

**Lebanon Township Committee
May 7, 2014**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Thomas McKee 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 McKee asked everyone to please stand for the Flag Salute and for a Moment of Silence in honor of our Servicemen and Women.

ROLL CALL

Present - Thomas McKee Patricia Schriver Ronald Milkowski Brian Wunder

Absent- Bernard Cryan

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 8 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of April 16, 2014

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 April 16, 2014.

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.

Mr. Anthony Casale requested that during “Correspondence”, the Mayor provide details on the rate increases that are outlined in the letter from Aqua NJ.

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

Ordinance No. 2014-04 - HIGHLANDS AREA LAND USE ORDINANCE

Public Hearing

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-04 was opened.

Mr. Hoffman asked for an explanation of the ordinance which the Mayor provided.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-04 was closed.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2014-04 as attached.

Introduction

Ordinance No. 2014-05 – HIGHLANDS AREA EXEMPTION

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2014-05 as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2014-05
HIGHLANDS AREA EXEMPTION
ORDINANCE

Public Hearing to be held on June 18, 2014.

2014 BUDGET INTRODUCTION

Resolution No. 35-2014 - Delay in Budget Introduction

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 35-2014 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 35-2014

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 14 of the fiscal year; and,

WHEREAS, the Township of Lebanon has delayed the introduction of the 2014 Municipal Budget past the statutory deadline; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2014 Lebanon Township Municipal Budget; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Resolution No. 36-2014- Special Item of Revenue~

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2014 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 36-2014**

WHEREAS, the 2014 Local Municipal Budget was introduced on the 7th day of May, 2014; and,
WHEREAS, during the fiscal year 2014 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$64,175.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2014 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program-2014	\$22,846
Clean Communities Program - Prior Year Unapprop.	3,387
Drunk Driving Enforcement Grant – Prior Year Unapprop.	1,910
Recycling Tonnage Grant - Prior Year Unapprop	4,442
Law and Public Safety - Prior Year Unapprop.	24,358
Environmental Protection Grant - Prior Year Unapprop.	<u>7,232</u>
	<u>\$64,175</u>

Resolution No. 37-2014 – Special Item of Revenue ~

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 37-2014 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 37-2014**

WHEREAS, the 2014 Local Municipal Budget was introduced on the 7th day of May, 2014; and,

WHEREAS, during fiscal year 2014, the Township of Lebanon has been allocated a state grant for the Uniform Fire Safety Act in the amount of \$8,500.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2014 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

Uniform Fire Safety Act	\$ 8,500
	\$ <u>8,500</u>

Resolution No. 38-2014 - Deferral of School Taxes

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 38-2014 as written below.

**TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 38-2014**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2013, and be reflected in the Annual Financial Statement for the year 2013 as follows:

	<u>FY 13-14 SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT OF DEFER TAX</u>
Regional School Tax	\$5,279,455	\$2,639,728
TOTAL MAXIMUM DEFER TAX 12/31/13		2,639,728
LESS – DEFER TAX 12/31/12		1,162,452
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2013		\$1,477,276

ACTUAL AMOUNT INCREASE OF DEFERRED AT 12/31/13 \$500,000

Resolution No. 39-2014 - 2014 Municipal Budget Introduction

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2014 as written below. AYES: 4 NAYS: 0 ABSENT: 1.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 39-2014**

WHEREAS, the Township of Lebanon is holding a meeting on May 7, 2014, for the purpose of introducing the 2014 Municipal Budget and conducting other matters; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2014 Local Municipal Budget be introduced and approved on May 7, 2014.

2014 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 1,030,000.00
Total Miscellaneous revenue	2,840,397.00
Receipts from Delinquent Taxes	280,000.00
Local Property Taxes	<u>1,224,845.00</u>
Total General Revenues	<u>\$5,375,242.00</u>
Salaries and Wages	\$2,100,339.00
Other Expenses	1,756,323.00
Capital Improvements	56,000.00
Debt Service	596,182.00
Statutory Expenses	460,581.00
Reserve for Delinquent Taxes	<u>405,817.00</u>
Total 2014 Municipal Budget	<u>\$5,375,242.00</u>
Municipal Tax Rate	\$0.1662 (Est.)

OLD BUSINESS

Planning Board Chairman Memo – Glen Gardner Quarry

Mayor McKee stated that the Township Committee received a letter from the Planning Board Chairman. The letter provided an explanation of the process the Planning Board went through with respect to a Glen Gardner Quarry proposal. Mr. Michael Guida, of US Concrete, provided a presentation to the Township Committee and the Planning Board on February 4, 2014 regarding a proposed land exchange

with the New Jersey Land Trust. Planning Board members also attended a Glen Gardner Council meeting at which time the proposal was discussed. The exchange would involve the transfer of 30.5 acres of preserved land, adjacent to the quarry and in Lebanon Township, to US Concrete. US Concrete would subsequently exchange 152.7 acres of the Hamburg Quarry site to the Land Trust. US Concrete has also proposed the restoration to the natural slope in the Lebanon Quarry as well as restoring the wildlife habitat. US Concrete has also proposed establishing a trust endowment in which it will deposit 10 cents per ton of aggregate removed from the Quarry which is estimated to amount to over 1 million dollars over the planned 20-25 year quarry life. Once the restoration is complete the remaining 59.5 acre property would be split between Lebanon Township and Glen Gardner and the adjacent 30.5 acres of land involved in the exchange will be offered to a public body for ongoing maintenance and use. The Planning Board has reviewed the proposal and endorses it as they feel that the exchange and the proposed restoration of the quarry will be beneficial to the Township. It would involve the preservation of lands and would also entail the restoration of quarry lands after the use is complete. The Planning Board feels that the proposal would be a benefit to the Township as opposed to the quarry remaining in its current state and the Township being placed in the position of the being responsible for the restoration of the land once the use is finished. The proposed land exchange will also be a benefit because a safe subsidy source will be acquired for the restoration. The Planning Board also stated that the proposal will also require use variance approval as an expansion of a non-conforming use or a zoning amendment to authorize the quarry. It may also be a beneficial for the Township to adopt an ordinance to govern quarry operations and restorations.

Mayor McKee stated that the matter has been moved from the Planning Board to the Township Committee and no further action has been taken at this time. The proposal will now be reviewed by the Committee. Mayor McKee noted that the Planning Board stated that the concept of the proposal is worth looking into, however; no letter of support will be sent out at this time.

Ms. Schriver stated that there is a long way to go on the matter. Ms. Schriver stated that she was surprised that the proposal was endorsed by the Planning Board at this time because a number of issues were discussed; such as speaking with someone with expertise in the area. Mayor McKee stated that he thinks that the Planning Board's concern is that if nothing is done with the quarry, what will become of it?

Attorney Cushing stated that if the Township has no interest in the proposal, they can make a vote to indicate that. If the Committee would like to receive additional information, they can form a subcommittee to look at the pros and cons. Attorney Cushing advised to establish an escrow account so the taxpayers do not have to cover the cost for land improvements.

Ms. Schriver stated that she finds it interesting that the Committee has not received any communication from the Land Trust stating their position on the proposal. Ms. Schriver noted that she thinks that the Committee should send a letter to the Land Trust requesting their thoughts on the matter. Attorney Cushing will send a letter to the Land Trust on behalf of the Township Committee.

Mr. Milkowski stated that he thinks that the Committee should look into adopting a quarry ordinance.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by favorable roll call vote, the Township Committee authorized Attorney Cushing to draft a letter to the New Jersey Land Trust. The letter is to be signed by the Mayor. AYES: Schriver, McKee, Wunder ABSTAIN: Milkowski

Cell Tower

Attorney Cushing stated that the Cell Tower contracts are all executed and have been sent to the involved parties. At this time it is anticipated that Sprint is anxious to proceed. Once the process is moving forward the rent will be discussed. The Township's position has already been stated and the question of when the rent will be paid needs to be addressed.

Township Volunteer Appreciation Event

The Township Committee discussed having a picnic in the Memorial Park in appreciation of the Township's Volunteers. The Committee would like to hold the event on June 27, 2014. The Clerk will find out if the date is available.

NEW BUSINESS

Recreation Resignation – Joseph Maurizio

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee accepted Mr. Maurizio's resignation with regret.

Hunterdon County Chamber of Commerce Memo – Hunterdon County Community Day

The Hunterdon County Chamber of Commerce sent a memo to the Township Committee notifying them of the 1st Hunterdon County Community Day which will be held on Saturday, June 21, 2014 at the South County Park in Ringoes. The event will be held from 12:00 p.m. through the evening hours. The County is looking for involvement from Hunterdon County municipalities as well as local fire departments, rescue squads, public safety entities, businesses, non-profit organizations, civic groups, historic groups and many more, to celebrate all that is Hunterdon. There will be many exciting events throughout the day.

Recycling Coordinator Memo – Township Wide Paper Shredding Event

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Free Township Wide Paper Shredding Event to be held on September 20, 2014 from 9:00 a.m. to 12:00 p.m. in the front parking lot of the Municipal Building. The shredding will be done by Absolute Shredding at a cost of \$525.00.

Recycling Coordinator Memos – Garbage & Recycling Container Proposals

Garbage

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved a 3 year agreement with Republic Service for the Township facilities garbage containers at a cost of \$343.60 per month, with a 3% increase annually, and authorized the Mayor to sign. AYES: Schriver, McKee, Milkowski ABSTAIN: Wunder

Recycling

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved an agreement with Republic Service for one 30 cubic yard container, once a month, for singlestream recycling, at a cost of \$195.00 per month and authorized the Mayor to sign. Dumpster is to be located at the Municipal Building.

Recycling Coordinator Memo –Electronics Collection Event

The Township Committee discussed a proposal for a Township Electronics Collection Event. The cost would be \$1250.00. The Committee felt that it is too costly and would like additional information. The Clerk will ask the Recycling Coordinator to attend the next Committee meeting.

Raffle Application – NJ Center for Tourette Syndrome and Associated Disorders Inc.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved a raffle license application for the NJ Center for Tourette Syndrome and Associated Disorders Inc. for an event to be held on June 8, 2014.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the May 7, 2014 bill list in amount of \$ 921,217.39.

CORRESPONDENCE

- a. ZBA Secretary Memo – Zoning Board’s Annual Report
- b. Township Historian’s April 9, 2014 Meeting Minutes
- c. Aqua New Jersey, Inc. – Seeking to Increase Certain Rates for Water Service

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:25 p.m.

Mr. Anthony Casale questioned the invoice from Bayer Risse Engineering for an inspection of the defective floor at the DPW building. Mr. Casale thought that the contractor who constructed the building should pay for the repairs. Mr. Casale was informed that the engineer is analyzing the problem at this time.

Mr. Casale asked how many fire hydrants are in the Township. Mr. Milkowski stated that there are two.

Mr. Casale stated that he is happy to hear that the Cell Tower Co-locator Agreement has been signed. Mr. Casale stated that relative to the rent, he feels that the commencement date should carry from the date that Nextel first signed the agreement.

Mr. David Shope was present to provide the Committee with documents relative to the Highlands and to state his concerns with the Highlands Ordinances. Mr. Shope feels that the Highlands devalues the resident's properties and is diminishing the value of the Township. Mr. Shope stated that a good portion of the Raritan Basin is not protected by the Highlands Act. Mr. Shope questions why the water that is downstream from the Highlands is not as valuable as the Highlands water. Mr. Shope informed the Committee of issues he has with an analysis that was conducted in 2001, in all NJ counties, in which ground water recharge, aquifer yield and nitrate dilution was measured using a procedure that is used nowhere else in the United States. Mr. Shope stated that he has information on the 2007 Agriculture Census. The 2012 report is still coming out but the preliminary facts show that in "earnings per acre", it appears to be the same as 2007 but possibly a little worse for the growers. Mr. Shope stated that if someone were to assume that agriculture is a "breadwinner" in the Township, they are mistaken. Mr. Shope stated to the Committee that he read the Township's Highlands Ordinances and has great angst with the "look back" provision in the Exemption Ordinance as the Highlands Council reserves the right to review any decisions made by the Committee.

Mr. Mark Laul stated that he was confused with the letter from the Planning Board Chairman. Mr. Laul, who is a member of the Planning Board, said that he was surprised that the letter did not say that the Board likes the concept of the proposal but wants more information. The Board needs the pros and cons on the environmental impact of proceeding with the plan or leaving things as they are. Discussion was held on the letter being sent from the Planning Board, with no review by the Board, prior to the Committee receiving it. Mr. Laul stated that a letter from the EOSC, on the Quarry matter, was reviewed by the EOSC prior to being disseminated.

Mr. Laul stated that he is glad to see that the Recycling Coordinator, JoAnn Fascenelli, is finally doing something after three years. Mr. Laul stated that for eight years the electronic recycling was managed by Jan Gibas. Mr. Laul stated that until last month JoAnn had not reached out to Jan to apologize for not calling her for her input and backing in the recycling process. Mr. Laul stated that with regard to the electronic recycling, they have always filled a box truck and more.

Mr. Laul recommended to the Committee that establishing a Grants Committee would be beneficial for the Township. Mr. Laul drafted a sample ordinance for the Township Committee to consider. The ordinance would enable the Township Committee to create a volunteer committee for community grants. Mr. Laul asked for the Township Committee to review the ordinance as they must act now for a group to be in place by next year.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:44 p.m.

Resolution No. 40-2014 –Executive Session

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2014 and convened in executive session at 8:45p.m.

COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 40-2014
RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

_____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: **Shared Services and Centurion Litigation**

_____ Professional Service Contracts _____. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or

appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: X Union Contract_____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 9:15p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 21, 2014

Thomas McKee, Mayor