

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 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 Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of July 20, 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 July 20, 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.

Mr. Casale stated that there was a Solar expert at the Planning Board meeting last night and asked Mr. Milkowski if the Planning Board is going to make amendment to the Alternative Energy Ordinance before the introduction. Mr. Milkowski stated that there would be no changes.

Mr. E.J. Skidmore stated that he read the proposed Alternative Energy Ordinance and he feels that it takes away a freedom from everyone in the Township. Mr. Skidmore does not agree with the adoption and questions why the Township Committee would pass it as it does not appear that anyone is forcing the Township to move forward on it. Mr. Skidmore asked the Committee to reconsider.

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.

ORDINANCES –

Public Hearing

Ordinance 2011-07

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-07 was opened.

There were no comments from the public.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-07 was closed.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2011-07 as written below. AYES: Morrison, Schriver, Piazza, Wunder ABSTAIN: Milkowski

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE 2011-07

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION, TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS AND TO AMEND BOND ORDINANCE NO. 2007-10 ADOPTED ON JUNE 20, 2007.

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

Section 1. The Township of Lebanon, in the County of Hunterdon, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire a new automotive vehicle, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNT

A. Undertaking the Road Resurfacing Program at various locations in the Township, as set forth on a list on file or to be placed on file with the Township Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

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| Appropriation and Estimated Cost | \$200,000 |
| Down Payment Appropriated | \$ 9,530 |
| Bonds and Notes Authorized | \$190,470 |
| Period of Usefulness | 10 years |

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a dump truck for the use of the Department of Public Works ("DPW") - Streets and Roads.

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| Appropriation and Estimated Cost | \$150,000 |
| Down Payment Appropriated | \$ 7,700 |
| Bonds and Notes Authorized | \$142,300 |
| Period of Usefulness | 5 years |

C. Supplemental funding for the construction of a new DPW Garage. It is hereby determined and stated that the Township has heretofore appropriated the sum of \$2,000,000 for such improvement pursuant to Ordinance No. 2009-07 adopted on October 7, 2009.

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| Appropriation and Estimated Cost | \$100,000 |
| Down Payment Appropriated | \$ 4,770 |
| Bonds and Notes Authorized | \$ 95,230 |
| Period of Usefulness | 30 years |

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| Aggregate Appropriation and Estimated Cost | \$450,000 |
| Aggregate Down Payment Appropriated | \$ 22,000 |
| Aggregate Amount of Bonds and Notes Authorized | \$428,000 |

Section 5. The cost of such purposes, as hereinbefore stated, does not include any amount to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$22,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$22,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$428,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$428,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance

of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 12.78 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$428,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Hunterdon, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. Section 4.D of Bond Ordinance No. 2007-10 adopted by the Township Committee of the Township on June 20, 2007 is hereby amended to add the acquisition of ambulance equipment to the purposes authorized, and shall hereafter read as follows:

"[Section 4.]D. (i) Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an all-terrain vehicle for the use of the Fire Department and (ii) acquisition of new additional or replacement equipment and machinery consisting of ambulance equipment.

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| Appropriation and Estimated Cost | \$ 35,000 |
| Down Payment Appropriated | \$ 2,175 |
| Bonds and Notes Authorized | \$ 32,825 |
| Period of Usefulness | 5 years." |

Section 14. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1, 4 and 13 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 15. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 16. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 17. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduction

Ordinance No. 2011-08 – Accessory Uses and Structures – Alternative Energy

Motion by Ms. Schriver, seconded by Mr. Milkowski, and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2011-08 on first reading. AYES: Morrison, Schriver, Piazza, Milkowski NAYS: Wunder (As entitled below).

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON

STATE OF NEW JERSEY
ORDINANCE NO. 2011-08
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED "ZONING", SPECIFICALLY
SECTION 400-10, TITLED "ACCESSORY USES AND STRUCTURES"

Public Hearing will be held on September 7, 2011.

Introduction

Ordinance No. 2011-09 – Ratifying the Open Space Trust Fund

Motion by Ms. Schriver, seconded by Mr. Wunder, and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2011-09 on first reading.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2011-09
AN ORDINANCE RATIFYING THE OPEN SPACE TRUST FUND

Public Hearing will be held on September 7, 2011

RESOLUTIONS

Resolution No. 61-2011– Chapter 159 – Mt. Airy Road – 2010 Flood Event

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 61-2011 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 61-2011

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Lebanon has received \$220,300.00 from State of New Jersey, FEMA, and wishes to amend its 2011 Budget to include a portion of this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Lebanon, Hunterdon County, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$220,300.00 from:

Miscellaneous revenues

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local
Government Services:

State and Federal Revenues Off-Set with
Appropriations:

FEMA – 2010 Flood Event – Mt. Airy Road

Pursuant to provisions of Statute, and

BE IT FURTHER RESOLVED that a like sum of \$220,300.00 be and the same is hereby
appropriated under the caption of:

General Appropriations

(a) Operations Excluded from Caps

State and Federal Programs Off-Set by
Revenues:

FEMA – 2010 Flood Event – Mt. Airy Road

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this
resolution to the Director of Local Government Services.

Resolution No. 62-2011- 2011 Binding Referendum – Open Space Tax

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call
vote, the Township Committee approved Resolution No. 62-2011 as written below.*

RESOLUTION NO. 62-2011

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS, starting in 2001 the Township established an open space tax levy which
currently is \$0.02 per \$100.000 of assessed value; and

WHEREAS, voter authorization for the open space tax limited the purposes for use of money
raised through the tax to acquisition of farmland for farmland preservation, acquisition of lands for
recreation and conservation , and the payment of debt service on the indebtedness incurred by the
Township in acquiring open space properties; and

WHEREAS, *N.J.S.A. 40:12-15.7(d)* authorizes the Township to submit to the voters a
proposition adding or removing purposes for which money raised through the open space tax levy
can be spent; and

WHEREAS, *N.J.S.A. 40:12-15.7(a)* provides that, if authorized by the voters, money raised
through the open space tax levy can be used for development and maintenance of lands acquired for
recreation and conservation purposes and historic preservation of historic properties or the
acquisition of historic properties in addition to the purposes already authorized by Township voters;
and

WHEREAS, the Township Committee does not anticipate the need to acquire additional
open space property; and

WHEREAS, the Township Committee believes that the Township's existing investment in
open space property will be preserved and enhanced through the use of open space funds for
maintenance of already acquired open space property.

NOW, THEREFORE, BE IT RESOLVED by the township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township Committee hereby directs the Hunterdon County Clerk to place the following Question and Interpretive Statement on the November 2011 General Election ballot as a binding referendum:

“SHALL THE TOWNSHIP OF LEBANON BE AUTHORIZED TO USE MONEY RAISED THROUGH THE OPEN SPACE TAX LEVY FOR THE MAINTENANCE OF LANDS ACQUIRED FOR RECREATION AND CONSERVATION PURPOSES IN ADDITION TO PURPOSES PREVIOUSLY AUTHORIZED.

YES _____
NO _____

Interpretive Statement:

The proposed additional use for money raised through the open space tax levy will permit that money to be used for maintenance of lands already owned by the Township in addition to the following previously authorized uses: acquisition of farmland for farmland preservation, acquisition of lands for recreation and conservation, and the payment of debt service on the indebtedness incurred by the Township in acquiring open space properties. The Township’s existing investment in open space properties will be preserved and enhanced by using open space funds to maintain those properties.

OLD BUSINESS

There was no Old Business discussed.

NEW BUSINESS

NJ Dept. of Agriculture – Request to Conduct Gypsy Moth Egg Mass Surveys

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the NJ Dept. of Agriculture request to Conduct Gypsy Moth Egg Mass Surveys in Lebanon Township.

Approve Raffle Application – Voorhees Viking Victory Club-50/50 - 5 Football Games

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle Application for the Voorhees Viking Victory Club-50/50 which entails 5 Football Games.

Approve Raffle Applications – St. John Neumann Church - October 14, 2011

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Raffle Applications for St. John Neumann Church – Basket Raffle and 50/50 Raffle for an event to be held on 11/14/2011.

DPW Supervisor – Request to Purchase a Shed for the Museum

The DPW Supervisor, Warren Gabriel sent correspondence to the Township Committee requesting permission to purchase a shed for the Museum. The existing shed was damaged during the winter, when a tree fell on it. Due to the sheds age and condition it would not be cost effective to repair. Mr. Gabriel spoke with Mr. Tom Groendyke about filing a claim through the Insurance Company, however, with age of the shed and the cost of the deductible, it was not worthwhile.

Joan Lucas, the Curator at the Museum, informed Mr. Gabriel that there is a large quantity of supplies stored in the shed for the Museum's different events. The replacement shed would be 12' X 20', which is similar in size of the one that is presently being used. Mr. Gabriel received three quotes with the lowest being from Fox Run Storage Sheds, in the amount of \$3200.00, including delivery.

Mr. Gabriel spoke with the Treasurer and there are funds available in the 2011 Buildings and Grounds Budget to cover the cost.

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Mr. Gabriel's request to purchase a shed for the Museum from Fox Run Storage Sheds at a cost of \$3200.00.

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 August 3, 2011 bill list in the amount of \$952,087.38.

CORRESPONDENCE

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 asked Attorney Cushing if there is any prohibition in the Township charging fees for solar fields. Attorney Cushing stated that he does not believe that there is any state law that permits the Township to do such.

Mr. E.J. Skidmore asked the Mayor if there is any progress on appointments for Alternate positions on the Planning Board. Mayor Piazza stated that he spoke to the Committee and the Planning Board and they do not feel that it is necessary so he will not be making the appointments. Mayor Piazza

stated that the Planning Board is an advisory Board and he will take their advice that they do not need additional members at this time. Mr. Skidmore suggested merging the Planning Board and the Board of Adjustment into one board.

Mr. Anthony Casale also commented on the need for Alternates to be appointed to the Planning Board. He noted that at last night's Planning Board meeting there were three members absent and that is a perfect example as to why the Alternates are needed. Mr. Casale stated that the Township Ordinance provides for Alternates and they should be appointed. Mr. Casale asked the Mayor to reconsider.

Mr. Casale asked Attorney Cushing if he had obtained a copy of the Co-locator Agreement for the Cell Tower project. Attorney Cushing stated that he had not. Mr. Casale will provide Attorney Cushing with one.

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.63-2011 and convened in executive session at 7:56 p.m. It is not anticipated that action will be taken at the close of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 63-2011

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:

Collective Bargaining
Contract Negotiations
Potential Litigation

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 9:25p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed the Rescue Squad Bankruptcy and were updated on negotiations with the Trustee; new bids and working out the surrounding problems from the old contractor and the DPW Garage project were also discussed. The Committee met with the Insurance Agent, Tom Groendyke relative to potential litigation from a party who alleges that they are going to sue the Township. PBA Collective Bargaining Negotiations were also discussed.

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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 9:26 p.m.

Respectfully submitted

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: August 3, 2011

George Piazza, Mayor