

January 2, 2019

The regular bi-monthly meeting of the Lafayette Township Committee was held on Wednesday, January 2, 2019 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, CFO Grisaffi

Mayor Bruning opened the meeting stating that it was being held in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

Minutes - Motion by Henderson, seconded by O’Leary, to accept and place on file the minutes of December 18, 2018. Motion carried by roll call vote: O’Leary-yes, Hughes-yes, Corcoran-yes, Henderson-yes, Bruning-yes.

Committee Reports

Fire Department - Henderson reported the Fire Department responded to six (6) call in December.

Sidewalks - Hughes reported this issue is proceeding.

Elizabethtown Gas - Hughes reported Elizabethtown Gas is drafting a letter to send to residents regarding interest in natural gas.

Emergency Management - Hughes reported the high-band radio license is expected by month’s end.

Land Use Board - O’Leary reviewed the meeting of December 20, 2018.

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

Correspondence

- a. Hamburg Borough Resolution Condemning Hate Crimes
- b. From Mary Anne Kuserk, NJDEP re: Limecrest Quarry Groundwater Testing
- c. From Anthony Fontana, NJDEP re: SCMUA Landfill Operating Permit

Vouchers

The Land Conservancy of New Jersey	2,625.00
US Postmaster	30.95
Toni Grisaffi, Cashier	68.97
Lafayette EMS	1,835.49

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

Old Business

Commercial-Vacant/Abandoned Ordinance - This issue will be carried to the next meeting on January 15, 2019.

Fire House UGST - Quotes are being obtained.

John D’Angeli Memorial - This issue will be carried to meeting on February 5, 2019.

Emergency Contingencies - CFO Grisaffi will get clarification as to the use of this budget item.

New Business

Temporary Budget - Motion by Corcoran, seconded by Henderson, to adopt the following Resolution:

WHEREAS, N.J.S. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2019 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year; and

WHEREAS, the total appropriation in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,874,899.36; and

WHEREAS, 26.25% of the total appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance in said budget is the sum of \$492,161.08,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, in the County of Sussex, State of New Jersey, that the following appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

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

Defend Tax Appeals - Motion by O'Leary, seconded by Henderson, to adopt the following Resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette that the Municipal Assessor and Municipal Attorney be and they are hereby authorized to defend before the Sussex County Board of Taxation and Tax Court of the State of New Jersey all contested appeals and to initiate municipal appeals to correct the Township of Lafayette tax list including, but not limited to, rollback complaints, added and omitted assessment complaints, and such other appeals as are necessary to correct the assessments for the Township of Lafayette; and

BE IT FURTHER RESOLVED that the Municipal Assessor and Municipal Attorney be and hereby designated as agents of the Township of Lafayette for the purpose of signing settlements of the foregoing matters by stipulation.

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

Deputy Records Custodians - Motion by Henderson, seconded by Corcoran, to adopt the following Resolution:

BE IT RESOLVED by the Township Committee of the Township of Lafayette that all Department Heads and Tax Assessor be designated as Deputy Custodians of Public Records to assist the Custodian of Records in the performance of duties related to P.L. 2001, c404, commonly referred to as the Open Public Records Act (OPRA).

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

Cancel Tax Delinquencies - Motion by Corcoran, seconded by Henderson, to adopt the following Resolution:

WHEREAS, N.J.S.A. 40A:5-17.1 permits authorized employees to process cancellation of property tax refunds or delinquencies of less than \$10.00 without action of the governing body; and

WHEREAS, the Tax Collector has requested authorization to cancel those taxes.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that the Tax Collector be authorized to process cancellation of property tax refunds or delinquencies of less than \$10.00 as may occur.

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

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

Partial Tax Payments - Motion by Corcoran, seconded by Henderson, to adopt the following Resolution:

WHEREAS, N.J.S.A. 54:4-68 authorizes the Governing Body to adopt a resolution authorizing the Tax Collector to accept as partial payment less than one hundred percent (100%) of the amount due and owing; and

WHEREAS, the tax collection computer program is set up under strict guidelines, as per the Division of Local Government Services and must be in accordance with the Mod 4 formula and will allow for accepting such partial payments.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey to authorize the Tax Collector to accept payment of less than 100%, but no less than the full amount of interest due.

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

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

Recycling Tonnage Grant Application - Motion by Corcoran, seconded by Hughes, to adopt the following Resolution:

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2018 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Lafayette Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that Lafayette Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Stephanie Pizzulo, Recycling Coordinator, 33 Morris Farm Road, Lafayette, NJ 07848 to ensure that said Application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

Certified Recycling Professional Services - Motion by Hughes, seconded by Henderson, to adopt the following Resolution:

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA"), among other things, employs a District Recycling Coordinator as the designated operating agency within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

WHEREAS, the Township of Lafayette will prepare the 2018 Lafayette Township Recycling Tonnage Report; and

WHEREAS, the Township of Lafayette is requesting the services of the SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2018 Lafayette Township Recycling Tonnage Report to NJDEP by April 30, 2019; and

WHEREAS, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by Lafayette Township and electronically submit it to NJDEP on behalf of Lafayette Township under the terms and conditions set forth in the Shared Services Agreement.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute a Shared Services Agreement, a copy of which is attached hereto, with Sussex County Municipal Utilities Authority for the provision of a Certified Recycling Professional Services to certify and submit the 2018 Recycling Tonnage Report to NJDEP.
2. This Resolution shall take effect immediately.
3. All SCMUA Staff and Professionals are authorized to take any and all necessary actions to see to the implementation of this Resolution.

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

Tax Collector Shared Services Agreement - Motion by Henderson, seconded by O'Leary, to authorize the Mayor to sign the 5-year Interlocal Services Agreement for Tax Collector with Andover Township. Motion carried by roll call vote: O'Leary-yes, Hughes-yes, Corcoran-yes, Henderson-yes, Bruning-yes.

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

WHEREAS, the Township of Lafayette has agreed to the establishment of a Length of Service Award Program (LOSAP) Deferred Compensation Plan. This plan is to be made available to all bona fide eligible volunteers who are performing qualified services which is defined as fire fighting and prevention services, emergency medical services and ambulance services pursuant to Section 457 of the Internal Revenue Code of 1986, as amended, except for provisions added by reason of the Length of Service Award Program as enacted into federal law in 1997. The establishment of this Length of Service Award Program will also comply with New Jersey Public Law 1997, Chapter 388 and the Length of Service Award Plan Document; and

WHEREAS, the Township of Lafayette deems it appropriate to act to ensure retention of existing members and to provide incentives for recruiting new volunteer firefighters/first aid organization members; and

WHEREAS, the Township of Lafayette has a Length of Service Award Plan Document that implements the Programs objectives; and

WHEREAS, certain tax benefits could accrue to eligible volunteer firefighters organization members;

NOW, THEREFORE, BE IT RESOLVED that the Township of Lafayette is adopting a Length of Service Award Program Deferred Plan which is substantially similar to a Plan that has been submitted to the Internal Revenue Service for a Private Letter Ruling. The use of the Ruling is for guidance only and the Township of Lafayette acknowledges that for Internal Revenue Service purposes, the Ruling of another sponsoring agency is not to be considered precedent; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Lafayette that, it hereby adopts a Length of Service Award Program Deferred Plan provided by the Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, Plan Identifier: 01-LOSAP-LINCOLN-101700; and

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, has agreed to be the provider for the Township of Lafayette Length of Service Award Deferred Program and its eligible volunteers as provided for in its Length of Service Award Plan Document, Plan Identifier: 01-LOSAP-LINCOLN-101700; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, will provide, for the benefit of the participants, a Multi-Fund Variable Annuity contract as its funding vehicle; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:30-14.37 the Township of Lafayette solicited proposals for a Length of Service Award Program (LOSAP) from 2 or more providers of LOSAP services. The Vendors responding to the request for proposals were Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, and Valic. The successful vendor is Lincoln Life Insurance Company and Lincoln Financial Group, its agent. The Township of Lafayette reviewed both proposals of the responding companies. Lincoln National Life Insurance Company was selected because of the

level of service, the financial stability of the company, features of the plan's investment options and references; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, in the selection of a provider pursuant to N.J.A.C. 5:30-14.29; and

BE IT FURTHER RESOLVED that the CMFO is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, Plan Identifier: 01-LOSAP-LINCOLN-101700, and such other agreements as are necessary to implement the LOSAP Deferred Program. It is implicitly understood that there is to be no cost, other than the Service Award by the Township of Lafayette, to the program; and

BE IT FURTHER RESOLVED that the CMFO is authorized to serve as the "Local Plan Administrator" of the plan, represent the Township of Lafayette and execute individual Participation Agreements between Lincoln National Life Insurance Company and Lincoln Financial Group, its agent and bona fide eligible volunteers; and

BE IT FURTHER RESOLVED by the Township of Lafayette that the Municipal Clerk forwards a certified true copy of this resolution to the CMFO; and

BE IT FURTHER RESOLVED that the CMFO will submit all necessary documents to the Director of the Division of Local Government Services in the State Department of Community Affairs for approval.

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

Land Use Board Shared Services - Mrs. Stephanie Pizzulo, Land Use Board Secretary, said she was hired by Andover Township as their Land Use Secretary and asked the Committee to consider a shared services agreement. Twelve (12) to fifteen (15) hours per week would be required.

Mrs. Pizzulo said she could work in Andover Monday and Wednesday, 8-11am (six (6) hours) and after 3pm on Tuesday and Thursday (four (4) hours). Meeting time would vary.

2019 Budget Meeting - The 2018 Budget Meeting will be held on Wednesday, January 23, 2019 at 3:30pm.

Fence Ordinance - O'Leary reported the Land Use Board will be considering a fence ordinance.

Executive Session - Motion by O'Leary, seconded by Hughes, 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, Corcoran-yes, Henderson-yes, Bruning-yes.

Exec. Session - Personnel

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

Mayor Bruning stated that personnel was discussed in Executive Session.

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk