

August 6, 2019

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, August 6, 2019 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

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

Members Absent None

Also Present: Clerk Fedish, Attorney Kurnos, CFO Grisaffi, Road Foreman Macko

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

Minutes - Motion by Hughes, seconded by Corcoran, to accept and place on file the minutes of July 2, 2019-regular meeting and July 2, 2019-Executive Session (which shall not be released until resolved). Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-abstain, O'Leary-yes, Bruning-yes.

Solar Farm at Hamm's Landfill Presentation - Annika Colston, President and Founder

Ms. Colston said she is the President/Founder of AC Power which is a solar developer specializing in building on closed landfills. She explained this is a community solar program which is permitted on closed landfills and is geared towards low- and moderate-income customers. She noted that even though this is a statewide program, local approval is needed.

Ms. Colston said the solar panels would only be on the landfill's footprint. There will not be the cutting of trees or disturbance of habitat.

Tax Collector - For July 2019

Lieu of Tax	\$475.04
Tax Map Fee	\$100.00
Prior Year Taxes	\$1,596.31
Current Year Taxes	\$451,629.97
Prepaid Taxes – 2020	\$11,278.07
Interest	\$619.28
Total	\$465,698.67

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

Corcoran Tax Refund Resolution - Motion by Henderson, seconded by Hughes, to adopt the following Resolution:

RESOLUTION OF THE LAFAYETTE TOWNSHIP COMMITTEE TO AUTHORIZE THE TAX COLLECTOR TO ISSUE A REFUND TO GREGORY J. CORCORAN IN THE AMOUNT OF \$298.04 AND TO CANCEL 2019 TAXES ACCRUING AFTER JUNE 10 DUE TO THE APPROVAL BY THE TAX ASSESSOR OF A TAX EXEMPTION FOR BLOCK 12, LOT 6.02

WHEREAS, the Veterans Administration has assigned a 100% Disabled Veteran rating to Gregory J. Corcoran, who resides at 35 Mc Cloud Lane, known as Block 12, Lot 6.02; and

WHEREAS, the application for a 100% Exempt Disabled Veteran status was made to the Tax Assessor on June 10, 2019, and the Tax Assessor approved the application on that date, which makes Mr. Corcoran exempt from paying property taxes after June 10, 2019; and

WHEREAS, the 1st & 2nd quarter 2019 property taxes were previously billed in in the amount of \$3,483.64, and paid for by Mr. Corcoran, and based on the date of the exemption, only \$3,185.60 is due for the year 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey, that Daryn Cashin, Tax Collector, be authorized to refund Gregory J. Corcoran in the amount of \$298.04, and to cancel the taxes accruing after June 10, 2019.

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

Treasurer’s Report	Cash Report for June 2019
Cash Balances as of May 31, 2019	\$3,753,429.26
Cash Receipts for June 2019	\$55,896.56
Total	\$3,809,325.82
Cash Disbursements for June 2019	\$565,035.21
Cash Balances as of June 30, 2019	\$3,244,290.61
Account Balances as of June 30, 2019	
Current – Checking	\$1,381,693.06
Capital – Checking	\$1,168,578.38
Escrow – Checking	\$61,875.16
COAH - Developers Fees	\$25,039.69
COAH - Rehab Reserves	\$29,877.07
Open Space Municipal Tax	\$134,743.36
Snow Trust	\$12,737.92
Environmental Contingencies	\$0.00
Trust Accounts for Developers Agreement	\$400,974.44
Special Rec. – Checking	\$6,162.48
Special Donations	\$7,546.98
Fire Prevention	\$13,068.78
Green Acres Trust	\$622.52
Dog Trust Account	\$1,370.77
Total Account Balance	\$3,244,290.61

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

Committee Reports

Sidewalks - Hughes reported a submission will be made to the NJDOT this month.

Elizabethtown Gas - Hughes reviewed the meeting of July 26, 2019. A public meeting will be scheduled soon.

Emergency Management - Hughes reported the County ID card program is continuing.

US Postal Service - Hughes reported a new location is being sought for the Lafayette post office.

County Wastewater Management - Hughes reported amendments are being worked on.

EMS - Corcoran reported the Lafayette EMS has joined the EMS Council of New Jersey.

Board of Health - Corcoran reviewed the meeting of July 22, 2019 and reported the annual rabies clinic will be held on Saturday, November 16, 2019.

Fire Department - Henderson reported the Fire Department responded to eight (8) calls in the month of June and six (6) in the month of July.

Open Space (OSAC) - O’Leary reported the OSAC is updating the Open Space and Recreation Plan.

Land Use Board - O’Leary reviewed the meeting of July 18, 2019.

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

Correspondence

a. Hardyston Township Planning Board – Master Plan Amendment Hearing

- b. Franklin Borough Resolution – Supporting Sussex County Freeholders Ballot Question
- c. Town of Newton Ordinance Revising Chapters 47 and 320
- d. From Michael Hanifan, Esq. re: 9-1-1 Shared Services Agreement
- e. From ANJEC re: Recycling in New Jersey

Vouchers

1 st Alarm Security	225.00
Agra Environmental Services, Inc.	100.00
American Wear	223.80
Aquatic Analysts, Inc.	380.00
Aurora Electrical Supply	55.02
Bergey’s Inc.	1,491.61
Campbell Supply Co. of Sussex County	72.76
CenturyLink	641.44
Chelbus Cleaning Co., Inc.	275.00
Chemung Supply	11,905.00
Custom Docks, Inc.	217.00
E.A. Morse & Co., Inc.	323.00
Fastenal Company	12.24
Frankford Township	17,816.58
Garden State Plumbing and Heating	450.00
General Recreation, Inc.	1,640.00
Gregory Corcoran	298.04
Griffith-Allied Trucking	2,520.23
Guerin & Vreeland Engineering, Inc.	3,375.00
High Point Regional High School	511,750.00
Dome Depot Credit Services	923.38
Hooper, Inc.	1,164.79
Ideal Farm & Garden Center	1,275.40
Information Systems Group	140.00
JCP&L	1,165.24
Laddey, Clark & Ryan, LLP	102.00
Lafayette Auto Parts Supply, LLC	517.22
Lafayette EMS	1,241.88
Lafayette Twp. Board of Education	159,489.00
Lorraine’s Cake Shoppe & Tea Room	60.00
MacMillan Oil Co. of Allentown	226.50
Montage Enterprises, Inc.	434.02
Montague Tool & Supply, Co.	255.64
Morton Salt, Inc.	20,886.14
Mr. John	289.00
Municipal Clerks Assoc. of New Jersey	100.00
ND Engineering, LLC	1,620.00
Nisivoccia & Company, LLP	4,940.00
NJ Dept. of Health & Senior Services	19.80
NJ Division of ABC	6.00
North East Parts Group, LLC	175.70
Peerless Concrete Products Co.	2,322.00
ReadyRefresh by Nestle	5.29
Roy E. Kurnos	270.00
Royal Pontiac-Buick-GMC	133.80
Service Electric Cable TV of NJ, Inc.	21.95
Snow Depot	336.00
Staples Business Advantage	58.52
Statewide Insurance Fund	25,618.50
Stavola Beaver Run Quarry, LLC	1,379.59
The Phillips Companies	238.60
Sussex County Board of Elections	375.18
County of Sussex	119.02
Sussex County Economic Dev. Partners	225.00
Sussex County Treasurer	3,002.58
Sussex County Treasurer	450,741.97
Sussex County Treasurer	32,635.01
Sussex County Treasurer	1,858.23
SYNCB/Amazon	17.39
T.A. Mountford	89.00
The Land Conservancy of NJ	2,625.00

The New Jersey Herald	204.90
The Printing Center, Inc.	1,549.24
Treasurer, S/NJ	100.00
TruGreen Commercial	566.50
USPS	235.00
Verizon Wireless	273.13
WeatherWorks	1,600.00
Weldon Quarry Co., LLC	552.61

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

Old Business

Improvements to Various Roads Spending Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR ENGINEERING AND ADDITIONAL COSTS FOR THE IMPROVEMENTS TO VARIOUS ROADS AND APPROPRIATING \$220,000.00 FROM THE CAPITAL IMPROVEMENT FUND – IMPROVEMENTS TO ROADS

With there being no comments from the public, Mayor Bruning closed the public hearing. Motion by O’Leary, seconded by Henderson, to adopt the Improvements to Various Roads Spending Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Fire Hose Spending Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF FIRE HOSE AND RELATED APPURTENANCES AND APPROPRIATING \$4,000.00 AVAILABLE IN THE CAPITAL IMPROVEMENT FUND

With there being no comments from the public, Mayor Bruning closed the public hearing. Motion by Henderson, seconded by O’Leary, to adopt the Fire Hose Spending Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Gas Boiler Spending Ordinance - Mayor Bruning 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 NATURAL GAS BOILER AND ADDITIONAL COSTS FOR THE LAFAYETTE MUNICIPAL BUILDING AND APPROPRIATING \$13,000.00 FROM THE CAPITAL IMPROVEMENT FUND

With there being no comments from the public, Mayor Bruning closed the public hearing. Motion by Henderson, seconded by O’Leary, to adopt the Gas Boiler Spending Ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Motion by Bruning, seconded by Henderson, to award the installation of the natural gas boiler to Garden State Plumbing and Heating for the cost of \$12,460.00. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Amend Section 12-7.2, Curbs and Gutters, Ordinance - Mayor Bruning opened the public hearing for the following Ordinance:

AN ORDINANCE AMENDING SECTION 12-7.2, IMPROVEMENT STANDARDS OF THE LAFAYETTE TOWNSHIP CODE REGARDING CURBS AND GUTTERS

With there being no comments from the public, Mayor Bruning closed the public hearing. Motion by O’Leary, seconded by Corcoran, to adopt the Ordinance amending Section 12-7.2, Curbs and Gutters. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Henderson-yes, O’Leary-yes, Bruning-yes.

Fiber Optic Cabling-Planet Networks, Inc. Resolution - Motion by O’Leary, seconded by Hughes, to adopt the following Resolution:

A RESOLUTION AUTHORIZING THE USE OF THE TOWNSHIP RIGHT-OF-WAYS
BY PLANET NETWORKS, INC. TO DEPLOY FIBER OPTIC CABLING

WHEREAS, Planet Networks, Inc. ("Planet Networks"), seeks to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit in the public rights-of-ways within Lafayette Township for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Planet Networks was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Planet Networks to obtain the consent of Lafayette Township for the joint use of any existing utility poles; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality; and

WHEREAS, N.J.S.A. 54:30A-124(1) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interest of Lafayette Township and its citizens to grant consent to Planet Networks.

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

1. The Township Committee does hereby grant permission and authority to Planet Networks, and its successors and assigns, to use conduit and poles erected by parties that have the lawful right to maintain conduit and poles within the public right-of-ways in Lafayette Township, subject to the following:

a. Planet Networks, and its successors and assigns, shall adhere to all applicable Federal, State and Locals laws regarding safety requirements related to the use of the public right-of-ways.

b. Planet Networks, and its successors and assigns, shall comply with all applicable Federal, State and Local laws requiring permits prior to beginning construction and shall obtain any applicable permits that may be required by Lafayette Township.

c. Such permission be and is hereby given upon the condition and provision that Planet Networks, and its successors and assigns, shall indemnify, defend and hold harmless Lafayette Township, its officers, agents and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Planet Networks or its agents in connection with the use and occupancy of conduit and poles located within the public right-of-ways, except to the extent resulting from the acts or omissions of Lafayette Township.

d. Planet Networks shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Planet Networks shall include Lafayette Township as an additional insured.

e. Planet Networks shall be responsible for the repair of any damage to paving, existing utility lines or any surface or subsurface installations arising from its construction, installation or maintenance of its facilities.

f. Notwithstanding any provision contained herein, neither Lafayette Township nor Planet Networks shall be liable to the other consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

g. This instrument shall be adopted on behalf of Lafayette Township by the Lafayette Township Committee and attested to by the Lafayette Township Clerk who shall affix the Lafayette Township seal thereto.

h. The Mayor is hereby authorized to execute, and the Township Clerk to attest, to any other documents necessary to effectuate the terms of this Resolution.

i. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose conduit and poles Planet Networks is using.

STATEMENT: This Resolution authorizes Planet Networks to use conduit and poles erected within the public right-of-ways of Lafayette Township by parties that have the lawful right to maintain such conduit and poles.

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

John D'Angeli Memorial Bench - The bench has been delivered and will be installed. A dedication will be scheduled for October 1, 2019.

Garage Air Conditioning - Bruning will pursue quotes.

Foreclosures

21 Lewisburg Road - Attorney Kurnos will have a title search completed.

In Rem Foreclosures - Bruning reviewed the proposal regarding the In Rem foreclosures. The cost per foreclosure is approximately \$1,200.

Zoning Report - Henderson feels the Zoning Officer needs be more detailed in his reports. Henderson will speak to the Zoning Officer.

Fire Inspection Fee Schedule - This item will be carried to the next meeting on September 3, 2019.

New Business

Salt Shed Spending Ordinance - Motion by Corcoran, seconded by Henderson, to introduce the following Ordinance and set the public hearing date of September 3, 2019:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, SUSSEX COUNTY, NEW JERSEY, PROVIDING FOR THE PURCHASE AND INSTALLATION OF THE SALT SHED COVER AND APPROPRIATING \$14,108.00 FROM THE CAPITAL IMPROVEMENT FUND

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

Section 1. The funding for the purchase and installation of the Salt Shed cover and appropriating \$14,108 from the Capital Improvement Fund.

Section 2. The total amount of \$14,108.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

New Phone System Spending Ordinance - Motion by Henderson, seconded by Corcoran, to introduce the following Ordinance and set the public hearing date of September 3, 2019:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE ACQUISITION AND INSTALLATION OF A NEW PHONE SYSTEM FOR THE MUNICIPAL BUILDING AND RELATED APPURTENANCES AND APPROPRIATING \$5,000.00 AVAILABLE IN THE CAPITAL IMPROVEMENT FUND

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

Section 1. The funding for the Acquisition and Installation of a new phone system for the Municipal Building and related Appurtenances is hereby authorized and the cost is not to exceed \$5,000.00 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$5,000.00 is hereby appropriated from the Capital Improvement Fund.

Section 3. This Ordinance shall take effect upon publication of notice of final adoption as provided by law.

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

Statesville Quarry Road, Phase II, Grant Resolution - Motion by O'Leary, seconded by Hughes, to adopt the following Resolution:

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE STATESVILLE QUARRY ROAD IMPROVEMENTS-PHASE II PROJECT (MA-2020-STATESVILLE QUARRY ROAD IMPROVEMENTS-00602)

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Lafayette formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-STATESVILLE QUARRY ROAD IMPROVEMENTS-00602 to the New Jersey Department of Transportation on behalf of Lafayette Township.

AND, BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lafayette and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Audience

Marianne Sharpe, 62 Fox Hill Road

William Gregor, PE

Ms. Sharpe explained the road by her barn will be raised with the proposed paving of Fox Hill Road making it more difficult to get her farm equipment in the barn and make the water flow worse. At the present time, she has to measure equipment before making a purchase to make sure it will fit with the existing height problem when going into or out of the barn. Ms. Sharpe feels the road should be lowered to match the grade of her property.

Committeeman Bruning reviewed work done in the past and said the road was not raised to obstruct the use of the barn. He said the Township Engineer inspected the area on two (2) occasions and feels a six (6") to eight (8") swale will help with the water issue.

Mr. Gregor said the existing barn on Block 25, Lot 3.05 is partially in the Township's right-of-way; and he did speak to the Township Engineer about the drainage and access problems. He said Ms. Sharpe has less than a two (2") inch clearance for the equipment when the barn door is lifted. Mr. Gregor feels the road needs to be lowered or the barn's use will be eliminated.

Mr. Gregor said water flows into the barn during heavy rains; and the QP needs to be removed. He said correction to the area should be done while the road is being paved.

Committeeman Bruning said the QP will be removed for swale work; however, the volume of water will not change due to the paving.

Committeeman Bruning said to spend an extra \$100,000 for a road that hasn't changed over the years is not fair to the taxpayers. Mr. Gregor disagreed saying the road has been raised.

Mr. Gregor reviewed the water situation. He asked the Committee for permission to speak with the Township Engineer as proper design of the road is crucial to the operation of Ms. Sharpe's farm.

Road Foreman Macko said there are some discrepancies in Ms. Sharpe's letter and explained the repair work, which would only be done within the Township's right-of-way.

The Township Committee approved the meeting of Messrs. Macko, Vreeland and Gregor.

Adjournment

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

Respectfully,

ANNA ROSE FEDISH, RMC
Municipal Clerk