

**CALL TO ORDER**

Mayor George Piazza called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meeting Act" this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Piazza asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Patricia Schriver      George Piazza      Francis Morrison  
                 Brian Wunder              Ron Milkowski

Absent

Also Present - Attorney Dick Cushing, CFO Greg Della Pia and Clerk Karen Sandorse and 20 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of February 16, 2011.*

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of February 16, 2011.*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.*

**Geese Nuisance**

There were many residents from Raritan River Road present to inform the Township Committee of their concerns with the geese population on the road. The residents stated that they feel that they are having a quality of life issue due to the number of geese on their properties. A resident stated that twice during this week she had more than thirty geese on her lawn when she was leaving for work in the morning. Children cannot play on their property due to the geese feces. The residents have been to different authorities with no avail. Fences that have been put up have been cut or knocked down.

There is a resident on Raritan River Road who is feeding the geese and the other residents feel that this may be the cause of the problem. There are so many geese in the area they even affect the traffic flow on the road and geese have been hit by cars.

They feel that this matter is a large health concern and requested that an ordinance be adopted to restrict feeding of the geese.

Mayor Piazza stated that a letter was sent to the resident who is feeding the geese by the Township Clerk with hope that the neighbor would stop feeding the geese.

Ms. Schriver asked the Township Committee to reconsider adopting an ordinance restricting the feeding of wild geese. Ms. Schriver stated that she spoke to the Hunterdon County Board of Health, Trout Unlimited and the Conservation people and no one can do anything to help until a Township ordinance is in place.

Mr. Wunder asked how the Committee will enforce the ordinance. Attorney Cushing stated that the ordinance would be enforced just as a noise ordinance would be. If someone complains, then both parties would have the opportunity to speak to the Judge for his ruling, based on the evidence.

The Clerk is to send a certified copy of the letter, previously sent to the residents who are feeding the geese, to insure that they have received it.

Mr. Milkowski stated that he is concerned as to whether or not the ordinance will solve the problem and that he has reservations on telling someone that they cannot feed geese on their own property.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Cushing to draft an ordinance restricting the feeding of water fowl in the Township.*

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.*

## **ORDINANCES**

### **Public Hearing**

#### **Ordinance No. 2011-03 Revising Maximum Expenditure for Rehabilitated Units – COAH**

*Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-03 was opened.*

Ms. Nancy Darois questioned the intent of the Ordinance.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-03 was closed.*

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2011-03 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2011-03**

**AN ORDINANCE TO AMEND CHAPTER 199 OF THE CODE OF THE TOWNSHIP OF LEBANON FOR THE PURPOSE OF REVISING THE MAXIMUM EXPENDITURE FOR REHABILITATED UNITS, IN COMPLIANCE WITH AND CONSISTENT WITH THE HOUSING PLAN ELEMENT OF THE MASTER PLAN.**

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 199, titled "Fair Housing" of the Code of the Township of Lebanon is hereby amended, revised and supplemented as follows:

Section 1. Subsection 199-14D is hereby amended to read as follows:

D. Township Committee Authorization. Recommendations for funding shall be sent by the Construction Code Official to the municipal housing liaison for inclusion on the agenda of the Township Committee. If all program criteria have been met, the Committee shall approve the funding of the improvements for the funds reserved for the program and shall authorize the Township Attorney to prepare a rehabilitation or accessory apartment loan agreement and deed restriction so as to ensure that a lien position may be held by the Township. The work may then be authorized by the Construction Code Official as provided in Section 199-22. The rehabilitation loan principal shall include only capital costs. Administrative expenses to be budgeted (such as the inspection costs, attorney's fees, and processing expenses incurred by the municipal housing liaison) shall be paid by the Township and not charged to the borrower. For any two year period, the average capital expense (hard cost) for units in the rehabilitation program shall be \$10,000, and the Township Committee may authorize the expenditure of up to \$30,000 on a rehabilitated unit. The Township Committee shall provide at least \$20,000 to subsidize the creation of each moderate-income accessory apartment or \$25,000 to subsidize the creation of each low-income accessory apartment.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

**RESOLUTIONS**

**Resolution No. 27-2011 Transfers**

*Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2011 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 27-2011

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2010 Budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be an excess in one or more appropriations; and

WHEREAS, certain charges to be incurred that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills may be paid from the 2010 budget year:

<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Police O/E	\$ 1,393.85	
Board of Adjustment O/E		\$ 1,393.85
<b>TOTAL</b>	<b>\$ 1,393.85</b>	<b>\$ 1,393.85</b>

**OLD BUSINESS**

**Award Bids for Sale of Surplus Items**

The DPW Manager, Warren Gabriel informed the Township Committee in writing that bids for surplus items were opened at 10:15 am on February 23, 2011 at the Municipal Building.

There were three (3) bids received for the 2005 Crown Victoria Police Car:

Chicago Motors Inc.	-	\$1807.00
Grace Quality Used Cars	-	\$3200.00
Jersey One Auto Sales	-	\$2205.00

Mr. Gabriel recommended awarding the bid for the Ford Crown Victoria to Grace Quality Used Cars with the highest bid of \$3200.00.

One bid was received for the Bomford Mower 3 Pt. Hitch from Jersey One Auto at \$525.00. Mr. Gabriel recommended that the bid be awarded to Jersey One Auto for \$525.00.

The surplus items that we did not receive bids for will be dealt with at a later date.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee awarded the bid for the 2005 Crown Victoria to Grace Quality Used Cars for \$3200.00 and the Bomford Mower 3 Pt. Hitch to Jersey One Auto at \$525.00.*

### **Township Liaison Positions**

Mayor Piazza stated that at the beginning of the year the Mayor appoints Committee members to liaison positions. Mayor Piazza stated that he was against the appointments, however, did it anyway. The Mayor feels that liaison positions do not help as much as they can hurt. The Committee members all have cell phones and are close to the building. Mayor Piazza stated that it is a Committee form of government and one member does not have authority on his own. Decisions are made between five members. Mayor Piazza said that he encountered problems in the past and there are problems brewing now. Mayor Piazza informed the Township Committee that he would do away with the positions if possible, however, at this time he will review the responsibilities of a liaison. Mayor Piazza stated that the liaison is a link between two entities and for communication purposes. It does not mean that the liaison is in charge of the department. The liaison is to bring back information or requests to the entire Township Committee. Mayor Piazza stated that the liaisons need to keep focused that they are a committee and not on their own.

### **Planning Board – Alternative Energy Ordinance**

Mayor Piazza stated that at the Planning Board meeting the Alternative Energy Ordinance was tweaked and he feels that they did a good job. Planning Board Chairman Gary MacQueen was present and stated that the meeting went well and that there was a lot of constructive input from residents in attendance. There were some changes made, things added, things deleted. Concern was raised by a resident relative to signs being posted on a structure if there are solar panels mounted on the roof. If there were to be a fire and the electric was cut that does not necessarily mean that the structure is safe because the solar panels are still feeding in power. The Planning Board did not have the information so Mr. MacQueen asked the Engineer to speak with the Construction Department to see if there is language in the BOCA Codes that covers solar panel signage. The Construction Code Official confirmed that there is no such language however, he would require a sign to be posted. Mr. MacQueen stated that windmills, generators, and solar panels will be required to have reflective signs posted on the structure. The requirement for the signs will be included in the ordinance. The Fire Chief will be placing a notice in the Township newsletter to inform property owners who already have generators, windmills or solar panels that signs are required to be posted.

### **NEW BUSINESS**

#### **Approve Two (2) Raffle Applications – St. John Neumann Church – June 4, 2011**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved two (2) raffle licenses for St. John Neumann Church for an event to be held on June 4, 2011.*

### **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the March 2, 2011 bill list in the amount of \$2,738,879.76.*

## **CORRESPONDENCE**

Freeholder Rob Walton – Shared Services  
Lebanon Township Historians Meeting Minutes – February 3, 2011  
West Amwell Resolution No. 53-2011 – Opposing Reduced Allocation of Open Space Funds

## **PUBLIC COMMENTS**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting.*

Ms. Nancy Darios inquired on the status of the Township Garage project. Mr. Milkowski stated that the contractor has moved his equipment in and they are waiting for the power to be cut then they will begin and continue on.

Ms. Darois stated that she belongs to the Wildlife Association and feeding the animals is what they do. The geese land by the river there is nothing you can do, they are part of the universe.

Mr. Anthony Casale questioned the progress of the cell tower project and restated the items that need to be addressed in the lease agreement. Mr. Casale suggested that the Township Committee terminate their obligation as it is becoming costly and a nuisance. He would like Attorney Cushing to take a look at the agreement. Mayor Piazza stated that he and the Clerk contacted Attorney Bernstein and he was to get back to the Clerk with information relative to the cell tower, however, he has not returned the call to date.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.*

## **EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 28-2011 and convened in executive session at 8:10 p.m. Action may be taken at the end of the meeting.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 28-2011**

BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

Contract Negotiations  
Personnel – Litigation

PBA- Collective Bargaining  
Rights & Personal Privacy of an Individual

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:41 p.m.*

Attorney Cushing stated that during the executive session the Township Committee discussed personnel issues and PBA Negotiations. Also discussed were issues associated with the prior Township Attorney and the status of various matters. The Committee is anxious to get some issues resolved based on comments made by the public relative to dissatisfaction with outstanding legal issues .

The Township Committee requested that the Clerk arrange for a retirement dinner for Past Committeeman Jay Weeks. A tentative date is scheduled for April 14, 2011.

**ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 9:43 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: March 16, 2011

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George Piazza, Mayor