

**Lebanon Township Committee
November 4, 2009**

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 Jay Weeks
George Piazza Ed Post

Absent- Francis Morrison

Also Present - Attorney Phil George and Clerk Karen Sandorse and 11 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Post, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of October 21, 2009. AYES: Post, Schriver, Weeks ABSTAIN: Piazza

Motion by Mr. Post, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of October 21, 2009. AYES: Post, Schriver, Weeks ABSTAIN: Piazza

ORDINANCES

Public Hearing

Ordinance No. 2009-09

Motion by Mr. Post, seconded by Mr. Weeks carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-09 was opened.

There were no comments from the public.

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

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-09 as written below.

**ORDINANCE NO. 2009-09
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED “ZONING”, SPECIFICALLY
ARTICLE IV, TITLED “SITE PLAN REVIEW”**

WHEREAS, the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey has reviewed the Township Code and believes that some amendments to the Zoning Ordinance are necessary, particularly as related to site plan review; and,

WHEREAS, the Township Committee believes such amendments are necessary to update and supplement certain provisions in the Zoning Ordinance relating to site plan review, as the Ordinance currently does not have provisions for a minor site plan, and such provisions are desirable for certain types of applications.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 400, titled “Zoning” of the Code of the Township of Lebanon is hereby amended, and revised as follows

Section 1. Subsection 400-4 is hereby amended to add the following definition.

Minor site plan. A site plan involving less than 1,000 square feet of new building, or 3,200 square feet of new impervious coverage, or 5 parking spaces.

Section 2. The following new section is to be added, concerning Provisions for Minor Site Plan Approval

400-27.1 Minor site plan.

A. Information required for minor site plan approval.

- (1) One original and 13 copies of the application form
- (2) 14 copies of the plans, which need not be prepared by a Professional Land Surveyor, Professional Engineer or Professional Planner, provided that the information is clearly shown, is drafted to scale upon a previously prepared survey of the subject property, and is reproducible for record keeping purposes
- (3) Acreage of the property, north arrow and approval signature lines

- (4) Existing block and lot numbers of the subject lots as they appear on the Township Tax Map
- (5) Photographs (14 sets) from perimeter of property into the subject property, with a sketch indicating from where the photographs were taken
- (6) Photographs (14 sets) from perimeter of property into adjacent sites, with a sketch indicating from where the photographs were taken
- (7) The location of existing and proposed structures, parking areas and driveways on the site
- (8) The zoning district within which the property is located, including the Schedule of applicable zoning requirements pursuant to Chapter 400, Schedule 1.
- (9) Existing vegetation on-site and proposed landscaped areas
- (10) Floor plans of existing and proposed buildings and structures on-site, with a clear delineation and square footage calculations
- (11) Existing and proposed building and lot coverage of the property
- (12) Proposed hours of operation
- (13) Existing and proposed signage and lighting on the property
- (14) An identification and description of all vehicles and pieces of equipment (type and size) on the property at any time, with an identification of which vehicles will be garaged on-site and where such vehicles will be garaged
- (15) A brief narrative description of the use, indicating any delivery or pick-up services, equipment used, nature of activity, products and/or clientele, the nature of sounds emitted from the site, and a description of any equipment that may cause interference with radio or television reception
- (16) The names of all property owners within 200 feet as they appear on the most recent tax list prepared by the Township Tax Assessor
- (17) Application and escrow fees
- (18) Certificate from the Township Tax Collector that all taxes and assessments are paid to date
- (19) Affidavit of property ownership
- (20) Name, address and telephone number of owner
- (21) Name, title, address and license number of any professional who prepared the plan

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.

Public Hearing

Ordinance No. 2009-10

Motion by Mr. Piazza, seconded by Mr. Weeks carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-10 was opened.

There were no comments from the public.

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

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-10 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2009-10
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER 400(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 Section 400-54D(3), entitled “Development Applications”, is hereby amended to adjust the relevant application fees due in connection with development applications as set forth on the attached schedule under the heading “APPLICATION FEES”.

Section 2. Ordinance Section 400-54F(2), entitled “Initial Deposits”, is hereby amended to adjust the relevant escrow fees due in connection with development applications as set forth on the attached schedule under the heading “ESCROW FEES”.

Section 3. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

**TOWNSHIP OF LEBANON
SCHEDULE OF FEES AND ESCROW FOR DEVELOPMENT APPLICATIONS**

		\$100.00 ea additional lot	
Lot Area, Setbacks/Yard Requirements	\$250.00		\$ 750.00
Certification of a prior nonconforming use or structure	\$100.00		\$ 500.00
Use Regulations	\$350.00		\$1,500.00
Continued Hearings		\$100.00 per each additional meeting (PAID IN ADVANCE)	
Multiple Variances		\$100.00 per variance request	
Direction for Issuance of a permit for building not related to a public street	\$200.00		\$2,000.00

Public Hearing

Ordinance No. 2009-11

Motion by Mr. Piazza, seconded by Mr. Post carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-11 was opened.

There were no comments from the public.

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. Piazza, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-11 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2009-11
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER 400(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. That the Application Checklist which amends the submission requirements for minor subdivision approval, preliminary or final major subdivision approval; preliminary or final site plan approval; or variance approval as set forth under relevant chapters of the Lebanon Township Ordinances is hereby adopted;

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

**TOWNSHIP OF LEBANON
APPLICATION CHECKLIST
(See Attached)**

Public Hearing

Ordinance No. 2009-12

Motion by Mr. Piazza, seconded by Mr. Weeks carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-12 was opened.

There were no comments from the public.

The public hearing was closed on a motion by Mr. Piazza, seconded by Mr. Weeks 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. 2009-12 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2009-12
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER 400(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. That the Minor Site Plan Application Checklist which lists the submission requirements for minor site plan approval as required under Ordinance Section 400-27.1 is hereby adopted;

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

Introduction

Ordinance 2009-13 – Amending the Ordinance Creating/Municipal Court of North Hunterdon

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-13 on first reading. (As entitled below).

TOWNSHIP OF LEBANON

**COUNTY OF HUNTERDON
ORDINANCE NO. 2009-13
AN ORDINANCE AMENDING THE ORDINANCE CREATING THE
MUNICIPAL COURT OF NORTH HUNTERDON EFFECTIVE 2010**

Public Hearing to be held on December 2, 2009.

Introduction

Ordinance 2009-14 – Requiring Prequalification of Bidders for Contracts/Goods and Services

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-14 on first reading. (As entitled below).

**ORDINANCE NO. 2009-14
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LEBANON
TO REQUIRE THE PREQUALIFICATION OF BIDDERS FOR CONTRACTS FOR
GOODS OR SERVICES TO BE PROVIDED TO THE TOWNSHIP**

Public Hearing to be held on December 2, 2009.

RESOLUTIONS

Resolution No. 81-3009 – Pelio Property Acquisition

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 81-2009. (See attached)

**RESOLUTION NO. 81A-2009
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**A RESOLUTION AUTHORIZING THE EXECUTION OF
AN AGREEMENT FOR ASSIGNMENT OF INTEREST IN
PURCHASE OF UNIMPROVED REAL PROPERTY**

WHEREAS, the Township is authorized by State law to acquire real property useful for the proper exercise of any power conferred upon the Township by law; and,

WHEREAS, the Township Committee has determined that the public good is best served by the preservation of significant contiguous parcels of farmland from and against any development not related to the farming of such property; and,

WHEREAS, the Hunterdon Land Trust Alliance has entered into an Agreement to purchase certain property known as Block 53, Lot 12 and Block 56, Lot 15 now owned by Messrs. Earl Pelio, Richard Pelio and Robert Pelio, all located within the Township of Lebanon and consisting of approximately seventy (70) acres; and,

WHEREAS, the Township Committee has previously approved by resolution its participation with the Hunterdon Land Trust Alliance and the County of Hunterdon to jointly purchase the above-referenced property for the price of Seven Hundred Thousand Dollars (\$700,000.00) for the purpose of farmland preservation; and,

WHEREAS, the Hunterdon Land Trust Alliance wishes to assign to the Township of Lebanon all of its rights, title and interest in the said Agreement to purchase certain property known as Block 53, Lot 12 and Block 56, Lot 15 now owned by Messrs. Earl Pelio, Richard Pelio and Robert Pelio, all located within the Township of Lebanon and consisting of approximately seventy (70) acres and to further coordinate with and assist the Township in obtaining funds from the State of New Jersey and the County of Hunterdon for the benefit of the Township:

NOW, THEREFORE, be it ordained by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Mayor and Township Clerk, pursuant to the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1, et seq.* are hereby authorized to jointly execute an Assignment Agreement with annexed Purchase Agreement with the Hunterdon Land Trust Alliance for acquisition of development rights for the property known as Block 53, Lot 12 and Block 56, Lot 15, all located within the Township of Lebanon.

OLD BUSINESS

Warren Newman – Update on 2010 NJDEP Trails Grant Application Block 36 Lot 18.04

Warren Newman, LTEOS Chairman stated that after discussion in the beginning of the year, it was decided to investigate the NJDEP Trails Grant. Warren provided the Committee with documentation relative to the Grant, pictures of the parcel and a map. In 2004, Lebanon Township and NJWSA acquired the Goracy tract of land. The property has 25 acres of open space. It is a flagstaff property and abuts 125' of frontage on Woodglen Road and goes back several thousand feet to where the back of the property abuts Mickwin Woods Park .

The NJDEP Trails Grant Application does require a 20% matching component, however, it can be in the form of fair market services and supplies, volunteers or donations. It does not have to be a monetary match. The grant application can be up to a maximum of \$25,000.00. The scope of work proposed is to improve the condition of the right-of-way which is an existing cleared right-of-way, the creation of new trails to enhance a small area of the Woodglen Road portion of the site to allow for several vehicles to park. There is no real shoulder area to park. The grant application is due to be submitted by December 15, 2009. The LTEOS suspects that the grant request would be any where from \$15,000.00 to \$25,000.00. Hunterdon County is working with LTEOS and will partner with them also.

Warren stated that the LTOES requested the support of the Township Committee in moving forward with the grant application and possibly providing some services though the DPW, such as, use of men and equipment to assist with the project.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee moved to have a resolution drafted in support of the LTOES Commission's project proposal and Grant application.

The Township Committee thanked Warren and the LTOES members for their hard work and dedication to the Township.

Approve Acting DPW Supervisor's Request to Purchase a Stertil-Koni Mobile Lift System

Motion by Mr. Weeks, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Acting DPW Supervisor to Purchase a Stertil-Koni Mobile Lift System from Hoffmans Services Inc. at a cost of \$55,300.00.

Approve Acting DPW Supervisor's Request to Purchase a 2010 Ford F-450

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the request of the Acting DPW Supervisor to Purchase a 2010 Ford F-450 from Ditschman/Flemington Ford at a cost of \$44,990.00.

Approve Architect Keith Chamber's Proposal for Phase III "Bidding Phase" Twp. Garage

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Architect Keith Chamber's Proposal for Phase III "Bidding Phase" and Phase IV "Clerk of the Works" for the Township Garage Project.

NEW BUSINESS

Approve Police Chief's Request to Purchase Three Computers

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to purchase three computers from Dell at a total cost of \$3,558.82.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the November 4, 2009 bill list in the amount of \$870,295.73.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of October
- b. Tax Assessor – Added Assessments and Rollback Taxes
- c. DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer – Invitation
- d. Lebanon Township Historians Meeting Minutes for October 1, 2009

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. Ron Milkowski asked if Ordinance 2009-14 will have any affect on professional services contracts. Attorney George stated that based on the way the Ordinance is written, it would be at the discretion of the Township Committee.

Mr. Milkowski asked that the Township Committee request that the professionals have no increase in their contracts for the 2010 year.

Mr. Milkowski asked how often the Clerk of the Works will be at the garage project site. Mr. Post stated that Keith Chambers will be there, minimally, once every two weeks and on an as needed basis along with all administration.

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

EXECUTIVE SESSION

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 82-2009 and convened in executive session at 7:51 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 82-2009

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:

Tilcon Litigation

Hyland vs. Lebanon Township Litigation
Insurance Claims for Environmental Matters
Library Contract Negotiations
DPW Personnel Issues
Cell Tower Contract Negotiations
Contract Issues Related to LT Rescue Squad

Attorney George stated that he does not believe that any action will need to be taken on these matters when the Executive Session is concluded.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:16 p.m.

Attorney George stated that during the executive session a number of matters were discussed. Representatives from Groendyke Insurance discussed Selective Insurance's coverage of Fire Station No. 1 and also discussed remedial efforts, as to if they are covered under the Risk. The Groendyke representatives also discussed coverage provisions relative to the Hyland and Tilcon matters. A status update was provided to the Committee by Attorney George regarding a joint counsel session relative to the Tilcon Litigation. Attorney George requested pre-litigation discovery materials from the Acting DPW Supervisor. The Committee held a discussion with the Acting DPW Supervisor relative to the position of DPW Supervisor and Assistant DPW Supervisor. Members of the Lebanon Township First Aid Squad were present to discuss with the Committee a business plan for converting to paid positions for the day shift. The Library was discussed for possible bidding for a boiler replacement. The work is likely to exceed the bid threshold and financing will need to be looked into in the coming weeks.

There is a Memorandum of Understanding that will need to be prepared by the Township Attorney for the position of Assistant DPW Supervisor. The Township Committee has also requested that a formal resolution be prepared for the December 2, 2009 meeting appointing the DPW Supervisor and for his salary is to be retroactive to October 1, 2009.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Weeks, seconded by Mr. Post and carried by unanimous favorable roll call vote to adjourn the meeting at 9:22 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 2, 2009

Patricia Schriver, Mayor

