

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

Absent - Ed Post

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 7 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the February 15, 2006 regular meeting minutes. AYES: Piazza, Schriver ABSTAIN: Weeks, Monahan

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the February 15, 2006 executive meeting minutes. AYES: Piazza, Schriver ABSTAIN: Weeks, Monahan

ORDINANCE No. 2006-04 - 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 Mr. Piazza and carried by unanimous favorable roll call vote.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No 2006-04, as written below.

**TOWNSHIP OF LEBANON
ORDINANCE NO. 2006-04**

**AN ORDINANCE OF THE TOWNSHIP OF LEBANON,
COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, REVISING AND
AMENDING CHAPTER XXIII, SECTION 23-5(b) AND SECTION 23-5(c) OF THE
CODE TITLED “AFFORDABLE HOUSING DEVELOPMENT FEES”**

WHEREAS, the Committee on Affordable Housing (“COAH”) requires municipalities to comply with their “growth share” obligation to construct affordable housing in accordance with COAH’s third round regulations; and,

WHEREAS, the Township of Lebanon has an opportunity to implement COAH’s Regulations through an addition to the Township’s land development ordinance requiring Developers to construct most of the Township’s growth share obligation onsite along market rate units; and,

WHEREAS, the Township Committee of the Township of Lebanon finds it is in the best interests of the Township to amend the Township’s land development ordinance in accordance with the foregoing.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, as follows:

SECTION 1. Development Fees.

Chapter XXIII, Section 23-5(c) is hereby deleted in its entirety and replaced with following:

All development in any zone within the Township where affordable housing is not a permitted use shall be subject to payment of the development fee in accordance with the Development Fee Ordinance in effect at the time a building permit is issued.

SECTION 2. Expansion.

Chapter XXIII, Section 23-5(b) is hereby amended to read in its entirety as follows:

A development fee in accordance with the Development Fee Ordinance in effect at the time of an expansion shall be paid for the expansion of any existing structure, provided the expenditure for such expansion totals more than Fifty Thousand Dollars (\$50,000.00). All expenditures in any calendar year shall be considered one (1) expansion and the total cost therefore shall be aggregated in the calculation of the development fee to be paid under this Section.

SECTION 2. Severability.

If any paragraph, section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 3. Inconsistency.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date.

This Ordinance shall take effect following final adoption and publication in accordance with applicable law.

ORDINANCE No. 2006-05 - 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. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No 2006-05, as written below.

**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"**

WHEREAS, the Lebanon Township Planning Board presently has seven (7) regular members and two (2) alternate members; and,

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55-1 et seq) provides for up to nine (9) regular members and two (2) alternate members for a Planning Board; and,

WHEREAS, the Lebanon Township Planning Board wishes to expand its board membership to take into account the maximum number of regular members available to it under law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Sections 16-2.3 and 16-2.4 of the Lebanon Township Code are hereby amended, revised and supplemented as follows:

"16-2.3 Membership

a. The Planning Board shall consist of nine (9) regular members and up to two (2) alternate members. For purposes of appointment, the membership shall be divided and appointed as per the following classes:

Class I- -the mayor or the mayor's designee in the absence of the mayor.

Class II- - one of the officials of the municipality other than a member of the governing body, to be appointed by the mayor; provided that if there be an environmental commission, the member of the environmental commission who is also a member of the planning board as required by section 1 of P.L.1968, c.244 (C.40:56A-1), shall be deemed to be the Class II planning board member for purposes of this act in the event that there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment and a member of the board of education.

Class III- - a member of the Township Committee to be appointed by it.

Class IV- - other citizens of the municipality, to be appointed by the mayor.

The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine(9)-member boards, one such member may be a member of the zoning board of adjustment or historic preservation commission. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine(9)member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P.L. 1968, c.245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II of the planning board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal.

b. Alternate Members. The Mayor may appoint up to two (2) alternate members to the Planning board in the same rein as Class IV members and shall be Township residents. The members shall be designated by the Mayor as "Alternate No. 1" and "Alternate No. 2". No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause. Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the planning board established by ordinance of the governing body pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23). A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

16-2.4 Terms of Office and Removal

The term of the member composing Class I shall correspond to the mayor's official tenure or if the member is the mayor's designee in the absence of the mayor, the designee shall serve at the pleasure of the mayor during the mayor's official tenure. The terms of the members composing Class II and Class III shall be for one(1) year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the environmental commission. The term of a Class II or Class IV member who is also a member of the environmental commission shall be for three (3) years or terminate at the completion of his term of office as a member of the environmental commission, whichever occurs first. The term of a Class IV member who is also a member of the board of adjustment or board of education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. Otherwise, the Class IV term of each such member shall be for four (4) years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the planning board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

The terms of the Planning Board members shall commence on January 1.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

- (1) All ordinances or parts of ordinance which are inconsistent with the provision of this Ordinance shall be replaced as to their inconsistencies only.
- (2) This Ordinance shall take effect after final passage and publication in accordance with law.

RESOLUTIONS

Resolution No. 36-2006

Motion by Mr. Weeks seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2006 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION No. 36-2006

WHEREAS the Tax Collector of Lebanon Township has been shown proof and in accordance with the Tax Assessor agrees that Robert Carpenter, owner of Block 35, lot 31.15 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. Carpenter has been declared totally and permanently disabled since March 30th 2004, and has only received such notification on January 19th 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. Carpenter's property be exempted from all property taxes from the date of his total and permanent disability, March 30th 2004, and that the \$15,585.58 which has been paid in taxes since March 30th 2004 be returned to Mr. Carpenter and,

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

APPOINTMENTS

Appointment of Township Treasurer

Held for the Executive Session.

Planning Board Appointments

Christopher Piasecki

Mayor Schriver appointed Mr. Christopher Piasecki as Planning Board Class IV Regular Member, which is a 4 yr. term, expiring on 12/09. Mr. Piasecki's appointment will take effect upon the March 8, 2006 publication of Ordinance No. 2006-05.

Darryl Schmidt

Mayor Schriver appointed Mr. Darryl Schmidt as Planning Board Class IV Regular Member, which is a 4 yr. term, expiring on 12/09. Mr. Schmidt's appointment will take effect upon the March 8, 2006 publication of Ordinance No. 2006-05.

Board of Adjustment Appointments

Gary MacQueen –

Motion by Mr. Weeks seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee appointed Gary MacQueen as Board of Adjustment Class IV Regular Member, filling an unexpired term – 12/31/08. Mr. MacQueen’s appointment will take effect on or after March 8, 2006.

Master Gardner Appointment

Motion by Mr. Piazza seconded by Mr. Schriver and carried by favorable roll call vote, the Township Committee appointed a Master Gardner at the request of Mayor Schriver. AYES: Piazza, Schriver, Monahan NAYS: Weeks

OLD BUSINESS

Sale of Surplus Property

Bids, with and without minimum offer required, were received for the sale of surplus property on February 22, 2006. Certain items were disqualified due to not meeting the minimum bid

requirements. Sale will be re-advertised with 2002 Ford Explorer XLS Police Vehicle minimum bid of \$3,500.00 and the 2000 Crown Victoria Police Package at \$2,750.00. Items from first sale, not bid on, will be re-advertised also.

Attorney Bernstein stated that the record should reflect that pursuant to prior action of the Township Committee, Mr. Piazza was authorized to accept bids that exceed the minimum bid requirement.

Public Works Garage

Mr. Weeks stated that instead of spending one million dollars on land he would like to take 2 or 3 acres from the park for a new garage. If there is land available it would make sense to use it instead of spending money on another piece. Mr. Weeks also stated that he has looked into the cost of putting up a building that would suit the Township and the cost would be approximately \$100,000.00.

Mayor Schriver stated that she does not want to see the Township spend money either however, the proper people should review the proposal. The Planning Board should be included in the discussion.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by favorable roll call vote, the Township Committee moved to look to see if there is a suitable location, adjacent to the Municipal Building, in the park, to put a new Public Works building. The Planning Board and any Board related to the issue should be included in the discussion.

North Hunterdon Municipal Court 2006 Budget

Mr. Piazza stated that the Court Committee decided to continue with the same system they presently use for budgeting. Two towns voted down the new proposal submitted and it only took one to reject the plan. A Committee will be working on a new proposal, which should be done by 2007 or 2008.

NEW BUSINESS

Approve Solicitor's License Application

An application was made by a Realtor, for a solicitor's license, to canvas the Township for potential clients.

The Township Committee stated concern with the concept of door to door real estate solicitation.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by favorable roll call vote, the Township Committee moved not to grant such a license as to Real Estate solicitation.

Legal Fees

Mr. Piazza stated that Mr. Post spoke to the Township Attorney, Mr. Bernstein, regarding the cost of legal fees in the 2006 year and the impact on the Township Budget. Mr. Bernstein suggested controlling the legal requests made to Mr. Bernstein's office, by Township employees and Officials. All calls/requests are to be made by and through the Township Committee or Clerk. The Clerk is to send a memo to all Staff and Officials notifying them of new policy.

PRESENTATION OF VOUCHERS

Committee Members 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 March 1, 2006 bill list in the amount of \$104,092.31.

PUBLIC COMMENTS

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

No Public Comments

Motion by Mr. Piazza 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. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 37-2006 and convened in executive session at 7:38p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 37-2006

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:

Attorney Client Privilege

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:01p.m.

Attorney Bernstein stated discussion was held on the advise he had given to the Township Committee relative to the proposed Personnel Agreement with the Township Treasurer. No formal action is needed to be taken at this time.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Piazza seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 8:02p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved:

Patricia Schriver, Mayor

