

**CALL TO ORDER**

Mayor 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 and for a Moment of Silence.

**ROLL CALL**

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

Absent

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 6 members of the public.

**PRESENTATION OF MINUTES**

December 7, 2011 meeting minutes were tabled to the January 18, 2012 meeting.

**PUBLIC COMMENTS – for agenda items only.**

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

There were no comments from the Public.

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

**RESOLUTIONS**

**Resolution No. 85-2011 – Refund for Overpayment of Taxes**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 85-2011 as written below.*

**RESOLUTION NO. 85-2011  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
REFUND FOR OVERPAYMENT  
OF TAXES**

WHEREAS there exists an overpayment of 2011 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
35/5	1,685.93
40/2	2,615.13
51/14.11	1,882.65

**Resolution No. 86-2011 – 2011 Tax Surplus**

*Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 86-2011 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 86-2011  
2011 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 2011, 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:
5/2	.50
8/3	.01
12/3 Q0015	.41
14/1	.50
16/7	.04
16/68	.10
17/17	.01
23/8	.05
24/82	.10
29/10	.08

35/70	.04
37/35	.02
37/39	.67
38/2 Q0096	.26
38/5 Q0096	.08
38/43	.01
44/24.06	.01
48/6	.02
50/4.03	.01
59/34.01	.98
60/30.01	.10
61/40.02	.01
66/17.04 Q0206	.02
66/17.05	.01
69/47	.01
69/48	.20
73/10	.07

TOTAL: \$4.32

**Resolution No. 87-2011- 2011 Delinquent Taxes to be Canceled**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 87-2011 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 87-2011  
2011 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 2011, 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:
3/5.02 Q0214	.41
10/52	.01
10/54	.03
21/32.10	.45
24/8.02	.22
27/7	.01
28/3	.01

29/6.02	.20
29/33.01	.74
35/31.11	.69
36/28.02	.16
37/23.12	.01
37.02/6	.39
38/14	.94
38/17	.01
38/98	.37
41/16.11	.02
47/1	.04
50/15.03	.27
57/26 Q0125	.02
60/47	.18
65/20	.05
65/20.03 Q0029	.70
69/50	.01

TOTAL: \$5.94

**Resolution No. 88-2011 – Transfers**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 88-2011 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 88-2011  
TRANSFERS**

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2011 Budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be an excess in one or more appropriations; and

WHEREAS, certain charges to be incurred that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills may be paid from the 2011 budget year:

<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Finance Salary & Wage	\$ 5,600.00	
Assessment of Taxes O/E	\$ 7,000.00	
Recycling Salary & Wage	\$ 950.00	

Board of Health O/E	\$ 1,000.00	
Recreation O/E	\$ 374.00	
Elections O/E	\$ 1,000.00	
Planning Board O/E	\$ 2,000.00	
Board of Adjustment O/E	\$ 2,000.00	
Buildings & Grounds O/E	\$ 1,727.00	
Snow Removal O/E	\$ 8,000.00	
Municipal Clerk Salary & Wage		\$ 2,700.00
Tax Collector Salary & Wage		\$ 5,200.00
Assessment of Taxes Salary & Wage		\$ 2,626.00
Aid to Library		\$ 2,900.00
Recycling Program O/E		\$ 225.00
Police Salary and Wages		\$ 12,000.00
Social Security System		\$ 4,000.00
<b>TOTAL</b>	<b>\$ 29,651.00</b>	<b>\$ 29,651.00</b>

**Resolution No. 89-2011 – Reserve County Open Space Trust Funds**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 89-2011 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 89-2011  
REQUEST TO RESERVE OPEN SPACE TRUST FUNDS**

WHEREAS, ten percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Township of Lebanon does not have immediate plans to use its portion of the Open Space Trust Funds, however, will be researching options relative to improvements to the Township Museum property; and

WHEREAS, the Township of Lebanon wishes to reserve its FY 2010 share of the Fund for future projects.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$31,269.38, of the Hunterdon County Open Space Trust Fund collected in 2010 for use in future years.

LTCM

12/21/2011

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BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

## **OLD BUSINESS**

### **Cell Tower**

Attorney Cushing stated that Mr. Casale had questioned if the language of the Co-locator Agreement made sense. Attorney Cushing stated that after looking at the Agreement he agrees that it has some issues. Usually the wireless company finds other companies to be added to the tower. They usually cut a deal. The Township usually would receive 50% of the revenue. The Township has to be sure that there are no side deals that would work to the disadvantage of the cell tower owner. Attorney Cushing stated that they are not quite sure of how to proceed at this time and will have to deal with it once there is a co-locator for the tower. Attorney Cushing's office has redone the lease agreement with Cellco which was sent to them today. The Agreement has been simplified and informed Cellco that the Township wants an answer by December 31, 2011. Attorney Cushing stated that the original agreement states that Cellco has to peruse a building permit in good faith, if they do not it triggers the rent obligation. Attorney Cushing's office will explore with the Construction Code Department if any permits have been issued. They will then ask Cellco where they are with the matter and if anything is holding them up from obtaining a building permit and what has been holding up getting a building permit after all this time. Attorney Cushing stated that if Cellco does not have a good reason for not obtaining the building permits, he would recommend that rent should begin now.

### **Polt Property**

Mr. Milkowski stated that he informed the Planning Board that Mr. Polt has offered to sell his property on Dewey Lane to the Township for \$1.00. The Planning Board asked if the Committee would please come before them to advise as to what their intention is with the property.

## **NEW BUSINESS**

### **Authorize Payment of Gebhardt and Kiefer Invoices – Fisher Closing**

Held to January 18, 2012 meeting.

## **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 December 21, 2011 bill list in the amount \$154,780.45.*

## **CORRESPONDENCE**

### **Police Office Manager Kathy Goracy - Memo**

The new police vehicle will be a 2012 Chevy Tahoe not a 2011 as originally thought. The cost for the vehicle remains the same as approved.

## **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 thanked the Committee for all of their efforts in the 2011 year and wished all a Merry Christmas.

Ms. Nancy Darois inquired on the status of the Rescue Squad matter. Mr. Cushing stated that the Bankruptcy Trustee authorized the abandonment of the property. The next process is to see if the Squad will sign over the building to the Township. Mr. Wunder stated that the Squad is working on a response to the Township's letter requesting a meeting.

Ms. Darois stated that in the past, the Township Committee received reports from the Police Department at meetings and questioned why that has not continued.

Ms. Darois thanked the DPW for clearing the ice on Teetertown Road and thanked the Committee for all of their efforts in 2011.

Mr. Tom McKee thanked the Township Committee for their hard work and thanked Mr. Piazza for the time he served the Township.

Mayor Piazza thanked everyone who supported him for the last nine years and stated that he may come back because he truly enjoyed the work he did for the Township.

Ms. Schriver thanked Mayor Piazza for his contributions during his years of service to the Township.

*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. 90-2011 and convened in executive session at 7:28 p.m. It is not anticipated that action will be taken at the close of the meeting.*

**RESOLUTION NO. 90-2011**

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:

Litigation  
Contract – DPW Garage  
Collective Bargaining  
Board of Health

The Township Committee reconvened the Regular Committee meeting at 8:33 p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed the DPW Garage project having to do with Litigation involving claims against the Township by lien claimants and other issues in connection with such. The Township Committee also discussed the offer made by Dewey Polt with respect to acquiring the Polt property. The First Aid Squad matter was discussed, the status of the abandonment and the status of the response by the Squad. The Hyland Litigation and PBA Collective Bargaining negotiations were also discussed.

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 8:36 p.m.

Respectfully submitted

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: January 18, 2012

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Brian Wunder, Mayor