

CALL TO ORDER

Mayor Jay Weeks 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 Weeks asked everyone to stand for the flag salute.

ROLL CALL

Present - Jay Weeks Patricia Schriver George Piazza
Francis Morrison Brian Wunder

Absent

Also Present - Attorney Phil George and Clerk Karen Sandorse and 6 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of July 7, 2010.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of July 7, 2010.

EXECUTIVE SESSION

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 60-2010 and convened in executive session.

**TOWNSHIP OF LEBANON
RESOLUTION NO. 60-2010**

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:

Interviewing of Potential Employee
Possible Litigation or Negotiation – COAH

Action may be taken.

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting.

Attorney George stated that during the executive session the Township Committee interviewed a candidate for the positions of Accounts Payable Clerk and Recycling Coordinator. Also discussed during the session was potential litigation against a landlord relative to a Rehabilitation Program Certification tenant which may result in litigation in the near future due to emergency service which were provided.

Appointment of Accounts Payable Clerk

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee appointed JoAnn Fascenelli as Accounts Payable Clerk and Recycling Coordinator.

PUBLIC COMMENTS – Agenda Items Only

Motion by Mr. Piazza, seconded by Ms. Schriver 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. 61-2010 – Amending Capital Budget

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 61-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION NO. 61-2010**

WHEREAS, the Township of Lebanon desires to constitute the 2010 Capital Budget of said municipality by inserting therein Various Capital Projects:

Road Resurfacing, Fueling Station, Tractor, Mower, Backhoe, Ambulance

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon as follows:

Section 1. The 2010 Capital Budget of the Township of Lebanon is hereby constituted by the adoption of a schedule to read as follows:

**PROJECT NO. 2
 CAPITAL BUDGET OF THE
 TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,
 NEW JERSEY
 Projects Scheduled for 2010
 Method of Financing**

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>BUDGET APPROP.</u>	<u>CAPITAL IMPROVEMENT FUND</u>	<u>CAPITAL SURPLUS</u>	<u>GENERAL BONDS</u>
Multi-Purpose As Stated Above	\$840,000.00		\$42,000.00	NONE	\$798,000.00

Section 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project to be included in the 2010 Permanent Capital Budget as adopted.

Resolution No. 62-2010 – Municipal Alliance 2011 Application

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 62-2010. (as written below)

**STATE OF NEW JERSEY
 COUNTY OF HUNTERDON
 TOWNSHIP OF LEBANON
 RESOLUTION NO. 62-2010**

WHEREAS, the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township of Lebanon Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the township of Lebanon Committee supports the application of funding from Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Lebanon, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby support the submission of an application for the Voorhees Municipal Alliance Grant for calendar year 2011 in the amount of \$20,300.00
2. As Lead Municipality for the Voorhees Cluster, the Township Committee acknowledges the terms and conditions for administering the Municipal alliance grant, including the reporting of programs within its cluster area.

Ordinance 2010-10 - Public Hearing

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-10 was opened.

Mr. Anthony Casale inquired on what changes were made in amending the ordinance.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee closed the public comments portion of the meeting.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable call vote, the Township Committee adopted Ordinance No. 2010-10 as written below.

**ORDINANCE NO. 2010-10
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 400, ENTITLED “ZONING”, SPECIFICALLY
SECTION 400-4, TITLED “DEFINITIONS” AND SECTION 400-11, TITLED
“CONDITIONAL USES”**

WHEREAS, the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey has reviewed the Township Code and believes that some amendments to the Zoning Ordinance are necessary; and,

WHEREAS, the Township Committee believes such amendments are necessary to update, supplement, clarify and/or explain certain provisions in the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 400, titled “Zoning” of the Code of the Township of Lebanon is hereby amended, revised and supplemented as to the following sections:

Section 1. Subsection 400-4 is hereby amended to delete the definitions of Light Commercial Vehicle and Light Vehicle to be replaced by the following new language.

LIGHT COMMERCIAL VEHICLE – A currently registered and operational motor vehicle bearing commercial license plates and having a gross vehicle rating (GVWR) of 26,000 pounds or less.

LIGHT VEHICLE – Pedal-operated vehicles, motorcycles, mopeds, cars, pickup trucks, sports utility vehicles, and vans having a gross vehicle weight rating (GVWR) of 12,000 pounds or less.

Section 2. Subsection 400-11 B(6) is hereby amended to delete the existing paragraph and include the following new language.

(6) Home occupations.

a) Home occupations in the following category are subject to minor site plan approval by the municipal agency having jurisdiction.

[1] The home occupation shall be conducted entirely within a principal building and/or a permitted accessory building.

[2] Not more than 20% of the gross floor area of the principal building, not including any cellar, shall be used for the home occupation, and the home occupation shall not occupy more than 2,000 square feet of all buildings, both principal and accessory.

[3] Not more than two light commercial vehicles may be kept on the premises in connection with the home occupation.

[4] Not more than two nonresidents of the premises shall be employed in connection with the home occupation.

[5] Not more than one delivery and one shipment per day of goods, chattels, materials, supplies, or items of any kind shall be made either to or from the premises in connection with the home occupation except in a vehicle owned by the resident and kept on the premises.

[6] Not more than two home occupations shall be permitted in a principal building and/or the permitted accessory building.

[7] There shall be no nuisance element detectable beyond the property line in connection with the home occupation.

[8] The amount and method of storage of any hazardous material proposed to be kept on the premises shall be indicated on the application.

[9] Only a single sign, not to exceed 20 inches by 30 inches, shall be permitted.

[10] The municipal agency having jurisdiction shall determine a reasonable off-street parking requirement consistent with proposed use and zoning ordinance.

(b) Home occupations that conform to the following standards shall not require minor site plan approval, but shall be reviewed by the Zoning Officer for compliance.

[1] The home occupations shall be conducted entirely within a principal building or a permitted accessory building.

[2] Not more than 20% of the gross floor area of the principal building, not including any cellar, shall be used for the home occupation, and the home occupation shall not occupy more than 1,000 square feet of all buildings, both principal and accessory.

[3] Not more than two light commercial vehicles may be kept on the premises in connection with the home occupation.

[4] Not more than one nonresident of the premises shall be employed in connection with the home occupation.

[5] Not more than one delivery and one shipment per day of goods, chattels, materials, supplies, or items of any kind shall be made either to or from the premises in connection with the home occupation except in a vehicle owned by the resident and kept on the premises.

[6] Not more than one home occupation shall be permitted in a principal building or the permitted accessory building.

[7] There shall be no nuisance element detectable beyond the property line in connection with the home occupation.

[8] The amount and method of storage of any hazardous material proposed to be kept on the premises shall be indicated on the application, and approval(s) of the method of storage and disposal shall be provided to the Zoning Officer.

[9] Only a single sign, not to exceed 20 inches by 30 inches, shall be permitted.

[10] The Zoning Officer, in consultation with the Township Engineer shall determine a reasonable off-street parking requirement.

[11] Home occupations in this category are exempt from Planning Board review, and may be authorized by the Zoning Officer. The Zoning Officer shall report to the Planning Board, at its first meeting of the month, all authorizations for this category of home occupations granted or denied during the previous month together with a copy of the checklist for each application.

(c) Exempt home occupations.

[1] Exempt home occupations are a permitted accessory use in all residential zones, provided they do not require or involve the following:

[a] Use of any building other than the principal residence.

[b] Use of more than 20% of the gross floor area of the principal building, not including any cellar.

[c] More than one light commercial vehicle.

[d] Nonresident employees.

[e] Customer or client visitation at the home.

[f] More than one delivery of goods, materials, or supplies per day.

[g] More than one shipment through an outside carrier per week.

[h] There shall be no nuisance element detectable beyond the property line in connection with the home occupation.

[i] Outside storage of materials, equipment, or products produced.

[2] Exempt home occupations are exempt from Planning Board review, and may be authorized by the Zoning Officer upon filing of a checklist for exempt home occupations. The Zoning Officer shall report to the Planning Board, at its first meeting of the month, all

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authorizations for exempt home occupations granted or denied during the previous month together with a copy of the checklist for each application.

(c) The checklist referred to under home occupations, exempt, shall be in affidavit form and duly notarized as follows:

Editor's Note: The Checklist for Exempt Home Occupations is included at the end of this chapter.

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.

Ordinance 2010-11- Public Hearing

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-11 was opened.

Mr. Anthony Casale inquired on what changes were made in amending the ordinance.

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee closed the public comments portion of the meeting.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable call vote, the Township Committee adopted Ordinance No. 2010-11 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2010-11**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
AND MORE SPECIFICALLY CHAPTER 45(LAND USE PROCEDURES)**

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

Section 1. Section 20 of Chapter 45, (Ordinance 45-20), entitled "Time Limits for Further Action", is hereby amended to read as follows:

A. If the variance is granted or the issuance of a permit is finally approved or other action by the appellant or applicant is authorized, the necessary permit shall be secured and the

authorized action of construction begun within eighteen (18) months after the date when the variance is finally granted or the issuance of the permit is finally approved or the other action by the appellant or applicant is authorized, and the structure, building or alteration (as the case may be) shall be completed within two (2) years of the date of adoption of the resolution of approval. For good cause, the Board of Adjustment may, upon application in writing stating the reasons therefore, extend either the six month period or the two year periods. The written application for the extension shall be filed with the Board Secretary prior to the expiration of the eighteen month or two year period, as applicable.

B. Should the appellant or applicant fail to obtain the necessary permit or permits within such eighteen month period, or having obtained the same, should he fail to commence work thereunder within such eighteen (18) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn and abandoned his appeal or his application and all permissions, permits and variances granted shall be deemed automatically rescinded by the Board of Adjustment.

C. Should the appellant or applicant commence construction or alteration within said eighteen month period, but should fail to complete such construction or alteration within said two year period, the Board of Adjustment may, upon 10 days' notice in writing, rescind or revoke the granted variance, or the issuance of the permit or permits,

Or other action authorized to the appellant or applicant, if the Board of Adjustment finds that no good cause appears for the failure to complete the construction or alteration within such two year period, and if the Board of Adjustment further finds that conditions have altered or changed in the time period since the granting of the variance, appeal, permit or action, that revocation or rescission of the action is justified.

Section 2. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

Ordinance No. 2010-12- Introduction

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance No. 2010-12. (As entitled below).

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2010-12

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND 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 \$840,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Public Hearing to be held on September 1, 2010

Mr. John Locker – County Route 513

Mr. John Locker of County Route 513 was in attendance to address the Township Committee with concerns he has with the speed limit on County Route 513. Mr. Locker stated that there have been three motor vehicle related deaths on Route 513 in recent months. He feels that if the speed limit is lowered it will help to avoid such incidents.

The Township Committee stated that Route 513 is a county road and any changes in the speed limits must be made by the County Freeholders. The Township Police Chief had a speed study conducted and determined that the present speed limit is adequate based on road conditions etc. Ms. Schriver stated that the problem is not the speed limit but the drivers. Mr. Piazza suggested that Mr. Locker obtain the police records to provide to the Freeholders for their consideration.

Approve Notice To Proceed with Township Garage Project – Authorize Mayor to Sign

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Notice to Proceed with the Township Garage Project and authorized the Mayor and Clerk to sign.

NEW BUSINESS

Hunterdon County Soil Conservation District – Application/Soil Erosion and Sediment Control

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the Hunterdon County Soil Conservation District Application/Soil Erosion and Sediment Control for the Township Garage Project and authorized the Mayor to sign.

Applied Earth Solutions Inc. – Request to Access Bunnvale Library Property

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Applied Earth Solutions Inc. request to access the Bunnvale Library property to conduct soil/well testing due to contamination on an adjacent property.

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

Motion by Ms. Schriver, seconded by Mr. Piazza 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 Applications – St. John Neumann Church – 11/06/2010 & 12/05/2010

Motion by Mr. Morrison, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved St. John Neumann Church – 11/06/2010 & 12/05/2010

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Approve Raffle Applications – 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 Raffle Applications for the Voorhees Viking Victory Club-50/50 which entails 5 Football Games.

**Approve Raffle Applications – Lebanon Township Memorial Park –
2 Applications for 09/18/10**

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved 2 Raffle Applications for the Lebanon Township Memorial Park Committee for the A Day in the Park event to be held on September 18, 2010.

Approve Social Affair Permit – A Day in the Park

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for the A Day in the Park event to be held on September 18, 2010.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the August 4, 2010 bill list in the amount of \$2,062,032.78.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of July 2010
- b. Lebanon Township School District – Invitation to Tour Schools - August 31, 2010
- c. Council on Affordable Housing - Petition for Substantive Certification – Missing Items
- d. SS. Peter & Paul R. C. Church – 4 Day Walking Pilgrimage
- e. Statewide Loss Control Visit Summary

PUBLIC COMMENTS

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

Mr. Ron Milkowski inquired on the Library taxes being paid to the County annually and said that if the Township is also paying toward the Bunnvale Library maybe the Township is duplicating payments for a service for the residents.

Mr. Anthony Casale asked about Planner Mike Bolan's payment listed on the voucher list. Greg stated that the charge is relative to the grant, however, the Township has to pay first then we are reimbursed by the Highlands.

Mr. Casale stated that he had brought up a few months ago, that he had some concerns with the cell tower lease which was executed by the Mayor. The specific issues were with non conformance with the lease. Such as paragraphs on one page did no correlate with paragraphs on another page. There was an issue with a provision of a generator which was not listed in the bid specifications. The only thing that was in the lease was a proportional share of the money coming from the lead bidder but there was nothing listed about maintenance of the generator for 25 years or the fuel costs. There was also a question on the Waiver of Subjugation which Mr. Casale is not sure if they can clarify. There was also a question as to Exhibit A which is an illustration of the proposed cell tower on the site as it did not correlate with the descriptions in the lease, such as the screening on the site. The OEM Coordinator had asked for an tower beacon to be installed on the back of the tower for the landing of emergency helicopters. Mr. Casale asked what the status is.

Attorney George stated that the latest draft did include changes as suggested throughout the document. With regard to the screening, Attorney George stated that the illustration is to be removed from the document. The tower beacon is governed by law and the FAA and there were specifications for it's installation. Discussion has been opened relative to the generator and the concerns stated by Mr. Casale. Mr. Casale stated that the Township is ready to purchase a generator, so in his opinion he feels that the cell tower company should purchase their own.

Mr. Casale stated that he does not believe that the correlation in the dates from the lead bidder, the five year terms has ever been changed. For any other user signing on at a later date, their contract will expire on the expiration date of the lead bidder. The footings issue has not been removed from all pages. Attorney George stated that the lease and co locator contracts were revised to require all footings to be removed.

Warren Gabriel stated that the cell tower is not holding up the generator purchase. He was waiting on the State Contract coming out.

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.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 8:17 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 15, 2010

Jay D. Weeks, Mayor