

**Lebanon Township Committee
February 20, 2008**

Minutes of Regular Meeting

CALL TO ORDER

Mayor George Piazza 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 Piazza asked everyone to stand for the flag salute.

ROLL CALL

Present - George Piazza, Patricia Schriver, Edward Post, Francis Morrison

Absent Jay Weeks

Also Present - Attorney Phil George and Clerk Karen Sandorse and 12 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 minutes of the Regular Meeting of February 6, 2008.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of February 6, 2008.

ORDINANCES

Public Hearing

Ordinance No. 2008- 04– Authorizing the Purchase of Property Pursuant to N.J.S.A. 40A:12-4

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2008-04 was opened.

Mr. Anthony Casale asked how the acquisition will be funded. Mr. Post stated that it will be funded by the SADC and the Township. The Township's \$700,000.00 portion will be used entirely from Green Acres monies.

Mr. David Shope stated that he is adjoining property owner to the Pelio land. Mr. Shope asked if the land is going to be preserved as farmland. Mr. Post stated that it will be turned over to the County Park System for management. Mr. Shope stated that over the years there has been dirt bikes on the land and asked if that will end. Mr. Post stated that the land will be restricted to passive use only. Mr. Post said that if they are in violation, the County will issue summons as they will have jurisdiction to do so. Mr. Post stated that there may be hunting by permit on the land. Mr. Shope asked if the Committee realizes that when you accept Green Acres funds you subject all properties in the Township, for which you have taken GA money, to Green Acres restrictions. Mr. Post said that it is understood.

On a motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote the Township Committee closed the public hearing.

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2008-04 as written below.

ORDINANCE NO. 2008-04
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE AUTHORIZING THE PURCHASE OF
PROPERTY PURSUANT TO N.J.S.A. 40A:12-4

WHEREAS, the Township is authorized by State law to acquire real property useful for the proper exercise of any power conferred upon the Township by law; and,
WHEREAS, the Township Committee has determined that the public good is best served by the preservation of significant contiguous parcels of farmland from and against any development not related to the farming of such property; and,

WHEREAS, the Township wishes to purchase certain property known as Block 50, Lot 10, Block 51, Lot 1, Block 51, Lot 5, Block 53, Lot 12 and Block 56, Lot 15, all located within the Township of Lebanon and consisting of approximately two hundred forty-four point twenty-four (244.24 +/-) acres; and,

WHEREAS, the Township and the County of Hunterdon have agreed to jointly purchase the above-referenced property for the price of Fourteen Thousand Five Hundred Fifty Dollars (\$14,550) per acre for the purpose of farmland preservation.

NOW, THEREFORE, be it ordained by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Township of Lebanon, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. is hereby authorized to jointly purchase with the County of Hunterdon the property known as Block 50, Lot 10, Block 51, Lot 1, Block 51, Lot 5, Block 53, Lot 12 and Block 56, Lot 15, all located within the Township of Lebanon

BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances, which are inconsistent with this Ordinance, shall be repealed as to their inconsistencies only.
2. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

OLD BUSINESS

Select Wireless LLC – Communications Site Lease Agreement

Select Wireless had sent correspondence to the Township stating that they are looking for a location on the Municipal land in the Bunnvale Section of the Township, to place a cell tower. Mayor Piazza asked representatives from Select Wireless to be in attendance at the meeting to provide the Committee of an overview of their proposal. Mr. Bill Perry, from Select Wireless, and Mr. Dean and Mr. Lacey of Sprint Nextel were in attendance. Mr. Perry stated that in site acquisition, companies always attempt to approach the municipalities first to see if there is interest. Often times, Zoning predicates where they can go within a municipality. Select is approaching Lebanon Township to see if there is interest, particularly in the Township Office building area, which would be beneficial for all five (5) carriers. The proposal is for a facility that would accommodate the 5 CC Licensed carriers in the State of New Jersey. Having knowledge that they all need to locate somewhere in this area and it would also stop the proliferation of new towers in the area. This is not to say that there will be a need in the future for additional towers, but at this time Select is looking to accommodate Sprint Nextel and their needs.

Sprint has indicated that they would like to have an elevation of 150 ft. There is a 10 ft. vertical separation required for each carrier. Which means every 10 ft. you can add another carrier as you move down the pole. Bids would have to be received. Bids can be awarded by height or monetary value as the bidder may not need the highest height. They all build out there wireless systems individually. There are different height needs.

The area is in the Highlands Area which they are aware of and have the criteria to deal with. They also may have Green Acres issues to look into. The facility itself will require a compound which houses the equipment and would be adjacent to whatever structure is erected. The shelters can be designed in many different ways such as chicken coups or just to match the municipal buildings. Mr. Perry provided the Township pictures.

Mr. Perry stated that each carrier will perform an EMF, which is a health study, and will be provided to the Township individually as they were added to the tower. Sprint Nextel will certainly give one also if they were the awarded bidder.

The property needed to be provided for five carriers and any municipal antennas needed, would be approximately 100 ft x 100 ft. and may be reduced.

Mr. Perry stated that the normal lease term would be an initial five (5) year term with four (4), five (5) year renewals. Every carrier uses that leasing criteria. The lease would be between the Township and the leading bidder. The leading bidder will hold the tower as an asset.

The Township Committee asked Select Wireless and Sprint to come back with due diligence by the March 19, 2008 meeting.

Select Wireless will need to know what municipal equipment will be added to the tower.

Planner Michael Bolan – 3rd Round COAH Update

Planner Mike Bolan was in attendance to discuss the changes in the COAH Rules as outlined in the below memo, submitted to the Township Committee on February 18, 2008.

Memorandum

To: Lebanon Township Committee and Planning Board
From: Michael P. Bolan, PP/AICP
Date: February 18, 2008
Subject: Council on Affordable Housing New Proposed Third Round Rules

On January 22, 2008 the Council on Affordable Housing (COAH) proposed new Rules to govern the Third Round of affordable housing obligations. The rules replace the prior Third Round rules, promulgated in December 2004, which were at least partially struck down by the Superior Court of N. J. (Atlantic County Law Division) in January 2007. The conclusion of the comment period for the new rules is March 22, 2008.

The following presents an overview of the major changes in the new rules, as well as the specifics that relate to the Township.

Overview

- Continuation of the growth share approach, with affordable housing need measured as a percentage of residential and nonresidential growth from 2004 to 2018 (formerly to 2014)

- New ratios are 1 affordable unit among 5 units (4 market-rate units) and 1 affordable unit for every 16 jobs (previously ratios were 1 affordable unit among 9 units (8 market-rate) and 1 affordable unit for every 25 jobs, respectively)
- New affordable housing need for the State is 115,000 affordable units (an increase from 52,000 units in prior Third Round adoption)
- Establishes payment in lieu standards (cost of constructing an affordable unit) of \$145,903 in Region 3
- Regional Contribution Agreement (RCA) amounts increased from \$35,000 to \$67,000 in Region 3
- Development fees for new construction increased from 1% of equalized assessed value (EAV) for residential development to 1.5% of EAV, and for nonresidential development from 2% of EAV to 3% of EAV
- Municipalities may continue to require payments in lieu of nonresidential developers pending adoption of legislation establishing a statewide development fee bank
- Provides a compensatory benefit to developers for providing affordable housing of one additional market unit for every affordable unit constructed on-site
- Expanded compliance options for municipalities, including bonus credits for supportive and special needs housing, new credit for affordable housing in redevelopment areas, and optional plan phasing based on economic feasibility
- Proposed staggered schedule would require towns currently under COAH's jurisdiction to submit revised Third Round Plans between four and seven months after the effective date of the regulations, based on County (Hunterdon County has the last of the staggered date, December 31, 2008)

Impacts to Lebanon Township

The following outlines the Township's affordable housing obligations, and credits, established in the new Third Round rules (Comments are included in parentheses).

- The proposed Rules (Appendix C) establish the Township's Prior Round Obligation for 1987-1999 at 27 affordable units (The Township has complied with the Prior Round Obligation).
- The proposed Rules (Appendix B) establish a rehabilitation requirement of 20 units. In the prior Third Round Rules the requirement was zero (Units rehabilitated after April 1, 2000 are eligible for credit)
- Appendix F, Task 1, Allocating Growth to Municipalities indicates that between 2004-2018 the Township will grow by 169 dwelling units. This results in an affordable housing obligation of 34 affordable units.

COAH, or its consultants, somehow arrived at this number even though a historic growth projection would produce 100 new dwelling units from 2004 to 2018, and the “S” Curve, a standard statistical measurement for population, projects an increase of 43 new dwelling units from 2004 to 2018.

It appears from the review of these data for Lebanon Township, as well as several other municipalities that I represent, that COAH took the growth from 2002-2004 of 24 units, and then multiplied it by seven to cover the period 2004-2018.

- The same Appendix F, Task 1 indicates that there will be zero growth in employment (jobs) between 2004-2018. This projection results in an affordable housing obligation of zero units.

Summary

I recommend that the Township prepare a comment letter to submit to COAH before the March 22, 2008 deadline. In particular I think we should comment on the allocation of future residential development to the Township, and the new rehabilitation requirement.

I will incorporate any other comments that the Planning Board and Township Committee wish to put forth. I will also incorporate any comments that the Township Attorney and Planning Board Attorney wish to offer.

Planner Bolan stated that the Township has until December 31, 2008 to revise the Township’s Housing Plan. Planner Bolan stated that the comment period on the Rules which were proposed on January 22, 2008, ends on March 22, 2008. The Rules according to the Superior Court Decision have to be adopted by June 2, 2008. What that means is that the Township’s comments are essentially meaningless, because in order for COAH to meet the deadline of republishing the Rules and their final adoption, they cannot make changes. They will respond with no changes. Municipalities or developers are not happy so there will most likely be some action taken on June 3, 2008.

The Township Committee authorized Planner Bolan to draft a comment letter to be sent to COAH. The following items should be listed or questioned. A new Rehab requirement of twenty (20) units is to be questioned as when the Township’s requirement was zero (0) in the 3rd Round Rules that were proposed three years ago. Between 2008 -2018, COAH is projecting that the Township will grow by one hundred and sixty nine (169) residential units. When you work that though their numbers it produces thirty-four (34) affordable units for the Township. Planner Bolan does not believe that the Township will grow that much. Also, in the Fair Housing Act, it states that the Township must fulfill these requirements without expending taxpayers dollars which is impossible. In Allocating Growth to Municipalities, COAH took the growth from 2002-2004 of 24 units, and then multiplied it by seven to cover the period 2004-2018 which is questionable.

Planner Bolan stated that the one good thing is that there is no employment growth.

Planner Bolan suggested in the interim the Township need's too look at the vacant lot inventory as it has to be getting depleted. The County could possibly prepare the inventory for the Township.

Planner Bolan stated that the Township's actual obligation will be determined by how we actually grow. These are all just projections.

LTFAS – Request for Trailer Extension – Bruce Cunningham

Bruce Cunningham, of the LTFAS, stated that they have a situation with the trailer adjacent to their building. At one time, it was stated that the trailer need to be handicapped accessible. Apparently that communication had been dropped and they just found out about it two weeks ago. The Construction Code Official, Charlie Rogers has issued a Notice of Violation however, it has not been received by the Squad to date. Bruce has been to see Charlie Rogers and has received permit applications to be completed. He has engaged a local architect as the Construction Dept. is requesting sealed plans. Mr. Post stated that it appears that the trailer is becoming a permanent structure. The Township Committee approved the use of the trailer for one year, in December 2005. The Squad was required to come back to the Township Committee to request an extension of time. It still has not been renewed to date. The trailer was not meant to be permanent, it was understood that the Squad was going to add onto the building. Mr.

Cunningham stated that originally, that was the intent, but in the mean time the Squad's financial situation has changed. The money is not available to even consider the addition at this time. Mr. Post stated that in the changes in the financial health of the Squad, the Township does not have the level insight that they need to continue to support these projects. Mr. Post said that it is going to be incumbent on the leadership of the Squad to continue to reassure the municipality that their fiduciary responsibilities are being fulfilled. That is going to be done through audits. Mr. Cunningham stated that has far as he knows the audits are in place and last year's audit was performed by the Township based on documents submitted by the Squad. Mr. Post stated that the audit had defects which were communicated to the Squad. Mr. Cunningham asked if correction action was taken and Mr. Post stated not to the Township's satisfaction. The audit came up short of what the Township considers a clean audit.

Ms. Schriver stated that there needs to be a plan set regarding the trailer. Mr. Post stated that the Township is in need of annual audits from the squad. Mr. Cunningham said that his agency stops with the trailer issue and he cannot speak to the other issues.

Mr. Cunningham said that he needs to go back to discuss the matter with the executive committee to see what the plan going forward is. There is a lot of material in the trailer. Mr. Cunningham stated that in order to accommodate the materials from the trailer they will either need to find storage or store it in the building. This may compromise the use of the building for some of the Township's activities. We need to understand that also. Mr. Cunningham stated that he does not know what the implications are yet, but they are there.

Mr. Cunningham will go back to the executive committee to put a plan together.

Concern was raised as to whether or not the trailer is insured.

Mayor Piazza stated that we have ordinances to follow. Is it an option to approve the permanent placement contrary to the ordinance? Attorney George stated that it has been the Township Committee's position to stick very strictly by the temporary trailer regulations. Also, some temporary trailer rules are set by State law.

Attorney George stated that if the Notice of Violation was issued, whether served or not, the Township Committee may not have authority to vote on the extension until the Notice of Violation was cleared.

Attorney George will look into State requirements and Construction Code violations with Charlie Rogers.

Schedule Budget Meeting

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee scheduled a budget meeting to be held on March 6, 2008 at 6 p.m.

DPW Garage

Mr. Piazza stated that he called the Township Engineer Steve Risse and asked him the status of the DPW garage. He said that all is going well, he submitted that Plan to DEP and it was returned with an application that needs to be completed and signed. A check for \$600.00 needs to be submitted with the application. Engineer Risse will give the Township an estimate of cost in the near future.

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee authorized a check to the DEP, in the amount of \$600.00, to be added to the February 6, 2008 bill list.

29 Sharrer Road

Mayor Post stated that the owner of 29 Sharrer Road has complied with the requests of the Township and demolition and clean up of his property is moving forward.

NEW BUSINESS

Approve Coin Toss Applications – LTFAS

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Coin Toss Applications for the Lebanon Township First Aid Squad for 05/24/08 & 05/25/08 and 08/30/08 and 08/31/08. Approvals are subject to proof of authorization from County and State agencies.

Musconetcong River Council

Mayor Piazza stated that the Musconetcong River Council met the other night and there was no representation from Lebanon Township. Mayor Piazza has received a letter asking for a volunteer to attend. Mayor Piazza stated that he received a call from Eric Henderson from Mountain Top Road, who was in attendance at the MRC meeting and stated that he would love to sit as the MRC representative for the Township.

Mayor Piazza will ask Mr. Henderson to come to the March 5, 2008 Committee meeting.

CORRESPONDENCE

Tax Collector' Report for the Month of January 2008

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote the Township Committee approved the February 20, 2008 bill list in the amount of \$2,623,238.99 with the addition of a DEP check in the amount of \$600.00.

PUBLIC COMMENTS

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

Mr. Francis Monahan stated that when he received his green tax assessment card in the mail he noticed a discrepancy in the assessed land value. He said that went to see Mary Mastro, the Township Assessor, to inquire on why there was a change. Mary explained to Mr. Monahan that she based the information on the Township Tax Map. The Map reads that Mr. Monahan's property is 1.19 acres and he was only being assessed for 1.09 acres in the past. Mr. Monahan stated that he checked his survey and his property is 1.09 acres. Mary informed Mr. Monahan that the Tax Map is the official document that she works off of and now that he has proved otherwise, a correction will be made. Mr. Monahan was not happy that he now has to file an appeal to be sure that it is corrected properly. Mr. Monahan stated that Mary informed him that 5 or 6 properties on each page of the Assessor's Field Book needed to be changed. He feels that a letter should have been sent to the property owner prior to the changes being made. He would like the Township Committee to look into.

Mr. Anthony Casale questioned asked why they didn't see the land assessment problem when the revaluation was performed in 2001.

Ms. Nancy Durios inquired on the status of the Library Roof Bids. Attorney George stated that as of 5:00 p.m. this afternoon the Bids Specs had not been received by his office from Engineer Risse. Mr. Risse had confirmed to the Mayor that he had sent them to Attorney Bernstein on January 30, 2008.

Mr. David Shope asked how will the Pelio property be purchased; who are the partners and what is the percentage of the partners? Mr. Post stated that the municipal component, via Green Acres, is \$700,000.00 the balance is \$2,853,692.00 for a total of \$3,553,692.00. It will be joint ownership and the Township will have input on the agreements. Mr. Shope stated his support for the project.

Mr. Shope extended his appreciation and sympathy to a local government who is trying to conduct business in a State that is trying to commit suicide.

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 Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 33-2008 and convened in executive session at 9:03 p.m..

TOWNSHIP OF LEBANON RESOLUTION NO. 33-2008

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 Matters
Collective Bargaining
LTFAS
Attorney Client Privilege

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 10:22 p.m.

Attorney George stated that the Committee met with members of the Library Committee and Marie Taluba and discussed personnel issues and problems. These issues were brought to the Township Committee's attention by Marie and the Library Committee. Discussion took place as

to the Library Committee's intent to submit a revised budget for personnel. The Committee also met with members of the LTFAS, as per their request, to discuss general issues in going forward in building relationships. The discussion was nothing specific relative to budget or personnel matters but related to policies, procedures. The Mayor and Committee shared their ideas in regard to requirements which might permit more transparency in operations and more flexibility in management. Discussion was held on the investigation relative to finances. There was an update on the PBA Collective Bargaining negotiations from Mr. Post and it appears that an indication of acceptance of a particular percentage raise in exchange for some other bargaining points will be made in the near future. Hopefully, bringing for a successful resolution and a contract for possible action, at the March 5, 2008 meeting.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a waiver for Leif Mangulson from reimbursement of County College tuition assistance from the tuition waiver program requirements. Attorney George will prepare the documents needed for the waiver.

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 10:24 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: March 5, 2008

George Piazza, Mayor