

**Lebanon Township Committee
March 17, 2010**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Jay Weeks 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 Jay Weeks asked everyone to stand for the flag salute.

ROLL CALL

Present - Jay Weeks Patricia Schriver George Piazza
Francis Morrison Brian Wunder

Absent -

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 13 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of regular meeting of March 3, 2010. AYES: Wunder, Schriver, Weeks, Morrison ABSTAIN: Piazza

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of March 3, 2010. AYES: Wunder, Schriver, Weeks, Morrison ABSTAIN: Piazza

ORDINANCES

Public Hearing

Ordinance No. 2010- 04 - “ACCESSORY USES AND STRUCTURES”

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-04 was opened.

There were many concerns raised by the public, Planning Board members and the Township Committee. The ordinance language needs to be looked at again by the Planning Board.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous unfavorable roll call vote, the Township Committee defeated Ordinance No. 2010-04 as written below.

**ORDINANCE NO. 2010-04
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED “ZONING”, SPECIFICALLY
SECTION 400-10, TITLED “ACCESSORY USES AND STRUCTURES”**

WHEREAS, the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey has reviewed the Township Code and believes that some amendments to the Zoning Ordinance are necessary; and,

WHEREAS, the Township Committee believes such amendments are necessary to update, supplement, clarify and/or explain certain provisions in the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 400, titled “Zoning” of the Code of the Township of Lebanon is hereby amended, revised and supplemented as follows:

Section 1. Add the following definitions to Section 400-4:

INHERENTLY BENEFICIAL USE – A use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.

SMALL WIND ENERGY SYSTEM – A wind energy system that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less.

TOTAL HEIGHT – For a small wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.

WIND, SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE – A facility or structure for the purpose of supplying energy produced from wind, solar, wood or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

Section 2. Add the following subsection D to Section 400-10, “Accessory uses and structures; personal recreational facilities; fences and walls”:

D. Standards for solar, wind and outdoor wood-burning facilities as permitted accessory uses and structures. Small wind energy systems shall require minor site plan approval.

(1) Solar energy facilities.

- (a) Solar energy facilities are permitted on the roof of buildings.
- (b) Ground-mounted solar energy facilities shall comply with the setbacks for a principal building, and shall not be located in a front yard.
- (c) The maximum height of a ground-mounted solar energy facility shall be 15'.

(2) Outdoor wood-burning stoves.

- (a) The minimum lot area shall be 5 acres.
- (b) The minimum height of the chimney shall be 12' from ground level, and the maximum height shall be 2' higher than the peak of the residence.
- (c) The stove shall be located a minimum of 200' from any property line.
- (d) The period of operation shall be limited to October 1 to April 30.
- (e) Only seasoned wood may be utilized.
- (f) The stove shall be on the list of approved stoves prepared by the U.S. Environmental Protection Agency.

(3) Small wind energy systems.

- (a) The minimum lot area shall be 25 acres.
- (b) The maximum height shall be 120’.
- (c) The minimum setback of the windmill from any property line shall be 200% of the windmill’s height.
- (d) Windmills shall not be permitted in the front yard.
- (e) The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved by the approving authority.
- (f) There shall be no signs that are visible from any public road or neighboring property posted on a small wind generator system or any associated building, except for the manufacturer’s or installer’s identification, appropriate warning sign, or owner identification.
- (g) Sound levels of the wind energy system shall not exceed 50dBA at a common property line.
- (h) Abandonment.

[1] A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to be abandoned. The Zoning Officer shall issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to be abandoned. The notice shall be sent return receipt requested.

[2] The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the Notice.

[3] If the property owner provides information that demonstrates the small wind energy system has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the property owner that the Notice has been withdrawn.

[4] If the Zoning Officer determines the small wind energy system has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.

[5] If the property owner fails to remove the facility in the time allowed under [4] above, then the Township may remove such system and place a lien on the property for the cost of the removal.

- (i) The small wind energy system shall not cause flickering shadows on adjoining properties.

Section 3. Subsections 400-11B(6)(b) and 400-11B(6)(c) shall be re-numbered as subsections 400-10E and 400-10F, respectively.

NOW, THEREFORE, 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. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

Public Hearing

Ordinance No. 2010- 05- Application Fees

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-05 was opened.

Hearing no comments from the public, the public hearing was closed on a motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote.

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote the Township Committee adopted Ordinance No. 2010-05 as written below. AYES: Schriver, Weeks, Morrison, Piazza NAYS: Wunder

TOWNSHIP OF LEBANON

**COUNTY OF HUNTERDON
ORDINANCE NO. 2010-05
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER 400(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. Ordinance Section 400-54D(3), entitled "Development Applications", is hereby amended to adjust the relevant application fees due in connection with development applications as set forth on the attached schedule under the heading "APPLICATION FEES".

Section 2. Ordinance Section 400-54F(2), entitled "Initial Deposits", is hereby amended to adjust the relevant escrow fees due in connection with development applications as set forth on the attached schedule under the heading "ESCROW FEES".

Section 3. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

Introduction

Ordinance No. 2010-07- "Solid Waste; Recycling"

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2010-07 on first reading. (As entitled below).

**ORDINANCE NO. 2010-07
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON,
CHAPTER 317 ENTITLED "SOLID WASTE; RECYCLING"**

Public Hearing to be held on April 21, 2010.

Ordinance No. 2010-08- "RECYCLING COMMISSION"

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2010-08 on first reading. (As entitled below).

**ORDINANCE NO. 2010-08
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON,
CHAPTER 89, ENTITLED “RECYCLING COMMISSION”**

Public Hearing to be held on April 21, 2010.

OLD BUSINESS

Award Bid for 2011 Mack Tanker

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Fire Chief Warren Gabriel’s request to purchase a Tanker Truck from Pierce Manufacturing in the amount of \$353,956.00.

336 Turkey Top Road – Township’s Interest in Purchasing the Property

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee moved to decline the offer from Christl Stoeckl to acquire the property at 336 Turkey Top Road. The Clerk will send a letter notifying Ms. Stoeckl of such.

CW Consulting Services, Inc. – Site Acquisition Services – AT & T Mobility

Attorney Bernstein stated that he has been playing phone tag with Mr. Bailey. He will report back to the Committee once he has made contact.

NEW BUSINESS

Approve Social Affair Permit – Bourbon Street Blues Fest, Inc.- May 22, 2010

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for Bourbon Street Blues Fest, Inc. for an event to be held on May 22, 2010

**Approve TRC Environmental Corporation Proposals –
Ground Water Sampling/Fire Station Reporting**

Moved to the Executive Session.

Hunterdon County Planning Board – Interest in Receiving the County’s Septic Inventory

The Hunterdon County Planning Board has been accumulating a database inventory of septic systems in the County since 1993 and is being updated as alteration permits are applied for.

The County Planning would like to know if the Township would like a copy of the Septic Inventory.

The Township Committee directed the Clerk to send correspondence to the HC Planning Board stating their desire to receive a copy of the Septic Inventory CD.

North Hunterdon Municipal Court

Mr. Piazza stated that he attended the Court meeting and the Court received a check in the amount of \$5,767.00. The check covers a percentage of the motor vehicles violations for 6 months. Since three municipalities pulled out in 2010, the check will be split between the municipalities. The approximate amount will be \$500.00.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the March 16, 2010 bill list in the amount of \$160,221.35.

CORRESPONDENCE

- a. CWA Local 1040 – List of Appointed Shop Stewards
- b. Tax Collector's Report for the Month of February 2010
- c. Aqua New Jersey, Inc. – Petition- Increase in Rates
(On file in the Clerk's Office)

PUBLIC COMMENTS

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

Mr. Anthony Casale asked if the request to acquire the property on Turkey Top came with a price. Ms. Schriver stated that, no, it had not.

Mr. Casale asked if the Township Committee has to take any action when it comes to Aqua New Jersey's Petition to increase rates. Mr. Casale stated that he does have some concern with the increases.

Nancy Darois asked what the status is of the DPW Garage project. Attorney Bernstein stated that the contractor has executed the contract, therefore, it is now time for the Township to sign.

DPW Supervisor Warren Gabriel stated that the Township is also waiting for a DEP supervisor to sign off on a letter stating that the project is exempt. The same letter must then be received from the Highlands Council which could take another 4 months.

Motion by Ms. Schriver, seconded by Mr. Wunder 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. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 34-2010 and convened in executive session at 7:40 p.m. Action may be taken at the end of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 34-2010

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 – Litigation -Tilcon - Hyland
Negotiations other than Collective Bargaining. – Finance Office

Formal Action may be taken at the close of the Executive Session.

Mr. Morrison left the meeting at 8:00 p.m.

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 8:48 p.m.

Attorney Bernstein stated that all members of the Governing Body, except Committeeman Morrison who left for a personal commitment during the executive session, were present at the commencement of the executive session were present at the recommencement of the open session as well as the Township Clerk and the Township Attorney. The Township DPW Supervisor was also present during a portion of the meeting as well as the Open Space Environmental Commission Chairman Warren Newman. There was also a possible applicant present for an open personnel matter. There was discussion involving the Hyland and Tilcon litigations No formal action needs to be taken. There was a personnel matter discussion regarding the finance office. Discussions held on the open position in the finance office will continue between the CFO, Township Clerk and the individual in question. No formal action to be taken at this time. There was discussion on a matter related to a piece of property here in town. The Committee has authorized the Township Attorney to send a letter to the Township relative to such. No formal action it to be taken. There was further discussion with members of the LT Rescue Squad relative to ongoing squad issues. No formal action needs to be taken. TRC

Raviv was discussed, the Clerk will request that John Potenza be in attendance at the April 7, 2010 meeting.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Gregory DellaPia as CFO retroactive to March 22, 2010 subject to an agreement between the Township and Mr. DellaPia for such services.

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 8:50 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 7, 2010

Jay D. Weeks, Mayor