

April 7, 2009

The regular bi-monthly meeting of the Lafayette Township Committee was held on Tuesday, April 7, 2009 at 7:30 P.M. in the Municipal Building, 33 Morris Farm Road, Lafayette, NJ

Members Present: Mayor D'Angeli, Committeemen Hughes, Corcoran, Sweeney and Bruning

Members Absent None

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

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

**Minutes**

Motion by Corcoran, seconded by Hughes, to accept and place on file the Minutes of March 17, 2009. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**School Budget Presentation**

**Lafayette Township School** - Colleen Jakl, Board President

Keith Neuhs, Superintendent

Anne Hessler, Board Administrator

An overview of the proposed 2009-2010 Lafayette Township School budget was given. There is a proposed increase of .019 cents.

**Reports**

**Tax Collector** - For the Month Ending March 31, 2009

Prior Year Taxes	\$35,637.46
Current Year Taxes	\$73,768.09
Interest	\$4,238.78
Total	\$113,644.33

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

**Animal Control Officer**

Month of March 2009	<u>This Month</u>	<u>To Date</u>
Total Deposits	\$613.00	\$4,470.00
Amount Paid to State of New Jersey	\$121.20	\$929.40
Licenses Sold	52	493
Kennel Licenses Sold	0	2
Dogs Picked Up	0	0
Cats Picked Up	1	1
Dogs Taken to Pound	0	0
Cats Taken to Pound	1	1
Dogs Redeemed	0	0
Cats Redeemed	0	0
Miscellaneous (Kennel Licenses)	0	\$50.00
Late Fees Collected	\$145.00	\$145.00
Lost Tags	0	0

Motion by Bruning, seconded by Sweeney, to accept the ACO's report as submitted. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Committee Reports**

**Buildings and Grounds** - Bruning reported he received quotes to paint the front railing. Road Foreman Macko said the paint has been purchased. He is just waiting for warmer weather for painting. The Road Department will paint the front railing.

**Fire Department** - Sweeney reviewed the March 2009 report.

**Land Use Board** - Corcoran said a meeting was held on March 26, 2009. No applications were heard; and the ridgeline protection ordinance was discussed. Corcoran reported the Dolan & Dolan bills have been finalized and their services to the Township have ended.

Corcoran reported the escrow account for Nouvelle Associates is in arrears; and hearings cannot occur until it is paid.

**EMS** - EMS Captain Ron Decker reviewed the March 2009 report. He reported Margaret & John Strowe were approved by the EMS to be reinstated as EMTs. Motion by Corcoran, seconded by Bruning, to approve the reinstatement of Margaret Strowe and John Strowe as EMTs on the Lafayette Township EMS. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Board of Health** - Corcoran reported the Board of Health is scheduled to meet on April 27, 2009.

**Affordable Housing** - Hughes reported SCARC is proceeding with the landscaping and electrical work.

**Scholarship Essay** - Hughes reported Warren Potter submitted an essay, which was submitted to the State League of Municipalities essay scholarship contest.

**County Vision 20/20** - Hughes reported this is in conjunction with the Strategic Growth and how the County envisions economic development.

**Advance Housing** - Hughes reported Advance Housing is appealing the land assessment for 20 units.

**Wastewater Management Plan Amendment (Nouvelle Associates)** - Hughes reported he was contacted by Cerenzio & Panaro stating a hydrogeologist is recommended to review the WMP amendment for Nouvelle Associates. The Township Attorney will send a letter indicating the need for an additional \$2,750.00 to be deposited into the escrow account.

**Streets and Roads** - D'Angeli reported routine work, work at the pond and many miscellaneous jobs were done.

Road Employee - D'Angeli reported the fifth person for the road department has been on hold and is needed this month. Road Foreman Macko explained the need of a fifth person; and a lengthy discussion ensued. Motion by D'Angeli, seconded by Sweeney, to hire Frank LoPorto at the end of this month. Motion carried by roll call vote: Hughes-no, Corcoran-yes, Sweeney-yes, Bruning-no, D'Angeli-yes.

Statesville Quarry Road Grant - D'Angeli reported he and the Road Foreman met with the Township Engineer. In addition to the \$180,000 grant, approximately \$46,000 would be needed from the Township capital fund to complete the work on Statesville Quarry Road. Road Foreman Macko said the bid package will be completed by the Township Engineer within two (2) weeks.

Road Sweeper - Road Foreman Macko said the Clean Communities grant would be able to pay for the sweeper which will cost approximately \$3,100 for the two (2) week rental.

Drainage Projects - D'Angeli reported there are approximately eight (8) drainage projects needed to be done at an estimated cost of \$30,000. This issue will be carried to the next meeting on April 22, 2009.

Loader - D'Angeli reported three (3) bids were received with G&H being the lowest at \$84,800 and a trade-in of \$15,200.

Motion by Bruning, seconded by Sweeney, to introduce the following ordinance and set the public hearing date of April 22, 2009:

AN ORDINANCE OF THE TOWNSHIP OF LAFAYETTE, COUNTY OF SUSSEX, NEW JERSEY, PROVIDING FOR THE PURCHASE OF FOUR (4) WHEEL DRIVE ARTICULATED LOADER WITH DIESEL ENGINE AND 2.4 CUBIC YARD G.P. LOADER BUCKET AND APPROPRIATING \$69,600 FROM THE RESERVE FOR ROAD EQUIPMENT AVAILABLE IN THE CAPITAL FUND FOR SUCH PURPOSE

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 of a Four (4) Wheel Drive Articulated Loader with Diesel Engine and 2.4 Cubic Yard G.P. Loader Bucket is hereby authorized and the cost is not to exceed \$69,600 which sum is hereby appropriated for such purposes.

Section 2. The total amount of \$69,600 is hereby appropriated from the Reserve for Road Equipment available in the Capital 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, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Motion by Bruning, seconded by Sweeney, to award the loader bid to G&H Service, Inc., Newton, NJ, for \$84,800 minus trade-in of \$15,200 for a total award of \$69,600. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Demolished Cars - Road Foreman Macko suggested the Road Department take the demolished cars used by the Fire Department for exercises to the salvage yard and the money be given to the Fire Department. The Township Committee agreed.

### **Old Business**

**Cul-De-Sac Ordinance** - Deputy Mayor Bruning opened the public hearing for the following ordinance:

AN ORDINANCE ADDING CUL-DE-SACS TO SCHEDULE I OF CHAPTER VII, TRAFFIC, OF THE TOWNSHIP OF LAFAYETTE CODE TO RESTRICT PARKING

Mrs. Katie Silvernail, Mullen Lane, said the proposed ordinance restricts parking on the entire street and affects visitors. Mrs. Silvernail feels the time of no parking, from 6:30am.-5:pm., is too restrictive as it is only the Lafayette Township school buses that turn around in the cul-de-sac. She suggested only the cul-de-sac itself be no parking restricted, the hours of no parking be reduced and exclude the summer months.

Committeeman Bruning recommended it be explained in a "Whereas" that the no parking is in place because of the school buses turning. He feels the proposed hours are reasonable.

Mr. Kevin O'Leary, Brandywine Court, said there is a current ordinance that prohibits parking entirely on some streets. He feels the amendment should include a cul-de-sac definition.

Mrs. Colleen Jakl, Board of Education President, explained how the ordinance came about.

Motion by Bruning, seconded by Sweeney, to withdraw the proposed ordinance and carry this issue to the next meeting on April 22, 2009. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Tax Map Fee Ordinance** - Mayor D'Angeli opened the public hearing for the following ordinance:

AN ORDINANCE TO AMEND CHAPTER II, ADMINISTRATION OF THE CODE OF THE TOWNSHIP OF LAFAYETTE ENTITLED "FEES" TO INCLUDE A TAX MAP FEE

With there being no public comments, Mayor D'Angeli closed this portion of the meeting to the public.

Motion by Sweeney, seconded by Hughes, to adopt the tax map fee ordinance. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Kihlstrom/Playground Lease** - D'Angeli explained the request from Mr. Kihlstrom. The Township Attorney stated a certificate of insurance needs to be submitted to insurance of the bridge. Mr. D'Angeli said the payment of the lease in the amount of \$400 would be reinstated in 2010.

### **New Business**

**Temporary Budget** - Motion by Bruning, seconded by Sweeney, 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 2009 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the total appropriation in the 2008 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$1,628,043 and

WHEREAS, 1/12<sup>th</sup> of the total appropriations in the 2008 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance in said budget is the sum of \$135,670.

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: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**High Point Regional High School Budget Presentation** - At this time, Mayor D'Angeli amended the agenda for the HPRHS Budget Presentation.

Linda Alvarez, Board Administrator                      John Hannum, Superintendent  
Walter Stumpf, Lafayette Representative

An overview of the proposed 2009-2010 Lafayette Township School budget was given. There is a proposed decrease of .029 cents.

Mayor D'Angeli returned to the agenda.

### **New Business**

**Annual Audit Resolution** - Motion by Bruning, seconded by Sweeney, to adopt the following resolution:

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 2008 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: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Recycling Ordinance** - Motion by Bruning, seconded by Corcoran, to introduce the following ordinance and set the public hearing date of April 22, 2009:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3-8 OF THE CODE OF THE TOWNSHIP OF LAFAYETTE ENTITLED TRANSPORTATION AND DISPOSAL OF REFUSE AND RECYCLABLES

BE IT ORDAINED, by the Township Committee of the Township of Lafayette, in the County of Sussex, and State of New Jersey that Section 3.8 of the Code of the Township of Lafayette entitled Transportation and Disposal of Refuse and Recyclables is hereby amended to add a new subsection designated as 3.8 (a) entitled Source, Separation and Recycling Ordinance, as follows:

I. Definitions

1.1 As used in this Ordinance, the following terms shall have the meaning:

A. COMMINGLE: Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

B. DESIGNATED RESIDENTIAL RECYCLABLE MATERIALS: Means those materials designated within the Sussex County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials shall include those that are defined in the Sussex County Solid Waste Management Plan – Residential Generators as follows:

1. Aluminum Cans – Food and beverage containers made entirely of aluminum.
2. Computer Printout/White Ledger – All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
3. Corrugated – Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
4. Glass Containers – All glass containers used for packaging food or beverages.
5. Leaves and Brush Leaves – brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.
6. Magazine & Junk Mail magazine stock – white and colored paper and envelopes, telephone directories and books.
7. Mixed Office Paper – items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
8. Newspaper – All paper marketed as newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).

9. Plastic containers – Containers such as polyethylene terephthalate (PETE-#1) soda bottles, high-density polyethylene (HDPE-#2) milk, and water or detergent bottles.
10. Steel Cans – Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
11. Stumps, Logs and Tree Parts – Unfinished wood from land clearing projects, storm damage or pruning activities.
12. Textiles – Textiles larger than 15” x 15” (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals).
13. Tires – Rubber-based scrip automotive and Truck tires.
14. Used Motor Oil – A petroleum base or synthetic oil whose use – includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

C. DESIGNATED COMMERCIAL RECYCABLE MATERIALS. (As defined by the Sussex County Solid Waste Management Plan – Non Residential Generators, Commercial and Institutional Sectors)

1. Aluminum Cans – Food and beverage containers made entirely of aluminum.
2. Antifreeze – An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
3. Computer Printout/White Ledger – All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
4. Concrete, Asphalt and Masonry/Paving Material – Asphalt, concrete, brick, cinder block, “patio blocks”, and other masonry and paving materials.
5. Consumer Batteries – Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use. (Does not include lead-acid batteries from vehicles).
6. Corrugated – Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
7. Glass Containers – AU glass containers used for packaging food or beverages.
8. Heavy Iron – All structural steel or ferrous metal, cast iron components.
9. Lead-Acid – Batteries – Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them from the elements to avoid corrosion and leakage.
10. Leaves and Brush Leaves – brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources.
11. Magazine & Junk Mail magazine stock – white and colored paper and envelopes, telephone directories and books.
12. Mercury Containing Devices – including fluorescent and compact tubes, High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.
13. Mixed Office Paper – items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
14. Newspaper – All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
15. Plastic containers – Containers such as polyethylene terephthalate (PETE-#1) soda bottles, high-density polyethylene ((HDPE-#2) milk, and water or detergent bottles.
16. Scrap Autos-Crushed or shredded automobile or truck bodies, excluding auto shredder residue or “fluff”.

17. Steel Cans – Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
18. Stumps, Logs and Tree Parts – Unfinished wood from land clearing projects, storm damage or pruning activities.
19. Textiles – Textiles larger than 15” x 15” (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags, and small stuffed animals).
20. Tires – Rubber-based scrip automotive and Truck tires.
21. Used Consumer Electronics – Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers & peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.
22. Used Motor Oil – A petroleum base or synthetic oil whose use – includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.
23. White Goods & Light Iron – All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other non-structural ferrous scrap.
24. Wood Scrap – Unfinished lumber from construction or demolition projects including pallets. Unfinished shall mean non-chemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition).
25. Non-Ferrous and aluminum Scrap – All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust.

D. MULTIFAMILY DWELLING – Means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (C.55: 13A-1 et seq.);

E. MUNICIPAL RECYCLING COORDINATOR – Means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, any rules and regulations which may be promulgated hereunder and is responsible for the preparation, completion and submission of the tonnage grant report to the NJ Department of Environmental Protection;

F. MUNICIPAL SOLID WASTE (MSW) STREAM – Means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of Lafayette;

G. RECYCLABLE MATERIAL – Means those materials, which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

H. SOURCE-SEPARATED RECYCLABLE MATERIALS – Means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

I. SOURCE SEPARATION – Means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

## II. SOURCE SEPARATION

Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of Lafayette, to separate designated recyclable materials from all solid waste. Designated recyclable materials

shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township of Lafayette.

### III. OWNERSHIP OF RECYCLABLE MATERIALS

Separated recyclable materials become the property of the Township of Lafayette at such time as an owner, tenant or occupant of any residential or nonresidential premises shall place at the curb of such premises or bring to the recycling center any designed recyclable materials for collection by the Township of Lafayette or its authorized agent.

### IV. COLLECTION OF RECYCLABLE MATERIALS

The collection of recyclable material by the municipality shall be in the manner prescribed as follows:

- A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 PM of the day immediately preceding the day of collection, but no later than 7:30 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.
- B. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. All residential containers shall be sturdy and no larger than 30 gallons.
- C. Recyclable materials must be separately bundled for pick up and collection. Residents will be notified yearly, via bulk mailing, of the manner in which these materials are to be bundled.
- D. Alternatively, residents may take recyclable materials to a recycling depot or market. A copy of the weight slip, with the amount of money received removed, containing the market's name, address and phone number, materials recycled and the weight of those materials must be sent to the recycling coordinator.

### V. RESIDENTIAL DWELLING COMPLIANCE REQUIREMENTS

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six (6) months during their occupancy.

### VI. NON-RESIDENTIAL ESTABLISHMENT COMPLIANCE REQUIREMENTS

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles, one for each litter receptacle, for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. The United States Post Office shall provide a container for patrons to dispose of all fiber as defined in the Sussex County Solid Waste Management Plan which includes, but is not limited to: junk mail, magazines and mixed paper.
- D. Solid waste and recycling containers must be provided in a 1 to 1 ratio at all recreation areas where food or beverage is provided.
- E. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, which may include, but not limited to, the amount of

recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

- F. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.
- VII. NEW DEVELOPMENTS OF MULTI-FAMILY RESIDENTIAL UNITS OR COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTIES (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.)
  - A. Any application to the planning board of the municipality of Lafayette, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:
    - 1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development (Note: A calculation of average amounts of materials generated from similar facilities in the County may be provided to satisfy this requirement) and
    - 2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
  - B. Prior to the issuance of a Certificate of Occupancy by the municipality of Lafayette, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
  - C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

#### VII. PROHIBITION OF THE COLLECTION OF SOLID WASTE MIXED WITH RECYCLABLE MATERIALS

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such un-separated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

#### VIII. ENFORCEMENT

The Recycling Coordinator, the Supervisor of the Road Department and the Code Enforcement Officer are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may be inspected at any time by the township enforcement personnel and will consist of opening and sorting through containers and waste bags to detect, by sound or sight, the presence of any recyclable material.

#### IX. VIOLATIONS AND PENALTIES

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1,000. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

X. SEVERABILITY, EFFECTIVE DATE

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Recycling Grant Resolution** - Motion by Bruning, seconded by Hughes, to adopt the following ordinance:

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 2008 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 Edith McGrath, 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: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Blue Light Permit** - Motion by Corcoran, seconded by Hughes, to approve a Blue Light Permit for David Decker of the Lafayette Twp. Fire Department. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Raffles** - Motion by Hughes, seconded by Corcoran, to approve two (2) raffle licenses for the Lafayette Twp. Fire Department Ladies Auxiliary for May 7, 2009 and waive the local fee. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Recycling Coordinator** - Committeeman acknowledged Mrs. Edith McGrath as the Township's new Recycling Coordinator.

**Audience**

Mr. Joe Farischon, Lafayette Boy Scouts, stated the Lafayette Troop has three (3) Eagle Scouts and a fourth working on his Eagle project. Mr. Farischon explained the projects and stated the Lafayette scout program is doing well.

Mr. Ron Decker, EMS Captain, described a current situation and commended the Lafayette EMS members.

**Executive Session** - Motion by Corcoran, seconded by Sweeney, 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, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

Exec. Session - Personnel

Motion by Bruning, seconded by Corcoran, to return to the regular meeting. Mayor D'Angeli stated personnel was discussed in Executive Session.

Motion by Bruning, seconded by Corcoran, to amend the salary ordinance to increase the Recycling Coordinator salary by \$2,000. Motion carried by roll call vote: Hughes-yes, Corcoran-yes, Sweeney-yes, Bruning-yes, D'Angeli-yes.

**Adjournment**

There being no further business, motion by Bruning, seconded by Corcoran, to adjourn the meeting. Motion carried. Meeting adjourned.

Respectfully submitted,

ANNA ROSE FEDISH, RMC  
Municipal Clerk