

CALL TO ORDER

Deputy Mayor Patricia Schriver called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meeting Act" this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Deputy Mayor Patricia Schriver asked everyone to stand for the Flag Salute and for a Moment of Silence.

ROLL CALL

Present - Patricia Schriver Francis Morrison
Brian Wunder Ron Milkowski

Absent George Piazza

Also Present - Attorney Dick Cushing, CFO Greg Della Pia, Clerk Karen Sandorse and 20 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of November 2, 2011. AYES: Morrison, Schriver, Milkowski ABSTAIN: Wunder

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of November 2, 2011. AYES: Morrison, Schriver, Milkowski ABSTAIN: Wunder

PUBLIC COMMENTS – for agenda items only.

Motion by Mr. Wunder, seconded by Mr. Milkowski 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 Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.

ORDINANCES

Public Hearing

Ordinance No. 2011-11- SOLAR OR PHOTOVOLTAIC ENERGY FACILITY

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-11 was opened.

There were no comments from the public.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-11 was closed.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2011-11 as written below.

**ORDINANCE NO. 2011-11
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 400, TITLED "ZONING", SPECIFICALLY
ARTICLE II, REGULATIONS**

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 Zoning Ordinance are necessary; and,

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 400, titled "Zoning" of the Code of the Township of Lebanon is hereby amended, revised and supplemented as follows:

Section 1. Add the following definitions to Section 400-4:

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE, MINOR - A fuel cell, solar or photovoltaic panel or system of panels for the collection of energy and conversion to electric energy, which is located on the power beneficiary's premises; is designed and intended primarily to offset up to 110% of the beneficiary's requirements for energy consumption on site as documented through the submission of power company electricity usage bills or another form of documentation acceptable to the Lebanon Township Zoning Officer; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or,

SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE, MAJOR - A system of fuel cells, solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

Section 2. Add "Solar or photovoltaic energy facilities" as a Principal Permitted Use (PPU) in the B-2 Highway Business District and I Industrial District in subsections 400-9B and 400-9C respectively.

Section 3. Add the following new subsection 400-19.1 in Article II, Regulations:

Section 400-19.1. Standards for major solar or photovoltaic energy facilities.

All major solar or photovoltaic energy facility or structure installations shall comply with the following conditional use standards:

A. Major solar or photovoltaic energy facilities and structures are permitted as a principal use in the I Industrial District and B-2 Highway Business District and shall conform to the requirements for a principal structure in the zone in which such facilities and structures are to be located, except at follows:

- (1) Minimum lot area. 15 acres
- (2) Minimum lot width. 450'
- (3) Minimum lot depth. 550'
- (4) Minimum front yard setback. 150'
- (5) Minimum side yard setback. 75'
- (6) Minimum rear yard setback. 100'
- (7) Maximum height. 10'

For lots with frontage on two streets the required front yard shall be maintained on both streets.

- B. No portion of major solar or photovoltaic energy facilities and structures shall occupy any areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors, unless approved by the NJDEP.
- C. Installations shall be sited behind existing vegetation, which shall be supplemented with landscaping to shield the installation from roads and public view. To the extent achievable, solar and photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
- D. A landscaping and buffer plan shall be provided. Facilities and structures, including solar panels, and any resulting glare, shall not be visible from adjoining residential uses or zones, and shall be screened by a combination of berm(s), landscaping and fencing, as necessary, with the landscaping designed to achieve a mature height of 15-20'. Safety fencing shall be installed behind the required landscaping at a height of 7 feet.
- E. Soil erosion control, soil stabilization. All ground areas occupied by the major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and

maintain the installation shall be planted and maintained with grass or other vegetation recommended by the Soil Conservation District for the purpose of soil stabilization, or covered with stone, subject to the approval of outside agencies.

- F. A grading and drainage plan shall be submitted which shall show the existing and proposed grading and drainage patterns.
- (1) A grading and drainage plan shall be submitted under the seal of a licensed professional engineer and shall provide the details necessary to adequately demonstrate to the reviewing agency engineer that no stormwater runoff or natural water shall be so diverted as to overload existing drainage systems, increase stormwater runoff to adjacent properties, or create flooding or the need for additional drainage structures on other private properties or public lands.
 - (2) Prior to issuance of a Certificate of Occupancy and/or placing the facility on-line, an as-built grading and drainage plan, prepared by a licensed professional surveyor shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.
- G. A Maintenance Plan and Land Surface Management Plan shall be submitted for approval by the Township, which shall include provisions for the continuing maintenance of all solar panels and associated equipment and required plantings, including a schedule of specific maintenance activities to be conducted. The use of herbicides, pesticides and chemical cleaners or solvents shall not be permitted as an acceptable maintenance practice.
- H. Major solar and photovoltaic energy facilities and structures and alternative energy systems shall not result in reflective glare as viewed on adjoining properties.
- I. Sound levels from the energy system shall not exceed 40 dBA when measured from any site property line.
- J. Battery storage for furnishing solar-derived electricity to the grid system is not permitted.
- K. Thin-film solar panels are not permitted.
- L. Solar Facility Impact Statement.
- (1) A solar facility impact statement shall be included with each application for a ground mounted solar energy installation, and shall identify any negative impacts associated with the proposed facility in relation to:
 - (a) Noise
 - (b) Glare
 - (c) Stormwater runoff
 - (d) Floodplains
 - (e) Steep slopes

(f) Wetlands and wetland buffers

- (2) Measures proposed to mitigate or eliminate the negative impacts in (1) above shall be described in detail, along with any associated costs.

M. Abandonment.

- (1) A solar energy facility that is out-of-service for a continuous 12-month period will be deemed to be abandoned. The Zoning Officer shall issue a Notice of Abandonment to the owner of a solar energy facility that is deemed to be abandoned. The notice shall be sent return receipt requested.
- (2) The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the Notice.
- (3) If the property owner provides information that demonstrates the solar energy facility has not been abandoned, the Zoning Officer shall withdraw the Notice of Abandonment and notify the property owner that the Notice has been withdrawn.
- (4) If the Zoning Officer determines the solar energy facility has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.
- (5) If the property owner fails to remove the facility in the time allowed under [4] above, then the Township may remove such system and place a lien on the property for the cost of the removal.

N. Decommissioning Plan. All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment and/or in conjunction with removal of solar energy systems. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan. Prior to removal of solar energy systems a permit for removal activities shall be obtained from the Lebanon Township construction official. The decommissioning plan shall include provisions to:

- (1) Restore the surface grade and soil after removal of aboveground structures and equipment.
- (2) Restore surface grade and soil.
- (3) Restore soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.
- (3) The Plan may provide for the retention of access roads, fences, gates or buildings in place and/or may provide for restoration of agricultural crops or forest resource land.

- (5) If the property owner fails to remove the facility in accordance with the decommissioning plan, the Township may remove such. All costs incurred by the Township in connection with same shall be a first priority lien, enforceable pursuant to municipal tax lien statutes.

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.

Public Hearing

Ordinance No. 2011-12 - Grading

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-12 was opened.

There were no comments from the public.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-12 was closed.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2011-12 as written below.

TOWNSHIP OF LEBANON COUNTY OF HUNTERDON ORDINANCE NO. 2011-12

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE FOR THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND MORE SPECIFICALLY CHAPTER XVII (LAND SUBDIVISION) AND CHAPTER 400 (ZONING)

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

Section 400-8E. Steep Slope Regulations is amended at subsection 2. to specify the particular standards that are required to be presented on detailed lot grading plans for all existing lots of record subject to the provisions of this ordinance.

2. Notwithstanding the above, any existing residential lot of record at the time of passage of this Section shall be exempt from the above provisions, unless and until an application for subdivision of that lot is made. The following standards shall apply to existing lots of record which will necessitate

the construction of a residence or any required improvements on slopes greater than fifteen (15%) percent:

- (a) A lot grading plan which indicates the proposed driveway plan and profile, residential and other site grading necessary for the property shall be developed in accordance with (c) and submitted for review and approval by the Township Engineer. Such plan shall also provide for the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee. Costs associated with the Township Engineer's review shall be assessed against the construction escrow account established by the applicant as part of the building permit application.
- (b) The Township Engineer shall verify that the proposed residential driveway design is capable of providing access for emergency vehicles and equipment under all weather conditions.
- (c) Detailed Site Grading Plans. A detailed site grading plan shall be drawn and certified by a licensed professional engineer at a scale not less than one inch equals 30 feet. Detailed site grading plans shall show the following information:
 1. The tax map sheet, block and lot number, date, graphic scale, North arrow and the names and addresses of the owner or owners of the tract, the applicant, if other than the owner and of the engineer who prepared the plan.
 2. All lot dimensions.
 3. Front, side and rear setback dimensions.
 4. Location of all proposed buildings, dimensions thereof and the first floor elevation.
 5. Location of all buildings on adjoining lots.
 6. The existing and proposed contours at a contour interval of two feet or less.
 7. The proposed elevations of the levels of any land at the corner of the foundation of any structure or structures and the levels of land above and below retaining walls, as well as top of wall elevations.
 8. The layout of existing and proposed public streets and public utilities.
 9. The location of any existing or approved potable water or sanitary sewage disposal facilities on or within 100 feet of the lot.
 10. The location of proposed vehicular facilities, including roads, drives or parking areas designed in accordance with Section 18-6
 11. The location of all existing landscaping within the proposed limit of disturbance, including trees, shrubs and ground cover with type and size of trees or shrubs.
 12. The disposition and extent of topsoil to be removed or backfilled.
 13. The plans and specifications for any proposed retaining walls, fences or other protective structures.
 14. A slope map showing existing slope areas, limits of grading and all calculations necessary to determine compliance with this section.

15. Provisions for the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee.
16. The location plans and specifications of any proposed seepage pits to control roof runoff.

RESOLUTIONS

Resolution No. 82 -2011 – Chapter 159 - Body Armor Grant

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 82-2011 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 82 -2011
CHAPTER 159

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

SECTION 1,

NOW, THEREFORE BE IT RESOLVED that the Township of Lebanon, Hunterdon County, hereby requests the Director of the Division of Local Government Services to approve the increase of \$ 1,266.87 for an item of revenue in the budget of the year 2011 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations – Body Armor Grant
Total with increase to be \$ 1,266.87

SECTION 2,

BE IT FURTHER RESOLVED that a like sum o \$ 1,266.87 be and the same is hereby appropriated under the caption of:

General Appropriations -
Public & Private Programs Offset by Revenues – Body Armor Grant
State/Federal Share \$ 1,266.87
Non State Share \$
Total with increase to be \$ 1,266.87

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Resolution No. 83-2011 – Transfers

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 83-2011 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 83-2011

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2011 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 or more appropriations; and

WHEREAS, certain charges to be incurred that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills may be paid from the 2011 budget year:

<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Administration Other Expense O/E	\$ 2,000.00	
Finance O/E	\$ 4,500.00	
Tax Collector O/E	\$ 3,000.00	
Maintenance of Parks O/E	\$ 3,500.00	
Road Repair/Maint O/E	\$ 51,037.00	
Telephone O/E		\$ 1,300.00
Tax Collector Salary & Wage		\$ 3,200.00
Legal O/E		\$ 14,000.00
Electric & Gas Utility O/E		\$ 16,000.00
Employee Group Insurance O/E		\$ 23,000.00
Aid to Library O/E		\$ 3,000.00
Celebration of Public Events O/E		\$ 2,000.00
General Liability O/E		\$ 1,537.00
TOTAL	\$ 64,037.00	\$ 64,037.00

OLD BUSINESS

DPW Garage Project – Award Bid

Deputy Mayor Schriver stated that the DPW Manager provided the Committee with a letter stating his opinion on the award. Deputy Mayor Schriver stated that the lowest bidder did not meet the requirements in the Bid Specifications and is not eligible for the award. The Second lowest bidder

LTCM

12/07/2011

Page 10 of 17

was Rochelle Contracting. Rochelle's bid packet was reviewed by the Township Attorney's office and did meet the specifications.

Deputy Mayor Schriver stated that the Township Committee has a letter from Chambers Architecture regarding his professional opinion on the award of the bid.

Mr. Wunder stated that he is considering not approving the 5 bay garage alternates, however; he is not sure as Architect Chambers noted in his letter that if they do not go with the 5 bays, they will need to pay for additional shop drawings at a cost of \$37,000.00 to change the plans. There is a lien outstanding for the building and if the Township proceeds with the 5 bay alternate the lien will be gone because they can use the same drawings.

Mr. Milkowski stated that when the project was started they told the residents that they would be spending close to \$2,000,000.00 or less. Due to cost overruns, time delays and rebidding, the only way he can see coming close to that is by eliminating the alternates. Mr. Milkowski's suggestion is to just go with the base buildings.

Architect Chambers stated that he is stating the facts; the Township will not have protection for all of the equipment because it will not fit in the building and there are matters that may come up with change orders due to the change in the award of the bid. Mr. Milkowski stated that there will not be changes because the bid is for the basic building which the prints were. Alternates were an add on.

Mr. Chambers stated that there was some confusion regarding the bays, there is no heat in the bays they are just basic buildings.

CFO Greg DellaPia stated that the Township has already obligated themselves for the \$1,900,000.00 with the first Bond ordinance. The cost for the extra 5 bays is approximately \$200,000.00. Based on the Township's current tax point of approximately \$75,000.00 per point and the way that the Township has paid down their debt by having no long term debt, the Township is borrowing money at below 1%. The \$225,000.00 if based on the current tax structure, over the ten year payback period, the cost would be approximately \$10.50 per home assessed at \$350,000.00. The cost is approximately \$1.50 per \$50,000.00 of an assessed value. Mr. DellaPia stated that the Township may never be able to borrow money this cheaply again. Mr. DellaPia stated that in light of all the problems that the Township has had and being in a market where financing is so cheap, he has already starting speaking to Bond Counsel to go into permanent financing at these low rates. Mr. DellaPia stated that it may not be financially prudent not to move forward with the improvements based on the cost the Committee is talking about allocating to the tax bill. Mr. DellaPia stated that they are talking about leaving equipment outside in the elements which will wear the equipment out faster. Repairs could result from equipment being left out in inclement weather also.

Deputy Mayor Schriver stated that she feels that they are not being good Committee people by not including the alternate for the 5 bays. The Committee needs to protect the Township's assets. Deputy Mayor Schriver stated that she cannot see the equipment not being sheltered in bad weather. Deputy Mayor Schriver stated that the DPW will need to take additional time during inclement weather to deal with a frozen vehicle. She does not feel that it is very prudent and does not feel that the Committee is representing the residents well by not providing the shelter.

Mr. Milkowski stated that the 5 bays are shorter and not for the larger trucks, they are for the smaller equipment. There would be no effect on the new dump trucks.

DPW Manager Warren Gabriel stated that the building was approved in January 2010 and does not understand how the building keeps being reconstructed. Mr. Gabriel stated that he does not want his taxes to go up either but he understands price increases. There was a sub-committee and the Township Committee negotiated and it was determined that the building with the 5 bays was what most suited the Township's needs. There was then a problem with the contractor and the project needed to be rebid and now suddenly the building has to change. Mr. Gabriel stated that the Committee knew full well that there would be costs added to the project. Mr. Gabriel stated that there are comments by the Committee on additional costs for the Architect which are due to the Committee making so many changes. Each time the Committee changes something the Architect has to alter something. Mr. Gabriel stated that he is not sure of what is happening but Mr. Milkowski and Mr. Wunder have been on him since he has been in the position and he does not appreciate it. Mr. Wunder stated that he did not agree. Mr. Gabriel stated that he hears comments all around town. Mr. Gabriel stated that he has discussed the matter with Mr. Milkowski but not Mr. Wunder because he has been unable to make contact with him. Mr. Gabriel feels that the problem with the garage is due to him. Mr. Gabriel stated that equipment will be left outside. The prior building has been torn down and they are the bays that need to be put back up.

Ms. Schriver asked if other DPW's keep their equipment inside. Mr. Gabriel stated that yes, they may not have full garages but they do have lean to sheds or covers. Mr. Gabriel stated that during the October storm the DPW had a difficult time with the plows being covered with snow the trucks need to be cleaned out before you can load them. Mr. Gabriel stated that the DPW cannot spend an hour thawing out trucks to get them on the road.

Mr. Milkowski stated that the larger bays are being added so the larger trucks will be sheltered. Mr. Gabriel stated that the mason dumps will be outside.

Mr. Gabriel stated that the Township needs to build what they tore down and go with the plans as originally approved. If changes are made to the plans then it will push the project back another 3 months for new plans to be drawn. Mr. Milkowski stated that there were delays due to possible changes to the building. Mr. Milkowski stated that Butler is 3-4 weeks turn around for plans.

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee awarded the bid for the Township Garage Project to Rochelle Contracting at a cost of \$2,080,000.00 without any alternates. AYES: Morrison, Wunder, Milkowski NAYS: Schriver

Richard Stothoff - DPW Garage Project Inquiry

Mr. Richard Stothoff of the Sam Stothoff Company in Flemington was present at the meeting to discuss the well his company installed at the DPW site for the new building. Mr. Stothoff had the contract with Poppe Construction to drill a well and abandon the existing well at the site. In May, the existing well was abandoned and a new well was drilled in order to have temporary water. There is a temporary pump in place. Mr. Stothoff stated that the only thing left to be done, once the building is

LTCM

12/07/2011

Page 12 of 17

constructed, is to run pipes to the building and a storage tank. Mr. Stothoff stated that he understood that in June the Committee authorized payment to Poppe for the well work that was completed however, although approval was made to pay Poppe, the money was held so he didn't pay Stothoff. Mr. Stothoff stated that when the well was drilled and the old one abandoned, it was in the name of the Township. Mr. Stothoff stated that there is now a new contract and he is wondering what happens to the work that has already been done.

Mr. Cushing provided Mr. Stothoff with the history of the Township's dealings with Poppe Construction. Mr. Cushing stated that sub-contractors should file a Mechanics Lien against the contractor and the contract proceeds. Mr. Cushing noted that the Committee has not determine where they are going with this legal issue but stated that he believes that if there are additional funds at the end of the original contract award, there would be money for the sub-contractors. If there is not adequate money, it is not a Township responsibility. The Township's contract was not with Stothoff it was with Poppe Construction. Attorney Cushing stated that the sub-contractors and the Township has been hurt by the actions of Poppe, however the Township can only follow the law. Mr. Stothoff stated that if someone does not pay for their work they just go and pull up the well and seal it, which they may have to do, although it is not practical.

Parking on Snow Covered Roads

Chief Mattson was present at the meeting to discuss a resolution adopted by the County Freeholders relative to parking on County Route 645 during inclement (winter) weather. The County has requested that the Township adopt a resolution mirroring their resolution. Chief Mattson informed the Committee that he thinks that is wonderful that the County has adopted a resolution relative to parking on snow covered roads however, he has a few thoughts on such. Chief Mattson stated that he would like the resolution to pertain to all County roads located in the Township not just County Route 645. Chief Mattson also noted that the County's resolution states that there needs to be more than two inches of frozen precipitation that has fallen. This resolution is very difficult to enforce due to measurement and location of the snow. Accumulation may be different at one area of the road than another. Chief Mattson stated that the County's resolution also states that the order will stay in effect until twelve hours after cessation of frozen perception events. Chief Mattson questioned who determines when the storm is over.

Chief Mattson informed the Committee that the Township has an existing ordinance that is very easy to enforce. The Ordinance reads: "Whenever snow has fallen and the accumulation is such that it covers the traveled way or the shoulder of any municipal street or municipal highway in the Township of Lebanon, no vehicle shall be parked thereon and an emergency shall exist". Chief Mattson stated that the ordinance also stated that the parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and parking will not interfere with the flow of traffic. Chief Mattson stated that he would like the County to mirror the Township's ordinance.

The Chief was directed to put his opinion in a letter to the Committee which will be forwarded to the Freeholders for their consideration.

League Attendees Report

Committeemen Morrison, Committeeman Milkowski and Clerk Sandorse provided a report on their attendance at the 2011 New Jersey League of Municipalities Conference.

Berk Lane Drainage – Township Engineer Opinion

The Township Committee received an opinion letter from the Township Engineer regarding the drainage complaint received from two residents on Berk Lane. Mr. Risse believes that there was no erosion or any problems on Brian Smith's roadway, which is between the Township land and Berk Lane. It does not appear that the majority of the water is coming from the Park as the residents believe it is. The DPW Manager and the Township Engineer are to meet with the residents to discuss the engineers findings.

Cell Tower

Attorney Cushing stated that his office is continuing to negotiate with Verizon relative to the Cell Tower project. There was communication between their expert and Mr. Gabriel with respect to how much of the generator use would be required by each party because there had been some hesitation by Verizon to share in a bigger percentage than their proportionate share of the generator. Mr. Cushing office has taken the position that they need to do so. Mr. Cushing is waiting for Verizon to respond with their position with respect to payments. Hopefully Verizon will get back in a week or so.

Maple Lane Drainage

Attorney John Gallina has prepared the Agreement for review by the Township Engineer, the DPW Manager and the two property owners.

Mt. Airy Road Drainage

Mr. Milkowski stated that the Township Engineer looked at the drainage. There were pipes that were covered over during the construction and have since been reopened. The area which was not running into the inlet has been corrected.

Mountain Top Road

Mr. Milkowski stated that the DPW will be changing the grate on the inlet to prevent it from becoming leaf covered. Mr. Gabriel has ordered the grate and will try to have it installed before the winter weather occurs.

Township Park Paving

Deputy Mayor Schriver stated that the cost for the paving in the park was \$65,000.00. The cost was actually lower than anticipated. The speed bumps will be installed once the paving cures.

NEW BUSINESS

Request to Purchase Defibrillators – Fire Chief

Fire Chief Warren Gabriel requested to purchase four defibrillators. Three will be used by the Fire Department and one will be for the Municipal Office.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the Fire Chief's request to purchase four defibrillators at \$829.00 each. The defibrillators will be purchased from Life Savers, Inc., through State Contract #A62423, at a total cost of \$3316.00. The cost will be covered by the OEM Budget.

Police Chief Request – E-Ticket System

Police Chief Mattson sent correspondence to the Committee informing them that the Court Administrator of the Municipal Court of North Hunterdon has requested that all police departments consider implementing an electronic ticket system (E-Ticket). The Court Administrator, Robin Manfredi, expects that the system will eventually be mandated in all courts. If the Township moves forward at this time and with the participation of all departments, installation costs can be shared and the court will take on the responsibility for the majority of the initial installation and annual maintenance of the system. The cost for the system to be installed in four vehicles will be approximately \$7,550.00. The E-Ticket Systems can be transferred to new vehicles when necessary.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to have E-Ticket Systems installed in four of the police patrol vehicles at a cost of \$7550.00.

Library Door Purchase – DPW Manager

DPW Manager, Warren Gabriel, sent correspondence to the Township Committee informing them of a situation with the purchase of the new Library door. Mr. Art Gerlich, the Library Committee Chairman, had met with the Township Committee during this year's budget workshop and notified them that the Library Committee would be making renovations to the Library. The new entrance door was to be included in the renovations which was to be paid for through the Library's Trust Fund. Following the installation of the door, Mr. Gerlich contacted the Clerk and advised that he had been advised that the Library's Trust Fund does not allow for Capital Expenditures, which the door would be. The Library Committee is now asking if the door could be paid through the Township's Building and Grounds Budget.

The cost of the door is \$4829.00. Mr. Gabriel certified with the Treasurer that there are adequate funds in the Building and Grounds Operating Budget for the purchase.

Motion by Mr. Wunder, seconded by Deputy Mayor Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Mr. Gabriel's request for the library door to be paid through the Buildings and Grounds budget.

Animal Control Officer, Tom McCreary- Request for Vehicle

Tom McCreary contacted the Clerk to inform her of his need for a vehicle to carry out animal control in the Township. Mr. McCreary no longer has a truck to transport animals and is requesting that the Township provide him with a used vehicle. The Committee will look into the vehicle inventory to see if they can fulfill Mr. McCreary's request.

Open Space Trust Funds – Intent

The Township Committee has received a letter from Kevin Richardson, Program Administrator of the Hunterdon County Open Space & Historic Preservation Trust Program, requesting that the Township Committee, officially bank and reserve any unused allocation of Trust Funds by the end of the year. The Township has \$31,269.38 in County Trust funds available from the 2010 CYA. The Committee should consider projects to apply the money to in future years. Deputy Mayor Schriver will look into possible projects for a resolution to be considered at the December 21, 2011 meeting.

TRC Environmental Corporation Notification

John Potenza, of TRC Environmental Corporation sent an email to the Township Clerk stating that TRC will not be submitting a proposal for environmental services related to the Fire Station No.1 for the 2012 year. Mr. Potenza stated that TRC has made a business decision not to act as Licensed Site Remediation Professional (LSRP) for this site.

Discussion was held to the Executive Session.

Historian's Request- Museum Parking Lot

Mr. Tom Burrell and members of the Township Historians were present to discuss the need for a parking lot at the Museum. Mr. Burrell stated that in certain instances, vehicles and buses need to park along County Route 645 due to a lack of parking area. Mr. Burrell stated that he met with the County Road supervisor and was advised to have the Township Engineer sketch possible parking options. Mr. Burrell noted that once this is accomplished, the Historians will look into possible grant money to assist with the costs.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee authorized the Historians to meet with the Township Engineer to design a layout for parking at the Museum.

Schedule 2012 Reorganization Meeting

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee scheduled the 2012 Re-organization meeting to be held on January 4, 2012 at 7:00 p.m.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the December 7, 2011 bill list in the amount \$718,693.08.

CORRESPONDENCE

- a. Tax Collector's Report for the Months of October and November 2011
- b. NJDA – Gypsy Moth Report
- c. Mr. Michael Orfe – October Snowstorm
- d. Mr. and Mrs. Don Luster - 2053 Route 31

PUBLIC COMMENTS

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

Mr. Dewey Polt informed the Township Committee that the bus company, which now occupies his property on Dewey Lane, will be closing down and they will be moving the buses out. Mr. Polt stated that there have been buses there since 1922. Mr. Polt stated that property will be unoccupied on February 1, 2012. He would like to sell the property to the Township for \$1.00. Mr. Polt has reports for all of the environmental studies which have been done. There has been a considerable amount money put into the property with new fuels tanks. There is a 10,000 gallon double wall diesel tank and a double wall fiberglass tank also. The tanks were all state of the art when installed. Mr. Polt noted that there are no environmental concerns that he is aware of. He has had studies done and all DEP requirements are up to date. There is a 5 bay garage on 3 acres of land. There is parking for 50 school buses and 50 employees. Mr. Polt only asks that the property be dedicated in memory of his parents and grandparents. Mr. Polt stated that the bus company will be conducting an environmental exit review and Mr. Polt will have an independent inspector there also. The property has been monitored continuously for many decades.

Mr. and Mrs. Minick of Berk Lane were at the meeting, stating their concerns with the Township's position on the water drainage on Berk Lane and their property. The DPW Manager and the Township Engineer will meet with the Minick's to discuss the matter.

Mr. Anthony Casale thanked Mr. Milkowski for attending the NJ League Conference. Mr. Casale inquired on alternate Public Utilities and the need to obtain bids. Mr. Cushing will look into options. Mr. Casale inquired on the voucher moving funds from the Operating Budget to the Open Space Budget. Mr. Casale questioned the cost of the Cell Tower generator, when they will be breaking ground and the co-locator agreement.

Ms. Nancy Darois thanked Dewey Polt for offering his land to the Township and asked about the status of the Squad matter.

Mr. Victor Hoffman expressed his concern with drainage near his home and recommended a flow chart for the Township. He stated that he is having a very difficult time maintaining his property due to the water. There have been two County projects that appear to have changed the water flow in the area. The Township will ask the County about the excess water in that area.

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.

EXECUTIVE SESSION

Motion by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.84-2011 and convened in executive session at 9:02 p.m. It is not anticipated that action will be taken at the close of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 84-2011

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
Litigation
Land Acquisition
PBA – Collective Bargaining

The Township Committee reconvened the Regular Committee meeting at 10:06 p.m.

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 10:08 p.m.

Respectfully submitted

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: January 18, 2012

Patricia Schriver, Deputy Mayor