

April 6, 2021

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 6, 2021 at 7:30pm. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ.

Members Present: Mayor Gregory Corcoran, Committeemen Kevin O’Leary, Richard Hughes, Alan Henderson, Richard Bruning

Absent: None

Also Present: Clerk AnnaRose Fedish, Attorney Roy Kurnos, Road Foreman Bill Macko

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

Minutes - Motion by Bruning, seconded by Henderson, to accept and place on file the minutes of March 16, 2021. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Committee Reports

Open Space (OSAC) - O’Leary reviewed the meeting with The Land Conservancy of NJ regarding the construction of a path on the “Lawler” property.

Land Use Board - O’Leary reviewed the meeting of March 25, 2021.

Elizabethtown Gas - Hughes reported the project and communications are continuing.

US Postal Service - Hughes reported the new local district manager is reviewing properties.

Advance Housing - Hughes reported he is awaiting a response regarding the P.I.L.O.T.

Streets and Roads - Bruning reviewed the Road Foreman’s report, stated a fifth (5th) road employee is needed; and tickets are continuing to be issued on overweight trucks using Township roads.

Foreclosures - Bruning reported a proposal to auction Township properties acquired via foreclosure is forthcoming.

Township Silo - Bruning reported a proposal to paint an American flag on the silo is forthcoming.

EMS - Corcoran reviewed the meeting of March 29, 2021. They are obtaining a chair lift and are still having radio issues.

Correspondence

a. From Tina Palecek, HPRHS Broad of Ed Secretary re: Board Meeting Minutes.

b. From Township Attorney Roy Kurnos re: Limecrest Royalty, LLC tax appeal

Motion by Bruning, seconded by O’Leary, to approve the settlement of 2016 to reduce the assessment \$50,000 and issue a refund of \$1,371.50. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Vouchers

American Wear	189.44
Amerigas-Chester	1,126.05
Aurora Electrical Supply	822.78
Banisch Associates, Inc.	75.50
Campbell Supply Company of Sussex County	110.42
Chemung Supply	3,170.00
Cooper Electric Supply Co.	552.18
County of Sussex	793.50
D&M Printing	337.45
Fastenal Company	5.11
Garden State Plumbing & Heating	150.00

Griffth-Allied Trucking	2,871.00
High Point Regional High School	207,457.50
JCP&L	266.87
Laddey, Clark & Ryan, LLP	1,278.00
Lafayette Auto Parts Supply, LLC	420.41
Lafayette Twp. Board of Education	318,750.00
MacMillan Oil Co. of Allentown	255.50
Montague Tool & Supply Co.	977.01
Morton Salt, Inc.	20,606.44
Mr. John	106.50
ND Engineering, LLC	2,341.25
North Church Gravel, Inc.	524.67
North East Parts Group, LLC	87.36
Optimum	21.95
Pitney Bowes, Inc.	76.25
Sherwin-Williams	205.45
Staples Business Advantage	114.99
T.A. Mountford Co.	126.28
Thomas Tisler	15.00
Verizon Wireless	218.43

Motion by Henderson, seconded by Hughes, 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.

Unfinished Business

Public Sale of Real Properties Ordinance - Mayor Corcoran opened the public hearing for the following Ordinance:

AUTHORIZING THE PUBLIC SALE OF THE REAL PROPERTIES LISTED BY BLOCK AND LOT NUMBER ON SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF, OF LANDS SITUATE IN THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-13(a)

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

Motion by Bruning, seconded by Henderson, to adopt the Public Sale of Real Properties Ordinance. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Park Fence Spending Ordinance - Mayor Corcoran opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE REPAIR/REPLACEMENT OF FENCING AT LAFAYETTE PARK AND ALL RELATED APPURTENANCES AND APPROPRIATING \$10,000.00 FROM THE CAPITAL IMPROVEMENT FUND

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

Motion by Bruning, seconded by O’Leary, to adopt the Park Fence Spending Ordinance. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Motion by Bruning, seconded by Henderson, to award the park fence project to Alpine Fence and Gate Systems for a cost not to exceed \$9,980.00. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Fire House Generator Spending Ordinance - Mayor Corcoran opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE AND INSTALLATION OF A GENERATOR AT THE LAFAYETTE TOWNSHIP FIRE HOUSE AND ALL RELATED APPURTENANCES AND APPROPRIATING \$27,000.00 FROM THE RESERVE FOR EMERGENCY MANAGEMENT IN THE CAPITAL IMPROVEMENT FUND

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

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

Motion by Hughes, seconded by Bruning, to award the installation of the Fire House generator to Power With Prestige, Inc. for a cost not to exceed \$25,108.50. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Personnel Policy - Motion by Henderson, seconded by O’Leary, to adopt Revision #5 of the Policies and Procedures Manual. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Residential Curbside Pick-Up Policy - Road Foreman Macko reported the insurance company’s safety representative reviewed the Township’s pick-up policy and recommends increasing the container/bag amount to four (4) and keeping the container/bag size to 35 lbs. and not weigh more than 50 lbs. each.

Motion by Henderson, seconded by Hughes, to adopt the following pick-up policy:

Schedule for Residential Curbside Pick-Up

Place trash and recyclable materials at your curb **no later than 7:30am** on your pickup days. Trash and recycling containers are limited to 45-gallon capacity and to **weigh no more than 50 pounds**. Trash limit is four (4) 45-gallon containers or bags each week. Animal waste, ashes or other similar trash should be double bagged before being placed in the trash container. Residents are encouraged to use discretion to avoid overfilling containers or trash bags to prevent exceeding 50 pounds for the safety of our DPW employees. Recyclables must be placed in sturdy containers. Mixed paper, magazines and flat cardboard may be placed together in paper bags. Please be sure trash and recycling containers have handles, removable lids and are clearly visible from the road for pick up.

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

Cannabis Opt-Out Ordinance - This issue will be carried to the next meeting scheduled for April 20, 2021.

Township 2021 Calendar - The Township calendar for 2021 will be canceled for this year.

High Point Regional High School Budget - O’Leary reported Senator Oroho will be drafting a bill that a school’s cap bank should not exceed six (6%) percent per school year.

New Business

2021 Municipal Budget - Motion by Bruning, seconded by Henderson, to introduce the 2021 Municipal Budget and set the public hearing date of May 4, 2021. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Self-Examination of Budget Resolution - Motion by Henderson, seconded by O’Leary, to adopt the following Resolution:

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lafayette has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer’s certification, the Township Committee has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated.
- b. Items of appropriation are properly set forth.
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

2020 Annual Recycling Tonnage Report - Motion by Hughes, seconded by O’Leary, to authorize the Mayor to sign the Agreement with the SCMUA to certify the 2020 Annual Recycling Tonnage Report. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Amend Chapter X – Soil-Import Fees Ordinance - Motion by Bruning, seconded by O’Leary, to introduce the following Ordinance and set the public hearing date of April 20, 2021:

AN ORDINANCE TO AMEND CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ENTITLED “SOIL IMPORTATION/REMOVAL”

BE IT ORDAINED by the Township Committee of the Township of Lafayette that Chapter X of the Revised General Ordinances of the Township of Lafayette, being Soil Importation/Removal, shall be and is hereby amended as follows:

Section 1. Chapter X - VI. Permit Application; Review; Fee

E. The fee for both a minor or major soil placement permit, which fees may be amended from time to time, shall be:

	<u>Application Fee</u>	<u>Escrow Fee</u>
Minor Soil Moving	\$150.00	N/A
Major Soil Moving	\$250.00	\$2,000.00

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: O’Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Municipal Alliance Resolution - Motion by Bruning, seconded by O’Leary, to adopt the following Resolution:

GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE FY2022

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our

society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Central Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$3,028.00
Cash Match	\$757.00
In-Kind	\$2,271.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

NJ State Police Meeting - Motion by Henderson, seconded by O'Leary, to authorize a meeting with Township Residents and the NJ State Police Commander on April 25, 2021 (date subject to change) from 11am-1pm at Lafayette Park and waive the \$75.00 fee. Motion carried by roll call vote: O'Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

NJDOT Zoom Meeting - O'Leary reviewed the DOT Meeting.

Oppose S3375-Worker's Comp - Motion by Hughes, seconded by O'Leary, to oppose Senate Bill S3375.

RESOLUTON IN OPPOSITION TO SENATE BILL S3375

WHEREAS The Statewide Insurance Fund ("Fund") was created to provide a cost-efficient means of supplying workers' compensation benefits to injured municipal and other public employees including emergency volunteers; and

WHEREAS, the Fund is not a traditional, profit-making insurance company, but rather is composed of individual municipalities, counties, municipal utilities authorities and other local government entities whose budgets are all funded by taxpayer or public rate payers; and

WHEREAS, because the Fund's members are funded, in large, by tax dollars, and because the Fund has determined that Senate Bill 3375 will increase workers compensation costs drastically, creating an undo burden to the taxpayers and rate payers of its members; and

WHEREAS, Senate Bill 3375 requires significant changes to the Workers' Compensation Act where current law already has provisions in place to protect injured workers from claim abuse and requires all reasonable and necessary medical care be provided in a timely manner, subject to penalty; and

WHEREAS, any communications between the patient, a physician, a joint insurance fund, an insurance carrier and its representative, are already governed by Court Rules, the rules of evidence, and both medical and legal ethical standards; and

WHEREAS the hallmark of the New Jersey Workers Compensation Act is the obligation of the employer to provide medical benefits to an injured worker, as long as the injury or illness arises out of and in the course of employment, tantamount with the obligation to provide medical care, is the employer's statutory right to authorize the medical provider and the treatment to be administered. This bill would do nothing more than shift the entire balance of an already equitable system, to one side, to the detriment and greater cost of the employer.

WHEREAS Senate Bill 3375 will not serve the interest of the taxpayers and rate payers in New Jersey because it will increase the costs associated with workers' compensation claims by at least 35% and these costs will be borne by the taxpayers of individual municipalities, counties, municipal utilities authorities and other public rate payers.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey that it strongly opposes the adoption of Senate Bill 3375 and urges the Governor, State Senators and Assemblymen to protect taxpayers and rate payers from unnecessary and unwarranted charges; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Phil Murphy, all members of the New Jersey State Senate, all members of the New Jersey State Assembly and Statewide Insurance Fund.

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

Support S3522-PERS - Motion by O’Leary, seconded by Hughes, to adopt the following Resolution:

RESOLUTION SUPPORTING S-3522 CREATING LOCAL PART OF THE PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (PERS)

WHEREAS, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus created one of the worst publicly funded retirement systems in the entire nation; and,

WHEREAS, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and,

WHEREAS, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for the Public Employee’s Retirement System (“PERS”) alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and,

WHEREAS, S-3522 would divide PERS into two parts: A State Part for State employees, and a Local Part for all other employees; and

WHEREAS, the legislation creates a seven-member board consisting of three labor employee representatives, three management representatives, and one determined by the Board, tasked with operating the retirement system and directing policies and investments to achieve and maintain full funding; and

WHEREAS, this legislation is similar to the legislation that separated the Police and Fire Retirement System (P.L. 2018, c. 55) except for the control of investments and that management has an equal representation on the board, which was overwhelmingly supported by the legislature and signed by the Governor; and

WHEREAS, S-3522 would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as fiduciary of the system;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette, Sussex County, New Jersey does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of PERS to preserve the structure and integrity of the more solvent Local Part.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, Senator Stephen Oroho, Assemblyman Parker Space, Assemblyman Hal Wirths and the New Jersey League of Municipalities.

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

Municipal Parking Lot Fees - A parking policy will be drafted by the Township Attorney and include a yearly permit fee of \$50 per permit with two (2) being allowed per apartment.

Audience

Jackie Quoma, 235 Beaver Run Road, asked about a large box at the corner of Pelletown and Beaver Run Roads. It was deemed a traffic counter.

Ms. Quoma feels the trucks coming from the Stavola quarry are bigger, longer and heavily loaded. Road Foreman Macko explained the State allows up to 80,000 lbs. per truck. Also, trucks cannot leave the quarry if they are overweight.

Executive Session - Motion by Hughes, seconded by Bruning, to adopt the following resolution:
A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF LAFAYETTE, COUNTY OF SUSSEX, STATE OF NEW JERSEY,
AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE
WITH THE PUBLIC EXCLUDED

WHEREAS, it is deemed appropriate that the Township Committee discuss the matter(s) hereinafter mentioned without the presence of the public in accordance with the provisions of R.S. 10:4-12b, being Section b of the Open Public Meetings Act.

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

A matter relating to personnel shall be discussed by the Township Committee without the presence of the public. It is anticipated that this matter can be disclosed to the public upon resolution of the matter.

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

Exec. Session - Personnel

Motion by Bruning, seconded by Hughes, to return to the meeting. Motion carried by roll call vote: O'Leary-yes, Hughes-yes, Henderson-yes, Bruning-yes, Corcoran-yes.

Zoning Officer - Motion by Henderson, seconded by O'Leary, to hire George Hutnick as the Township's Zoning Officer at a hourly rate of \$22.50. Mr. Hutnick's start date will be April 14, 2021.

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk