

**Lebanon Township Committee  
May 3, 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 approximately 150 members of the public.

**PUBLIC COMMENT**

Mayor Weeks asked for the Township Committee to move the public comments portion of the meeting up on the agenda so all present have a chance to speak.

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

Ms. Colleen Ingram asked what went into the Township Committee's decision in transferring Rescue services to the Fire Dept. and why the vote was taken in executive session. Ms. Ingram wanted to know way the decision was made.

Attorney George informed the Township Committee, especially those named as defendants, and the public, that three Committee members are named as defendants in this matter and the Township Attorney's office has instructed them that they should not discuss this matter while there is pending litigation. In addition, regarding the matter of the resolution, the vote was not taken in private session. The Township Attorney also informed the Township Committee that although they can address the reasoning's that were presented on the public record since 2005, he would advise them and counsel them that they do not have to answer a question as to why they voted the way they did. Every person in the State of New Jersey is privileged from disclosing the reason for a vote. It is the most sacred duty that a citizen has.

Ms. Charlotte Fels stated that she came to the meeting out of loyalty. She has had several occasions to call on the Rescue Squad. Ms. Fels stated that she is very impressed with them as they are dedicated, they know what they are doing, they love it, they are a team. They are a working model for what they are supposed to do. It's just not right. Ms. Fels asked the Committee not to let a good thing that this Township has, go by the wayside.

Ms. Susan Young stated that she has a disabled child living in her home and has had several occasions to call the Squad. She stated that she is appalled and disappointed that this was not up to a public discussion or vote that the Township has no rescue squad. Ms. Young stated that as far as she knows fire and rescue are two different units. Ms. Young asked, what Township does not have a rescue squad of some sort and a fire department, it is two separate issues?

Mr. David Nell asked Mr. Wunder and Mr. Morrison if there had been any discussions with the Committee prior to the last meeting when the vote was taken on this issue. Were they informed that the Fire Department was going to take over the Squad prior to it happening? Mr. Wunder stated "No he was not". Mr. Nell stated that this is a democracy and that when the public elects people they expect them to take care of their affairs. He sees no reason why there should be secret meetings, back deals and a creation of thugs to go to a building, which is operated by a private company, to force their way in, to intimidate two young people in the building and to steal everything that is not nailed down. Stealing the ambulances and computer equipment and prescription drugs which were all purchased by donations by the residents of the Township. Mr. Nell said that he does not think that it is up to the Township Committee to make a decision as they have. There should be public opinion on the matter.

Ms. Jeannette Sliker stated that she is glad to see that Mr. Wunder is able to partake in this meeting and not be escorted out. Ms. Sliker wants to know who brought the issue up. Ms. Sliker stated that she feels that the actions of the Committee, puts the Fire Dept. between a rock and a hard place and that's not fair. Ms. Sliker stated that in every newsletter the Squad is seeking volunteers. She stated that for the volunteers, the action the Committee took is like a shot in the back.

In response to Ms. Sliker's question as to who brought up the issue, Attorney George read from the April 7, 2010 minutes the following:

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.

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

Robin Stulack stated that her husband is a volunteer Fireman as well as all of the other volunteers in the room. She stated that she heard that people were being paid on this volunteer squad, which is not

volunteer. Ms. Stulack asked that the Township Committee not put the Fire Dept. in the middle of all of this.

Mr. Wood addressed Attorney George and stated that he could understand Mr. Wunder being precluded from a vote, however, he feels that he should have been involved in the executive session.

Attorney George stated that after a discussion, which he did not go into as the discussion was held in executive session with all of the Committee members, he rendered legal advise. Mr. Wunder recused himself from the meeting. This matter is under dispute as well. The Township has received a letter from Mr. Wunder's attorney with regard to the recusal. Attorney George stated that there are certain grounds in which an elected official should be recused from a meeting. Mr. Forte asked if that was in the bylaws of the Committee? Attorney George stated that it is a State Law.

Ms. Judy Warmingham stated that over the years the Township Squad has been very helpful with the Girl Scouts and in transporting her mother to the hospital. The compassion and volunteerism they show is amazing. They are a tremendous group of people. She does not feel that disbanding them was the smartest move to make. Ms. Warmingham stated that in Lebanon Township the residents pay a lot of money and it can't be that much more to support the Squad.

Mr. David Shope stated that he is pleased that the public comment is at the start of the meeting. Mr. Shope questioned the number of EMT's vs. Fire Dept. Mr. Shope has a farm and stated that farming is dangerous. To protect the farmers, the Township should have the best Rescue Squad services possible. Mr. Shope stated his concerns with the change in the legal representation in the Township over the past few years. He stated the legal opinion of what is legal and what is right.

Mr. Amil Sherman stated that he does not see a problem with a paid squad. He does not have a problem with residents earning a paycheck as a volunteer for the squad.

Mr. Lawrence VanPelt thanked the Committee for what they do. He thanked the Fire Dept. for the great job that they do. Mr. VanPelt stated that the Squad has tried to serve the people. They have been on thousands of calls, providing hundreds of thousands of man hours to the best of their ability, for the good of the people. Praise the squad for what they have done, give them the oversight they need to get better, they can only improve if everyone works together.

Mr. Dave Plasman stated that the Squad has come to the house several times and has done excellent work. His daughter drives for the Squad, part time, and they have taught her a lot of responsibility. Mr. Plasman stated that he has lived all over the country and for the past seven years has lived in this lovely area of New Jersey. He now feels that he is in Union or Hudson County.

Ms. Nancy Lawrence stated that she had the Fire Dept. to her house and unfortunately they did not find it the first time so it took a little bit to get there. Then she had to call the Rescue Squad and they came right away. They were very good in taking her to the Medical Center. She just does not understand why there are these political problems in the Township. Ms. Lawrence asked where the ambulances are and who will respond if she calls.

Deputy Chief Ed Schaffer read a prepared speech for the record. He stated that the Fire Department is comprised of dedicated men and women who strive to make Lebanon Township one of the best Fire Departments in the County. He stated since joining the Fire Dept in 1999 each and every call

that the Fire Dept. has been dispatched to has been answered by the Fire Dept. The Deputy Chief asked those who provide EMS to the residents to consider joining the Fire Dept. to continue the great work that they do and for those with other agenda's, to please leave the services and let the dedicated members strive forward. The Deputy Chief stated that the Fire Dept. has always had an open door and would be honored to have those dedicated people contact them about becoming a member. The Deputy Chief asked Mr. Wunder when he will be contacting the Fire Dept. to see what their cares and concerns are. The Deputy Chief stated that the Squad has stated that the ambulances and equipment have been purchased through the Squad's money. He questioned where the Squad's money comes from? He believes that the Rescue equipment is paid for in the same way that the Fire Dept.'s is which is through Fund Drives, donations, Coin Toss and mailings. Therefore, the residents actually pay for the equipment. Deputy Chief Shaffer stated that when the Township Committee asked, the Fire Dept. accepted the responsibility of EMS and the confident members have, and will continue to answer calls for emergency services with the utmost integrity. The Deputy Chief encouraged Mayor Weeks, Ms. Schriver and Mr. Piazza to keep up the great work. The end result will be the best for anyone in need of emergency services in the Township.

Mr. Wunder stated that he spoke to the Chief earlier in the day and asked him how things were going. The Chief stated "fine". Mr. Wunder said that this is not against the Fire Dept. This issue was generated by the Township Committee and he supports the Fire Dept. completely. They are doing the right thing in taking over the EMS as asked. Things need to be worked out. There are better ways of handling the issue though, or everyone would not be sitting here this evening.

Ms. Nancy Darois stated that no one comes to the Township meetings unless they have a problem. Ms. Darois stated that the Committee had asked the Rescue Squad for an audit and they have never been provided with one. If they cannot keep their books straight and the Township is providing them with taxpayers money along with the residents donations, there is a problem. It is not their money, it is the Township's money. If everyone would come to meetings they would find out what is going on.

Ms Erin Crail asked if part of the property taxes go to the Fire Dept. or is it funded solely by donation. Mr. Wunder stated that the Fire Dept. does receive money from the Township. Ms. Crail asked if the same is said for the Rescue Squad. Mr. Wunder stated that the Squad receives very little from the Township, their money is received mostly by donations. Ms. Crail asked if the taxes will increase to provide more assistance to the Fire Dept. to cover Rescue services.

Ms. Deborah Goodsite stated that she is very impressed by both the Fire Dept and EMS. She informed the Township Committee of an accident that took place in front of her home. The Squad responded very quickly and she wondered if there were no Squad what would have happened, since the Fire Dept. was so busy that day also.

Mr. Walt Bilicki asked if the residents were ever going to find out what actually took place to cause this action. He questioned how good of a response will the Township get out of the Fire Dept. Mr. Bilicki stated that it is up to the Township Committee to find out if there is something wrong going on, get to the bottom of it and let the public know. Mr. Bilicki stated that his wife was treated by Clinton Rescue and billed \$800.00. He stated that the Township needs the service and if they have to bill, then they have to bill. Mr. Bilicki stated that his daughter is on the Squad and they are dedicated and have good response times.

Mr. Ed Gagne stated that he ran for the Township Committee last year against Brian Wunder and he is glad that Brian won. Mr. Gagne stated that no one has made a comment tonight with the exception of the one person that they would not let speak in the executive session meeting when this all started. Mr. Gagne stated that he thinks he was right when he ran for election in saying that he wished he had a kinder, gentler, sweeter board. Mr. Gagne was disappointed that there was no discussion by the Township Committee.

Ms. Carol Clark stated that her son was a member of the Rescue Squad since he was 16. Ms. Clark stated that her son has since moved on, however, the family is still interested in the Fire Dept. and the Rescue Squad. They are terrific people and their volunteer spirit is wonderful. The residents need to know what the problem is.

Ms. Ellen Parker stated that there is obviously a big problem and asked why the Township Committee can't put things back to the way they were and work it out. She stated that the lawsuits should stop and the Township Committee should let the people who are such good volunteers do their job for the community.

Ms. Betty Jones stated that if she has a fire in her house she wants a Fireman to respond, if she is having a heart attack she wants an EMT to respond. She asked if the Township Committee can guarantee that every time an ambulance leaves the Fire House will there be an EMT on it. Fire Chief Warren Gabriel stated "yes".

Ms. Jeannette Sliker stated that this is not against the Fire Dept. She asked if the EMT's, who served on the Rescue Squad, are they permitted to go to an incident to help out? The Fire Chief stated that "yes they can".

Mr. Steve Leftly stated that this is a small civil township. This matter should be able to be handled in a civil and pleasant fashion. There should not be this aggravation, people getting bent out of shape. We have a great Rescue Squad and a great Fire Dept. Mr. Leftly is impressed by the time and effort they put in. Mr. Leftly said, "Let's put things right".

Mr. Brian Wunder stated that he does not understand why this matter was handled in this manner. Mr. Wunder stated that he was blacklisted by the Township Committee based on the actions taken toward him. His opinion is that there is not sufficient reason for what they have done.

Ms. Kathy Wisbeski of the LTVFAS stated that the EMT's can respond to calls, however, they no longer receive calls on their pagers.

Deputy Fire Chief Ed Schaffer stated that in the State of New Jersey if you are an EMT, you are required to stop and render aid should you pass an accident etc.

Ms. Pat Anderson asked if the Township Committee ever had complaints brought to them regarding the Squad. Mr. Wunder stated "Not to him, expect some paperwork possibly".

A Township resident asked Attorney George to please read Resolution No. 35-2010 aloud, which he did.

Ms. Colleen Ingram asked if there was any discussion prior to the Resolution being adopted? Attorney George stated that there was a public comment session after the full reading of the Resolution and one or two residents had some comments. Then the vote was taken after the public session was closed.

Mr. George Franey stated that knowing the people on the Township Committee they must have a very good reason for doing what they have been doing. It is not coming out now but he hopes that it can be all settled. Mr. Franey also stated that he hopes that the Rescue Squad is living up to all of the regulations of the State and Federal Government.

Ms. Cindy Riordan, the Northern Area Executive Vice President of the NJ First Aid Council, stated in rebuttal to Mr. Franey question, the Lebanon Township First Aid Squad is fully certified in EMTs and they are certified to Federal and State Governments. Their ambulances are inspected every year by the NJ First Aid Council standards which mirror or are higher than the State Department of Health.

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

Attorney George made a comment on behalf of the three Committee members who are named as defendants in the lawsuit filed by the Lebanon Township First Aid Squad.

#### **STATEMENT OF MEMBERS OF THE LEBANON TOWNSHIP COMMITTEE DEFENDANTS REGARDING LTVFAS LAWSUIT**

The Lebanon Township Volunteer First Aid Squad has filed a lawsuit regarding the Township Committee's decision to designate the Lebanon Township Fire Department as the Township's first responder for emergency first aid. It will be up to Judge Buchsbaum of Hunterdon County to determine what the outcome is. The members of the Township Committee who were named in this lawsuit have been dealing with the problems in management, service and accountability of the Squad for years. The residents of our Township deserve to know the true and accurate story of the Squad's behavior over at least the past five years because they use the township's name, the township's land and the township's contributions. That means all of those who live in Lebanon Township who contribute as well.

The Squad has chosen to cast slurs on your Township but they have not been accurate in their allegations. Did they tell you they had taken a bank loan, without collateral or guarantee, to pay their own members at the very same time they were circulating a flyer asking for your volunteer donations? At the same time they have tried to hire a billing company to charge you through your insurance for their services – money they will ultimately get after splitting the money with the company.

They have appeared time and time again since at least 2007 and demanded that the Township designate them and give them money as the Township's first responders, but refused to be financially accountable when asked. They tell you that they have reported the Township Committee for violating the Open Public Meetings Act, but neglect to tell you that they have appeared in public at meetings and demanded this bound resolution regarding first responders as well as many times in executive session when the issues were discussed at length with members of the Committee and members of the Squad, all who wanted to appear. They also neglect to tell you that their finances were audited and also were under investigation.

They brag about their services to the community but not about complaints about hostility, verbal abuse, discourtesy to people, even confrontations with other rescue squads. The Township Committee does not believe that this is a pattern but they have received complaints.

Finally, although they have been reported as being current in their certifications, an inspection of the vehicles as an inventory to determine what was actually present so there was no allegation of theft, found expired medical supplies.

The court will decide this case, fortunately on the facts. We look forward to the chance to have the facts finally come out.

Mr. Wunder stated that, unfortunately, the Judge is going to have to make this decision on this issue since the Township Committee would not get a liaison group of residents to try to work this out with the Rescue Squad. Mr. Wunder stated that he believes that the statement read by Attorney George could boarder on public slander against the Rescue Squad.

Mr. Morrison moved to rescind Resolution No. 35-2010. Attorney George informed Mr. Morrison that he must request from the Township Committee to alter the order of business or to bring the matter up under old business. Mr. Morrison agreed.

Attorney George reminded Mr. Wunder that his recusal is voluntary and at this point he would be participating in the decision, which although a letter has been received from his attorney, it has not been resolved at this point and will be determined at a later date.

Mr. Wunder stated that he disagrees and he will proceed. He informed the Township Attorney that can get a gag order against him from the judge, if he needs to, or he can sue him but he will make a vote.

*Mr. Morrison moved, Mr. Wunder seconded motion to alter the order of business on the agenda. Motion defeated on roll call vote. AYES: Wunder, Morrison NAYS: Schriver, Weeks, Piazza*

## **PRESENTATION OF MINUTES**

*Motion by Mr. Piazza, seconded by Ms. Schriver 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. Piazza 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- 07 - “SOLID WASTE; RECYCLING”**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-07 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. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2010-07 as written below.*

**ORDINANCE NO. 2010-07  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE TO  
REVISE, AMEND AND SUPPLEMENT  
THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON,  
CHAPTER 317 ENTITLED “SOLID WASTE; RECYCLING”**

**WHEREAS**, Chapter 317 of the Township Code of the Township of Lebanon, entitled “Solid Waste; Recycling”, sets forth certain recycling requirements in accordance with the provisions of the New Jersey Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11, et seq.; and,

**WHEREAS**, Chapter 317 of the Township Code of the Township of Lebanon must be replaced in its entirety in order to remain in conformity with the provisions of the New Jersey Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11, et seq.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 317 of the Township Code of the Township of Lebanon, entitled “Solid Waste; Recycling”, is hereby replaced in its entirety with the following:

**“§317-1        Purpose**

A. Recycling of certain materials has become an important public concern by reason of the growing problem of solid waste disposal and its impact on our environment. Removal of certain designated materials from the municipal solid waste stream and the recycling of those materials will aid in the reduction of potential air and ground pollution.

B. The establishment and implementation of a source-separated recycling program for certain designated materials will enable the municipality to operate in concert with the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11, et seq., and for the foregoing reasons, the requirements and programs established hereunder will foster and promote the general public interest.

**§317-2        Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

A. DESIGNATED RECYCLABLE MATERIALS. Those materials designated within the Lebanon Township Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

1. DESIGNATED RECYCLABLE MATERIALS FOR THE GENERATORS OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL and INSTITUTIONAL WASTE:

(a) Corrugated – Containers and similar paper items usually used to transport supplies, equipment parts or other merchandise.

(b) Mixed Office and Computer Paper – Any and all types of “office-type” paper including, but not limited to: computer paper, hi-grade white paper, typing paper, copier paper, onion-skin, tissue paper, notepad, envelopes, manila folders and colored paper or any mix thereof.

(c) Newspaper – All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Forest and Paper Association grades #6, #7 and #8 news).

(d) Other Paper/Magazines/Junk Mail – All paper which is not defined as corrugated, mixed office paper, computer paper or newspaper.

(e) Glass Containers – All glass containers used for packaging food or beverages.

(f) Aluminum Cans – Food and beverage containers made entirely of aluminum.

(g) Steel Cans – Rigid containers made exclusively or primarily of steel or tin-plated steel and steel and aluminum cans used to store food, beverages and a variety of other household and consumer products.

(h) Plastic Containers – Containers including polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) and milk, water or detergent.

2. ADDITIONAL DESIGNATED RECYCLABLE MATERIALS FOR THE GENERATORS OF COMMERCIAL, INDUSTRIAL and INSTITUTIONAL WASTE:

(a) White Goods and Light Iron – All appliances such as washers, dryers, refrigerators, etc. as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled and/or reconditioned steel drums and other non-structural ferrous scrap.

(b) Anti-freeze – All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

(c) Batteries, Lead-Acid – Batteries from automobiles, trucks, other vehicles and machinery and equipment. THIS DOES NOT INCLUDE CONSUMER BATTERIES.

(d) Used Motor Oil – petroleum-based or synthetic oil, which through use, storage or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

(e) Tires – Rubber-based scrap automotive, truck or specialty (e.g. forklift) tires. The tires must be recycled at a facility approved by the New Jersey State Department of Environmental Protection.

3. DESIGNATED RECYCLABLE MATERIALS FROM GENERATORS OF RESIDENTIAL WASTE THAT ARE COLLECTED BY LEBANON TOWNSHIP:

(a) Anti-freeze – All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

(b) Batteries, Lead-Acid – Batteries from automobiles, trucks, other vehicles and machinery and equipment. THIS DOES NOT INCLUDE CONSUMER BATTERIES. (See 3(d) below).

(c) Used Motor Oil – petroleum-based or synthetic oil which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

(d) Batteries, Household – Any type of button, coin, cylindrical rectangular or other shaped enclosed device or sealed container which was utilized as an energy source for commercial, industrial, medical, institutional or household use. THIS DOES NOT INCLUDE LEAD ACID BATTERIES FROM VEHICLES.

(e) Mercury Containing Devices – Fluorescent and compact florescent tubes (CFT's), High Intensity Discharge (HIS) and neon lamps, electrical switches, thermostats and any batteries containing mercury.

(f) Petroleum Contaminated Soil – Non-hazardous soils containing petroleum hydrocarbons resulting from spills, leaks or leaking underground storage tanks used for gasoline or any other commercial fuel and which are recycled in accordance with the requirements of N.J.A.C. 7:26A-1.1, et seq. NOTE: This material can be recycled at "Class B" facilities (for example, authorized asphalt manufacturers).

B. MUNICIPAL RECYCLING COORDINATOR. The person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.

C. MUNICIPAL SOLID WASTE (MSW) STREAM. All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Lebanon.

D. RESIDENTIAL PROPERTY. Any building or structure, or complex of buildings, in which less than three (3) dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A 13:1E-99.13a).

E. RESIDENTIAL COMPLEX. Any building or structure, or complex of buildings, in which three (3) or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A 13:1E-99.13a), and includes hotels, motels, or other

guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law", P.L. 1967, c. 76 (C.55:13A-1 et seq.).

F. SOURCE SEPARATED RECYCLABLE MATERIALS. Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

G. SOURCE SEPARATION. The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

### **§317-3      Municipal Recycling Coordinator**

A. In order to carry out the requirements of the New Jersey Mandatory Source Separation and Recycling Act (the "Act") and the Lebanon Township Recycling Plan (the "Plan"), the position of Municipal Recycling Coordinator is hereby established, who shall be responsible for compliance with said Act, Plan and applicable Township regulations.

B. The Municipal Recycling Coordinator shall be annually appointed by the Township Committee and shall serve a term of one (1) year.

C. The Recycling Coordinator shall report to the Township Committee at least once annually on the status of the Municipal Recycling Program and shall, from time to time, advise and make recommendations as to how the requirements set forth in this ordinance may be effectuated.

D. The Municipal Recycling Coordinator shall attend all Municipal Recycling Coordinator meetings that the Township Committee deems to be important. This includes meetings that may be conducted by the State, the County or other appropriate organizations.

E. The Municipal Recycling Coordinator shall promote the Municipal Recycling Program by educating citizens, businesses, institutions and organizations of the need to participate in the Municipal Recycling Program and shall explain to citizens, businesses, institutions and organizations the provisions of the mandatory recycling ordinance and assist in the enforcement thereof.

### **§317-4      Source Separation**

A. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to, retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Lebanon, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township of Lebanon.

B. Unless the Township provides for the collection of designated recyclable materials, every owner and/or occupant of residential or nonresidential premises must contract with a private

contractor for the removal and disposition of designated recyclable materials as set forth in this Ordinance. Residential recycling contracts must comply with the provisions of this Chapter and must further provide for not less than monthly pick-up.

C. If services for the collection of designated recyclable materials are not provided by the Township or a private contractor pursuant to subsections A and B of this section, designated recyclable materials must be delivered to a municipal, county or State facility that accepts mandatory recyclable material as set forth in this Ordinance, to the extent permitted by the owner or operator of such facility.

**§317-5      Residential Dwelling Compliance Requirement**

A. The occupant(s) and owner(s) of any residential property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner of the building(s) is responsible for setting up and maintaining a recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the Township. Violations and penalty notices will be directed to the occupant. In instances where the violator is not easily identifiable, violations and penalty notices will be directed to the owner/management. The owner/management shall issue notification and collection rules to occupants when they arrive and at least twice annually during their occupancy.

B. Any occupant(s) and/or owner(s) of any residential property that fails to abide by the rules and regulations of this Ordinance may be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each month of noncompliance. Prior to taking enforcement action pursuant to this section, the Recycling Coordinator or other enforcement officer shall issue one (1) warning to any occupant which is in violation of this Ordinance, which warning shall include education information regarding proper procedures for recycling.

**§317-6      Residential Dwelling Complexes Compliance Requirement**

A. The occupant(s) and owner(s) of any residential property shall be responsible for compliance with this Ordinance. Unless the Township provides for the collection of designated recyclable materials, the owner of each residential complex is responsible for providing a recycling depot for the entire complex. The depot shall be equipped with owner or contractor supplied receptacles for each category of designated recyclable material.

B. Any occupant within a residential complex that fails to comply with the requirements of this Ordinance may be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each month of noncompliance.

C. The owner/management shall issue notification and collection rules to new tenants when they arrive and at least twice annually during their occupancy.

D. Unless the Township provides for the collection of designated recyclable materials, the owner of each residential complex shall report to the Municipal Recycling Coordinator by February 15<sup>th</sup> of each year, the recycling activity of the prior year. The report shall include the amount of

recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

E. Any owner (or his/her agent) that fails to abide by the rules and regulations of this Ordinance may be fined up to Two Hundred Fifty Dollars (\$250.00) for each month of noncompliance. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one (1) warning to the owner which is in violation of this section. The warning shall include educational information regarding proper procedures for recycling, including instruction as to how the owner can reasonably provide adequate recycling facilities to ensure compliance with this Ordinance.

**§317-7      Non-Residential Establishment Compliance Requirements**

A. Commercial, industrial and institutional establishments are defined as all entities which operate or conduct any business whatsoever which cannot be included within the definitions of a residential dwelling or complex.

B. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.

C. Unless the property owner or the Township provides for the collection of designated recyclable materials, arrangement for collection of designated recyclables shall be the responsibility of the commercial, institutional or industrial occupant. All commercial, institutional or industrial property owners which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

D. Unless the property owner or the Township provides for the collection of designated recyclable materials, every occupant of a commercial, industrial or institutional facility or their designee (including solid waste and recycling transporters) shall cooperate in communicating recycling activity. Such communication shall include reporting to the Municipal Recycling Coordinator by February 15<sup>th</sup> of each year, the occupants recycling activity of the prior year. The report shall include the amount of recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

E. If the property owner provides recycling collection services for the occupants of the property, the owner or their designee (including solid waste and recycling transporters) shall cooperate in communicating recycling activity. Such communication shall include reporting to the Municipal Recycling Coordinator by February 15<sup>th</sup> of each year, the recycling activity on the property in the prior year. The report shall include the amount of recycled material by material type and the vendor or vendors providing recycling service. The information must be supplied to the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

F. All food service establishments, as defined in the Township Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

G. A commercial, industrial or institutional occupant or owner that fails to abide by the rules and regulations of this Ordinance may be fined not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) for each month of noncompliance. Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one (1) warning to any commercial, industrial or institutional establishment which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

**§317-8 New Developments of Multi-Family Residential Units and Commercial, Institutional, or Industrial Properties**

A. Any application to the Planning Board of the Township of Lebanon for subdivision or site plan approval for the construction of multi-family dwellings of three (3) or more units, single family developments of fifty (50) or more units or any commercial, institutional or industrial development for the utilization of one thousand (1,000) square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:

1. A detailed analysis of the expected composition and amount of solid waste and recyclables generated at the proposed development; and,
2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.

B. Prior to the issuance of a Certificate of Occupancy by the Township of Lebanon, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Township Engineer.

**§317-9 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials**

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this Ordinance and the local sanitary code.

C. Once placed in the location for collection, no person, other than those authorized in writing by the Township, shall tamper with, collect, remove or otherwise handle solid waste or designated recyclable materials.

D. A solid waste collector that fails to abide by the rules and regulations of this section may be fined not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00). Prior to taking enforcement action pursuant to this section, the Municipal Recycling Coordinator or other enforcement officer shall issue one (1) warning to any commercial, industrial or institutional establishment which is in violation of this section, which warning shall include educational information regarding proper procedures for recycling.

#### **§317-10 Solid Waste Transporter Requirements**

A. A minimum of once a year or when necessary to reflect program or regulatory modifications, solid waster transporters shall notify all customers:

1. What materials are designated to be source separated from solid waste and must be recycled in Lebanon Township and that these items are prohibited in solid waste.

2. That discovery of designated recyclable items in solid waste may result in the waste not being collected and that the generator is subject to a monetary fine.

3. Solid waste transporters are prohibited by law to collect solid waste containing mandated recyclable materials.

4. That documentation of proof of solid waste and recycling collection service must be maintained and that this documentation must be made available to the property owner, municipality or County upon request.

B. No later than February 15 of each year, all solid waste companies shall provide a detailed report of all recycling activities to all commercial and institutional solid waste customers. The report shall include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

C. No later than February 15 of each year, all solid waste transporters shall provide the Township of Lebanon and the County with a summarization of recycling activity in that municipality including totals of all residential, commercial and institutional recycling. The report shall include a breakdown of the materials collected for recycling, the total weight of each material collected for recycling and the recycling market for each of the materials collected. The information must be

supplied to the Municipal Recycling Coordinator and directed to the attention of the Municipal Recycling Coordinator by name and address. The County must also be copied on this information.

D. Failure of the solid waste transporter to comply with the provisions of the Solid Waste Management Plan and pertinent Township recycling ordinances shall constitute a violation and subject the solid waste transporters to those penalties as prescribed in this recycling ordinance and/or State recycling regulations.

**§317-11      Proof of Provision of Solid Waste and Recycling Collection Services**

Unless the solid waste and recycling collection services have otherwise been provided for by the Township, pursuant to N.J.S.A. 40:66-5.1, all residential, commercial, industrial and institutional generators of solid waste must, upon request by the Township of Lebanon, supply proof that solid waste and recycling collection services have been contracted by the generator. The information requested for proof of service may include provision of weight receipts or billing statements. The procedure by which the Township of Lebanon may request receipts or other documentation must be detailed in a process approved by the Township Committee.

**§317-12      Enforcement**

A. The Municipal Recycling Coordinator, or other person(s) so designated by the Township Committee, is hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

B. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

C. Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used solely for the expenses of the municipal recycling program.”

**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. 2010- 08 - “RECYCLING COMMISSION”**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-08 was opened.*

*Hearing no comments from the public, the public hearing was closed on a motion by Mr. Piazza, seconded by Ms. Schriver 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. 2010-08 as written below.*

**ORDINANCE NO. 2010-08  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE TO  
REVISE, AMEND AND SUPPLEMENT  
THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON,  
CHAPTER 89, ENTITLED "RECYCLING COMMISSION"**

**WHEREAS**, Chapter 89 of the Township Code of the Township of Lebanon, entitled "Recycling Commission", establishes a recycling commission for the Township of Lebanon whose duty it is to act as an advisory body to the Township Committee and the Township Recycling Coordinator with respect to matters of recycling and waste management within the Township; and,

**WHEREAS**, the Township has recently amended Chapter 317 of the Township Code of the Township of Lebanon to be in conformity with the provisions of the New Jersey Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11, et seq., which statute allocates the above-referenced duties to the Municipal Recycling Coordinator; and,

**WHEREAS**, as a result of the amendment of Chapter 317 of the Township Code of the Township of Lebanon, it is no longer necessary that there be a Township Recycling Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 89 of the Township Code of the Township of Lebanon, entitled "Recycling Commission", is hereby deleted in its entirety.

**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.

**PROCLAMATION - Older Americans Month**

**OLDER AMERICANS MONTH**

**PROCLAMATION**

Whereas, the month of May is traditionally designated and observed throughout the nation as Older Americans Month; and

Whereas, the 2010 theme is :Older Americans: Age Strong! Live Long!, in honor of older Americans; and

Whereas, the Township of Lebanon recognizes the contributions older Americans have made to our families, our communities, and our nation; and

Whereas, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

NOW, THEREFORE, BE IT RESOLVED that the Township of Lebanon does hereby proclaim the month of May as Older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of this Municipality's older residents.

IN TESTOMONY WHEREOF, I have hereunto set my hand and cause to be affixed the Seal of the Township of Lebanon this 3<sup>rd</sup> day of May 2010.

## **OLD BUSINESS**

### **Award Bid for Sale of Surplus Equipment**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the award of the following bid at the recommendation of the Township DPW Supervisor, Warren Gabriel.*

### **Award Bid for Road Materials**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee awarded the following bids at the recommendation of the Township DPW Supervisor, Warren Gabriel AYES: Schriver, Weeks, Morrison, Piazza NAYS: Wunder*

Bituminous Concrete Mix I-5 (Top) to	Tilcon of New York for	55.25 a ton
Bituminous Concrete Mix I-1 (Base) to	Tilcon of New York for	55.25 a ton
Dense Grade Aggregate to	Eastern Concrete for	10.95 a ton
¾ Stone # 57	Eastern Concrete for	12.95 a ton
1 ½ Crushed Stone to	Eastern Concrete for	12.95 a ton
No. 9 Winter Grit to	Harmony Sand & Gravel for	7.75 a ton

Back up bid for black top awarded to Warren Materials. There have been times when one or another plant was closed for maintenance.

Bituminous Concrete Mix I-5 (Top) to	Warren Materials for	57.50 a ton
Bituminous Concrete Mix I-1 (Base) to	Warren Materials for	48.00 a ton

## **NEW BUSINESS**

### **Defeated School Budgets**

Mayor Weeks stated that he and Mr. Piazza will be meeting with the High School on May 4, 2010 and the Local School on May 10, 2010 to discuss the defeated school budgets.

### **Tier B Municipal Stormwater General Permit – Report and Certification Authorize the Mayor to Sign**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote,* the Township Committee approved the Tier B Municipal Stormwater General Permit Report and Certification as prepared by the Township Engineer, Steve Risse and authorized the Mayor to sign.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote,* the Township Committee approved the April 21, 2010 in the amount of \$1,872,432.62 and the May 3, 2010 bill list in the amount of 2,684,370.93.

## **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of March 2010
- b. Tax Collector's Report of Uncollectible Taxes
- c. Highlands Council – Petition for Plan Conformance-Administratively Complete

## **PUBLIC COMMENTS**

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

Mr. Shope questioned the statement made by Attorney George. He stated that it just represents half of the matter. The residents did not hear the Rescue Squads comments. Mr. Shope asked if anyone has ever considered the liability of their actions and what type of effect it will have on the Township's insurance.

Mr. Shope asked if the Township has received reimbursement for the Highlands costs. Mr. Shope was informed that the Township just sent the invoices to the Highlands for reimbursement. The amount granted to the Township was \$100,000.00. The Committee has been keeping a close eye on the money being spent.

Mr. Anthony Casale stated that he attends almost every meeting and that the Squad matter has been going on for many years. It is not a decision that was made overnight by the Committee. Mr. Casale stated that he hopes that there will be harmony in the Township. Mr. Casale stated to Mr. Wunder that he does not feel that the information flyer being passed out by the Squad is truthful and is mostly propaganda.

Ms. Judy Warmingham stated that she knows that going to court is expensive on both sides. She suggested taking the money and putting it towards an audit instead.

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

## **EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 37-2010 and convened in executive session at 8:34 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 37-2010**

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:

Hyland Litigation

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

*Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:55p.m.*

Attorney George stated that during the executive session, the only matter which was discussed was the Mary Hyland v. The Township of Lebanon. The discussion was solely limited to the matter of if there should be an appeal to the Judge's final decision.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee moved to appeal the Hyland Litigation court decision.*

The Township Attorney's office will be sure to file the appeal within a timely matter. The matter of representation will be handled at a later time.

## **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 8:56 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: May 19, 2010

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Jay D. Weeks, Mayor