

CALL TO ORDER

Deputy 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

Deputy Mayor Schriver asked everyone to stand for the flag salute.

ROLL CALL

Present - Patricia Schriver Francis Morrison
Brian Wunder Ron Milkowski

Absent George Piazza

Also Present - Attorney Dick Cushing, CFO Greg Della Pia and Clerk Karen Sandorse and 36 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of March 2, 2011.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of March 2, 2011.

PUBLIC COMMENTS – for agenda items only.

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.

There were many members of the public present to state their concerns with the geese population on Raritan River Road. The residents are worried about the health and safety of their family and friends.

Ms. Patricia Bruder is a resident on Raritan River Road and has been feeding the geese on her property for approximately 5 years. Ms. Bruder was present to inform the Township Committee that feeding the geese has little to do with where they chose to inhabit. Ms. Bruder stated that there has never been hundreds of geese on her property. She stated that she has many times taken a count and there are usually 20 to 40. However, this number may fluctuate at different times of the year. Ms. Bruder stated that it is the water and grass that brings the geese to the area. Ms. Bruder believes that healthy animals do not spread disease and that she and her husband have tried very hard to keep the geese healthy by cleaning the area and cleaning the feeders daily. Mr. Bruder also stated that she feels that the information stated in the letter she received from the Township was propaganda and

that she can quote scientific studies that prove that goose feces is not dangerous to humans. Ms. Bruder informed the Committee of other methods in which coli form may contaminate water. Ms. Bruder read a lengthy statement to the Township Committee for their consideration prior to the adoption of Ordinance No. 2011-06.

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

ORDINANCES

Introduction

Ordinance No. 2011-04

Motion by Mr. Wunder, seconded by Mr. Morrison, and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2011-04 on first reading. AYES: Morrison, Schriver, Wunder NAYS: Milkowski ABSENT: Piazza (As entitled below).

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2011-04

AN ORDINANCE AUTHORIZING THE TOWNSHIP'S ACQUISITION OF A FEE OWNERSHIP INTEREST IN LANDS IN THE TOWNSHIP KNOWN AS BLOCK 49, LOT 4.02, AUTHORIZING THE GRANTING OF A DECLARATION OF CONSERVATION RESTRICTION ON SAID LANDS, AND ALSO AUTHORIZING THE CONVEYANCE OF THE TOWNSHIP'S FEE INTEREST IN SAID LANDS FOR NOMINAL CONSIDERATION AND THE POSSIBLE ACCEPTANCE BACK OF A PERCENTAGE FEE INTEREST

Public Hearing will be held on April 6, 2011.

Introduction

Ordinance No. 2011-05

Motion by Mr. Wunder, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2011-05 on first reading. (As entitled below).

ORDINANCE NO. 2011-05
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED "ZONING", SPECIFICALLY
SECTION 400-10, TITLED "ACCESSORY USES AND STRUCTURES"

Public Hearing to be held on April 20, 2011

Introduction

Ordinance No. 2011-06

Attorney Cushing stated that he would like to amend the language in the originally drafted ordinance. Attorney Cushing stated that he would like the ordinance to pertain to all Wild Water Fowl rather than just Canada Geese.

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2011-06 on first reading as amended. (As entitled below).

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2011-06

AN ORDINANCE PROHIBITING THE FEEDING OF WILD GEESE

Public Hearing to be held on April 6, 2011

RESOLUTIONS

Resolution No. 29-2011- Refund for Overpayment of Taxes

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 29-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 29-2011**

WHEREAS there exists an overpayment of \$3,640.92 for first quarter 2011 taxes due to a duplicate payment for Block 66, lot 2.11, 3 King James Court and,

WHEREAS this amount has been requested for refund by James and Lisa Fedak, owners of the property,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$3,640.92 to James and Lisa Fedak.

Resolution No. 30-2011 – Transfers

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 30-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION 30-2011**

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2010 Budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be an excess in one or more appropriations; and

WHEREAS, certain charges to be incurred that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills may be paid from the 2010 budget year:

| <u>ACCOUNT</u> | <u>FROM</u> | <u>TO</u> |
|--------------------|-------------|-----------|
| Police O/E | \$ 586.60 | |
| Planning Board O/E | | \$ 586.60 |
| TOTAL | \$ 586.60 | \$ 586.60 |

Resolution No. 31-2011 – Delay in Budget Introduction

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 31-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 31-2011**

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 11 of the fiscal year; and,

WHEREAS, the Township of Lebanon has delayed the introduction of the 2011 Municipal Budget past the statutory deadline; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2011 Lebanon Township Municipal Budget; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Resolution No. 32-2011 – Special Item of Revenue~

**Clean Communities Program
Body Armor – Prior Year Unapprop.**

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 32-2011**

WHEREAS, the 2011 Local Municipal Budget was introduced on the 16th day of March, 2011; and,

WHEREAS, during the fiscal year 2011 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$20,260.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2011 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:**"

| | |
|--|---------------------------|
| Clean Communities Program | \$19,540.00 |
| Body Armor – Prior Year Unapprop. | <u>720.00</u> |
| | <u>\$20,260.00</u> |

**Resolution No. 33-2011 – Special Item of Revenue ~
Uniform Safety Act**

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 33-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 33-2011**

WHEREAS, the 2011 Local Municipal Budget was introduced on the 16th day of March, 2011; and,

WHEREAS, during fiscal year 2011, the Township of Lebanon has been allocated a state grant for the Uniform Fire Safety Act in the amount of \$8,500.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2011 Local Municipal Budget include a special item of revenue under the heading of "**Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items: Uniform Fire Safety Act**", in the amount of \$8,500.00.

Resolution No. 34-2011 - Deferral of School Taxes

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 34-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 34-2011**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2011, and be reflected in the Annual Financial Statement for the year 2011 as follows:

| AMOUNT | FY 10-11 <u>SCHOOL LEVY</u> | MAXIMUM <u>OF DEFER TAX</u> |
|---|--------------------------------|--------------------------------|
| Local School Tax | \$10,606,595 | \$5,303,267 |
| TOTAL MAXIMUM DEFER TAX 12/31/10 | | 5,303,297 |
| LESS – DEFER TAX 12/31/09 | | 2,521,263 |
| INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2011 | | \$2,782,034 |
| AMOUNT DEFERRED AT 12/31/10 | | \$375,000 |

Resolution No. 35-2011 – Setting the Open Space Tax Rate

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 35-2011 as written below.

**TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 35-2011**

WHEREAS, the provisions of the Township of Lebanon’s open space ordinance allows the township committee to set the open space tax rate annually within a specified range; and,

WHEREAS, the township committee desires to set municipal open space tax rate at \$0.01 per \$100 of assessed valuation for the 2011 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to set the municipal open space tax rate at \$0.01 per \$100 of assessed valuation for the 2011 calendar year.

Resolution No. 36-2011 - 2011 Municipal Budget Introduction

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 36-2011**

WHEREAS, the Township of Lebanon is holding a meeting on March 16, 2011, for the purpose of introducing the 2011 Municipal Budget and conducting other matters; and,
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2011 Local Municipal Budget be introduced and approved on March 16, 2011.

2011 LEBANON TOWNSHIP MUNICIPAL BUDGET

| | |
|--------------------------------------|-----------------------|
| Surplus anticipated general revenues | \$ 1,000,000.00 |
| Total Miscellaneous revenue | 2,819,692.00 |
| Receipts from Delinquent Taxes | 275,000.00 |
| Local Property Taxes | <u>679,196.00</u> |
| Total General Revenues | <u>\$4,773,878.00</u> |
| | |
| Total Operations | \$3,600,610.00 |
| Capital Improvements | 36,500.00 |
| Debt Service | 194,740.00 |
| Statutory Expenses | 453,528.00 |
| Reserve for Delinquent Taxes | <u>488,501.00</u> |
| Total 2011 Municipal Budget | <u>\$4,773,878.00</u> |
| | |
| Municipal Tax Rate | \$0.09057 |

OLD BUSINESS

COAH Rehabilitation Project –Gail Glashoff

Ms. Glashoff came before the Township Committee to discuss a COAH Rehabilitation project request with the Township Committee. There is a resident who is in need of monetary assistance with a septic repair. Three quotes have been received which all exceed the bid threshold, therefore, formal bids must be obtained.

Motion by Mr. Wunder, second by Mr. Milkowski and carried by favorable roll call vote, the Township Committee authorized Ms. Glashoff to work with the Township Engineer on bid specifications for the septic project.

LTCM

03/16/2011

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Ms. Glashoff informed the Township Committee that the COAH Trust Account is funded through new construction. However, due to the Highlands, new construction is down, therefore, they must consider how they will choose to fund the account in the future.

Ms. Glashoff stated that the COAH Ordinances are antiquated and need to be updated.

Motion by Mr. Wunder, second by Mr. Morrison and carried by favorable roll call vote, the Township Committee authorized Planner Michael Bolan to modify the COAH Ordinances and to then refer them to Attorney Cushing for final review.

NEW BUSINESS

Approve Two (2) Raffle Applications – Voorhees High School PTSA – April 29, 2011

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved two (2) raffle licenses for Voorhees High School PTSA for an event to be held on April 29, 2011.

Mt. Airy Road – DPW Project

The DPW Manager Warren Gabriel sent correspondence to the Township Committee to inform them of potential funds which are available to cover damage caused by two large rain storms which occurred in March of 2010. The Township has already received \$15,000.00 and will be reimbursed approximately \$36,000.00, in addition, for repairs and labor from the storms.

Mr. Gabriel has worked with the FEMA Representatives to address substantial damage to Mt Airy Rd. The road is in very poor condition, it is in need drainage work and repaving. Mr. Gabriel provided FEMA with a cost estimate of \$294,000.00 for the repairs. FEMA has approved the cost of the repairs.

Mr. Gabriel is requesting permission to move forward with the Mt. Airy Road project. Once the project is completed the Township will be reimbursed for the expense. The reimbursement will include material, equipment and labor costs. Mr. Gabriel stated that his intention for the project is to pay for the pipe, catch basins, and stone in the amount of \$58,000.00. The cost for repaving the road is estimated at \$216,000.00. Mr. Gabriel informed the Committee that he will certify the availability of funds with the Township CFO prior to proceeding with the project.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the request of the DPW Manager to move forward with the roadwork subject to receiving a commitment letter from FEMA stating that the Township will be receiving a reimbursement in the amount of \$294,000.00.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the March 16, 2011 bill list in the amount of \$74,056.18

and authorized that Finance Office to issue checks to cover the Township Dinner and the DJ. The vouchers will be added to a forthcoming bill list.

CORRESPONDENCE

Tax Collector's Report for the Month of February 28, 2011

PUBLIC COMMENTS

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

Ms. Nancy Darois thanked the Township Committee for seeing that the Township garage project is finally under construction.

Mr. Spencer Peck of Clinton Township was present on behalf of the County Wide Shared Services Task Force. Mr. Peck stated that his mission is to encourage the Township Committee to adopt a resolution to the Freeholders requesting that studies be conducted on shared services throughout the county; namely, police, fire, emergency services, schools, courts, construction and tax assessors. Mr. Peck stated that, this year, Hunterdon County is the 3rd highest taxed county in the United States. Mr. Peck stated that there are only limited things that a municipality can do to tighten the budget. Municipalities need to work together to see if, as a group, there are savings to be had. Mr. Peck gave an overview of the shared service efforts in Somerset County. Mr. Peck stated that 12 Hunterdon County municipalities have adopted resolutions to date. Mr. Peck stated that he feels that if all of the municipalities ban together, there should be a cost savings of \$25,000,000.00 easily.

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

JAY WEEKS RETIREMENT PARTY

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a limit of 60 people to attend the dinner.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 8:35p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 6, 2011

Patricia Schriver, Deputy Mayor