

**Lebanon Township Committee
May 16, 2007**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Edward Post called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meeting Act" this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Mayor Post asked everyone to stand for the flag salute.

ROLL CALL

Present - Ed Post Jay Weeks Patricia Schriver
 George Piazza Francis Monahan

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee approved the May 2, 2007 regular meeting minutes. AYES: Weeks, Piazza, Post ABSTAIN: Schriver, Monahan

Motion by Mr. Piazza, seconded by Mr. Weeks and carried by favorable roll call vote, the Township Committee approved the May 2, 2007 executive meeting minutes with a correction in the first paragraph, Mayor Piazza should read Mayor Post. AYES: Weeks, Piazza, Post ABSTAIN: Schriver, Monahan

PUBLIC HEARING – FLOOD MITIGATION PLAN

Mayor Post stated that this is a public hearing for the Flood Mitigation Plan, which is a multi-jurisdictional Plan for Non-Tidal N. J., a portion of the Delaware River. Since the Musconetcong River is a tributary to the Delaware River the Township can participate in the Plan. Mayor Post said that tonight's hearing is to gather input from residents who properties are along the floodplain and might be affected by flooding. The Plan does not exist yet, but is in process of being developed with the Delaware River Basin Commission. The assessment is being coordinated by FEMA. Mayor Post stated that OEM Coordinator Warren Gabriel has been overseeing the project for the Township. The Floodplain Administrator Warren Newman was

unable to be in attendance. Mayor Post stated that a committee will be formed and if residents are interested in participating, to please inform him of such.

Warren Gabriel stated that he sent out approximately 80 questionnaires to residents along the Musconetcong River. He has extra copies if anyone is interested in completing one. He said that

the goal at this time is to gather as much information as possible. Participation in the Plan will offer the Township the option to apply for Federal assistance in a case where repeated damage occurs and a house should need to be raised, etc. Mr. Gabriel stated that since we are working as a group, the DRBC is covering the cost of the Plan, which could be approximately \$30,000.00.

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

Mr. Keith Earwood of 121 Musconetcong River Road questioned what the Mitigation Plan involves. Mr. Gabriel stated that the Plan is vague to everyone at this time but the intention of the Plan is to offer the possibility of assistance to residents who repeatedly have issues with flooding and water damage from the river.

Mr. Earwood asked if the Commission is all of the Counties and municipalities along the Delaware and its tributaries.

Mr. Gabriel stated that every County along the Delaware is involved in putting the Plan together.

Mr. Earwood asked if the Township will be eligible for financial assistance by being a part of the Plan.

Mr. Gabriel stated yes, the residents may be eligible for federal funding. Mr. Post stated that the mitigation is primarily for the Delaware River. How much mitigation will be done in the Township is unknown at this time, however, the Committee will be looking into that. The important thing for participation is that if we do not participate and FEMA does declare the area a disaster, our ability to participate for compensation is diminished or not at all.

Mr. Earwood asked what the anticipated timeframe was.

Mr. Gabriel stated that there have been three meetings already and they are hoping to have the Plan complete by the end of 2007, early 2008.

Mr. Ted Elder lives along the Musconetcong River and stated that for him to not get flooded, which he does occasionally, it would cost quite a lot of money to straighten out the problem. He said that his home is not affected but his property is. Mr. Elder stated that it sounds as though the money would not be available to people with problems such as himself, but for the people who's homes were flooded out.

Mr. Gabriel stated that they are looking into this issue also. The Plan would help to see to it that the money would be spread out equally instead of to a certain area.

Mr. Elder said that he wonders if his comments will even be taken into consideration.

Mayor Post stated that the understanding is that any mitigation work will most likely not happen along the Musconetcong basin, but will happen along the Delaware River basin. The Township would be considered secondary participants in the event that there were a disaster.

Ms. Maryanne Calvin of 438 Penwell Road said that they have an ongoing flooding problem and is assuming that the Mitigation Plan will not have any preventative measures for the people in the Township.

Mr. Gabriel stated that the preventative measures will happen along the Delaware, but is not sure if that will help the Township or not.

Ms. Calvin asked if this would override homeowners flood insurance.

Mr. Gabriel said that he would look into the inquiry.

Ms. Calvin stated that it sounds as though the entire Township would have to be under water before we would be qualified for assistance.

Mr. Gabriel stated that assistance would be considered for recurring or continuous flooding damage.

Ms. Calvin stated that she wishes that this could trickle down into the Township area to take care of some of the major problems that go on.

Mr. Post stated that the important question would be, where does the mitigation happen and under what circumstances? What has to happen for our resident's to be recipients of any aid in the event of regular flooding or a declared disaster?

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

ORDINANCES

Ordinance No. 2007-09 Public Hearing

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2007-09 was opened.

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

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2007-09 as written below.

ORDINANCE NO. 2007-09
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

AN ORDINANCE AUTHORIZING THE ACCEPTANCE BY LEBANON TOWNSHIP
OF DOEFIELD ROAD, HICKORY RUN ROAD,
LANCE DRIVE AND EVERGREEN LANE INTO THE PUBLIC ROADWAY SYSTEM,
PURSUANT TO N.J.S.A. 40:67-1F

WHEREAS, the Township is authorized, by State law, to accept the dedication of any street and thereafter be responsible for improvements and maintenance thereon; and,

WHEREAS, the developer, Hickory Developers, L.L.C., a New Jersey limited liability company, has offered for dedication to the Township, the following streets known as “Doefield Road”, “Hickory Run Road”, “Lance Drive”; and, “Evergreen Lane”, which streets are described more particularly in the Descriptions attached as Exhibit A hereto, in connection with the development known as “Stone Row at Hickory Run” as shown on a filed map titled “Final Plat for Stonerow”, and filed in the Hunterdon County Clerk’s Office as Instrument No. 8371514, and also shown on the As-Built Survey for Stonerow at Hickory Run dated January 15, 2007; and,

WHEREAS, the Township Committee has determined that the public good is best served by the Township’s acceptance of the offer of Hickory Developers, L.L.C. for dedication of Doefield Road, Hickory Run Road, Lance Drive and Evergreen Lane.

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

The Township of Lebanon, pursuant to N.J.S.A. 40:67-1, is hereby authorized to accept and does accept the dedication of Doefield Road, Hickory Run Road, Lance Drive and Evergreen Lane by Hickory Developers, L.L.C.

BE IT FURTHER ORDAINED that the roads so dedicated are as described in that certain Deed of Dedication from Hickory Developers, L.L.C. to the Township of Lebanon, a Municipal Corporation of the State of New Jersey, dated March 7, 2007, and filed in the office of the Hunterdon County Clerk on March 12, 2007 in Deed Book 2179, Page 30 and also in the Descriptions attached hereto as Exhibit A.

BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances, which are inconsistent with this Ordinance, shall be repealed as to their inconsistencies only.

2. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

RESOLUTIONS

Resolution No. 45-2007 – 2008 Open Space Acquisition – Schroder Farm

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 45-2007 as written below.

RESOLUTION NO. 45-2007
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION APPROVING THE ACQUISITION
OF A DEVELOPMENT EASEMENT, ABSENT
LEBANON TOWNSHIP'S PORTION OF THE COST SHARE

WHEREAS, the Board of Chosen Freeholders of Hunterdon County has approved applications in their 2008 funding round, for the preservation of farmland, farmland in the Township of Lebanon for property known as Block 69, Lot 3; and,

WHEREAS, the Board of Chosen Freeholders of Hunterdon County has determined that it is in the County's best interest to contribute towards the purchase price of a development easement on the above-referenced property; and,

WHEREAS, the Township of Lebanon has no additional Municipal Open Space Tax funds available to participate in a cost share arrangement with the County for purchase of the development easement; and,

WHEREAS, the Township Committee of the Township of Lebanon believes it to be in the Township's best interests and in accordance with the wishes of the Township taxpayers to so preserve this farmland.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Township Committee does hereby authorize the concur in the purchase and acquisition of a development easement on property located within Lebanon Township, known as Block 69, Lot 3, by the County and all other appropriate parties absent Lebanon Township's portion of the cost share for such.

Resolution No. 46-2007 - Approve Municipal Alliance Renewal Application 2008

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution 46-2007 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 46-2007
VOORHEES MUNICIPAL ALLIANCE GRANT APPLICATION

WHEREAS, the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township of Lebanon Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township of Lebanon Committee supports the application of funding from Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Lebanon, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby support the submission of an application for the Voorhees Municipal Alliance grant for calendar year 2008 in the amount of \$19,886.00.
2. As Lead Municipality for the Voorhees Cluster, the Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the reporting of programs within its cluster area.

OLD BUSINESS

Approve Garden Manager Contract – Sandra J. Phelps

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Garden Manager Contract with Sandra J. Phelps for the 2007 year and authorized the Mayor and Clerk to execute.

Request to Purchase a Trailer Mounted Message Board – Capital Budget Item

Three quotes were received one from Circle R Safety at \$18,500.00, one from Ver-Mac at \$18,200.00 and one from Certified Speedometer at \$17,250.00.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a Trailer Mounted Message Board at a cost not to exceed \$17,250.00. \$16,000.00 will come be a Capital expense, with the balance being charged to 2007 police equipment, subject to the availability of funds.

Freedom House

Mayor Post stated that the Freedom House project is held up due a limitation in funding. The septic system needs to be installed at a cost of \$70,000.00. The Township agreed to participate in splitting the difference of any excesses in construction costs. There is \$120,000.00 available in the COAH Trust Account. Mayor Post asked the Committee if they would be amenable to

providing Freedom House with the \$70,000.00 with the condition that if they were successful in receiving additional grant money from the Department of Community Affairs, the Township would be reimbursed for half of the \$70,000.00.

Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized expending, not more than \$70,000.00 from the COAH Trust Account, with the expectation that if grant money is received by Freedom House, the Township will be reimbursed \$35,000.00, half of the projects cost.

Nagie Farm Reimbursement

Mayor Post stated that it appears that the SADC has finally agreed to accept the Title Insurances language in the Nagie Farm reimbursement.

NEW BUSINESS

Approve Special Permit for Social Affair – St. John Newman Church – June 2, 2007

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved a Special Permit for Social Affair for St. John Newman Church to be held on June 2, 2007.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the May 16, 2007 bill list in the amount of \$ 58,186.03.

CORRESPONDENCE

Voorhees High School PTSA – Request for Donation to Project Graduation

No action taken.

Tax Collector's Report for the Month of April 2007

SADC – Direct Easement Purchase – Diana Estates Farm FYI

PUBLIC COMMENTS

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

Discussion was held on the replacement of the library roof. Mr. Gerlich will ask Engineer Steve Risse to provide the Committee with a cost estimate for a cedar wood replacement roof.

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.

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

Fire Company President John Kneafsey said that in 2006 an ordinance was adopted by the Township Committee relative to the installation of fire tanks. There have been problems with the ordinance not being enforced. The residents on General Morgan have received C.O's; however, the required signage is not in place to prevent the blocking of the access to the fire tanks. The ordinance also states that building permits are not to be issued until the fire tanks are installed and operational. The fire tanks were not installed as required by the ordinance at the Mohawk Oil site on the corner of Route 513 and Bunnvale. Mr. Kneafsey stated that it has happened before, that the tanks are not being installed, inspected and approved by not only the Township officials but also the Fire Company.

Attorney Bernstein asked if the Planning Board is receiving approval from the Fire Company on plans prior to the Board granting final subdivision approvals. He said that every application should be provided to the Fire Department for review and approval. The plans should have the fire tank designated and there should be a report from the Fire Department to the Planning Board stating that they have reviewed the plans and if a fire tank is required or not.

Mr. Kneafsey stated concerns on how the ordinance reads relative to the number of lots in a major subdivision. This issue needs to be addressed when amending the ordinance. These concerns were raised with the Planning Board also.

Chief Gabriel stated that he has reported to the Planning Board Secretary repeatedly about the concerns with Mohawk Oil but the Zoning Officer never addressed the issue. The Zoning Officer will be informed of existing problems and should meet with Chief Gabriel and Mr. Kneafsey to have the concerns addressed.

Chief Gabriel and Mr. Kneafsey are working on proposed amendments to the ordinance. The Committee requested that they submit the amendments to the Township for review.

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. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 47-2007 and convened in executive session at 8:00 p.m. It is anticipated that formal action may be taken upon the reconvening of the meeting.

TOWNSHIP OF LEBANON
RESOLUTION NO. 47-2007

BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

Pending or Anticipated Litigation
Attorney Client Privilege
Personnel – Police Chief

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:27 p.m.

Attorney Bernstein stated that there was a brief discussion on a request made by Police Chief Pam Schell relative to compensation of unused personal days upon her retirement. The Committee is taking no further action than it did at the May 2, 2007 meeting. The Clerk will advise the Chief accordingly. There was also discussion relative to the ongoing Rescue Squad audit issue. The Clerk has been authorized to contact the Auditor and to give direction to finalize the matter. There was also a brief discussion relative to land acquisition under the attorney client privilege provisions as to possible negotiations with other governmental agencies which are going to take the lead on such. The Clerk will request that the Tax Assessor be in attendance at the June 6, 2007 meeting based on concerns with the evaluations in the Township.

ADJOURN

Having no further business to come before the Committee, a motion was made by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote to adjourn the meeting at 8:29 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved

Edward L. Post III, Mayor