

CALL TO ORDER

Mayor Jay Weeks called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meeting Act" this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger. Please take notice of the location of the exits to be utilized in case of a fire or other emergency. The occupancy load of this room will be complied with. There is to be no standing in aisles or at the exit doorways. By New Jersey law there is no smoking in this building or on school property.

FLAG SALUTE

Mayor Weeks asked everyone to stand for the flag salute.

ROLL CALL

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

Absent- None

Also Present - Attorney Eric Bernstein and Deputy Clerk Kimberly Jacobus and approximately 60 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous roll call vote, the Township Committee approved minutes of the regular meeting of June 2, 2010.

PUBLIC COMMENTS- For Agenda Items Only

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee opened the Public Comment for agenda items only portion of the meeting.

Several people spoke to the Committee regarding their questions and/or concerns about the Township Fire Company taking over the Rescue Squad.

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee closed the Agenda portion of the Public Comments.

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2010 BUDGET – PUBLIC HEARING

Public Hearing

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous roll call vote, the Township Committee opened the public hearing for the budget.

There were no comments from the public.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee closed the public hearing for the budget.

RESOLUTIONS

Resolution No. 52-2010 – Budget Self Exam

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee adopted Resolution No. 52-2010. (As written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 52-2010**

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 2010 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.
 - d.
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.

Resolution No. 53-2010- Adopt 2010 Municipal Budget

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous roll call vote, the Township Committee adopted Resolution No. 53-2010. (As written below)

**RESOLUTION NO. 53-2010
TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ADOPT 2010 MUNICIPAL BUDGET**

WHEREAS, the 2010 Lebanon Township Municipal Budget was introduced and approved on the 19th day of May 2010; and

WHEREAS, the 2010 Lebanon Township Municipal Budget was advertised in the "Hunterdon Review" in the issue of June 2, 2010; and

WHEREAS, the public hearing on said Budget was held on June 23, 2010; and

WHEREAS, the approved 2010 Lebanon Township Municipal Budget has been filed with the Director of the Department of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED, on this 16th day of June 2010, 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.

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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 June 23, 2010.

ORDINANCES

Ordinance No. 2010-09- Introduction

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by favorable roll call vote, the Township Committee introduced Ordinance No. 2010-09. (As entitled below).

Ayes: Wunder, Schriver, Weeks, Piazza Nays: Morrison

**ORDINANCE NO. 2010-09
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 35, ENTITLED "FIRE DEPARTMENT", SPECIFICALLY
SECTION 2, ENTITLED "APPROVAL OF AGREEMENT TO PROVIDE
FIRE SERVICES" TO DESIGNATE FIRST AID RESPONDER**

The Public Hearing will be held on July 7, 2010.

Attorney Bernstein stated that the public hearing will be held on July 7, 2010. He asked for a motion by the governing body to approve the moving of the meeting from the municipal building to the Woodglen School.

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee will hold the July 7, 2010 meeting at the Woodglen School, 7 pm.

Ordinance No. 2010-10-Introduction

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee introduced Ordinance No. 2010-10 (As titled below).

**ORDINANCE NO. 2010-10
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, ENTITLED "ZONING", SPECIFICALLY SECTION 400-4, TITLED
"DEFINITIONS" AND SECTION 400-11, TITLED "CONDITIONAL USES"**

The Public Hearing will be held on August 4, 2010

Ordinance No. 2010-11-Introduction

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee introduced Ordinance No. 2010-11 (As entitled below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2010-11**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER 45(LAND USE PROCEDURES)**

The Public Hearing will be held on August 4, 2010

PROCLAMATIONS

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee adopted the proclamations for the following Boy Scouts:

***TO TYMON CONROY
FOR RECEIVING THE EAGLE SCOUT AWARD***

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Tymon Conroy, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Tymon Conroy is to be commended for his Eagle Scout Service Project, which was to finish the remainder of an approximate two mile trail for the Hunterdon County Parks system by constructing rock staircases, rock check steps and waterbars; and

WHEREAS, Tymon Conroy's efforts will help prevent trail erosion and make the trail more easily accessible and hike-able to day hikers; and

WHEREAS, Tymon Conroy is an ordeal member in The Order of the Arrow which is scouting's national honor society, and

WHEREAS, Tymon Conroy will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 26, 2010; and

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WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Tymon Conroy.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout Tymon Conroy, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

**TO DAVID KUBIK
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, David Kubik, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, David Kubik is to be commended for his Eagle Scout Service Project, which was to renovate a 33' x 30' storage/concession stand behind Woodglen Middle School, which entailed the re-roofing of the structure, replacement of siding, repainting, the installation of shelving and the construction of a tiled countertop for storage and easy cleanup.

WHEREAS, David Kubik's project took almost 290 man hours to complete and over 2,000 dollars in donations; and

WHEREAS, David Kubik is an ordeal member in The Order of the Arrow which is scouting's national honor society, and

WHEREAS, David Kubik will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 26, 2010; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of David Kubik,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout David Kubik, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

**TO JOHN LEDDIE
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, John Leddie, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, John Leddie is to be commended for his Eagle Scout Service Project, which entailed installing security glass windows into the doors of the Lower Valley Presbyterian Church and installing wainscoting to beautify the parish house, and

WHEREAS, the installation of the windows in the Sunday School rooms will allow for more visibility and security and the wainscoting will protect the walls from being bumped and scratched by the congregation and groups that meet there, and

WHEREAS, John Leddie is an ordeal member in The Order of the Arrow which is scouting's national honor society, and

WHEREAS, John Leddie will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 26, 2010; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of John Leddie.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout John Leddie, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

**TO JEFFREY VACCARELLA
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Jeffrey Vaccarella, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Jeffrey Vaccarella is to be commended for his Eagle Scout Service Project, which entailed the coordination of the construction of a base support for a memorial gazebo at the Califon United Methodist Church and the installation of a handicap accessible ramp, landscaping and the emplacement of the prefab gazebo; and

WHEREAS, Jeffrey Vaccarella's project required 180 man hours and is used for outdoor Sunday School space as well as quiet contemplation by the community; and

WHEREAS, Jeffrey Vaccarella has earned the Bronze Palm and is an ordeal member in The Order of the Arrow which is scouting's national honor society; and

WHEREAS, Jeffrey Vaccarella will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 26, 2010; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Jeffrey Vaccarella.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout Jeffrey Vaccarella, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

Ms. Schriver inquired as to whether the Mayor or Deputy Mayor would present the proclamations. The presentation is Saturday at 2 p.m. at the Lower Valley Presbyterian Church. The Deputy Mayor volunteered to present them.

RESOLUTIONS

Resolution No. 54-2010 –Extension of Tax Payment Grace Period

Motion by Mr. Piazza, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee adopted Resolution No. 54-2010. (As written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 54-2010
EXTENSION OF TAX PAYMENT GRACE PERIOD**

WHEREAS the certified 2010 tax rate may be delayed from the Tax Board of Hunterdon County, and

WHEREAS this amount is needed for the property tax bills to be printed, and

WHEREAS there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged,

THEREFORE BE IT RESOLVED, that pursuant to N.J.S.A. 54:4-66 et seq., the payment without interest for the third quarter 2010 taxes will be extended to at least twenty-five days from the mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing from August 1st, 2010.

Resolution No. 55-2010 – Renewal of Retail Consumption Licenses

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous roll call vote, the Township Committee adopted Resolution No. 55-2010. (As written below)

RESOLUTION NO. 55-2010

**RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES**

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2010-2011 year:

1019-33-002-005 ONOROSA INC. 282 Route 513
1019-33-003-004 RADGNA, L.L.C. 2012 Route 31
1019-22-007-001 LEDYARD B. SCHUYLER, JR - RIVER STYX INN –374 Vernoy Road
1019-33-005-002 THE NEW HAMPTON INN, INC. t/a New Hampton Inn
23 Musconetcong River Road

Resolution No. 56-2010 - Renewal of Retail Distribution License

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous roll call vote, the Township Committee adopted Resolution No. 56-2010. (As written below)

**RESOLUTION NO. 56-2010
RESOLUTION RENEWING A PLENARY
RETAIL DISTRIBUTION LICENSE**

WHEREAS, the listed Plenary Retail Distribution License has submitted an application form that has been completed in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2010-2011 year:

1019-44-008-002 The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquor
425 Route 513, Califon, NJ

Resolution No. 57-2010 – Granting Fireworks Permit/A & B Stainless Valve Inc.

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous roll call vote, the Township Committee adopted Resolution No. 57-2010. (As written below)

**RESOLUTION NO. 57-2010
RESOLUTION GRANTING FIREWORKS
PERMIT TO A&B STAINLESS VALVE
AND FITTING COMPANY**

WHEREAS, A&B Stainless Valve and Fitting Company has applied for a permit for public display of fireworks to be held on July 10, 2010 at 9:00 p.m.; and

WHEREAS, the Lebanon Township Fire Code Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that a fireworks permit be granted to A&B Stainless Valve and Fitting Company for the activity described in its application.

BE IT FURTHER RESOLVED, that the Township Fire Official file copies of this Resolution and any other pertinent document with the appropriate New Jersey agency.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Tod Harris-Butler Park Road complaint

Mr. Harris stated that he and his family live on Butler Park Road, an unpaved right of way. He has asked the township in the past to maintain it; the township said they do not want anything to do with it, they do not consider it to be theirs. On paper it is owned by the DEP and they have no money or manpower to do any work. From time to time, neighbors get together to do work on the road. Mr. Harris feels that one neighbor is sabotaging the road for the people who live below her residence. A number of years ago, there was a trench on the side of the road so water could drain off, then there were cuts put across the road so the water drained into it. When it rains, the water runs down hill and Mr. Harris has the Grand Canyon across his driveway. A couple weeks ago, he went out, came home from work after a heavy shower, the road was partially washed away and the forecast called for more rain. He went out and cleaned out the gutters along the road, went to work the next day, came home and one of the trenches that he had been dug out was filled in and tamped smooth. This is a hardship for the properties down the road and it creates an unsafe situation. The neighbor who

does this know what she is doing and does it basically for sabotage, its harassment. Mr. Harris has called the police; they say there is nothing they can do.

Mr. Piazza stated that the neighbors need to try and work it out or the other alternative is to get an attorney. Attorney Bernstein stated that Butler Park Road is not a municipal road, in fact it is a DEP right-of-way and they are the ones who need to be addressed because they own the road.

Mr. Harris stated that he is now waiting to hear from the DEP and wonders what would happen if he had to call the rescue squad or the fire department and they could not get down the road. Mr. Harris feels it is defiantly a safety hazard.

Attorney Bernstein suggested that Mr. Harris first try to work it out with his neighbor, secondly if Mr. Harris is not getting satisfaction from the state to call Senator Doherty's, Senator DiMaio's office or the assembly person in the district. Attorney Bernstein stated that if there is an issue with the squad or the fire department using the road, they would advise the township that it is a safety issue, then the township would have to deal with it from a safety point of view. But in terms of the fact that the road is washing out, it is not a municipal issue.

Nancy Darois told the Committee that she has lived there for 31 years. Mr. Harris is digging the ditches up the hill way beyond his house, right in front of her place; water is going to run downhill. Mrs. Darois stated she would not chip in and help because of all the years she bought stone and no one would help her. She had no problems until Mr. Harris dug the ditches. Mayor Weeks stated that the township has no jurisdiction and can not do anything.

County Letter

Mr. Piazza stated that the township received a letter from the County about the collection of open space/library tax. The County would like to be paid on time but because of the unavailability of the certified tax levy, they are going to base the tax payment due from the previous quarter. Mr. Piazza wanted to make sure Mr. Della Pia understands that the county is looking for money on time because they do not want to be in arrears.

PRESENTATION OF VOUCHERS

Committee Members provided a description of vouchers exceeding \$1,000.00.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous roll call vote, the Township Committee approved the June 23, 2010 bill list in the amount of \$179,019.75.

CORRESPONDENCE

Tax Collector's Report for the Month of May 2010

Ms. Schriver asked the Mayor for a moment to make a statement in regards to the rescue squad.

Township Historians – Lebanon Township Brochure

The Township Historians have been working on a brochure about the township. They received a grant from the County for the brochure and have sent a copy of it to the Township Committee for review. The historians wanted the Committees' feedback on the brochure by July 1. The Committee decided to wait until the July meeting to discuss it.

PUBLIC COMMENTS

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

Several people spoke basically on the issue of the rescue squad.

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

There was no executive session.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous roll call vote to adjourn the meeting at 8:58 p.m.

Respectfully submitted,

Kimberly S. Jacobus, Deputy Clerk

Approved: August 4, 2010

Jay D. Weeks, Mayor