

**Lebanon Township Committee
November 1, 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 Jay Weeks George Piazza
Francis Monahan Ed Post

Absent

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 11 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the October 18, 2006 regular meeting minutes.

Motion by Mr. Monahan, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the October 18, 2006 executive session minutes.

GUEST SPEAKER

Robert O’Neil – NJ Water Supply Authority –Lebanon Twp. Municipal Assessment

Mr. O’Neil was in attendance to explain the effort that was made in the Lebanon Township Municipal Assessment. The report is completely free, there is no commitment and the report has no regulatory authority. It is more of a resource document that the Township Boards and Commissions can use, if they choose, to follow some of the recommendations provided. The New Jersey Water Supply Authority is under contract with the NJ Environmental Protection Agency, who has provided New Jersey Water Supply Authority with a grant to look at a number of communities along the Raritan River System. Mr. O’Neil stated that he was warned early on that the Township is ahead of the curve in environmental protection, which he knew to be true,

however, he felt that it would be a good idea to take a look and at worst, he could reaffirm what is known to be true. Mr. O'Neil reviewed the table of contents with the Committee. Next year will be the 6th year of the current Master Plan and Mr. O'Neil suggested that it will need to be reexamined by the Planning Board. The Township is where it needs to be with Stormwater Management. The Township does not have a Wastewater Management Plan, which is not unusual for a rural community that is entirely reliant on septic systems. However, State law dictates that every municipality must have a plan. Mr. O'Neil suggested that the Township incorporate a Wastewater Management Plan in with the reexamination of the Master Plan in 2007. Relative to the Highlands Water Protection Planning, the Regional Master Plan is still not out but it was reaffirmed that most of the Township is in the preservation zone. There is a very small portion along the Clinton Township boarder that is in the planning area. Once the Regional Master Plan is complete, it will definitely have an impact on the Township. Open Space and Farmland Preservation has been an important issue for the Township. In regard to Woodland and Forest Protection, Mr. O'Neil stated that the Townships' existing ordinances address the potential conflict between preserving the forested areas and preserving agricultural rights. Mr. O'Neil stated that he felt that issues of Surface Water, Ground Water, Smart Growth, and Wildlife Habitat has room for improvement and provided the Township with some ideas that may be considered.

Mr. Post stated that he had received copies of the drafts prior to the meeting and that the report is very comprehensive in terms of acknowledging what the Township has done along the twelve dimensions outlined. The Committee agreed that the comparative recommendations should be considered by the Township Planning Board.

Mayor Schriver thanked Mr. O'Neil for his time and energy and stated that the Township is happy to be the third Township to be assessed.

ORDINANCES

Ordinance No. 2006- 11 Public Hearing

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2006- 11 was opened.

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

Motion by Mr. Weeks, seconded by Mr. Monahan, and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2006-11 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 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)

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 6., to read as follows:
The initial escrow for an application for exemption from site plan review shall be four hundred
dollars (\$400.00).

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. 87-2006

No motion was made to adopt Resolution No. 87-2006. Committee decided to hold until further
information is received.

RESOLUTION #87-2006
TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON,
STATE OF NEW JERSEY
IN SUPPORT OF ASSEMBLY BILL 3115
HIGHLANDS PROPERTY TAX STABLIZATION FUND

Resolution No. 89-2006

*Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll
call vote, the Township Committee adopted Resolutions No. 89-2006. (as written below)*

RESOLUTION NO. 89-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government
Services may approve the insertion of any special item of revenue in the budget of any county or
municipality when such item shall have been made available by law and the amount thereof was not
determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal
amount, and

WHEREAS, the Township of Lebanon has received \$589.65 from the State of New Jersey, Dept.
of the Treasury, Recycling Tonnage Grant and wishes to amend its 2006 Budget to include a portion of
this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Lebanon, Hunterdon County, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$589.65 from:

Miscellaneous revenues
Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local
Government Services:
State and Federal Revenues Off-Set with

Appropriations:
Recycling Tonnage Grant
Pursuant to provisions of Statute, and

BE IT FURTHER RESOLVED that a like sum of \$589.65 be and the same is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from Caps
State and Federal Programs Off-Set by
Revenues:
Recycling Tonnage Grant

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

Resolution No. 90-2006

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee adopted Resolutions No. 90-2006. (as written below) AYES: Piazza, Schriver, Post, Monahan NAYS: 0 (Mr. Weeks had left the meeting).

RESOLUTION NO. 90-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS the Tax Collector did sell a Tax Sale Certificate on October 18th 2006 for Block 24 lot 7 assessed to Alfred Lance c/o Jacqueline Lance, and

WHEREAS this certificate has been paid before the ten days in which the certificate can be redeemed before it is to be issued, and

WHEREAS the amount of \$9,158.84 has been collected for this certificate, and

WHEREAS there has also been a premium in the amount of \$21,000 paid for this certificate by Crusader Servicing Corporation

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$30,158.84 and that this check be mailed to Crusader Servicing Corporation.

Resolution No. 91-2006

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 91-2006. (as written below)

RESOLUTION NO. 91-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS the Tax Collector did sell a Tax Sale Certificate on October 18th 2006 for Block 40 lot 5.01 assessed to Joseph Martone and Patricia Winouski, and

WHEREAS this certificate has been paid before the ten days in which the certificate can be redeemed before it is to be issued, and

WHEREAS the amount of \$30,072.64 has been collected for this certificate, and

WHEREAS there has also been a premium in the amount of \$2,000 paid for this certificate by U.S. Bank Cust/Sass Muni V dtr

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$32,072.64 and that this check be mailed to U.S. Bank Cust/Sass MUNI V dtr.

Resolution No. 92-2006

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 92-2006. (as written below)

RESOLUTION NO. 92-2006
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS the Tax Collector of Lebanon Township has been shown proof and in accordance with the Tax Assessor agrees that John L Paulus, owner of Block 36, lot 22.03 in the Township of Lebanon, is totally and permanently disabled as a result of service to the United States, and has been so declared by the Veteran's Administration, and,

WHEREAS in accordance with N.J.S.A. 54: 4-3.32, the governing body of any municipality may refund the amount of taxes collected on any property which would have been exempt from taxation if proper claim in writing had been timely made, and,

WHEREAS Mr. Paulus has been declared totally and permanently disabled since September 20th 2004, and has only received such notification on September 29th 2006 from the Department of Veterans Affairs,

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Mr. Paulus' property be exempted from all property taxes from the date of his total and permanent disability, September 20th 2004, and that the \$17,507.91 which has been paid in taxes since September 20th 2004 be returned to Mr. Paulus and,

BE IT FURTHERMORE RESOLVED that the property be tax exempt as long as it is owned and occupied by John L Paulus or by his surviving spouse in accordance with the continuance of the right to exemption.

OLD BUSINESS

Swack Church – Anthony Road

Mr. Post stated that he and Engineer Steve Risse went to do a site survey on Anthony Road of the Swack Church property. Mr. Risse provided the Committee with a letter stating his professional opinion on the site. Mr. Risse recommended that the Township retain a professional tree removal company to remove some of the brush around the property. Mr. Post stated that there are some pretty impressive stone walls and if they are not taken care of there could be further deterioration. Mr. Risse also suggested that the Township consult with a professional experienced in restoration of historic structures to avoid potentially compromising the structural integrity.

Mr. Risse is pursuing an estimate from a professional. Based on the expert's guidance, a qualified tree service can be retained. Mr. Post stated that there are only a few corner walls standing so at this point the objective is to preserve it from further deterioration to the best extent possible.

Deer Carcass Removal

The Township Clerk informed the Township that the Deer Carcass Removal Contract will expire on June 30, 2007. The Committee decided to continue with Deer Carcass Removal for the 2006 year. The County has asked the Committee if they would like to participate in cooperative pricing bid solicitation.

NEW BUSINESS

Library Employee Request

Held for closed session.

Request for Replacement – Police Officer

The Police Chief requested to advertise for an officer to replace the retiring police officer. Mr. Piazza remarked that there will be two Township employees retiring at the end of 2006. He stated that this would be a good time to look at each department to evaluate the need. Possibly hiring a part time employee or not to replace at this time at all. Future budgets need to be considered. Mr. Piazza suggested waiting for the 2007 budget work sessions to see how the numbers are and then decide. Mayor Schriver said that they should sit with the department heads to hear their feelings on the matter.

Motion by seconded Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote the Township Committee authorized for the advertisement of a replacement police officer. Motion failed. NAYS: Weeks, Piazza, Post AYES: Schriver Monahan

Request for Replacement – DPW Employee

DPW Supervisor has requested to advertise for a DPW employee to replace the retiring DPW staff member.

Motion by seconded Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township called a special meeting to be held on December 6th at 6 p.m. The Board of Health meeting will be held at 6:30p.m., prior to commencement of regular meeting at 7 p.m.

The Municipal Clerk is to advertise for a special session to meet with the Police Chief and DPW Supervisor.

Request for Funds to Repair Dump Truck Hoist

Motion by Mr. Weeks, seconded by Mr. Post, carried by unanimous favorable roll call vote the Township Committee approved the repairs to the Dump Truck Hoist, in the approximate amount of \$5,600.00, subject to certification of funds.

Request to Purchase Lateral Fire Resistant Filing Cabinet

Motion by Mr. Weeks, seconded by Mr. Piazza and carried by unanimous favorable roll call vote the Township Committee approved the purchase of a Lateral Fire Resistant Filing Cabinet in the amount of \$3100.00, subject to certification of funds.

Request to Advertise for Sale of Surplus Equipment

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee authorized the DPW Supervisor to advertise for Sale of Surplus Equipment. Mr. Weeks is authorized to work with Mr. Jones to determine minimum bids.

Hunterdon County Open Space Trust Funds FY 2005

Mr. Piazza inquired on the status of the request for the reimbursement of the Open Space Trust Funds from the County. Mr. Post stated that he and the Clerk will look to receive clarity on which projects are eligible and how much is available. If there is no eligible project at this time, we will ask for the funds to be banked for later use.

Senate Bill 2244

Mayor Schriver stated that Robert Smith, Representative of District 17, has sponsored Senate Bill 2244 which proposes to consolidate the office of tax collection and other certain local services at the municipal level and to give it to the County. Mayor Schriver feels that they would be taking away the Township's control and possibly there will be a loss of the interest on the taxes collected by the County.

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote the Township Committee motioned to oppose Senate Bill 2244 and to send a letter to Senator Lance, Assembly members and Senator Smith.

Farm Laborers Quarters - Delaware Township

Mayor Schriver stated that she received a letter from Delaware Township stating that they recently received a building permit application for Farm Laborers Quarters. The application prompted a question of Growth Share. Delaware Township does not feel that Farm Laborers Quarters should generate a Growth Share Obligation. It should not be treated as a new market rate dwelling unit and should be exempt from all Growth Share Obligations. Delaware Township is requesting that COAH agree with their position.

Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee motioned for a letter to be sent to COAH requesting support that Farm Laborers Quarters be exempted from Growth Share Obligation.

PRESENTATION OF VOUCHERS

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

Mayor Schriver stated that in addition to the bill list there is a check for TRC RAVIV in the amount of \$650.00 and a donation check for High Bridge Rescue Squad in the amount of \$8,000.00, which needs to be included on the bill list.

Motion by Mr. Weeks, seconded by Mr. Monahan carried by unanimous favorable roll call vote the Township Committee approved the November 1, 2006 bill list in the amount of \$1,270,749.46 as amended.

CORRESPONDENCE

PUBLIC COMMENTS

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

Gail Glashoff, Planning Board Clerk asked if Mr. Gerlich, Library Chairman, will be included in the executive session to discuss the library employee requests. Ms. Glashoff stated that the individual should have come to her as the CWA Shop Steward. Ms. Glashoff confirmed that it is the contention of CWA Local 1040, that the individual, who is a member of the CWA, has no authority to come to the Committee individually, outside the realm of the collective bargaining agreement or the auspices of the Union. Attorney Bernstein stated that he will advise the Governing Body accordingly prior to any discussion relative to this matter in the executive session.

Nancy Darois inquired on why horse farmers do not have to pay for added buildings for their farm laborers. Horse farms are a pleasure for the owners and does not benefit anyone else, like farmers who are farming for items like corn and hay. Attorney Bernstein stated that State law dictates what constitutes a farm.

Sandra Rauschenberger thanked Mr. Post for his work on the Swack Church and underlined the urgency of the problem. She is concerned about preserving the portion of the structure which still remains.

Ms. Rauschenberger stated that as a private citizen she would like the Committee to think very hard before not hiring another police officer. There are more people and additional traffic in the Township. There is also a growing amount of crime. She strongly recommends hiring someone to replace the retiring officer. As far as the DPW employee and our infrastructure in general the

Committee has to consider the needs of the Township even though it may add to our financial burden.

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

EXECUTIVE SESSION

Motion by Mr. Weeks seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 93-2006 and convened in executive session at 8:22 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 93-2006

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:

Personnel - Library
Attorney Client Privilege

Motion by Mr. Piazza, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:15 p.m.

Attorney Bernstein stated that during the executive session the Chairman of the Library Committee, Art Gerlich, and Gail Glashoff, the Shop Steward for the CWA Local 1040 were in attendance. The Committee had a brief discussion relative to a request from members of the CWA Local 1040, regarding issues involving their employment. The Committee is taking no action and has advised the Chairman and Shop Steward as to the issues that need to be dealt with through the Union. There was further discussion regarding Attorney Client Privilege matters, involving legal issues, in which no action needs to be taken at this time. Information will be provided to the Committee by the Attorney's office along with Mr. Monahan.

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 9:20 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved

Patricia Schriver, Mayor