

**CALL TO ORDER**

Mayor George Piazza called the meeting to order at 7:04 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 - Edward Post Patricia Schriver Jay Weeks  
George Piazza Frank Morrison

Absent - None

Also Present - Attorney Eric Bernstein, Deputy Clerk Kim Jacobus and 5members 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 December 3, 2008 regular meeting minutes. AYES: Post, Schriver, Morrison ABSTAIN: Weeks, Piazza*

## **ORDINANCES**

### **Ordinance No. 2008-11 – Public Hearing**

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing was opened for comments.*

There were no public 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 2008-11, as written below.*

ORDINANCE NO. 2008-11

**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 330, ENTITLED "SUBDIVISION OF LAND", SPECIFICALLY

**SECTION 330-35, TITLED "IMPROVEMENTS"**

**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 Land Subdivision Ordinance are necessary; and,

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

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 330, titled "Subdivision of Land" of the Code of the Township of Lebanon is hereby amended, revised and supplemented as to the following sections:

**330-35 Improvements.**

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H. Fire Protection Systems

1. Purpose and Applicability. While recognizing that it may not be possible to assure complete fire protection in every given case, in order to provide the Lebanon Township Fire Company with some minimum firefighting capability, all subdivisions of three (3) lots or more, excluding remaining lands, and all site plans involving one thousand (1000) square feet or more of new building construction shall provide for a source of water for firefighting purposes in systems approved by the Lebanon Township Fire Official, the Lebanon Township Fire Company and the Lebanon Township Engineer. Minor subdivisions of land that are further subdivided prior to the time limit established in 330-22 E. are subject to this section. This requirement shall be noted in the property deed in the event the property is sold prior to reaching the above lot requirement.

2. In areas where public or private central water supply is available and has been approved in writing by the Lebanon Township Fire Official, the Lebanon Township Fire Company and the Lebanon Township Engineer for minimum firefighting purposes, fire hydrants may be installed by the applicant upon those approvals above and the approval

of the Lebanon Township Committee at the appropriate locations in accordance with the following standards:

(a) no change

(b) no change

3. Where public or private central water is not available currently or in the foreseeable future, underground storage tanks shall be installed by the applicant to provide a source of water for firefighting in accordance with the following minimum criteria:

(a) For all subdivisions of three (3) lots or more, excluding remaining land, new underground water storage tanks shall be located and installed so that no dwelling is farther than one thousand (1,000) feet from any such tank as measured along the street, either public or private, and the access driveway to the dwelling. In no event shall the distance between the tanks be greater than two thousand (2,000) feet. At least one (1) tank shall be installed for each two thousand (2,000) feet of street or fraction thereof. The capacity of every underground water storage tank or tanks shall be based on the proposed number of lots in the subdivision and the applicable NFPA standards. Notwithstanding the above, the minimum capacity of every underground water storage tank within residential zone districts shall be thirty thousand (30,000) gallons.

(b) In site plans of nonresidential properties involving one thousand (1,000) square feet or more of new building construction, the tank size shall be based on the applicable NFPA standards for the proposed structures to be protected, using seventy-five percent (75%) of the tank capacity. Tank location for nonresidential developments shall be determined by the Lebanon Township Fire Official, the Lebanon Township Fire Company and the Lebanon Township Engineer.

(c) The underground water storage tanks shall be installed so that the tank suction connections shall be no higher than eighteen feet (18') above the bottom of the tank. Tanks shall be new, as certified by the manufacturer and developer/owner, made of fiberglass construction and installed as per the manufacturer's specifications. The tank shall be installed with anti-flotation footings and straps. The initial filling of the tank shall be the responsibility of the applicant. The tank shall include a locking access manhole with a minimum diameter of thirty inches (30") and a combination air vent/sight indicator for measuring the water level while providing ventilation sufficient enough to permit a flow of water as per the applicable NFPA standards.

(d) The underground water storage tank or tanks in residential developments shall be located on private property within utility easements along the edge of the lot, as close to the right-of-way as possible without interfering with required road improvements. An apron shall be provided adjacent to the tank and off of the roadway for parking of the fire fighting apparatus. In the event no curb is installed, protective barriers must be installed by the owner or developer. The tank shall be designed according to specifications provided by the Township

Engineer.

(e) "No Stopping or Standing" zones shall be delineated at each tank location for a distance of twenty-five feet (25') in each direction from the water outlet device of such tank on both sides of the streets. Such delineation shall be appropriately identified by signs meeting the Manual on Uniform Traffic Control Devices, latest edition, design standards set forth by the New Jersey Department of Transportation. Signs shall be installed prior to issuance of building permits.

(f) No change

(g) Prior to acceptance of the underground water storage tank, inspections of the underground water storage tank shall be the responsibility of the Lebanon Township Fire Company. Inspection shall occur at least every six months. The Fire Company will check the condition of standpipes, pipe fittings, water levels in the tank, and such other items as may be necessary to ensure that the tank is serviceable. Any maintenance requirements, as determined by the Lebanon Township Fire Company shall be the responsibility of the developer until such time as the development is completed and the fire tank is accepted by Lebanon Township. Maintenance responsibilities will then transfer to Lebanon Township. When tanks are located on private property, the property owner shall permit access to the Fire Company for maintenance and inspection activities.

(h) No change

**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 No. 2008-12- Public Hearing**

*Motion by Ms. Schriver, seconded by Mr. Post and carried by favorable roll call vote, the public hearing was opened for comments. AYES: Schriver, Post, Piazza, Morrison NAYES: Weeks*

There were no public 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 Mr. Post, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee adopted Ordinance No 2008-12, as written below. AYES: Schriver, Post, Piazza, Morrison NAYES: Weeks*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY**

**ORDINANCE NO. 2008-12**

**AN ORDINANCE AUTHORIZING CERTAIN EXPENSES FROM THE CAPITAL**

**BUDGET OF THE TOWNSHIP COMMITTEE OF THE**

**TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,  
STATE OF NEW JERSEY FOR A CERTAIN PROJECT KNOWN AS:  
CONSTRUCTION OF A NEW MUNICIPAL GARAGE**

**NOW, THEREFORE,** be it ordained by the Township Committee of the Township of Lebanon, County of Hunterdon, that from the Capital Improvement Fund, the Township Committee is hereby authorized to spend the following amount:

Preliminary costs for the construction of a new municipal garage. . . . . \$38,057.73

The said sum being available in the Township Capital Improvement fund.

**RESOLUTIONS**

**Resolution No. 102-2008 - Awarding a Contract for Gasoline, Diesel & Heating Oil for 2009**

*Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 102-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 102-2008  
AWARDING A CONTRACT FOR  
GASOLINE, DIESEL AND HEATING OIL FOR 2009**

WHEREAS, bids were received on December 3, 2008 for Gasoline, Diesel and Heating Oil, and

WHEREAS, the Township Committee has reviewed the recommendations made by the Township Superintendent of Public Works on said bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contracts be awarded based on the recommendation of the Township Superintendent of Public Works.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
Van Doren Oil Company	No Lead – high test	\$ .29 per gallon delivery
Van Doren Oil Company	Diesel	\$ .29 per gallon delivery
Van Doren Oil Company	Heating Oil	\$ .34 per gallon delivery

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the contracts for same.

**Resolution No. 103-2008- Awarding a Contract for 2009 Road Materials**

*Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 103-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 103-2008**

**RESOLUTION AWARDING A CONTRACT FOR  
2009 ROAD MATERIALS**



WHEREAS, bids were received on December 3, 2008 for 2009 Road Materials, and

WHEREAS, the Township Committee has reviewed the recommendations made by the Township Superintendent of Public Works on said bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contracts be awarded based on the recommendation of the Township Superintendent of Public Works.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
Harmony Sand and Gravel	Winter Grit	\$ 8.00 ton p/u \$ 12.25 ton delivered
Campbell Foundry	Type E Catch Basin	\$ 705.00 each
	Type A Catch Basin	\$ 368.00 each
Brent Materials	Corrugated Polyethylene Pipe – 15"	\$ 5.87 L.F.
	Corrugated Polyethylene Pipe – 18"	\$ 8.85 L.F.
	Corrugated Polyethylene Pipe – 24"	\$ 15.50 L.F.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the contracts for same.

The Committee did not award a bid for blacktop as the bid came in high. Attorney Bernstein stated that we need to re-bid the blacktop and indicate that we want a price with a sliding scale based on the price of oil.

**Resolution No. 104-2008- Over Charge of Tax Interest**

*Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 104-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 104-2008  
OVER CHARGE OF INTEREST**

WHEREAS there exists a delinquency for 2008 taxes for Block 24, Lot 32.13, and

WHEREAS this amount of \$12.21 should have been credited to taxes and not to interest,

THEREFORE BE IT RESOLVED, that the amount of \$12.21 be cancelled and that the collector be released from the collection of this amount.

**Resolution No. 105-2008 - Refund for Overpayment of Taxes**

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 105-2008 as written below.*

**TOWNSHIP OF LEBANON**  
**COUNTY OF HUNTERDON**  
**STATE OF NEW JERSEY**  
**RESOLUTION NO. 105-2008**  
**REFUND OF OVERPAYMENT OF TAXES**

WHEREAS there exists an overpayment of 2008 taxes for the following properties, and

WHEREAS these amounts have been requested for refund by the homeowners,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign refund checks to the following property owners:

David Tullo	57/22	\$1,271.34
George Parsons	17/1.01	\$866.12
William & Pamela Nicolai	53/1.01	\$208.04
J. Barry Cocziello	44/18 Q0117	\$129.52
Leonides Rosado	7/9&7/9.02	\$1,096.60
Earl, Joan, Richard & Robert Pelio	51/1	\$5,732.22
Vincent & Rebecca Albani	38/16	\$267.67
John & Donna Watkins	36/18 Q0081	\$151.08
Ward & Gross Esq (Wilson)	40/10.03	\$206.61

**Resolution No. 106-2008 - Redemption of Tax Sale Certificate**

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 106-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 106-2008  
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate # 200806 on October 22, 2008 to US Bank-Cust/SASS MUNI V dtr and,

WHEREAS the amount of \$4,763.80 has been collected from Millington Savings Bank for Clyde Keith Decker, owner of Block 27, Lot 4, 10 Boulder Field Road, Lebanon Township, and

WHEREAS there had also been a premium paid at the Tax Sale by US Bank-Cust/SASS MUNI V dtr in the amount of \$2,500.00 for this Tax Sale certificate #200806,

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 \$7,263.80 payable to US Bank-Cust/SASS MUNI V dtr.

**Resolution No. 107-2008 - Redemption of Tax Sale Certificate**

*Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 107-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 107-2008  
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate # 200803 on October 22, 2008 to Plymouth Park Tax Services and,

WHEREAS the amount of \$32,409.46 has been collected from Sun Bank for Guy and Kristen Irving, owners of Block 61, Lot 23.13, 19 Woodglen Road Lebanon Township, and

WHEREAS there had also been a premium paid at the Tax Sale by Plymouth Park Tax Services in the amount of \$34,000.00 for this Tax Sale certificate #200803,

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 \$66,409.46 payable to Plymouth Park Tax Services.

**Resolution No. 108-2008 - 2008 Tax Surplus**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 108-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 108-2008  
2008 TAX SURPLUS**

WHEREAS N.J.S.A.40A:5-17.1 allows for amounts of \$5.00 and less of overpaid taxes to be cancelled, and

WHEREAS the following amounts are overpaid for 2008, and

WHEREAS it is the desire of the Tax Collector to clear these small credit balances before the New Year,

THEREFORE, BE IT RESOLVED that the following amounts be cancelled and placed in surplus:

Owner:	Block/Lot	Amount:
Kevin & Barbara Clemente	12/10.06	.01
Larry & Gretchen Witt	16/17.03	.01
Bruce & Elizabeth Black	16/22	.01
Mark & Leslie Brady	16/54	.05
Jonathan & Patricia Moynihan	17/9 Q0093	.27
Mary Drucker	17/17	.16
Margaret Lukas	18/5	.01
Damian Lyons	18/8	.01
Susan & Peter Hadden	18/44.02	.01
Susan & Peter Hadden	18/44.02 Q0041	.01
Dennis Mraz	21/17	.01
Rhonda Jordan	22/7	.01
James & Susan Mac Donald	24/5.11 Q0019	.50
Robert & Amber Serritella	24/32.10	.01
Bruce & Gail Cummingham	24/61	.01
Thomas Donnelly	24/65	.09
David & Joelle Defreitas	26/47	.01
Leslie McEachern	29/9	.01
Brian & Denise Pianucci	30/29	.01
Michael Pennino	31/1	.01
Philip Salkie	36/4	.01

Edward Welsh	37/5	.10
Timothy Lynn	37/19.01	.01
Marilyn Rochelle	37/32	.02
Douglas & Amy Compton	37.01/5	.01
Joseph Jacobus	38/42	.02
Caroline Braillard	38/93	.36
William & Marie Trembley	38/113.01	.01
Lois Deutsch	40/37	.10
Michael & Joan Blanchard	41/15	.01
Ronald & Joan Enyingi	44/22.01	.20
Paul Reiss	46/17 Q0216	.16
Robert & Janice Martorano	47/1	.44
Frank & Phillis Sullivan	48/2.06	.01
Charles Fortenbacker	48/10	.01
Jeff & Susannah Lanka	49/21	.01
Astoria Federal Savings	49/70	.01
John & Sally Ollerenshaw	49/79	.01
Timothy Will	53/14	.01
Fedor & Tatjana Frenkel	54/17.02	.01
Gary & Loretta Winters	57/3	.01
Mary Notarte	60/33	.03
Wm & Doralee VanVeldhuisen	60/41.02	.01
Maxine Volger	61/42.01	.20
Tim & Beth Maxwell	64/7.03	.01
Warren Gabriel	65/3	.01
Dennis & Constance Gilmore	66/1	.01
Adam Duckworth	69/44	.01
Carmen Desilva	71/2	.01

Stanislav Popov	73/25	.01
Wayne Fonteix	73/55.03	.60
	59/69	.15

TOTAL: \$3.80

**Resolution No. 109-2008 - 2008 Delinquent Taxes to be Canceled**

*Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 109-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 109-2008  
DELINQUENT TAXES TO BE CANCELED**

WHEREAS N.J.S.A.40A:5-17.01 allows for amounts of \$5.00 and less of delinquent taxes to be cancelled, and

WHEREAS the following amounts are open and due for 2008, and

WHEREAS it is the desire of the Tax Collector to clear these small balances before the New Year,

THEREFORE, BE IT RESOLVED that the following amounts be cancelled:



Owner:	Block/Lot	Amount:
Edward & Rose Eick	10/52	.20
Alice Blackwelder	11/10	.46
Jon Willoughby	11/41	.80
High Bridge Municipality	11/53	1.34
Robert Cassavell	12/45.03	.36
Stephen Signa	12/49.07	.01
Jeffrey Wilker	13/9	.60
William Nasso	17/2	.01
Jean Lynch	18/30	.01
Karen Barlow	23/7	.01
Charles Donovan	24/50	.01
Paul Vogel	24/84	.01
Jeffrey Hoffman	26/31	.01
Arthur Slinger	29/33.02	.01
Andrew Leiwant	30/35	.01
Devinder Singh	30/37	.01
Mary Siedenburg	35/50	.01
Jess & Carol Vreeland	35/74.04	.43
Ronald Yourth	35/75.03	.03
David & Cynthia English	36/28.02	.01
David & Cynthia English	36/28.02 Q0246	.03
Ken & Pamela Hoy	36/29.01	.01
Larry Marino	37/23.17	.01
Garry Peabody	37/42.03	.01
Michael Liberto	38/18.06	.01
Lower Valley Land	38/35	.02

Lance Tong	38/62	.01
Kenneth Brown	46/2.04	.01
Judith Preble	46/29	.01
Al & Susan Warnasch	51/10	.01
Byron Tiger	53/21	.01
Susan Rothbart	56/14.01	.01
Lourdes Montezon	57/28.02	.01
Robert Ball	57/47.01 Q0169	.30
Cliff & Hellen Kendrick	59/54	.02
Jesse McDonald	61/7.01 Q0192	.52
Thomas Neceda	61.01/18	.01
Richard & Linda Berg	64/13	.01
James & Dawn Simila	65/12	.01
George & Bonnie Hecht	65/20.01	.11
David Morrish	69/31	.01
Petra Ford	69/35	.01
Mark Cobb	73/34	.01
Emmett Angell	38/111	1.00

TOTAL: \$6.51

**Resolution No. 110-2008 – Transfers**

The Committee discussed the issue of transferring money from the Accumulated Absence line item for the payment of bills. The Committee wants an explanation from the Treasurer, as to the reason for the transfers. They would like the explanation by the close of business, Wednesday, December 24.

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 110-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 110-2008**

**TRANSFERS**

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2008 calendar year budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be an excess in one ore more appropriations; and

WHEREAS, certain charges to be incurred or salaries and wages that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid before the end of the 2008 calendar year budget:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills and salaries may be paid in the 2008 calendar year budget:

<u>APPROPRIATION NAME</u>	<u>FROM</u>	<u>TO</u>
<u>Appropriations within "caps"</u>		
Administration o/e	5,271.38	

Uniform Fire Safety s/w	1,272.68
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Regional Prosecutor s/w	2,383.00
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Board of Health s/w	2,500.00
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Board of Health o/e	1,000.00
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Dog s/w	500.00
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Accumulated Absence	25,000.00
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Museum s/w	364.73
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Historic o/e	6,500.00
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Assessment o/e	3,000.00
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Roads s/w	7,000.00
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Recreation o/e	2,000.00
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Celebration of Public Events o/e	566.82
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Telecommunications o/e	6,863.72
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Clerk s/w	3,400.00
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Elections o/e	472.05
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Tax Collection s/w	600.00
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Tax Assessor s/w	2,939.25
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Engineering o/e	1,300.00
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Planning Board s/w	240.00
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Board of Adjustment s/e	240.00
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Zoning Officer s/w	12,500.00
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General Liability	667.00
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DPW Road o/e	6,500.00
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DPW-Roads-Snow	6,056.00
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Electric/Gas	5,300.00
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Street Lighting		1,200.00
Gasoline/Diesel		18,208.03
Social Security		2,500.00
	<u>64,222.33</u>	<u>62,122.33</u>
<u>Appropriations outside "caps"</u>		
	-	-
LOSAP		2,100.00
	<u>64,222.33</u>	<u>64,222.33</u>

**Resolution No. 111 -2008 - Open Space**

We have applied for 15% of the Open Space money that we can bring back to the municipality for open space uses. This money can be reserved. Mayor Piazza questioned as to what the money could go towards, such as the debt that we already have on the property that we bought.

Attorney Bernstein stated that we have to look at what the County's requirements are for how the money is spent.

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 111-2008 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO.111-2008**

## REQUEST TO RESERVE OPEN SPACE TRUST FUNDS

WHEREAS, fifteen percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Township of Lebanon does not have immediate plans to use its portion of the Open Space Trust Fund; and

WHEREAS, the Township of Lebanon wishes to reserve its FY 2007 share of the Fund for future open space use.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$51,805.88, of the Hunterdon County Open Space Trust Fund collected in 2007 for use in future years.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

### **Resolution No. 112-2008 – Combe Landfill**

Attorney Bernstein's office received material from Selective Insurance relative to the Combe Landfill. Selective Insurance is paying our obligation of the lawsuit in the amount of \$57,884.29. Attorney Bernstein will review the information, if it is satisfactory, a resolution is needed allowing the Mayor and Clerk to execute the documents.

*Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 112-2008 for the Mayor and Clerk to execute the documents required for the Combe Landfill settlement. The resolution is to be completed by Attorney Bernstein and forwarded to the Clerk.*

## **OLD BUSINESS**

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee Authorized the Mayor to Sign the Remedial Action Report Draft for Fire House # 1 from TRC.*

Mr. Post stated that we had received a letter from the DEP and they had made a determination that no further action is necessary for the remediation at the DPW Garage. The Committee was not aware that there was any remediation at the site. Attorney Bernstein stated that he would look into it and also speak to Paul and Warren.

In another matter with the DEP, regarding Fire Station #1, Mr. Post is still looking for a meeting with the DEP. He is going to try and get in touch with the Bureau Chief in Cedar Knolls to try and get things settled with the ongoing matter at Fire Station #1.

Mr. Post stated that he attended the COAH meeting last Thursday, (December 11) that was held at the New Jersey Water Supply Authority Annex. Assemblywomen Marcia Karrow, who sponsored the meeting, the COAH Director, Eileen Swan Highlands Director and a many other elected officials attended the meeting. The meeting was to clarify the Executive Order from the Governor which was the interpretation of COAH. The plan allowed us, if we adopted the Highlands Master Plan, a 1- year extension on our COAH Plan. COAH affirmed that the density model that will be offered by the Highlands will be the basis of our growth share. We will now look at a lot by lot build out in the municipality to determine what the growth share is. For each home built, there is a 20% obligation, if 5 homes are built; we have to put in one affordable unit. There is an interpretation coming out of COAH, essentially a moratorium, because of the scarce resources; you have to prioritize affordable housing first, before you do any major or minor sub-divisions. You must satisfy your COAH obligation prior to granting approvals for the subdivision. Also, there will be additional money available through the Highlands to help us develop the master plan and to get into compliance with the Highlands Master Plan.

## **NEW BUSINESS**

*Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Committee set the 2009 Reorganization meeting for January 7, 2009 at 7:00 p.m.*

The Committee decided to table discussion regarding the Township Dinner until the January 21, 2009 meeting.

Mayor Piazza stated that at a previous Planning Board meeting, the Zoning Officer mentioned that people are approaching him for permits for outdoor wood fired boilers. He does not see anything in our ordinance regarding them, so he does not issue permits for them. Just recently Mayor Piazza received brochures stating that they are against the law, according to the County Board of Health. They do not meet the Federal EPA standards.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the December 17, 2008 bill list in the amount of \$150,827.24*

## **CORRESPONDENCE**

Tax Collector's Report for the Month of November.

There was a letter from Hunterdon County Planning Board regarding Hunterdon County Open Space Trust Fund Program.

## **PUBLIC COMMENTS**

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



Anthony Casale of Boulder Field Road had a question regarding Resolution #110-2008. He also asked if the Committee had received any information from the insurance company regarding Fire Station #1. Attorney Bernstein stated that they are investigating as to what the status is. He has spoken to Groendyke and Selective and they are looking at their policies to see whether or not they are going to agree to coverage or not. Mr. Casale also had a question regarding wood burner boilers.

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

## **EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 113-2008 and convened in executive session at 7:53 p.m. Formal action may be taken.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 113-2008**

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:

Personnel-Tax Assessor

Litigation- Tax Collector

Attorney Client Privilege

Attorney Client Privilege –Relative to Historic matter

*Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:30 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 Attorney and the Township Deputy Clerk. The Township Committee met with the Tax Assessor, Mary Mastro, relative to benefit issues. The Committee instructed the Deputy Clerk to speak to the Township Clerk relative to the continuation of what had previously been dealt with in regard to this position. No formal action to be taken. There was discussion

regarding the litigation between the Tax Collector and the Township. No formal action to be taken. There was further discussion relative to some items involving the building and the Historians. They will be invited to attend the second meeting in January as well as the Township Treasurer relative to some issues involving monies and related items. No formal action to be taken.

## **ADJOURN**

Having no further business to come before the Committee, a motion was made by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote to adjourn the meeting at 8:32 p.m.

Respectfully submitted,

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Kimberly S. Jacobus

Deputy Clerk

Approved: January 21, 2009

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George Piazza, Mayor

