

**CALL TO ORDER**

Mayor Edward Post 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 Post asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Ed Post                      Jay Weeks                      Patricia Schriver  
                    George Piazza

Absent - Francis Monahan

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 5 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the November 7, 2007 regular meeting minutes.*

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the November 7, 2007 executive session minutes.*

**POLICE OFFICER HIRE**

Mayor Post stated that the Township Committee had a special meeting for the purpose of interviewing three candidates for the position of Police Officer. The Committee would like to offer the position of Police Officer Class VI to Michael Joseph Thomsen. This offer is conditioned upon fingerprinting results, psychological test, a physical and any other requirements the Police Chief may have.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee appointed Michael Joseph Thomsen as Police Officer Class VI conditioned upon fingerprinting results, physiological test, a physical and any other requirements the Police Chief may have. AYES: Piazza, Post, Schriver NAYS: Weeks*

The Chief will send letter to applicants.

## **ORDINANCES**

### **Ordinance No. 2007-13 - Public Hearing**

ORDINANCE NO. 2007-13  
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 XVII, ENTITLED "LAND SUBDIVISION", SPECIFICALLY  
SECTION 17-7.4, ENTITLED "IMPROVEMENTS"

Mayor Post stated that there are still questions relative to this ordinance that need to be worked out with the Planning Board and the Fire Chief.

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee open the public hearing for Ordinance No. 2007-13.*

Anthony Casale asked to be reminded of the amendments proposed in the ordinance.

Fire Chief Warren Gabriel stated that in working with the ordinance over the past few years, a few things were found not to be accurate and corrections are being made. In addition, it listed that four lots would require a fire tank to be installed, however; the Fire Department would like to see it at three lots. Most of the items added to the ordinance relate to what the connections to the tank should be. There have been inquires on what they should be, so when adopted, they will be able to find them in the ordinance itself.

Mr. Piazza stated that he informed the Planning Board that the Township Committee was going to introduce the ordinance for consideration. The Board said that they would like to see it. The Board reviewed it at their last meeting and they found items of concern and discrepancies. Mr. Piazza said that he spoke to Chief Gabriel also and all agree that the ordinance should be rejected, reviewed and reconsidered in 2008. Chief Gabriel stated that he would like to state that the Planning Board has had discussions on the ordinance and they have yet to contact him to ask that the Fire Department meet with them to discuss their concerns.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee closed the public hearing.*

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee rejected Ordinance 2007-14. AYES: 0 NAYS: Weeks, Piazza, Post, Schriver*

The Township Committee requested that the Clerk advise the Planning Board Clerk that any discussions regarding this ordinance be with a prior invitation to Chief Gabriel to discuss and resolve the concerns raised.

### **Ordinance 2007-14 - Public Hearing**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2007-14 was opened.*

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

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee moved to adopt Ordinance No. 2007-14*

Fire Chief Warren Gabriel stated that there were a few amendments that needed to be made. Under number 5; Qualification of Membership; Subsection B should read, Be at least fourteen (14) years of age; Subsection E should read, Holds a valid driver's license; and subsection E is to be removed completely.

Attorney Bernstein stated that it is his opinion that the changes are procedural items and may be amended at the time of the second reading. A public hearing will need to be held at this time relative to the changes recommended only.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing for the minor changes that have been proposed by the Fire Chief, which would change portions of Section 5, in Ordinance No. 2007-14, was opened.*

Nancy Darois stated that if a fire fighter moves into the Township, they have to change their license to a NJ license within six months.

Anthony Casale asked if the license issue is limited to Pennsylvania. Mayor Post stated that there was no restriction on the state.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee closed the public comment session for the proposed amendments.*

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee amended the motion to adopt Ordinance No. 2007-14 and agreed to adopt Ordinance No. 2007-14 as amended. (written below)*

### **ORDINANCE NO. 2007-14**

ORDINANCE NO. 2007-14  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON

STATE OF NEW JERSEY  
AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING  
THE REVISED GENERAL ORDINANCES TO PROVIDE FOR FIRE PROTECTION BY  
THE LEBANON TOWNSHIP VOLUNTEER FIRE DEPARTMENT AND AUTHORIZING  
CRIMINAL HISTORY BACKGROUND CHECKS FOR ALL APPLICANTS TO  
THE LEBANON TOWNSHIP VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Township of Lebanon wants to ensure the safety of all of its residents and citizens and to provide fire protection for all its residents and citizens; and,

WHEREAS, the Township of Lebanon does not have a paid or part-paid fire department; and,

WHEREAS, the Township desires to continue its relationship with the existing Lebanon Township Volunteer Fire Department for the purpose of extinguishing fires within the Township in accordance with N.J.S.A. 40A:14-68; and,

WHEREAS, N.J.S.A. 40:48-4 also permits a municipality to request a criminal history record background check of any person for an official government purpose; and,

WHEREAS, N.J.S.A. 40A:14-68 provides that members of a volunteer fire company in a municipality that does not have a paid or part-paid fire department shall be under the supervision and control of the municipality and in performing fire duty shall be deemed to be exercising a governmental function; and,

WHEREAS, the Township of Lebanon would like all prospective volunteer firefighters of the Lebanon Township Volunteer Fire Department to submit to a criminal history record background check as a condition of membership with the Lebanon Township Volunteer Fire Department;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Revised General Ordinances of the Township of Lebanon be, and hereby are, amended and supplemented by the addition of the following new section:

§ \_\_\_-1. Recognition of Lebanon Volunteer Fire Department (Hereafter referred to as the LTVFD).

The Lebanon Township Volunteer Fire Department (“LTVFD”) was heretofore created and established and is hereby continued and recognized.

§ \_\_\_-2. Approval of Agreement with LTVFD to Provide Fire Services to Township.

In accordance with N.J.S.A. 40A:14-68, the Township of Lebanon hereby approves and authorizes the execution of all necessary agreements with the LTVFD to provide fire services to the citizens and residents of the Township for the purpose of extinguishing all fires within the Township. The LTVFD is hereby designated as the entity responsible for providing all fire services and extinguishing all fires within the Township of Lebanon.

§ \_\_\_-3. Membership in the LTVFD.

Membership in the LTVFD shall be in accordance with this Code Section and the Constitution, rules and By-Laws of the LTVFD, including any and all amendments to those documents. Membership shall be open to all persons who are able to perform firefighter duties and to meet the criteria set forth in this Code Section, without discrimination on the basis of an applicant’s race, creed, color, sex, age, national origin, ancestry, marital status or physical handicap.

§ \_\_\_-4. Effect of Ordinance and Compliance with Federal and State Law.

- A. In the event of any inconsistency between the provisions of this Code Section and any other document related to the LTVFD, this Code Section shall take precedence and govern over such other inconsistent document(s).
- B. The LTVFD and each member of the LTVFD shall comply with all applicable Federal and State, County and local guidelines, rules and regulations governing the operation of the fire department and the deployment of personnel and equipment.

§ \_\_\_-5. Qualifications for Membership.

No applicant shall be eligible to become a member of the LTVFD unless such person shall possess the following qualifications:

- A. Completes the application process, including executing an Authorization and Consent to conduct a criminal history record background check, as more specifically set forth in § \_\_\_-\_\_ below;
- B. Be at least fourteen (14) years of age;
- C. Be a citizen of the United States;
- D. Be able to read, write and speak the English language;
- E. Holds a valid driver's license;
- F. Is physically fit and able to perform the duties of a firefighter, submits to a medical examination by a physician on behalf of the Township (to be paid for by the Township) and produces evidence in the form of a medical certification signed by a licensed physician.

§ \_\_\_-6. Application for Membership in the LTVFD.

Each applicant for membership in the LTVFD shall make application to the LTVFD on forms to be provided by the fire department. The applications are available in the office to the Township Clerk. As part of the application process, each applicant shall execute an Authorization and Consent to Conduct a Criminal History Record Background Check and each applicant shall submit to being fingerprinted.

§ \_\_\_-7. Criminal History Record Background Checks of Prospective Members of the LTVFD

1. For purposes of this Ordinance, a "Criminal History Record Background Check" means a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.

2. The Township requires that, as a condition of membership with the LTVFD, all prospective members shall submit to being fingerprinted in accordance with applicable State, Federal, County and local laws, rules and regulations, as a condition membership with the LTVFD.

3. As a further condition of membership with the LTVFD, all prospective members shall authorize the Township, through its duly authorized representative, to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.

4. In order to obtain criminal history record information pursuant to this Ordinance and N.J.S.A. 40:48-1.4, the Township shall submit the fingerprint data for prospective members of the LTVFD to the State Bureau of Identification in the Division of State Police. The State Bureau of Identification shall receive all criminal history record information from the Federal Bureau of Investigation and shall disseminate that information to the Township.

5. The Township shall conduct a criminal history record background check of a prospective member of the LTVFD only upon receipt of the written authorization and consent to the criminal history background check from the prospective member. A form for the authorization and consent to said background check shall be provided to each prospective member along with the application for membership with the LTVFD. Failure to submit a fully signed and witnessed written authorization and consent form shall be grounds to reject an application for membership with the LTVFD.

6. The Township shall bear the costs associated with conducting criminal history record background checks.

7. An individual shall be disqualified from serving as a member of the LTVFD if that prospective member's criminal history record background check reveals a record of conviction of any of the following crimes and/or offenses:

(a) In New Jersey, any crime or disorderly persons offense or petty disorderly persons offense:

(i) involving danger to the person, including, but not limited to those crimes, disorderly persons offenses and petty disorderly offenses set forth in N.J.S.A. 2C:11-1 et. seq.; N.J.S.A. 2C:12-1 et. seq.; N.J.S.A. 2C:13-1 et. seq.; N.J.S.A. 2C:14-1 et. seq.; and/or, N.J.S.A. 2C:15-1 et. seq.;

(ii) against the family, children or incompetents, including, but not limited to those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et. seq.;

(iii) involving arson, burglary or theft as set forth in N.J.S.A. 2C:17-1 et. seq.; N.J.S.A. 2C: 18-1 et. seq., and/or N.J.S.A. 2C: 20-1 et. seq.;

(iv) involving offenses against public administration, perjury and other falsification in official matters, obstructing governmental operations, misconduct

in office and/or abuse of office as set forth in N.J.S.A. 2C:27-1 et. seq.; N.J.S.A. 2C:28-1 et. seq.; N.J.S.A. 2C:29-1 et. seq.; or, N.J.S.A. 2C:30-1 et. seq.;

(v) involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes; or,

(vi) involving operation of a motor vehicle while intoxicated in violation of Chapter 4 of Title 39 of the New Jersey Statutes.

(b) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes, disorderly persons offenses or petty disorderly persons offenses described herein.

8. All prospective members, upon receiving a conditional offer of membership with the LTVFD, shall submit their name, address, fingerprints and written consent to the Township for the criminal history record background check to be performed. All conditional offers of membership with the LTVFD shall be specifically subject to the prospective member passing the criminal history record background check, along with any other requirements as provided by law and/or requested by the Township.

9. Access to criminal history record background information of prospective members of the LTVFD obtained under this Ordinance is restricted to authorized personnel of the Township on a need to know basis, as may be authorized by Federal or State statute, rule or regulation, executive order, administrative code, this ordinance and/or resolution regarding obtaining and dissemination of Criminal History Record Background information. Said employees are the Township Administrator, Police Chief, Mayor, Township Attorney and Township Labor Counsel and those other employees specifically designated in writing by the Mayor.

10. Criminal History Record Background information shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. Said records are not public records under the Open Public Records Act.

§ \_\_\_-8. Disbandment of LTVFD.

The LTVFD may be disbanded in the following manner:

A. Upon the written request to the Township Committee of a majority of the duly qualified members of the LTVFD, said LTVFD may be disbanded by order of the Mayor and Township Committee; or,

- B. Should the Township Committee consider at any time that the interests of the Township will be best served by the disbandment of the LTVFD, either for neglect of duty or

disobedience of orders or for any other cause or in the interest of economy or efficiency, they may do so at any regular meeting by a majority vote of the full membership of the Township Committee, thirty (30) calendar days' notice having previously been given to the Secretary of the LTVFD and the members of the Township Committee.

BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances, and all resolutions or portions of resolutions, 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.

**Ordinance No. 2007-15 – Introduction**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2007-15, as entitled below.*

ORDINANCE NO. 2007-15  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE  
CREATING THE MUNICIPAL COURT  
OF NORTH HUNTERDON COMPOSED OF  
THE TOWN OF CLINTON, THE BOROUGHS OF GLEN GARDNER,  
HAMPTON, HIGH BRIDGE AND LEBANON AND  
THE TOWNSHIPS OF FRANKLIN, LEBANON  
AND TEWKSBURY EFFECTIVE 2008

Public hearing to be held on December 19, 2007.

Ms. Schriver thanked Mr. Piazza for all of his time and effort in working through the process of establishing the new court agreement.

**RESOLUTIONS**

**Resolution No. 74-2007 - Refund for Overpayment of Taxes – Block 12 Lot 46**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 74-2007, 75-2007 and 76-2007.*



TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 74-2007

Whereas taxes in the amount of \$2,844.88 were paid in error for Block 12/lot 46 by ZC Sterling Corporation and,

Whereas this amount has been requested by them for refund,

Therefore be it resolved that the Township Committee of Lebanon Township, County of Hunterdon authorize the Treasurer to prepare a refund check in the amount of \$2,844.88 to ZC Sterling Corporation.

**Resolution No. 75-2007 -Refund for Overpayment of Taxes – Block 16 Lot 2**

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 75-2007  
REFUND OF OVERPAYMENT OF TAXES

Whereas there has been an overpayment of taxes for 2007 for 209 Raritan River Road, known as Block 16/ Lot 2 and,

Whereas Paul Yuhas, owner of this property has requested a refund of this overpayment of \$1508.49,

Therefore be it resolved that the Township Committee of Lebanon Township, County of Hunterdon authorize the Treasurer to prepare a refund check in the amount of \$1508.49 to Paul Yuhas.

**Resolution No. 76-2007 - Refund for Overpayment of Taxes - Block 8 Lot 1**

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 76-2007  
REFUND OF OVERPAYMENT OF TAXES

Whereas there has been an overpayment of taxes for 2007 for 202 Rocky Run Road, known as Block 8/ Lot 1 and,

Whereas Reliant Energy NJ, owner of this property has requested a refund of this overpayment of \$1595.55,

Therefore be it resolved that the Township Committee of Lebanon Township, County of Hunterdon authorize the Treasurer to prepare a refund check in the amount of \$1595.55 to Reliant Energy NJ.

**Resolution No. 77-2007 - Award Contract for Gasoline, Diesel and Heating Oil for 2008**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 77-2007*

RESOLUTION NO. 77-2007  
RESOLUTION AWARDDING A CONTRACT FOR  
GASOLINE, DIESEL AND HEATING OIL FOR 2008

WHEREAS, bids were received on November 8, 2007 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.

COMPANY	ITEM	PRICE
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	\$ .29 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. 78-2007 - Paris Grants Program – Shared Services with Hunterdon County**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 78-2007.*

RESOLUTION NO. 78-2007  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
PARIS GRANTS PROGRAM  
FOR SHARED SERVICES WITH HUNTERDON COUNTY

BE IT RESOLVED, by the Township Committee of the Township of Lebanon, that:

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2008-2009 grant cycle, priority funding will be given to county projects to perform municipal inventories, needs assessments and strategic plans for all of their municipalities; and

WHEREAS, the Township of Lebanon desires to collaborate with the County of Hunterdon in the performance of Archives and Records Management Inventory, needs assessment and strategic plans; and

WHEREAS, the Township of Lebanon is acknowledging that their eligible funding of \$50,000.00 will be leveraged with Hunterdon County; and

WHEREAS, the Township of Lebanon is acknowledging that the County of Hunterdon would be both the lead agency and the applicant for such a proposal; and

WHEREAS, the Township of Lebanon has appointed as their Records Coordinator Gail W. Glashoff. Ms. Glashoff will be the contact person for the Township regarding the PARIS grant program.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Lebanon, that the Township of Lebanon does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

#### **Resolution No. 79-2007 - Sale of Surplus Property**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 79-2007.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
RESOLUTION NO. 79-2007  
AWARDING THE SALE OF  
PUBLIC PROPERTY

WHEREAS, bids were received on December 5, 2007 for the sale of certain items deemed to be surplus property, 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 items be awarded to the highest bidder based on the recommendation of the Township Superintendent of Public Works

<b>NAME</b>	<b>ITEM</b>	<b>PRICE</b>
Jersey One Auto	2003 Crown Victoria Police Car Vin # 2FAFP71W93X124992 96,665 Miles	\$ 1,731.00 (Minimum Bid \$1,500.00)

Jersey One Auto

1992 Dodge Ram P/U with Plow  
Vin # 1B7KM36Z8NS577813  
177,705 Miles

\$ 810.00  
(Minimum Bid \$500.00)

**Resolution No. 80-2007 - COAH**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 80-2007.*

RESOLUTION NO. 80-2007  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING MAYOR TO EXECUTE ALL DOCUMENTS AND  
EXHIBITS NECESSARY TO EFFECTUATE A REGIONAL CONTRIBUTION  
AGREEMENT WITH THE CITY OF PERTH AMBOY IN COMPLIANCE WITH THE  
TOWNSHIP'S FAIR HOUSING ACT THIRD-ROUND COAH OBLIGATIONS

WHEREAS, the Township of Lebanon has a fair share obligation to provide housing opportunities to households of low- and moderate-income as established by the New Jersey Supreme Court and by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and,

WHEREAS, the Fair Housing Act provides that municipalities within the same region as defined by the Council on Affordable Housing (hereinafter referred to as "COAH") may meet up to 50 percent of that obligation through a regional contribution agreement (hereinafter referred to as "RCA") under which the sending municipality makes a cash payment to another municipality, known as the receiving municipality, which undertakes to provide low- and moderate-income housing which is credited toward the sending municipality's fair share obligation; and

WHEREAS, N.J.A.C. 5:94-5.1(a) allows municipalities to propose the transfer of up to fifty (50%) percent of their third round growth share obligation; and, WHEREAS, the Township of Lebanon proposes to transfer up to seven (7) units of its growth share obligation at a cost of not more than Fifty Thousand Dollars (\$50,000.00) per unit in the form of an RCA with the City of Perth Amboy, Middlesex County, State of New Jersey, which dollars shall be paid on a unit-by-unit basis rather than on a payment schedule; and,

WHEREAS, the Township of Lebanon and the City of Perth Amboy are in the same region as defined by COAH; and,

WHEREAS, the City of Perth Amboy desires to provide affordable non-age restricted housing for low- and moderate-income residents of the region, which action will be furthered by funds made available through the RCA; and,

WHEREAS, the RCA is in the best interests of the Township of Lebanon.

NOW THEREFORE BE IT RESOLVED, that the Mayor

of the Township of Lebanon, County of Hunterdon, State of New Jersey is hereby authorized to execute such documents and exhibits as may be necessary to effectuate the RCA.

**OLD BUSINESS**

## **Library Roof Bids**

The bids for the Library Roof Replacement were received and opened. Library Chairman Art Gerlich stated that apparently there was a discrepancy in how the bid documents were written. Bids were submitted differently. Mr. Gerlich spoke to the Township Engineer, Steve Risse and Steve suggested rejecting all bids and amending the bid packet with a tighter set of specifications. Once complete and approved by Mr. Gerlich, the Engineer and Attorney the request for bids will be readvertised. In addition to the discrepancies, all bids exceeded the projects budgeted amount.

The Clerk will speak to the CFO about availability of funds.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee rejected all bids submitted on November 8, 2007 for the Library Roof Replacement project.*

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. Gerlich to work with Mr. Jones to secure the roof pending the outcome of the bidding process. Mr. Weeks is to work with Mr. Gerlich and Mr. Jones with the funding subject to certification of funds.*

## **Request for Release of Capital Funds – Friends of Memorial Park**

The Friends of Memorial Park Committee is requesting the release of \$5,000.00 in Capital Funds to apply toward the cost of the installation of the well in the Park.

Mr. Weeks stated that it was decided years ago that no taxpayers money would go toward the park and if the Committee is going to do so, they need to change the action taken by the prior

Committee to make it legal. Ms. Schriver stated that the \$5,000.00 in Capital was agreed to by the Committee at budget time. The existing well needed to be replaced at a cost of \$12,000.00 so the Friends of Memorial Park Committee asked for the money to help pay for it.

Attorney Bernstein's office will draft a resolution for the December 19, 2007 meeting stating the Committee's intent in future park donations. Mr. Bernstein will work with Ms. Schriver for content.

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the release of Capital funds in the amount of \$5000.00 for the Park Committee. AYES: Piazza, Post, Schriver NAYS: Weeks*

## **Remedial Action Report for the Fire Station No. 1 – Authorize Mayor to Sign**

Mayor Post stated that conditioned upon a set of changes the Committee has a request from John Potenza from the Township's Environmental Consulting Firm, TRC, to approve and certify his report regarding the Remedial Action for Fire Station No. 1 on Anthony Road. Warren Newman

has reviewed the document on behalf of the Township and has identified a few non-substantive changes in the report. Mr. Potenza has agreed to amend the report as suggested.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Remedial Action Report with the changes as submitted by Warren Newman and authorized the Mayor to sign.*

## **NEW BUSINESS**

### **Request to Purchase Fire Resistant Filing Cabinet – Gail Glashoff**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a fire resistant filing cabinet at a cost of \$2,999.00.*

### **Request to Purchase Municipal Office Copy Machine**

The municipal office copy machine's maintenance agreement is about to expire. It is becoming more regular that it is needing to be serviced. A quote was received from Océ for a new copy machine. An outright purchase of the machine will cost \$9,000.00. If leased, it will be \$189.00 per month at a total cost of \$11,340.00. In an outright purchase, there is a \$2,340.00 savings. Océ is a State contract company therefore, additional quotes are not required.

Mayor Post suggested purchasing the copier with Capital Funds. The Clerk will ask the CFO what his recommendation is in the purchase.

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a Digital IM5530 Copy Machine at a cost of \$9,000.00 subject to the Clerk speaking to the CFO relative to the best option for funding i.e.; outright purchase or a capital purchase. The maintenance agreement for the copier will be \$24.00 a month. Black and White copies are billed at \$0.0068 per copy.*

### **Re-Organization Meeting – Date and Time**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee scheduled the 2008 Re-organization meeting for Wednesday, January 2, 2008 at 7:00 p.m.*

## **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the December 5, 2007 bill list in the amount of \$371,947.90.*

## **CORRESPONDENCE**

A letter was received from the CWA stating their intent to start negotiations for the 2008-2010 contract. Mayor Post and Ms. Schriver are to meet with CWA.

## **PUBLIC COMMENTS**

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

Anthony Casale inquired on what the Committee voted yes to, earlier in the meeting, regarding the Library Roof Replacement. He stated his concern about the contents of the building.

Anthony Casale asked about the correlation with South Amboy in the COAH Resolution.

Andrew Kozlowski asked what the Township's relationship is with the Cable Company. He stated that Comcast has stated that they are chartered to supply cable to the Township. Andrew lives on a private road and Comcast has informed him that those living on the road need to pay for the lines to be run to their homes. Attorney Bernstein will look into the agreement for clarification.

Andrew Kozlowski stated his trash hauler charges for the recyclables, however, they want the homeowners to cart them to the road for pick up. Trash service is at the house but recycling is an inconvenience.

Lois Deutsch, of Teetertown Road, came before the Committee to inform them of a drainage problem she is having on her property. Her barn is being flooded and she has animals in it. Paul Jones went to see the problem and informed Lois that there was nothing that the DPW could do to remedy the problem. There is water coming off another resident's property which is causing the problem. Lois said that in the past, she was able to correct the problem by clearing out a certain area on her neighbors property, however, the neighbor will not allow her to do so any longer.

Mayor Post stated that he thought that there was an ordinance in the Township which might assist Lois. The Clerk will speak to Paul Jones on the matter.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 8:28 p.m..*

## **EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2007 and convened in executive session at 8:30 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 81-2007**

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:

Zoning Officer Appointment  
CWA and PBA Negotiations  
Potential Litigation - 29 Sharrer Road

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:23 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 discussion relative to an ongoing possible litigation involving a resident. No further action is to be taken. There was discussion of ongoing negotiations and the commencement of negotiations with PBA Local 188 and CWA Local 1040. The Township Attorney is going to draft some materials for the Committee relative to PBA and the Committee is going to schedule a meeting with CWA. Discussion was held regarding 29 Sharrer Road, the Township Engineer will be asked to request the material he has indicated he can obtain from DEP relative to their requirements. The Township Attorney's office will move forward on notification's as required to take possible demolition action on the

property pursuant to the demolition notification from the Construction Official. No formal action needs to be taken. The Township Attorney will work with the Mayor and Township Clerk relative to a resolution of an employment agreement with a prospective Zoning Officer who will be appointed at the Re-organization meeting.

## **ADJOURN**

Having no further business to come before the Committee, a motion was made by Mr. Piazza, seconded by Mr. Weeks and carried by unanimous favorable roll call vote to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

---

Karen J. Sandorse, RMC/CMC



Municipal Clerk

Approved:  
12/19/2007

---

Edward L. Post III, Mayor