

March 20, 2018

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, March 20, 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, Road Foreman Macko

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 Corcoran, to accept and place on file the minutes of March 6, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Fire Prevention Official - David Korver introduced himself and explained the inspections that are being done.

Treasurer's Report	Cash Report for February 2018
Cash Balances as of January 31, 2018	\$4,511,290.22
Cash Receipts for February 2018	\$820,109.90
Total	\$5,331,400.12
Cash Disbursements for February 2018	\$1,340,066.83
Cash Balances as of February 28, 2018	\$3,991,333.29
Account Balances as of February 28, 2018	
Current – Checking	\$2,042,727.48
Capital – Checking	\$1,087,743.54
Escrow – Checking	\$56,798.16
COAH - Developers Fees	\$10,304.77
COAH - Rehab Reserves	\$29,857.19
Open Space Municipal Tax	\$204,449.08
Snow Trust	\$2,737.92
Trust Accounts for Developers Agreement	\$540,000.84
Special Rec. – Checking	\$4,883.59
Special Donations	\$7,546.98
Dog Trust Account	\$4,283.74
Total Account Balance	\$3,991,333.29

Motion by Bruning, seconded by D'Angeli, to accept the Treasurer'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. Oil and stone will applied to Father John's Lane. The Clerk will contact the Township Engineer for the status of a guiderail grant on Meadows Road.

The Road Foreman will keep a record of time and equipment used during the recent snow storms.

Economic Development (EDC) - Bruning made a motion to authorize Art Frisbee to design and construct four (4) "Welcome to Lafayette" signs per the EDC's recommendation for a total not to exceed \$2,300. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Bruning reported the EDC will be working with the Land Use Board regarding signs.

Recreation Commission - Corcoran reported the Easter egg hunt is scheduled for Saturday, March 24, 2018 and will be held at the school. The Gingerbread event is scheduled for Saturday, December 8, 2018 at the Fire House; and the Mother's/Father's Day craft event will be held on Friday, April 27, 2018.

Open Space (OSAC) - Henderson reported the OSAC does not recommending reducing the Open Space tax rate from \$.01 to \$.005.

Affordable Housing - Hughes reported he spoke with Dave Banisch, Planner, reports are being reviewed and the Township's will need to be updated this year.

Emergency Management - Hughes reported he will be meeting with JCP&L to discuss storm response.

Correspondence

1. Ryan Baird re: eCivis Renewal

It was the consensus of the Committee not to renew a contract with eCivis

2. SC Freeholders re: Closure and detour for SC Bridge Q-18 (Cty. Rt. 669/Limecrest Rd)

3. Public Hearing Notice – One Route 15 Holdings, LLC/Frankford Twp.

4. Sandyston Twp. Resolutions:

- a. Support Restoring Municipal Courts Ability to Impose Costs on Cases Dismissed through Plea Bargains

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

RESOLUTION SEEKING LEGISLATION GRANTING MUNICIPAL COURTS THE AUTHORITY TO RESTORE THE ABILITY TO IMPOSE COURT COSTS ON CASES DISMISSED THROUGH PLEA BARGAINS

WHEREAS, Frankford, Lafayette, Branchville, Sandyston, Montague and Walpack currently have a shared service agreement for and to maintain a joint Municipal Court called "The Joint Municipal Court of Frankford, Lafayette, Branchville, Sandyston, Montague and Walpack" pursuant to the authority granted to municipalities by N.J.S.A. 2B:12-1 set seq., similar to many other joint municipal courts in the State of New Jersey; and

WHEREAS, the fees known as "court costs" pay for the Municipal Court including, but not limited to, employee salaries, operating expenses, property maintenance and security; and

WHEREAS, Municipal Courts who do not maintain their own police departments, do not receive any portion of imposed fines and are only entitled to retain court costs; and

WHEREAS, joint Municipal Courts collect fines following a trial or a plea which fines are then transmitted to the state; and

WHEREAS, while police officers may issue multiple summonses, the defendant may only enter a plea to one or two summonses. Due to time constraints and caseloads it is impossible to try every Municipal Court case; and

WHEREAS, historically, Municipal Courts were permitted to charge court costs on every summons, including summonses that were dismissed following a plea. However, approximately 10 years ago a directive by the Supreme Court eliminated the Municipal Court's ability to charge court costs on dismissed cases resulting in a substantial loss of revenues in Municipal Courts who do not share in any fines; and

WHEREAS, the Joint Court of Frankford, Lafayette, Branchville, Sandyston, Montague and Walpack seek legislative authority in restoring the Municipal Court's ability to impose court costs on cases dismissed through plea bargains. This request does not apply to cases found not guilty.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lafayette that we call on our Legislators, Assemblyman Parker Space, Assemblyman Harold Wirths and Senator Steven V. Oroho, to propose legislation restoring the Municipal Court's ability to impose court costs on cases dismissed through plea bargains. This request does not apply to cases found not guilty.

BE IT FURTHER RESOLVED, a copy of this Resolution be forwarded to our Legislators, Assemblyman Parker Space, Assemblyman Harold Wirths and Senator Steven V. Oroho, as well as the municipalities in our legislative district.

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

- b. Formal Complaint to Board of Public Utilities for Neglect and Lack Maintenance of Phone and Cable Lines and Request Phone and Cable Companies Inspect Lines in Sandyston
- c. Urging NJDOT to Inspect Their Right of Way On Route 206 to Trim, Remove & Maintain Trees, Debris and Vegetation

- 5. Wantage Twp. Ordinance Amending Chapter XV – Land Use Procedures
- 6. Ginnie’s House re: National Child Abuse Prevention Month: Proclamation & Open House
- 7. SC Freeholders Resolution – Temporary Closure of CR 661 for Lafayette School Tiger Chase
- 8. Scott Begraft re: Cannabis Cultivation & Testing in Lafayette
- 9. Land Use Board - 2018 Recommendations

Vouchers

1 st Alarm Security	420.00
AG Pizza	160.88
Airgas USA, LLC	171.49
Allied Oil, LLC	3,761.94
American Wear	245.50
Amerigas – Chester	454.52
Andover Township	11,473.79
Atlantic Communications	1,291.00
Aurora Electrical Supply	80.39
Ben-Jess, LLC	212.93
Campbell Supply Company of Sussex County	60.41
CenturyLink	593.37
Chelbus Cleaning Co., Inc.	275.00
Clifford Brink	125.00
Constellation New Energy, Inc.	44.79
Fastenal Company	24.54
Fastenal Company	21.27
Fred Beans Parts, Inc.	69.35
Guerin & Vreeland Engineering, Inc.	875.00
High Point Regional High School	145,068.00
Home Depot Credit Services	68.94
JCP&L	3,377.53
Johnny-On-The-Spot, LLC	248.75
Laddey, Clark & Ryan, LLP	255.00
Lafayette Auto Parts Supply, LLC	250.78
Lafayette Twp. Board of Education	313,333.50
MacMillan Oil Co. of Allentown	1,230.58
Michael Vespasiano & One Main Street Sparta	28,788.35
MicroSystems-NJ.Com, LLC	2,011.49
Minisink Press, Inc.	2,650.00
Montague Toll & Supply Co.,	112.88
Morton Salt, Inc.	25,427.52
ND Engineering, LLC	318.00
NJ Dept. of Health & Senior Services	189.00
NJ Planning Officials	135.00
North East Parts Group, LLC	169.34
North Jersey Garage Doors, LLC	499.00
Opdyke’s Sales & Service	464.31
Pitney Bowes, Inc.	76.24
R.S. Phillips Steel, LLC	533.00
RAData, Inc.	1,000.00
ReadyRefresh by Nestle	5.29
Richard Hughes	30.00
Service Electric Cable TV of NJ, Inc.	19.95
Ronetco Supermarket, Inc.	166.65
SK Paper Shred	135.00
Staples Business Advantage	633.95
Statewide Insurance Fund	25,116.25
Stavola Beaver Run Quarry, LLC	153.00
Sussex County Economic Dev. Partnership	500.00
Sussex County Fire Prevention	10.00
SYNCB/Amazon	1,123.56
TC/Treas Assoc Sussex/Warren	50.00
The New Jersey Herald	126.00

Township of Wantage	2,196.50
United States Postal Service	1,199.00
Universal Supply Group, Inc.	336.59
Weldon Quarry Co., LLC	448.00

Motion by Bruning, 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

Amend Chapter XIII-Definitions Ordinance - Mayor Hughes opened the public hearing for the following Ordinance:

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

With there being no comments, Mayor Hughes closed the public hearing

Motion by Henderson, seconded by Corcoran, to adopt the Ordinance Amending Chapter XIII-Definitions. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

Exceed Cap Ordinance - Mayor Hughes opened the public hearing for the following Ordinance:

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)

With there being no comments, Mayor Hughes closed the public hearing

Motion by Henderson, seconded by Corcoran, to adopt the Ordinance to Exceed the Cap Bank. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

Health Insurance Opt-Out - Information for employees to opt-out of the Township’s health insurance policy will be included in the Township’s personnel policy.

LOSAP - The Clerk reported meetings with Township emergency services will conducted after April 2, 2018.

New Business

Hiring Practices Resolution - Motion by Bruning, seconded by D’Angeli, to adopt the following Resolution:

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S - “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lafayette hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this Resolution and the required affidavit to show evidence of said compliance.

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

Refunding Taxes Resolutions

11 Millpond Drive - Motion by Corcoran, seconded by D’Angeli, to adopt the following Resolution:

WHEREAS, on February 7, 2018, the Tax Court of New Jersey granted the following tax appeal judgments for assessments on Block 5.02, Lot 13.09, owner of record 11 Millpond Drive. LLC:

<u>Year</u>	<u>Original Assessment</u>	<u>Judgment Amount</u>	
2015	\$1,533,100.00	\$1,300,000.00	
2016	\$1,533,100.00	\$1,250,000.00	
2017	\$1,533,100.00	\$1,250,000.00	and,

WHEREAS, the reduction of the assessments resulted in the reduction of taxes and the following overpayments:

<u>Year</u>	<u>Original Taxes</u>	<u>Reduced amount</u>	<u>Overpayment</u>
2015	\$42,474.19	\$36,101.00	\$6,473.19
2016	\$42,052.93	\$34,287.50	\$7,765.43
2017	\$40,887.78	\$33,337.50	\$7,550.28

thereby making the total of the overpayment for the three years \$21,788.90; and

WHEREAS, the aforementioned Tax Court of New Jersey Judgments state “Statutory interest pursuant to N.J.S.A. 54:3-27.2 having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment”.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, in accordance with state statutes, that the Tax Collector be authorized to make the necessary refund, payable to Michael A. Vespasiano & 11 Millpond Drive, LLC, as per the judgment, in the amount of \$21,788.90.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, Township Attorney, and Township Auditor for their records.

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

One Main Street Sparta, LLC - Motion by Corcoran, seconded by D’Angeli, to adopt the following Resolution:

WHEREAS, on February 7, 2018, the Tax Court of New Jersey, granted a tax appeal for an assessment on Block 5.02, Lot 13.09 owner of record One Main Street Sparta, LLC., for the year 2012, reducing the original assessment from \$1,932,200 to \$1,600,000; and

WHEREAS, the reduction of assessment resulted in the 2012 taxes being reduced from \$40,711.45 to \$33,712.00, resulting in an overpayment \$6,999.45; and

WHEREAS, the aforementioned Tax Court of New Jersey Judgment, states “Statutory interest pursuant to N.J.S.A. 54:3-27.2 having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court Judgment”.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, in accordance with State Statutes that the Tax Collector be authorized to make the necessary refund, payable to record Michael A. Vespasiano & One Main Street Sparta, LLC., in the amount of \$6,999.45.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, Township Attorney, and Township Auditor for their records.

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

Fire Department Member - Motion by Bruning, seconded by Henderson, to approve John Demarest, Jr. as a full member of the Lafayette Twp. Fire Department. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

Audience

Mr. Josh Aikens, Lafayette Township Board of Education, reported the Township school will be hiring a retired officer as the school’s security officer.

Executive Session - Motion by Henderson, seconded by Corcoran, 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, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Executive Session - Property Acquisition

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

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk