

**Lebanon Township Committee  
October 7, 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 4 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of September 2, 2009. AYES: Piazza, Post, Schriver ABSTAIN: Weeks, Morrison*

*Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of September 2, 2009. AYES: Piazza, Post, Schriver ABSTAIN: Weeks, Morrison*

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of September 16, 2009. AYES: Piazza, Schriver, Morrison, Weeks ABSTAIN: Post*

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of September 16, 2009. AYES: Piazza, Schriver, Morrison, Weeks ABSTAIN: Post*

**ORDINANCES**

**Public Hearing**

**Ordinance No. 2009-07 Bond Ordinance – DPW Garage**

*Motion by Mr. Post, seconded by Mr. Morrison carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-07 was opened.*

There were no comments from the public.

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

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-07 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2009-07**

**BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 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.**

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

Section 1. The Township of Lebanon, in the County of Hunterdon, State of New Jersey (the "Township") is hereby authorized to undertake the construction of a new Department of Public Works ("DPW") Garage at the existing DPW site on Anthony Road in, by and for the Township. Said improvement shall include all work, materials and appurtenances necessary and suitable therefore. It is hereby determined and stated that said public building to be constructed will be of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$2,000,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this

ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law, and (3) the total estimated cost of said purpose is \$2,000,000, and (4) \$100,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,900,000, and (6) the cost of such purpose, as hereinbefore stated, does not include any amount to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$100,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purpose. The sum of \$100,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$1,900,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date,

shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,900,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any private contributions, any funds received from the County of Hunterdon, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township expects to reimburse itself for such expenditures with the proceeds of such

bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

## **Introduction**

### **Ordinance No. 2009- 09**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-09 on first reading. (As entitled below).*

**ORDINANCE NO. 2009-09  
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, TITLED “ZONING”, SPECIFICALLY  
ARTICLE IV, TITLED “SITE PLAN REVIEW”**

Public hearing to be held on November 4, 2009.

## **Introduction**

### **Ordinance No. 2009- 10**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-10 on first reading. (As entitled below).*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2009-10**

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE  
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
AND MORE SPECIFICALLY CHAPTER 400(ZONING)**

Public hearing to be held on November 4, 2009.

**Introduction**

**Ordinance No. 2009- 11**

*Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-11 on first reading. (As entitled below).*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2009-11  
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE  
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
AND MORE SPECIFICALLY CHAPTER 400(ZONING)**

Public hearing to be held on November 4, 2009.

**Introduction**

**Ordinance No. 2009- 12**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2009-12 on first reading. (As entitled below).*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2009-12  
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE  
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
AND MORE SPECIFICALLY CHAPTER 400(ZONING)**

Public hearing to be held on November 4, 2009.

**RESOLUTIONS**

**Resolution No. 76-2009 – Redemption of Tax Sale Certificate – Block 57, Lot 14**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 76-2009. (as written below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 76-2009  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate # 200810 on October 22, 2008 to US Bank-Cust for Phoneix and,

WHEREAS the amount of \$35,736.76 has been collected from Courter, Kobert and Cohen, attorneys for the new owners, Gary and Joann Vander Vliet, for Block 57, Lot 14, 99 Mt Lebanon Road, Lebanon Township,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$35,736.76 payable to US Bank-Cust for Phoneix.

**Resolution No. 77-2009 – Amending Interlocal Services Agreement – Municipal Court**

Mr. Piazza stated that this resolution is showing the Township’s intent and as per the Court’s attorney, the agreement is not binding until the Township passes an ordinance at a later date.

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 77-2009. (as written below)*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 77-2009  
AUTHORIZING AMENDMENT TO INTERLOCAL SERVICES AGREEMENT FOR  
THE MUNICIPAL COURT OF NORTH HUNTERDON**

WHEREAS, the continuing members of the Municipal Court of North Hunterdon have agreed to amend the Interlocal Services Agreement for the Municipal Court of North Hunterdon effective January 1, 2010 to reflect that the Borough of Hampton and the Township of Tewksbury have left the court, to alter the method of allocating expenses and revenues among the Member Towns, and to eliminate the ability of a Member Town to withdraw;

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

The Amendment to the Interlocal Services Agreement for the Municipal Court of North Hunterdon, in the form attached hereto, is agreed to by the Township of Lebanon, and the Mayor and Clerk are hereby authorized to execute the Amendment;

AND, BE IT FURTHER RESOLVED:

That upon the execution of the Amendment to the Interlocal Services Agreement, the Township of Lebanon will amend the Ordinance creating the Municipal Court of North Hunterdon to reflect the changes made to the Interlocal Services Agreement by the Amendment.

## **OLD BUSINESS**

### **Authorize Mayor to Sign Schedule M Bridge Maintenance Easement – Township Garage**

A request was made by the Hunterdon County Planning Board for the Township to execute a Schedule M Bridge Maintenance Easement for the Township Garage project application to ensure access to the bridge on Anthony Road for repairs etc.

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor to sign the Schedule M Bridge Maintenance Easement.*

### **Authorize Mayor to Sign NJDEP Land Use Regulation Application – Cell Tower**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor to sign a NJDEP Land Use Regulation Application for the proposed Cell Tower.*

### **DPW Request to Purchase Bomford Mower**

*Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Acting Supervisor's request to purchase a Bomford Mower at a cost of \$24,000.00. Mr. Gabriel has received certification of funds from the Treasurer.*

## **NEW BUSINESS**

No new business.

## **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 October 7, 2009 bill list in the amount \$114,193.87.*

## **CORRESPONDENCE**

Central Jersey Area Local, AFI-CIO - USPS  
State of New Jersey Dept. of the Treasury Div. of Pensions and Benefits. – Cancel Chapter 48  
Township Historians Meeting Minutes for September 3, 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 asked why the municipalities are pulling out of the Court System?

Mr. Anthony Casale asked what timeframe the Township Committee is anticipating on receiving the approvals necessary for the cell tower project to move forward and who will be sharing in the development fees. This will have to be determined during the contract negotiations.

Mr. Casale asked what the status is of the insurance coverage for Fire Station No. 1 remediation.

*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. 79-2009 and convened in executive session at 7:32 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 79-2009**

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 – Tucker Drainage  
Personnel – Zoning Officer  
Personnel – OEM Coordinator  
Litigation- Tilcon New York

*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 8:44 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. There was a discussion regarding ongoing issues involving a couple of Township residents under Attorney Client Privilege. The Township Attorney will be handling one matter with the Clerk and the CFO will be handling the other issue. The Township Attorney gave the Committee an update on a recently filed lawsuit involving the Morris County Co-op. There was a discussion with the OEM Coordinator, Warren Gabriel relative to his reappointment. There was also a discussion with the Zoning Officer, the Zoning Board Chairman and the Planning Board Chairman relative to the Zoning Officers interaction with the Boards. The decision was to take no action at this time. The Township Attorney will advise the Zoning Officer accordingly.

**Resolution No. 78-2009 – Appointment of OEM Coordinator**

*Motion by Mr. Post, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 78-2009. (as written below)*

**RESOLUTION NO. 78-2009  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
A RESOLUTION OF THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
APPOINTMENT – EMERGENCY MANAGEMENT COORDINATOR**

WHEREAS, the Township of Lebanon is currently in need of an Emergency Management Coordinator; and

WHEREAS, Warren A. Gabriel is qualified for this position;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon to appoint Warren A. Gabriel to the position of Emergency Management Coordinator for a 3 year term beginning on October 18, 2009, ending October 17, 2012.

**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 8:48 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: October 21, 2009

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Patricia Schriver, Mayor