

**Lebanon Township Committee
September 20, 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 6 members of the public.

PRESENTATION OF MINUTES

Mr. Monahan noted that Attorney George was in attendance not Attorney Bernstein as stated in the Roll Call. The Clerk will make the correction.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the September 20, 2006 regular meeting minutes with the correction.

Motion by Mr. Monahan, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the September 20, 2006 executive session minutes.

ORDINANCES

Ordinance No. 2006-10 Public Hearing

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2006- 10 was opened.

Sandra Rauschenberger asked for clarification on the purchase agreement with the county. Mr. Post stated that this purchase was always a part of the County Easement Program. The purchase was tied up in some technicalities. The Township purchased the Development Easement in advance and now the paperwork will be finalized for reimbursement from the County. This Ordinance is a requirement of the SADC in order to close. It is anticipated that the closing will take place before the end of October.

Hearing no further comments, the public hearing was closed on a motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote.

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2006-10 as written below.

**ORDINANCE NO. 2006-10
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN AGRICULTURAL
DEVELOPMENT RIGHTS EASEMENT ON PROPERTY KNOWN AS BLOCK 40,
LOTS 13 AND 13Q IN THE TOWNSHIP OF LEBANON TO THE COUNTY OF
HUNTERDON FOR FARMLAND PRESERVATION**

WHEREAS, the Township of Lebanon (“Township”), holds an agricultural development right easement on property known as Block 40, Lots 13 and 13Q, in the Township of Lebanon, consisting of approximately 67.860 acres along Sliker Road in the Township (hereinafter “Property”) which was purchased with the intention of preserving it for farmland purposes and enrolling it in the appropriate Hunterdon County Agricultural Development program; and, *WHEREAS*, the property qualified for enrollment in the Hunterdon County Agricultural (PIG) Development farmland preservation program through a Planning Incentive Grant and the Township received a contract from the County of Hunterdon to purchase an agricultural development rights easement from the Township of 67.860 acres of the Property, together with a Restrictive Covenant pertaining to mowing/maintenance rights, if applicable, at a purchase price of \$9,996.00 per acre, for an estimated total of \$678,328.56, subject to adjustment for the required Municipal contribution and any survey/right-of-way adjustments with payment to be made to the Township; and,

WHEREAS, the sale of the Easement and Restrictive Covenant, if applicable, to the County of Hunterdon for farmland preservation purposes will result in preservation of the property for the same goals and purposes as purchased by the Township so that it is not necessary for the Township to hold title to the easement on behalf of the public; said sale shall further result in funding to the Township which can be used, in turn, to acquire other easements and property for farmland preservation purposes; and,

WHEREAS, the conveyance of the Easement and Restrictive Covenant, if applicable, to the County of Hunterdon under the Agricultural Development and Retention Act and County of Hunterdon Agricultural Development Grant Program will result in the preservation of the

properties for agricultural purposes by the Township under its farmland preservation program; and,

WHEREAS, the Township is permitted to sell the Easement under N.J.S.A. 4:1C-11 et seq.; 4:1C-34; 4:1C-43.1; N.J.S.A. 40A:12-13 et seq.; and, any and all other applicable laws.

NOW THEREFORE IT BE ORDAINED, by the Mayor and the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey, as follows;

SECTION 1. The Township of Lebanon shall convey to the County of Hunterdon a Development Rights Easement and a Restrictive Covenant pertaining to mowing rights, if applicable, on Block 40, Lots 13 and 13Q in the Township of Lebanon, County of Hunterdon and State of New Jersey, which easement shall pertain to approximately 67.860 acres of Property for the price of \$9,996.00 per acre and an approximate total price of \$678,328.56, subject to adjustments for the Municipal and Retention Act and regulations pertinent thereto, to be paid to the Township of Lebanon, in accordance with the contract on file with the Township Clerk. The metes and bounds description for said property, dated April 25, 2002 and revised through August 26, 2006 is hereby attached to this Ordinance and made a part thereof as if it was included in its entirety.

SECTION 2. On behalf of the Township Committee of the Township of Lebanon the Mayor, Township Clerk and Township Attorney, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the Agricultural Development Rights Easement and/or assignment to the County of Hunterdon, including a Restrictive Covenant regarding mowing, if applicable, together with any other documents or corrective documents as may be required by the County.

SECTION 3. SEVERABILITY.

If the provisions of any article, section subsection, paragraph, subdivisions or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

RESOLUTIONS

Resolution No. 79-2006 - Appointing Municipal Housing Liaison

Motion by Mr. Post , seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 79-2006. (as written below)

**RESOLUTION NO. 79-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

WHEREAS, the governing body of Lebanon Township petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 19, 2005; and,

WHEREAS, Lebanon Township's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1 et seq.); and,

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq., Lebanon Township is required to appoint a Municipal Housing Liaison for the administration of Lebanon Township's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et seq.; and,

WHEREAS, Lebanon Township has amended its Township Code, by Ordinance, to provide for the appointment of a Municipal Housing Liaison to administer Lebanon Township's affordable housing program.

NOW THEREFORE IT BE RESOLVED by the Township Committee of the Township of Lebanon in the County of Hunterdon and the State of New Jersey that Gail Glashoff is hereby appointed by the Township of Lebanon as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with the various applicable provisions of the Township of Lebanon's Municipal Code.

Resolution No. 80-2006 - Refund of Overpayment of Taxes – Schaaf

Motion by Mr. Monahan seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 80-2006. (as written below)

**RESOLUTION NO. 80-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

Whereas there has been an overpayment of taxes for 2006 for Block 24, lot 2 Q0039, Lebanon Township, and,

Whereas Mildred and Royal Schaaf, owners of this property have requested a refund of this overpayment of \$159.97,

Therefore be it resolved that the Township Committee of Lebanon Township, County of Hunterdon authorize the Treasurer to prepare a refund check in the amount of \$159.97 payable to Mildred and Royal Schaaf and this amount be refunded to them.

Resolution No. 81-2006 – Veterans Refund of Taxes – Carpenter

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 81-2006. (as written below)

**RESOLUTION NO. 81-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

Whereas there has been an overpayment of taxes for 2nd quarter 2006 for 5 White Oak Ridge Road, known as Block 35, lot 31.15, Lebanon Township, and,

Whereas Robert Carpenter, a fully exempt veteran, owner of this property has requested a refund of this overpayment of \$1955.17,

Therefore be it resolved that the Township Committee of Lebanon Township, County of Hunterdon authorize the Treasurer to prepare a refund check in the amount of \$1955.17 payable to Robert and Judith Carpenter and this amount be refunded to them.

Resolution No. 82-2006 - Designating a Bond Anticipation Note

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 82-2006. (as attached)

**Resolution No. 82-2006
Resolution of the Township Committee
of the Township of Lebanon, in the County of Hunterdon, New Jersey,
Designating a \$1,091,678 Bond Anticipation Note, Dated September 15, 2006 Payable
September 14, 2007, as a "Qualified Tax-Exempt Obligation" Pursuant to Section 265(b)(3)
of the Internal Revenue Code of 1986, as Amended.**

Mr. Post inquired as to why the Township has not elected to obtain permanent financing. The Clerk will obtain, in writing, the opinion of the Bond Counsel and Township CFO on the matter.

OLD BUSINESS

Appoint Office of Emergency Management Coordinator

Tabled for further information on this position.

DPW Supervisor Request to Proceed With Capital Projects

Mr. Jones has requested to proceed with the following projects:

- a) Installation of the new heating /cooling system at the Municipal Office
Cost: Approximately \$25,000.00 in 2005 Budget

b) Pavement overlay on Developments off of Route 513
Funds available: \$140,000.00

c) Sandblasting and Repainting of two Dump Trucks
Cost: Approximately \$7,000.00. Items include in this years budget.

Motion by seconded Mr. Piazza seconded by Mr. Weeks, and carried by unanimous favorable roll call vote the Township Committee authorized Mr. Jones to move forward with the projects.

Award Bid for Front End Loader

Discussion to be held in Closed Session.

Hazard Mitigation Meeting

Mr. Monahan attended the Hazard Mitigation Planning Workshop at the County Complex on Monday September 18, 2006. The workshop was basically for all towns along the Delaware River, however, all other towns were invited to attend also. It was stated at the meeting that the Musconetcong River is not included in the Delaware River Basin. In looking at the map provided, Mr. Monahan questioned that it did appear that the Musconetcong River is in the Basin. He was informed again that that was not the case. When Warren County asked why only certain municipalities received funding for flooding, it was explained that, after careful consideration it was decided that only the five most densely populated counties in the State were to receive the money. Mr. Paul Jones, the OEM Coordinator will be looking into further.

NEW BUSINESS

Approve Raffle Application – Voorhees High School PTSA

Motion by seconded Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee approved the Raffle Application for Voorhees High School PTSA.

North Hunterdon Municipal Court

Mr. Piazza stated that he attended the Court meeting. The property where court is was sold but is still being managed by past owner. In 2007 the lease expires along with Court Agreements

between the 10 (ten) municipalities. The present agreement will remain the same through 2007. It appears that they owner would like the court to stay A notification was received from the State providing rules for each Court system. NHMC is almost 95% in compliance. The Court Finance Committee will be meeting on October 2, 2006 to begin 2007 budget review.

Day in the Park

Mayor Schriver informed all present that the annual Day in the Park will be held on Saturday September 23, 2006.

PRESENTATION OF VOUCHERS

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

Motion by seconded Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee approved the September 20, 2006 bill list in the amount of

CORRESPONDENCE

Tax Collector Report for the Month of August 2006

The Tax Collector submitted her report for the month of August 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.

Nina Savoia of 40 Mustconetcong River Road stated that she is he secretary for the Township Historians and has been a member for two years. Ms. Savoia stated that since 1981 the Historians have been trying to address problems with the Swack Church on Anthony Road. The Historians would like to obtain permission to stabilize the property. There are three walls standing and the property is very overgrown. Sandra Rausenberger stated that the wall that faces Anthony Road is literally on the Road and is ready to come down, if it should fall it will end up in the Road Mayor Schriver stated this project may require seeking grant money. Mr. Monahan suggested having the Township Engineer evaluate the property for safety purposes prior to any work being done. It was determined that the Township Committee needs to oversee the project. Mr. Post stated that he would work on the project and contract the Township Engineer.

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. Post to work with the Township Engineer and Mr. Paul Jones to take an investigatory look at the Swack Property and to consult with Mr. Post as to what action should or should not be taken.

Sandra Rauschenberger provided the Committee with information she has received during grant meetings she has attended in the past and statistics on the Township that may affect the outcome of grant money received.

Sandra Rauschenberger made a suggestions for the OEM Coordinator appointment. She stated that there are 2 (two) residents in the Township who are Certified OEM Coordinators, Warren Gabriel and Donna Ader. Donna Ader worked for the Borough of Califon.

Sandra Rauschenberger stated that she attends many meetings and Lebanon Township is the only municipality that does not have a place on the Agenda for Committee Liaison reports. Ms. Rauschenberger suggested that this be included on the agenda at the re-organization meeting in January.

Anthony Casale commended Mr. Monahan on concern with distribution of money. Mr. Casale stated that he was concerned that the meeting started prior to 7:00p.m. It was discovered that the clock in the meeting room was 3 minutes fast. Accuracy of time will be verified in the future.

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. 83-2006 and convened in executive session at 7:35 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 83-2006

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:

Possible Litigation

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 7:59p.m.

There were relative to ongoing litigation involving matter with the DEP. There was an additional update to the ongoing investi and possible litigation in the front end loader bid. An opinion will be provided by the Attorney's office prior to the October 4, 2006 meeting so the matter can be placed on the agenda. An additional request for an opinion letter from the Township Attorney's office relative to a personal/possible litigation matter has also been asked for and will be provided before the meeting.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized an amount not to exceed \$5000.00 to allow for 4th quarter testing pursuant to our requirements relative to Fire Station 1 with TRC Raviv money to be encumbered out of either legal budget, public works budget or both. Subject to formal action being taken when the bill is received and the allocation of funds therein.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:01 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved

Patricia Schriver, Mayor