

**Lebanon Township Committee
October 4, 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 7 members of the public.

PRESENTATION OF MINUTES

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

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

ORDINANCES

Ordinance No. 2006-11 - Introduction

Motion by Mr. Weeks, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2006-11. (as entitled below)

Public Hearing to be held on November 1, 2006.

COUNTY OF HUNTERDON
ORDINANCE 2006-11
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER XVIII (ZONING)

RESOLUTIONS

Resolution No. 84-2006 - Execution of a Regional Contribution Agreement (COAH)

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.84-2006. (as written below)

RESOLUTION NO. 84-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING THE EXECUTION OF A REGIONAL CONTRIBUTION
AGREEMENT

WHEREAS, the Township of Lebanon, Hunterdon County, has a fair share obligation to provide housing opportunities to households of low- and moderate-income as established by the New Jersey Supreme Court and by the New Jersey Fair Housing Act, N.J.S.A. 52:27d-301 et seq.; and

WHEREAS, the Fair Housing Act provides that municipalities within the same region as defined by the Council on Affordable Housing (COAH) may meet up to 50 percent of that obligation through a regional contribution agreement (RCA) under which the sending municipality makes a cash payment to another municipality, known as the receiving municipality, which undertakes to provide low- and moderate-income housing which is credited toward the sending municipality's fair share obligation; and

WHEREAS, N.J.A.C. 5:94-5.1(a) allows municipalities to propose the transfer of up to 50 percent of their third round growth share obligation; and

WHEREAS, Lebanon Township proposes to transfer up to 7 units of its growth share obligation at a cost of \$35,000 per unit or a total of up to \$245,000 in the form of an RCA with a receiving municipality within its housing region; and

WHEREAS, the receiving municipality desires to provide affordable housing for low- and moderate-income residents of the region, which action will be furthered by funds made available through the RCA; and

WHEREAS, the RCA is in the best interests of Lebanon Township.

NOW THEREFORE BE IT RESOLVED, that the Mayor of the Township of Lebanon in the County of Hunterdon is hereby authorized to execute such documents and exhibits as may be necessary to effectuate the RCA.

Resolution No. 85-2006 - Award Bid for 4 Wheel Drive Loader

Motion by Mr. Piazza, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 85-2006. (as written below)

RESOLUTION NO. 85-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION AWARDING TO JESCO, INC. OF SOUTH PLAINFIELD,
NEW JERSEY THE CONTRACT TO PROVIDE A 4-WHEEL DRIVE LOADER
TO THE TOWNSHIP OF LEBANON

WHEREAS, the Township of Lebanon promulgated bid specifications to obtain bids for a 2006 4-Wheel Drive Loader; and,

WHEREAS, the bid opening was held on Friday, September 1, 2006 for the 4-wheel drive loader; and,

WHEREAS, three (3) bidders responded to the bid; and,

WHEREAS, two (2) of the bidders took exceptions to many of the specifications, including the height specification; and,

WHEREAS, Jesco, Inc. was the only bidder to meet all of the specifications and was the second lowest responsible bidder and the Township wishes to enter into an Agreement with Jesco, Inc. to provide said 4-wheel drive loader listed above; and,

WHEREAS, Powerco, Inc. took exception to many of the specifications, including the height requirement, which would result in an inability to fit the loader into the Township's garage; and,

WHEREAS, the loader proposed by Jesco, Inc. has a better brake system, electronic system and engine than the Powerco, Inc. loader which would result in less repair costs and more longevity, as well as a hydraulically locking front differential which offers more protection and less cost than the limited slip design of the Powerco loader and a more user-friendly diagnostic and maintenance system.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Mayor and Township Clerk are hereby authorized, on behalf of the Township to execute an Agreement with Jesco, Inc., 118 St. Nicholas Avenue, South Plainfield, New Jersey 07080 for the purchase of a 2006 4-wheel drive loader in the amount of One Hundred and Fifteen Thousand Five Hundred Seventy-Five (\$115,575.00). A copy of the executed Agreement shall be on file in the office of the Township Clerk.

OLD BUSINESS

Appoint Office of Emergency Management Coordinator

Held to October 18, 2006 meeting.

Authorize Clerk to Sign – Master Equipment Lease-Purchase Agreement

Motion by Mr. Monahan, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to sign the Master Equipment Lease-Purchase Agreement for the new 2006 marked Dodge Durango for the Police Department.

Authorize Mayor to Sign – Neighborhood Preservation Balance Housing Program Drawdown Schedule – Freedom House

Mr. Post stated that Freedom House has almost completed the work, covered by the first installment of the grant, for the rehabilitation of the property. Freedom House is now requesting the money from the second installment of the drawdown. Mr. Post stated that this request can be granted, provided that Attorney Bernstein has no issues with advancing the money from the Township cash flow, until we can be reimbursed by the State. The Township Treasurer, Julia Gambert informed Mr. Post that there is an extension to the Contract Term that must to be addressed before we will be reimbursed by the State. Ms. Gambert also assured Mr. Post that the Township can afford to fund the 2nd installment of \$156,278.00 out of cash flow without any adverse impact.

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor to sign the Neighborhood Preservation Balance Housing Program Drawdown Schedule for the Freedom House project.

Swack Church

Mr. Post stated that he met with Engineer Steve Risse to site survey the Swack Church property, as requested by the Township Committee. The Township Engineer will be submitting a recommendation letter on how to proceed. Mr. Post stated that the recommendation will most likely be to engage a professional tree service to do the work. It is not advised at this time for civilians to do any work on the property as the structure may be compromised. The second part of the recommendation is to have someone, who is familiar with those types of stone structures, to advise as what would be needed to fortify it.

NEW BUSINESS

Thomas Mizzone III – Sydney Road Drainage

Mr. Mizzone of 7 Sidney Road is a new resident of Lebanon Township. He was in attendance at the meeting to state concerns he has with the road as approved by the Township Engineer. The road is not stable and has completely washed out. There are large ruts that are difficult to drive over. Mr. Mizzone stated that the builder has been back to the site multiple times to correct the problem and has dug trenches into the parkland. Mr. Mizzone stated, for the record, that he was

not sure if this is a problem, but that he does not want to be responsible for the drainage on the Point Mountain Park Reserve. Sidney Road is a private road. Fire Chief Warren Gabriel stated that the builder had installed an underground water tank, but due to the work completed to correct the drainage problem, the tank is no longer accessible. Attorney Bernstein stated that if there is money in escrow, relative to this Planning Board application, the Township Engineer should go to the site and evaluate the condition of the road and the changes made to the plan. If there is not sufficient escrow funds, the Planning Board Clerk should request additional money from the builder. This is a Planning Board matter and should be addressed as such.

Cancel November 15, 2006 Meeting – NJ League of Municipalities

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee canceled the November 15, 2006 meeting due to the New Jersey League of Municipalities Conference.

Assemblywoman Marcia Karrow

Mayor Schriver stated that the Committee received a request from Assemblywoman Marcia Karrow to come and speak, briefly, at the October 18, 2006 meeting.

North Hunterdon Municipal Court

Mr. Piazza stated that he attended the North Hunterdon Municipal Court budget meeting on Monday night. As it stands at this time, it appears that the 2007 budget will have less than a 3 % increase.

PRESENTATION OF VOUCHERS

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

Mr. Monahan stated that he had a question on a voucher for the purchase of a camera for the police department, at a cost of \$105.00. Mr. Monahan stated that the voucher was not complete therefore, he would like it held until he can look into.

Motion by seconded Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the October 4, 2006 bill list in the amount of \$58,725.45 with the exception of the \$105.00 camera voucher, which can be paid upon approval of Mr. Monahan. Payment of \$156,278.00 for the second installment for the Freedom House project is to be taken from cash flow.

CORRESPONDENCE

Tax Collector Report for the Month of September 2006

Township of Lebanon Historians Meeting Minutes of September 7, 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 Rauschenberger questioned if the Zoning Ordinance, introduced earlier in the meeting, had already been adopted at a prior meeting. The Committee stated that this was a new ordinance.

Motion by Mr. Piazza, seconded by Mr. Weeks 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. 86-2006 and convened in executive session at 7:32 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 86-2006

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:

Attorney Client Privilege Relative to Affordable Housing
Personnel Matters

Motion by Mr. Weeks, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:05 p.m.

Attorney Bernstein stated that there was discussion with the Township Attorney relative to privileged matters involving affordable housing. No action to be taken. There was also

discussion on personnel matters involving notification of certain individuals. The position of the Office of Emergency Management Coordinator was discussed and a potential applicant will be invited to the next meeting and will be provided with a Rice Notice by the Township Clerk. The Municipal Clerk will look into the ongoing issue with the Finance office.

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 8:07 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Patricia Schriver, Mayor