

May 7, 2019

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

Members Present: Mayor Bruning, Committeemen Hughes, Corcoran, Henderson, O'Leary

Members Absent None

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.

Minutes - Motion by Corcoran, seconded by Hughes, to accept and place on file the minutes of March 19, 2019. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Tax Collector - For April 2019

Tax Map Fee	\$200.00
Prior Year Taxes	\$146.33
Current Year Taxes	\$1,013,786.88
Interest	\$346.78
Total	\$1,014,479.99

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

Committee Reports

Business Symposium - Hughes reported the business symposium was held on Monday, May 6, 2019 at The Shoppes at Lafayette. It was not well attended; however, the information was very helpful.

Sidewalks - Hughes reported this project is in the engineering phase; and a one (1) year extension will be requested.

Elizabethtown Gas - Hughes reported a meeting will be held next week.

Lafayette Post Office - Hughes reported a letter was sent to Congressman Josh Gottheimer regarding the conditions at the Post Office. He will pursue this issue.

Recreation - Corcoran reported approximately 20 children attended the fishing contest; and fun was had by all.

EMS - Corcoran reported the EMS responded to 24 calls in April with fifty (50%) of them being to group homes.

Board of Health - Corcoran reviewed the meeting of April 22, 2019.

Fire Department - Henderson reported the Fire Department responded to ten (10) calls in April.

Open Space (OSAC) - O'Leary reviewed the tour held on April 23, 2019. He reported input for the Open Space plan will on the agenda for the next Township meeting.

Farm Leases - O'Leary reported the farm lease information has been approved by Green Acres and can be advertised.

Land Use Board - O'Leary reviewed the meeting of April 25, 2019.

Path to Progress - O’Leary reported the meeting was not run well and was disrupted many times by the teachers in attendance.

“Sonnenberg” Parking Lot - Bruning reviewed the recent meeting held with the Township Engineer and State historic representatives.

Streets and Roads - Bruning reviewed the Road Foreman’s report. The “Lawler” barn will be repaired as more shingles are falling off.

Correspondence

- a. From EDC re: Sign Ordinance
- b. From EDC re: Medical cannabis/144 Route 94
- c. From Jen Sweet, Senate Majority Office re: Updated Path to Progress resolution
Motion by Hughes, seconded by O’Leary, to adopt the following Resolution:

**RESOLUTION IN SUPPORT OF PATH TO PROGRESS RECOMMENDATIONS
MADE BY NEW JERSEY ECONOMIC AND FISCAL POLICY WORKSHOP**

WHEREAS, New Jersey faces a daunting fiscal crisis; and
WHEREAS, for two (2) decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS, while local government pension systems are funded at the national average, the State’s unfunded liability for pensions and retiree health benefits now tops \$150 billion – four (4) times the size of the State budget; and

WHEREAS, actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year’s budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS, health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS, the state has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunseting of Chapter 78 relief and the two (2%) percent arbitration cap; and

WHEREAS, the State must bring pension and health care costs under control in order to hold down property taxes.

NOW, THEREFORE, BE IT RESOLVED that Lafayette Township expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup.

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Steven Oroho, Assemblyman Parker Space, Assemblyman Hal Wirths, Senate President Steve Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, New Jersey State Governor Philip Murphy, the New Jersey Association of Counties and the New Jersey State League of Municipalities.

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

- d. Frankford Township Ordinance Amending Chapter 30
- e. Byram Township Resolution Recommending Corrections to S2505 and A2558
- f. From Tahesha Way, Esq. re: Complete Count Committees
- g. Sussex County Freeholders Lyme Disease Awareness Month Proclamation

Vouchers

Airgas USA, LLC	101.98
American Wear	171.35
Amerigas-Chester	194.04
Andover Township	18,078.26
Anna Rose Fedish	404.37
Aquatic Analysts, Inc.	605.00
Aurora Electrical Supply	41.51
CenturyLink	650.61
Foley Incorporated	69.58
Garden State Plumbing and Heating	260.00
Griffith-Allied Trucking	1,622.26
High Point Regional High School	145,282.00

IIMC	170.00
Laddey, Clark & Ryan, LLP	1,615.00
Laddey, Clark & Ryan, LLP	187.00
Laddey, Clark & Ryan, LLP	646.00
Lafayette EMS	3,658.20
Lafayette Twp. Board of Education	313,333.50
Lisa's Stone Brook Florist	65.00
MGL Printing Solutions	42.00
Millside Café	78.55
Minisink Press, Inc.	675.00
Montague Tool & Supply Co.	198.59
Moonlight Imaging, Inc.	145.00
Nisivoccia & Company, LLP	525.00
NJ Dept. of Health & Senior Services	20.40
North East Parts Group, LLC	134.84
Opdyke's Sales & Service	118.17
R.S. Phillips Steel, LLC	417.45
Roy E. Kurnos	5,000.00
Royal Pontiac-Buick-GMC	97.45
Staples Business Advantage	145.88
County of Sussex	160.24
Sussex County Treasurer	3,022.58
Sussex County Treasurer	466,084.26
Sussex County Treasurer	30,548.97
Sussex County Treasurer	1,999.34
Syncb/Amazon	750.52
The Land Conservancy of NJ	4,000.00
The New Jersey Herald	18.30
TJ's Sportwide Trophy	39.45
Township of Wantage	2,240.50
Verizon Wireless	272.15
Witmer Public Safety Group	2,200.00
Zydon Enterprise Fleet Systems, LLC	165.00

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

Old Business

Fire Chief's Vehicle - Motion by Bruning, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of May 21, 2019:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE OF A 2019 FORD ESCAPE AND ALL RELATED APPURTENANCES AND APPROPRIATING \$25,500.00 FROM THE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, New Jersey, as follows:

Section 1. The funding for the purchase of a 2019 Ford Escape and related appurtenances is hereby authorized; and the cost is not to exceed \$25,500.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$25,500.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

Soil Moving Ordinance - Motion by O'Leary, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of May 21, 2019:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE
ENTITLED "SOIL MOVING"

STATEMENT OF PURPOSE

There exists in the Ordinances adopted by the Township of Lafayette, Chapter X, entitled "Soil and Soil Removal." The purpose of this Ordinance is to supplement Chapter X and where the two may conflict, the provisions of this Ordinance shall control.

I. TITLE. This chapter shall be known as the Soil Importation/Removal Ordinance of the Township of Lafayette.

II. DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings indicated.

Cut and fill operation. All soil moving activities that do not involve either removal or importation from land situate in the Township.

Major soil moving permit. A permit for the moving of 250 cubic yards or more of soil.

Minor soil moving permit. A permit for the moving of more than 100 cubic yards of soil up to 250 cubic yards. Any soil movement of less than 100 cubic yards shall not require a permit.

Premises. One or more contiguous parcels of land in single ownership.

Soil/Fill. For the purposes of this Ordinance, "soil" shall mean both soil and subsoil, rock, sand, humus, clay and a mixture thereof, and asphalt millings. Excluded material shall be quarry process, and rock products to be utilized in the construction of roads and driveways.

Soil Importation. The transporting of soil onto any premises in the Township from elsewhere.

Soil Removal. The transporting of any soil from any premises in the Township for use elsewhere.

Township Engineer. The person designated by the Township to review all major soil moving applications.

Zoning Officer. The person designated by the Township with jurisdiction to review all minor soil removal applications and exemptions from the permit requirements under this Ordinance.

III. SOIL MOVING. Encompasses, for the purposes of this Ordinance, cut and fill, soil importation, and soil removal.

IV. PERMIT REQUIRED; EXEMPTIONS. No person shall disturb the soil by soil removal, soil importation or cut and fill operations on any premises in the Township unless a permit is first secured. Exemptions may be made only in the following cases:

- A. Removal of less than 100 cubic yards.
- B. Spreading of topsoil for a lawn, provided that there is not a buildup of more than five inches and the areas filled are within the property line.
- C. Filling of holes left by rock or tree stump removal.
- D. Filling of sunken backfill areas, provided that such filling does not take place more than two years after the completion of the original backfill.
- E. Importation of less than 100 cubic yards, provided that the change in elevation is no more than two feet at any point and the source of fill material is identified and approved by the Zoning Officer.
- F. Cut and fill operations over an area less than 500 square feet that result in no more than a two-foot change in elevation at any point.
- G. Excavations and/or fill for buildings, foundations, septic tanks or sanitary installations, provided that no work shall be performed until the issuance of a permit by the Zoning Officer and/or Department of Health.
- H. Excavation for foundations or swimming pools where the grade is no more than 15%.
- I. Soil imported from any licensed quarry.
- J. Those cases where a final site plan or final subdivision (major or minor) has been granted by the Land Use Board.
- K. Notwithstanding an exception, all work shall be performed in accordance with the standards for soil erosion and sediment control as regulated by the State of New Jersey and the County of Sussex Soil Conservation District requirements.

V. APPLICATION REQUIREMENTS.

- A. Where a permit for soil moving is required, the owner of the premises, lessee or a duly authorized representative of the property owner shall first file with the Zoning Officer an application in the form attached requesting such permission, together with a map of the premises, in duplicate, showing existing and proposed finished grade contour lines. The map shall also show the present and proposed topography of the premises in relation to the location and elevation of all abutting streets and adjoining properties. If buildings are to be constructed, their location shall be shown and elevation sketches shall be provided. The source of fill material must be identified, including the name and address of the supplier.

- B. In the case of a major soil moving permit, plans shall be prepared by a New Jersey licensed professional engineer or other qualified professional. For a minor soil moving permit, the Zoning Officer may require such preparation if he deems the plans as submitted to be inadequate.

VI. PERMIT APPLICATION; REVIEW; FEE.

- A. Application review by Zoning Officer. Within ten (10) days of receipt of the application and attachments, the Zoning Officer shall notify the Township Engineer, the Township Clerk and the designated representative of the Township Committee. In the event of a minor soil moving permit, the Zoning Officer shall inspect the site and issue a written report to the designated representative of the Township Committee. In the event of a major soil moving permit, the Township Engineer shall inspect the site and issue a written report to the designated representative of the Township Committee within ten (10) days of his receipt of a complete application.
- B. Minor soil moving permit. In cases involving a minor soil moving permit, the Zoning Officer shall make a written report to the Township Committee within ten (10) days of his receipt of a complete application, and shall either issue or deny a permit after the review by the Township Committee five (5) days thereafter.
- C. Major soil moving permit. Within ten (10) days of receipt of an application and attachments, the Township Engineer shall issue a written report to the designated representative of the Township Committee and Township Clerk. If a majority of the Township Committee requires a public hearing to consider the application, the applicant shall provide notice to property owners within 200 feet of the subject property, without newspaper notice. If approved, the Township Committee shall require a performance bond and/or a restoration bond in the amount set by the Township Engineer.
- D. The matter shall be placed on the agenda of the Township Committee as a priority matter after proper notice.
- E. The fee for both a minor or major soil placement permit, which fees may be amended from time to time, as set forth in Chapter 14 of the Revised General Ordinances of the Township of Lafayette.

VII. CONSIDERATION GUIDELINES.

In considering an application, the Township Engineer or the Zoning Officer shall be guided by and shall take into consideration the following factors:

- A. Soil erosion by wind and water.
- B. Drainage. No steep slopes, cuts or pits shall be formed.
- C. Water runoff. No increase in the quantity or velocity of stormwater emanating from the land.
- D. Soil fertility.
- E. A landscaping plan. Provision shall be included for protection of the vegetation that is to be retained both on and off the site, with the understanding that disturbing or covering soil within the dripline of a tree may have a negative effect on the health of that tree.
- F. Lateral support slopes and grades of abutting streets and lands.
- G. Adequacy of buffering from the surrounding properties, impact both visually and environmentally on surrounding properties.
- H. Truck traffic, including the route of delivery, noise and hours of delivery so as not to interfere with school bus traffic or property owners within the vicinity of the property.
- I. Cover. Fill shall be covered with clean arable soil or, in the case of a driveway, with stones or gravel.
- J. Land values and uses.
- K. Written approval of the application by the owner of the Property, if the applicant is other than the owner.
- L. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.
- M. Additional consideration shall be given cases involving premises that, by virtue of their nature, location and other characteristics, are suitable for, and capable of, major subdivision under the appropriate ordinances and statutes. The Township Engineer, Zoning Officer and Township Committee shall

review all applications in light of this section, as well as sound planning considerations, zoning requirements, the Master Plan, any pending subdivision application and the nature of the surrounding terrain and proposed contours.

- N. In the case of imported soil to be utilized as fill, proof that the material to be installed, prior to installation, has been tested and found to be in conformance with the Soil Ranking Criteria found in N.J.A.C. 7:26D, Appendix 1, Table 1A.
 - N.1 Proof under this section shall be a letter from a laboratory certified by the state to perform soil analysis, stating that results meet or exceed the standards set forth in N.J.A.C. 7:26D, Appendix 1, Table 1A, and such other State, county, or municipal standards in effect at the time of testing, along with the actual test results.
 - N.2 A minimum of two samples are to be extracted from the source for laboratory analysis for each 1,000 (one thousand) cubic yard lot, or fraction thereof. Samples are to be extracted, tested, and evaluated by a state certified laboratory. Samples must be biased to the location of the highest suspected contaminated concentrations, as determined by the laboratory professional or his duly assigned representative.
 - N.3 Natural material obtained from a quarry shall be exempt from the testing criteria; however, a receipt from the quarry with the material amount is required.
 - N.4 Source from where the soil is coming from to be shown on the plans, including tax lot and block; owner's name and municipality.
 - N.5 The location to which the soil is to be placed.
 - N.6 The proposed date of completion of the soil fill.
 - N.7 Additional supporting documentation as requested by the Township Engineer/Zoning Officer/ to adequately address and comply with the purpose and the provisions of this chapter.
 - N.8 An approved soil erosion and sediment control permit (if applicable).
- O. Any material that is temporarily stored shall not exceed a height of fifteen (15) feet, and the maximum slope shall be not more than 45 degrees.
- P. All work shall be performed in accordance with the standards for soil erosion and sediment control as regulated by the State of New Jersey and the Sussex County Soil Conservation District requirements.

VIII. ISSUANCE OF PERMIT; TIME FOR COMPLETION OF WORK; CONDITIONS.

- A. If, after considering the application and all maps, reports and other documents or evidence, the Township Engineer or Zoning Officer determines that the proposed soil moving operation will not adversely affect the public health, safety or general welfare, a permit shall be granted to the applicant and shall include a reasonable time limit for completion of the operation.
- B. In granting permits under this section, the Township Engineer or Zoning Officer shall have the power to condition the permit upon compliance by the applicant with such terms and conditions as may be deemed necessary or advisable to effect the provisions and intent of this section. Such conditions may include the requirement of as-built plans.

IX. PERFORMANCE/RESTORATION BOND.

- A. Before a major soil moving permit shall be effective, the applicant shall file with the Township Committee a performance and/or a restoration bond, conditioned upon full compliance with all of the terms and conditions of approval, including the provisions of this chapter. The amount of such bond shall be fixed by the Township Committee, upon recommendation of the Township Engineer. The bond shall be in the form of cash or a surety bond in a form and with surety acceptable to the Township Attorney.
- B. Where a surety bond is given, the Township Committee shall have the right to demand a cash bond equal to 10% of the total amount, it being understood that, in the event of default, the cash deposit shall be resorted to first by the Township in pursuing its remedies.
- C. Restoration of area.
 - C.1 Upon completion of any operation delineated on the approved plan, said area shall be permanently stabilized and maintained. A final map for all

major soil fill permits shall be submitted containing and complying with all requirements as set forth in this chapter.

- C.2 No machinery or equipment or debris may be stored in any area, and no safety hazards shall be permitted either during or after the completion of operations.

X. CARE OF LAND; RESPONSIBILITY OF OWNER/LESSEE.

If permission for soil moving is granted, the owner and/or lessee shall bear responsibility for insuring that the operation is so conducted that:

- A. There shall be no sharp downward slopes (declivities), pits or depressions. The area shall be properly leveled off, cleared of debris and graded to conform to the contour lines and grades as approved by the Township Engineer or Zoning Officer.
- B. There shall be no damage to or littering of roads or other Township property or private property in the Township.
- C. The top layer of arable soil to a depth of six inches shall not be taken away. This soil shall be set aside for retention on the premises and shall be respread, consistent with approved levels and contour lines, when the rest of the soil has been properly graded. Nothing herein shall preclude the removal of nonarable soil and replacement thereof with arable soil to a depth of no less than six inches.

XI. PENALTY FOR VIOLATIONS.

- A. The Zoning Officer shall have the authority to enforce the provisions of this chapter and to issue summonses to any person importing soil without a permit. An initial violation of this Chapter shall be subject to a fine of up to Two Thousand Dollars (\$2,000), or in an amount permitted by N.J.S.A. 40:49-5 on the date of the violation, whichever amount is greater. Each day that a violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuing offense.
- B. The Township Engineer is designated as the official whose duty it shall be to enforce the provisions of this Ordinance with respect to persons importing soil with a permit. The Township Engineer shall, from time to time, on his/her own initiative, or as directed by the Township Committee, inspect the property for which permits have been granted to insure compliance with the terms of the permit and this Ordinance. The Township Engineer shall have the right to enter upon any property for the purposes of examination and inspection of the operation without advance notice. In addition to the imposition of any fine and pending a court hearing or disposition and in light of any material breach of this Chapter, the Township shall be entitled to an injunction issued by any court of competent jurisdiction restraining a violation of this Chapter. The right to an injunction is cumulative and is in addition to any hearing or legal proceeding before the appropriate municipal court, or administrative agency.
- C. The permit of any person may be revoked or suspended for up to thirty (30) days if in the opinion of the Township Engineer a violation of the permit has occurred. Within the thirty (30) day period, the applicant shall be entitled to a hearing before the Township Committee to determine whether the suspension should be lifted and/or extended.

XII. OTHER APPLICABLE REGULATIONS.

Nothing herein shall exempt the applicant from any applicable provisions of other local, state and federal law.

- A. All ordinances or parts of ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed in their entirety.
- B. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.
- C. That a copy of this Ordinance by the Township Clerk, together with a certified copy of the proof of publication thereof, shall be filed in the proper County Office according to law.
- D. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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

Furnace Conversion - This issue will be carried to the next meeting on May 21, 2019.

Bruno Associates/Grant Presentation - O'Leary asked the Clerk to send Bruno Associates a thank you for their presentation and stating the Township is not interested at this time.

Environmental Contingencies - CFO Grisaffi reported the account is closed.

Tax Lien Properties - Bruning reported to responses have been received from property owners that the Township has liens on. Attorney Kurnos explained the process of foreclosing on the properties. It was the consensus of the Township Committee that the Township Attorney move forward on foreclosing.

New Business

Beaver Run Solar, LLC - Motion by Henderson, seconded by O'Leary, to adopt the following Resolution:

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LAFAYETTE AUTHORIZING AN AMENDMENT TO THE DEVELOPER'S AGREEMENT WITH BEAVER RUN SOLAR FARM, LLC

WHEREAS, Beaver Run Solar Farm, LLC and the Township of Lafayette entered into a Developer's Agreement on July 14, 2015 with regard to construction, operation and removal/restoration of a photovoltaic energy generation facility on property located on Beaver Run Road (designated as Blok 25, Lots 2 and 4.01 and Block 30, Lot 6 on the Township tax assessment map); and

WHEREAS, the solar facility was constructed and has been in operation since 2016; and

WHEREAS, the Developer has requested, and Lafayette Township has agreed, to make a change to the Developer's Agreement regarding the restoration guaranty by the substitution of a current cash bond in the amount of \$339,000 with an assignment by Lakeland Bank of a certificate of deposit in the amount of \$339,000 with interest to be paid to Beaver Run Solar Farm, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute an Amendment to Developer's Agreement, a copy of which is attached hereto.

2. This Resolution shall take effect immediately.

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

Sugar Farm Zoo - O'Leary reported the farm is holding events and traffic is becoming a problem. A letter will be sent regarding the need for a gathering/event permit.

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