

**Lebanon Township Committee
March 19, 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, Jay Weeks
Edward Post, Francis Morrison

Absent -

Also Present - Attorney Phil George and Clerk Karen Sandorse and 7 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of March 5, 2008.

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of March 5, 2008.

PUBLIC HEARING

Tim Morris – NJ Conservation Foundation
Re: 1105 Califon-Cokesbury Road

Mr. Morris informed all present that the New Jersey Conservation Foundation holds a conservation easement on Lot 29, Block 17, in Lebanon Township. There is an electrical line ROW that transverses this property and there is a proposal to erect a cellular antenna on top of one of the existing utility towers. The township has already given its approval for the

project. NJCF's easement prohibits new structures except for agricultural purposes; however, NJCF is willing to amend the easement to allow the cellular antenna as they believe that it will not have any negative impacts on the property's natural, agricultural, or scenic resources, and in light of the owner's willingness to strengthen other aspects of the easement.

In order to amend the easement, NJCF must have the approval of the NJDEP as required by the Conservation Restriction Act. Prior to approving the amendment, the DEP requires that a public hearing be held, at which time the public has the opportunity to comment. .

Mr. Dave Mills, of Clinton Township, stated that his is the broker involved in the sale of the property. Mr. Mills stated that this meeting is to advise the public of the proposal, but what happens next? Mr. Morris stated that the information collected from the public will be provided to the DEP for consideration in making their decision on the application. Mr. Mills asked if it was possible that the DEP may say no to the plan. Mr. Morris stated that it is possible, but since they are at the point of a public hearing, the DEP may be sympathetic to their request. Mr. Mills stated that he is concerned that he will have proper information to provide to the purchasers.

RESOLUTIONS

Resolution No. 37-2008 - Transfer

Motion by Mr. Post, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved Resolution No. 37-2008 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 37-2008**

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers in the amount of \$8,000 be made between the 2007 Budget Appropriation Reserves as follows:

<u>ACCOUNT #</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
7-01-26-290-011	Roads s/w	8,000.00	
7-01-31-447-299	Gasoline		8,000.00

8,000.00

8,000.00

OLD BUSINESS

Swartz Drainage – Glenside Trail

Mr. Swartz has come before the Committee at prior meeting to request assistance with a stormwater drainage issue on his property. The Township Engineer provided his opinion to the Township Committee stating that the issue is not related to the Township and that the matter should be addressed with his neighbors in an attempt to resolve the problem.

Mayor Piazza stated that the Engineer has provided his report based on the pictures submitted by Mr. Swartz and the Township Committee upholds the recommendation of Mr. Risse. Mr. Swartz requested that an independent review be conducted as he questioned Mr. Risse's opinion.

Mayor Piazza stated that in addition, the Planning Board and the DPW Supervisor, Paul Jones, do not support Mr. Swartz's request for Township assistance. The issue is between the landowners.

Planner Mike Bolan – Approve COAH Comments

Planner Mike Bolan has submitted the following comments to be forwarded on to COAH for their consideration:

Lebanon Township's Comments on the Council on Affordable Housing's (COAH)
Proposed Third Round Rules, N.J.A.C. 5:94, et seq.

Lebanon Township is offering these comments to identify the macro-scale, significant issues that the Third Round rules create. Rather than delving into the details of the Rule proposal, the Township has chosen to take a broader view, identifying the impacts to the Township and the illogic of the proposed Rules. The Township objects to the adoption of these Rules as published for the reasons stated below.

- The comment period ending on March 22, 2008 does not provide adequate time for comments to be received, reviewed and the rules revised by COAH prior to the June 2, 2008 deadline for adoption as set forth by the Superior Court. Thus, the review period is provided for form only.
- 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. The Township had a rehabilitation obligation of zero (0) under the prior Third Round rules. What has changed that creates this increase in the rehabilitation obligation?
- 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, that COAH took the growth from 2002-2004 of 24 units, and then multiplied it by seven to cover the period 2004-2018. This is unacceptable and calls into question the entire basis on which the allocation methodology is developed.

Since 2004 Lebanon Township has been designated entirely within the Highlands Preservation Area. It does not appear that this factor has been incorporated in the 169 unit projection for the Township to 2018.

The Township supports the use of the “S” Curve as an accurate method to predict future growth in the Township.

- Given the Township’s location entirely in the Highlands Preservation Area, which requires a lot area of 25 acres or 88 acres depending on the forest coverage, how is the Township possibly to satisfy an obligation of 9 affordable units (“S” Curve), much less the 34 affordable units resulting from the allocation recommended by COAH?
- These proposed regulations will not result in more affordable housing in New Jersey, but rather will result in less given the unreasonable allocations and municipal tax burden that results. Under these regulations, combined with the Highlands Preservation Area rules, there is little reason for the Township to participate in the COAH process.

Motion by Mr. Morrison, seconded by Mr. Weeks and carried by unanimous favorable roll call vote the Township Committee approved the comments submitted by Planner Bolan to be submitted to COAH.

Fire Tank Ordinance

Mayor Piazza stated that at the Planning Board meeting the Fire Tank Ordinance was reviewed with Warren Gabriel and John Kneafsey. The language was amended and everyone is on the same page. Planner Bolan will make the recommended changes and submit to the Committee for action to be taken.

Master Plan

Mayor Piazza stated that Township Professionals recommended putting the review and updating of the Master Plan on hold at this time.

Select Wireless Cell Tower Application

Mayor Piazza stated that he received a call from Select Wireless informing him that the municipal office property is listed on the Township ROSI as the lot has been merged with the park land adjacent to the municipal building. It would be very difficult to place the cell tower on Green Acres restricted property. The Township will have to request to Green Acres that they release the property from the ROSI as it was merged in error. The tax assessor will have to correct the tax map by excluding the municipal office lot from the park land.

The Township Committee stated that they would like to see the Select Wireless plan first to see if it warrants releasing the property.

Municipal Coordinator – Hunterdon County Senior Services

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Frank Morrison as Hunterdon County Senior Services Municipal Coordinator.

Zoning Officer Report

Mayor Piazza stated that the Zoning Officer submitted a report to the Committee at the last meeting. He feels that the Committee should review and consider the comments made.

Raritan River Road Concerns

Mayor Piazza stated that he called the Police today to see what the status is. They are not sure what the States intentions are with the road. Fishing season is coming and there will be problems in that area. Mayor Piazza spoke to Warren Gabriel and was informed that Paul Jones had spoken to someone on the State level who may have some answers.

Ms. Schriver stated that the Committee met with the State to review their plan however, it seems that that plan has not been followed through with. The plan was to be able to drive to a certain parking area but not straight through. Pedestrians and bikes will be able to access the closed area. Parking has been a major issue in the area. The State Fish and Game or the DEP needs to be contacted to find out what is going on.

NEW BUSINESS

Approve Application for Social Affair Permit – Lebanon Township PTA – 06/01/08

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved an application for Social Affair Permit to Lebanon Township PTA to be held on 06/01/08.

**Approve Hunterdon Humane Animal Shelter Contract –
(Authorize Mayor to Sign)**

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Hunterdon Humane Animal Shelter Contract for the 2008 year in the amount of \$10,906.00 and authorized the Mayor and Clerk to sign.

Appoint Eileen Lebida- Historian - John Dempsey –Honorary Historian

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee appointed Eileen Lebida as Historian and John Dempsey as Honorary Historian for the Township.

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 March 19, 2008 bill list in the amount of \$70,636.06.

CORRESPONDENCE

Mayor Piazza stated that he received a letter from Clean Communities stating that the Township will be receiving \$12,857.94 from the 2007 Recycling Grant.

Mayor Piazza received a letter from a resident commending the DPW and Police Dept for their help when a tree came down near his property during a storm.

Tax Collector's Report for the Month of February 2008
Attorney Steven Kunzman – Combe Fill South Litigation
Statewide's Edge – Loss Control Service Visit

PUBLIC COMMENTS

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

Nancy Durios asked about the status of the Library Roof replacement.

Attorney George said that the plans are complete and have been sent back to the Township Engineer for final review.

Anthony Casale asked if the Township Committee found out any information on the insurance coverage for the Fire Station 1. Mayor Piazza stated that he will call the insurance company.

Motion by Mr. Post, 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 Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 38-2008 and convened in executive session.

TOWNSHIP OF LEBANON RESOLUTION NO. 39-2008

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:

Collective Bargaining – CWA - PBA
Update on Combe Land Fill Litigation
Township Trailer

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 7:57 p.m.

Attorney George stated that in executive session the Collective Bargaining Agreements were discussed in addition to a modification to the PBA Memorandum of Agreement suggested by Mr. Post. Discussion was held on the possibility of entering into a Memorandum of Agreement with the CWA Local 1040. Combe Fill Land Fill litigation was discussed. Settlement has not been reached but it is being focused upon. General guidelines and parameters to disciplinary hearings which may be coming up.

Motion by Mr. Post, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the amended PBA Local 188 Memorandum of Agreement and authorized the Mayor and Clerk to sign. AYES: Schriver, Post, Piazza, Morrison NAYS: Weeks

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 8:30 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 2, 2008

George Piazza, Mayor