

**Lebanon Township Committee  
September 16, 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 Francis Morrison

Absent- Ed Post

Also Present - Attorney Eric Bernstein and Deputy Clerk Kimberly Jacobus and 7 members of the public.

**PRESENTATION OF MINUTES**

Minutes were tabled to the next meeting.

**ORDINANCE**

**Public Hearing**

This public hearing was a continuation from the September 2, 2009 meeting.

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-06 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2009-06**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW FIRE TRUCK AND NEW AUTOMOTIVE VEHICLES, 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 \$695,000 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.**

**Introduction**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-08 on first reading. (As entitled below).*

**ORDINANCE NO. 2009-08  
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"**

The public hearing is to be held on November 4, 2009

**RESOLUTIONS**

## **Resolution No. 74-2009 – Designating a Bond Anticipation Note**

Attorney George stated that this is a bond that qualifies the bond anticipation notes to be issued as qualified under the Internal Revenue Code as tax exempt. There is a resolution that is required before it can go to the underwriters before it can be marketed as a qualified bond. This is a standard part of the bonding package.

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 74-2009. (as attached)*

## **RESOLUTION 75-2009**

Mayor Schriver stated that this is a resolution that was re-written as the county had been included originally, putting in money toward the Pelio project.

Mr. Weeks stated that it was going to cost a lot more than the \$350,000.00 for the property and asked who is going to pick up the balance? Mayor Schriver stated that the Open Space Land Trust Fund was. Mr. Weeks feels that there is not enough money to pay for it and who is going to come up with the balance. Attorney George stated that the municipality is matching 50/50 with the Open Space Trust Fund, the total grant application is \$700,000.00. Attorney George stated the he believed it was 50/50 and that we have to make application. Mr. Weeks said that they want more than \$700,000.00 for the property and if there is a difference, who is coming come up with the difference, us? Mayor Schriver stated that we are taking it out of the Open Space Fund. Mr. Weeks felt we didn't have that much money in the trust. Mr. Piazza questioned if this is the money we pay for the open space tax to the county, and then they spend the money to buy land any way they choose or is it the money that comes back each year to our kitty? Attorney George stated that Mr. Weeks' concern is what if the purchase price is more than the \$700,000.00, who is going to make up the difference?

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee adopted Resolution No 75-2009 (as written below). Ayes: Piazza, Schriver, Morrison Nays: Weeks.*

### **RESOLUTION NO. 75-2009 TOWNSHIP OF LEBANON COUNTY OF HUNTERDON STATE OF NEW JERSEY**

### **RESOLUTION AUTHORIZING THE SUBMISSION OF AN OPEN SPACE TRUST FUND GRANT APPLICATION**

**BY THE TOWNSHIP OF LEBANON  
AND AUTHORIZING THE MAYOR AND TOWNSHIP CLERK  
TO EXECUTE APPLICATIONS AND DOCUMENTS  
IN AID OF SAID GRANT APPLICATION**

**WHEREAS**, the Hunterdon County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Grants Program to provide Program Funds in connection with municipal acquisition of lands for recreation, conservation and general open space purposes; farmland preservation; preparation of plan elements of a municipal Master Plan, and restoration of county owned or municipal owned historic properties, buildings, structures or facilities, and the like; and,

**WHEREAS**, the Township Committee of the Township of Lebanon desires to obtain Open Space Trust Funds in the amount of \$350,000 to fund the following project(s) from the aid

Fund and Program to wit: Pelio Project: Acquisition and preservation of Block 53, Lot 12 and Block 56, Lot 15 in Lebanon Township

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

1. Ed Post, Deputy Mayor, is authorized to: (a) make an application to the County of Hunterdon for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Grants Program and (c) act as the principal contact person and liaison of the above named municipality.
2. If the County of Hunterdon determines that the application is complete and in conformance with the Hunterdon County Open Space, Farmland and Historic Preservation Trust Fund Plan and the Policies and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such adopted policies and procedures, and applicable state and local government rules, regulations and statutes thereto. And;
3. Patricia Schriver, Mayor, is hereby authorized to sign and execute any required documents and agreements with the County of Hunterdon for the approved Open Space Trust Funds.

## **OLD BUSINESS**

Mr. Piazza stated that at last Wednesday's Court meeting, the court was represented by all of the communities except for Tewksbury Township and the mayor of the Town of Clinton, Christine, was the Chairperson. She met with the Tewksbury people at their meeting and tried to convince them to stay in our court system. She doesn't know how she made out. There were 3 representatives from Borough Lebanon; the mayor was one of them and after talking, he gave the nod that they were staying. There was a representative from Hampton, he nodded his head that he thinks they're going to stay in the court system. When Mr. Piazza left last Wednesday, those are the 3 people who had not signed the resolution and were still hanging, and other than Tewksbury, the other 2 said they were going to stay in. Mayor Schriver called and asked Mr. Piazza if he had heard anything, he hadn't, and she told him that she heard that Hampton bowed out. Mr. Piazza called the court today and was told that Hampton was not going to be in the court anymore as well as Tewksbury. If these 2 communities pull out and Lebanon does also, we would have to regroup. Mr. Piazza still thinks that with the Town of Clinton, Franklin, Glen Gardner, High Bridge and ourselves, will still be able to have a court. The cost of running the court will defiantly have to be cut, if the 3 communities pull out, they will be taking 24% of the volume of the cost. At the meeting, they gave Attorney Dick Cushing the approval to write a new Interlocal Agreement. It will have all the names on it and whoever signs it is in and who doesn't, isn't. It seems that the court is not going to end; it will just have less members.

## **NEW BUSINESS**

### **Police Chief's Request to Purchase Keypad Locks (20 & Deadbolt)**

*Motion by Mr. Morrison, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Police Chief Chris Mattson's request to purchase keypad locks at the cost of \$2,200.00.*

### **Police Chief's Request to Purchase Four Automated External Defibrillators**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Police Chief Chris Mattson's request to purchase four automated external defibrillators, total cost of \$4,838.00.*

### **Police Chief's Request to Purchase Two K-55 Radar Units**

*Motion by Mr. Morrison, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Police Chief Chris Mattson's request to purchase two K-55 Radar Units, total cost of \$5,620.00.*

## **Contract Change Increase**

Mayor Schriver received a letter from Chamber Architects stating there was a problem with Jersey Central Power and Light concerning the power for the new DPW building. He thought that we would be able to have 3-phase power, but after submitting information to JCP&L, they found that the closest 3-phase power was the municipal building. In order to take it from here to the garage, it would cost \$600,000.00. A second option was to provide a step-up transformer at an additional cost of \$25,000.00 to \$30,000.00. The third option is to revise the electrical drawings for the project for bidding the electric from 3-phase to single phase.

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the request to increase Chamber's contract by \$2,000.00 to upgrade the electrical drawings.*

## **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the September 16, 2009 bill list in the amount \$171,258.39.*

## **CORRESPONDENCE**

Tax Collector's Report for the Month of August  
Statewide's Edge – Loss Control Service Visit

## **PUBLIC COMMENTS**

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

Nancy Darois, Butlers Park Road, asked where we stood with the township garage bond, did we do anything with it? Mayor Schriver stated that we were waiting for the bid packets. Attorney George stated that bonding will move forward when the planning is done, then the plans will allow us to generate the bid specs. There are 8 specific items that they want separated out in the bid pack.

Gary MacQueen, 404 Antler Road, had a question regarding the bills that were being paid for Steve Risse, Mike Bolan and John Gallina, were they being paid out of the grant? They are being paid out of the \$15,000.00 Highlands Grant.

*Motion by Mr. Piazza, seconded by Mr. Weeks 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. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 76-2009 and convened in executive session at 7:40 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 76-2009**

**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:

M. D. Sass Litigation  
Personnel – Zoning Officer

No action is anticipated to be taken.

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 7:45 p.m.*

Attorney George stated the M. D. Sass litigation was discussed and the matter has been withdrawn. The reasons for that are they are deliberative and self critical in nature and will not be revealed.

However, our opposition in the litigation has been withdrawn, foreclosure of an old tax certificate on a rehabilitation which is impacted an old rehabilitation loan and mortgage in Round One COAH obligation. The matter riced for tonight regarding the Zoning Officer was actually not listed for tonight, the rice notice was actually for the next meeting, October 7 and that matter was carried without any discussion what so ever. There are no matters coming out of executive session that require any action or vote by the committee and there were no matters which were raised during that time which were not disclosed.

**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 7:50 p.m.

Respectfully submitted,

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Kimberly S. Jacobus  
Deputy Clerk

Approved: October 7, 2009

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Patricia Schriver, Mayor