

**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.

**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

Also Present - Attorney Phil George, Clerk Karen Sandorse and 8 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved the minutes of the November 3, 2010 Committee meeting. AYES: Wunder, Schriver, Weeks, Piazza ABSTAIN: Morrison*

*Motion by Mr. Wunder, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the executive session minutes of the November 3, 2010 Committee meeting. AYES: Wunder, Schriver, Weeks, Piazza ABSTAIN: Morrison*

**PUBLIC COMMENTS – Agenda Items Only**

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

Mr. Erik Henriksen, Township liaison to the Musconetcong River Management Council was present to discuss Resolution No. 90-2010, Lake Hopatcong Water Level Management Plan with the Township Committee. Mr. Henriksen stated that marina owners have gained political control of Lake Hopatcong. The DEP is now supporting them as to when the lake levels should and should not be lowered. Mr. Henriksen stated that historically there has been 12 cubic feet per second which has been allowed to pass through and only in utmost emergencies could that be changed. Now the DEP taken it upon its self to do it when it wants to. On one day they did a hold back and the DEP stated that it would not adversely affect the river, however, the fish and wildlife biologists stated that they couldn't stock the river because it is too shallow and the temperature was up. The Musconetcong River Management Council does not mind if there is an occasional hold back but it should be based on the

science of the river, not politics. Mr. Henriksen stated that Resolution No. 90-2010 is requesting that the DEP withdraw one section of the new Management Plan which gives the right to hold back the water at any time.

Mr. Henriksen asked the Township Committee to please consider appointing Nancy Lawler of the LTEOS Committee, as the Alternate Liaison to the Musconetcong River Management Council.

*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. 82-2010 – Awarding a Contract for Rock Salt**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 82-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 82-2010  
RESOLUTION AWARDING A CONTRACT FOR  
ROCK SALT

WHEREAS, the Board of Chosen Freeholders awarded a master contract to International Salt, Inc (Rock Salt) on November 16, 2010 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials Bid No. 2010-27 for the 10/11 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 November 16, 2010 to November 15, 2011.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
International Salt, Inc.	Rock Salt	\$ 51.40 per ton

### **Resolution No. 83-2010 – Refund for Overpayment of Taxes**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 83-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

RESOLUTION NO. 83-2010  
REFUND FOR OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of 2010 taxes for the following properties, and  
WHEREAS these amounts have been requested for refund by Core Logic,  
THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer  
and Clerk be authorized to sign a refund check for the following properties:

Block/Lot	Amount
11/42.01	153.92
16/28	1,356.01
16/33	1,342.94
21/15	183.61
24/11	1,463.84
25/5	193.94
35/74	80.35
69/4	998.55
21/15 Added	183.61
37/36.01 Added	111.76
59/48 Added	156.89

Total: \$ 7,225.42

**Resolution No. 84-2010 – Authorize Release of Cash Performance Guarantee**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 84-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION 84-2010  
RELEASE OF A CASH PERFORMANCE GUARANTEE  
MOHAWK OIL COMPANY – BUNNVALE SUNOCO

WHEREAS, Mohawk Oil Company, posted a cash performance bond with the Township of Lebanon, Hunterdon County in the amount \$8,964.60 in connection with a planning board application for a project known as Bunnvale Sunoco; and

WHEREAS, said project and all improvements have been completed and clearances have been received from the professionals involved authorizing the return of the \$8,964.60 performance bond;

WHEREAS, it is in the opinion of the professionals involved that a maintenance guarantee is not necessary at this site,

NOW, THEEFORE, BE IT RESOLVED by the governing body of the Township of Lebanon, Hunterdon County that the cash bond in the amount of \$8,964.60 be refunded to Mohawk Oil.

**Resolution No. 85-2010 - Authorize Mayor to Sign AIA Form Contract/Poppe Const.**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 85-2010 (as written below).*

RESOLUTION 85-2010  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF LEBANON THE MAYOR AND TOWNSHIP CLERK  
TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF  
THE NEW DPW GARAGE AND SALT DOME WITH  
WALTER H. POPPE GENERAL CONTRACTORS, INC.

WHEREAS, the Township of Lebanon has previously advertised for general contractors for the construction of the new garage and salt dome for the Lebanon Township Department Public Works; and,

WHEREAS, the lowest qualified bidder was Finne Construction and Investment Company, Inc., which subsequently withdrew its bid; and,

WHEREAS, pursuant to the Local Public Contract Law, Walter H. Poppe General Contractors, Inc., was the next lowest qualified bidder and was therefore awarded a modified contract following statutory negotiations; and,

WHEREAS, pursuant to the Local Public Contracts Law and Resolution of this Township Committee, a contract with Walter H. Poppe General Contractors, Inc., was authorized to be prepared by the Township Attorney in accordance with the standards of the American Institute of Architects, said contract was prepared and has been approved by Walter H. Poppe General Contractors, Inc.;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Mayor and Township Clerk are authorized to enter into and execute a contract with Walter H. Poppe General Contractors, Inc., for the construction of the new garage and salt dome for the Lebanon Township Department Public Works in accordance with the standards of the American Institute of Architects.

**Resolution No. 86-2010 – Request to Revise Assembly Bill 3447**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 86-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
RESOLUTION NO. 86-2010  
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON  
URGING ITS LEGISLATORS TO REVISE ASSEMBLY BILL 3447 TO ENABLE THE SENDING  
MUNICIPALITY TO SECURE THE RIGHT TO COUNT THE AFFORDABLE UNITS IT  
FUNDED AGAINST THE NUMBER OF “QUALIFYING UNITS” IN THE MUNICIPALITY.

WHEREAS, Assembly Bill No. 3447 is currently pending before the Assembly, which includes significant amendments to the Fair Housing Act and will create a new system through which a municipality may comply with the Mount Laurel doctrine; and

WHEREAS, A-3447's system includes a means for municipalities to be deemed "compliant" through the demonstration that 10 percent of the municipality's housing stock is comprised of "qualified housing units" (hereinafter "the 10 percent standard"); and

WHEREAS, A-3447's definition of "qualified housing units", as presently written, gives credit for the units transferred via Regional Contribution Agreements to the receiving municipality, rather than the sending municipality, who paid significant amounts of money to create these affordable units; and

WHEREAS, A-3447 creates a situation where a sending municipality, who received credit for these units under current law, will lose the ability to count the affordable units it funded against satisfaction of the 10 percent standard; and

WHEREAS, the Township of Lebanon, for example, spent \$ 250,000.00 to fund the provision of 10 affordable units through RCAs; and

WHEREAS, under A-3447, as presently written, would deprive the Township the right to count any of these 10 affordable units against satisfaction of the 10 percent standard; and

WHEREAS, this problem needs to be corrected so that municipalities that complied in good faith with the laws in existence at the time receive credit for the creation of affordable housing within their region; and

THEREFORE BE IT RESOLVED that the Township of Lebanon urges its Legislators to rectify this significant problem with A-3447 before the Bill is passed into law.

BE IT FURTHER RESOLVED that a copy of this Resolution be submitted by the Township Clerk to the Office of Governor Chris Christie and the 23<sup>rd</sup> District Legislators representing the Township of Lebanon: Senator Michael Doherty, Assemblyman John DiMaio and Assemblyman Erik C. Peterson.

### **Resolution No. 87-2010 – 2010 Tax Surplus**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 87-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 87-2010  
2010 TAX SURPLUS

WHEREAS N.J.S.A.40A:5-17.1 allows for amounts of \$5.00 and less of overpaid taxes to be cancelled, and

WHEREAS the following amounts are overpaid for 2010, and

WHEREAS it is the desire of the Tax Collector to clear these small credit balances before the New Year,

THEREFORE, BE IT RESOLVED that the following amounts be cancelled and placed in surplus:

Block/Lot	Amount
10/47	.01

12/49.06	.30
36/22.01	.01
37/22.10	.01
37/28.01	.01
38/113.03	.03
40/26	.02
44/20	.01
46/29.01	.03
59/4	.43
61/13 BLDG	.30
69/33	.01
77/7.13	.20
35/91.03	.41

Total: \$1.78

**Resolution No. 88-2010- 2010 Delinquent Taxes to be Canceled**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 88-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 88-2010  
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 small balances before the New Year,

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

Block/Lot	Amount:
1/3	.86
16/2	.05
26/33.02	.01
30/39.02	.10
35/31.11	.67
35/39 Q0107	.24
36/17 Q0079	.01
36/29.03 Q0095	.16
37.02/6	.94
38/103.01 Q0248	.93
46/23	.57
46/29.07	.20
46/36	.31
49/1	.20

57/26	.03
59/19	.04
61/20 Q0184	.06

Total: \$5.38

**Resolution No. 89-2010 – Transfers**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 89-2010 (as attached).*

**Resolution No. 90-2010 - Lake Hopatcong Water Level Management Plan**

*Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 90-2010 (as written below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION 90-2010  
LAKE HOPATCONG WATER LEVEL MANAGEMENT PLAN

WHEREAS, Lebanon Township is located on the Musconetcong River downstream of Lake Hopatcong; and

WHEREAS, the recreational usage and water quality are directly affected; and

WHEREAS, Lebanon Township is a member of the Musconetcong River Management Council, whose mission is to implement the Musconetcong River Management Plan in accordance with the National Wild and Scenic Rivers guidelines, has serious concerns regarding the impact of the proposed changes to the Lake Hopatcong Water Level Management Plan (LHWLMP); and

WHEREAS, the legal and historic minimum passing flow in the Musconetcong River as established at the Headwaters of the River (the Lake Hopatcong dam) has been a minimum flow of 12 cubic feet per second (cfs); and

WHEREAS, the State of New Jersey Department of Environmental Protection (NJDEP) has been reviewing the Lake Hopatcong Water Level Management Plan (LHWLMP) and has convened a Citizens Advisory Committee (CAC) to assist in the review; and

WHEREAS, the current LHWLMP has a direct impact on the flow of the water in the Musconetcong River and said Plan requires 12 cfs outflow to the river at minimum; and

WHEREAS, the most recent meeting of the CAC was held on September 13, 2010; and

WHEREAS, subsequent to the CAC meeting held on September 13, 2010, the NJDEP took unilateral action, without notice to the members of the CAC or to downstream users, to reduce the outflow of the Lake Hopatcong dam to the Musconetcong River below the minimum passing flow, said action, not based upon any declared emergency; and

WHEREAS, despite heavy rains on September 30, 2010, that brought the lake to nearly full levels, the NJDEP maintained the restricted outflow of the lake under the mandated 12 cfs until October 14, 2010; and

WHEREAS, subsequent to the most recent meeting of the CAC the NJDEP unilaterally amended the draft LHWLMP previously distributed to CAC without input from the CAC; and

WHEREAS, said proposal includes no provision for notification to or consideration of downstream stakeholders on the Musconetcong River; and

NOW, THEREFORE BE IT RESOLVED that Lebanon Township calls upon the NJDEP to withdraw the "Low Water" paragraph from the section titled "Changes from Normal Operation" in the Draft LHWLMP. This paragraph allows for the restriction of the minimum passing flow of 12 cfs and must be withdrawn until such time as a full Environmental Impact Analysis can be conducted of the impact of the reduced flow on:

- a) The ecology and biology of the Musconetcong River (particularly on the stretch between Lake Hopatcong and Lake Musconetcong);
- b) The ability of the Musconetcong River to assimilate the discharges from the Musconetcong Sewerage Authority at the reduced flow;
- c) The impact upon Lake Musconetcong of the reduced flow in the river, particularly as it relates to weed growth in the lake and the rare and endangered plant species found in the lake; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to:

1. Robert Martin, Commissioner, NJDEP
2. John Trontis, NJDEP, Division of Parks and Forestry
3. David Chanda, NJDEP, Division of Fish and Wildlife
4. Donna Macalle-Holly, Administrator, The Lake Hopatcong Commission
5. Karen Williamson, Chair, Musconetcong River Management Council
6. Amy Cradic, Assistant Commissioner, NJDEP

**Resolution No. 91-2010 - Awarding Contract for Fire Tank**

*Motion by Ms. Schriver, seconded by Mr. Piazza, and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 91-2010 (as written below).*

RESOLUTION 91-2010  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION AWARDING BID TO FAIRFIELD MAINTENANCE INC. AS LOWEST  
QUALIFIED BIDDER AND AUTHORIZING PURCHASE OF A  
FIRE TANK FOR THE NEW DEPARTMENT  
OF PUBLIC WORKS FACILITY

WHEREAS, the Township of Lebanon has previously advertised for bids for the purchase of a 30,000 gallon tank under the Local Public Contracts Law for the new Township of Lebanon Department of Public Works Facility; and,

WHEREAS, bids were received and opened pursuant to the Local Public Contracts Law on December 7, 2010; and,

WHEREAS, the bid of Fairfield Maintenance Inc. was the lowest qualified bid at \$48,684.00 and within the bid specifications as to price.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that a contract for the purchase of a Fire Tank pursuant to the bid of Fairfield Maintenance Inc. in accordance with the specifications thereof be awarded to Fairfield Maintenance Inc. and in the amount of \$48,684.00, subject to certification by the Chief Financial Officer of availability of funds; and, be it

FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to enter into and execute a contract for the purchase of a Fire Tank from Fairfield Maintenance Inc. in the amount of \$48,684.00.

## **OLD BUSINESS**

### **DPW Garage Project - Mutual Release – Finne Building and Investment/ Approve and Authorize Mayor and Clerk to Sign**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved and authorized the Mayor and Clerk to sign the Mutual Release Agreement with Finne Building and Investment relative to the Township Garage Project.*

### **DPW Supervisor's Request for Sale of Surplus Equipment**

*Motion by Mr. Piazza, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Supervisor's request to seek bids for surplus equipment (as listed below).*

2005 Ford Crown Vic 104,569 Miles	Vin # 2FAFP71W75X154818 Min. Bid \$1500.00
1989 Ford F-800 Dump W/Spreader & Plow 100,001 Miles	Vin # 1FDYK84A1LVA01983 Min. Bid \$3000.00
Ford 2000 Tractor W/ Front Mount Broom 5403 Hours	Serial # C345540 Min. Bid \$2000.00
1988 GMC 7000 9763 Miles	Vin # 1GDK7D1EOKV500571 Min Bid \$8000.00
1982 GMC Brigader Fire Engine 22493 Miles 1417 Hours	750 pump, 1600 gal. water Vin # 1GDP8C1Y8CV570571 Min. Bid \$6000.00
International Tractor W/ Bomford Mower Hours 4045	Serial # B480207B010832-X Min Bid \$2000.00
Bomford Mower 3 Pt. Hitch Hours 3253	Serial # 20334 Min Bid \$500.00

### **DPW Supervisor's Request to Purchase a Roadside Mower**

The DPW Supervisor has requested to seek bids for the purchase of a roadside mower for the replacement of our International Tractor with a Bomford Mower. Warren has prepared the specs for the mower and they have been reviewed and approved by Mr. Bernstein's office.

The bond estoppels period for the mower concluded on November 17, 2010. The total cost of this equipment is \$68,000.00.

*Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Supervisor's request to seek bids for a roadside mower.*

### **Police Officer Erik Rautenberg – Request for PBA Contract Negotiations**

Police Officer Erik Rautenberg has sent a second letter to the Township Committee requesting to meet with the Township Committee to discuss PBA Contract negotiations. Mayor Weeks appointed Ms. Schriver and Mr. Wunder to serve on the negotiating committee.

### **Fire Chief Request to Lease/Purchase an Ambulance**

Fire Chief Warren Gabriel sent correspondence to the Township Committee requesting to seek bids for the lease/purchase of an ambulance. Mr. Wunder stated that he spoke to Mr. Piazza about bonding for a new ambulance as it may save the Township money. Mr. Wunder stated that he is willing to concede his position and agree to the bond. There were concerns raised by Mr. Piazza and Ms. Schriver due to prior bond ordinances being defeated. Mr. Wunder and Mr. Morrison voted two bond ordinances down because an ambulance was included. Mr. Piazza stated that everyone needs to be on board. Mr. Wunder stated that he feels that this has gone on long enough and it does not seem that there is going to be a settlement with the Squad anytime soon, therefore, he is on board. Mr. Wunder stated that he spoke to Mr. Morrison earlier in the day and he is in agreement also.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Bond Counsel to draft a bond ordinance for the purchase of an ambulance as originally specified in the proposed bond ordinance of August 2010. The bond ordinance is to be listed on the January 5, 2011 agenda.*

### **Police Chief's Recommendation- Mt. Top Road Speed Survey**

The Township Committee had requested that the Police Chief perform a speed survey on Mountain Top Road due to resident's complaints of speeding. The survey was conducted and it verified that the average speed is 30 mph. The Chief has recommended that the speed limit remain the same. The Township Committee concurs with the Chief and will take no action at this time.

## **NEW BUSINESS**

### **Notification of Cross Drainage Easement – Walsh/5 Harber Drive**

Mr. Walsh of 5 Harber Drive is planning on installing solar panels on his property. In order to install the panels as designed, he will need to cross a Township drainage easement. The easement is a stone

row. The Township Engineer has reviewed the plans and takes no exception to them. Mr. Risse stated that he will inspect the easement once the installation is complete to insure it has been returned to its original condition.

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee granted approval for the crossing of a Township easement at 5 Harber Drive.*

### **Municipal Court of North Hunterdon – Items for Review**

Mr. Piazza stated that the Court is looking for a 2% salary increase, which is not a lot, however, he does not know how he could say “no” to the Township employees and agree to the Court salary increases. Mr. Piazza stated that the Court lost three members over the past few years and it was on rocky ground. He does not feel that this is the time to be giving raises. The employees should be happy to have a job. Mr. Piazza feels that the Court budget is good and the 2% is not a great deal but he has to vote no. Mr. Piazza stated that he was not sure if one town defeats the budget what the effect will be.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved the Municipal Court of North Hunterdon’s 2011 budget. AYES: Wunder, Schriver, Weeks, Morrison NAYS: Piazza*

### **Swackhammer Cemetery – Correspondence**

A letter was forwarded to the Township from Senator Lance regarding the Swackhammer Cemetery. Mr. Lance had received a letter from someone concerned with the upkeep of the cemetery and requesting assistance on the maintenance. Since the cemetery is located in the Township, Mr. Lance forwarded the letter to the Township Committee for their consideration.

Discussion was held on the ownership of the property. The Township Attorney has looked into the deed but has found no information on ownership.

Ms. Kathleen Paige of the Lebanon Township Historians stated that she is under the understanding that the church/cemetery is deeded to the Township Historians. She stated that she has interest in the property and would like the opportunity to look into the matter.

The Township Committee stated that the deed has been researched by the Township Attorney and the Township does not own the property, however, if Ms. Paige would like to look into it with the Historians she is welcome to.

### **Accept Resignation – Library Committee Member Elaine Wright**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee accepted the resignation of Elaine Wright from the Library Committee with regret.*

### **Accept Resignation – Park Committee Member Liz Burns**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee accepted the resignation of Liz Burns from the Park Committee with regret.*

### **Schedule 2011 Reorganization Meeting**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote,* the Township Committee authorized the Clerk to advertise for a January 5, 2011 Reorganization meeting. The meeting is to be held at 7 p.m..

### **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 favorable roll call vote,* the Township Committee approved the December 15, 2010 voucher list in the amount of \$288,760.27.

### **CORRESPONDENCE**

Lebanon Township Tax Assessor – 2011 Tax List  
Tax Collector's Report for the Month of November 2010  
Hunterdon County Planning Board – Solar Farms

### **PUBLIC COMMENTS**

*Motion by Mr. Piazza, 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 stated that he was confused with the decision made relative to the lease/purchase of an ambulance. He questioned that if the bond ordinance does not pass, will the Fire Chief still be able to look into obtaining a new or used ambulance. Mr. George stated that if the bond ordinance does not pass then the Committee will have to revisit the matter for a lease/purchase.

Mr. Casale stated to Mr. Wunder that he hopes that he is sincere with his statements this evening relative to the ambulance purchase.

Mr. Casale stated that at the Planning Board meeting the Cell Tower Resolution was adopted. There were certain conditions listed, one being to tidy up the lease with the Township. Mr. Casale asked what the status is of the portions of the lease that concerns the Committee. Attorney George stated that he was advised by his associate that the issue of the screening around the foresides and the issue of the "homogenizing" of the footing language was accomplished. They still have not heard from Verizon regarding the statements, made by their engineer, that the lease provisions have been changed. Attorney George stated that they attempted to draft a more broad description that meant what the intent was, but they found that they could not because of the change in the specifications of the generator. Attorney George stated that his office called Verizon to ask them to check with their electrical engineers but they have not gotten back. Attorney George stated that he has made a determination on the beacon and there needs to be a red light on the tower that flashes when it is dark. Mr. Casale questioned if Verizon will need to apply for a variance from the Township Planning Board for the beacon. Attorney George stated that Verizon would need to obtain a variance, however,

he does not expect it to be too much of a problem. Mr. Casale inquired on who determines that a beacon is required by the FAA. Attorney George stated that the Planning Board makes the decision. Attorney George stated that his firm's research shows that it is an FAA requirement as it located next to a designated emergency helipad area. Mr. Casale stated that at two Planning Board meetings, Verizon denied that they had any intent of installing a beacon even though they had stated such to the OEM Coordinator/Fire Chief Warren Gabriel. Attorney George stated that if the Planning Board's decision designated the judgment on the beacon installation to the Township Committee then the Township Committee makes the final decision on the requirement. Attorney George stated that it is known what the Township Committee's decision would be in that regard because they have already stated that if a beacon is required by federal law that it must be part of the conditions. Mr. Casale stated that the lease needs to be amended or modified either way. Attorney George stated that an addendum needs to be added.

Mr. Casale inquired on the status of the generator. He stated to Attorney George that when he started discussing the generator he only mentioned the engineer upgrading the electric. Mr. Casale stated that this does not take care of the issue of a power outage. There is a need for the generator. Attorney George stated that the electrical authority from Verizon came to the Township to do the measurements to determine the electrical specifications for the generator hookup. Attorney George stated that when the engineer was here he spoke to Warren Gabriel regarding the generator and indicated that the specifications were being changed. The electrical engineer stated that Verizon's proposals, as far as he knew, was that Verizon was going to install the generator and that the maintenance agreement was that they were going to be taking care of it. The electrical engineer stated that he was looking at hookups because the Township would be able to use it for emergency purposes only. However, the engineer's discussion with Warren does not bind Verizon and they have now taken the position that they were going to go with the conditions as written. The conditions do not mention any of the requests that have been made or required and discussed by the Township Committee and the Planning Board. Attorney George stated that Verizon has not returned calls perhaps because they were waiting for Planning Board approval at last night's meeting. Attorney George stated that they did try to draft a generic requirement which addresses most of the questions that are left open as they were represented verbally but never in writing.

Mr. Piazza stated that in the lease it is stated what the breakdown is for the purchase of the generator. Language relative to the maintenance of the generator and the long term is never mentioned. There are no provisions at all with the exception of the purchase. Mr. Piazza stated that this all needs to be added to the lease.

Mr. Casale stated that on one page of the lease it makes mention that Verizon is going to share a generator and pay the pro-rata costs, however, on the very next page it states that Verizon must supply a generator for their exclusive use. Mr. Casale questioned that since this language is still listed in the lease, does the Township not have leverage in enforcing such. Mr. Casale asked Attorney George to please look into the matter.

Mr. Casale asked Attorney George, that relative to the Swackhammer Cemetery/Church, is there any point in time which the property is considered abandoned? Attorney George stated that there are two separate legal questions, one this that it could be considered abandoned if there is a Declaration of Abandonment. The second is that the question of abandonment is different that the question of exercising eminent domain to say that we are going to take it. Then the question would be if the

LTCM

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Township is going to assume the maintenance and upkeep of the property, which they have not been willing to do in the past.

Mr. Casale asked about the deductible for legal fees relative to the Squad litigation as noted during approval of the voucher list. Attorney George stated that Township's insurance policy will not cover damages relative to the lawsuit, however, it will cover legal costs with a cap of \$10,000.00. There is no coverage if there should be a judgment.

Mr. Casale stated that this past year Mr. Weeks had been a victim of emotion, propaganda and items in the media and that he was very happy when Mr. Weeks finally responded back in a letter to the editor and defended the allegations against him. Mr. Casale stated that as a resident he applauds Mr. Week's leadership and service to the community.

Ms. Nancy Darois inquired on the status of the Township Garage. Attorney George stated that the footing permits and the demolition permits were sitting on the Construction Code Officials desk waiting to be picked up by the builder.

Ms. Darois said to Mayor Weeks that she would like to see him at meetings and hopes that he will stay involved.

Mr. Ron Milkowski asked if it is possible for the Fire Chief to move forward with seeking bids for the purchase of the ambulance and if the bond ordinance does not pass, can the Fire Chief move forward with the lease/purchase. Attorney George stated that if the bond ordinance does not pass, the lease/purchase can proceed in January. There will be no time lost.

Mr. Milkowski asked what the \$7,000.00, J & D bill was for, which was approved on the bill list.

Mr. Milkowski asked if the Township is still providing heating oil for the Squad building? Mr. Milkowski stated that maybe the matter should be reconsidered at this time. Ms. Schriver stated that there are many problems with the building including the electric.

Mr. Milkowski applauded Mr. Piazza for bringing up the Municipal Court's 2% salary increase request. Mr. Milkowski stated that it has to begin somewhere in bringing things down.

Mr. John Locker inquired what the \$3000.00 bill for bond counsel was for which was approved with the bill list. Ms. Schriver stated that it was the cost for the defeated bond ordinance.

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

Ms. Schriver thanked Mayor Weeks for the 28 years of service to the Township. Ms. Schriver stated that she and Mayor Weeks came on the Committee at the same time. It has been an up and down time but he has served the Township well and that she would like to see him attend meetings from time to time.

Mr. Piazza seconded Ms. Schriver's sentiments.

**EXECUTIVE SESSION**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 92-2010 and convened in executive session at 8:25 p.m.*

**TOWNSHIP OF LEBANON  
RESOLUTION NO. 92-2010**

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:

Contract and Personnel Matters – Interview of Township Attorney

It is not anticipated that action will be taken.

*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 9:08 p.m.*

Attorney George stated that during the executive session the Township Committee interviewed for the 2011 Township Attorney position. Mr. Ron Milkowski was present for the interview as he will be a Township Committee member during the 2011 year. Attorney George stated that he was not present during the session due to it was for his position.

**ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 9:09 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: January 19, 2011

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George Piazza, Mayor