

**Lebanon Township Committee  
February 7, 2007**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Edward 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**

Mayor Schriver asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Edward Post Patricia Schriver George Piazza Francis Monahan

Absent - Jay Weeks

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 6 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the January 17, 2007 regular meeting minutes.*

*Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the January 17, 2007 executive session minutes.*

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the January 22, 2007 special meeting minutes.*

**ORDINANCES**

**Ordinance No. 2007-04 - Introduction**

*Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2007-04. (as entitled below)*

STATE OF NEW JERSEY  
COUNTY OF HUNTERDON

TOWNSHIP OF LEBANON  
ORDINANCE NO. 2007-04  
AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT  
ORDINANCE NO. 2007-02  
CALENDAR YEAR 2007  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

Public Hearing to be held on March 7, 2007.

**Ordinance No. 2007-05 - Introduction**

*Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2007-05. (as entitled below)*

STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON  
ORDINANCE NO. 2007-05  
AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT  
ORDINANCE NO. 2007-01  
2007 SALARY ORDINANCE

Public Hearing to be held on March 7, 2007.

**RESOLUTIONS**

**Resolution No. 25-2007 - Deferred School Tax**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 25-2007. (as written below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 25-2007

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into

their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2006, and be reflected in the Annual Financial Statement for the year 2006 as follows:

	<u>FY 06-07</u> <u>SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT</u> <u>OF DEFER TAX</u>
Regional School Tax	\$5,978,785.88	\$2,989,392.94
TOTAL MAXIMUM DEFER TAX 12/31/06		2,989,392.94
LESS – DEFER TAX 12/31/05		862,451.70
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2006		\$2,126,941.24
AMOUNT DEFERRED AT 12/31/06		\$300,000.00

**Resolution No. 26-2007 – Refund of Taxes**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 26-2007. (as written below)*

RESOLUTION NO. 26-2007  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
REFUND OF TAXES

WHEREAS there exists an overpayment of \$30,085.19 for 2007 taxes after 1<sup>st</sup> and 2<sup>nd</sup> quarter 2007 were applied due to an error by the Title Company for Block 40, Lot 5.01 assessed to Joseph Martone and Patricia Winouski, and,

WHEREAS this amount has been requested for refund by Joseph Martone,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign this refund check to Joseph Martone and Patricia Winouski and that this Check be forwarded to them.

**Resolution No. 27-2007 – Opposing RCA’s-Compliance with Mount Laurel**

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 27-2007. (as written below)*

RESOLUTION NO. 27-2007

RESOLUTION OF THE TOWNSHIP OF LEBANON OPPOSING A-3857,  
WHICH, IF ENACTED, WOULD ELIMINATE RCAs AS A TOOL TO  
FACILITATE MUNICIPAL COMPLIANCE WITH MOUNT LAUREL

WHEREAS, in the landmark 1975 decision commonly referred to as Mount Laurel I, the Supreme Court not only required developing municipalities to satisfy their fair shares, but also clearly implied that they could do so at least in part if a municipality could enter into a “binding agreement” with another municipality (see Mount Laurel I at 189); and

WHEREAS, in Mount Laurel II, another landmark decision issued in 1983, the Supreme Court referenced with approval the principle embodied in Mount Laurel I that a municipality could satisfy a portion of its fair share if it could enter into a binding agreement with another municipality (see Mount Laurel II at 237-238); and

WHEREAS, in 1985, in the light of the landmark decisions referenced above, the Legislature enacted the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., in which it specifically authorized a municipality to enter into a “binding agreement” with another municipality to create or rehabilitate deteriorated housing in the so called “receiving community”; and

WHEREAS, more specifically, N.J.S.A. 52:27D-312 expressly authorized a “sending municipality” to satisfy up to 50 percent of its fair share by funding an agreement with a “receiving municipality”, and

WHEREAS, N.J.S.A. 52:27D-312 includes a series of safeguards to ensure that regional contribution agreements create a realistic opportunity for the creation of new or rehabilitated affordable housing within the receiving municipalities; and

WHEREAS, the creation of the right of a municipality to satisfy a portion of its responsibilities via RCAs fueled a firestorm of litigation with developers and nonprofits vigorously attacking RCAs and with sending and receiving municipalities vigorously defending this affordable housing technique; and

WHEREAS, a Mount Laurel trial judge upheld the constitutionality of RCAs in a case entitled Morris County Fair Housing Council v. Boonton Tp. 209 N.J. Super, 393, 431-32 (Law Div, October 1985) and the Supreme Court upheld constitutionality of RCAs in Mount Laurel III, 103 N.J. 1 at 47 n. 13; and

WHEREAS, RCAs have proven to be an enormously useful and beneficial compliance technique to both sending and receiving municipalities and have also provided an enormous benefit to those in need of affordable housing; and

WHEREAS, sending municipalities have committed to provide \$210,311,820 to fund the creation of 10,256 new or rehabilitated affordable units just in the RCAs COAH has approved to date (see COAH RCA Analysis at <http://www.state.nj.us/dca/coah/rcas.xls>); and

WHEREAS, in addition, many municipalities have included RCAs as an essential component of the affordable housing plans they have adopted, filed and sought approval of in response to their obligations under COAH’s Cycle III regulations; and

WHEREAS, receiving municipalities have realized an enormous much needed benefit as a result of the many millions of dollars paid or owed pursuant to RCAs COAH has already approved-benefits which are likely to increase dramatically as COAH approved the many RCAs “in the pipeline” in the hundreds of Cycle III plans awaiting Court or COAH approval; and

WHEREAS, sending municipalities have also benefited from RCAs in that this technique has facilitated the ability of sending municipalities to meet the enormous burden created by the substantial fair share responsibilities COAH has imposed in each of the three housing cycles; and

WHEREAS, many thousands of low and moderate households have also benefited from RCAs as a result of deteriorated housing being rehabilitated or new affordable housing being created-benefits that will grow dramatically as COAH approves new RCAs in Cycle III plans and as monies are transferred pursuant thereto; and

WHEREAS, notwithstanding the benefit of RCAs, A-3857, which was introduced on December 14<sup>th</sup>, 2006 seeks to eliminate RCAs as a technique by which sending municipalities can satisfy their affordable housing responsibilities and by which receiving communities can realize the benefit of the many RCAs that are essential components of many of the hundreds of municipalities that have adopted affordable housing plans and sought approval of same; and

WHEREAS, this bill, if enacted would radically undermine the affordable housing plans of numerous municipalities that have, at great effort and expense, adopted, filed and sought approval of their affordable housing plans from COAH or a court and which include RCAs as an essential component of the municipal strategy for compliance; and

WHEREAS, such an undermining of affordable housing plans would benefit developers who would seek to exploit the shortfalls that would result, but would not benefit municipalities or those in need of affordable housing who stand to benefit from approved plans and these agreements; and

WHEREAS, eliminating RCAs would also undermine a policy clearly embodied in COAH’s Cycle III regulations: namely, that municipalities often find that it is preferable to create affordable housing by taking existing housing and making it affordable instead of having to zone for the flood of new housing that so typified affordable housing plans in the first and second housing cycles;

WHEREAS, for the reasons set forth above and other reasons, it is not in the interest of the State, the region or our communities A-3857 be enacted.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township of Lebanon declares that A-3857 is not in the best interest of our State, our region, our community or lower income persons.
2. The Township of Lebanon vigorously opposes A-3857, attached hereto.
3. The Clerk is hereby directed to submit copies of this Resolution to Governor Jon S. Corzine, Senator Leonard Lance and Assemblywoman Marcia Karrow, the New Jersey State League of Municipalities and all municipalities in the County of Hunterdon to urge them to oppose it.

**Resolution No. 28-2007 – Shared Services - PARIS Grant Program**

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 28-2007. (as written below)*

RESOLUTION NO. 28-2007  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
PARIS GRANTS PROGRAM  
FOR SHARED SERVICES WITH HUNTERDON COUNTY

BE IT RESOLVED, by the Township Committee of the Township of Lebanon, that:

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2007-08 grant cycle, priority funding will be given to county projects to perform municipal inventories for all of their municipalities; and

WHEREAS, the Township of Lebanon desires to collaborate with the County of Hunterdon in the performance of an archives and records management inventory, needs assessment, and strategic plan; and

WHEREAS, the Township of Lebanon urges the county to develop a proposal to perform county-wide municipal inventories, needs assessments, and strategic plans, and

WHEREAS, the Township of Lebanon is acknowledging that the County of Hunterdon would be both the lead agency and the applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, that the Township of Lebanon does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

**Resolution No. 29-2007 – Bond Anticipation Note**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 29-2007. (as attached)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 29-2007

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, CONVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE

TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER, AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$1,157,100. BOND ANTICIPATION NOTE, DATED FEBRUARY 9, 2007, PAYABLE FEBRUARY 8, 2008, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

## **OLD BUSINESS**

### **Recreation Appointment – Joseph Maurizio**

*Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee appointed Joseph Maurizio as a Recreation Commission member. Said appointment is for a 5-year Term, Expiring 12/31/2011.*

### **Freedom House - Cost Sharing for Critical Excavation to Proceed with Project**

Mayor Post stated that the Freedom House construction project is moving forward. They are running into unanticipated structure problems which will cost approximately \$100,000.00 to repair. The DCA, the Township and Freedom House will all be contributing toward this change order. A drainage problem has also been discovered and excavation is required in the rear yard to fix the problem. The cost will be approximately \$8,000.00 for the excavation. Mayor Post asked the Committee to fund the cost for excavation and stated that the Treasurer provided certification of funds in the COAH account. The \$8,000.00 will be a portion of the Township's share of the change order.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the \$8,000.00 for the Freedom House excavation.*

### **Marriages – Civil Unions**

Mr. Piazza stated that the Committee appointed him to perform marriages on behalf of the Mayor earlier in the year. The Civil Unions law will go into effect on February 19, 2007. The law states that relative to municipalities, if Mayor or Deputy Mayors perform marriages, they are obligated to perform Civil Union Ceremonies. Mr. Piazza stated that he is having second thoughts about performing these ceremonies and has decided that he will not provide the service. He has concerns with the problems that may arise for himself or possibly the Township if he were unable to meet the requests of all applicants. Mayor Post stated he is willing to perform the ceremonies here at the Municipal building, when available.

Mr. Bernstein informed Mr. Piazza that he should provide the Clerk with a letter stating that he will not be performing the ceremonies on behalf of the Township.

## **Flood Plain Manager**

In prior years, the Zoning Officer held the title of Flood Plain Manager. Due to conflicts with the prior Zoning Officer, the position was given to the DPW Supervisor, Paul Jones, temporarily. The matter has been resolved and a new Zoning Officer has been hired. Mr. Jones has requested to be released from the position. There was no compensation provided to Mr. Jones for holding the title. The Committee would like the Clerk to notify the Zoning Officer that the Flood Plain Manager title will revert back to him and fall under his position.

## **NEW BUSINESS**

### **Historian Appointment**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee appointed Kathleen Paige to the Historians.*

### **Appointment to Board of Adjustment**

*Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee appointed Joseph Maurizio to the Board of Adjustment as the Alt. #2 member, Term Exp.12/31/2007.*

### **DPW Supervisor Request to Post Assistant Supervisor Position**

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the posting of the Assistant DPW Supervisor position.*

### **Approval of Municipal Alliance Contract- Authorize Mayor and Clerk to Sign**

*Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the 2007 Municipal Alliance Agreement and authorized the Mayor and Clerk to execute.*

### **Hunterdon Cty Chamber of Commerce - Business & Government Council Shared Services**

Ms. Schriver stated that one of the new directions the Hunterdon County Chamber of Commerce is moving in, is coordinating opportunities for shared services between municipalities, schools and the County. The cost for participation is \$100.00.

*Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved placing the Township of Lebanon as a member*



of Hunterdon County's Chamber of Commerce Shared Services Council with the payment of the \$100.00 fee upon certification of funds.

### **Hampton Rescue Squad**

Mr. Monahan stated that Hampton Rescue Squad has requested financial aid from the Township again this year. There was no specific amount requested but they would like to be considered.

### **Township Dinner**

The Annual Township Dinner will be held on April 21, 2007.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the February 7, 2007 bill list in the amount of \$3,581,281.36.*

### **CORRESPONDENCE**

- a. Kevin Richardson – Hunterdon County Open Space Trust Fund Program/FY 2005 Allocation
- b. Hunterdon County Municipal Officers Association – Meeting February 28, 2007
- c. Kevin Richardson – Approved Policy Governing Extraordinary Preservation Projects
- d. Township Historians Meeting Minutes of January 4, 2007
- e. Tax Collectors Report for the Month of January 2007
- f. I-Core Systems - PEOSH Hazard Communication & Bloodborne Pathogen Training

### **PUBLIC COMMENTS**

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

Mr. Tom Douglas of 2 Evergreen Lane, which is off of Hickory Run, stated that there has been no Township activity relative to plowing of snow and salting of streets. Mr. Douglas' understanding is that the road is still the responsibility of the builder; however, they have been very unresponsive. Mr. Douglas stated his concerns with this being a safety hazard.

Mayor Post stated that he has received calls from other residents and the complaints have prompted the developer to move forward in turning the road over to the Township. The process is in place but will most likely not be completed before the winter months have passed. Mayor

Post spoke to the developer and reminded them of their obligation to provide safe roads. They are committed to taking care of the road.

*Motion by Mr. Monahan, seconded by Ms. Schriver 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. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 30-2007 and convened in executive session at 7:45 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 30-2007**

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 – Pending Anticipated Litigation  
Update on ongoing Round 3 Mount Laurel  
Personnel Matters – Municipal Clerk

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:33 p.m. Mr. Piazza excused himself from the meeting.*

Attorney Bernstein stated that there was discussion held on monetary matters relative to the Clerk. The Township Attorney and Clerk were provided direction regarding the issue and it will come before the Governing Body at the March 7, 2007 meeting. There was further discussion regarding Mount Laurel and the Township's obligation relative to Round 3. No action is to be taken. There was discussion relative to a possible OPRA. The Committee has designated the Mayor to have conversations with the appropriate party and to commence a conversation with the various municipal professionals relative to the audit and OPRA issues. No action will be taken. The Committee asked the Township Attorney to speak to the Fire Chief relative to a possible donation. No formal action is to be taken.

## **ADJOURN**

Having no further business to come before the Committee, a motion was made by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved

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Edward Post, III, Mayor