

**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 Piazza asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Patricia Schriver George Piazza  
Francis Morrison Ron Milkowski

Absent Brian Wunder

Also Present - Attorney Richard Cushing and Deputy Clerk Kim Jacobus and 30 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of March 16, 2011. Ayes: Morrison, Schriver, Milkowski Abstain: Piazza*

**PUBLIC COMMENTS – Agenda Items Only**

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

Anthony Casale asked about the resolution for the purchase of the ambulance. Mayor Piazza explained that this is a purchase of an ambulance for the township regardless of what happens in court with the other ambulances.

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

**ORDINANCES**

**Public Hearing**

Mayor Piazza read the title of the ordinance and asked Attorney Cushing to give an explanation.

Attorney Cushing explained that this is an ordinance to allow the Township to participate in the purchase of a track of land in the township. The Township is going to pay 50% of the soft cost of the acquisition. However the Township's 67% share in the interest, which is \$113,062.00, is going to be paid out of funds from Green Acres. Other than the soft cost for the purchase, this will not actually cost the Township taxpayer's money; it's simply taking advantage of Green Acre Funds that are available to the Township. It's necessary however, in order to comply with Green Acres requirements, that we actually adopt an ordinance and then take title to the property and then re-convey it.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee opened the Public Hearing.*

Mr. Warren Newman, Chair of the Open Space & Environment Commission, stated that he wanted to provide clarification with his associate Julie Hajdusek, from the New Jersey Water Supply Authority, one of the partners in the purchase of the property. Julie stated that the Township won't be paying 50% of the soft costs; the Township will pay for it and then be reimbursed by Green Acres monies. The other 50% of the soft costs will be paid by the other purchasing partners; there is no cost to the Township. There was discussion regarding the property that we are not purchasing that had been surveyed. Mr. Newman stated that Green Acres will be paying for that 50%.

Mayor Piazza explained that we receive Green Acres monies and if we don't use it, we will lose it and this project came along and we are going to put the money to use by purchasing this piece of property. When it is all settled and done, there should not be any taxpayers' money paid out.

Ms. Hajdusek clarified that the attorney's fees are handled separately from the other soft costs on the project, the appraisals, the preliminary assessment, which is the environmental report, survey and title insurance will all be covered entirely. The attorneys' fees have a cap of 2% of the total price.

Again Mayor Piazza stated that he wanted everyone to know that it is not money out of a Lebanon Township taxpayer's pocket, it is Green Acres funds. He asked Julie if we received so much money each year or is it a one shot deal? Ms. Hajdusek explained that Green Acres releases funds periodically in large block grants to municipalities and then each municipality can pick a project that they would like to spend the money on. These funds are from the last round of money that was released and Green Acres is currently trying to take back money from municipalities that haven't spent it yet. In the future, there could be additional funds coming out, but Green Acres policy is, that if you haven't spent this grant, you won't get any more.

Anthony Casale wanted clarification on a few things. In the ordinance it states that after the town acquires property and no longer needs to hold the undivided interest in the property, they are going to transfer our interest and he was wondering what the benefit of this is after the declaration of conservation of restriction to the Township, would the Township lose control of the property and in Paragraph 5 it talks about a reverter clause and at what point would the municipality exercise the reverter clause. Mr. Casale doesn't understand why we would be giving it up.

Attorney Cushing asked Mr. Newman to explain the terms of the structure of the deal. Ms. Hajdusek stated that the New Jersey Water Supply Authority is a purchasing partner in the project. The concept of the transfer of interest after the fact is a negotiation. If the municipality wants to retain its interest, that's fine. However, if the committee does not want the ownership interest then this allows the option for the interest to go to one of the other project partners. In all cases, whether the township keeps the interest or the interest goes to us, or our partner Hunterdon Land Trust or the South Branch Water Shed Association the property will still be protected at the same level under the conservation restriction. By the Township relinquishing its interest, it is not going to change.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Hearing.*

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2011-04 as written below*

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

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

**WHEREAS**, the Township proposes to purchase, and initially become owner of, an undivided 67 percent fee interest in a parcel of real property currently owned by Ronald K. Fisher (the "Seller") and known as Block 49, Lot 4.02, on the Township Tax Map (the "Property"), simultaneously with the purchase of the other 33 percent fee interest in said parcel by the New Jersey Water Supply Authority; and

**WHEREAS**, the consideration to the Seller for the Township's 67 percent fee interest is \$113,062.50, which will be paid out of funds allocated to the Township from the Green Acres Program of the New Jersey Department of Environmental Protection; and

**WHEREAS**, in addition to paying a portion of the purchase price, the Township will pay fifty percent (50%) of the "soft costs" of the acquisition, including survey, appraisal, title, title insurance, and Phase I environmental costs, all of which will also be paid out of funds allocated to the Township from Green Acres funding; and

**WHEREAS**, in order for the purchase of the Property to qualify for funding from the Environmental Infrastructure Trust, the fee owners of the Property must restriction the use of the Property through the grant of a Deed of Conservation Restriction to the State of New Jersey, Department of Environmental Protection; and

**WHEREAS**, the purpose of such restrictions would be to reserve the Property for open space and passive recreation uses, which are uses approved of by the Township Committee; and

**WHEREAS**, additional consideration for the purchase of the Property will be contributed by the New Jersey Water Supply Authority, Hunterdon Land Trust Alliance, and the South Branch Watershed Association or another not-for-profit entity whose mission is open space preservation; and

**WHEREAS**, no Township funds will be used to acquire the Property, other than the money allocated to the Township from the Green Acres program; and

**WHEREAS**, the Township will not be required to advance any money before it actually receives Green Acres funds; and

**WHEREAS**, once the Property is restricted by the Declaration of Conservation Restriction, the Township no longer needs to hold an undivided interest in the Property, and it is appropriate for the Township's interest, in whole or in part, to be conveyed to the Hunterdon Land Trust Alliance and/or the South Branch Watershed Association, or another not-for-profit entity whose mission is open space preservation, as authorized by N.J.S.A. 40:12-15.10 and N.J.S.A. 40A:12-21 subject to certain limitations and a reverter as required by N.J.S.A. 40A:12-21; and

**WHEREAS**, the Township, after the subsequent conveyance referenced above, may receive back an interest or additional interest in the Property in the Township's sole discretion.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Lebanon, in the County of Hunterdon, and State of New Jersey, as follows:

1. The Township is hereby authorized to acquire an undivided 67 percent fee interest in the Property, along with the New Jersey Water Supply Authority, which will own the other 33 percent undivided fee interest, for a consideration of \$113,062.50 to be paid by the Township with Green Acres funds allocated to the Township and paid to it in advance of closing.

2. The Township is authorized to pay fifty percent (50%) of the "soft costs" of the acquisition, including survey, appraisal, title, title insurance, and Phase I environmental costs, to be paid by the Township with Green Acres funds allocated to the Township and paid to it in This advance of closing.

3. Township hereby authorizes the granting of a Declaration of Conservation Restriction affecting the Property to State of New Jersey, Department of Environmental Protection, substantially in the form reviewed by the Township Committee with such alterations or additions as are approved by the Mayor and Township Attorney.

4. It is further hereby determined that, with the restrictions in said Declaration of Conservation Restriction in place, the Property is not needed for municipal purposes and the conveyance of all or part of the Township's undivided interest in said lands to the Hunterdon Land Trust Alliance and/or the South Branch Watershed Association or another not-for-profit entity whose mission is open space preservation, for a nominal consideration, is appropriate; but subject to limitations, which shall be more fully set forth in the deed of conveyance, that the lands so conveyed shall be used only for the purposes of the said non-profit entities and not in contravention of the restrictions contained in said Declaration of Conservation Restriction, and not for commercial business, trade or manufacture, and that if said lands are not used in accordance with said limitation, title to an undivided 67 percent interest therein shall revert to the Township without any entry or reentry made thereon on behalf of the Township as required by N.J.S.A. 40A:12-21.

5. In furtherance of the foregoing, the Mayor, Clerk, and Chief Financial Officer, are hereby authorized to take any and all actions and execute any and all documents necessary to (a)

acquire the Property, including but not limited to a purchase agreement, an agreement for assignment of interest, and a management agreement; (b) grant and convey said Declaration of Conservation Restriction; (c) with said Declaration so granted, to convey the Township's undivided 67 percent interest in the Property, in whole or in part, to the Hunterdon Land Trust Alliance and/or the South Branch Watershed Association, or another not-for-profit entity whose mission is open space preservation for a nominal consideration but subject to the limitations and reverter described above; and (d) to receive back an interest in the Property, the decision to receive back an interest in the Property being in the sole discretion of the Township.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon the publication of notice of final passage of this ordinance, following final adoption, as provided by law.

### **Public Hearing**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee opened the Public Hearing.*

Pat Bruder, 173 Raritan River Road, stated that she is concerned about the habitat being taken away from the Canada Geese. After the meeting two weeks ago, she stopped feeding the Canada Geese because she felt that it was unfair to take away the property rights of 1,000's of people because of something that she alone was responsible for and she decided to stop feeding the geese.

Catherine Koch, 186 Raritan River Road, thanked the Committee for writing this ordinance. The day Ms. Bruder stopped feeding the geese, they dispersed. Ms. Koch lives on the river and has 2 geese, a nesting pair, living on her property and it is fine. That's what is supposed to happen.

Nancy Lawler, 14 Symonds Lane, stated that Mr. William Kibbler from the South Branch Watershed Association, wanted to pass on his appreciation for the ordinance because of the complaints that he has received regarding the water quality issues in the area.

Nancy Darois, Butler Park Road, stated that if you're going to pass the ordinance, have every person who feeds the ducks and geese get a ticket.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Hearing.*

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2011-06 as written below*

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

**AN ORDINANCE PROHIBITING THE FEEDING OF WILD WATER FOWL**

**WHEREAS**, Canada geese are migratory game birds enjoyed by many people and protected under federal and state law; and

**WHEREAS**, without proper management of their numbers, Canada geese and other wild water fowl can pose serious problems including accumulations of feces on lawns and walkways at homes, schools, hospitals, corporate campuses and public parks which compromise the overall quality of life and have the potential to pose serious health treats due to the presence of disease-causing organisms; overgrazing of lawns and recreational fields; goose aggression and human injury during nesting season; and agricultural damage including crop depredation to sweet and field corn, soybeans, winter wheat, rye, clover, sod, vegetables, and other crops; and

**WHEREAS**, geese and other wild water fowl that are fed by people are difficult or impossible to harass away, will accumulate in great numbers, have a higher incidence of disease transmission including duck viral enteritis and botulism, and may suffer from deformities and poor health because of nutritional deficiencies; and

**WHEREAS**, according to the United States Department of Agriculture Wildlife Services, stopping people from feeding wild geese is the most important first step in resolving wild goose damage; and

**WHEREAS**, the United States Department of Agriculture Wildlife Services recommends municipal ordinances that prohibit feeding of wild geese as a necessary first step in reducing goose damage; and

**WHEREAS**, the Township Committee has received complaints about wild goose damage within the Township and wishes to follow the recommendations of the United States Department of Agriculture Wildlife Services for addressing the problem; and

**WHEREAS**, feeding of Canada Geese and other wild water fowl is harmful to those animals.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Lebanon, in the County of Hunterdon, and State of New Jersey, as follows:

The following provisions shall be added to the code of the Township of Lebanon:

#### Prohibiting the Feeding of Wild Water Fowl

##### Purpose.

It is well established that feeding Canada geese and wild water fowl increases their numbers and leads to serious problems including accumulations of feces on lawns and walkways at homes, schools, hospitals, corporate campuses and public parks which compromise the overall quality of life and have the potential to pose serious health threats due to the presence of disease-causing organisms; overgrazing of lawns and recreational fields; goose aggression and human injury during nesting season; and agricultural damage including crop depredation to sweet and field corn, soybeans, winter wheat, rye, clover, sod, vegetables, and other crops. The purpose of this ordinance is to help manage the number of Canada geese and wild water fowl in the Township and reduce the problems associated with large flocks of Canada geese and wild water fowl by prohibiting their feeding.

##### Feeding of Canada geese and wild water fowl prohibited.

No person shall feed, cause to be fed, or provide food for Canada geese and other wild water fowl in the Township of Lebanon on lands either publicly or privately owned.

Exceptions.

This section shall not apply to the feeding of farm animals.

Enforcement.

Health Department personnel, Animal Control Officers, and all Police Officers of the Township of Lebanon are hereby given full power and authority to enforce this ordinance.

Penalties.

Any person violating any provision of this ordinance shall be liable to a fine not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed for each day during which a violation occurs or continues.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon the publication of notice of final passage of this ordinance, following final adoption, as provided by law.

**RESOLUTIONS**

**Resolution No. 37-2011-Purchase of Ambulance**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee adopted Resolution No. 37-2011 as written below. Ayes: Morrison, Schriver, Piazza Abstain: Milkowski*

**RESOLUTION 37-2011  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION AWARDING A BID TO BAY HEAD INVESTMENT INC.  
AND AUTHORIZING THE PURCHASE OF AN AMBULANCE  
FOR THE LEBANON TOWNSHIP VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, the Township of Lebanon has previously advertised for bids for the purchase of an Ambulance under the Local Public Contracts Law for the Lebanon Township Volunteer Fire Department; and,

**WHEREAS**, bids were received and opened pursuant to the Local Public Contracts Law on February 23, 2011; and,

**WHEREAS**, the bid of Bay Head Investment Inc. was the lowest qualified bid at \$174,822.00 and within the bid specifications as to price; and

**WHEREAS**, the Fire Chief has confirmed with the Lebanon Township CFO that funds are available through the 2010 Capital Budget for the purchase of the Ambulance.

**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 Ambulance pursuant to the bid of Bay Head Investment Inc. in accordance with the

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specifications thereof be awarded to Bay Head Investment Inc. and in the amount of \$174,822.00; and, be it

**FURTHER RESOLVED**, that the Mayor and Township Clerk are authorized to enter into and execute a contract for the purchase of an Ambulance from Bay Head Investment Inc. in the amount of \$174,822.00.

**Resolution No. 38-2011-Purchaser of Mower**

*Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 38-2011 as written below.*

**RESOLUTION 38-2011  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING THE PURCHASE OF A  
CASE/IH F85U SERIES TRACTOR THROUGH STATE CONTRACT  
AND AWARDING A BID TO STORR TRACTOR COMPANY  
AND AUTHORIZING THE  
PURCHASE OF AN INTERSTATE MOWER ATTACHMENT  
FOR THE LEBANON TOWNSHIP DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the need for a new tractor and mower attachment for the Lebanon Township Department of Public Works has been determined; and,

**WHEREAS**, a Case/IH F85U Series Tractor is available for purchase through the Middlesex County Coop, at a cost of \$39,658.40; and,

**WHEREAS**, the Township of Lebanon has previously advertised for bids for the purchase of an Interstate Mower Attachment under the Local Public Contracts Law for the Lebanon Township Department of Public Works; and,

**WHEREAS**, bids were received and opened pursuant to the Local Public Contracts Law on February 23, 2011; and,

**WHEREAS**, the bid of Storr Tractor Company was the lowest qualified bid at \$27,991.00 and within the bid specifications as to price; and,

**WHEREAS**, the DPW Manager has confirmed with the Lebanon Township CFO that funds are available through the 2010 Capital Budget for the purchase of the Case/IH F85U Series Tractor and the Interstate Mower Attachment.

**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 an Interstate Mower Attachment pursuant to the bid of Storr Tractor Company in accordance with the specifications thereof be awarded to Storr Tractor Company and in the amount of \$27,991.00; and, be it

**FURTHER RESOLVED**, that the Mayor and Township Clerk are authorized to enter into and execute a contract for the purchase of an Interstate Mower Attachment from Storr Tractor Company and in the amount of \$27,991.00; and, be it

**FURTHER RESOLVED**, that the DPW Manager is authorized to purchase a Case/IH F85U Series Tractor through the Middlesex County Coop, at a cost of \$39,658.40.

## **OLD BUSINESS**

### **Appointment- Alternate Perc Witness**

It was brought to the Mayor's attention that Howard Symonds, our current perc witness, should have an alternate witness when he is unavailable.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee appointed Jess Symonds to the position of Alternate Perc Witness.*

### **Appointment- Liaison to Hunterdon County Division of Senior, Disabilities & Veterans Services**

The Township has a position open for Liaison to Hunterdon County Division of Senior, Disabilities & Veterans Services. Municipal Clerk Karen Sandorse received an e-mail from Jeanne Cassano expressing her interest in the position. Ms. Cassano is currently the director of the Hunterdon Help-Line.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee appointed Jeanne Cassano to the position of Liaison to Hunterdon County Division of Senior, Disabilities & Veterans Services.*

## **OPEN SPACE RESOLUTION**

Ron Milkowski stated that some time ago we received a resolution from West Amwell regarding Open Space money that we pay to the County. Up until this year, we use to get 15% back and now they cut us down to 10%. West Amwell put together a resolution, sent it to the County, objecting to it. They want them to reinstate the 15%. The Committee members agreed and requested that a resolution be placed on the next agenda.

## **NEW BUSINESS**

### **Appoint a Township Historian -TABLED**

### **Request for Township Attorney to Prepare RFP for Third Party Energy – Warren Gabriel**

Warren Gabriel stated we now have the opportunity to seek a different supplier for electricity. We can get a cheaper rate through other companies and that is why we are requesting RFP's. Mr. Gabriel has met with one company that does not cost anything to get in to or out of. They figured we could save up to \$3,000.00. Attorney Cushing stated that the DCA does require us to put it out for bid when the cost is over \$17,000.00. Attorney Cushing requested that Mr. Gabriel look for someone who has an existing contract.

## **FOOD PANTRY**

Ms. Schriver and Mr. Gabriel met with the people from the food pantry. They are concerned about their livelihood at the squad building. They were assured that they would be able to use the building. They are paying approximately \$300.00 a month for the electric bill; they are putting money out to stay there because they have nowhere else to go. The Food Pantry gets food from NORWESCAP, who brings in a monthly allotment and they get food from Shop Rite and Grow-a-Row. The schools also have giving programs. Ms. Schriver stated that it is defiantly a benefit to the Township.

## **KEY COMMUNICATORS MEETING**

Mayor Piazza attended the Key Communicators Committee meeting and Judy Burd, Lebanon Township School Superintendent, went over the school's budget that was approved by the state and now it will be voted on April 27. The budget amount went down \$ 250, 000.00 from last year's budget because of an increase of \$136,000.00 from State Aid. The school did a tax impact and stated that for a house worth \$300,000.00, there will be a savings of roughly \$53.00 if the budget passes.

## **SWAK CHURCH**

Mayor Piazza stated that he had gone over the Historian's minutes. The Historians discussed wanting to fence in the Swak Church property and look for some kind of temporary insurance so they could do work on the property. Mayor Piazza questioned if we owned the property. Ms. Schriver talked to Rev. Ettlemyer, pastor of the Spruce Run Lutheran Church, and the church it not sure who owns the property. The church is concerned about the property especially trying to clean up the cemetery part because of the stones. Ms. Schriver thought the only way we could do work on it was if we got a grant. Attorney Bernstein had starting looking into the ownership in case we wanted to condemn it or take over and he could not find who owns it. Mayor Piazza questioned if we could put up fences on the property that we don't own and we don't know who owns it.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the April 6, 2011 bill list in the amount of \$195,742.44.*

## **CORRESPONDENCE**

Township Historians March 3, 2011 Minutes

## **PUBLIC COMMENTS**

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

Anthony Casale stated that he was in shock over the Swak property. This has been going on for years. Mr. Casale asked where we are at with the cell tower and the beacon. Mayor Piazza asked Mr. Gabriel to address the issue. Mr. Gabriel received a call last Thursday from Attorney George asking him to find out if we have a designated heliport or not. As of today Mr. Gabriel has not found that out. Mayor Piazza asked if a medic helicopter had to come, do they have to have permission or can they land any place. Mr. Gabriel stated that they land any place. This is why we asked for the light on the cell tower, we do land them in the park a lot. We only asked for this to be emergency lighting, should it be needed for a helicopter landing, they would be able to turn it on, if it were on a timer 20 minutes and then it goes off. They are telling him the height restriction is 200' is what is requiring the light; 150' does not require it. Mr. Casale did not feel that was true. According to FCC or FAA books, it is not the tower height; it is the vicinity to the heliport. Mr. Casale thought the State Police had it registered as a heliport, even though there is no H there. Mr. Gabriel is looking to find something that says that this is a designated heliport.

The last item was about the power outage on Monday, and it reminded him about the generator; can we do anything about installing a generator, it has been 2 years that we have been holding back. Ms. Schriver stated that she didn't know why we would hold back because we said we were doing our own thing. Mr. Casale stated that they wanted the commitment the attorney put in the lease that we are going to "up" size the capacity of the generator to accommodate the cell tower and if we are going to spend the extra money they are not kicking in the money. Mr. Gabriel stated that they can not put a generator on our property. What they were going to do is combine the two and put in one appropriate to be able to handle the cell tower and the building. When it all started, they were going to put it in; they were going to do everything, now it got kicked back to us. Mr. Gabriel has the drawings that they sent him and he passed them on to the engineer who was looking for approvals and the last sentence is that the Township is going to put this in and they were jointly to use it. Mr. Casale stated that they had said they were going to pay a percentage of the initial purchase. The problem in the lease is that they did not agree to do the maintenance or the fuel.

Mayor Piazza stated that he will speak to our former attorney to see where we stand with the tower and the church.

Nancy Darois, of Butler Park Road, questioned if we had heard anything about what's going to finish up with this first aid business? Mayor Piazza stated the last response we got from Attorney Bernstein was, the Judge assigned a trustee and the trustee has an attorney representing him, he did all that he was suppose to do and our attorney did what he was suppose to do and now its in the hands of the judge and the trustee and that attorney. They are going to determine where it's at. Now it should be coming to a head very shortly. Ms. Darois questioned if the bank is still looking for their money? She also stated that the Swak Church has been at least 4 years that they have tried to find out who owns it so they can do something and we still did not know who owns it. It is good to see that they are working on the township garage.

*Motion by Ms. Schriver, seconded by Mr. Milkowski 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. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2011 and convened in executive session at 8:28 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 39-2011**

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:

Contract & Collective Bargaining Negotiations

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:40 p.m.*

The Committee had a discussion regarding Police Contract Negotiations and the Township Garage.

## **ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver seconded by Mr. Morrison and carried by unanimous favorable roll call vote to adjourn the meeting at 9:41 p.m.

Respectfully submitted,

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Kimberly S. Jacobus  
Deputy Municipal Clerk

Approved: May 4, 2011

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George Piazza, Mayor