

**Lebanon Township Committee
May 17, 2006**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Patricia Schriver 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 Schriver asked everyone to stand for the flag salute.

ROLL CALL

Present - Patricia Schriver George Piazza Francis Monahan
 Jay Weeks Ed Post

Absent

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 9 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved the May 3, 2006 regular meeting minutes. Abstain Monahan

Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved the May 3, 2006 executive session minutes. Abstain Monahan

RESOLUTIONS

Mr. Weeks stated that he and Mr. Piazza attended the High School Budget meeting. It was a long night due to one municipality holding out, however it was finally agreed to adjust the budget by \$1.5 million dollars. There were a few districts that did not contribute to the forensic account fees.

Resolution No. 53-2006

Motion by Mr. Piazza, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 53-2006. (as written below)

RESOLUTION 53-2006
RESOLUTION ADJUSTING 2006-07 NORTH HUNTERDON-VOORHEES
REGIONAL HIGH SCHOOL DISTRICT SCHOOL

BUDGET BY \$1,500,000 AND CERTIFYING THE TOTAL
AMOUNT OF \$43,789,154 TO BE RASIED BY TAXES

WHEREAS, the proposed North Hunterdon-Voorhees RHSD Board of Education budget for General Fund expenses for the school year 2006-07 was submitted to the voters of the District on April 18, 2006 in the total amount of \$45,289,154 to be raised by taxes; and

WHEREAS, North Hunterdon-Voorhees RHSD is a type II school district without a board of school estimate; and

WHEREAS, pursuant to N.J.S. 18A:22-37, the defeated school budget was referred to the Lebanon Township Municipal Committee for review; and

WHEREAS, the Lebanon Township Municipal Committee has pursuant to N.J.S. 18A:22-37, consulted with the Board of Education on May 8, 2006 and convened in a work session on May 8, 2006; and

WHEREAS, the Lebanon Township Municipal Committee has determined that certain adjustments in the General Fund expenses in the proposed budget are acceptable, appropriate and will reduce the amount by \$1,500,000 to be raised by local tax levy; and

WHEREAS, the Lebanon Township Municipal Committee has determined that these adjustments will not impair the ability of the Board of Education to provide a thorough and efficient education and maintain stability for the students of the North Hunterdon-Voorhees RHSD;

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Township Municipal Committee in the County of Hunterdon that the following adjustments to the 2006-07 NHVRHSD school budget for current expenses are determined:

CURRENT EXPENSE ACCOUNT NUMBER: 11-140-100-101

BUDGET CATEGORY: Regular Programs – Instruction

ACCOUNT DESCRIPTION: Grade 9-12 Teaching Salaries

ITEM(S) TO BE ADJUSTED:

AMOUNT IN PROPOSED ADVERTISED BUDGET: \$13,775,883

ADJUSTMENT: \$500,000

TOTAL ADJUSTED AMOUNT: \$13,275,883

EXPLANATION OF ADJUSTMENT: Reduction for anticipated turnover savings due to

Retirements and resignations

The second adjustment to the 2006-07 school year budget is to anticipate \$1,000,000 in fund balance from the 2005-06 school year budget and allot that reduction to tax relief.

ADJUSTMENT: \$1,000,000 Budgeted Fund Balance line 1640 and 1660 Recapitulation of Balances

Be It Further Resolved by the Lebanon Township Municipal Committee, County of Hunterdon, State of New Jersey, that the Municipal Clerk is directed to certify by May 19, 2006 to the Hunterdon County Board of Taxation, the Hunterdon County Superintendent of Schools, the

Lebanon Township Municipal Tax Assessor, the State of New Jersey Division of Local Finance of the Department of the Treasury, and the Board of Education of the North Hunterdon-Voorhees Regional HS District that the amount of \$5,872,159 is necessary to be raised by taxation in the Township General Fund; which amount shall be included in the taxes to be raised, levied and collected in the Lebanon Township Municipality for the General Funds of the schools.

Be It Further Resolved that copies of this resolution be forwarded by the Municipal Clerk to the persons and departments herein named for certification purposes.

Resolution No. 54-2006

Mr. Piazza stated that Mr. Josh Rich provided the Committee with a letter stating that in his opinion most of the historic value, in the area being considered, is gone, due to relocation of structures which were located in the area.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 54-2006. (as written below)

RESOLUTION NO. 54-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

A RESOLUTION OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
OPPOSING THE NOMINATION OF THE WOODGLEN
HISTORIC DISTRICT FOR LISTING IN THE NEW JERSEY
AND NATIONAL REGISTERS OF HISTORIC PLACES

WHEREAS, a proposal was submitted to the New Jersey State Review Board for Historic Sites for the nomination of Woodglen Historic District to the New Jersey and National Registers of Historic Places; and,

WHEREAS, the Township of Lebanon has considered the implications, both positive and negative, of inclusion of the Woodglen Historic District in the New Jersey and National Registers of Historic Places; and,

WHEREAS, it has been determined that the listing of the Woodglen Historic District in the aforementioned Registers would result in substantial limitations on what Lebanon Township, its residents and its citizens can do with respect to improvements and other projects in said District; and,

WHEREAS, it has been determined that approval of the Commissioner of Environmental Protection, through a lengthy and detailed process, would be required prior to Lebanon Township undertaking any project that could potentially affect the Woodglen Historic District; and

WHEREAS, Lebanon Township has concluded that it would not be in the best interests of the citizens of the Township for the Woodglen Historic District to be listed in the aforementioned Registers;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that nomination of the Woodglen Historic District for listing in the New Jersey and

National Registers of Historic Places is hereby opposed and a recommendation is made to withdraw the application. The Township also authorizes the necessary Township officials and representatives to attend any meetings on behalf of the Township as to such application to oppose such application.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of such Resolution shall be forwarded to all applicable Federal and State officials/departments as to this application.

OLD BUSINESS

Red Light Permit – Giulio Dantonio-Assistant Captain of the Lebanon Twp. First Aid Squad

Mr. Monahan stated that he met with Giulio Dantonio regarding his request to obtain a Red Light for his personal vehicle. Mr. Monahan stated that originally he did not have a full copy of the Red Light application, so he researched Title 39, which did not permit Mr. Dantonio, as Assistant Captain, to have a Red Light. When Mr. Monahan received a full copy of the application, it was stated on the reverse side, that Mr. Dantonio would in fact be permitted to have the Light, under the New Jersey Administrative Code.

Mr. Monahan referred to the September 1, 2004 minutes, at which time the Squad Captain came before the Township Committee to request acquiring the retired police vehicle. The vehicle would be used as a First Responder vehicle for the Squad. The vehicle would be utilized by the First Responder who was on duty during the day and in the evening it would be used by the Crew Chief or the First Responder would have the vehicle. Mr. Monahan stated that he believes at this time, the vehicle is being used solely by the Squad Captain. According to what was requested, the Squad is not using the vehicle as they stated they would be.

The Squad Vehicle Operation Policy states that the Immediate Response Unit is to be used to speed up response times for duty personnel responding from home bases that are sufficient

distance from the Squad building after length and call response times. The remaining crew members will respond to the Squad building and connect with the IRU at the scene.

Mr. Monahan stated that the First Responder, who is available nearly every day, all day, should have use of the vehicle. The vehicle is not being used as agreed to by the Township. Mr. Monahan stated that he recommends that changes be made. Mr. Monahan explained that this situation is the basis of him denying the Red Light to Mr. Dantonio. He feels that Mr. Dantonio should have use of the Squad vehicle, as he is the First Responder nearly every single day.

Mayor Schriver asked Mr. Dantonio if he has been using the vehicle during the day. Mr. Dantonio stated that he had not been using the vehicle due to not having access to it. He is in process of attempting to resolve the matter at this time.

Mr. Post stated that assuming that Mr. Dantonio is spending much of his time, in the Township, as a First Responder during the day, it is a minor request to ask.

Mr. Piazza stated that he is not comfortable with having someone in the Township with a Red Light and Siren on a personal vehicle.

Mr. Monahan questioned why the Township is providing a vehicle for one Squad Member. The vehicle is being used to go back and forth to work, it is used all over the Township, and it is the Township paying for the insurance and gas.

Mayor Schriver stated that the Township Committee wants the Squad to follow procedures enacted in 2004. The first responder vehicle should be used by the First Responder who is on duty, as agreed to when the Committee gave the Squad the vehicle. Mayor Schriver stated that the Committee should be made aware, if the problem cannot be worked out, as she feels that Mr. Dantonio should be granted the Red Light for his personal vehicle if that is the vehicle he will be using.

Motion by Mr. Piazza seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee moved to deny the application for the red light application.
AYES: Weeks, Piazza, Schriver, Monahan NAYS: Post

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee Mayor Schriver stated that the Committee insists that the First Responder vehicle is to be used as a First Responder and not solely by one individual, who might not be the First Responder.

The Clerk is to send a letter to the squad reaffirming the Committees position on the matter with attachments as noted by Mr. Monahan.

Mr. Dantonio asked if he is able to use the vehicle for personal use during the day; i.e. going to the bank, lunch etc. The policy is the policy of the squad, and it states that the vehicle can be used to go for meals etc. but it should not leave the Township.

Update Well Testing at Valley View School

Mr. Piazza stated that he attended the Lebanon Township School Board Meeting on May 9, 2006. The letter sent by the Township Clerk, relative to the discussion held at the May 3, 2006 Committee meeting, was read. The residents that were in attendance at the May 3, 2006 meeting were also at the Board meeting with similar questions. Mrs. Walsh, the Chairman of the Board provided a summary of the timeline leading up to the Well Testing. There were many public meetings in which the matter was discussed. Mr. Piazza informed the Board that the Committee asked for their presence due to the public having questions and the Committee not having the answers. When the Board discussed the question of what to do with the request to attend the Township Committee meeting, Mr. Piazza suggested that since this is just an exploratory well and if it does not meet the water company's requirements, the drilling will end. If it is determined that it does meet the need, the Committee needs to be alert in attending meetings to keep informed. It was agreed that the Board Attorney will send a letter to the Committee explaining what has taken place, as stated by Mrs. Walsh, during the meeting.

Township Rehabilitation Assistance

Mr. Post stated that he, Attorney Bernstein and Planner Bolan had a discussion on the topic of rehabilitation assistance in the Township. The issue that was raised is what the Township can do to individuals seeking rehabilitation of homes in regard to low-moderate income housing. According to Planner Bolan, when COAH reconfigured the Township's obligations for Round 3, we have one rehab obligation, which has been met. This is not a continuing review obligation; therefore, there will be no change until 2010. Due to this, the Township can not use the Affordable Housing Trust Fund money in order to subsidize this kind of program, because we do not have someone eligible in order for the Township to receive the credits. If the Township wants to consider establishing a rehabilitation program for low-moderate income units, using a set of criteria, not using affordable housing money, just current or bond money. There will be no benefit to the Township under the COAH's Round 3. Mr. Post stated that Mr. Bolan informed him that he is not aware of any municipality which offers this sort of program, due to the administrative burden it would incur.

Mayor Schriver stated that she does not want to close the door on looking into assisting residents that may be in need of help.

NEW BUSINESS

DPW Supervisor Request for Summer Employees

Motion by Mr. Weeks seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorize Paul Jones to work in conjunction with Mr. Weeks to hire summer employees to work for the DPW from date of hire to Labor Day.

DPW Supervisor Request to Seek Bids for Loader

Motion by Mr. Weeks seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW supervisor to seek bids to replace the 1982 loader.

Blue Light Application – John Russell Yarnell IV

Motion by Mr. Monahan seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee approved the blue light application for John Russell Yarnell IV
AYES: Weeks, Piazza, Schriver, Monahan NAYS: Post

Request to Lease New Police Vehicle

Mr. Monahan stated that he received a note from the Police Chief requesting the lease of a new police car, as budgeted for in the 2006 Budget. The request is for a 4-wheel drive vehicle with a smaller motor for economy purposes. The vehicle will be a marked Dodge Durango.

Mr. Piazza asked if one of the other police vehicles will be auctioned off and what the approximate mileage is on the vehicle. Mr. Monahan stated that he confirmed with the Chief that there will be a vehicle auctioned off and at the time of auction the mileage will most likely exceed 100,000.

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized a State Contract Lease Agreement, for a replacement of a trade in vehicle, to be sold by the Township, at auction, during the 2006 calendar year. The

Lease must be reviewed by the Municipal Attorney and executed by the appropriate Township Officials, prior to the delivery of the car. Certification of funds must be obtained by the Chief Financial Officer and the availability therein. The total number of vehicles available to the Department will not exceed five (5).

Auction of Squad Vehicles

Mr. Monahan stated that the Rescue Squad has an ambulance and possibly another vehicle that they would like to give back to the Township to be auctioned off. The Squad would like to know if they would be granted the money received for the sale of the vehicles.

Attorney Bernstein stated that if the Squad would like, they can request the vehicles to be put out for bid. Once sold, the money will come back to the Township. It is then the decision of the Committee as to what will be done with the money.

PRESENTATION OF VOUCHERS

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

Mr. Monahan stated that there was voucher from TRC Raviv in the amount of \$7,857.84 for the well testing at Fire Company #1. Discussion was held by the Township Attorney and the Committee on the status of the well testing. The Clerk is to request that TRC Raviv be in attendance at the June 7th or June 21st Committee meeting.

Motion by seconded Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote the Township Committee approved the May 15, 2006 bill list in the amount of \$134,589.00.

CORRESPONDENCE

Tax Collector's Report for the Month of April 2006

PUBLIC COMMENTS

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee opened the Public Comment portion of the meeting.

Sandra Singer Rauschenberger, a Township Historian asked if the Township Committee had spoken to any of the Township Historians involved in the Historic District proposal or did the Committee receive a letter from the Historians relative to the same. Ms. Rauschenberger stated that according to Township Historian John Bolt, the Township is aware of the Historians application for the Woodglen Historic District, as the Township accepted a \$7000.00 grant, to work to establish the historic district. The Township Clerk will look into.

Ron Milkowski asked if Woodglen is going to be an historic district. The Committee stated that they oppose the historic district, however, the State could still grant it. Mr. Milkowski stated that a subcommittee could take action to jeopardize the community and never inform the Committee as to their actions. Mayor Schriver stated that a letter is to be sent to all Commissions and

Committees stated that they must inform the Committee prior to any formal action being taken on behalf of the Township.

Linda Ricker questioned the Highlands Water Protection Act. Lands in the Township have been preserved and others have not. Ms. Ricker stated that she contacted Eileen Swan for advice and Eileen suggested selling the property to Green Acres. Ms. Ricker stated that she does not want to sell to Green Acres. Those denied have not been able to obtain a letter stating why. Ms. Ricker stated that she has lost all the value on her property due to the State regulations and if her property is not able to be preserved, why can't she go back to 7.5 acre zoning. She has gone to every possible group for assistance and has received no assistance. The SADC stated that the property does not rank high enough, does not have tillable soil and the property is not close enough to preserved farms. Highlands stated that there is no one to assist in the preservation of her property. Gary Pohorley of the County said that the property does not rank high enough due to not having enough tillable soil. Mr. Ricker stated that residents need a local Ag Board to give impervious coverage approvals for preservation. Mayor Schriver stated that she will look into the local Ag Board situation. Ms. Ricker stated that Lebanon Township is one of five Towns to completely opt into the Highlands. Mr. Post stated that this is not something that the Township decided to opt into. The DEP and the State decided the Highlands region.

Eric Bernstein stated that the Highlands Act is in place; however the regulations are being defined.

Ron Milkowski noted that the concept of Highlands was supported by the Committee.

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.

EXECUTIVE SESSION

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 55-2006 and convened in executive session at 8:35 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 55-2006

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:

Personal Library
Attorney Client Privilege
Housing - Davara – English

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8: 48p.m.

Attorney Bernstein stated that there was Attorney Client Privilege discussion involving Davara and COAH related issues. No formal action to be taken. The Township Attorney and Clerk have been given direction on such related items. There was a discussion regarding the Library.

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the policy and procedures memo dated May 18th which is to be sent to the Library and Museum staff and authorized the hiring of Wendy Harding, as a part time employee, at a salary of \$12.00 per hour, to assist in the Library during the approximate 4 week absence and recovery of Marie Taluba, and on a substitute basis thereafter. The hiring is subject to certification of funds and the individual will work at the pleasure of the Library and Township Committees.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Weeks seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved

Patricia Schriver, Mayor