

**Lebanon Township Committee
June 7, 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 16 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the May 17, 2006 regular meeting minutes.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the May 17, 2006 executive session minutes.

2005 ANNUAL AUDIT

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 56-2006 as stated below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 56-2006
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

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 2005 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 the 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 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 (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 year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Lebanon, 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.

ORDINANCE

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

There were no public comments.

The public hearing was closed on a motion by Mr. Monahan seconded by Mr. Post and carried by unanimous favorable roll call vote.

Motion by Mr. Piazza seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No 2006-07, as written below.

ORDINANCE NO. 2006-07
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON

STATE OF NEW JERSEY
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND
MORE SPECIFICALLY CHAPTER XVIII (ZONING)

BE IT ORDAINED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that;

Section 1. Ordinance 18-8.2, Section f., entitled “Escrow Fees; General Provisions”, is hereby amended to add a new subsection 5., to read as follows;

The initial escrow for an application for amended site plan approval shall be one thousand dollars (\$1,000.00).

Section 2. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

RESOLUTIONS

Resolution No. 57-2006 – State Aid Application – Dutch Hill Road

Motion by Mr. Piazza , seconded by Mr. Monahan and carried by favorable roll call vote, the Township Committee adopted Resolution No. 57-2006 and authorized the Mayor and Clerk to execute. Ayes: Weeks, Piazza, Schriver, Post Abstain: Monahan (as attached)

Resolution No. 58-2006

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 58-2006. (as written below)

RESOLUTION NO. 58-2006
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,000.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2006-2007 year:

1019-33-005-001	New Hampton Inn, Inc., Musconetcong River Road, Hampton, NJ
1019-33-007-001	Ledyard B. Schuyler, Jr., t/a River Styx Inn, Califon, NJ
1019-33-001-002	A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ
1009-33-004-007	Christies Inc. 2035 Highway 31, Glen Gardner, NJ
1019-33-003-004	RADGNA, L.L.C. 2012 Route 31, Glen Gardner, NJ
1019-33-002-005	ONOROSA INC

Resolution No. 59-2006

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 59-2006. (as written below)

RESOLUTION NO. 59-2006 RESOLUTION RENEWING A PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, the listed Plenary Retail Distribution Licensee has submitted an application form that has been completed in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2006-2007 year:

1019-44-008-002	The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquor 425 Route 513, Califon, NJ
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OLD BUSINESS

Lebanon Township Board of Education -Well Testing Correspondence

The Township Committee received correspondence dated June 6, 2006 from Cynthia Woerner, the Lebanon Township School Administrator. Ms. Woerner informed the Committee that the School Board has decided to abandon the well testing project at the Valley View School.

Approve Garden Manager Contract

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Garden Manager (Sandra Phelps) Contract and authorized the Mayor and Clerk to sign.

NEW BUSINESS

Township CFO Correspondence – Capital Budget

Township CFO Greg Della Pia sent a letter to the Mayor and Committee requesting the authorization to proceed with a Bond Ordinance for the Capital projects requested at the Budget worksessions.

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized the CFO and Bond Counsel to take the necessary action to carry out the 2006 Capital Budget requests.

Board of Adjustment Secretary Memo – Board Members

The Board of Adjustment Secretary, Gail Glashoff sent correspondence to the Committee, on behalf of the Board requesting the following appointments.

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Abe Abuchowski to the unexpired term of Brian Cerf which expires on 12/2009 and appointed Mr. Wayne Eberle as Alternate # 1 which expires on 12/2006.

Township DPW Supervisor Memo – Septic Tanks for Park

DPW Supervisor Paul Jones sent a letter to the Committee stating that the cost for septic tanks for the Park were included in the 2006 Budget under the Park line item. The cost of the tanks and fittings are approximately \$3,000. Mr. Jones requested to proceed in taking funds from 2006 Municipal Budget under the Park Line item to cover the cost. Mr. Weeks stated that it was agreed to in 1997 that no taxpayer money would be spent on the Park.

Mayor Schriver stated that she thought that Clean Communities money was to cover the cost of the tanks. The Clerk will discuss the matter with Mr. Jones and Ms. Gambert, the Township Treasurer.

Twp. Police Report – Bunnvale Library Complaint

The Police Chief submitted a police report to the Committee stating that there were teenagers playing hockey at the Library during the evening hours. The youths were told that they could not

play there by the Police. The youths stated to the Office that it was public property and therefore they could be there. Mr. Monahan stated that they were advised to come to the Township Committee meeting to discuss it with the Committee.

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized signage to be placed on the property with the language to be determined by the Police Chief.

Request for Blue Lights – Anthony Piccillo Jr.

Motion by Mr. Monahan, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee approved the Blue Light application for Anthony Piccillo Jr. subject to clarification of residency by the Police Chief to Mr. Monahan.

Cancel July and August Meetings

Motion by Mr. Weeks, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the cancellation of the July 5, 2006 and the August 2, 2006 meeting and authorized the Mayor and Clerk to call a special meeting in July or August if deemed necessary, without further Committee approval.

Staff Request – July 3rd Day Off – Personal Time to Be Used

The Municipal Office staff and the DPW Department have requested closing on July 3rd, due to it being a Monday, with individual personal or vacation time being used. Mr. Bernstein stated that he would have to check the PBA Contract to be sure that if the Municipal Office is closed then the Police would receive overtime for July 3rd, which is not a holiday.

Motion by Mr. Monahan, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee approved the request subject to no other compensation being generated for other Township employees. AYES: Weeks, Piazza, Schriver, Monahan NAYS: Post

Chamber of Commerce

Mayor Schriver stated that she had received a letter from the Chamber inviting municipalities to join the Chamber. The cost is based on the number of employees which would \$400. for Lebanon Township.

Discussion was held and it was determined that the Township is not interested at this time.

Hunterdon County Planning Board

Mayor Schriver stated that the Hunterdon County Freeholders have asked the Hunterdon County Planning Board in cooperation with Hunterdon Area Rural Transit to come up with an inventory of possible carpool sites in the County. They are asking the Township to provide them with a list of possible locations in the Township that would be available during the hours of 7am to 7pm, daily.

Discussion was held on possible locations. Concerns such as lighting, snowplowing and liability were raised.

The Committee agreed that if during a part of the County's survey process, it appears that there is a need for such, the Committee will consider possible locations for such.

International Clown Week

Mayor Schriver stated that past resident Beth Fletcher sent her correspondence asking that the Township proclaim August 1st – 7th 2006 as International Clown week.

Motion by Mr. Piazza, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee proclaimed August 1st – 7th 2006 as International Clown week.

PRESENTATION OF VOUCHERS

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

Motion by seconded Mr. Post, seconded by Mr. Monahan, 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

Historians – Woodglen Historic Places Nomination

The Clerk had sent an email to the Township Committee and Attorney stating that she had received a call from Bob Craig, the Registration Coordinator for the State Historical Commission. He stated that he received the Resolution passed by the Committee opposing the Woodglen Historic District. He advised that the application will still go before the Review Board, however, noted that the Review Board is strictly an advisory Board and will not be making a decision on the matter. The Board will make their recommendations to the Assistant Commissioner, who will make the final decision. The Assistant Commissioner will base her decision on the application, the Board's recommendation and the Resolution passed by the Township Committee.

Mr. Ralph Lomerson of the Township Historians, stated that the goal of the Historians was not to make the district restrictive or difficult for the property owners. It was just to post a sign stating the historic significance of the area.

Mr. John Bolt Vice Chairman of the Township Historians, stated he wanted to correct the misinformation. He said that the Historians did their due diligence in the application process. Every voucher was approved by the Committee. This application has been going on for 2 or three years. Mr. Bolt stated that the nomination is strictly an honor, not restrictive and a recognition of the past. It goes with everything the Township states in their goals. Mr. Bolt stated that he does not understand the veto of the Committee on the application.

Mayor Schriver stated that many of the residents in the Woodglen area stated concerns with the designation. Mayor Schriver stated that there is concerns with the Park and possible restrictions.

Mr. Monahan stated that the Park lands (Rich property) the Township will be using public funds to upgrade the property. Will there be restrictions on the property? Mr. Bolt stated that it is permitted and subject to review of the State Preservation Office. The review is for the protection of the Township to ensure that the upgrade do not degrade the historic value of the aspects of the property.

Mr. Bolt asked if the Committee would oppose any nomination of a historic district in the Township. Mayor Schriver stated that it depends on the area as another area had been approved by all in the past.

Mr. Bolt asked if the Park area were removed from the application, could it then move forward. Mayor Schriver stated that not unless a meeting was held with all involved.

Sandra Rausenberger stated that all historian meetings are open to the public. The Committee was supplied with minutes and the information was published in the newspaper. Mayor Schriver stated that due to the length of time involved in the application most have lost site and the residents should have been more involved.

Mr. Post stated that if there is objection from the taxpayers who live in the district, the Committee has to be responsive.

Attorney Bernstein suggested that possible action to be taken could be to ask the Assistant Commissioner to defer her decision pending further information or amendment. The Committee need to find out what the Advisory Board's recommendation was.

Request for Ordinance Change – Private Recreation Facilities

Residents of the Township sent a letter to the Committee requesting and ordinance regarding Private Recreation Facilities. There is concern with a potential soccer club on Old Readingsburg

Road. The road is a mile long and not an improved road. The fire company and rescue squad have difficulty getting through.

Attorney Bernstein stated that the question is if the Township Committee chooses to change the Township Code relative to this issue. The decision is that of the Committee with recommendations from the Planning Board as to it's consistency with the Township Master Plan.

Motion by Mr. Weeks seconded by Mr. Piazza and carried by unanimous favorable roll call vote the Township Committee authorized a request to go to the Planning Board for their review and recommendations, at the July 18, 2006 Board meeting.

NJLM Deer Carcass Removal – For review and consideration at 06/21 meeting

A letter was sent from the NJLM relative to the NJDOT's new policy regarding the removal of Deer Carcasses. The State will no longer be picking carcasses up along municipal and county roads. In six months, removal will be the responsibility of the Township.

A company, Deer Carcass Removal Service, LLC. has provided the Township with a proposal for removal and disposal at a cost of \$79.00 per deer.

Motion by Mr. Monahan seconded by Mr. Post and carried by unanimous favorable roll call vote the Township Committee authorized the Clerk to contact the League to see if there are other companies that they are aware of to obtain additional quotes. The Clerk will also contact the County to see if they will be removing the carcasses from County roads. A copy of the Deer Carcass Removal Service, LLC information is to be sent to Groendyke for their input and the Township Attorney is to contact Deer Carcass Removal Service, LLC to discuss amendments to the proposed contract.

Attorney Bernstein suggested that the Clerk contact the League to see if there is a form letter to be sent to the DOT opposing the change.

Tax Collector Report for the Month of May 2006

The Tax Collector submitted her report for the month of May 2006

PUBLIC COMMENTS

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

Mr. Bill Raushenberger questioned what a Master Gardner is. Mayor Schriver stated that a Master Gardener is a person who has completed a certified program at Rutgers University and must continue with training.

Mr. Anthony Casale questioned the concerned raised by the Committee in approving the Blue Light application to a non resident of the Township. Mr. Post stated that it was a matter of jurisdiction.

Mr. Laurie Hoffman stated that there will not be a post office in Lebanon Township unless the population increases. Mayor Schriver stated that the matter is in review before the House of Representatives.

Mr. Sandra Rausenberger stated that since we will be taking over deer carcass removal wouldn't this be a good time to consider having an animal control system in the Township.

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

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Post seconded by Mr. Weeks and carried by unanimous favorable roll call vote to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved

Patricia Schriver, Mayor