

**Lebanon Township Committee
April 7, 2010**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Jay Weeks 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 Jay Weeks asked everyone to stand for the flag salute.

ROLL CALL

Present - Jay Weeks Patricia Schriver George Piazza
Francis Morrison Brian Wunder

Absent -

Also Present - Attorney Phil George and Clerk Karen Sandorse, CFO Greg Della Pia and 14 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of regular meeting of April 7, 2010.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of April 7, 2010.

ORDINANCES

Public Hearing

Ordinance No. 2010- 06 - "PARKING IN RESIDENTIAL ZONES"

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-06 was opened.

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

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2010-06 as written below.

**ORDINANCE NO. 2010-06
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
SECTION 400-46, ENTITLED “OFF-STREET PARKING”,
SPECIFICALLY SECTION 400-46B, ENTITLED “PARKING IN RESIDENTIAL
ZONES”**

WHEREAS, Section 400-46B of the Township Code of the Township of Lebanon sets forth certain standards for parking in residential zones; and,

WHEREAS, Section 400-46B(2) of the Township Code of the Township of Lebanon requires that, in such residential zones, the Township Construction Official must approve the manner in which recreation equipment is kept on the premises and the Township Construction Official believes it is not appropriate for him to handle since it is outside his job duties and is more analogous to the Zoning Officer to handle; and,

WHEREAS, the Township of Lebanon wishes to amend and revise Section 400-46B(2) in order to make the Township Zoning Officer responsible for approving the manner in which recreation equipment is kept on residential premises.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Section 400-46B(2) of the Lebanon Township Code is hereby amended, revised and supplemented to read as follows:

“(2) Items of recreation equipment belonging to the occupant, if garaged. In lieu of being garaged, recreation equipment may be kept on the premises in a manner approved by the Zoning Officer in accordance with the following standards...”

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.

3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

OLD BUSINESS

DPW Supervisor's Request to Seek Bids for DPW Garage Fire Tank

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized DPW Supervisor Warren Gabriel to seek bids for the purchase of a fire tank for the proposed Township DPW garage.

Schedule Budget Meeting

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee scheduled a budget meeting for Monday April, 12, 2010 at 5 P.M. and authorized that Clerk to provide adequate notice.

NEW BUSINESS

Approve Social Affair Permit – St. John Neumann Church – June 5, 2010

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for St. John Neumann Church for an event to be held on June 5, 2010.

Approve St. John Neumann Church Raffle Application's - RL-01-10 for June 5, 2010, RL-02-10 for June 5, 2010, RL-03-10 for June 4, 2010

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved three (3) Raffle License Applications for St. John Neumann Church.

Approve Noah's Ark Animal Welfare Assoc. Raffle Application

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for Noah's Ark Animal Welfare Association.

DPW Supervisor's Request to Seek (2) Summer Help Employees

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Supervisor to seek applications for two (2) summer positions.

NJ Ride Against Aids – September 24-September 26 2010

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the NJ Ride Against Aids request to travel through Lebanon Township during their event, which will be held September 24, 2010 – September 26, 2010.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the April 7, 2010 bill list in the amount of \$132,007.37.

CORRESPONDENCE

- a. Tax Collector Correspondence – Tax Bill Mailing
- b. Lebanon Township Historians Meeting Minutes of March 4, 2010
- c. Copy of Brian Wunder’s Resignation from the Lebanon Township Rescue Squad
- d. Joan Lewerenz – Transtar
- e. Welentz Goldman & Spitzer P.A. BOE of North Hunterdon-Voorhees – Ballot Question
- f. Eileen Swan – Highlands Update
- g. NJLOM – New Health Care Reform Law and Municipalities

PUBLIC COMMENTS

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

Mr. Anthony Casale stated that he wants to understand how the Township came to the final draft of the Cell Phone Tower Lease.

Mr. Casale stated that he has concerns with changes which were made or corrections which were not made in the Lease.

Mr. Casale noted issues with:

- 1) Upon termination of the Lease/Removal of entire footings.
- 2) The lead bidders bid.
- 3) Language relative to the use of the generator.
- 4) Clause relative to condemnation and for destruction of the premises.
- 5) Waiver of subrogation.

- 6) Exhibit A – Diagram – Compound size, number of co-locators.
- 7) Co-locator agreement and rent terms.
- 8) Devoted electric service and lines to the generator for their exclusive use.
- 9) Buffer around the entire perimeter and future maintenance of such.
- 10) Term of the lease.

Motion by Ms. Schriver, seconded by Mr. Wunder 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. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2010 and convened in executive session at 7:36 p.m. Action may be taken at the end of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 36-2010

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
Contracts
Pending and Potential Litigation

Formal Action may be taken at the close of the Executive Session.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:30 p.m.

Attorney George stated that during executive session the Township Committee interviewed personnel for the Accounts Payable Clerk's position and the said person declined the offer. The Township Committee also discussed an update on the Tilcon Litigation matter. The Committee started to discuss the ongoing monitoring of the well testing at Fire Station No. 1. The subject was deferred to a meeting when the engineer who performs the testing can be present. The Township Committee also discussed matters relating to the Rescue Squad and the question of Mr. Wunder's continuation. Mr. Wunder recused himself from the closed meeting. The minutes from the meeting will be released according to Path v. Robbinsville as when the matters are concluded and in accordance with the Open Public Records Act.

Resolution No. 35-2010 – Transfer of Emergency Medical Services

Motion by Ms. Schriver, seconded by Mr. Piazza, the Township Committee moved to adopt Resolution No. 35-2010.

Ms. Schriver read the Resolution title in full.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee opened the meeting for public comments.

Mayor Weeks read the resolution, in full, to those present.

RESOLUTION NO. 35-2010
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION AUTHORIZING THE LEBANON TOWNSHIP VOLUNTEER FIRE
DEPARTMENT TO PROVIDE EMERGENCY MEDICAL AND RESCUE SQUAD
SERVICES

WHEREAS, the Lebanon Township First Aid Squad currently provides emergency medical services and/or rescue squad services for the Township of Lebanon; and,

WHEREAS, the Township Committee of the Township of Lebanon wishes to delegate responsibility for providing emergency medical and/or rescue squad services to the Lebanon Township Volunteer Fire Department instead of the Lebanon Township First Aid Squad.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Lebanon Township Volunteer Fire Department is hereby designated as First Responder for any and all emergency medical and/or rescue squad services pursuant to the 911 System, and is authorized to perform any and all emergency medical and/or rescue squad services for the Township of Lebanon, and that the Lebanon

Township First Aid Squad is no longer authorized to perform these services for the Township of Lebanon; and,

BE IT FURTHER RESOLVED that Hunterdon County Dispatch shall be advised that all calls for emergency medical and/or rescue services shall forthwith be forwarded and/or sent to the Lebanon Township Volunteer Fire Department as First Responder for any and all emergency medical and/or rescue squad services for response.

Mr. Anthony Casale asked what will happen with the squad equipment. Mayor Weeks stated that they need to work that out.

Motion to adopt Resolution No. 35-2010 was carried by favorable roll call vote: AYES: Schriver, Weeks, Piazza, NAYS: Morrison

ADJOURN

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:36.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 3, 2010

Jay D. Weeks, Mayor