

**Lebanon Township Committee
July 15, 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 18 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of June 17, 2009.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of June 17, 2009.

ORDINANCE

Public Hearing & Amendment

Ordinance No. 2009- 04 – Bond Ordinance – Township Garage Project

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-04 was opened.

The public hearing was closed on a motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote.

**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”**

WHEREAS, the Township of Lebanon, County of Hunterdon, State of New Jersey is a participant in the National Flood Insurance Program; and,

WHEREAS, the State of New Jersey, Department of Environmental Protection has advised the Township of Lebanon of the need to revise its Flood Damage Prevention Ordinance in order to meet the new standards of the National Flood Insurance Program regulations, 44 C.F.R. 59, et seq.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 220, entitled “Flood Damage Prevention”, Article I, entitled “Flood Damage Prevention Regulations” of the Code of the Township of Lebanon is hereby amended, revised and supplemented as follows:

1. The following definitions contained in Section 220-5 shall be revised as follows:

“AREA OF SHALLOW FLOODING

A designated AO, AH, or VO Zone on a community’s Digital Flood Insurance Rate Map (DFIRM) with a one percent (1%) annual or greater chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

FLOOD INSURANCE STUDY (FIS)

The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis

and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

START OF CONSTRUCTION

For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348), start of construction includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL IMPROVEMENT

A. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or,
2. Any alteration of an “historic structure”, provided that the alteration will preclude the structure’s continued designation as an “historic structure”.

not

2. The definition of “Flood Insurance Rate Map (FIRM)” contained in Section 220-5 shall be deleted.

3. The following definitions shall be added to Section 220-5:

“BASE FLOOD

A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD PLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or,
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior; or,
 - 2. Directly by the Secretary of the Interior in States without approved programs.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

RECREATIONAL VEHICLE

A vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the longest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and, (4) designed primarily not for use as a

permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.”

4. Section 220-7 shall now read as follows:

“220-7 Basis for establishing areas of special flood hazard.

The areas of special flood hazard for the Township of Lebanon, Community No. 340510, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

New A. A scientific and engineering report “Flood Insurance Study, Hunterdon County, Jersey (All Jurisdictions)” dated September 25, 2009; and,

B. Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0017F, 374019C0029F, 34019C0019F, 34019C0040F, 34019C0102F, 34019C0104F, 34019C0106F, 34019C0107F, 34019C0108F, 34019C0109F, 34019C0116F, 34019C0117F, 34019C0126F, 34019C0127F, 34019C0128F and 34019C0129F, whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 530 West Hill Road, Glen Gardner, New Jersey 08826.”

5. All references in Chapter 220, Article I to the “Floodplain Administrator” shall be changed to the “Flood Plan Administrator.”

6. Section 220-13 shall now read as follows:

“220-13 Designation of the Local Administrator

The Flood Plan Administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.”

7. Section 220-15(B) shall now read as follows:

“B. Conditions for variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on lots of one-half (1/2) acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in §220-15(A)(4)(a) through (k) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude

the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

the 4. Variances shall only be issued upon a determination that the variance is minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

- exceptional
- (a) a showing of good and sufficient cause;
 - (b) a determination that failure to grant the variance would result in hardship to the applicant; and,
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in §220-15(A)(4) or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with increased risk resulting from the reduced lowest floor elevation.”

8. Section 220-16(E) shall now read as follows:

“E. Enclosure openings.

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.”

9. Section 220-17 shall now read as follows:

“**§220-17 Specific standards for flood hazard reduction.**

set of In all areas of special flood hazards where base flood elevation data have been provided as forth in §220-7, Basis for establishing areas of special flood hazard, or in §220-14(B), Use other base flood data, the following standards are required:

A. Residential construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation.

2. Within any AO Zone on the municipality’s DFIRM, all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet (2’) if no depth number is specified). Adequate drainage paths shall also be required around structures on slopes to guide floodwaters around and away from proposed structures.

B. Nonresidential construction

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and,

2. Within any AO zone on the municipality’s DFIRM, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two

feet (2') if no depth number is specified). Adequate drainage paths shall also be required around structures on slopes to guide floodwaters around and away from proposed structures; or,

- is
water;
- (a) be floodproofed so that below the base flood level the structure watertight with walls substantially impermeable to the passage of water;
 - (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in §220-14(C)(2).

C. Manufactured Homes

1. Manufactured homes shall be anchored in accordance with §220-16(A)(2).
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.”

10. Section 220-18 shall be amended to remove Paragraph C in its entirety.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.
3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Resolution No. 60A-2009 – Amend Proposed Flood Damage Prevention Ordinance

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 60A-2009. (as written below)

**RESOLUTION NO. 60A-2009
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY
RESOLUTION AMENDING THE PROPOSED
FLOOD DAMAGE PREVENTION ORDINANCE**

WHEREAS, the Township of Lebanon, County of Hunterdon, State of New Jersey has drafted a new Flood Damage Prevention Ordinance (Ordinance 2009-04) per the request of the State of New Jersey, Department of Environmental Protection; and,

WHEREAS, Panel Number 34019C0140F was erroneously omitted from the proposed new Ordinance, Chapter 220, Article I, Section 220-7B.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 220, Article I, Section 220-7B of the proposed new Flood Damage Prevention Ordinance is hereby amended to read as follows:

“220-7 Basis for establishing areas of special flood hazard.”

B. Flood Insurance Rate Map for Hunterdon County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34019C0017F, 374019C0029F, 34019C0019F, 34019C0040F, 34019C0102F, 34019C0104F, 34019C0106F, 34019C0107F, 34019C0108F, 34019C0109F, 34019C0116F, 34019C0117F, 34019C0126F, 34019C0127F, 34019C0128F, 34019C0129F and 34019C0140F, whose effective date is September 25, 2009

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 530 West Hill Road, Glen Gardner, New Jersey 08826.” and that Ordinance 2009-04 is hereby amended as per this Resolution.

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-04 as amended.

Ordinance Introductions

Ordinance No. 2009-02- Criminal History Background Check – Fire Department

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-02 on first reading. (As entitled below).

ORDINANCE NO. 2009-02
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING

CHAPTER 35 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON, ENTITLED
“FIRE DEPARTMENT” MOST NOTABLY SECTION 35-7, ENTITLED “CRIMINAL
HISTORY BACKGROUND CHECKS OF PROSPECTIVE MEMBERS” AUTHORIZE
CRIMINAL HISTORY
BACKGROUND CHECKS FOR ALL APPLICANTS TO THE
LEBANON TOWNSHIP FIRE DEPARTMENT

Public Hearing to be held on August 19, 2009

Ordinance No. 2009-05- Criminal History Background Check – First Aid Squad

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-05 on first reading. (As entitled below).

ORDINANCE NO. 2009-05
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING
ORDINANCE 2008-03 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON,
ENTITLED “CRIMINAL HISTORY BACKGROUND CHECKS FOR ALL APPLICANTS TO
THE LEBANON TOWNSHIP FIRST AID SQUAD.”

Public Hearing to be held on August 19, 2009

RESOLUTIONS

Resolution No. 61-2009 – Redemption of Sale Certificate

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 61-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 61-2009
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #200807 on October 22, 2008 to US Bank Custodian /Sass Muni V Dtr and,

WHEREAS the amount of \$32,498.02 has been collected from TD Bank for Christie's Riverside Cafe, for the property, known as Block 7, Lot 6, 2035 Route 31, Lebanon Township for the redemption of Tax Sale Certificate #200807, and

WHEREAS there had also been a Premium paid in the amount of \$28,000.00 for this Certificate #200807 by US Bank Custodian /Sass Muni V Dtr,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign checks in the amounts of \$32,498.02 and \$28,000.00 and that these checks be mailed to US Bank/Sass Muni V Dtr.

Resolution No. 62-2009 – Refund of Overpayment of Taxes

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 62-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 62-2009
REFUND OF OVERPAYMENT OF TAXES**

WHEREAS there exists an overpayment of \$7,589.12 for taxes for Block 30, lot 20.01 assessed to Catherine Coderoni and S. Szymanski due to a duplicate payment, and

WHEREAS this amount has been requested for refund by MD Sass,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign this refund check in the amount of \$7,589.12 payable to MD Sass Muni V.

Resolution No. 63-2009- Retail Distribution License

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 63-2009. (as written below)

**RESOLUTION NO. 63-2009
RESOLUTION RENEWING A PLENARY
RETAIL DISTRIBUTION LICENSE**

WHEREAS, the listed Plenary Retail Distribution License has submitted an application form that has been completed in all respects; and

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

WHEREAS, the applicant has 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 License be granted a renewal for the 2009-2010 year:

1019-33-005-002 The New Hampton Inn, Inc. t/a New Hampton Inn
23 Musconetcong River Road, Lebanon Township NJ

OLD BUSINESS

2008 Audit – Corrective Action Plan

Tabled.

Requests to Proceed with Capital Purchases

Paul Jones, DPW Supervisor has requested the release of Capital Funds for the overlay of Anthony Road for \$200,000.00, the purchase of a body for a mason dump truck for \$25,000.00, replacement of a pick-up truck for \$45,000.00 and a new vehicle lift for \$55,000.00.

CFO Greg DellaPia, stated that the following items will be included: police dept. computer server- \$5,000.00, police dept. audio-video systems - \$ 10,000.00, police dept. multi-purpose room-\$10,000.00, library building improvements-\$20,000.00 and a fire truck for \$350,000.00.

Attorney Bernstein stated that the Bond Ordinance will be introduced at the August 19, 2009 meeting, second reading will be held on September 2, 2009. The estoppel period will be sometime at the end of September or the beginning of October. Therefore, it is the recommendation of the CFO with the concurrence of the Township Attorney, that no bids are to be opened until that estoppel period has come and gone because the ordinance could be voted down or someone could contest the estoppel period. Attorney Bernstein stated that the bids can be published sometime after Labor Day.

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee authorized the CFO to work with Bond Counsel in the preparation of a Bond Ordinance to cover all items listed above.

Approve TRC Agreement for Environmental Consulting Services – Fire Station No. 1

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the TRC Agreement of Environmental Consulting Services for Fire Station No. 1 in the amount of \$1600.00.

Township Garage Project

Mayor Schriver stated that at the last Township meeting, upon the advise of the Township Garage Design Committee, the Township Committee approved the proposed garage plans as submitted.

Mr. Post stated that there was an additional question raised regarding further details on the proposed location of the wash bay. A number of vendors and other municipalities have been

contacted and the facts compiled supports the unanimous decision of the sub-committee, that an interior wash bay system would be most sensible. Mr. Post stated that Architect Keith Chambers reached out to the Sparta DPW Director and inquired on his experience with an interior wash bay and received an overwhelming endorsement for such. Mr. Post stated that there were concerns raised about the location of the wash bay but the sub-committee did reach a unanimous decision on June 4, 2009 regarding the location.

Mr. Post stated that there were also concerns raised on the maintainability of the interior wash bay, in terms of corrosion, etc. During the worksessions, it was determined that there would be a cinderblock interior, which will be epoxy coated with kynar-coated steel and all of the appropriate remediations will be carried out to address any of the corrosion issues.

Mr. Post stated there were many hours spent on the plans for this project, approximately 60 person hours in over three sessions.

Keith Chambers stated that last Wednesday six borings were done and everything turned out fine. The report should be completed by the end of this week. Keith also stated that they have a good start on the bid documents and hopefully they will be completed by the end of August. The site plan is in the hands of the DEP for review.

Dennis Duryea, a member of the sub-committee submitted a letter to the Township Committee stating that he and one other member, Ron Milkowski, feel that the representation provided by Mr. Post, that the sub-committee unanimously agreed to a final building plan, is improper. Mr. Duryea stated that there was a vote on June 4, 2009 and the sub-committee unanimously agreed upon a one building design not a two building design. Mr. Duryea stated that the vote was contingent on the architect getting back to them with additional information.

Discussion was held on Mr. Duryea's comments.

Keith Chambers and sub-committee members present confirmed discussions that took place during the worksessions, which Mr. Duryea felt were not addressed.

Mr. Post stated that the DPW Assistant Supervisor sent a letter to the Township Committee reminding them of the commitment that they made and reminded them that the Garage Design Committee is an advisory committee not a Governing Body. The DPW Assistant Supervisor also reminded the Committee that the Garage Design Committee had reached an agreement on June 4, 2009 and that the new proposed version of the site plan materially changes the approved plan, most notably moving the wash bay outdoors. The DPW understood that an agreement was already made and more importantly they disagree with the latest proposed site plan. The DPW respectfully asked that the Township Committee insist that the Municipal Garage Design Committee honor their commitment in agreement that the site plan was developed over the course of three working sessions, multiple email exchanges and agreed to at meeting of the 4th.

Mr. Post stated that the letter from the DPW was submitted to the Township Committee and he was reminded that he is one member and that he does not have the authority to reconvene the

sub-committee. The Township Committee then voted to proceed with the plans voted for on June 4, 2009.

NEW BUSINESS

Approve LTVFD Social Affair Permit for A Day in the Park – September 19, 2009

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for A Day in the Park to be held on September 19, 2009.

Fire Chief's Request to Acquire the 2004 Police Durango 19-12

Fire Chief Jay Harkins stated that at this time the Fire Dept. has Service Unit 19-81 which is a 1997 Ford Explorer. The Explorer is in desperate need of repair. There are engine problems with it right now. It is used for an alternate command unit, fundraising, grave markers and other menial tasks. Jay stated that he understands that the Police Dept. is retiring a 2004 Durango and the Fire Dept. would like to swap the two vehicles.

Mayor Schriver stated that she would like to have the DPW mechanic inspect the Durango to be sure that it is road worthy.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the transfer of the Police 2004 Durango to the Fire Dept. conditioned upon the approval of the DPW mechanic.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the July 15, 2009 bill list in the amount of \$219,400.50.

CORRESPONDENCE

Tax Collector's Report for the Month of June 2009
Minutes of the Lebanon Township Historians June 4, 2009 meeting

PUBLIC COMMENTS

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

Ron Milkowski stated that relative to the Criminal History Backgrounds Checks for the Fire Department and Rescue Squad, if there is a person who wishes to serve on both Departments, does he need two background checks? There would only be one required for both.

Ron Milkowski stated that in regard to the earlier comments on the Public Works garage, it is not that he and Dennis Duryea are objecting to the building, but they worked hard to drop the cost of the project from 4 million to 2 million but they feel that more can be done. Not so much in cutting the cost but in having a better building built for the money being spent. Their biggest concerns are mold and salt that is being sprayed around. Ron feels that one more meeting would have addressed all of their concerns.

John Slusher, from the Hunterdon Review, inquired on the status of the Pelio acquisition. Mr. Post stated that it looks as though the NJSADC is in discussions with Mr. Pelio.

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

EXECUTIVE SESSION

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 64-2009 and convened in executive session at 7:50 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 64-2009

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:

Personnel – DPW Supervisor
Township Engineer

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 8:16p.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. There was discussion relative to the early retirement of the DPW Supervisor and the Committee has authorized the Township Attorney to

take further action relative to a change in retiree health benefit eligibility to be addressed by the Committee at a future meeting.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:19 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: August 19, 2009

Patricia Schriver, Mayor