

CALL TO ORDER

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

FLAG SALUTE

Mayor George Piazza asked everyone to stand for the flag salute.

ROLL CALL

Present - Patricia Schriver George Piazza Francis Morrison
 Brian Wunder Ron Milkowski

Absent

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 8 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of June 15, 2011.

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of June 15, 2011.

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the public

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

RESOLUTION

Resolution No. 53-2011 – Award Bid for Resurfacing and Surface Treatment Program Services

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 53-2011 as written below.

**RESOLUTION NO. 53-2011
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF PAVING MATERIALS FOR THE TOWNSHIP FROM TRAP ROCK INDUSTRIES, INC. THROUGH THE COUNTY OF HUNTERDON COOPERATIVE PRICING SYSTEM

WHEREAS, the Township of Lebanon is a member of the County of Hunterdon Cooperative Pricing System (the “Cooperative”), as defined and regulated by N.J.A.C. 5:34-7; and,

WHEREAS, under the Cooperative system, the County of Hunterdon advertises and solicits bids for the services and/or materials required by the Cooperative members so that there is no necessity for the Township of Lebanon to separately advertise for such services and/or materials; and,

WHEREAS, the Township of Lebanon was in need of paving resurfacing and surface treatment program services and/or materials (the “Project”) and therefore submitted to the County of Hunterdon an estimated quantity of such that it required so the County of Hunterdon, in accordance with the Cooperative, could advertise for bids on behalf of the Cooperative for such paving services and/or materials; and,

WHEREAS, the County of Hunterdon, after publicly advertising for bids for the Project on behalf of the Cooperative, awarded the master contract for such to Trap Rock Industries, Inc.; and,

WHEREAS, pursuant to N.J.A.C. 5:34-7.11, prior to entering into any contract with the successful bidder and/or ordering any materials from the successful bidder, the Township must pass a resolution awarding a contract to the successful bidder; and,

WHEREAS, the Township of Lebanon wishes to enter into a contract with Trap Rock Industries, Inc. for the purchase and/or order of the paving services and/or materials it requires based on the estimated quantities it submitted to the County of Hunterdon, in an amount not to exceed Forty Thousand Dollars (\$40,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township hereby awards the contract for paving resurfacing and surface treatment program services and/or materials for the Township to Trap Rock Industries, Inc. in accordance with its membership in the Hunterdon County Cooperative Pricing System for an amount not to exceed Forty Thousand Dollars (\$40,000.00), and the Mayor and Township Clerk are hereby authorized to execute any such contract on behalf of the Township.

Resolution No. 54-2011 – Authorize the Lease-Purchase of a 2011 Chevy Tahoe

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 54-2011 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 54-2011
LEASE/PURCHASE OF A POLICE VEHICLE**

WHEREAS, the Township of Lebanon wishes to lease/purchase a Police Vehicle from an authorized vender under State Contract;

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Mall Chevrolet Inc. has been awarded the State Contract No. 78763, expiring on March 22, 2012; and

WHEREAS, the actual cost for the Police Vehicle is expected not to exceed \$35,250.00; and

WHEREAS, the Chief Financial Officer has certified the availability of \$12,832.36 under the 2011 Police Department Current Budget and the balance pending funding in subsequent budgets.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that Mall Chevrolet Inc. be awarded a contract for the lease/purchase of a Police Vehicle.

Mr. Milkowski stated that he would like to know which vehicle will be replaced and the mileage of that vehicle.

OLD BUSINESS

Maple Lane Drainage Project

Mayor Piazza stated that last year Mr. and Mrs. Brown of Maple Lane came to the Township Committee to discuss a drainage problem on their property. Mr. and Mrs. Brown were requesting that the Township correct the problem. The DPW Manager and the Township Engineer looked into the matter and the engineer prepared a plan to improve the problem. There are a few contributing factors to the drainage problem; there is water coming from a neighboring property and from the roadway as well as issues on the Brown's property. The neighbor, Mr. Adam Ambielli approached Mayor Piazza and asked that if he and the Brown's pay a third of the cost for the materials, would the Township pay the final third. Mr. Milkowski stated that he would like a better understanding of the entire cost of the project, including labor, and for a timeline to be written. The DPW Manager Warren Gabriel stated that he feels that the project will take the DPW approximately one month to complete.

Attorney Cushing stated that a written agreement should be executed however, he has a conflict relative to this matter and advised that another attorney will have to prepare the agreement.

Review of COAH Rehabilitation Rules – Rehab Grant

Attorney Cushing stated that Planner Bolan looked into the COAH Rules and Regulations to see how much flexibility the Township has under the COAH Rules. It appears that the Township can provide a Grant for the applicant. Attorney Cushing stated that it would have to be looked at a little harder but it appears that the Township can adopt a Resolution authorizing the Grant and setting forth the facts. The COAH Administrator, Gail Glashoff, will need to guide the process through to be sure that the work is carrying through in the correct manner. Attorney Cushing stated that his office will work with Ms. Glashoff and draft a Resolution for the Township Committee's consideration. Attorney Cushing noted that all bids received will need to be rejected.

NEW BUSINESS

Blue Light Applications – Giulio Dantonio and April R. Koschker

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved Blue Light Applications for Giulio Dantonio and April R. Koschker who are members of the Lebanon Township Fire Department. AYES: Morrison, Schriver, Piazza, Wunder ABSTAIN: Milkowski

Raffle Applications – Friends of Memorial Park – (2) 09/17/11 - (1) 09/25/2011

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved two (2) Raffle Applications for events to be held on September 17, 2011 and September 25, 2011.

Request for Gran Fonda NJ Cycling Ride to Travel Through Lebanon Township - 08/28/11

Motion by Ms. Schriver, seconded by Mayor Piazza and carried by favorable roll call vote, the Township Committee approved Gran Fonda NJ Cycling Ride to travel through Lebanon Township on August 28, 2011. AYES: Morrison, Schriver, Piazza, Milkowski NAYS: Wunder

High Bridge Correspondence

Mayor Piazza stated that High Bridge sent a letter to the Township Committee requesting to meet to discuss shared services for the Police Department. Ms. Schriver and Mr. Wunder will meet with High Bridge on behalf of the Township Committee.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the July 6, 2011 bill list in the amount of \$109,343.12.

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CORRESPONDENCE

Tax Collector's Report for the Month of June 2011

Rob Walton – County Shared Services Meeting – July 21, 2011

Ms. Schriver will be attending the meeting on behalf of the Township Committee. The Clerk will RSVP for Ms. Schriver.

PUBLIC COMMENTS

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

Mr. E.J. Skidmore requested that there be a Moment of Silence after the Pledge of Allegiance at each meeting.

Mr. Skidmore provided the Township Committee with a letter and a chart he prepared relative to the Outdoor Wood Burning Boilers. Mr. Skidmore stated that he read in the Hunterdon Review that the Township Committee is of the understanding that the new setbacks sent to the Planning Board for their consideration is a step ahead and decreases the original setbacks proposed. Mr. Skidmore stated that it actually increases the setbacks.

Mr. Skidmore stated that if the Township Committee is looking to solve health issues pertaining to the boilers, he has provided them with ideas from scientists that the State of New Jersey paid to research the matter. Mr. Skidmore feels that their thoughts should be heeded.

Mr. Skidmore stated that the LTEOS Chairman was asked to provide the Planning Board with a list of which towns in New Jersey have ordinances pertaining to Outdoor Wood Burning Boilers. The Chairman found only two (2) towns, which were in Bergen County and the boilers are completely forbidden.

Mr. Wunder stated that he feels that the distances should be shortened.

Mr. Skidmore requested that the Township Committee take the ordinance off the Planning Board agenda for further Committee consideration.

Mr. Wunder stated that the ordinance took two years to come before the Township Committee and Mr. Wunder had asked the Planning Board to give some time to the Committee to discuss the matter. When the Committee met, four Planning Board Members were present. Mr. Wunder felt that due to their attendance there was pressure put on the Committee. Mr. Wunder felt that the Committee was not given the opportunity to discuss the ordinance amongst themselves.

Mr. Anthony Casale asked Attorney Cushing if he had a chance to look into the Co-locator Agreement for the Cell Tower Project. Attorney Cushing stated that they have been reaching out to the Cellco attorney. The issues to be addressed are the beacon and the generator. There are language deficiencies in the lease agreement that do not seem to give advantages to the Township as may have been expected. Attorney Cushing stated that they have contacted Cellco to offer them the two

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options which the Committee discussed. The Committee requests that the Lease Agreement be amended to impose on Cellco the requirement to participate financially in the maintenance, repair and replacement of the generator or that the emergency generator be removed from the contract and each party will build their own generator to be operated independently. The Cellco attorney informed Attorney Cushing that when the site plan was prepared it was contemplated that there would not be enough room for the location of a generator. Mr. Casale stated that in the bids specs there is language stating that the cell company will provide for their own generator. Attorney Cushing will look into the Co-locator Agreement.

Mr. Casale stated to Mr. Milkowski that when he presented the Planning Board with his proposed amendments to setbacks relative to the Outdoor Wood Burning Boilers, he included something that was not provided to the Township Committee. Mr. Casale stated that Mr. Milkowski included the minimum setback from the boiler to the residence on an adjoining property to be 275 ft.. Mr. Casale stated that he thought that this proposal was an option. Mr. Milkowski stated that if a property is not large enough to have the setbacks but the neighbor's home is more than 275 ft. away, you can still install a boiler. Mr. Milkowski stated that he spoke to the Planner regarding the matter and the language will be fine-tuned.

Mr. Casale requested that the Mayor appoint two alternate members to the Planning Board.

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

EXECUTIVE SESSION

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.55-2011 and convened in executive session at 8:02 p.m. It is not anticipated that action will be taken at the close of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 55-2011

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:

Rescue Squad
Contract Matters
Collective Bargaining – CWA
Municipal Court of North Hunterdon
Shared Services

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:08 p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed issues with respect to the Cell Tower Project. Attorney Cushing will follow up on some concerns brought

up by Mr. Casale. The Contract for the Public Works Garage was discussed and Attorney Cushing has to follow up with the contractor with respect to the fact that he has not provided the Performance Bond. Attorney Cushing will also be reaching out to the Architect to see about beginning the process of preparing a new set of bid specs. The status of the Rescue Squad matter was discussed and Attorney Cushing will continue to negotiate with the Trustee in the bankruptcy to resolve the final issues. The Township Committee also discussed COAH Rehab options. Attorney Cushing will prepare a resolution pertaining to the ability to grant to a person, who qualifies for affordable housing, the capability to have the Township make a direct payment to the individual in order that the individual can obtain a new septic system.

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 9:11 p.m.

Respectfully submitted

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 20, 2011

George Piazza, Mayor