

February 5, 2019

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, February 5, 2019 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

Members Present: Mayor Bruning, Committeemen Corcoran, Henderson, O’Leary

Members Absent Hughes (excused)

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

Mayor Bruning opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

Minutes - Motion by Corcoran, seconded by Henderson, to accept and place on file the minutes of January 15, 2019 (regular meeting), January 15, 2019 (Executive Session-which shall not be released until resolved) and January 23, 2019 (budget meeting). Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Tax Collector - For January 2019

Tax Map Fee	\$200.00
Prior Year Taxes	\$4,252.35
Current Year Taxes	\$401,793.34
Interest	\$449.87
Total	\$406,695.56

Motion by Henderson, seconded by Corcoran, to accept the Tax Collector’s report as submitted. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Treasurer’s Report Cash Report for December 2018

Cash Balances as of November 30, 2018	\$3,866,455.09
Cash Receipts for December 2018	\$240,471.95
Total	\$4,106,927.04
Cash Disbursements for November 2018	\$660,855.68
Cash Balances as of December 31, 2018	\$3,446,071.36
Account Balances as of December 31, 2018	
Current – Checking	\$1,273,050.02
Capital – Checking	\$1,283,508.46
Escrow – Checking	\$70,919.95
COAH - Developers Fees	\$22,438.14
COAH - Rehab Reserves	\$29,869.73
Open Space Municipal Tax	\$146,951.14
Snow Trust	\$12,737.92
Environmental Contingencies	\$73,192.46
Trust Accounts for Developers Agreement	\$509,260.64
Special Rec. – Checking	\$5,241.65
Special Donations	\$7,546.98
Fire Prevention	\$6,870.92
Green Acres Trust	\$616.79
Dog Trust Account	\$866.56
Total Account Balance	\$3,446,071.36

Motion by Bruning, seconded by Henderson, to accept the Treasurer’s report as submitted. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Transfers Resolution - Motion by Henderson, seconded by O’Leary, to adopt the following Resolution:

WHEREAS, there is a need for adjustments to the 2018 municipal budget appropriations; and

WHEREAS, N.J.S.A. 40:4-59 permits that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow

transfers to be made from unexpended balances to those which are expected to be insufficient during the first three (3) months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that the following transfers be made in the amounts so noted:

<u>From</u>	<u>Amount</u>	<u>To</u>
Computer Services	\$150.00	General Administration o/e
Total Transfers	\$150.00	

Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Committee Reports

Board of Health - Corcoran reviewed the meeting of January 28, 2019 noting David Muscalo is President and Bob Watts Vice President for 2019.

EMS - Corcoran reported the EMS responded to 29 calls in December, with 21 being to group homes and 23 calls in January with 10 being to group homes.

Open Space (OSAC) - O’Leary reviewed the meeting of January 22 noting David Muscalo is the Chairman for 2019.

Land Use Board - O’Leary reviewed the meeting of January 27, 2019 noted Bob Taylor is Chairman and Don Leuthe Vice Chairman for 2019.

Business Meeting - Bruning reported a meeting with the local business people will be held on Monday, March 18, 2019 in the community hall at The Shoppes at Lafayette.

Emergency Management - Bruning reported the high-band license will take up to eight (8) weeks to be approved.

Streets and Roads - Bruning reviewed the Road Foreman’s report.

Correspondence

- a. From Heide Hassing – Overflow parking on Millpond Drive for anniversary celebration Feb. 16 & 17. Previously approved by email vote.
- b. Land Use Board Recommendations
- c. From NJDEP re: Sunrise House Treatment Work Approval
- d. Hardyston Township Ordinance amending Chapter 185, Zoning

Vouchers

AG Pizza	500.00
American Wear	157.50
Amerigas-Chester	616.91
Andover Township	11,703.26
Banisch Associates, Inc.	913.50
CenturyLink	604.76
Coded Systems, LLC	4,050.00
Denville Line Painting, Inc.	4,191.46
Finch Fuel Oil Co., Inc.	3,563.10
Frankford Township	14,872.27
Garden State Plumbing & Heating	385.00
Griffith-Allied Trucking	688.85
Guerin & Vreeland Engineering, Inc.	1,750.00
High Point Regional High School	145,282.00
Ideal Farm & Garden Center	75.00
JCP&L	1,051.68
Johnny-On-The-Spot, LLC	99.71
Laddey, Clark & Ryan, LLP	700.00
Lafayette Twp. Board of Education	313,333.50
Montague Tool & Supply, Co.	721.50
Mountain Ridge Estates	53,083.84
ND Engineering, LLC	2,955.00
Patricia & William Taggart	15,433.58
Pierce Hardy, LP	13,340.56
Quick Chek	15,922.50
Richard Hughes	35.00

Roy E. Kurnos	5,000.00
SCMCA	75.00
Solar Tire & Auto Service	75.00
Staples Business Advantage	378.15
Sussex County Treasurer	4,189.25
Sussex County Treasurer	280.60
Sussex County Treasurer	22.19
Sussex County Treasurer	3,022.58
Sussex County Treasurer	466,084.26
Sussex County Treasurer	30,548.97
Sussex County Treasurer	1,999.34
Sussex County Assessor's Assoc.	100.00
SYNCB/Amazon	29.99
The New Jersey Herald	812.40
Verizon Wireless	272.42

Motion by Henderson, seconded by Corcoran, to pay the bills on the Bills List. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Old Business

Fire House UGST Spending Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE REMOVAL OF A 1,000 GALLON UGST AND INSTALLATION OF AN EXTERIOR 400 GALLON ROTH SAFETY TANK AT THE FIRE HOUSE AND APPROPRIATING \$5,000.00 FROM THE CAPITAL IMPROVEMENT FUND

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

Motion by O'Leary, seconded by Henderson, to adopt the Fire House UGST Spending Ordinance. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

UGST Award - Motion by Bruning, seconded by Henderson, to award the removal/installation contract to Applied Service, Inc. for the cost of \$4,075.00. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Local Redevelopment and Housing Law - O'Leary explained the process noting the cost could be approximately \$10,000. He feels the Exxon and Carson & Roberts properties might benefit from this.

Attorney Kurnos feels the Township should have interested developers before embarking on this expensive venture. He said developers have paid for this in other municipalities. Attorney Kurnos noted an overlay of the area can be done.

LOSAP - Bruning noted a report sample was submitted by the Fire Department and EMS which should be amended to add tabs/columns.

John D'Angeli Memorial - Henderson distributed samples for the Committee's review. This issue will be carried to the next meeting on February 19, 2019.

2019 Municipal Budget - Line items were reviewed.

Road Inventory - Bruning reported he is working on a road inventory for the Township.

Commercial Vacant/Abandoned Ordinance - Attorney Kurnos does not feel this will enforceable. O'Leary noted the Township adopted a commercial property maintenance ordinance.

New Business

Cancel Old Ordinances Resolution - Motion by O'Leary, seconded by Henderson, to adopt the following Resolution:

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lafayette, New Jersey, that the following unexpended and dedicated balances of the General Capital Appropriations be canceled:

Date	Project Description	Amount Canceled
2016	2016-14 – Generators	\$1,656.18
2017	2017-04 – Fire Hose	\$ 37.05
2017	2017-16 – Fire Apparatus	\$ 250.00
2017	2017-22 – Gazebo Roof	\$ 350.00
2018	2018-01 – Christmas Décor	\$ 127.00
Total Improvements Canceled		\$2,420.23

Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Exceed Cap Ordinance - Motion by Henderson, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date of February 29, 2019:

CALENDAR YEAR 2019 - 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 2019 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 \$13,186.00 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 2019 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 \$46,150.00, and that the CY 2019 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: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Raffle Licenses

Lafayette Preservation Foundation - Motion by O’Leary, seconded by Henderson, to approve two (2) raffle licenses for Lafayette Center Preservation Foundation for March 29, 2019 and waive the local fee. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Lafayette Twp, PTO - Motion by Henderson, seconded by O’Leary, to approve three (3) raffle licenses and one (1) bingo license for Lafayette Twp. PTO for April 6, 2019 and waive the local fee. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Fence Ordinance - Motion by Bruning, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of February 19, 2019:

AN ORDINANCE TO AMEND CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ADOPTING A NEW SECTION 13-6.18, “FENCES”

WHEREAS, the Land Use Board and the Township Committee of the Township of Lafayette have reviewed current zoning ordinances and identified the need to add fence regulations.

NOW, THEREFORE, BE IT ORDAINED that a new Section 13-6.18 shall be adopted to establishing fence regulations.

Section 1. A new Section 13-6.18, “Fences”, shall be and is hereby adopted as follows:

13-6.18 – Fences

Fences shall be permitted in the front, side and rear yards, within the Township of Lafayette, subject to the following regulations:

1. The height of any fence in a rear or side yard shall be no greater than six (6) feet;
2. The height of any fence in a front yard shall be no greater than four (4) feet;
3. All fences shall be constructed with the “good side”/uniform fencing facing out. Fence posts shall be located on the inside of the fence;
4. All fencing shall be set back a minimum of six (6) inches from the property line
5. At least 50% of the fence shall remain open for all fences located in the front yard.
6. Fencing utilized for generally accepted agricultural purposes shall be exempt from this Ordinance, provided such fencing is in compliance with generally accepted agricultural standards, as determined by the Township Zoning Officer; and such agricultural fencing shall only be permitted so long as active agricultural use is on-going, and once agricultural uses cease, fencing shall be required to be in compliance with Township ordinances.

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 shall take effect after publication and passage according to law.

Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Food Truck Ordinance - Motion by Bruning, seconded by Henderson, to in introduce the following Ordinance and set the public hearing date of February 19, 2019:

AN ORDINANCE AMENDING CHAPTER 4, SPECIFICALLY SECTION 4-1.1, SECTION 4-1.5, SECTION 4-1.7 AND SECTION 13-6.11(f), OF THE LAFAYETTE TOWNSHIP CODE REGARDING SALES FROM MOTOR VEHICLES OR WHEELED VEHICLE OF FOOD ITEMS, BEVERAGES OR ANY OTHER MERCHANDISE

WHEREAS, the Township of Lafayette has considered requests for food trucks to be permitted within a certain portion of the Township; and

WHEREAS, the Township Land Use Board and Township Committee have considered such requests and determined that one (1) food truck per property, for a maximum of twenty-four (24) days in a calendar year shall be permitted, subject to certain requirements as set forth in the adopting resolution.

NOW, THEREFORE, BE IT ORDAINED, that Section 4-1.1, Section 4-1.5 and Section 13-6.11(f) of the Lafayette Township Code are amended as follows:

Section 1. Section 4-1.1, Public Gatherings: Commercial, shall be revised by the addition of the following:

.....Sales from motor vehicles or wheeled vehicle of food items and beverages on private property are permitted only in conjunction with a public gathering, with only two (2) such vehicles permitted on a property at any time, and for a

maximum of twenty-four (24) days each calendar year on any property, subject to the conditions and requirements of Township Code Section 4-1.5.

Section 2. Section 4-1.5, License Requirements; Factors, shall be revised by the adoption of a new subparagraph i:

- i. Sales from motor vehicles or wheeled vehicle of food items and beverages on private property are permitted only in conjunction with a commercial public gathering (a maximum of two (2) vehicles at a time, twenty-four (24) times per year), and during such public gathering hours, provided the following conditions are met:
 1. Such property shall be commercially zoned, and shall be at least five (5) acres in size;
 2. The property shall have at least 25 delineated parking spaces;
 3. The vehicle shall be located at least ten (10') feet from the nearest building and one hundred (100') feet from any public roadway;
 4. No seating shall be provided;
 5. Adequate waste and recycling receptacles shall be provided; and
 6. The vehicle shall obtain all necessary licenses, including from the Lafayette Township Fire Official, Sussex County Division of Health and the Lafayette Township Board of Health.

Section 3. Section 4-1.7, License Required; Fee; Nontransferable, shall be revised by the addition of the following:

.....The application fee for sales from motor vehicles or wheeled vehicle of food items and beverages, per Section 4-1.5(i) above, shall be \$25.00 per day per vehicle.

Section 4. Section 13-6.11(f) shall be revised by deletion of the existing Section 13-6.11(f) and replacing it as follows:

f. Sales from motor vehicles or wheeled vehicle of food items, beverages, or any other merchandise either within the right-of-way of any public road or any private property, unless a permit is obtained for such vehicle sales, on private property only, in accordance with Township Code Section 4-1.1, et seq., related to public gatherings.

Section 5. 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 6. 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 7. This Ordinance shall take effect after publication and passage according to law.

Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Shared Service - Land Use Board Secretary/Andover Township - Motion by O'Leary, seconded by Henderson, to authorize the Mayor to signed the Shared Services Agreement with Andover Township for Land Use Board Secretary, subject to approval by Andover Township. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Volunteer Application - Motion by Henderson, seconded by Corcoran, to appoint Mark Andersen to the Land Use Board as Alternate #2. Motion carried by roll call vote: Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Elizabethtown Gas - Bruning is pursuing the connection of natural gas to the municipal building. He has an estimate of \$13,000, which does not include the removal of the existing UGST.

Gardeners - Bruning is pursuing the hiring of Township gardeners. He has a quote of \$3,600. This issue will be carried to the next meeting on February 19, 2019.

Adjournment

With there being no further business, motion by Henderson, seconded by O'Leary, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk