

March 6, 2018

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, March 6, 2018 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, CFO Magura

Mayor Hughes 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 D'Angeli, to accept and place on file the minutes February 20, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

**Luthman Presentation** - Mayor Hughes presented Carl "Bud" Luthman with a desk clock and thanked him for his 40+ years of service to the Township serving as Committeeman and Land Use Board member. He noted Mr. Luthman, after "retiring", will still serve the Township as a member of the Open Space committee.

#### **Committee Reports**

**Tax Collector** - For January 2018

Lieu of Tax	\$447.77
Tax Map Fee	\$150.00
Prior Year Taxes	\$7,999.28
Current Year Taxes	\$799,151.51
Interest	\$1,783.18
Total	\$809,531.74

Motion by D'Angeli, seconded by Corcoran, to accept the Tax Collector's report as submitted.

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

#### **Committee Reports**

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

**Economic Development (EDC)** - Bruning reported the EDC met with the Land Use Board regarding signs.

**EMS** - Corcoran reported the EMS responded to 16 calls in February.

**Fire Department** - Henderson reported the Fire Department responded to four (4) calls in February.

**Open Space (OSAC)** - Henderson reported a letter has been submitted to the Committee and recommended this matter be carried to the next meeting on March 20, 2018. The Committee agreed.

**Emergency Management** - Hughes reported there are approximately 40 residents still without power; and they remain high priority on JCP&L's repair list.

#### **Correspondence**

- a. Hampton Twp. Master Plan Amendment Public Hearing
- b. From Diane Saccetti, NJDOT re: Monroe Road Grant Approval
- c. SCMUA to Preservation re: non-approval of community event on SCMUA property
- d. From Wendy Goetz re: Fracking Regulations Resolution
- e. From John Kopec, NJ Herald re: Advertising in "Vision" magazine
- f. NJMRA Request for Meeting

**Vouchers**

Valley View Estates 45,848.05  
Verizon Wireless 247.25

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

**Old Business**

**Length of Service (LOSAP)** - Bruning recommended that an Ordinance be given to the Fire Department and EMS to review.

**Health Insurance Opt-Out** - Motion by Bruning, seconded by Corcoran, to amend the Township’s Personnel Policy to include the insurance opt-out of 25% of the cost of the premium up to \$5,000.00. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

**AED for Pond** - Henderson asked about an AED at the pond. Stephanie Pizzulo, Recreation Director, is sending a letter to Selective Insurance asking for a donation of an AED.

Henderson reported he held a CPR/AED class for the municipal staff and all passed.

**New Business**

**Amend Chapter XIII-Definitions Ordinance** - Motion by D’Angeli, seconded by Bruning, to introduce the following Ordinance and set the public hearing date of March 20, 2018:

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ZONING, SECTION 13-5, REGARDING THE DEFINITIONS OF MAJOR AND MINOR SITE PLAN

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed it’s current zoning ordinances and determined that changes are necessary to add the definitions of major and minor site plan;

NOW THEREFORE, BE IT ORDAINED by the Township Committee that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, Zoning, shall be and is hereby amended as follows:

Section 1. §13-5 “Definitions” shall be and is hereby amended by the addition of the following definitions:

*Major site plan* shall mean any site plan not classified as a minor site plan.

*Minor site plan* shall mean a development plan of a single lot which does not involve any planned development or new street or extension of any off tract improvements, and is within the scope of development specifically permitted by this chapter as a minor site plan as follows:

- a. A change in use involving no building construction other than interior modification or interior structural alteration and no additional off street parking;
- b. Minor exterior structural changes to a non-residential building such as entry enclosures and other structural appurtenances including roof appurtenances;
- c. Alterations to the existing facade of existing non-residential buildings not involving expansions of the square footage of the existing buildings;
- d. Additions to existing non-residential structures between 500 and 2,000 square feet in size;
- e. Removal of vegetation or disturbance of soil in an area between 500 and 4,999 square feet; or
- f. Addition or alteration of parking facilities requiring the addition of between two (2) and five (5) more parking spaces.

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. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 5. This Ordinance shall take effect after publication and passage according to law.

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

**Exceed Cap Bank Ordinance** - Motion by D'Angeli, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of March 20, 2018:

CALENDAR YEAR 2018 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two (2) succeeding years; and,

WHEREAS, the Township Committee of the Township of Lafayette in the County of Sussex finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$12,966.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2018 budget year, the final appropriations of the Township of Lafayette shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$45,382.00, and that the CY 2018 municipal budget for the Township of Lafayette be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two (2) succeeding years; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

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

**Budget Self-Examination Resolution** - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lafayette has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lafayette that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the Township Committee has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth.
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

**2018 Budget** - Motion by D'Angeli, seconded by Henderson, to introduce the 2018 Municipal Budget and set the public hearing date of April 3, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

#### **Raffle Licenses**

Lafayette Township PTO - Motion by Henderson, seconded by Corcoran, to approve two (2) raffle licenses and one (1) bingo license for the Lafayette Twp. PTO for April 13, 2018 and waive the local fee. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Sussex County Education Assn. - Motion by D'Angeli, seconded by Henderson, to approve a raffle license for Sussex County Education Assn. for April 20, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

**Proposed Nuisance Ordinance** - This matter will be table to the next meeting on March 20, 2018 as it will be sent to the Township Prosecutor for review.

**Junkyard License Renewal** - Motion by Henderson, seconded by Corcoran, to approve the license renewal for Lafayette Salvage, Inc. for 2018 per the Township Engineer's report.

**Sussex County Economic Development Committee** - Motion by Bruning, seconded by D'Angeli, to donate \$500.00 to the Sussex County Economic Development Committee.

Bruning reported he and Stephanie Pizzulo will rotate time to attend the County EDC meetings.

**Constrained Lands** - Bruning questioned the amount of land in the Township that is constrained and should the Township continue buying property for preservation. Hughes

suggested this be reviewed for the Township's Master Plan by the Open Space Committee and Land Use Board. Mr. Kevin O'Leary said this information is, also, included in the ROSI.

**Audience**

Mrs. Arin Gunn-Russell, Lafayette Board of Education Representative, reported the Sheriff's Department was at the school recently to discuss school safety.

The start of the gym wall will be postponed to August; and will be complete by the time school starts in September.

Mrs. Stephanie Pizzulo, Secretary, reported she received a phone call from a resident regarding having no power or water. The resident indicated the fire house was used during Superstorm Sandy. Mrs. Pizzulo is suggesting posting information on the Township's web site and Facebook page and have better communication with the residents.

Mayor Hughes said this information is available through the County. Committeeman Henderson said the Sheriff's Department supplies information on their Facebook page. Mrs. Pizzulo will pursue the costs associated with a program the Township can use to inform the residents.

Committee Henderson asked about the Township School helping people with no power or water. Mrs. Gunn-Russell said the school was without power for a time during this storm.

Mayor Hughes noted the fire house is a designated warming center. Mrs. Pizzulo spoke to Fireman Elzinga who told her they are high on the priority list for the return of power because they are a designated center.

Mr. Kevin O'Leary reported the LAA is hosting its 15<sup>th</sup> basketball tournament this year. He thanked the Road Department of their efforts of keeping the school parking areas open. Mr. O'Leary, also, thanked the EMS and Fire Department for helping if any emergencies should arise.

**Adjournment**

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

Respectfully,

ANNA ROSE FEDISH, RMC  
Municipal Clerk