

February 19, 2019

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, February 19, 2019 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent Corcoran (excused)

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 Hughes, to accept and place on file the minutes of February 5, 2019. Motion carried by roll call vote: Hughes-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Treasurer’s Report Cash Report for January 2019

Cash Balances as of December 31, 2018	\$3,446,071.36
Cash Receipts for January 2019	\$648,008.85
Total	\$4,094,080.21
Cash Disbursements for January 2019	\$648,668.76
Cash Balances as of January 31, 2019	\$3,445,411.45
Account Balances as of January 31, 2019	
Current – Checking	\$1,359,061.79
Capital – Checking	\$1,285,579.98
Escrow – Checking	\$68,258.35
COAH - Developers Fees	\$22,439.09
COAH - Rehab Reserves	\$29,871.00
Open Space Municipal Tax	\$133,388.73
Snow Trust	\$12,737.92
Environmental Contingencies	\$0.00
Trust Accounts for Developers Agreement	\$509,282.81
Special Rec. – Checking	\$5,262.29
Special Donations	\$7,546.98
Fire Prevention	\$6,983.33
Green Acres Trust	\$617.75
Dog Trust Account	\$4,381.43
Total Account Balance	\$3,445,411.45

Motion by Henderson, seconded by Hughes, to accept the Treasurer’s report as submitted. Motion carried by roll call vote: Hughes-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Committee Reports

Open Space (OSAC) - O’Leary reported the next meeting is February 28, 2019. At the March 28, 2019 meeting, OSAC will begin working on the Open Space and Recreation Plan.

Land Use Board - O’Leary reported the workshop meeting is scheduled for February 21, 2019.

Emergency Management - Hughes reported the plan is being finalized.

Elizabethtown Gas - Hughes reported letters are being sent to residents and businesses regarding interest in natural gas.

Small Business Symposium - Hughes reported a meeting will be held in March.

Cannabis - Hughes reported there is interest in a property for the growing and manufacturing of medical marijuana. Retail will not take place on the property. Hughes noted Township endorsement will be needed if this is pursued.

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

High Band Radio License - Hughes reported the license from the FCC is pending.

Correspondence

a. HPRHS BOE Representative Request

The Clerk was asked to send a letter to the BOE President requiring the Township’s representative attend a Township meeting.

b. Sandyston Township Resolution - Continued In-Lieu-Of Tax Payments

Vouchers

AG Pizza	175.48
American Hose & Hydraulic Co., Inc.	469.80
American Wear	111.90
Ben-Jess, LLC	172.91
CenturyLink	592.51
Chelbus Cleaning Co., Inc.	275.00
Cliffside Body Corporation	736.53
Fastenal Company	52.05
Griffith-Allied Trucking	2,680.51
Hamburg Plumbing Supply Co., Inc.	387.29
Home Depot Credit Services	61.60
J&P Crushing, LLC	742.46
JCP&L	185.44
Johnny-On-The-Spot, LLC	96.50
Lafayette Auto Parts Supply, LLC	1,667.35
Montague Tool & Supply Co.	110.10
Morton Salt, Inc.	1,645.99
Municipal Clerks Assoc. of NJ	350.00
NJ State League of Municipalities	450.00
North East Parts Group, LLC	283.10
Public Works Assoc. of NJ	90.00
ReadyRefresh by Nestle	5.29
Road Safety Systems	21,528.00
Service Electric Cable TV of NJ, Inc.	21.95
Ronetco Supermarket, Inc.	135.20
Spatial Data Logic, Inc.	4,600.00
Staples Business Advantage	182.55
The New Jersey Herald	215.86

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

Old Business

Exceed Cap Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

CALENDAR YEAR 2019 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

Motion by Henderson, seconded by Hughes, to adopt the Exceed Cap Bank Ordinance. Motion carried by roll call vote: Hughes-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Amend Chapter 13-Fences Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

AN ORDINANCE TO AMEND CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAFAYETTE, ADOPTING A NEW SECTION 13-6.18, “FENCES”

Mrs. Cathy Clink questioned the requirement that fences not be open in the front. Committeeman O’Leary explained the front portion of the fence is not to be a barricade; it must be see through.

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

Motion by O’Leary, seconded by Henderson, to adopt the Amend Chapter 13-Fences Ordinance.

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

Local Redevelopment and Housing Law - O’Leary explained this can be costly; however, a tax abatement can be applied for. Bruning will pursue this issue with the EDC.

Memorial for John D'Angeli - This issue will be carried to the next meeting on March 5, 2019.

Township Gardening - Motion by Bruning, seconded by Hughes, to award Township gardening work to Holly Capozzoli and Jill Cadorin for the cost of \$3,000. Motion carried by roll call vote: Hughes-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Township Tax Map - O'Leary noted the lot numbers for the "Lawler" property need to be made correct.

Elizabethtown Gas - Bruning reported Elizabethtown Gas will connect the municipal building at no cost. He will obtain estimates for the replacement of the furnace.

New Business

Correcting Transfers Resolution - Motion by Henderson, seconded by Hughes, to adopt the following Resolution:

WHEREAS, the resolution 2018-43 contained certain errors in the transfers noted in the resolution; and

WHEREAS, N.J.S.A. 40:4-59 permits that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette that the following represents the corrected transfers in the amounts so noted:

<u>From</u>	<u>Amount</u>	<u>To</u>
Legal Services	\$2,200.00	General Administration o/e
Legal Services	\$ 600.00	Mayor & Council o/e
Legal Services	\$ 300.00	Tax Collection o/e
Legal Services	\$6,700.00	Group Insurance
Legal Services	\$ 500.00	Registrar o/e
Legal Services	\$1,100.00	Telephone
Legal Services	\$ 100.00	Municipal Clerk o/e
Legal Services	\$ 900.00	Recreation s/w
Legal Services	\$ 200.00	Financial Administration o/e
Total Transfers	\$12,600.00	

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

Monroe Road Reconstruction Change Order - Motion by O'Leary, seconded by Henderson, to authorize the Mayor to sign Change Order-03 for Road Safety Systems, LLC for Monroe Road Reconstruction. Motion carried by roll call vote: Hughes-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Sign Shared Service Agreement - Motion by Henderson, seconded by O'Leary, to authorize the Mayor to sign a shared services agreement with the County of Sussex to manufacture road and street signs. Motion carried by roll call vote: Hughes-yes, Henderson-yes, O'Leary-yes, Bruning-yes.

Vietnam Veterans Memorial Bench Proposal

Mike Eckstein

Frank Arminio

Mr. Eckstein thanked the Township Committee for the work at the memorial and gazebo. Bruning accepted and noted it was the principals at The Shoppes at Lafayette who completed the work on the path.

Mr. Arminio said they are requesting the installation of a bench at the Vietnam Veterans Memorial to honor Rev. LTC Ernest Kosa. He asked the Township's help with the installation of a concrete pad for the bench. Mr. Arminio said this project will be completed in time for their annual memorial service in September.

It was the consensus of the Township Committee that a bench for Rev. Kosa be installed; and the Township will install the concrete pad.

Amend Chapter 4-Food Truck Ordinance - Motion by O'Leary, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of March 5, 2019:

AN ORDINANCE AMENDING SECTION 4-1.1, SECTION 4-1.5, SECTION 4-1.7 AND SECTION 13-6.11(f), OF THE LAFAYETTE TOWNSHIP CODE REGARDING SALES FROM MOTOR VEHICLES OR WHEELED VEHICLE OF FOOD ITEMS AND BEVERAGES

WHEREAS, the Township of Lafayette has considered requests for food trucks to be permitted within a certain portion of the Township; and

WHEREAS, the Township Land Use Board and Township Committee have considered such requests and determined that two (2) food trucks per property, for a maximum of twenty-four (24) days in a calendar year shall be permitted, subject to certain requirements as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, that Section 4-1.1, Section 4-1.5, Section 4-1.7 and Section 13-6.11(f) of the Lafayette Township Code are amended as follows:

Section 1. Section 4-1.1, Public Gatherings: Commercial, shall be revised by the addition of the following:

.....Sales from motor vehicles or wheeled vehicle of food items and beverages on private property are permitted only in conjunction with a public gathering, with only two (2) such vehicles permitted on a property at any time, and for a maximum of twenty-four (24) days each calendar year on any property, subject to the conditions and requirements of Township Code Section 4-1.5.

Section 2. Section 4-1.5, License Requirements; Factors, shall be revised by the adoption of a new subparagraph i:

- i. Sales from motor vehicles or wheeled vehicle of food items and beverages on private property are permitted only in conjunction with a commercial public gathering (a maximum of two (2) vehicles at a time, twenty-four (24) times per year), and during such public gathering hours, provided the following conditions are met:
 1. Such property shall be commercially zoned, and shall be at least five (5) acres in size;
 2. The property shall have at least 25 delineated parking spaces;
 3. The vehicle shall be located at least ten (10') feet from the nearest building;
 4. No seating shall be provided;
 5. Adequate waste and recycling receptacles shall be provided; and
 6. The vehicle shall obtain all necessary licenses, including from the Lafayette Township Fire Official, Sussex County Division of Health and the Lafayette Township Board of Health.

Section 3. Section 4-1.7, License Required; Fee; Nontransferable, shall be revised by the addition of the following:

.....The application fee for sales from motor vehicles or wheeled vehicle of food items and beverages, per Section 4-1.5(i) above, shall be \$25.00 per day per vehicle.

Section 4. Section 13-6.11(f) shall be revised by deletion of the existing Section 13-6.11(f) and replacing it as follows:

f. Sales from motor vehicles or wheeled vehicle of food items, beverages, or any other merchandise either within the right-of-way of any public road or any private property, unless a permit is obtained for vehicle sales of food items and beverages, on private property only, in accordance with Township Code Section 4-1.1, et seq., related to public gatherings.

Section 5. 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 6. 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 7. This Ordinance shall take effect after publication and passage according to law.

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

Amend Salary Ordinance - Motion by Henderson, seconded by O’Leary, to introduce the following Ordinance and set the public hearing date of March 5, 2019:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS IN THE TOWNSHIP OF LAFAYETTE FOR THE YEAR 2019” WHICH WAS ADOPTED DECEMBER 18, 2018

1. Effective February 1, 2019, the annual salary of the officer named hereafter for the year 2019 and for each year thereafter, until amended or repealed, is hereby established and fixed at the following sum in lieu of any and all fees and remuneration to which the respective incumbents of said office might otherwise be entitled, except, however, that which may be authorized by resolution of the Township Committee, to wit:

	Minimum	Maximum	Payable
Land Use Board Secretary- Interlocal-Andover Township	\$17.00	\$25.00	Bi-Weekly

2. That the aforesaid salary shall be paid at the time and in the manner established by the Township Committee for payment of salaries.

3. Any and all portions of any and all ordinance that may be inconsistent with the provision of this ordinance are hereby rescinded.

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

Audience

Mr. Josh Aikens, Board of Education Representative, reported the school will start a summer program this year; and Mrs. Erin Vogler is the newly elected Board of Education member.

Mr. Jan Schneider, 21 Van Sickle Road, described the soil problem on Van Sickle Road. Mayor Bruning said the Zoning Officer sent violations to the property owner. He said there is no silt fence. The County Soil Conservation District has been notified; and Mayor Bruning feels a Stop Work Order will be issued.

Mayor Bruning said that if the zoning violations are not addressed by tomorrow, a summons will be issued.

Ms. Cathy Clink, 60 Beaver Run Road, questioned why a summons has yet to be issued as this has been a problem for the past two (2) months. The roads have been blocked with equipment and dirt. Ms. Clink feels they are causing much danger as the soil left on the road is frozen solid and can damage a car. She feels the Township has done nothing about this problem.

Mayor Bruning reviewed the actions being taken.

Mrs. Nancy Eginton, 135 Beaver Run Road, stated Bill and Tammy Rogers are getting many dump truck loads of dirt on their property. She has pictures and videos of the trucks sitting on the road, which cars had to go around.

Mayor Bruning said he was made aware of this problem today; and the Zoning Officer will address this when in the office.

Mr. Charlie Clink, 50 Route 15, is concerned about how long this has been a problem and why the Township does not have an Ordinance to regulate this.

Committeeman Henderson said he lives across from the property Ms. Eginton is referring to; and he saw 30 tandem loads of dirt being dumped.

Mayor Bruning noted this has just recently become a problem; and the Township will be working on an Ordinance.

Mr. Clink said this has been an issue for some time as there are concrete block and other material dumped behind the house on Route 15 next to the church.

Committeeman O’Leary said this is a statewide problem as the New York environmental police are enforcing New York laws; and the soil is being trucked into New Jersey. The State legislatures are working on a State law to stop this. As of now, the product is considered recycling; but soil is being included to bypass the law.

Mayor Bruning noted the Township is aware of the problems on Decker and Beaver Run Roads; and the County Soil Conservation District and NJDEP are involved.

Ms. Sue Van Sickle, 13 Van Sickle Road, contacted the County Soil Conservation District and was told a plan is needed if 5,000 square feet or more will be moved. She explained the NJDEP works with Soil Conservation and tries to let the local authorities enforce the laws.

Mayor Bruning said the Soil Conservation District will be issuing a Stop Work Order tomorrow.

Octavian Barclan, 10 Van Sickle Road, said he is the owner of 10 and 12 Van Sickle Road. He said there previously was a dirt driveway on #12; and he pointed to a map showing the driveway. Mr. Barclan said he did not have access to the main road because of overgrowth.

Mayor Bruning noted a driveway permit is required; and dirt cannot be tracked onto the road. He explained Mr. Barclan needs to contact Soil Conservation and the Zoning Officer. The run-off needs to be controlled.

Committeeman Hughes noted the dirt must be tested to make sure it is compliant for a residential area.

Barbara Smith, 43 Beaver Run Road, feels the run-off from the mountain across from her house has increased. It is running across the road onto her and the neighbor's lawn. The County will be notified to inspect this area as Beaver Run Road is a County road.

Mrs. Nancy Eginton stated the house next to the post office needs to be cleaned up.

Mayor Bruning will pursue this with the Zoning Officer as well as asking him to obtain ordinances from other municipalities for soil importation.

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

Exec. Session - Personnel

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

Mayor Bruning stated personnel was discussed in Executive Session.

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk