

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 and for a Moment of Silence.

ROLL CALL

Present - Patricia Schriver George Piazza
 Brian Wunder Francis Morrison

Absent Ron Milkowski

Also Present - Attorney Dick Cushing, CFO Greg Della Pia, Clerk Karen Sandorse and 10 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 October 5, 2011 as corrected.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of October 5, 2011.

PUBLIC COMMENTS – for agenda items only.

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

Mr. Anthony Casale inquired on the changes to Ordinance No. 2011-11 and discussed with the Committee the pros and cons of attending the League of Municipality Conference.

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.

RESOLUTIONS

Resolution No. 73-2011 – Developer’s Agreement with Lebanon Solar, LLC.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 73-2011.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 73-2011
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A DEVELOPER’S
AGREEMENT WITH LEBANON SOLAR, LLC

WHEREAS, Lebanon Solar, LLC (“Lebanon Solar”) is the assignee of approvals obtained by Garden Solar, LLC from the Board of Adjustment of the Township of Lebanon in 2011 for the installation of solar panels on property known as Block 3, Lot 5 on the Tax Map of the Township of Lebanon, Hunterdon County, New Jersey; and

WHEREAS, the obligations of Lebanon Solar with respect to this approved development have been set forth in a Developer’s Agreement; and

WHEREAS, the Mayor and Committee have reviewed the Developer’s Agreement and find that it is in the best interests of the Township to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Mayor and Township Clerk, upon receipt of the Developer’s Agreement substantially in the form attached hereto executed by Lebanon Solar, LLC, are hereby authorized to execute the Developer’s Agreement on behalf of the Township.

Resolution No. 75-2011 - Award Rock Salt Contract – International Salt, Inc.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 75-2011.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 75-2011
RESOLUTION AWARDING A CONTRACT FOR
ROCK SALT

WHEREAS, the Board of Chosen Freeholders awarded a master contract to International Salt, Inc. (Rock Salt) on October 4, 2011 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials Bid No. 2011-20 for the 11/12 season, and

WHEREAS, the Township Committee has requested to participate in the Cooperative Pricing System for Snow and Ice Control Materials with the anticipation of purchasing 2000 tons of Rock Salt, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contract be awarded for a contract period of October 4, 2011 to October 3, 2012.

| COMPANY | ITEM | PRICE |
|-------------------------|-------------|------------------|
| International Salt Inc. | Rock Salt | \$ 54.55 per ton |

Resolution No. 76-2011 – 2011 Delinquent Taxes to be Canceled

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.76-2011.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 76-2011
2010 DELINQUENT TAXES TO BE CANCELED

WHEREAS N.J.S.A. 40A: 5-17.01 allows for amounts of \$5.00 and less of delinquent taxes to be cancelled, and
WHEREAS the following amounts are open and due for 2010, and
WHEREAS it is the desire of the Tax Collector to clear these amounts.

THEREFORE, BE IT RESOLVED that the following amounts be cancelled:

| Owner: | Block/Lot | Amount |
|------------------|-------------|--------|
| Mark M. Costello | 11/44 | 3.26 |
| Susan Rothbart | 56/14 Q0150 | .72 |

Resolution No. 77-2011 – Redemption of Tax Sale Certificate

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 77-2011.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 77-2011
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate # 200601 on October 18, 2006 to Lebanon Township and,
WHEREAS the amount of \$2,922.64 has been collected from Lakeland Bank for their client, N.B.S.C. Properties, Inc.
THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$2,922.64 payable to Lebanon Township, and
BE IT FURTHER RESOLVED that Tax Sale Certificate 200601 be endorsed by the mayor for cancellation and returned to Lakeland Bank.

Resolution No. 78-2011 - Amending Capital Budget

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 78-2011.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION NO. 78-2011

WHEREAS, the Township of Lebanon desires to constitute the 2011 Capital Budget of said municipality by inserting therein Various Capital Projects:

Supplemental Funding of DPW Garage, Amendment of Ordinance #2011-07 and 2009-07

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon as follows:

Section 1. The 2011 Capital Budget of the Township of Lebanon is hereby constituted by the adoption of a schedule to read as follows:

PROJECT NO. 3
CAPITAL BUDGET OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,
NEW JERSEY

Projects Scheduled for 2011
Method of Financing

| <u>PROJECT</u> | <u>ESTIMATED COST</u> | <u>BUDGET APPROP.</u> | <u>CAPITAL IMPROVEMENT FUND</u> | <u>CAPITAL SURPLUS</u> | <u>GENERAL BONDS</u> |
|-----------------|-----------------------|-----------------------|---------------------------------|------------------------|----------------------|
| As Stated Above | \$600,000 | | \$30,000.00 | NONE | \$570,000.00 |

Section 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project to be included in the 2011 Permanent Capital Budget as adopted.

ORDINANCES

Ordinance No. 2011-10 - Introduction

Motion by Ms. Schriver, seconded by Mr. Piazza, and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2011-10 on first reading. AYES: Morrison, Schriver, Piazza, Wunder ABSENT: Milkowski (As entitled below).

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2011-10

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$600,000 FOR THE CONSTRUCTION OF A NEW DPW GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Public Hearing to be held on November 2, 2011.

Introduction - Ordinance No. 2011-11

Motion by Ms. Schriver, seconded by Mr. Piazza, and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2011-11 on first reading. AYES: Morrison, Schriver, Piazza, Wunder ABSENT: Milkowski (As entitled below).

ORDINANCE NO. 2011-11
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
ARTICLE II, REGULATIONS

Public Hearing to be held on December 7, 2011.

Introduction - Ordinance No. 2011-12

Motion by Ms. Schriver, seconded by Mr. Piazza, and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2011-12 on first reading. AYES: Morrison, Schriver, Piazza, Wunder ABSENT: Milkowski (As entitled below).

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2011-12

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE FOR THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND MORE SPECIFICALLY CHAPTER XVII (LAND SUBDIVISION) AND CHAPTER 400 (ZONING)

Public Hearing to be held on December 7, 2011.

OLD BUSINESS

DPW Garage Project

Attorney Cushing provided a recounting of the DPW Garage Project. The Township terminated a contract with Walter Poppe in July, pursuant to a resolution that set forth the reasons for the action. Mr. Poppe did not provide a performance bond which is vital to protect the Township. Consequently, the Township Committee authorized to seek new bids to complete the project. In the mean time, Mr. Poppe's attorney sent a letter stating that Mr. Poppe can now obtain a performance bond and that Mr. Poppe will be suing the Township. There were certain reasons why it made some sense for the Township to continue working with Mr. Poppe. One matter was that the Township Architect said that he was generally pleased with the work that had been completed to date. Also, subcontractors who had worked on the job had submitted lien claims against the Township. Mr. Poppe's attorney addressed the Committee and stated that Mr. Poppe could complete the work and do a better job at a cheaper price. In an effort to be fair and to make sure the Township knew where Mr. Poppe was coming from, a letter was sent to Mr. Poppe's attorney outlining a number of conditions that had to be met for the Township Committee to even consider if they would reinstate the contract with Mr. Poppe. The conditions would include the submission of a performance bond. Also, the Township has a Claim for Liquidated Damages against Mr. Poppe which Mr. Poppe disputed his obligation to pay. The Township offered to put the Claim for Liquidated Damages matter off until the completion of the project to see how things progressed. There were other conditions which Mr. Poppe stated that he could meet. To date Mr. Poppe has not supplied a performance bond. Attorney Cushing has had conversations with a Bond Broker who had stated that he could provide a performance bond for Mr. Poppe but that has not happened. The performance bond was an absolute condition as the Township cannot move forward with the project without having one. The Township also felt that it would be unfair to the Township and the taxpayers to wave the Township's Claim for Liquidated Damages when the delays that occurred were not the fault of the Township, but in the Township's view, were the fault of Mr. Poppe. The Township was willing to defer it to the end of the project to how things went and how long it took and discuss the issue at that time. The two conditions were unacceptable to Mr. Poppe. Attorney Cushing asked Mr. Poppe and his attorney to be in attendance at this meeting however, Mr. Poppe's attorney stated that she and Mr. Poppe would not be attending and that they were not going to provide the performance bond nor are they willing to go along with the conditions relative to Liquidated Damages. The Township now is presented with the issue of receiving bids which are higher than the original amount and to decide which way to proceed.

Award Contracts for Architectural/Engineering Services – DPW Garage Project

- **Bidding and “Limited” Construction Administration**
- **Construction Administration Phase – Extended Services**

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee awarded two (2) Contracts to Chambers Architecture, Inc. for Bidding and “Limited” Construction Administration at \$19,000.00 and for the Construction Administration Phase – Extended Services for the DPW Garage Project at \$50,000.00.

Cancel November 16, 2011 Meeting - League of Municipality Conference

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee canceled the November 16, 2011 Committee meeting for attendance at the

League of Municipalities Conference. AYES: Morrison, Schriver, Piazza NAYS: Wunder
ABSENT: Milkowski

Hunterdon County Freeholders Resolution – County Route 645

The County Freeholders adopted a resolution restricting parking on County Route 645 during inclement (winter) weather. The Police Chief has stated concerns he has with the County's Resolution to the Clerk. Mr. Wunder will speak to the Police Chief to obtain his recommendations in writing and a letter will be forwarded to the Freeholders from the Mayor, for their consideration.

NEW BUSINESS

There is no new business discussed.

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 October 19, 2011 bill list in the amount \$101,127.26.

CORRESPONDENCE

Tax Collector's Report for the Month of September 2011.

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. and Mrs. Jim Previti were present at the meeting to discuss concerns they have with storm water drainage on Mountain Top Road. The Previti's were at the June 2011 meeting regarding the same matter. At that time, the DPW Manager and the Township Engineer evaluated the drainage issues and improvements were made to correct the problem. Mrs. Previti stated that the drainage is still a problem and requested that the Township Engineer reevaluate the problem and for the Township to resolve the issue. The DPW Manager is to arrange a meeting with the Township Engineer and the Previti's. The Engineer is to provide the Township Committee with his professional opinion on the matter.

Ms. Nancy Darois stated her opinion on residents complaining about drainage issues in the Township. Ms. Darois inquired on the status of the Rescue Squad matter.

Mr. Anthony Casale asked for information on the rebidding for the Township Garage Project and if the Contract has been awarded. Mr. Casale questioned the procedure of introducing an ordinance if

the Committee has reservations relative to such. Mr. Casale suggested that the Township Committee provide Committee reports at each meeting. Mr. Casale inquired on the status of the Cell Tower project. Attorney Cushing stated that there has been discussion with Cellco regarding the generator issue and feels that he is making progress.

EXECUTIVE SESSION

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.79-2011 and convened in executive session at 8:16 p.m. It is not anticipated that action will be taken at the close of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 79-2011

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:

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 9:22 p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed the First Aid Squad matter and the approaches the Township should take with respect to that. Also discussed, was Contractual Negotiations and two areas of Litigation.

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 9:23 p.m.

Respectfully submitted

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: November 2, 2011

George Piazza, Mayor