

August 1, 2023

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, July 5, 2023 at 7:00 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk AnnaRose Fedish, Attorney Roy Kurnos, Road Foreman Jim Ando

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

**Minutes** - Motion by Corcoran, seconded by O’Leary, to accept and place on file the minutes of July 5, 2023. Motion carried by roll call vote: Geaney-yes, O’Leary-yes, Henderson-abstain, Corcoran-yes, Hughes-yes.

**Reports**

**Tax Collector** - Motion by Henderson, seconded by O’Leary, to adopt the following Resolution: **RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO CANCEL PARTIAL 1<sup>ST</sup> QUARTER, AND 3<sup>RD</sup> & 4<sup>TH</sup> QUARTER 2023 TAXES, AND REFUND OVERPAYMENT DUE TO THE APPROVAL OF A TAX EXEMPTION FOR BLOCK 23, LOT 4.09**

**WHEREAS**, pursuant to N.J.S.A 54:4-3.30, the Tax Assessor approved an application made by Roberto Sanchez Jr. as a fully exempt Veteran on February 23, 2023 for Block 23, Lot 4.09, known as 181 Statesville Quarry Rd., which makes Mr. Sanchez exempt from paying property taxes as of the date of his application; and

**WHEREAS**, taxes billed for 2023 were \$13,993.16, and payment was made for 1<sup>st</sup> quarter taxes in the amount of \$3,476.23, but due to the exemption, taxes due for 2023 are now \$2,032.02; and

**WHEREAS**, 2<sup>nd</sup> quarter taxes in the amount of \$3,476.23 were previously cancelled by resolution R2023-23.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that Daryn Cashin, the Tax Collector, be authorized to cancel the 2023 1<sup>st</sup>, 3<sup>rd</sup> & 4<sup>th</sup> quarter taxes in the amount of \$8,484.91, and refund Roberto Sanchez Jr. the overpaid amount of \$1,444.21.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer, and Township Auditor for their records.

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

<b>Treasurer’s Report</b>	Cash Report for June 2023
Cash Balances as of May 31, 2023	\$5,221,827.16
Cash Receipts for June 2023	\$129,947.63
Total	\$5,351,774.79
Cash Disbursements for June 2023	\$669,905.00
Cash Balances as of June 30, 2023	\$4,681,869.79
Account Balances as of June 30, 2023	
Current – Checking	\$1,783,236.81
Capital – Checking	\$1,592,856.75
Escrow – Checking	\$66,195.37
COAH - Developers Fees	\$107,739.90
COAH - Rehab Reserves	\$29,917.33
Open Space Municipal Tax	\$253,699.28
Snow Trust	\$34,447.67
Trust Accounts for Developers Agreement	\$772,384.04
Special Rec. – Checking	\$8,930.82
Special Donations	\$7,546.98
Fire Prevention	\$23,487.64

Green Acres Trust \$541.59  
Dog Trust Account \$885.61  
Total Account Balance \$4,681,869.79

Motion by Henderson, seconded by Corcoran, to accept the Treasurer's Report as submitted.  
Motion carried by roll call vote: Geaney-yes, O'Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

### **Committee Reports**

**EMS** - Corcoran reviewed the meeting of July 31, 2023.

**Recreation Commission** - Corcoran reviewed the progress of the pickleball court. Motion by Henderson, seconded by O'Leary, to pay for the pickleball court with the trail and recreational grants and special recreation account. Motion carried by roll call vote: Geaney-yes, O'Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

**Streets and Roads** - Henderson reviewed the Road Foreman's report.

Tree Removal - Motion by Henderson, seconded by Corcoran, to approve the hiring of Cypress Tree Service for tree removal for a cost not to exceed \$5,100.00. Motion carried by roll call vote: Geaney-yes, O'Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

New Mason Truck - This issue will be carried to the next meeting on September 5, 2023.

**Joint Municipal Court** - Motion by Henderson, seconded by Corcoran, to send a letter to the court stating the Township, as per the contract, be included in negotiations for any costs increasing over two (2%) percent. Motion carried by roll call vote: Geaney-yes, O'Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

**Buildings and Grounds** - O'Leary reported the repair of the municipal building's roof should be completed this week.

O'Leary reviewed Lafayette Park items needed to be repaired.

**Route 15-Paulins Kill Bridge** - O'Leary reported there is no information on the mussel study as of this date.

**Land Use Board** - O'Leary reviewed the meeting of July 27, 2023.

**Zoning** - O'Leary reported the Zoning Officer is addressing the illegal parking of Penske trucks at The Shoppes of Lafayette.

**Cyber Security** - Geaney reported the project is on track.

**Fire Department** - Geaney reviewed the fire department's recent meeting.

Motion by Geaney, seconded by Henderson, to approve Daniel Bsales as a full member of the Lafayette Fire Department subject to a motor vehicle background check. Motion carried by roll call vote: Geaney-yes, O'Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

Mr. Scott Maat, Fire Department President, explained the Fire Department will be applying for a second grant. Motion by Geaney, seconded by O'Leary, to support the Fire Department applying for a second COVID grant. Motion carried by roll call vote: Geaney-yes, O'Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

Mr. Maat reported the recently installed generator is working, the dumpster will be repaired by the Road Department to stop the bear problem, the internet is being upgraded and the purchase of a new fire truck is ongoing.

**Elizabethtown Gas** - Hughes reported natural gas to the Township school is progressing.

**U.S. Postal Service** - Hughes reported the contract has yet to be signed.

**Emergency Management** - Hughes reported plans are being updated.

**Affordable Housing** - Hughes reported the next round of numbers will be forthcoming.

**The Shoppes at Lafayette** - Hughes reported the process is continuing on the application to the NJ Department of Environmental Protection (NJDEP).

**Economic Development (EDC)** - Hughes reviewed the meeting of July 11, 2023. The community Christmas celebration will be held the first (1<sup>st</sup>) Saturday of December. The \$50.00 fee for the business/rental insurance ordinance was thought to be excessive. Lafayette Day is scheduled for Sunday, September 24, 2023 from 10am-3pm.

### **Correspondence**

- a. From Nisivoccia LLP re: 2022 Municipal Audit
- b. Hampton Township Ordinance Regulating Warehouses
- c. Hampton Township Letter to Sierra Club NJ Chapter

### **Vouchers**

Agra Environmental Services, Inc.	122.00
Alpine Fence and Gate Systems	16,550.00
American Wear	150.00
Andover Township	7,530.61
Andover Township	12,667.99
Anna Rose Fedish	238.25
Big Bear Apparel	103.00
Bobcat of North Jersey-East	782.07
Braen Royalty, LLC	862.49
Brightspeed	663.28
Campbell Foundry Company	1,481.04
Clean Team, Inc.	630.00
Elizabethtown Gas	37.85
Elizabethtown Gas	130.13
eMazzanti Technologies	10,532.00
Fire Fighters Equipment Co., Inc.	2,613.00
Griffith-Allied Trucking	1,527.12
High Point Regional High School	185,770.25
JCP&L	1,487.06
Lafayette Auto Parts Supply, LLC	567.87
Lafayette Twp. Board of Education	353,483.33
Mr. John	107.50
NJ Dept. of Health & Senior Services	25.20
NJ Division of ABC	6.00
NJIAAI	45.00
North Jersey Garage Doors, LLC	344.00
Optimum	22.00
ReadyRefresh by Nestle	19.99
Roberto Sanchez, Jr.	1,444.21
Roy E. Kurnos	5,000.00
RR Donnelley	92.50
Rutgers Center for Government Services	2,279.00
Staples Business Advantage	1,215.02
Sussex County Board of Elections	342.67
Sussex County Clerk	529.36
Sussex County Treasurer	3,271.25
Sussex County Treasurer	466,100.07
Sussex County Treasurer	33,819.93
Sussex County Treasurer	1,847.51
The Land Conservancy of New Jersey	2,500.00
Times Herald Record	41.73
Tire King	396.00
Toni Grisaffi, Cashier	64.15
Township of Vernon	2,550.00
Tractor Supply Credit Plan	159.99
TruGreen Commercial	549.83
Van Cleef Engineering Associates, LLC	9,225.75
Verizon Wireless	218.85

WeatherWorks	1,650.00
Weldon Quarry Co., LLC	653.96
William A. Snyder, Jr.	269.17

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

**Unfinished Business**

**Amend Chapter 3-Business Insurance Registration Ordinance** - Mayor Hughes opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP OF LAFAYETTE, SPECIFICALLY CHAPTER 3 “POLICE REGULATIONS”, TO ADD A NEW SECTION – SECTION 3-13 “BUSINESS, RENTAL AND MULTI-FAMILY HOMEOWNERS INSURANCE REGISTRATION”

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

Motion by Geaney, seconded by O’Leary, to adopt the Amend Chapter 3-Business Insurance Registration Ordinance. Motion carried by roll call vote: Geaney-yes, O’Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

**Amend Chapter 8-Residential Rental Habitability Ordinance** - Mayor Hughes opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE TOWNSHIP, SUSSEX COUNTY, NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF LAFAYETTE, SPECIFICALLY CHAPTER 8-2.1(a) “RESIDENTIAL RENTAL PROPERTIES”, TO ADD A NEW REQUIREMENT FOR ANNUAL INSPECTIONS OF RESIDENTIAL RENTAL PROPERTIES AND REQUIRE ANNUAL APPLICATIONS FOR CERTIFICATES OF HABITABILITY

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

Motion by Corcoran, seconded by Henderson, to adopt the Amend Chapter 8-Residential Rental Habitability Ordinance. Motion carried by roll call vote: Geaney-yes, O’Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

**Garage Natural Gas Spending Ordinance** - Mayor Hughes opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE CONVERSION OF THE TOWNSHIP GARAGE FROM OIL TO NATURAL GAS AND APPROPRIATING \$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND

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

Motion by Geaney, seconded by O’Leary, to adopt the Garage Natural Gas Spending Ordinance. Motion carried by roll call vote: Geaney-yes, O’Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

**Lead-Based Paint Ordinance** - Motion by O’Leary, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of September 5, 2023:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF LAFAYETTE, SPECIFICALLY CHAPTER 8 “BUILDING AND HOUSING”, TO ADD A NEW SECTION-SECTION 8-3 “RESIDENTIAL RENTAL LEAD PAINT TESTING”

**WHEREAS**, the State of New Jersey enacted N.J.S.A. 52:27D-437, et seq establishing lead-based paint testing programs for residential rental properties; and

**WHEREAS**, N.J.S.A. 52:27D-437, et seq. requires that municipalities enact ordinances to implement lead-based paint programs for residential rental properties; and

**WHEREAS**, the Township of Lafayette desires to comply with N.J.S.A. 52:27D-437, et seq. by adopting this Ordinance.

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

**SECTION 1.** Chapter 8 of the Code of the Township of Lafayette be and hereby is amended to add a new Section 8-3, titled “Residential Rental Lead Paint Testing”, and to add the following Sections:

**§8-3.1 Definitions.**

"Dust wipe sampling" means a sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

"Tenant turnover" means the time at which all existing occupants vacate a dwelling unit, and all new tenants move into the dwelling unit.

"Visual assessment" means a visual examination for deteriorated paint or visible surface dust, debris, or residue.

**§8-3.2**

The Township Zoning Officer or a certified lead evaluation contractor as may be retained and designated by the Township Committee shall inspect every single-family, two-family, and multiple rental dwelling located within the Township at tenant turnover for lead-based paint hazards or within two (2) years of the July 22, 2022, the effective date of N.J.S.A. 52:27D-437.16, et seq., whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three (3) years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification. The owner of any such rental dwelling shall not permit any tenant turnover without first complying with Ordinance 8-3. The Township shall charge the dwelling owner or landlord and the dwelling owner or landlord shall pay the Township in advance of any inspection, a fee of \$50.00 for each unit inspected to cover the cost of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing Ordinance 8-3 and shall not be used for any other purpose.

**§8-3.3**

The dwelling owner or landlord may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of Section 8-3.2 instead of the municipal inspection.

**§8-3.4**

The Township Zoning Officer or certified lead evaluation contractor as designated by the Township Committee Section 8-3.2 with the duty to inspect single-family, two-family and multiple dwellings may consult with the local health board, the New Jersey Department of Health, or the New Jersey Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

**§8-3.5**

Notwithstanding anything in Ordinance 8-3 to the contrary, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- A. has been certified to be free of lead-based paint;
- B. was constructed during or after 1978;
- C. is in a multiple dwelling that has been registered with the New Jersey Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1, et seq.;
- D. is a single-family or two-family seasonal rental dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or
- E. has a valid lead-safe certification issued in accordance with Section 8-3.3.

**§8-3.6**

If the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to Section 8-3.2, then the owner of the dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods, approved in accordance with the provisions of the "Lead Hazard Control

Assistance Act," N.J.S.A. 52:27D-437.1, et al. Upon the remediation of the lead- based paint hazard, the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee shall conduct an additional inspection of the unit to certify that the hazard no longer exists. The Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee shall charge an additional fee in the amount \$50.00 for such additional inspection.

#### **§8-3.7**

If the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee finds that no lead- based paint hazards exist in a dwelling unit upon conducting an inspection pursuant to Section 8-3.2 or following remediation of a lead-based paint hazard pursuant to Section 8-3.6, then the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee shall certify the dwelling unit as lead-safe on a form prescribed by the New Jersey Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to N.J.S.A. 52:27D-437.20. The lead-safe certification provided to the property owner by the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee pursuant to this Section, Section 8-3.7, shall be valid for two (2) years.

#### **§8-3.8**

Beginning on July 22, 2022, the effective date of N.J.S.A. 52:27D-437.16 et seq., property owners shall:

A. provide evidence of a valid lead-safe certification obtained pursuant to Section 8-3.2 or 8-3.3 as well as evidence of the most recent tenant turnover at the time of the cyclical inspection carried out under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13-A-1, et seq, unless not required to have had an inspection by the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee pursuant to paragraphs (A), (B) or (C) of Section 8-3.5;

B. provide evidence of a valid lead-safe certification obtained pursuant to Section 8-3.2 or 8-3.3 to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by the Construction Official or lead evaluator contractor pursuant to paragraphs (A), (B) or (C) of Section 8-3.5 and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease; and

C. maintain a record of the lead-safe certification, which shall include the name or names of the unit's tenant or tenants, if the inspection was conducted during a period of tenancy, unless not required to have had an inspection by the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee pursuant to paragraphs (A), (B), (C) or (D) of Section 8-3.5.

#### **§8-3.9**

If the Township Zoning Officer or the lead evaluation contractor designated by the Township Committee finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to Section 8-3.2, then the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.8.

#### **§8-3.10**

If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the Township Zoning Officer or the lead evaluation contractor designated by the Township Committee shall inspect the remainder of the building's dwelling units for lead hazards, except for dwelling units that have been certified to be free of lead-based paint. The Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee charge a fee in the amount of \$50.00.

#### **§8-3.11**

In addition to the fees charged for inspection of rental housing, the Township shall assess an additional fee of \$50.00 per unit inspected by the Township Zoning Officer or the lead evaluation contractor designated by the Township Committee for the purposes of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D437.1, et seq., concerning lead hazard control work, unless the

unit owner demonstrates that the New Jersey Department of Community Affairs already has assessed an additional inspection fee of \$50.00 pursuant to the provisions of N.J.S.A. 52:27D-437.10. In a common interest community, any inspection fee charged pursuant to Ordinance 8-3 shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to Ordinance 8-3 shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4.

#### **§8-3.12**

If less than three (3%) percent of children tested in the Township, six (6) years of age or younger, have a blood lead level greater than or equal to five (5) ug/dL, according to the central lead screening database maintained by the New Jersey Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the Commissioner (as such term is used in and for the purposes of N.J.S.A. 52:27D-437.16), then the Construction Official or lead evaluator contractor may inspect a dwelling located therein for lead-based paint hazards through visual assessment.

If at least three (3%) percent of children tested, six (6) years of age or younger, have a blood lead level greater than or equal to five (5) ug/dL, according to the central lead screening database maintained by the New Jersey Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the Commissioner, then the Construction Official or lead evaluator contractor shall inspect a dwelling located therein through dust wipe sampling.

If a lead hazard is identified in an inspection of one (1) of the dwelling units in a building consisting of two- or three- dwelling units, then the Construction Official or lead evaluator contractor shall inspect the remainder of the building's dwelling units for lead hazards, except for dwelling units that have been certified to be free of lead-based paint. The Construction Code Official may charge a fee of \$25.00 for such additional inspections.

#### **§8-3.13**

The Township and the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee shall be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with N.J.S.A. 52:27D-437.16 or Ordinance 8-3. If the Township or the Township Zoning Officer or the certified lead evaluation contractor designated by the Township Committee determines that a property owner has failed to comply with a provision of N.J.S.A. 52:27D-437.16, et seq. or Ordinance 8-3 regarding a rental dwelling unit owned by the property owner, the property owner shall first be given thirty (30) days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed \$50.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

**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, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance may be renumbered for purposes of codification.

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

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

**Restland Memorial Park Association Cemetery** - Motion by Henderson, seconded by O'Leary, to adopt the following Resolution:

RESOLUTION OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY APPROVING THE EXPANSION OF A CEMETERY AT 25 SUNSET INN ROAD (TAX BLOCK 10, LOT 3)

WHEREAS, CMS Mid-Atlantic, Inc. (“CMS”) obtained approval by the Lafayette Township Land Use Board under Section 13-13.F R-5 Cemetery Overlay Zone of the Township Code to develop approximately 77.9 acres located at Route 15 and 11 Sunset Inn Road (tax Block 10, Lots 3.02 and 4) as a cemetery; and

WHEREAS, the Lafayette Township Committee by Resolution adopted on September 5, 2017 approved establishment of the cemetery known as Eternal Sunset Memorial Park and Cemetery (“Cemetery”) on said property; and

WHEREAS, CMS acquired 25 Sunset Inn Road (tax Block 10, Lot 3), consisting of approximately 5.33 acres that adjoins the Cemetery (“Property”); and

WHEREAS, CMS and Restland Memorial Park Association (“Restland”) made application to the Lafayette Township Land Use Board to annex the Property to and develop it as part of the Cemetery pursuant to Section 13-13.F R-5 Cemetery Overlay Zone of the Township Code; and

WHEREAS, the request for approval has been reviewed by the Township professional staff and the Township Land Use Board, which found that the application complied with the requirements of the R-5 Cemetery Overlay Zone and granted Amended Preliminary and Final Site Plan approval for expansion of the Cemetery at its public meeting on February 23, 2023, as memorialized by a Resolution of the Land Use Board adopted on March 23, 2023 (“LUB Approval”); and

WHEREAS, CMS and Restland have submitted a formal request for Lafayette Township Committee approval to expand the cemetery to a total of approximately 83.2 contiguous acres in accordance with the application, plans and other materials submitted to the Township Land Use Board; and

WHEREAS, the Township Committee, having considered the request together with the LUB Approval, finds that the proposed expansion of the Cemetery fully complies with the Township Code, would be in the public interest, and a beneficial use for the community.

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

1. The use of the Property for cemetery purposes and the expansion of Eternal Sunset Memorial Park and Cemetery (to approximately 83.2 contiguous acres) is hereby approved.

2. This approval is granted in reliance upon the application, plans and materials submitted to and the approvals granted by the Lafayette Township Land Use Board.

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

### **New Business**

**Annual Audit Resolution** - Motion by Henderson, seconded by O’Leary, to adopt the following Resolution:

#### **GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and



**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Lafayette, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

**2022 Audit Corrective Action Plan Resolution** - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

**CORRECTIVE ACTION PLAN FOR THE 2022 AUDIT**

**WHEREAS**, Local Finance Notice 97-16 requires the Chief Financial Officer, with assistance from other officials affected by the audit recommendations, to prepare and submit a Corrective Action Plan for approval by the governing body within 60 days from the date the audit is received by the governing body; and the 2022 Audit was received on July 11, 2023.

**BE IT RESOLVED**, by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that the following Corrective Action Plan, dated July 11, 2023 be approved, placed on file in the Clerk’s Office and submitted by the Clerk to the Division of Local Government Services. Copies of this Resolution will be forwarded to the Township Auditor and Chief Financial Officer for their records.

*As required by Local Finance Notice 97-16,  
Respectfully submitted by  
Toni Grisaffi, Chief Financial Officer*

**Finding 2022-1**

Description: Consideration is given to providing for a more adequate segregation of duties with respect to the recording and treasury functions.  
Analysis: The Township Committee is aware that the State recommends segregation of duties with respect to the recording and treasury functions.  
Corrective Action: It was determined that due to limited staffing no resolution can be made at this time. The Township Committee will continue to monitor this situation and will make any necessary changes when/if staffing permits.

**Finding 2022-2**

Description: A requisition or purchase order be created and approved prior to the purchase of any goods or services.  
Analysis: Some requisitions and purchase orders were dated after their respective invoices.  
Corrective Action: Department Heads and CFO will work together to ensure requisitions are entered and approved before orders for goods are placed or services are provided.  
Implementation Date: The policy will be effective immediately.

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

**Meadows Road-Phase I Award Resolution** - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT  
RECOMMENDATION OF AWARD STATE AID PROJECT  
RESOLUTION 2023-37**

**BE IT RESOLVED** that the Lafayette Township Committee hereby recommends to the New Jersey Department of Transportation that the contract for

Meadows Road Phase I  
in the Township of Lafayette County of Sussex be awarded to the following Morris County Cooperative Pricing Council Vendors:

**Schifano Construction Corporation (MCCPC Contract #6) whose bid amounted to \$167,123.35**

**Campbell Foundry Company (MCCPC Contract #14) whose bid amounted to \$ 518.00**

**Denville Line Painting, Inc. (MCCPC Contract #36) whose bid amounted to \$ 3,208.10**

whose bids amounted to **\$ 170,849.45** subject to the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

**That the clerk of this body be and Mayor is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.**

**Approved by the Lafayette Township Committee on August 1, 2023.**

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

**Lafayette Twp. PTO Raffle Licenses** - Motion by O’Leary, seconded by Corcoran, to approve two (2) raffle licenses for Lafayette Twp. PTO for October 28, 2023 and November 18, 2023 and waive the local fee. Motion carried by roll call vote: Geaney-yes, O’Leary-yes, Henderson-yes, Corcoran-yes, Hughes-yes.

**Yeti Farms – Hampton House Road/Route 206**

Frank Clemente

Zach Coppola

Mr. Clemente explained they are under contract to purchase 156 Hampton House Road and grow cannabis. They are asking for a letter of support for a cannabis license. He said the growing would take place undercover and not in the open.

Committeeman O’Leary explained a use variance is needed as this property consists of 12 acres where 15 acres is needed for this conditional use. A site plan application is, also, needed.

Mayor Hughes suggested Messrs. Clemente and Coppola attend a Technical Review Committee (TRC) meeting for direct feedback.

### **Adjournment**

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

Respectfully,

ANNA ROSE FEDISH, RMC  
Municipal Clerk