

February 16, 2021

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, February 16, 2021 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, CFO Grisaffi

Mayor Corcoran opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231.

Minutes - Motion by Henderson, seconded by Hughes, to accept and place on file the minutes of February 3, 2021. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Committee Reports

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

Fire Department - Henderson reported the Fire Department responded to 12 calls in January.

Joint Municipal Court - Henderson reported everything is going well with the court. Governor Murphy suspended the issuing of warrants, license suspensions, etc.

Emergency Management - Hughes reported the information for the recent storm will be submitted to the State.

US Postal Service - Hughes reported the Postal Service has chosen the location of Lafayette Center on Route 15.

Elizabethtown Gas - Hughes reported the project is continuing.

Advance Housing - Hughes report discussions are being held regarding the PILOT (Payment in Lieu of Taxes).

Vouchers

AG Pizza	211.60
American Wear	142.08
Amerigas – Chester	439.98
Andover Township	6,632.55
Andover Township	12,176.13
Bagful O’ Bagels	122.25
CenturyLink	662.85
Chelbus Cleaning Co., Inc.	275.00
Dover Brake & Clutch Co., Inc.	71.11
E.A. Morse & Co., Inc.	284.46
Elizabethtown Gas	462.96
Firehouse Bagels	87.87
General Code, LLC	2,677.63
Griffith-Allied Trucking	2,628.99
Home Depot Credit Services	10.73
JCP&L	1,241.14
Laddey, Clark & Ryan, LLP	51.00
Lafayette Auto Parts Supply, LLC	243.00
LJ Security, LLC	540.00
MacMillan Oil Co. of Allentown	315.00
Microsystems-NJ.Com, LLC	833.72
Montague Tool & Supply Co.	134.03
Mr. John	106.50
Nisivoccia & Company LLP	15,600.00
NJ Dept. of Health & Senior Services	444.60

North East Parts Group, LLC	116.43
Opdyke's Sales & Service	195.55
Optimum	21.95
ReadyRefresh by Nestle	9.00
Roy E. Kurnos	5,000.00
Staples Business Advantage	1,037.46
Sussex County Clerk	8.00
The Land Conservancy of NJ	1,500.00
Township of Wantage	2,331.00
U.S. Postal Service	600.00

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

Correspondence

- Lafayette Twp. Board of Education Resolution re: Annual School Election
- Hardyston Township Ordinance Amending Chapter 185, Zoning
- Sparta Township Ordinance Amending Chapter XVIII, Comprehensive Land Management

Old Business

Annual School Elections - A meeting is tentatively scheduled on February 25, 2021. Mayors of the High Point Regional High School sending district and Senator Steven Oroho are expected to attend.

New Business

100% Disabled Veteran Tax Refunds Ordinance - Motion by Bruning, seconded by O'Leary, to introduce the following Ordinance and set the public hearing date of March 2, 2021:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, SUPPLEMENTING CHAPTER 2 OF THE LAFAYETTE TOWNSHIP CODE BY CREATING SECTION 2-19, "100% DISABLED VETERAN TAX REFUNDS"

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, the dwelling house and the lot whereupon the same is erected, of any citizen and resident of this State, honorably discharged or released under honorable circumstances, from active service, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Veterans Administration or its successor to have a service-connected disability declared by the United States Veterans Administration or its successor to be a total of 100 (100%) percent permanent disability, and not so evaluated solely because of hospitalization or surgery and recuperation, sustained through enemy action or accident or resulting from disease contracted while in such active service, shall be exempt from taxation on proper claim made therefore; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the statutory intent to grant discretion to the governing body of every municipality has been affirmed by recent court decisions that have held that a municipality has discretion to grant or deny a taxpayer a retroactive refund of property taxes that has been paid from the effective date of the disability as determined by the United States Department of Veterans Affairs as set forth in N.J.S.A. 54:4-3.32; and

WHEREAS, the Township Committee of the Township of Lafayette desires to establish a formal policy providing that a retroactive refund of property taxes as set for in N.J.S.A. 54:4-3.32 shall be limited to the date that the complete application was submitted to the tax assessor.

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

Section 1. Chapter 2 of the Code of the Township of Lafayette is hereby amended and supplemented to create Section 2-19, "100% Disabled Veteran Tax Refunds", which shall read in its entirety as follows:

2-19 "100% Disabled Veteran Tax Refunds - A refund of property taxes pursuant to N.J.S.A. 54:4-3.32 shall be granted provided that the applicant submit a complete application to the tax assessor as required by N.J.S.A. 54:4-3.30. The refund of taxes may be granted retroactively only to the date that the complete application was submitted to the tax assessor.

Section 2. All Ordinances of the Township of Lafayette, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, which decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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

Amend Chapter 2, “Administration”, Ordinance - Motion by Bruning, seconded by O’Leary, to introduce the following Ordinance and set the public hearing date of March 2, 2021:

AN ORDINANCE TO AMEND CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ENTITLED “ADMINISTRATION”

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter 2 of the Revised General Ordinances of the Township of Lafayette, being Traffic, shall be and is hereby amended as follows:

Section 1. 2-1.4, Meetings of the Township Committee

...shall meet regularly thereafter on the first and third Tuesday of each month...

Section 2. 2-1.10, Election of Deputy Mayor

...authority to elect, from among its members, a deputy mayor of the committee.

...disability of the mayor, the deputy mayor shall have all powers...

Section 3. All Ordinances of the Township of Lafayette, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, which decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

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

Raffle License - Lafayette Preservation Foundation - Motion by Bruning, seconded by Hughes, to approve two (2) raffle licenses for Lafayette Center Preservation Foundation for April 30, 2021 and waive the local fee. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Oppose ACS 1571/1576 & S-1956 Resolution - Motion by Hughes, seconded by O’Leary to adopt the following Resolution:

RESOLUTION OPPOSING ACS 1571/1576 AND S-1956

WHEREAS, ACS 1751/1576 and S-1956 impose prevailing wage requirements on any property where a public body has provided, approved or authorized a tax abatement or tax exemption; and

WHEREAS, payments in lieu of taxes (PILOTs) are the single-most powerful tool available to municipalities to encourage property owners and developers to make improvements to property or to locate a project in a distressed or blighted area; and

WHEREAS, PILOTs are granted only where the municipality has determined that the project would not occur but for the PILOT and have been instrumental in the construction of affordable housing, environmental remediation, historic preservation and the installation of infrastructure; and

WHEREAS, increasing the cost of already challenged projects by requiring a private property owner to pay prevailing wage for improvements on their property will prompt a greater demand on the municipality to provide additional concessions, such as increase density or building heights, in the PILOT at the expense of property taxpayers. This will diminish municipal revenue and property tax relief and may even prevent projects from moving forward; and

WHEREAS, Advance Housing, a 20-unit affordable housing development, and SCARC, two (2) group homes with five (5) units each, have received tax exemptions. These projects have contributed to Lafayette Township meeting not only its affordable housing obligations but have provided homes and services to those in our community with special needs; and

WHEREAS, COVID-19 has not only affected the public health but has impacted our main street businesses and halted development. Lafayette Township needs every tool in our arsenal

available to encourage and spur post-COVID development without the economy-stunting limitations of ACS 1571/1576 and S-1956.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, Sussex County, New Jersey does hereby oppose the adoption of ACS 1571/1576 and S-1956.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Phil Murphy, Senate President Steve Sweeney, Assembly Speak Craig Coughlin, Assemblyman John Burzichelli (Assembly Appropriations Committee Chairman), New Jersey League of Municipalities.

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

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk