

**Lebanon Township Committee  
June 17, 2009**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Patricia Schriver 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 Schriver asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Patricia Schriver Jay Weeks  
George Piazza Ed Post Francis Morrison

Absent-

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 7 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of June 3, 2009.*

*Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of June 3, 2009.*

**ORDINANCE**

**Introduction**

**Ordinance 2009-04 – Flood Damage Prevention**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-04 on first reading. (As entitled below).*

**ORDINANCE NO. 2009-04  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE TO  
REVISE, AMEND AND SUPPLEMENT**

**THE CODE OF THE TOWNSHIP OF LEBANON  
CHAPTER 220, ENTITLED "FLOOD DAMAGE PREVENTION", SPECIFICALLY  
ARTICLE I, ENTITLED "FLOOD DAMAGE PREVENTION REGULATIONS"**

Public Hearing to be held on July 15, 2009

**RESOLUTIONS**

**Resolution No. 57-2009 – Extension of Tax Payment Grace Period**

*Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 57-2009. (as written below)*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 57-2009  
EXTENSION OF TAX PAYMENT GRACE PERIOD**

WHEREAS because there may be a delay in the receipt of the certified tax rate for Lebanon Township and,

WHEREAS it may become necessary to extend the grace period from August 10<sup>th</sup> because the tax bills could not be mailed timely, and,

WHEREAS there exists a statutory 25 day time period after mailing from which interest may be charged,

THEREFORE BE IT RESOLVED, that there will be no interest incurred for 3<sup>rd</sup> quarter 2009 taxes to at least 25 days after mailing of the Tax Bills, and,

BE IT FURTHER RESOLVED that after the mandatory 25 days, if the 3<sup>rd</sup> quarter taxes remain unpaid, interest will accrue from the August 1, 2009 due date.

**Resolution No. 58-2009 – Authorizing Acceptance of Cell Tower Bid**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 58-2009. (as written below)*

**RESOLUTION NO. 58-2009  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY  
RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE  
BID OF CELLCO PARTNERSHIP, D/B/VERIZON WIRELESS  
FOR LEASE OF TOWNSHIP PROPERTY FOR CELLULAR  
TELEPHONE FACILITIES AS LESSEE AND AUTHORIZING  
NEGOTIATION FOR COLOCATION WITH NEXTEL OF NEW YORK, INC.**

WHEREAS, the Township of Lebanon (“Township”) previously authorized the advertising of specifications for bids to lease certain Township property in the Township of

Lebanon and County of Hunterdon for the purpose of location and possible co-location of cellular telephone facilities, including, but not limited to, tower and ground maintenance structures; and,

WHEREAS, the Township caused advertisement of the said specifications in designated legal publications according to the Local Public Contracts Law; and,

WHEREAS, two (2) bids responding to the said specifications were made, one (1) of which was made by Cellco Partnership, d/b/a Verizon Wireless; and, one (1) by Nextel of New York, Inc.; and,

WHEREAS, the said bids have been reviewed and evaluated as to conformance to the said specifications; and,

WHEREAS, the said bid of Cellco Partnership, d/b/a Verizon Wireless, has been determined to be the highest bid for cellular tower placement and without material exceptions; and,

WHEREAS, Nextel of New York, Inc., has notified the Mayor and the Township Clerk of the Township of Lebanon that it requests negotiation as a Co-Locator in the event its bid was rejected as Lessee;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the bid of Cellco Partnership, d/b/a Verizon Wireless, Inc., be and hereby is accepted on behalf of the Township of Lebanon, and a lease is hereby granted according to the specifications, subject to entering into a contract for the same; and,

BE IT FURTHER RESOLVED by the Township Committee that Nextel of New York, Inc. shall be a Co-locator on the tower to be constructed by Cellco Partnership d/b/a Verizon Wireless, Inc.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Lebanon that are hereby authorized to execute any and all documents incident to the awarding of said lease, including any and all contracts and any addenda thereto.

**Resolution No. 59-2009- Renewal of Plenary Retail Consumption License**

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 59-2009. (as written below)*

**RESOLUTION NO. 59-2009  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSES**

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2008-2009 year:

1019-33-001-002      A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ

## **OLD BUSINESS**

### **Township DPW Garage Project – Highlands Applicability Determination Application**

Mayor Schriver stated that in order to proceed with the Township Garage Project, the Township Committee must apply to the Highlands Council for an Applicability Determination and Water Quality Management Plan.

*Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Highlands Applicability Determination Application and authorized the Mayor to sign.*

Mayor Schriver thanked the Township Garage Project sub-committee for all of the time they spent on the garage plans. At the last sub-committee meeting, the group voted unanimously to approve the final plans, which are less than half of the original plans. It appears that all of the Committee members realized that the building needs to be replaced in accordance with OSHA and DEP regulations. The biggest concern is for the safety of the Township employees.

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Engineer and the Project Architect to proceed with the finalization of the site plan and the construction documents.*

## **NEW BUSINESS**

No new business.

## **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

Mr. Weeks stated that there is a voucher for \$1934.82 payable to the Treasurer, State of New Jersey (DEP), for oversight review costs at Fire Station No. 1. The Mr. Post and TRC have tried

on numerous occasions to arrange a meeting with DEP representatives to discuss the status of the site. The Committee has decided to hold the check until that meeting takes place.

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote*, the Township Committee approved the June 17, 2009 bill list in the amount of \$2,715,800.35 and authorized the Township Treasurer to hold the Treasurer, State of New Jersey (DEP) check, in the amount of \$1934.82, until a meeting with the DEP has taken place.

## **CORRESPONDENCE**

2008 Audit for the Municipal Court of North Hunterdon  
Municipal Officers Dinner – Wednesday, September 23, 2009

## **PUBLIC COMMENTS**

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

Mr. Ron Milkowski stated that at the last meeting he was made to believe, by Attorney Phil George, that background checks for volunteers were required by state law. Ron had asked Attorney George for the statute which states that. Ron stated that he received the regulation yesterday and it states that a municipality may enact an ordinance. Ron stated that this is permissive legislation and it is not required to have such an ordinance in place. Ron stated that he would like to reintroduce the ordinance which he and the Police Chief put together. Mr. Post stated that at the last meeting it was agreed that the LTVFD membership committee will be included in the executive session in the event that there was an appeal for a waiver if someone desired one. Mr. Post stated that the LTVFD requested an Ordinance to be put into place, which it has been, therefore, the Township Committee is accountable and the responsibility will remain with the Governing Body in the final decision making along with the input of the LTVFD.

The Ordinance will be on the July 15, 2009 meeting agenda for introduction.

## **EXECUTIVE SESSION**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote*, the Township Committee approved Resolution No. 60-2009 and convened in executive session at 7:40 p.m.

### **TOWNSHIP OF LEBANON RESOLUTION NO. 60-2009**

**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:

Attorney Client Privilege –  
Municipal Court  
Tanker Truck

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:30 p.m.*

Attorney Bernstein stated that all members of the Governing Body present at the commencement of the executive session were present at the recommencement of the open session as well as the Township Clerk and the Township Attorney. The Committee met under Attorney Client Privilege with members of the Fire Department relative to the ongoing discussion as to new bid specs for the purchase of a new Tanker Truck.

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the LTVFD to work with the Clerk and the Township Attorney's office for the promulgation of the bid specs for a proposed Fire Tanker.*

Attorney Bernstein stated that there was a discussion regarding the Interlocal Service Agreement between the Township of Lebanon and the seven other municipalities that make up the Municipal Court of North Hunterdon. In accordance with Section 10 of the Interlocal Agreement, any member of the Municipal Court may withdraw at the end of the calendar year provided that the court member has given the Municipal Court written notice of their intent to withdraw on or before July 1 of the year prior to withdrawal. Failure to give such notice means that the withdrawal can only occur at the end of the following calendar year. In light of discussions that have been ongoing relative to a situation with the Court, the Township Committee would like to consider exercising the option available under Section 10 of the Interlocal Service Agreement with the understanding and the language in the Resolution to be sent to the Court and other court members, that the Township reserves the right to withdraw its waiver and/or to rescind its waiver prior to the end of 2009 depending on ongoing issues with the Court and other member municipalities.

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee Township moved to consider exercising the option available under Section 10 of the Interlocal Service Agreement to withdraw from the Court system by the end of 2009 and to reserve the right to withdraw its waiver and/or to rescind its waiver prior to the end of 2009 depending on ongoing issues with the Court and other member municipalities.*

**ADJOURN**

Having no further business to come before the Committee, a motion was made by Mr. Weeks, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:32 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: July 15, 2009

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Patricia Schriver, Mayor