

June 5, 2019

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, June 5, 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 Henderson, seconded by Corcoran, to accept and place on file the minutes of May 21, 2019. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Open Space and Recreation Plan - Public Discussion/Input
David Muscalo, OSAC Chairman Barbara Heskins-Davis, TLC, VP of Programs

Ms. Davis stated the plan was initially completed in 2005; and it needs to be updated every ten (10) years to receive State funding.

Ms. Davis explained the Planning Incentive Grant program. She noted that two (2) public meetings are required. This meeting is the first one; and the second will held when the plan is complete. The public meeting will be held by the Land Use Board as this plan is incorporated into the Township's Master Plan.

Ms. Davis explained, in detail, the plan update and ROSI (Recreation and Open Space Inventory). Maintenance vs. stewardship of the properties was reviewed.

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

Tax Collector - For May 2019

Tax Searches	\$20.00
Lieu of Tax	\$461.20
Tax Map Fee	\$50.00
Prior Year Taxes	\$4,349.02
Current Year Taxes	\$997,190.59
Interest	\$3,368.07
Total	\$1,005,438.88

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

Grants - Hughes reported he received information for emergency services grants. Bruning reported Congressman Josh Gottheimer's office is willing to help the Township obtain grants.

Sidewalks - Hughes reported the sidewalks are in the design phase; and a one (1) year extension request has been submitted.

Elizabethtown Gas - Hughes reported a meeting will be scheduled in the near future.

EMS - Corcoran reported the EMS responded to 19 calls in May with 11 being to group homes.

Land Use Board - O'Leary reviewed the meeting of May 23, 2019.

Streets and Roads - Bruning reviewed the Road Foreman's report. It was the consensus of the Committee to move forward with a grant application for Statesville Quarry Road-Phase 2 (Gorney to Lantz Roads) for 2020.

Road Foreman Macko noted the current salt contract ends this month and feels more should be ordered before the price increases. It was the consensus of the Committee to order salt at this time.

Fire House UGST - Bruning reported two (2) more samples are required over the next 60 days as a minute amount of contaminate is still present. This must be monitored.

Correspondence

- a. From Robert Clerico, Van Cleef Engineering re: Welcoming Michael Vreeland
- b. From Josh Gottheimer re: Lafayette Post Office
- c. From Jocelyn Gilman, American Red Cross
- d. From Linda Doherty, NJ Food Council re: Disposable Bag Ban
- e. Anthony Verrelli, Local 254 re: Direct-Hire Agreement
- f. Hamburg Borough Resolution re: Not Collecting "Rain Tax"

Motion by O'Leary, seconded by Hughes, to adopt the following Resolution:

RESOLUTION PROCLAIMING TO LOCAL RESIDENTS AND BUSINESSES THAT THE TOWNSHIP WILL NOT COLLECT NEW STORMWATER MANAGEMENT OR RAIN TAXES

WHEREAS, Bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and

WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and

WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however, five (5%) percent or \$50,000 of the revenue is required to be paid to the State and another five (5%) percent can be used for a locality's general fund; and

WHEREAS, sewage authorities must adhere to a two (2%) percent cap on annual increases to property owners and business, but stormwater utilities will not have to adhere to the cap; and

WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and

WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and

WHEREAS, New Jersey's Business Tax Climate was named last in the nation by the nonpartisan Tax Foundation, and any new taxes to our business owners are not feasible; and

WHEREAS, State Senator Steve Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths are calling on municipalities and counties to come together and signal to their tax-paying residents and businesses that they are aware that New Jersey's tax burden is already too high by making their intentions known through this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, Sussex County, New Jersey already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents.

BE IT FURTHER RESOLVED that the Township Committee of the Township of Lafayette understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface.

AND, BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, Senate President Steve Sweeney, Senate Republican Leader Thomas Kean Jr., Assembly Speaker Craig Coughlin, Assembly Republican Leader Jon Bramnick, Senator Steve Oroho, Assemblyman Parker Space and Assemblyman Hal Wirths.

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

Vouchers

Action Drives & Bearings, Inc.	58.82
Allied Metrics Seals & Fasteners, Inc.	40.00

American Wear	283.25
Amerigas – Chester	40.65
Any Excuse for a Party, Inc.	1,395.00
Aquatic Analysts, Inc.	350.00
Banisch Associates, Inc.	88.80
CenturyLink	635.33
Constellation New Energy, Inc.	78.14
Griffith-Allied Trucking	1,611.21
Halo Branded Solutions	1,632.26
Hamburg Plumbing Supply Co., Inc.	73.30
High Point Regional High School	145,282.00
Home Depot Credit Services	371.37
JCP&L	368.79
Johnny-On-The-Spot, LLC	106.50
Laddey, Clark & Ryan, LLP	748.00
Lafayette Preservation Foundation	600.00
Lafayette Twp. Board of Education	313,333.50
MGL Printing Solutions	375.00
Mountainside Stables	725.00
ND Engineering, LLC	2,565.00
Newton Trophy & Sports Center, LLC	28.00
North East Parts Group, LLC	33.28
RCM Entertainment	450.00
Roy E. Kurnos	270.00
Schrader & Co., Inc.	154.00
Ronetco Supermarket, Inc.	21.00
Staples Business Advantage	262.72
Storr Tractor Company	75.05
Sussex County Municipal Utilities Authority	250.00
Syncb/Amazon	23.23
The New Jersey Herald	783.46
Thomas Pepe	600.00
Treasurer, S/NJ	500.00
Treasurer, S/NJ	72.00
TruGreen Commercial	566.50
Verizon Wireless	272.13
Vital Services Group	155.60
Route 23 Automall, LLC	23,692.00

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

Furnace Conversion - This issue will be carried to the next meeting on July 2, 2019.

Memorial Bench - Henderson said the memorial bench for John D’Angeli will soon be completed.

Tax Liens - Motion by Bruning, seconded by Hughes, to direct the Township Attorney to move forward foreclosing on five (5) properties [three (3) on Snover Road and two (2) on Statesville Quarry Road] the Township has tax liens on. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Resolution Supporting S1683/A4267 - Motion by O’Leary, seconded by Bruning, to adopt a Resolution supporting S1683/A4267. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

It was found by the Clerk that this Resolution was adopted by the Township Committee at a regular meeting held on April 16, 2019.

New Business

Liquor License - Motion by O’Leary, seconded by Henderson, to adopt a Resolution to renew the liquor license of A’s Country Spirits for the year 2019-2020. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Amend Chapter XIII-Solar Energy System Ordinance - Motion by O’Leary, seconded by Hughes, to introduce the following Ordinance and set the public hearing date of July 2, 2019:

AN ORDINANCE AMENDING CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ZONING, SECTIONS 13-5 AND 13-6.17 REGARDING SMALL COMMUNITY SOLAR SYSTEMS

WHEREAS, the Land Use Board of the Township of Lafayette has reviewed its current zoning ordinances and determined that changes are necessary in order to permit small community solar systems.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter XIII of the Revised General Ordinances of the Township of Lafayette, Zoning, shall be and is hereby amended as follows:

- Section 1.** §13-5 “Definitions” shall be amended by the addition of the following:
Small Community Solar System shall mean a solar energy system, whose solar production is shared by off-site members of the system and who currently obtain their electricity from the utility in which the Community Solar System is located, as intended by N.J.S.A. 48:3-87.11 and the NJ Community Solar Energy Pilot Program, N.J.A.C. 14:8-9.1-11, either roof or ground mounted, which occupies a maximum area of one (1) acre, and which system shall be no larger than 50kW in size, and shall be permitted as an accessory use on the same lot as a principal use or as a principal use in all districts, subject to the requirements of this ordinance.
- Section 2.** §13-6.17a “Purpose” shall be deleted in its entirety and replaced as follows:
- a. Purpose
 1. The primary purpose of a renewable energy system shall be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a renewable energy system designed to meet the energy needs of the principal use. For the purposes of this ordinance, the sale of excess power shall be limited, so that in no event is a renewable energy system generating more energy for sale than what is otherwise necessary to power the principal use on the property.
 2. A small community solar system shall also be a permitted purpose of a renewable energy system.
- Section 3.** Section 13-6.17(b) shall be deleted in its entirety and replaced as follows:
- b. *Applicability.* Small wind energy and solar energy systems shall be permitted as an accessory use on the same lot as the principal use in all districts, and small community solar systems shall be permitted as a principal or accessory use in all districts, subject to the requirements of this section. Renewable energy systems shall be a permitted use on any lots comprising twenty (20) or more contiguous acres owned by the same person or entity within the LI Light Industry and EI Extractive Industry Districts. This subsection shall not apply to roof-mounted solar energy systems which systems and equipment extend twelve (12) inches or less beyond the roofline or highest point of the roof structure on which the system is located. This subsection shall also not apply to ground-mounted solar energy systems that consist of ten (10) or less panels, and are situated more than fifty (50) feet from the nearest property boundary line.
- Section 4.** 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 5.** 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 6.** This Ordinance may be renumbered for codification purposes.
- Section 7.** 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. Upon adoption of this Ordinance, after public hearing, the Township Clerk is further directed to

publish notice of the passage and to file a copy of this ordinance as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

Section 8. This Ordinance shall take effect after publication and passage according to law. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Curbing and Gutters Ordinance - This issue will be carried to the next meeting on July 2, 2019.

Farming Leases - Motion by O’Leary, seconded by Henderson, to award farming leases to Anthony Lentini for farming Block 20, lot 2.01, 25 Gorney Road for a yearly fee of \$105.00 and Block 20, Lot 3.04, 20 Lantz Road for a yearly fee of \$140.00, which leases will be in effect until December 31, 2021. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Recreation Commission Appointment - Motion by Bruning, seconded by O’Leary, to appoint Mary Flaherty as a member of the Lafayette Township Recreation Commission to the unexpired term to expire December 31, 2019. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Soil Importation - The Clerk was asked to repost the soil importation caution on the Township’s Facebook page.

Mabee House - Bruning reported there is a problem with the roof on the Mabee House. Attorney Kurnos will pursue this issue.

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk