

CALL TO ORDER

Deputy Mayor Piazza 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 Piazza asked everyone to stand for the flag salute.

ROLL CALL

Present - George Piazza, Patricia Schriver, Jay Weeks, Edward Post, Frank Morrison

Absent -

Also Present - Attorney Phil George, Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved the September 17, 2008 regular meeting minutes as written.

AYES: Schriver, Post, Morrison, Weeks ABSTAIN: Piazza

Motion by Mr. Post, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved the September 17, 2008 executive session minutes.

AYES: Schriver, Post, Morrison, Weeks ABSTAIN: Piazza

ORDINANCE

Public Hearing

Ordinance No. 2008-10 - PROHIBIT PARKING ON RARITAN RIVER ROAD

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2008-10 was opened.

Hearing no comments, the public hearing was closed on a motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2008-10 as written below.

ORDINANCE NO. 2008-10
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

AN ORDINANCE AMENDING ORDINANCE § 7, PARKING,
ATTACHMENT 1, SCHEDULE I, NO PARKING, TO
PROHIBIT PARKING ON RARITAN RIVER ROAD FROM HOFFMAN'S CROSSING
ROAD SOUTH TO THE ENTRANCE OF KEN LOCKWOOD GORGE FOR A DISTANCE
OF ONE THOUGHSDAND TWO HUNDRED AND THIRTY (1,230.00) FEET.

WHEREAS, the Township Committee of the Township of Lebanon, Hunterdon County, has received and heard numerous complaints concerning the parking of vehicles along Raritan River Road in the Township of Lebanon in the area of Hoffman's Crossing Road to Ken Lockwood Gorge located adjacent to the said street; and,

WHEREAS, the said parking of vehicles contributes to and causes a danger to pedestrians, children and users of Ken Lockwood Gorge and contributes to and causes a danger to vehicular traffic in the area; and,

WHEREAS, the Township Committee of the Township of Lebanon has requested that the Township Police Department observe and investigate the said parking of vehicles along Raritan River Road south from Hoffman's Crossing Road to Ken Lockwood Gorge and make recommendations to the Township Committee; and,

WHEREAS, the Township Police Department has made its recommendation to the Township Committee that parking should be prohibited on Raritan River Road from Hoffman's Crossing Road south to the entrance of Ken Lockwood Gorge, a distance which was measured and determined to be one thousand two hundred and thirty (1,230.00) feet; and,

WHEREAS, the said Raritan River Road is designated as a public roadway of the Township of Lebanon in Hunterdon County; and,

WHEREAS, the Township Committee deems it in the best interests of the public and the residents of the Township in the vicinity of Raritan River Road from Hoffman's Crossing Road south to the entrance of Ken Lockwood Gorge to restrict parking along Raritan River Road from Hoffman's Crossing Road south to the entrance of Ken Lockwood Gorge;

NOW, THEREFORE, Chapter 7, Attachment 1, Schedule I, entitled "No Parking" of the Township Ordinances of the Township of Lebanon in Hunterdon County is hereby amended as follows.

Chapter 7

Attachment 1

SCHEDULE I

No Parking

In accordance with the provisions of § 7-3-3, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Bunnvale Road [Added 3-2-2005 by Ord. No. 2005-05	Both	From the Intersection of Bunnvale Road and Hill Road to a point 600 feet south of the intersection.
<u>Raritan River Road</u>	<u>Both</u>	<u>Raritan River Road from its intersection with Hoffman's Crossing Road south to the entrance of Ken Lockwood Gorge, a distance of one thousand two hundred and thirty (1,230.00) feet south of the intersection.</u>

Amendments indicated as follows: Deletions indicated by strike-through. Additions indicated by underscore.

As amended May 20, 2003.

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. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

RESOLUTIONS

Resolution No. 84-2008 – Fireworks Permit – St. John Neumann Church

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 84-2008 as written below.

RESOLUTION NO. 84-2008

RESOLUTION GRANTING A FIREWORKS
PERMIT TO
ST. JOHN NEUMANN CHURCH

WHEREAS, St. John Neumann Church has applied for a permit for public display of fireworks to be held on October 4, 2008 (rain date – October 5, 2008) at 9:00 p.m.; and

WHEREAS, the Lebanon Township Fire Code Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that a fireworks permit be granted to St. John Neumann Church for the activity described in its application.

BE IT FURTHER RESOLVED, that the Township Fire Official file copies of this Resolution and any other pertinent documents with the appropriate New Jersey agency.

Resolution No. 85-2008 – Retail Consumption License – Ono rosa Inc.

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 85-2008 as written below.

RESOLUTION NO. 85-2008
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSE

WHEREAS, the listed Plenary Retail Consumption Licensee 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 Licenses be granted a renewal for the 2008-2009 year:

1019-33-002-005 ONO ROSA INC, 282 Route 513, Glen Gardner (Lebanon Township), NJ
08826

**Resolution No. 86-2008 – Initiate the Effectuation of a Tax Assignment/
Authorize Deputy Mayor to Execute**

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 86-2008 as written below.

RESOLUTION NO. 86-008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON

STATE OF NEW JERSEY

WHEREAS an assignment of a Lebanon Township held Tax Sale Certificate #200702 has been requested, and,

WHEREAS this assignment is acceptable to the Township Committee,

THEREFORE BE IT RESOLVED that Mayor George Piazza be named as the Township Official to execute this assignment, and

BE IT FURTHERMORE RESOLVED, that the necessary notification and advertisement be initiated to effectuate this assignment.

Resolution No. 87-2008 – Refund of Homestead Rebates

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 87-2008 as written below.

RESOLUTION NO. 87-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS there has been a duplication of tax payments because of the direct payment of Homestead rebates to the Township, and,

WHEREAS the following property owners have requested that these amounts be refunded to them,

THEREFORE BE IT RESOLVED that the following amounts be returned to the property owners:

35/54	Ken & Kenya Kaszyk	607.52
17/1.01	George Parsons	1000.00
23/1	Gordon Worthington	412.36

Resolution No. 88-2008 - Chapter 159 – Highlands Water Protection Grant \$20,000.00

Motion by Mr. Post, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 88-2008 as written below.

RESOLUTION NO. 88-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Lebanon has received \$20,000.00 grant from the State of New Jersey, Highlands Water Protection & Planning Council and wishes to amend its 2008 Budget to include a portion of this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Committee of the Township of Lebanon, Hunterdon County, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$20,000.00 from:

Miscellaneous revenues

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local
Government Services:

State and Federal Revenues Off-Set with
Appropriations:

Highlands Water Protection – Initial Assessment
Pursuant to provisions of Statute, and

BE IT FURTHER RESOLVED that a like sum of \$20,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from Caps
State and Federal Programs Off-Set by
Revenues:

Highlands Water Protection – Initial Assessment

Resolution No. 89-2008 – Appropriate Capital Improvement Fund –Township Garage

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved Resolution No. 89-2008 as written below. AYES: Schriver, Piazza, Post, Morrison NAYS: Weeks

RESOLUTION NO. 89-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS, pursuant to N.J.A.C. 5:30-2.3(c) the sum of \$30,000 is appropriated from the Capital Improvement Fund for preliminary costs, including but not limited to architect fees for the construction of a new municipal garage.

BE IT RESOLVED, that the Township Committee, of the Township of Lebanon approves \$30,000 from the Capital Improvement Fund for the preliminary costs for the construction of a new municipal garage.

The Clerk will speak to the Township Treasurer to inquire on any previous Engineering costs relative to the Township Garage project and to find out if the costs can be incorporated into Resolution No. 89-2008.

OLD BUSINESS

Approve Police Chief's Agreement –Authorize Mayor and Clerk to Sign

Held to Executive Session.

Request of Fire Chief Jay Harkins for Acceptance of a 1971 Jeep Forest Fire Service Vehicle - Approve Agreement and Hold Harmless/Authorize Mayor and Clerk to Execute

Jay Harkins, Fire Chief Present.

Jay stated that he received a letter from the Township Attorney stating some concerns with accepting the vehicle. Jay stated that the vehicle is a 1971 and they do understand that it has to be updated to 2008 commercial and rescue vehicle standards. He believes that it is but will have a survey done by the Forestry Service as per the Township's requirements. The vehicle has to be lighted and stripped. Jay will obtain a list of deficiencies and will post them. Jay said that the main issue was getting the vehicle since it is in such good shape. It will serve the Township's need and it is free. They have a holdharmless clause from Howell Township. The way the clause was written, and he signed off on, is that they donated the skid unit which goes on the back of the vehicle. It has a tank and a pump with foam capabilities. Howell gave it to the Township and it is in perfect condition. Howell is a fire district with a \$1,000,000.00 budget so they decided to buy a new truck. The 1971 vehicle had to be turned back into the Forestry Service. Mr. Post stated that the Township needs certification from Howell Township stating that there are no claims against the unit up to this date. Jay stated that he would request a letter from the Howell Township Fire District stating such.

Jay stated that he has no means of moving the vehicle for inspections etc. The vehicle needs insurance and plates so he can have it evaluated or have work done to it. The insurance company will be provided with a copy of this letter, the agreement and the holdharmless for their input on the insurance coverage.

Jay stated that relative to item number 1 in the attorney's letter, regarding responding to all requests for the Forest Fire Service and concern with manpower, that the Township has mutual aid agreements with surrounding towns. This vehicle is not something that is going to go to far off places because it is not a brand new vehicle and it is not capable of going to the Pine Barrens. If the Forestry Service needs mutual aid, it would be for this area. Mr. Post asked if the Agreement can be changed to reflect that. Mr. Bob Dove from the Forestry Service, stated that

that is not possible. This is a boiler plate federal agreement. Mr. Dove stated that if there was a situation where they required additional forces, the truck would be made available to them, however, in his 30 years of service, that has never happened. The Forestry Service does not really want that liability.

Mayor Piazza stated that he does not see enough benefits for the Township in receiving the vehicle. This is an old vehicle. The Township will be spending money on this old vehicle which we do not own. Jay stated that he tried to go the other route of purchasing a new vehicle but the ordinance was shot down. He is just trying to protect all of the open space that has now been acquired by the Township. A new brush truck would cost approximately \$190,000.00.

Mr. Post asked what the vehicle can do in the Township, County and parks that the current fleet cannot address. Jay stated that they cannot go into confined areas such as the Ken Lockwood Gorge. There is no road in there anymore and it has overgrown very fast. This truck can go places that a full sized engine cannot. It can be used for search and rescue.

Items to be followed up on would be; cost necessary to bring the truck up to spec, the insurability and the holdharmless clauses. Jay stated that he will work on the holdharmless clauses and the appropriate paperwork. Mr. Post stated that if these items can be resolved and the cost are nominal to bring it up to spec, this may be a good deal. Mayor Piazza stated that it is still an old vehicle.

Mr. Post asked Mr. Dove to speak about the age and the reliability of the fleet. Mr. Dove stated that the Forest Fire Service is still operating 1986 trucks. There are parts of the Country operating 1971 vehicles also.

The Clerk will contact the insurance company and Jay will look into the holdharmless clauses.

Municipal Court of North Hunterdon

Mayor Piazza stated that he has the minutes from the last Municipal Court meeting. He was unable to attend. One item discussed is that the MCNH is still trying to settle an issue with Clinton Township relative to money Clinton Township owes for rent from the prior Contract. This matter will be discussed again at the next meeting.

Community Service Time

Mayor Piazza stated that he received a call from a resident stating that her son had gotten into trouble with the law and he needs to complete 20 hours of community service time. She wanted to know if it could be done through the Township. The Mayor spoke to Paul Jones to see if he would oversee the young man's time. The matter will be discussed in closed session.

DEP – Fire Station No. 1

Mr. Post stated that he has had no luck in making contact with Mr. Michael Chudzik of the DEP to schedule a meeting relative to Fire Station No. 1 soil testing. He feels that it is time to escalate the request and to contact the Commissioner.

Attorney George will attempt to look into who to contact next.

Cell Tower

Mayor Piazza stated that he spoke to Jack Goldwin who is now taking over the cell tower project. The prior representative, Steve, has moved onto another position. Mayor Piazza gave Jack the Township Attorney's phone number so discuss the matter.

NEW BUSINESS

Appoint Recreation Commission Member – Kristin Petrik

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the appointment of Kristin Petrik as a Recreation Commission Member for a 4 yr term.

Cancel November 19, 2008 Meeting – NJ League of Municipalities Conference

Motion by Mr. Weeks, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee canceled the November 19, 2008 Committee meeting.

Approve cost of Emergency Tree Removal

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the cost of \$2,000.00 for emergency tree removal on Little Brook Road as requested by the DPW Supervisor.

Musconetcong Watershed Association – Designation as a Component of the National Wild and Scenic River System

Resolution No. 89A-2008 – Musconetcong Watershed Association – Designation as a
Component of the National Wild and Scenic River System

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 89A-2008 as entitled below and attached.

RESOLUTION 89A-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS, the Musconetcong River has been designated as a National Scenic and Recreational River in the State of New Jersey; and,

WHEREAS, the Musconetcong River Management Council was formed to protect and manage the natural resources of the Musconetcong River and its watershed area; and,

WHEREAS, the Township of Lebanon has been requested to join the Musconetcong River Management Council by becoming a signatory to the Musconetcong River Management Plan; and,

WHEREAS, the Township of Lebanon wishes to support and participate in the Musconetcong River Management Council and its important work;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Mayor of the Township of Lebanon is authorized to execute the Musconetcong River Management Memorandum of Understanding; and,

BE IT FURTHER RESOLVED that the Township Mayor, by his designee, Erik Jan Hendriksen, is authorized to sign the commemorative and celebratory copy thereof at the signing ceremony on Tuesday, October 7, 2008; and,

BE IT FURTHER RESOLVED that the Township Clerk is authorized to forward a copy of this Resolution to the Musconetcong River Management Council on behalf of the Township of Lebanon.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the October 1, 2008 bill list in the amount of \$146,762.51.

CORRESPONDENCE

Tax Collector's Report for the Month of August 2008.

PUBLIC COMMENTS

Motion by Ms. Schriver, seconded by Mr. Morrison 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. 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. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 90-2008 and convened in executive session at 7:59 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 90-2008

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:

Amendments to the Chief's Contract Proposal of Community Service to be Serviced in the Township

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:14 p.m.

Attorney George stated that during executive session, the Township Committee discussed a request for community service to be provided by a youth. The consensus was that this sort of service has been provided in the past so long as the order is provided to the Township Attorney showing the terms and that the insurance company approves the work. The Chief's proposed contract was discussed; specifically clarifications to vacation and personnel benefits time.

At the close of the executive session and during the public portion of the meeting a request was made by the newspaper for release of the letter sent to the Fire Chief, by the Township Attorney, relative to the acquisition of the Fire Vehicle. It was determined that since the letter was addressed point by point on the record, it was determined to release a copy of the letter.

Motion by Mr. Post, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the Police Chief's contract, as amended, subject to the approval and signature of the Chief and authorized the Mayor and Clerk to sign. AYES: Schriver, Piazza, Post, Morrison NAYS: Weeks

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Post, 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: October 15, 2008

George Piazza, Mayor