

**Lebanon Township Committee  
February 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 - George Piazza Ed Post  
Patricia Schriver Francis Monahan

Absent - Jay Weeks

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse

**PRESENTATION OF MINUTES**

*Motion by Mr. Piazza seconded by Mr. Post and carried by favorable roll call vote the Township Committee approved the December 7, 2005 executive session minutes.*  
AYES: Schriver, Piazza, Post ABSTAIN: Monahan

*Motion by Mr. Piazza seconded by Mr. Post and carried by favorable roll call vote the Township Committee approved the December 14, 2005 executive session minutes.*  
AYES: Schriver, Piazza, Post ABSTAIN: Monahan

Meeting minutes of the January 18, 2006, Regular and Executive Session are tabled to the February 15, 2006 meeting.

**ORDINANCES – Change in Public Hearing Date**

Attorney Bernstein stated that the public hearing date, for the below entitled Ordinance, has been changed due to a publication difficulty. The hearing will be held on March 1, 2006.

ORDINANCE NO.2006-04

AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC ROADS, STREETS, OR HIGHWAYS IN THE TOWNSHIP OF LEBANON, HUNTERDON COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF.

**Introduction**

ORDINANCE NO. 2006-05  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 16 OF THE LEBANON TOWNSHIP CODE, ENTITLED MOST NOTABLY SECTION 16-2.3, ENTITLED “MEMBERSHIP (PLANNING BOARD) AND SECTION 16-2.4, ENTITLED “TERMS OF OFFICE AND REMOVAL”

The Lebanon Township Planning Board and Board of Adjustment have requested that the Township Committee consider this Ordinance. Mayor Schriver stated that a member of the Lebanon Township Planning Board was also a member of the Township Board of Adjustment. The Municipal Land Use Law provides that in a case of a nine member Planning Board, one Class IV Member may also serve on the Board of Adjustment. The Township’s Planning Board consists of seven members at this time and does not meet the requirement. This Ordinance will increase the number of Class IV members from 4 to 6.

*Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2006-05 on first reading.*

Public hearing to be held on March 1, 2006.

**RESOLUTIONS**

*Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 29-2006.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO.29-2006

RESOLUTION ADOPTING VOLUNTARY PLANS FOR EMPLOYEE SUPPLEMENTAL  
INSURANCE

Whereas, employees have expressed an interest in voluntary insurance plans which would qualify employees to pay into such a plan and receive benefits under appropriate circumstances; and

Whereas, in order to effectuate such voluntary contributions, Township of Lebanon must make arrangements for payroll deductions; and

Whereas, health insurance contracts, as extraordinary unspecified services, are permitted exceptions to public bidding requirements of the Local Public Contracts Law; and

Whereas, no expenditure of additional funds will be required from Township of Lebanon to implement such voluntary plans;

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

1. Township of Lebanon hereby adopts the AFLAC Voluntary Plans for Employee Supplemental Insurance effective as of the date specified in this resolution.

The Township CFO or Treasurer is hereby authorized and directed to execute the documents and take the necessary steps to implement AFLAC plans.

**TRC RAVIV ASSOCIATES, Inc. – Report on Fire Station No. 1  
Mr. John Potenza**

Mr. Potenza was in attendance at the request of the Township Committee to provide an update as to the status of the contamination at Fire Station No. 1. Mr. Potenza stated that there was an underground gasoline tank located at Fire Station No. 1, which was removed in 1994. There was leakage from the tank that impacted the soil and ground water at the Fire Station property and the next neighbor's property. There was some contamination that was unable to be removed, such as under the building and in a location where fiberoptic telephone lines are located. The main problem is the contamination of the ground water, the sand and gravel and the fractured bedrock, which is down about 30ft. The Fire Station well and the neighboring well were affected by the leakage. NJ DEP required that the Township install monitoring wells and sample the potable well at the Fire Station and the neighboring well. Eventually the two wells were replaced and treatment systems were installed to filter out the ground water. The Township was required to sample the two wells on a quarterly basis. The data is then sent to TRC RAVIV for review and submission to the DEP. Mr. Monahan asked, if at this time, the only need is for the monitoring of the wells. Mr. Potenza stated that the NJDEP sent correspondence to the Township dated December 1, 2004 which dictates an additional requirement of installing an additional monitoring well. Mr. Post questioned the cost for the services provided by TRC RAVIV. Mr. Potenza stated that at this time the Township is being charged approximately \$18,000.00 per year for sampling and reporting. Mr. Monahan asked for clarification as to the experts listed on an invoice. Mr. Piazza and Mr. Post inquired as to how long the testing will be required. Mr.

Potenza stated that the DEP has a Classification Exemption Area, which is an area defined by the contamination. This means that the ground water in that area does not meet the ground water standards of the State. Since this does not meet the standards there is a requirement to continue sampling. Based on TRC RAVIV's calculations, based on the DEP, the duration of the CEA is 999 years. Mr. Potenza stated that in each report they have been requesting that the DEP reduce the sampling requirement, which they have done, from quarterly to semi-annually. Mayor Schriver suggested that after the next sampling, which is scheduled for March, for the Committee to petition the DEP Case Manager to see if they would be willing to cut back on requirements. Mr. Post stated that this is a good option, however, he still feels that the Committee needs to discover a cheaper way to meet with compliance. The Committee agreed that once the new well is drilled and a sampling is completed, a request will be made to meet with the Case Manager to discuss the requirements.

### **TRC RAVIV ASSOCIATES, Inc. – Contract Approval**

There was a question regarding the discount given by RAVIV. It was understood that the discount is 10% however the 2006 Agreement reads 5%. Mr. Potenza will look into this. The Contract, as submitted, should be changed from \$30,000.00 to read, not to exceed \$12,000.00.

*Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the TRC RAVIV agreement with an adjustment to the amount of \$30,000.00 to read, not to exceed \$12,000.00 and authorized the Mayor and Clerk to sign, on a temporary basis, to allow for the well drilling and the initial sampling, subject to certification of funds.*

### **APPOINTMENTS**

Mayor Schriver appointed Mr. Art Gerlich as a Class II member of the Lebanon Township Planning Board.

Mayor Schriver appointed Mr. Darryl Schmidt as Alternate #2 for the Lebanon Township Planning Board.

*Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. George Piazza as the Lebanon Township Relocation Assistance Officer, who would assist in relocating a tenant, resident or business owner with whom the Municipality caused to leave their residence or place of business.*

*Motion by Mr. Monahan seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Tom McCreary as Animal Control Officer for the 2006 year.*

### **APPROVE CONTRACT**

## **Gramco Agreement**

Question was raised as to the language regarding warranty and free replacement of parts. The Clerk will request clarity.

## **Municipal Alliance**

*Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the Municipal Alliance Agreement and authorized the Mayor and Clerk to sign.*

## **OLD BUSINESS**

### **North Hunterdon School District**

Mr. Post stated that he attended a meeting concerning Clinton Township's interest in pulling out of the North Hunterdon Voorhees Regional High School District. Clinton Township did a study and submitted it to the Hunterdon County Superintendent. The possible scenario would be that Clinton Township would leave and keep the North High School with them. In addition there would be, possibly 5 additional communities, which Clinton Township is soliciting to leave the district with them. The meeting Mr. Post attended was in Tewksbury Township, where Clinton Township was offering their proposal for Tewksbury to join them in the withdrawal. The basis was that today the funding method for the Regional High School is an equalized property value. Depending upon your property value, is what you would be contributing. In Tewksbury, on a per-student basis, this would equate to \$24,000.00, plus or minus, per year, per-student cost. The average is approximately \$13,000.00. Clinton Township is reaching out to the Towns that exceed that average to join them with the withdrawal. If this happens, the school will become Clinton Township High School, and a sending/receiving district. The sending districts will be there on a tuition basis. If not contested, a ballot needs to be sent out, from the County Superintendent, to all 11 school districts, for withdrawal from the school district. If approved, it will leave Lebanon Township the top dog in legalized property value in the Regional High School District. This could incur a large tax burden on the Township residents. Mr. Post stated that there is also a new demographics study coming out relative to the growth in Clinton Township, Franklin Township and Union Township. If that study should say that there is another high school needed in that area, the burden of that school may be on Clinton Township. Mr. Post said that he and Mr. Piazza met with the Board of Education Chairman and a few involved residents. At this time, in order to move forward, the County Superintendent needs to rule on this matter and Clinton Township has to formally declare their intention on the subject, which they have not done at this time.

## **Hagedorn Hospital**

Mr. Monahan stated that a letter was received from Hagedorn Hospital relative to the reimbursement to the Fire Department and Rescue Squad, for calls to the Hospital. In the past Hagedorn had their fire calls sent to their own operator. It would be up to the operator to decide if it was an actual fire or a false alarm. The process has since been changed and calls are routed through the 9-1-1 system. There is no way of knowing if it is a false alarm or not, so more calls are generated, even for things, such as burned popcorn. When the Fire Department is dispatched the Rescue also responds. Ken Ader of the Rescue Squad is setting up a meeting with Jerry Mahoney of Hagedorn to discuss the matter. Mr. Post offered to attend the meeting if Mr. Monahan is not available.

## **NEW BUSINESS**

### **Request for Sale of Surplus Materials**

Paul Jones has sent correspondence to the Committee requesting the sale of various surplus materials.

*Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, authorizing the DPW Supervisor and Clerk to advertise the Sale of the Surplus Materials as listed in the request, along with minimum bids where applicable, and to authorize Mr. Piazza, on behalf of the Township Committee to make a determination as to acceptability or deniability of bids relative to such surplus items.*

### **Indemnification of Certain Municipal Officials**

Mr. Post stated that he made a request to Attorney Bernstein to review the Township Ordinance Indemnifying the Township Committee, Planning Board and Board of Adjustment, to ensure it is as comprehensive as possible, to protect the officials and board members.

Mr. Bernstein suggested that Groendyke Associates review for comments.

### **Farmland Status Meeting**

Mr. Post stated that there is a County meeting scheduled for Wednesday, February 15, 2006 to discuss Farmland applications. The meeting will be with Mr. DeSapio and a Freeholder. Mr. Post stated that he would like to have Mr. Bernstein participate in the meeting and he will also be in attendance, schedule permitting.

Mr. Bernstein stated that the Tucker closing has taken place and the matter is now closed.

### **State Appointment of Former Committee Member Eileen Swan**

Mayor Schriver congratulated Former Committee Member Eileen Swan on her appointment, by the Governor, to sit as Director of the Office of Smart Growth. Eileen will be working directly under the Director of Community Affairs.

### **PRESENTATION OF VOUCHERS**

Committeemen provided a description of vouchers exceeding \$1000.00.

*Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote* the Township Committee approved the February 1, 2006 bill list, in the amount of \$1,551,981.06 and the TRC RAVIV payment in the amount of \$4,889.73 as listed on the January 18, 2006 bill list.

### **CORRESPONDENCE**

Township of Lebanon Historian Meeting Minutes of January 6, 2006  
Planning Board List of 2005 Applications  
Tax Collector's 2005 Annual Report  
Hunterdon County Planning and Design Awards Program - 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.

Mr. Ron Milkowski asked, in regard to the monitoring of the contamination at Fire Station No. 1, if the levels have gone up, down or staying the same. The levels have not gotten worse.

Mr. Anthony Casale asked when the contamination was discovered and if it was covered by insurance. The Clerk will look into.

Mr. Mike Graziano asked the Township Committee's position on the North Hunterdon Municipal Court Budget Resolution. The Committee adopted the Resolution at the January 18, 2006 meeting.

*Motion by Mr. Monahan 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**

### **RESOLUTION NO. 30-2006 EXECUTIVE SESSION**

*Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote the Township Committee approved Resolution No. 30-2006 and convened in executive session at 8:38p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 30-2006**

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:

Asdal  
Davara/English  
Farmland Acquisition  
Attorney-Client Privilege

*Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote the Committee reconvened the Regular Committee meeting at 9:08p.m.*

Attorney Bernstein stated that there was discussion on farmland acquisition. Mr. Post will be attempt to be involved in a meeting that the County is holding tomorrow. Mr. Post will report back at the next meeting.

Discussion was held on the ongoing litigation with the Davara/English and Asdal. There is no action to be taken at this time.

## **ADJOURN**



*Having no further business to come before the Committee a motion was made by Mr. Monahan* seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 9:10p.m..

Respectfully submitted,

---

Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved:

---

Patricia Schriver, Mayor