

**Lebanon Township Committee  
May 3, 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                      Ed Post

Absent              Francis Monahan

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 18 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the April 19, 2006 regular meeting minutes.*

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the April 19, 2006 executive session minutes.*

**2006 BUDGET -PUBLIC HEARING**

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee opened the meeting for public comments relative to the proposed 2006 Municipal Budget.*

Mr. Greg DellaPia, Township CFO gave an overview of the proposed budget.

There were no public comments. There were no questions from the Committee.

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.*

**Resolution No. 47-2006**

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 47-2006. (As written below)*

**TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION # 47-2006  
ADOPT 2006 MUNICIPAL BUDGET**

WHEREAS, the 2006 Lebanon Township Municipal Budget was introduced and approved on the 5th day of April, 2006; and

WHEREAS, the 2006 Lebanon Township Municipal Budget was advertised in the "Hunterdon Review" in the issue of April 19, 2006; and

WHEREAS, the public hearing on said Budget was held on May 3, 2006; and

WHEREAS, the approved 2006 Lebanon Township Municipal Budget has been filed with the Director of the Department of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED, on this 3rd day of May, 2006, by the Mayor and Township Committee of the Township of Lebanon, that the budget hereinafter set forth is hereby adopted and shall constitute appropriations for the purposes stated of the sum set forth as appropriated.

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the Governing Body of the Township of Lebanon at a meeting held on May 3rd, 2006.

Witness my hand and the SEAL, of the Township of Lebanon.

**Resolution No. 48-2006**

*Motion by Mr. Post, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 48-2006. (As written below)*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 48-2006**

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Lebanon meets the necessary conditions to participate in the program for the 2006 budget year, so now therefore,  
BE IT RESOLVED, by the Township Committee of the Township of Lebanon that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

## **ORDINANCES – Public Hearing**

**Ordinance No. 2006-06**

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2006-06 was opened.*

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

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2006-06 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2006-06**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE FOR THE  
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
AND MORE SPECIFICALLY CHAPTER XVII (LAND SUBDIVISION) AND  
CHAPTER XVIII (ZONING) TO ESTABLISH STORMWATER MANAGEMENT  
STANDARDS**

**BE IT ORDAINED** by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that:

1. Section 17-8, Design Standards, is hereby amended to add the following new Subsection 17-8.8, Stormwater Management:

**17-8.8 Stormwater Management**

a. Purpose

1. Policy. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
2. Intent. It is the intent of this ordinance to establish minimum stormwater management requirements and controls for major development.
3. Applicability. This ordinance shall be applicable to any major development that requires preliminary or final site plan approval or subdivision approval, and any nonresidential

minor development that involves 5,000 square feet of new impervious surface or disturbs more than one-half acre.

4. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

b. General Standards

1. Design and Performance Standards for Stormwater Management Measures

(a) Minor development. Minor developments shall be designed to include the following stormwater management measures:

(1) Water quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.

(2) Rate/volume control. Seepage pits or other infiltration measures shall be provided with a capacity of 3" of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be 2 ½" clean stone and a design void ratio of 33 percent shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.

(b) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in this section. To the maximum extent feasible, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

(c) The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are

applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules. Such alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in this subchapter.

(d) For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this section except to the extent the RSIS are superseded by this section or alternative standards applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

c. Stormwater Management Requirements for Major Development

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Sections 17-8.8c.6 and 17-8.8c.7:

(a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

4. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Sections 17-8.8c.6 and 17-8.8c.7 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(b) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option

selected complies with the requirements of Sections 17-8.8c.6 and 17-8.8c.7 to the maximum extent practicable;

(c) The applicant demonstrates that, in order to meet the requirements at Sections 17-8.8c.6 and 17-8.8c.7, existing structures currently in use, such as homes and buildings would need to be condemned; and

(d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 17-8.8c.4(c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of Sections 17-8.8c.6 and 17- 8.8c.7 that were not achievable on-site.

#### 5. Nonstructural Stormwater Management Strategies

(a) To the maximum extent practicable, the standards in 17-8.8c.6 and 17-8.8c.7 shall be met by incorporating nonstructural stormwater management strategies into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Section 17-8.8c.5(b) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

(b) Nonstructural stormwater management measures incorporated into site design shall:

(1) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

(2) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

(3) Maximize the protection of natural drainage features and vegetation;

(4) Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

(5) Minimize land disturbance including clearing and grading;

(6) Minimize soil compaction;

(7) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

(8) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

(9) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:

[a] Site design features that help to prevent accumulation of trash and debris in drainage systems;

[b] Site design features that help to prevent discharge of trash and debris from drainage systems;

[c] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

[d] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(c) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 17-8.8c.6 and 17-8.8c.7 shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

(d) Guidance for nonstructural stormwater management measures is available in the New Jersey Stormwater Best Management Practices Manual.

## 6. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

(a) This section contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(1) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

(2) The minimum design and performance standards for groundwater recharge are as follows:

[a] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 17-8.8d, either:

[1] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or

[2] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

[b] This groundwater recharge requirement does not apply to projects subject to [c] below.

[c] The following types of stormwater shall not be recharged:

[1] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than 'reportable quantities' as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[2] Industrial stormwater exposed to "source material". "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

[d] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

(3) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 17.8.8d, complete one of the following:

[a] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2, 10, and 100 year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

[b] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2, 10, and 100 year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

[c] Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(b) Any application for a new agricultural development that meets the definition of major development at Section 17-8.8k shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, “agricultural development” means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

## 7. Stormwater Runoff Quality Standards

(a) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

(b) For purposes of TSS reduction calculations, the New Jersey Stormwater Best Management Practices Manual provides presumed removal rates for certain BMPs. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency.

(c) If there is more than one onsite drainage area, the 80% TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

(d) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 17-8.8c.6 and 17-8.8c.7.

(e) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual.

(f) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(g) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

(1) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

[a] A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

[b] Encroachment within the designated special water resource protection area shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The

encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

(2) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

(3) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey”, established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

[a] Stabilization measures shall not be placed within 150 feet of the Category One waterway;

[b] Stormwater associated with discharges allowed by this section shall achieve a 95% TSS post-construction removal rate;

[c] Temperature shall be addressed to ensure no impact on receiving waterway;

[d] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

[e] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

[f] All encroachments proposed under this section shall be subject to review and approval by the Department.

(4) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 17-8.8c7(g) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Section 17-

8.8c7(g) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Section 17-8.8c7(g)(1)[a] above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

(5) This subsection does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

d. Calculation of Stormwater Runoff and Groundwater Recharge

1. Stormwater runoff shall be calculated in accordance with the following:

(a) The design engineer shall calculate runoff using one of the following methods:

(1) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

(2) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

(b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 17-8.8d1(a)(1) and the Rational and Modified Rational Methods at Section 17-8.8d1(a)(2). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(c) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(d) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release-55, Urban Hydrology for Small Watersheds and other methods may be employed.

(e) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

2. Groundwater recharge may be calculated in accordance with the following:

(a) The New Jersey Geological Survey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented.

e. Standards for Structural Stormwater Management Measures

1. Standards for structural stormwater management measures are as follows:

(a) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

(b) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1") spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 17-8.8g4.

(c) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

(d) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

(e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 17-8.8g.

2. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by this subchapter.

3. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

f. Sources for Technical Guidance

1. Technical guidance for stormwater management measures can be found in the documents listed at (a) and (b) below.

(a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(b) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

2. Additional technical guidance for stormwater management measures can be obtained from the following:

(a) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4.

(b) The Rutgers Cooperative Extension Service; and

(c) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4.

g. Safety Standards for Stormwater Management Basins

1. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This subchapter applies to any new stormwater management basin.

2. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins.

3. Requirements for Trash Racks, Overflow Grates and Escape Provisions

(a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

(1) The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

(2) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

(3) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

(4) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

(b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(1) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(2) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(3) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

(c) For purposes of this subsection, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

(1) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 17-8.8g4., a freestanding outlet structure may be exempted from this requirement.

(2) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface.

(3) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

#### 4. Variance or Exemption from Safety Standards

(a) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

#### h. Requirements for a Site Development Stormwater Plan

##### 1. Submission of Site Development Stormwater Plan

(a) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 17-8.8h3. below as part of the submission of the applicant's application for subdivision or site plan approval.

(b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

(c) The applicant shall submit 8 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 17-8.8h3 of this ordinance.

##### 2. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

##### 3. Checklist Requirements. The following information shall be required:

(a) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category 1 waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(b) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(c) Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(d) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 17-8.8b through 17-8.8e are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(1) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

(2) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations

(1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 17-8.8c. of this ordinance.

(2) When the proposed stormwater management control measures (e.g. infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. Onsite boring logs and soil pit profiles shall be witnessed by a qualified representative of the Township.

(g) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 17-8.8i.

(h) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 17-8.8h3(a)-(f) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

i. Maintenance and Repair

1. Applicability. Projects subject to review as in Section 17-8.8a3. of this ordinance shall comply with the requirements of Section 17-8.8i2. and 17-8.8i3.

2. General Maintenance

(a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(b) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines

for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(c) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

(d) If the person responsible for maintenance identified under Section 17-8.8i2(b) above is not a public agency, the maintenance plan and any future revisions based on Section 17-8.8i2(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(e) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

(f) The person responsible for maintenance identified under Section 17-8.8i2(b) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

(g) The person responsible for maintenance identified under Section 17-8.8i2(b) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

(h) The person responsible for maintenance identified under Section 17-8.8i2(b) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 17-8.8i2(f) and (g) above.

(i) The requirements of Sections 17-8.8i2(c) and (d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

(j) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. If the responsible person fails or

refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

3. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

j. Effective Date

This ordinance shall take effect upon the approval by the county review agency, or sixty (60) days after submission to the county review agency if they fail to act.

k. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Compaction" means the increase in soil bulk density.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be: a county planning agency; or, a county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the New Jersey Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State

permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water that seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. are also considered “major development.”

“Minor development” means any nonresidential development that results in the creation of 5,000 square feet or more of new impervious area or that disturbs more than one-half acre of land area. Further, a minor development shall not meet the definition of “major development”.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State and any state, interstate or federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works.

“Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of

stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

2. Section 18-5.6, Design Standards and Required Site Improvements, is hereby amended to add the following new paragraph n.:
  - n. Stormwater management standards for site plans are contained in Section 17-8.8.
3. This Ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

#### **Ordinance No. 2006-07 - Introduction**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2006-07. (as entitled below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2006-07

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)

Public Hearing to be held on June 7, 2006.

#### **RESOLUTIONS**

##### **Resolution No. 49-2006**

*Motion by Mr. Piazza, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee adopted Resolution No. 49-2006. AYES: Weeks, Piazza, Schriver NAYS: Post (As written below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON

**STATE OF NEW JERSEY**  
**RESOLUTION No. 49-2006**  
**RELIEF FROM THE MUNICIPAL CAP LAW**

WHEREAS, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief Fund, funded by New Jersey's first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey's FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being a part of the short term relief component; and

WHEREAS, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of "cap banking" which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor's Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens' public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crises and making it increasingly difficult for municipal budget makers to meet the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bill (A-1425) would: first make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance and employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2005, the effective date of P.L. 2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the "cap banking" problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs; now therefore be it

RESOLVED that the Township Committee of the Township of Lebanon does fully support and urge swift and favorable action on A-1425; and be it further

RESOLVED, that we do respectfully request an amendment to the bill to restore "cap banking" to its previous status, as it existed prior to the 2004 amendments; and be it further

RESOLVED, the copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

I hereby certify this to be a true copy of a Resolution adopted by the Lebanon Township Committee at a regular meeting held on May 3, 2006.

**Resolution No. 50-2006**

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 50-2006.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION No. 50-2006  
OPPOSING SENATE BILL 1219**

WHEREAS, Senator Robert Martin has sponsored Senate Bill 1219 concerning certain amendments to the Open Public Meetings Act (OPMA); and

WHEREAS, the governing bode of the Township of Lebanon obviously supports the principle that the public has a right to know what their government officials are doing; and

WHEREAS, Senate Bill 1219 imposes unreasonable fines and penalties for any violation of the Open Public Meetings Act (OPMA), and further imposes requirements of

- a. the recording of executive sessions,
- b. promotes overly long meetings,
- c. removes appropriate discretion from government officials including the management of meetings
- d. imposes additional burdens of requirements upon sub-committee meetings
- e. provides for the awarding of attorney fees only to successful plaintiff but not to a public body if found not to have violated the law
- f. requires that minutes be available within five (5) business days thereby creating undo hardship upon the office of the Municipal Clerk
- g. requires local government to establish an internet site at the Municipal Building; and

WHEREAS, Senate Bill 1219 continues the unfair exemption provided to the legislative branch of State government by exempting the State government from the same requirement that Senate Bill 1219 would impose on municipalities, counties, school districts, and authorities

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lebanon, County of Hunterdon, State of New Jersey as follows:

1. That the governing body does hereby Oppose the adoption of Senate Bill 1219 for the reasons noted above.
2. That a copy of this Resolution be forwarded to the 23<sup>rd</sup> Legislative District Representatives and the New Jersey State League of Municipalities.
3. That a copy of this Resolution be forwarded to each municipality in Hunterdon County with the request that the Governing Body adopt a Resolution of Opposition to Senate Bill 1219.
4. That a copy of this Resolution be forwarded to the Hunterdon County Freeholder Board with the request that the Freeholders adopt a Resolution of Opposition to Senate Bill 1219.

I hereby certify this to be a true copy of a Resolution adopted by the Lebanon Township Committee at a regular meeting held on May 3, 2006.

**Resolution No. 51-2006**

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 51-2006. (as written below)*

RESOLUTION NO. 51-2006  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

A RESOLUTION OF THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
AUTHORIZING EXECUTION OF CLOSING DOCUMENTS  
FOR THE PROPERTY KNOWN AS "SPECIAL FARMS"

WHEREAS, the owners of the property known as "Special Farms", Block 57, Lot 32, Block 57, Lot 43 and Block 36, Lot 26 on the Tax Map of Lebanon Township, located at 114-134 Anthony Road, wish to convey their property to the New Jersey Water Supply Authority; and, WHEREAS, the New Jersey Water Supply Authority will convey the Special Farms property to Green Acres and the State of New Jersey State Agricultural Development Committee; and, WHEREAS, the Township of Lebanon wishes to make a contribution to this project from their Open Space fund in the amount of \$74,456.49; and,

WHEREAS, the documents indicating the various contribution levels, as well as the Deeds transferring ownership of said property are attached hereto and made part of this Resolution; NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that the Mayor and Township Clerk are hereby authorized to execute any and all documents necessary to effectuate the closing of the property known as "Special Farms, " Block 57, Lot 32, Block 57, Lot 43 and Block 36, Lot 26 on the Tax Map of Lebanon Township, located at 114-134 Anthony Road.

## **OLD BUSINESS**

### **Recreation Open Space Inventory**

A letter was received from the Planning Board stating that they reviewed and discussed the ROSI and the Board agreed that the two park properties should be placed on the ROSI and that portions of Block 29 Lot 28, which was the former Rich property, should also be included.

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote*, the Township Committee authorized the submission of the ROSI, including the Rich Property with a portion removed (Post Office) and authorized the necessary Township Officials to execute the necessary documents for filing.

### **Red Light Permit – Giulio Dantonio**

Tabled until the May 15, 2006 meeting when Mr. Monahan, Public Safety Liaison, is in attendance.

## **Executive Session**

Mr. Piazza stated that the Township Attorney ensures that the Committee stays in line with the subject matter that can be discussed in Executive Session.

## **NEW BUSINESS**

### **Application for Special Permit for Social Affair – Liquor License St. John Neumann Church – June 3, 2006**

*Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved an application for a Social Affair Permit for St. John Neumann Church. The affair will be held on June 3, 2006 at the Church.*

### **Reimbursement of Deposit for Sale of Municipal Surplus**

Jersey One Auto had been the successful bidder on the 2002 Ford Explorer. However, they stated that they were not informed that the motor was not working when they placed their bid. Jersey One withdrew their bid and requested a refund of their \$350.00 deposit.

*Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee moved to void the awarding of the bid to Jersey One Auto Sales Inc, at the request of the bidder, to reimburse the \$350.00 deposit and authorized Mr. Piazza and other Township Officials to rebid the 2002 Ford Explorer at a minimum bid to be established.*

### **Well Testing at Valley View School**

Mr. Weeks stated that he received two phone calls from residents regarding well drilling that is being preformed at the Valley View School.

Many members of the public were in attendance at the meeting to state their concerns with the well testing and to inform the Committee that they did not receive adequate notice of the school's intentions.

*Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote*, the Township Committee moved to waive the process of Open Session subject to discussion of this specific issue.

Mr. John Hildabrandt of Aqua New Jersey, was in attendance at the meeting and stated that they are drilling an exploratory well at the school with the intentions of replacing an existing well which is located behind the A & P on County Road 513.

The DEP wants another well drilled between the school and the Raritan River. In addition to the School, Aqua is also monitoring two wells on Butternut Road, close to the River. The letters notifying the Butternut residents of the testing were mailed to the wrong address and had to be mailed again. The residents received the notification the day they were supposed to respond by.

The well in need of being replaced, services the Borough of Califon. The existing well has a part per mil. of iron in the water. When Califon needs the water to be pumped the residents must be notified. There are problems with filters and other laundry issues due to iron staining.

Aqua informed the Committee as to the logic of well testing at the school. The Committee and Township Attorney stated concerns that the Township Committee and the Township Board of Health were not notified of the actions. Mr. Bernstein stated that Aqua or the Lebanon Township Board of Education should have advised the Township Officials and the County Board of Health as to what their intentions were.

Mr. Bernstein also questioned if the Board of Education advised the County Superintendent's Office and the State Department of Education that they were engaged in the process.

Aqua stated that due to the Highlands Act, the Califon Water System can not expand beyond what it is now. There is no possibility for expansion in other municipalities, Califon or Lebanon Township. It is locked in as it is.

Mr. Bernstein suggested requesting a copy of all pertinent materials, plans, surveys and pictures to be sent to Hunterdon County Department of Health and the Township Engineer for review. He also advised that the Committee ask the Board of Education what their plans are, what the contract states and what precautions are being taken if a problem should develop.

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote*, the Township Committee moved to close the public comment portion of the meeting.

Attorney Bernstein recommended that the Clerk contact the Board of Education to request a copy of the contract and to indicate that based on the situation, they are requested to be in attendance at June 7, 2006 Committee meeting.

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote*, the Township Committee authorized the Clerk to request the documents as stated, to be

sent to the Township Engineer and County Department of Health, to request the Board of Education to be in attendance at the June 7, 2006 and authorized the Mayor and Clerk to take any required action to call a special meeting if deemed necessary.

Mayor Schriver also asked for the Township Engineer and the County Department of Health to be in attendance.

### **Planning Board Appointment**

Mayor Schriver appointed Richard Weiler to fill the unexpired term of Alternate #1 Planning Board Member.

### **PRESENTATION OF VOUCHERS**

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

Mr. Piazza questioned the Township paying for Township Professional's dinner at the Municipal Officer's dinner. The Professional is responsible to pay for his/her meal for future dinner meetings.

Attorney Bernstein's March and April bills were not received by the Municipal Treasurer prior to the meeting. Attorney Bernstein provided the CFO with original copies at the meeting.

*Motion by seconded Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote the Township Committee approved the May 3, 2006 bill list in the amount of*

\$82,200.13 with the addition of Attorney's March and April Bills once approved for payment by Mr. Piazza.

### **CORRESPONDENCE**

NJ Ride Against Aids – Sept. 29, 2006 – Oct. 1, 2006 - FYI  
Township Historians April 6, 2006 Meeting Minutes

### **PUBLIC COMMENTS**

*Motion by Mr. Piazza seconded by Mr. Weeks 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. Weeks seconded by Mr. Piazza 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. 52-2006 and convened in executive session at 8:30 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 52-2006**

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 – Woodglen  
Finance Matter  
Personnel - Library

*Motion by Mr. Weeks seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:14p.m.*

Attorney Bernstein stated that Mr. Art Gerlich and CFO Greg Della Pia were in attendance during a portion to the Closed Session.

Attorney Bernstein stated that there was discussion on the Library Committee. The Mayor, Mr. Piazza, the Clerk and Mr. Gerlich will be meeting next week to discuss Library personnel related issues. No formal action to be taken.

Discussion was held with the Municipal Attorney relative to an opinion granted on the Woodglen Historic matter. The Committee has authorized the Attorney to draft necessary paperwork for the next meeting.

There was discussion relative to an opinion requested by the Mayor, from the Township Attorney's office, which will be rendered prior to the next Township Committee meeting which relates to the CFO and a potential financial matter. It will then be addressed by the Township Attorney once he has consulted with the Township CFO.

*Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the expenditure of \$74,456.49 to New Jersey Water Supply Authority pursuant to the Township's portion of the purchase of the Special Farms.*

**ADJOURN**

Having no further business to come before the Committee a motion was made by Mr. Piazza seconded by Mr. Weeks and carried by unanimous favorable roll call vote to adjourn the meeting at 9:18p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved

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Patricia Schriver, Mayor