

**Lebanon Township Committee  
October 15, 2008**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Deputy Mayor Post 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**

Deputy Mayor Post asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Patricia Schriver, Jay Weeks, Edward Post, Frank Morrison

Absent - George Piazza

Also Present - Attorney Eric Bernstein, Clerk Karen Sandorse and 4 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the October 1, 2008 regular meeting minutes.*

*Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the October 1, 2008 executive session minutes.*

**RESOLUTIONS**

**Resolution No. 91-2008 – Supporting the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved Resolution No. 91-2008 as written below. AYES: Schriver, Post Morrison NAYS: Weeks*

RESOLUTION NO. 91-2008  
STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON

Resolution supporting the County referendum on the November 4<sup>th</sup>, 2008 ballot to renew the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund

WHEREAS, continued investment in open space and farmland preservation is vitally important to the county, as it enhances Hunterdon County's economy, safeguards its remaining natural, agricultural, recreational and historic resources and contributes to a high quality of life for county residents; and

WHEREAS, the state of New Jersey continues to face significant pressure from development, losing nearly 50 acres of open space daily to new development projects and is projected to be the first state in the nation to achieve complete build out, anticipated in the next 30-50 years; and

WHEREAS, protecting open spaces, preserving farmland and restoring historic sites stabilizes local property taxes, protects critical drinking water supplies, provides parkland and recreational opportunities, and protects family farms from development, and

WHEREAS, since its creation in 1999, and subsequent renewal in 2004, the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund has enabled the county to protect more than 17,000 acres of farmland, parkland, and natural areas throughout the county; and

WHEREAS, the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund is essential not only to the County's preservation programs, but also to the work of municipalities and nonprofit organizations by providing grants to help preserve land and protect natural resources and farmland for future generations; and

WHEREAS, Hunterdon County has determined that another 9,000 acres of parkland are needed to adequately serve the current and future population of the county, and the County Agricultural Development Board has established a goal of protecting an additional 1,500 acres of farmland annually through the year 2017, and

Whereas, Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund expires in 2009, and

Whereas, this referendum is an opportunity for county residents to continue a successful preservation program and that no new taxes will result from it, and

Whereas, renewal of this Trust Fund is integral to providing a legacy for the next generation of Hunterdon County by protecting the natural and agricultural resources that sustain our communities and provide for a high quality of life.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the municipality of, Township of Lebanon, in the county of Hunterdon and State of New Jersey as follows:

1. The Municipality supports the continuation of the current county Open Space, Recreation, farmland and Historic Preservation Trust for the purposes of protecting drinking water sources and water quality; preserving open space, natural areas, farmland and historic sites; to acquire, develop, improve and maintain county and municipal lands for recreation and conservation purposes; preservation of historic structures and properties; or for the payment of debt services or indebtedness issued or incurred by the County for any of these purposes.

2. The municipality supports the renewal of the Trust Fund with the continuation of the current county open space tax of 3-cents per \$100 of assessed property value and recognizes that this referendum will not create a new tax for county residents.
3. The municipality supports a fair and open process for the selection of projects to be funded through this Trust Fund, using funds only for projects in which willing sellers are involved, and an annual independent audit of how the county funds are spent.
4. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:

Duly authenticated copies of this Resolution shall be transmitted to:

The Hunterdon County Freeholders  
c/o Denise Doolan  
P O Box 2900  
Flemington, NJ 08822-2900

Ken Jagel, Chair  
Citizens to Protect Hunterdon's Clean Water and Rural Landscapes  
P O Box 2442  
Flemington, NJ 08822-2900

Hunterdon County Democrat

**Resolution No. 92-2008 – Capital Improvement Fund – Township Garage**

*Motion by Mr. Morrison, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved Resolution No. 92-2008 as written below. AYES: Schriver, Post Morrison NAYS: Weeks*

RESOLUTION NO. 92-2008  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

WHEREAS, in Resolution No. 89-2008 and pursuant to N.J.A.C. 5:30-2.3(c) the sum of \$30,000 has been appropriated from the Capital Improvement Fund for preliminary costs, including but not limited to architectural and engineering fees for the construction of a new municipal garage, and

WHEREAS, the Township Committee wishes to also include previously incurred engineering costs associated with the preliminary plans for the municipal garage, in the amount of \$8,057.73. BE IT RESOLVED, that the Township Committee, of the Township of Lebanon hereby amends Resolution No. 89-2008 and approves \$38,057.73 from the Capital Improvement Fund for the preliminary costs for the construction of a new municipal garage.

**Resolution No. 93-2008 – Combe Fill Lawsuit - United States v. Beckman Coulter, Inc**

*Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 93-2008 as written below.*

RESOLUTION NO. 93-2008  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is a party to United States v. Beckman Coulter, Inc. et. als., Docket No. 98-4812 (WHW) and State of New Jersey v. American Thermoplastics Corp. et. als., Docket No. 98-4791; and,

WHEREAS, the various parties to this litigation who make up the municipal group, including the Township, came to a resolution of the litigation; and,

WHEREAS, in order to carry out the provisions of the settlement of this litigation, the Township is required to execute certain documents, including, but not limited to, an Escrow Agreement and Consent Decree, as well as deposit monies into the overall escrow settlement account as to its share of the settlement agreement.

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 to execute any and all documents on behalf of the Township, including, but not limited to, the Escrow Agreement and Consent Decree to carry out the terms and conditions of the settlement, as well as authorize the Chief Financial Officer to take all necessary actions to make the Township's payment into the appropriate Municipal Escrow Account once the Escrow Agreement has been executed.

**Resolution No. 94-2008 – Unmuffled Engine Braking**

*Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by favorable roll call vote, the Township Committee approved Resolution No. 94-2008 as written below. AYES: Schriver, Post Morrison NAYS: Weeks*

RESOLUTION NO. 94-2008  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
UNMUFFLED ENGINE BRAKING RESOLUTION

Whereas, Unmuffled engine braking noise from diesel trucks travels for long distances throughout the day and night, disturbs the repose and well being of taxpayers, and adversely affects the quality of life of many New Jersey residents,

Whereas, Truck, engine and equipment manufacturer studies have consistently found that improperly muffled vehicles are the root cause of the noise issue with engine braking,

Whereas, Unmuffled engine braking is currently not enforced on interstate highways in New Jersey,

Whereas, Truck traffic (and resulting noise) on interstate highways has greatly increased over the past 10 years and is expected to continue to increase,

Whereas, New Jersey is the most densely populated state in the USA and therefore has many residents living within audible proximity to interstate highways,  
Whereas, New trucks are required to be equipped with effective mufflers when first sold,  
Whereas, Many truckers have purposely modified their muffler systems after purchase to make them ineffective,  
Whereas, New Jersey law forbids the use of ineffective muffler systems on any motor vehicle,  
Whereas, Federal (EPA) regulations specifically prohibit tampering with, removing or rendering inoperative any truck noise control device  
Whereas, Federal noise regulations require trucks to meet specific noise emission standards  
Whereas, Many communities in New Jersey have enacted local ordinances to ban unmuffled engine braking  
Whereas, Many states have passed laws banning unmuffled engine braking, but New Jersey has no such state law.

Whereas, Local ordinances and New Jersey-specific laws are NOT enforceable on interstate highways, because only federal regulations are enforceable on interstate highways,  
Whereas, Many local municipalities are reluctant to adopt laws banning unmuffled engine braking due to concerns about enforceability and potential litigation,  
Whereas, The New Jersey Department of Environmental Protection (NJDEP) is responsible for adopting federal noise regulations for interstate highways,  
Whereas, NJDEP has not yet adopted any federal noise regulations for interstate highways,  
Whereas, The use of engine brakes should not be banned outright, because engine braking serves to enhance public safety,  
Whereas, Trucks are “self-inspected” and therefore not subject to the ongoing routine independent inspections that automobiles are subject to. Trucks may however be inspected when passing through a New Jersey State Police (NJSP)-administered weight station  
Whereas, NJSP-staffed truck weight stations are not open 24 hours per day.  
Therefore, be it resolved that:

- NJDEP shall immediately adopt all federal regulations regarding truck noise and mufflers system modifications,
- The Legislature shall immediately adopt a law similar to that of other states to ban unmuffled engine braking and impose a \$500 fine for violations,
- NJDEP shall work with the New Jersey Motor Vehicle Commission to establish a simple state roadside noise test procedure that requires the engine brakes to be activated during the test, that can be enforced by local and state police with minimal training and equipment, and that will stand up in court,
- The NJSP shall immediately and vigorously enforce all applicable state and federal truck noise and muffler laws (including at all truck weigh/inspections stations),
- Truck weigh and inspection stations on New Jersey interstate highways shall be opened and staffed 24/7 and shall adopt specific procedures and training to check for missing and/or ineffective mufflers on all trucks.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to your local NJ State Senator and Assemblyperson and also to the following

Governor Corzine, Office of the Governor, P.O. Box 001, Trenton, NJ 08625  
DEP Commissioner Lisa P. Jackson, 401 E. State St., 7<sup>th</sup> Floor, Trenton, NJ 08625

NJDOT Commissioner Kris Kolluri, P.O. Box 600, Trenton, NJ 08625-0600  
NJ Motor Vehicle Commission, P.O. Box 160, Trenton, NJ 08666  
NJ State Police Colonel Rick Fuentes, P.O. Box 7068, West Trenton, NJ 08628  
Union Township Environmental Commission, 140 Perryville Road, Hampton, NJ 08827

## **OLD BUSINESS**

Mr. Post stated that he is still having problems with his attempts to coordinate a meeting with the DEP relative to Fire Station No. 1. Attorney Bernstein will discuss the matter with Mr. Post to attempt to resolve the problem.

## **NEW BUSINESS**

### **Hunterdon County Planning Board – Sue Dziamara**

Sue stated that the HC Planning Board has taken the month of September to visit all of the 26 County Planning Boards. In a cases where they could not meet with the Planning Boards they made an effort to meet with the Committees. There are a few important things that are going on at the County Planning Department. One of which is the County Waste Water Management Plan. One May 21, 2008, the DEP adopted the Water Quality Management Planning Rules and part of the rules is to ask the Counties if they wanted to act as the County Wide Waste Water Management Plan entity. The Freeholders have elected to take on that role believing that it would be a good service to the municipalities. This is an opportunity for the County to share some of the services they have with the municipalities. Each municipality will be preparing their own Plan but the County will be working with them and helping to put together much of the GIS data that will be needed. This will be the major role of the County. The preparation of the Plan is a nine month process and the County expects to submit their WWMP in April of 2009. Each municipality will have its own chapter in the Plan. On October 27, 2008, the County will be having a kick off meeting. The Planning Department is asking for each municipality to appoint an Advisory Committee to serve the municipal portion of the Plan and also to appoint a member to sit on the County Steering Committee. This way there will be one person attending the Steering Committee meetings who will bring the information back to the Township Advisory Committee. Mr. Post stated that the Township is almost exclusively septic and asked that since there is not much applicability, what is our responsibility? Sue stated that she knows that we are a septic community, as are many of the municipalities; however, a WWMP still needs to be prepared. Sue stated that the County is looking for guidance and direction from the Watershed Management Group in the DEP. The County is trying to help keep the municipalities informed and to be a resource as the process moves forward. Ms. Schriver asked if the WWMP will be monitored by the State like the Storm Water Management Plan. Sue stated that she is not sure but she will check on it.

Sue stated that this year the applications for the Hunterdon County Planning and Design Awards Program were a little sparse. Therefore, the Planning Department has decided to extend the nomination period to December 1, 2008. The Awards Dinner will be then held on March 31, 2009. There is information on the HC Planning Board's website. There is a new award category for transportation related projects.

Sue stated that last June the Planning Department adopted the Transportation Plan. Part of the Plan included a list of strategies and action items. The Planning Department is asking each municipality to look at the list of items and to tell them what is most important to the Township. Sue asked to pick the top three items. Sue stated that the Transportation Plan talks about Travel Demand Management. This is trying to improvement the movement of traffic and people in other ways than building roads. This is a new way to look at the way we develop. HART Commuter information services put a checklist together for Planning Boards. Sue will forward to the LT Planning Board. She stated that this is something to think about when approving applications. Thinking about people who live in developments and how they are going to get to and from where they need to be.

### **Approve Blue Light Application – Kaitlyn Bussard**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Blue Light Permit Application for Kaitlyn Bussard.*

## **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1,000.00.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the October 15, 2008 bill list in the amount of \$2,638,030.85.*

## **CORRESPONDENCE**

### **Tax Collector's Report for the Month of September**

### **Hunterdon County Municipal Officer's Dinner – October 29, 2008**

### **North Jersey Transportation Planning Authority – Transportation Interactive Workshop**

**Highlands Correspondence** – Attorney Bernstein stated that there was a letter received relative to the Highlands Act. He asked that the Committee please review it as there is action that will need to be taken.

## **PUBLIC COMMENTS**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting.*

Ms. Sandra Singer Rauschenberger has questions regarding a release of liability form for the use of the Squad building. The Clerk will look into it.

Mr. Anthony Casale asked if there was a resolution regarding the insurance coverage for the Fire Station No. 1 contamination. Attorney Bernstein stated that there are discussions and research going on at this time between Groendyke Insurance and Selective Insurance.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.*

## **EXECUTIVE SESSION**

*Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 95-2008 and convened in executive session at 7:39 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 95-2008**

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:

#### **Personnel – Tax Collector**

*Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:39 p.m.*

Attorney Bernstein stated that all members of the Governing Body present at the commencement of the executive session were present at the recommencement of the open session as well as the Township Clerk and the Township Attorney. There was a discussion regarding the hours of work and related benefits involving the Tax Collector. Attorney Bernstein asked the Township Committee to amend the original hiring resolution by eliminating the provision allowing for vacation, sick and personal days and all benefits which are at odds with the Collective Bargaining Agreement between CWA Local 1040 and the Township.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee amended all hiring resolutions by eliminating the provision allowing for vacation, sick and personal days and all benefits which are at odds with the Collective Bargaining Agreement between CWA Local 1040 and the Township.*

The Township Attorney will do any necessary paperwork to assist the Clerk in the execution of such and the Clerk will have a discussion with all other applicable employees who may be in the same situation.

The Township Attorney stated that he would like to ask the Township Committee to consider whether they should require the Fire Chief to provide to the Township a written document



indicating that the Fire Company membership has voted on the acceptance of the truck and by majority vote has accepted the truck for itself, above and beyond, all of the other conditions as previously requested.

*Motion by Ms. Schriver, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee requested that the Fire Chief provide to the Township, a written document indicating that the Fire Company membership has voted on the acceptance of the truck and by majority vote has accepted the truck for itself. AYES: Schriver, Post, Weeks NAYS: Morrison*

## **ADJOURN**

Having no further business to come before the Committee, a motion was made by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote to adjourn the meeting at 8:41 p.m.

Respectfully submitted,

---

Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: November 5, 2008

---

Edward Post, Deputy Mayor