

April 3, 2018

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 3, 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, Attorney Kurnos, 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 March 20, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

**2018 Municipal Budget** Heidi Wohlleb, Auditor

Ms. Wohlleb said the budget represents an increase of approximately \$6 per household.

Mayor Hughes opened the public hearing for the budget.

Mr. Carl Luthman, 17 Brandywine Court, reviewed line items in the budget.

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

BE IT RESOLVED by the Governing Body of the Township of Lafayette, County of Sussex, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of: \$910,235.99 for municipal purposes and \$32,848.56 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

Motion by D'Angeli, seconded by Corcoran, to adopt the 2018 Municipal Budget. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

**Tax Collector** - For March 2018

Tax Map Fee	\$50.00
Prior Year Taxes	\$28,050.61
Current Year Taxes	\$32,366.06
Interest	\$3,226.45
Total	\$63,693.12

Motion by Henderson, 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.

Motion by D'Angeli, seconded by Henderson, to hire Jonathan Williams as a road employee for the hourly wage of \$18.00 effective April 16, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

**Fire Department** - Henderson reported the fire department responded to ten (10) calls in the month of March.

A LOSAP meeting will be held on Monday, April 9, 2018 at 7:00pm.

**Open Space (OSAC)** - Henderson reported the OSAC will present a subdivision to the Land Use Board at the next meeting scheduled for April 26, 2018.

**Emergency Management** - Hughes reported a quarterly meeting was recently held with the Sussex County Office of Emergency Management and NJ State Police.

Hughes reported the emergency operations plan is being updated and will be incorporating reverse 9-1-1 and recent storm events.

**Vouchers**

AG Pizza	93.20
CenturyLink	603.32
Constellation New Energy, Inc.	44.80
CoreLogic	1,362.82
Dykstra Associates, PC	5,197.50
Morton Salt, Inc.	90.00
R&S Business Machines	187.50
Roy E. Kurnos	5,000.00
Treasurer, S/NJ	25.00
Verizon Wireless	246.81

Motion by Corcoran, seconded by D’Angeli, 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**

**Nuisance Ordinance Adoption** - Mayor Hughes opened the public hearing for the following Ordinance: AN ORDINANCE PROHIBITING NUISANCES

Mr. Carl Luthman feels this ordinance limits who can enforce it and it might be abused. Bruning explained local ordinances would be, also, be used.

With there being no further comments, Mayor Hughes closed the public hearing. Motion by D’Angeli, seconded by Corcoran, to adopt the nuisance ordinance. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

**New Business**

**Land Use Board**

Resignation - Motion by Bruning, seconded by D’Angeli, to accept the resignation of Bill Allison from the Land Use Board. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

Alternate #1 Appointment - Motion by Henderson, seconded by Corcoran, to appoint Warren Potter as Alternate #1 to the Land Use Board. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D’Angeli-yes, Hughes-yes.

**Tax Exemption Refund Resolution** - Motion by Bruning, seconded by D’Angeli, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO CORELOGIC TAX SERVICE IN THE AMOUNT OF \$1,362.82 AND TO CANCEL 2018 TAXES ACCRUING AFTER JANUARY 18, 2018, DUE TO THE APPROVAL BY THE TAX ASSESSOR OF A TAX EXEMPTION FOR BLOCK 27, LOT 5.03

WHEREAS, the Veterans Administration had previously assigned a 100% Disabled Veteran rating to Robert Tagliabue, who recently purchased 266 Beaver Run Rd, known as Block 27, Lot 5.03; and

WHEREAS, an application for a 100% Exempt Disabled Veteran status was made to the Tax Assessor on January 18, 2018, and the Tax Assessor approved the application on that date, which makes Mr. Tagliabue exempt from paying property taxes after January 18, 2018; and

WHEREAS, the 1<sup>st</sup> quarter 2018 property taxes were previously billed in the amount of \$1,680.21 and paid for by CoreLogic, the servicer for Mr. Tagliabue’s mortgage company, and based on the date of the exemption, only \$317.39 is due for the year 2018.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that Daryn Cashin, the Tax Collector, be authorized to

refund Corelogic Tax Service in the amount of \$1,362.82, and to cancel the 2018 taxes accruing after January 18, 2018.

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

**Amd Chapter XIII, Zoning-Deleting Golf Course Ordinance** - Motion by Corcoran, seconded by D'Angeli, to introduce the following Ordinance and set the public hearing date of April 17, 2018:

AN ORDINANCE TO AMEND CHAPTER XIII, "ZONING", OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE BY DELETING SECTION 13-13A, THE GC-GOLF COURSE DISTRICT

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed its current zoning ordinances and determined that changes are necessary to delete the GC-Golf Course District and rezone the area; and

WHEREAS, a golf course is no longer feasible in this area of the Township and existing properties with residences are more properly zoned R-5.0; and

WHEREAS, the Land Use Plan Element of the Lafayette Township Master Plan calls for the designation of the GC-Golf Course District, which is inconsistent with the Land Use Board's determination to delete the GC-Golf Course District and rezone the area R-5.0 because a golf course is no longer feasible in this area of the Township; and

WHEREAS, N.J.S.A. 40:55D-62, "Power to zone", subsection "a" provides in part that "...the governing body may adopt a zoning ordinance or amendment to revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recoded in its minutes when adopting such a zoning ordinance; and provided further that, notwithstanding" the requirement of Section D-62 of the Municipal Land Use Law that states that the "zoning ordinance or any amendment or revision thereto shall either be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements"; and

WHEREAS, N.J.S.A. 40:55D-2, "Purpose of the act." sets forth the purposes of zoning to advance the public health, safety, morals and general welfare of the citizens of the State of New Jersey; and

WHEREAS, the Township Committee recognizes that the R-5.0 District permits residential uses as a principal permitted use in the R-5.0 District (13-8.1.b), which is consistent with and promotes the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods; and

WHEREAS, the R-5.0 District permits agricultural uses as a principal permitted use in the R-5.0 District (13-8.1.1), which is consistent with and promotes the Lafayette Township Master Plan goals and objectives to promote and encourage agricultural uses throughout Lafayette Township and retain Lafayette Township's farmland areas and agricultural economic base; and

WHEREAS, N.J.S.A. 40:55D-2.g encourages municipal action and zoning "To provide sufficient space in appropriate locations for a variety of agricultural, residential...uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; and

WHEREAS, N.J.S.A. 40:55D-2.j encourages municipal action and zoning "To promote the conservation of...open space,...and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and

WHEREAS, the Township Committee finds that there are sufficiently sound planning reasons derived from the purposes of zoning in the Municipal Land Use Law to support the Township Committee's desire to rezone the GC-Golf Course District to the R-5.0 District.

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. 13-13A, GC-Golf Course District, is hereby deleted in its entirety and any such area previously zoned GC is hereby rezoned as R-5.0. A revised Township Zoning Map shall be created to confirm this change.

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 (10) 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 further directed to publish notice of the passage and to file a copy of this Ordinance, as fully 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.

**Raffle Licenses** - Motion by Bruning, seconded by D'Angeli, to approve two (2) raffle licenses for Samaritan Inn, Inc. for May 19, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

#### **Audience**

Mr. Ken Harrington, 223 Warbasse Junction Road, said he read in the paper about a wastewater pipeline to the SCMUA; and he asked if the Township is pursuing this issue. Committeeman Bruning said this was investigated and not shown to be cost effective.

Mr. Josh Aikens, School Board Representative, reported the school budget has been finalized; and they will present it to the Township Committee at a meeting in the near future.

Mr. Aikens thanked the Township for the Easter egg hunt.

#### **Adjournment**

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

Respectfully,

ANNA ROSE FEDISH, RMC  
Municipal Clerk