

April 17, 2018

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 17, 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, 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 April 3, 2018. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Treasurer's Report Cash Report for March 2018

Cash Balances as of February 28, 2018	\$3,991,333.29
Cash Receipts for March 2018	\$112,153.12
Total	\$4,103,486.41
Cash Disbursements for March 2018	\$689,324.18
Cash Balances as of March 31, 2018	\$3,414,162.23
Account Balances as of March 31, 2018	
Current – Checking	\$1,512,156.33
Capital – Checking	\$1,088,170.06
Escrow – Checking	\$57,267.26
COAH - Developers Fees	\$10,306.00
COAH - Rehab Reserves	\$29,857.61
Open Space Municipal Tax	\$204,457.48
Snow Trust	\$2,737.92
Trust Accounts for Developers Agreement	\$494,173.65
Special Rec. – Checking	\$5,017.83
Special Donations	\$7,546.98
Dog Trust Account	\$2,471.11
Total Account Balance	\$3,414,162.23

Motion by D'Angeli, seconded by Henderson, 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.

Motion by D'Angeli, seconded by Bruning, to approve the motor repair for the 1991 International truck to be done by Jasper for the cost of \$8,002.00

Hughes suggested selling the truck and purchasing a new one. Road Foreman Macko explained this truck is used the most from September to January and on holidays. He noted an air compressor was installed in 2016.

The motion to approve the repair was denied by roll call vote: Henderson-no, Corcoran-no, Bruning-yes, D'Angeli-yes, Hughes-no. If Sparta Township is not interested in the truck, it will be listed for sale.

Road Foreman Macko asked about the disposition of the old wreath Christmas decorations that are being replaced by new decorations. The SCMUA will be asked if they will use them.

D'Angeli responded to Mr. Carl Luthman's note of the miles of road in the Township. He said the difference is that Mr. Luthman used the roads that the Township maintains, while the Road Foreman was including all roads that the Road Department picks up garbage and recycling.

Buildings and Grounds - Bruning reported he received two (2) proposals for a Township gardener of \$13,000 and \$400. The gardener is to design, plant and maintain the Township areas from May 1 to October 31, 2018.

Motion by Bruning, seconded by Henderson, to hire Holly Capozzoli and Jill Cadorin as gardeners for the 2018 season for \$400 per their proposal. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

State Grants - Bruning reported he met with the Supervisor of State Parks to discuss the bridge by Olde Lafayette Village; and he seemed enthusiastic about the project.

Bruning reported a grant for Snover Road will be applied for; however, it will not include guiderails.

Open Space (OSAC) - Henderson reported he will attend the Land Use Board meeting on April 26, 2018 to discuss a subdivision for the Morgan property.

LOSAP - Henderson reported meetings are being held for the LOSAP program. The estimated cost may be \$60,000-\$70,000.

Fire Department - Chief Bill Macko reported the 1971 Mack fire truck needs steering work and noted it is the third (3rd) truck out on calls. He was advised to repair the truck.

Elizabethtown Gas - Hughes reported he contacted Elizabethtown Gas. The Township businesses have not been contacted by Elizabethtown Gas.

Correspondence

a. Hamburg Borough & Sussex Borough Resolutions Proclaiming April as "Child Abuse Prevention Month"

b. Hampton Township Resolutions:

1. Imposing Court Costs on Dismissed Cases Through Plea Bargains

Motion by Bruning, seconded by Henderson, 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, Branchville Borough, Frankford Township, Lafayette Township, Montague Township and Sandyston Township currently have a shared service agreement for and to maintain a joint Municipal Court called "The Frankford Joint Municipal Court" 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 summons, 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 Frankford Joint Municipal Court seeks 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.

Hampton Township Resolutions:

2. Urging NJDOT to Inspect and Initiate A Regular Maintenance Schedule for their Right of Way along Route 206 in Hampton
3. Making a Formal Complaint to the BPU for Neglect and Lack of Maintenance and Initiate a Vegetation Management Plan in Hampton

Vouchers

Agra Environmental Services, Inc.	80.00
Allied Oil, LLC	1,662.33
American Wear	166.50
Amerigas-Chester	324.61
Atlantic Training Center	135.00
Beaverkill Trout Hatchery, Ltd.	828.35
Boucher & James, Inc.	2,237.75
Campbell Supply Co. of Sussex County	37.76
Chelbus Cleaning Co., Inc.	275.00
Dan Faber	13,278.47
Fastenal Company	6.20
Firefighter 1	161.47
High Point Regional High School	145,068.00
Home Depot Credit Services	574.07
IIMC	160.00
J&P Crushing, LLC	3,713.70
JCP&L	308.61
Laddey, Clark & Ryan, LLP	680.00
Lafayette Amateur Athletics, Inc.	1,995.15
Lafayette Auto Parts Supply, LLC	489.96
Lafayette Twp. Fire Department	39,500.00
Lafayette Twp. Board of Education	313,333.50
McDonald Welding Service	25.00
MGL Printing Solutions	229.00
Kimball-Midwest	177.83
Minisink Press, Inc.	710.00
Minuteman Signs	1,409.35
Montague Tool & Supply Co.	99.25
Morton Salt, Inc.	15,223.56
Nisivoccia & Company, LLP	3,250.00
NJ Dept. of Health & Senior Services	67.20
Opdyke's Sales & Service	75.10
Prime Solutions	924.47
R&L Data Centers, Inc.	1,126.94
ReadyRefresh by Nestle	5.29
SCMCA	30.00
Service Electric Cable TV of NJ, Inc.	19.95
Ronetco Supermarket, Inc.	29.42
SK Office Supply, Inc.	22.99
SYNCB/Amazon	301.25
The Land Conservancy of NJ	2,625.00
The New Jersey Herald	750.07

Motion by Henderson, 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, Zoning-Golf Course Deletion, Ordinance - Mayor Hughes opened the public hearing for the following Ordinance:

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

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

Motion by Henderson, seconded by Corcoran, to adopt the Amend Chapter XIII, Zoning-Golf Course Deletion, Ordinance. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Health Insurance Opt-Out - The Clerk is pursuing this issue with the Insurance Agent.

New Business

Annual Audit Resolution - Motion by D'Angeli, seconded by Corcoran, to adopt the following Resolution:

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
RESOLUTION 2018-23

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Faber Tax Refund - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO ISSUE A TAX REFUND TO DAN FABER IN REGARDS TO THE REDEMPTION OF TAX SALE CERTIFICATE # 2017-002 SOLD FOR DELINQUENT TAXES FOR BLOCK 14, LOT 4 & QFARM, IN THE AMOUNT OF \$13,278.47

WHEREAS, on October 2, 2017, tax sale certificate #2017-002 was sold for delinquent 2016 taxes on Block 14, Lot 4 & Qfarm, owner of record Matthew D. Steinberg to Dan Faber in the amount of \$4,697.29; and

WHEREAS, the lienholder, Dan Faber, paid subsequent taxes from the 1st quarter of 2017 to the 1st quarter of 2018 in the amount of \$7,633.33; and

WHEREAS, on April 9, 2018, the property owner paid the lien and subsequent tax principal of \$12,330.62, search and recording fees in the amount of \$62.00, penalties in the amount \$93.95, and interest in the amount of \$791.90 through April 18, 2018, for the redemption of Tax Sale Certificate #2017-002.

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 Dan Faber in the amount of \$13,278.47.

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.

Adult/Aging Parents Housing - Bruning asked about two (2) residents being allowed on one (1) property for aging parents of residents in the Township. This issue will be referred to the Land Use Board.

Audience

Mrs. Stephanie Pizzulo, Township Secretary asked the Township become a member of the Sussex County Chamber of Commerce. She and Bruning will alternate attending meetings.

Motion by Bruning, seconded by D'Angeli, to become a member of the Sussex County Chamber of Commerce and pay the membership fee up to \$300.00. Motion carried by roll call vote: Henderson-yes, Corcoran-yes, Bruning-yes, D'Angeli-yes, Hughes-yes.

Mrs. Joan Smith and Mrs. Celia Ostertag, Economic Development Committee members – Mrs. Smith thanked the Township Committee for helping to preserve the historic nature of Lafayette.

Mrs. Smith said the Township needs to grow; and some homes on Route 15 may sell to a business. She said for this to happen, the Township needs more parking and feels the Committee should consider purchasing the Sonnenberg property. This area can be connected by sidewalks.

Committeeman Bruning said grants are being pursued by the Township Engineer.

Mrs. Ostertag said a plan is needed as this is important to the Township. Mrs. Smith asked the Committee make another offer to purchase the property.

Mayor Hughes said they will maintain communications and discuss this further.

Committeeman Bruning will pursue this issue with the Township Engineer for an informal opinion and, if feasible, review the offer.

Mrs. Ostertag asked about increased lighting along Route 15 as it is a dark road. Committeeman Bruning will review this request.

Mrs. Smith said the two (2) silos by the cemetery have openings and need to be closed at the bottom.

Road Foreman Bill Macko said the price of the truck was used for bargaining with Sparta Township to use their sweeper. He will inquire if they would like the truck so we can continue to use the sweeper. The Committee agreed.

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