROPRIATING \$13,000.00 AVAILABLE IN THE CAPITAL IMPROVEMENT FUND

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

Motion by D’Angeli, seconded by Hughes, to adopt the Silo Spending Ordinance. Motion

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

Motion by Bruning, seconded by D’Angeli, to approve the painting of the silo by Art Frisbie for a cost not to exceed \$7,500.00. Motion carried by roll call vote: Henderson-yes, Hughes-yes, Bruning-yes, D’Angeli-yes, Corcoran-yes.

**Sidewalks Grant** - Bruning reported the USDA has denied the Township’s request for a sidewalks grant. He said a grant will be pursued through the NJDOT.

**Property Maintenance** - Henderson reported there are a number of properties along Route 15 that are still in need of maintenance. The Township Committee would like the Zoning Officer to attend the next meeting to discuss this issue.

**New Business**

**Cancel Summer Meetings** - Motion by D’Angeli, seconded by Henderson, to cancel the following summer meetings: June 20, 2017; July 18, 2017 and August 15, 2017. Motion carried by roll call vote: Henderson-yes, Hughes-yes, Bruning-yes, D’Angeli-yes, Corcoran-yes.

**Insurance Fund** - Motion by Bruning, seconded by D’Angeli, to adopt the following Resolution:

STATEWIDE INSURANCE FUND  
RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, Lafayette Township (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT; and

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2017** terminating on **January 1, 2020** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked “Yes”:

	<u>YES</u>	<u>NO</u>
Workers’ Compensation & Employer’s Liability	XXX	
Liability, Property, Crime-Faithful Performance and Fidelity,		
Inland Marine, Boiler and Machinery, Comprehensive General		
Liability, Auto Liability, Auto Physical Damages, Pollution		
Liability and Professional Liability		

BE IT FURTHER RESOLVED that AnnaRose Fedish is hereby appointed as the LOCAL UNIT’s Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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

**“Lawler” Property Farm Lease** - Motion by Bruning, seconded by D’Angeli, to accept the bid of \$850 by Jason Wesling to farm the “Lawler” Property on Warbasse Junction Road. Motion carried by roll call vote: Henderson-yes, Hughes-yes, Bruning-yes, D’Angeli-yes, Corcoran-yes.

**Certificate of Habitability Ordinance** - Motion by Bruning, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of May 16, 2017:

AN ORDINANCE AMENDING CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, BEING THE BUILDING AND HOUSING CHAPTER, TO ESTABLISH STANDARDS FOR THE ISSUANCE OF A CERTIFICATE OF HABITABILITY FOR RENTAL PROPERTIES

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

**SECTION 1. 8-2 RENTAL HABITABILITY**

**8-2.1 Certificate of Habitability**

No existing building or part thereof shall be rented or occupied by a new tenant until such time as a certificate of habitability shall have been issued under the terms of this section by the zoning official or his designee. The standard for determining habitability is based on the NJ Housing Code, Chapter 12A.

a. Residential rental properties. The owner of any residential rental property shall be required to obtain a certificate of habitability for each rental dwelling unit upon change in occupancy. A change in occupancy shall occur when the prior tenant(s) under an existing lease, either oral or written, vacates the property either voluntarily or by court order. Two (2)

completed applications for the certificate of habitability shall be submitted to the township zoning department at least two (2) weeks prior to the new tenants occupying the unit. The zoning department shall provide one (1) copy of the application to the municipal clerk for filing, pursuant to N.J.S.A. 46:8-28, the New Jersey rental property certificate of registration requirements.

For the purposes of this section, any property occupied by the owner or family member(s) of the owner, defined to include a husband, wife, children, siblings or others related to the owner by blood or marriage, are hereby excluded from the provisions of this subsection as it applies to residential rental properties. In order for this exclusion to apply, the property owner must submit a notarized statement as to the relationship of the property owner to the occupant(s). The statement must include the following language: "This statement is submitted pursuant to Lafayette Township Revised Ordinance, subsection 8-2.1a and all representations made in this statement are true and accurate and are made under penalty of perjury in the event any statement contained herein is false."

Any property owner or occupant excluded from the certificate of habitability requirements provided for in the prior paragraph may request an inspection through the township zoning department.

1. An application consisting of all of the following shall be completed:

(a) A statement on a form supplied by the municipal clerk containing the following information:

(1) The name and address of the record owner or owners of the property and the record owner or owners of the rental business if not the same person. In the case of a partnership, the names of all general partners shall be provided.

(2) If the record owner is a corporation, the name and address of the registered agent and corporate officers.

(3) If the address of any record owner is not within Sussex County in which the premises are located, the name and address of a person who resides in Sussex County is authorized to accept notices from a tenant and to issue receipts and to accept service of process on behalf of the record owner.

(4) The name and address of the managing agent of the premises, if any.

(5) The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the owner or managing agent to provide maintenance services, if any.

(6) The name, address and telephone number of any individual representative of the record owner or managing agent that may be reached or contacted in the event of an emergency.

(7) The name and address of every holder of a recorded mortgage on the premises.

(8) If fuel oil is used to heat the building, and if the landlord furnishes the heat, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

(9) The telephone number of the owner(s), local agent, managing agent, superintendent, registered agent and officer(s), if any.

(10) The name of the person or persons to whom the unit is rented.

(11) The number of persons to occupy the area being rented.

(12) Such other information as the Township deems appropriate.

(b) Property owners shall provide to the municipal clerk any changes to the above information as they occur.

2. An application for a certificate of habitability that omits any of the items shall be incomplete.

3. The zoning official or his designee shall conduct the inspections.

4. Each dwelling unit in violation of this section shall be considered separately relative to this chapter.

5. If the owner of the property resides outside Sussex County, an in-County agent must be appointed to act on the owner's behalf and be responsible for complying with this section.

6. It is the obligation of the owner of the building to furnish the certificate of habitability to the person renting or leasing the home or building.

### **8-2.2 Fees**

The fee for the certificate of habitability (rental) for a residential property with one (1) or more rental units shall be fifty (\$50.00) dollars. This fee will include one inspection and one reinspection, if necessary.

**SECTION 2.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

**SECTION 3.** All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**SECTION 4.** This ordinance may be renumbered for codification purposes.

**SECTION 5.** This ordinance shall take effect after publication and passage according to law.

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

**Appropriation Offset of Revenue Resolution** - Motion by Hughes, seconded by Henderson, to adopt the following Resolution:

BUDGET AMENDMENT CERTIFICATION – APPROPRIATIONS OFFSET BY REVENUE  
NJSA 40A:4-87

BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey the following:

Calendar Year 2017

Revenue from NJ Department of Transportation \$67,000.00

Ice Plant Road Reconstruction Project

Appropriation – NJ Department of Transportation \$67,000.00

Ice Plant Road Reconstruction Project

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey that this revenue has been realized and/or is in receipt of written notification from the funding source cited in the resolution and the revenue/appropriation identified above meets all statutory requirements and that the Annual Operating Budget has been amended to include this item of revenue/appropriation.

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

**Raffle Licenses** - Motion by D'Angeli, seconded by Henderson, to approve two (2) raffle licenses for New Jersey Forestry Association, Inc. for June 2, 2017. Motion carried by roll call vote: Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes, Corcoran-yes.

**Audience**

Mr. Carl Luthman, Brandywine Court, suggested the installation of a wastewater treatment plant to attract more retail into the Township. He feels the soil of the property on Warbasse Junction Road should be tested for a plant for commercial properties.

Committeeman Bruning is concerned about the cost. Mr. Luthman said the user would pay as the Township can sell allocated gallonage.

Township Attorney Kurnos indicated Nouvelle Associates and the new owner have expressed interest in a treatment plant. He will contact them for further information.

Mr. Kevin O'Leary, OSAC Secretary, suggested advertising for a farm lease for the "Castimore/Moose" property on Lantz Road.

**Executive Session** - Motion by D'Angeli, seconded by Henderson, to adopt the following resolution:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,  
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE  
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

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

A matter relating to property acquisition shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

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

#### Exec. Session - Property Acquisition

Motion by D'Angeli, seconded by Bruning, to return to the regular meeting. Motion carried by roll call vote: Henderson-yes, Hughes-yes, Bruning-yes, D'Angeli-yes, Corcoran-yes.

Mayor Corcoran stated property acquisition was discussed in Executive Session.

#### **Adjourn**

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

Respectfully submitted,

ANNA ROSE FEDISH, RMC  
Municipal Clerk