

**Lebanon Township Committee
March 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 Jay Weeks
George Piazza Francis Monahan

Absent - None

Also Present - Attorney Eric Bernstein and Deputy Clerk Kim Jacobus and 6 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved the February 7, 2007 regular meeting minutes. AYES: Piazza, Post, Schriver, Monahan ABSTAIN: Weeks

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by favorable roll call vote, the Township Committee approved the February 7, 2007 executive session minutes. AYES: Piazza, Post, Schriver, Monahan ABSTAIN: Weeks

Mr. Tom Groendyke and Ray Scherrer, of Groendyke Associates, presented the Committee with a 2006 award from the insurance company for maintaining a pro-active status on our work comp.

ORDINANCES

Ordinance No. 2007-3 – Public Hearing

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

There were no public comments.

The public hearing was closed on a motion by Mr. Monahan seconded by Ms. Schriver and carried by unanimous favorable roll call vote.

Motion by Mr. Piazza seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No 2007-03, as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE #2007-03

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. Section 18-8.2f2, Escrow Fees for Technical Review, is amended to read as follows:

2. The initial escrow fee for a minor subdivision shall be \$500.00 for each lot, exclusive of lands remaining. The initial escrow fee for a certification of a prior nonconforming use or a certification of a prior nonconforming structure shall be five hundred dollars (\$500.00). The initial escrow fee for the direction for issuance of a permit for a building or structure not related to a street shall be one thousand dollars (\$1,000.00).

The initial deposit of escrow fees for technical review of a development application or variance application, other than a minor subdivision, shall be an amount equal to two hundred percent (200%) of application fee established, or such larger amounts as may be deemed necessary by the Board in light of the particular circumstances. This initial deposit is required for a complete application. Additional review fees as required shall be paid in accordance with paragraph f,1(d). In addition to the escrow fees required above, any applicant for a major subdivision involving a geologic investigation pursuant to subsection 17-6.5 shall provide a fee of one hundred fifty dollars (\$150.00) for each lot included in the Carbonate Area District, and any applicant for a major site plan involving a geologic investigation pursuant to subsection 17-6.5 shall provide a fee of five dollars (\$5.00) per one thousand (1,000) square feet to be

disturbed, plus fifty dollars (\$50.00) per one thousand (1,000) square feet of proposed building floor area or part thereof.

Section 2. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

Ordinance No. 2007-04 – Public Hearing

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

Ron Milkowski asked if this was created to bank money. Mayor Post explained that this was to bank the limit. In the event we had to exceed the expenditures, balanced with the revenue, it would allow us to increase the budget by more than the 2 1/2 %. Attorney Bernstein explained that it is banking the amount of money the municipality could place under the cap.

The public hearing was closed on a motion by Mr. Piazza seconded by Ms. Schriver and carried by unanimous favorable roll call vote.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee adopted Ordinance No 2007-05, as written below. AYES: Piazza, Post, Schriver, Monahan NAYES: Weeks

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE 2007-04
AN ORDINANCE TO AMEND REVISE AND SUPPLEMENT
ORDINANCE 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)

WHEREAS, the Local Government Cap Law, N.J.S.A 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY 2007 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1 % increase in the budget for said year, amounting to \$ 34,142.31 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2007 budget year, the final appropriations of the Township of Lebanon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %,

amounting to \$ 119,498.09, and that the CY 2007 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance No. 2007-05 - Public Hearing

Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

There were no public comments.

The public hearing was closed on a motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote.

Motion by Ms. Schriver seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No 2007-05, as written 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

BE IT ORDAINED BY THE Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that:

SECTION A: This Ordinance shall be known and may be referred to be its short title which is "The Amendment to the 2007 Salary Ordinance"

SECTION B: The annual salary of the following officers and employees of the Township of Lebanon shall be as set forth hereafter:

	SALARY	RANGES
Township Clerk	40,000.00	68,000.00
Road Supervisor	55,000.00	81,000.00

This ordinance shall take effect upon final passage and publication as provided by law.

Ordinance No. 2007-06

Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2007-06. (as entitled below)

ORDINANCE NO. 2007-06
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

AN ORDINANCE AUTHORIZING THE ACCEPTANCE BY LEBANON TOWNSHIP OF WINDY HEIGHTS ROAD, RARITAN RUN AND PHEASANT COURT INTO THE PUBLIC ROADWAY SYSTEM PURSUANT TO N.J.S.A. 40:67-1

Public Hearing to be held on April 4, 2007.

Ordinance No. 2007-07 - Introduction

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2007-07. (as entitled below)

ORDINANCE NO. 2007-07

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED

THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Public Hearing to be held on April 18, 2007.

Ordinance No. 2007-08

Motion by Ms. Schriver, seconded by Mr. Piazza, second withdrawn by Mr. Piazza, motion not carried, the Township Committee tabled Ordinance No. 2007-08 until the March 21, 2007 meeting.

TOWNSHIP OF LEBANON
ORDINANCE NO. 2007-08
AN ORDINANCE TO AMEND THE CODE OF THE
TOWNSHIP OF LEBANON BY ADDING A NEW
ARTICLE III, POSSESSION OR CONSUMPTION
ON PRIVATE PROPERTY BY UNDERAGE
PERSONS TO CHAPTER 120, ALCHOLIC
BEVERAGES, WHICH RESTRICTS THE

POSSESSION AND CONSUMPTION OF
ALCOHOLIC BEVERAGES BY UNDERAGE
PERSONS, AND WHICH ALSO CONTAINS
PENALTIES FOR VIOLATION THEREOF

RESOLUTIONS

Resolution No. 31-2007 - NJDEP -Fire Department Grant

Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 31-2007. (as attached)

OLD BUSINESS

Swak Church – Mayor Post

Mr. Post and Township Engineer Steve Risse meet with John Bolt, member of the Historian Committee, to talk about options for stabilizing the Swak Church on Anthony Road. Mr. Bolt was able to give them some options as to how to proceed. First recommendation was to stabilize the area around it by doing some tree work. Mayor Post requested that we make a budget amendment to add a line item for \$10,000.00 for tree work and also title search work, because the property is owned by the township, but we do not have the deed. In order to get any grant money, which there should be no problem in getting a grant for the restoration of the property,

we have to do some basic work first. Mayor Post would like the \$10,000.00 to be added to the budget as our state aid had increased. This should be a one-time expenditure to get the tree work, the title search done and to pursue the grant. It is recommended that we get professionals to do the tree work. The cost to fully restore, run between \$40,000 to \$90,000 to re-point and capping off of the stone work and shoring up the structure. Mr. Weeks brought up that Ms. Schriver had put \$10,000.00 in the DPW budget for the park. He wants the money taken from there and use for the church. Attorney Bernstein advised to review this to make sure we were not non-compliant in this action.

In reviewing the Historians minutes, Ms. Schriver brought up the fact that the Historians are still pursuing the Woodglan nomination. It was rejected at the state, based on the adjoining owners. The Committee does not want to pursue this. Ms. Schriver asked that Mr. Lomerson or someone from the Historian, come to the next meeting to discuss this.

NEW BUSINESS

Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee appointed Ralph Lomerson as Local Historian for 2007.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee appointed Edward Post as Statewide Fund Commissioner.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee appointed Paul R. Jones as Statewide Insurance Safety and Loss Prevention Representative and Kimberly Jacobus as Alternate.

Ms. Schriver stated the League is asking for a donation for the National Guard. They are doing a fund raiser in April, trying to raise \$25,000.00 through a pancake breakfast and donations. She thought in the past we had donated and would like to do so again. Ms. Schriver wants to know from the Treasurer if we made a donation last year.

Mayor Post read a news release regarding Elder Quest 2007. This is the Seniors' annual spring lecture series. This is open to seniors in Hunterdon County. Ms. Schriver requested that this information be placed on the website as it was too late to be included in the newsletter.

Warren Gabriel informed the Mayor that there is a requirement for all Committee members in 2007 to go through the Incident Command Training. There is a class on March 13, 7 p.m., in Readington Township and another on March 28, 7 p.m., in Bethlehem Township. If the Committee can not make these, there is an option to have the trainer come to the Township and do the class. Warren will look into setting up a class here and inviting Califon, Hampton and Glen Gardner to attend.

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 March 7, 2007 bill list in the amount of \$ 85,541.93.

CORRESPONDENCE

Township Historians February 1, 2007 Meeting Minutes

The Township Committee was in receipt of a letter from the Califon Volunteer Fire Company regarding recent changes in fire coverage at Voorhees High School. Until recently, they would respond to all fire related calls at the high school. Now they only respond to Level 2 calls which are confirmed fires. They do not respond to Level 1 calls, which include alarm activations or carbon monoxide alarms. They do not agree with the our fire company's decision to delete them from Level 1 calls. Mayor Post asked if this was our decision to delete them. Fire Chief Gabriel stated that the County set up a Box Alarm system that changed who responded to the calls. Califon and High Bridge always had responded to the high school. When they instituted the Box Alarm system, they put in the Levels. A medievac landing, squad assist and accident in the parking lot are all considered a Level 1, so we do not have 3 fire companies going to the high school for a Level 1. Fire alarms are in that level and the County has not moved them yet. If it is changed to a Level 2, then they will be responding. Every officer in our Department knows that if they need Califon or High Bridge, they call for them right away. Every member of the Department knows this. There is not a hold up of anyone responding. They (Califon) have been trying to address this with Chief Gabriel for a year and they have not gotten anywhere, so this is why it is coming to the Committee.

Chief Gabriel went to the high school and spoke to Dave Steffan, Principal, and he is happy with the coverage as it is right now. Attorney Bernstein suggested to the Committee that they authorize the Clerk's office to send a response to Califon Fire Company is that the Committee supports the action of the Lebanon Township Volunteer Fire Department in this matter.

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

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.

Ron Milkowski stated that he remembered someone from the Historians had come to a meeting and the Committee stated that they did not want the Woodglen designated as a historical area. Mr. Milkowski feels that something stronger should be done besides having a member come to the meeting, like sending a letter to each member stating the position of the committee.

Anthony Casale of Boulder Field Road asked Mr. Monahan if he knew if the Junior Police Academy was going to be reestablished. Mr. Monahan stated as far as he knew, it was finished.

Mr. Casale also stated his concern regarding the fire alarm as his children attend the high school. The other question he had was regarding the Committee having to attend the Incident Command classes. Chief Gabriel explained that it was to inform them how the system works.

Mr. Piazza stated he too was concerned. Chief Gabriel stated that they respond to all fire calls. They check out the room or building where the alarm came from. At this time the County has not changed a fire alarm to a Level 2. This has only been operational since last year, and there has been some changes made. Chief Gabriel is still working on this, to see if the County is going to move the fire alarms to a Level 2 then that problem would be resolved.

Ron Milkowski stated it would be beneficial to meet with the other Departments' representative not just the chiefs and maybe they could iron some things out. Mayor Post asked if this would be something they would pursue. Mr. Milkowski stated that it would be.

Motion by Mr. Piazza, 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. 32-2007 and convened in executive session at 7:56 p.m. Formal action may be taken.

TOWNSHIP OF LEBANON RESOLUTION NO. 32-2007

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:

Personnel Matters – Zoning Officer and Newsletter
Attorney Client Privilege

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:30 p.m.

Attorney Bernstein stated that there was discussion relative to personnel matters involving the individual running the newsletter and compensation and a proposal relative to such compensation be reflected in the introduced budget. There was further discussion relative to the Flood Plain coordinator situation. The Mayor will be discussing it with the potential candidate for the position and the alternative; he will have a conversation with the Zoning Officer, who is also a

potential candidate. No formal action needed to be taken. There was a discussion relative from the attorney's point of view, on the on-going issues involving the rescue squad; we will wait for guidance from Ardito and Company. There was a discussion under the Attorney-Client privilege relative to possible acquisition or participation in the acquisition of farm land or open space easement. The Committee has decided not to take action relative to such. No formal action needed to be taken.

ADJOURN

Having no further business to come before the Committee, a motion was made by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:32 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved

Edward Post, III, Mayor