

**Lebanon Township Committee
May 19, 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 55 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of regular meeting of April 21, 2010. AYES: Wunder, Schriver, Weeks, Morrison ABSTAIN: Piazza

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of regular meeting of May 3, 2010.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of May 3, 2010.

RESOLUTIONS

Resolution No. 38-2010 – Multi-Jurisdictional Flood Mitigation Plan

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 38-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION NO. 38-2010
MULTI-JURISDICTIONAL FLOOD MITIGATION PLAN**

WHEREAS, the Multi-Jurisdictional Flood Mitigation Plan for Municipalities in the Non-tidal, New Jersey portion of the Delaware River Basin has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and,

WHEREAS, the Township of Lebanon, has participated in the preparation of the multijurisdictional Plan; and,

WHEREAS, Township of Lebanon, is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, Township of Lebanon, has reviewed the Plan and affirms that the Plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED by Township Committee, that the Township of Lebanon, adopts the Multi-Jurisdictional Flood Mitigation Plan for Municipalities in the Non-tidal, New Jersey portion of the Delaware River Basin and resolves to execute the actions in the Plan.

Resolution No. 39-2010 – Certifying the Tax Levy for NHVRHSD for 2010-11

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee **defeated** Resolution No. 39-2010 (as written below) and noted that they support the concepts of Tewksbury Township’s Resolution No 57-2010.*

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 39-2010**

**A RESOLUTION CERTIFYING THE TAX LEVY FOR THE NORTH HUNTERDON-
VOORHEES REGIONAL HIGH SCHOOL DISTRICT FOR THE 2010-11 YEAR**

WHEREAS, the proposed school budget general fund tax levy of the Board of Education of the North Hunterdon-Voorhees Regional High School District, County of Hunterdon, State of New Jersey, in the amount of \$46,660,801, was defeated by the voters at the annual election on April 20, 2010; and

WHEREAS, the Board of Education of the school district delivered the rejected proposed budget to the Lebanon Township Committee as required by law; and

WHEREAS, the Lebanon Township Committee has consulted with the Board of Education and has reviewed the school budget and desires to certify the amount necessary to be appropriated.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that certain revisions be made to the 2010-2011 Budget of the Board of Education of the North Hunterdon-Voorhees Regional High School District as follows:

12-000-400-450	Construction Services	\$ 107,000
11-000-230-330	Other Professional Services	\$ 65,000
12-000-400-390	Professional Services	\$ 6,000
11-140-100-101	Salaries of Teachers	\$ 55,000
11-213-101-101	Salaries of Teachers	\$ 85,905

11-000-252-104	Salaries of Computer Staff	\$ 60,000
11-XXX-XXX-270	Health Benefits	<u>\$ 27,095</u>
		\$ 406,000

That the Township Committee of the Township of Lebanon certifies the tax levy of \$46,254,801 for the North Hunterdon-Voorhees Regional High School District. This represents a tax levy reduction of \$406,000 from the specified line items as listed above.

It is hereby certified that the budget is sufficient to provide a thorough and efficient education for the students of North Hunterdon-Voorhees Regional High School District.

Resolution No. 40-2010 - Certifying the Tax Levy for Lebanon Twp. School District 2010-11

Mr. Piazza stated that he met with the local school and felt that the school provided a good budget and does not feel that it is necessary to cut another \$20,000.00 off of their already reduced budget. Ms. Schriver stated that she was discouraged when the budget was defeated by the voters and stated to the School Board and the Administration that they need to sell themselves to the voters in the future. Ms. Schriver gave "Hats Off" to the School Board and the Administration for a job well done.

*Motion by Mr. Weeks, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee **defeated** Resolution No. 40-2010. (as written below)*

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 40-2010**

**A RESOLUTION CERTIFYING THE TAX LEVY FOR THE LEBANON TOWNSHIP
SCHOOL DISTRICT FOR THE 2010-11 YEAR**

WHEREAS, the proposed school budget general fund tax levy of the Board of Education of the Lebanon Township School District, County of Hunterdon, State of New Jersey, in the amount of \$10,686,595.00 was defeated by the voters at the annual election on April 20, 2010; and

WHEREAS, the Board of Education of the school district delivered the rejected proposed budget to the Lebanon Township Committee as required by law; and

WHEREAS, the Lebanon Township Committee has consulted with the Board of Education and has reviewed the school budget and desires to certify the amount necessary to be appropriated.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that certain revisions be made to the 2010-2011 Budget of the Board of Education of the Lebanon Township School District as follows:

11-190-270-033-000	Health Benefits	\$ 80,000
	Energy Costs	<u>20,000</u>
		\$ 100,000

That the Township Committee, of the Township of Lebanon, certifies the tax levy of \$10,586,595.00 for the Lebanon Township School District. This represents a tax levy reduction of \$100,000.00 from the specified line items as listed above.

It is hereby certified that the budget is sufficient to provide a thorough and efficient education for the students of Lebanon Township School District.

Resolution No. 40A-2010 - Certifying the Tax Levy for Lebanon Twp. School District 2010-11

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 40A-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 40A-2010**

**A RESOLUTION CERTIFYING THE TAX LEVY FOR THE LEBANON TOWNSHIP
SCHOOL DISTRICT FOR THE 2010-11 YEAR**

WHEREAS, the proposed school budget general fund tax levy of the Board of Education of the Lebanon Township School District, County of Hunterdon, State of New Jersey, in the amount of \$10,686,595.00 was defeated by the voters at the annual election on April 20, 2010; and

WHEREAS, the Board of Education of the school district delivered the rejected proposed budget to the Lebanon Township Committee as required by law; and

WHEREAS, the Lebanon Township Committee has consulted with the Board of Education and has reviewed the school budget and desires to certify the amount necessary to be appropriated.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that certain revisions be made to the 2010-2011 Budget of the Board of Education of the Lebanon Township School District as follows:

11-190-270-033-000	Health Benefits	<u>\$ 80,000</u>
		\$ 80,000

That the Township Committee, of the Township of Lebanon, certifies the tax levy of \$10,606,595.00 for the Lebanon Township School District. This represents a tax levy reduction of \$80,000.00 from the specified line items as listed above.

It is hereby certified that the budget is sufficient to provide a thorough and efficient education for the students of Lebanon Township School District.

Resolution No. 41-2010 – Delay in 2010 Municipal Budget Introduction

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 41-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION No. 41-2010**

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall

introduce the Local Municipal Budget no later than March 31 of the fiscal year; and,
WHEREAS, the Township of Lebanon has delayed the introduction of the 2010 Municipal Budget past the statutory deadline; and,
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2010 Lebanon Township Municipal Budget; and,
BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

Resolution No. 42-2010 – Special Item of Revenue

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 42-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION No. 42-2010**

WHEREAS, the 2010 Local Municipal Budget was introduced on the 19th day of May, 2010; and,
WHEREAS, during the fiscal year 2010 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$27,920.00.
NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2010 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program	\$19,540.00
Clean Communities – Prior Year Unapprop.	4,032.00
Recycling Tonnage Grant – Prior Year Unapprop.	2,865.00
Drunk Driving Enforcement Fund – Prior Year Unapprop.	<u>1,483.00</u>
	<u>\$27,920.00</u>

Resolution No. 43-2010 – Special Item of Revenue

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 43-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION No. 43-2010**

WHEREAS, the 2010 Local Municipal Budget was introduced on the 19th day of May, 2010; and,

WHEREAS, during fiscal year 2010, the Township of Lebanon has been allocated a state grant for the Uniform Fire Safety Act in the amount of \$6,238.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2010 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items: Uniform Fire Safety Act", in the amount of \$6,238.00.

Resolution No. 44-2010 – Defer School Taxes

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 44-2010. (as written below)

**TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 44-2010**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2010, and be reflected in the Annual Financial Statement for the year 2010 as follows:

	<u>FY 09-10 SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT OF DEFER TAX</u>
Local School Tax	\$10,686,595	\$5,343,297
TOTAL MAXIMUM DEFER TAX 12/31/09		5,343,297
LESS – DEFER TAX 12/31/08		1,921,263
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2010		\$3,422,034
AMOUNT DEFERRED AT 12/31/09		\$600,000

Resolution No. 45-2010 – Set Municipal Open Space Tax Rate

Motion by Mr. Wunder, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 45-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 45-2010**

WHEREAS, the provisions of the Township of Lebanon’s open space ordinance allows the township committee to set the open space tax rate annually within a specified range; and,
WHEREAS, the township committee desires to set municipal open space tax rate at \$0.03 per \$100 of assessed valuation for the 2010 calendar year.
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to set the municipal open space tax rate at \$0.03 per \$100 of assessed valuation for the 2010 calendar year.

Resolution No. 46-2010 – 2010 Municipal Budget

Mr. Wunder stated the he is concerned that the Fire Company is in need of a new ambulance and that it should be budgeted for this year. The Fire Chief stated that he feels that the Fire Department is okay with the ambulances they have at this time, however, if the Township does not receive grant money for one in 2010, it will be necessary to purchase one in 2011.

Motion by Ms. Schirver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 46-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 46-2010**

WHEREAS, the Township of Lebanon is holding a meeting on May 19, 2010, for the purpose of introducing the 2010 Municipal Budget and conducting other matters; and,
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2010 Local Municipal Budget be introduced and approved on May 19, 2010.

2010 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 1,006,000.00
Total Miscellaneous revenue	2,834,284.00
Receipts from Delinquent Taxes	275,000.00
Local Property Taxes	<u>528,839.00</u>
Total General Revenues	<u>\$4,644,123.00</u>

Total Operations	\$3,469,166.00
Capital Improvements	36,500.00
Debt Service	261,612.00
Statutory Expenses	378,692.00
Reserve for Delinquent Taxes	498,153.00
Total 2010 Municipal Budget	<u>\$4,644,123.00</u>

Municipal Tax Rate \$0.06973

The public hearing for the budget will be held on June 16, 2010.

OLD BUSINESS

Warren Newman – NJWSA Maintenance Agreement –Nicholson Tract

Mr. Warren Newman provided the Township Committee with a copy of the proposed Management and Maintenance Agreement associated with three parcels of property in the Township; the Nicholson property, the Goracy property and the Schaaf property. These three parcels were acquired by the Township in conjunction with the NJWSA. In August of 2005, Eileen Swan discussed the Agreement with the Township and it was forwarded to Attorney Bernstein's office for review. There were some minor comments made on the Agreement, which were agreed to. For some reason, it was never memorialized by the Township Committee. The Agreement has been slightly modified as it only pertained to the Nicholson tract and now it will include all three tracts. The Agreement formalizes the items listed in the deed itself. It states that the Township and the NJWSA own the property and that it is to be maintained as Open Space. The language gives the Township certain rights, such as leasing the property. There will be no cost incurred by the Township. There was one item associated to the signage, which has been addressed by the signs that are already posted.

Mr. Newman asked that Attorney Bernstein and review the Agreement and to consider execution. Mr. Newman stated that NJWSA will require that this Agreement be in place before any other agreements or purchases are made with the Township.

Attorney Bernstein will review the Agreement for consideration by the Township Committee at the June 2, 2010 meeting.

Approve TRC Environmental Corporation Proposals – Ground Water Sampling and Fire Station Reporting

Held to the June 2, 2010 meeting.

Appoint DPW Summer Help

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Chris Bisbee and Michael Tampier for the DPW Summer Help positions at a rate of \$12.00 per hour.

NEW BUSINESS

Mr. and Mrs. Jonathan Brown – 224 Maple Lane

Mr. and Mrs. Brown of Maple Lane where in attendance to inform the Township Committee of a problem they are having with stormwater runoff on their property. There is a drainage pipe that runs under the road which provides for a means for water to drain off the mountain. The water drains onto their property. Due to new constructions, the Browns are experiencing large amounts of water on their property. Their septic system is failing and their sump pump is running constantly.

The DPW Supervisor will speak to the Township Engineer and they will go out to view the property. The Township Engineer is to provide an opinion on the drainage issue and if there is a need to add an easement for work to be done.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the May 19, 2010 in the amount of \$325,532.23.

CORRESPONDENCE

- a. Tax Collector's Report for the month of April 2010
- b. Township of Tewksbury Administrator – Jesse Landon, NHVRHS Dist. Tax Levy
- c. Hunterdon County Utilities Authority – Solid Waste Meeting/Recycling Programs

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.

Ms. Georgette Szymczak thanked the Township Committee for their thoughtful consideration of the Lebanon Township School Budget.

Mr. Ron Milkowski asked about the cost of \$1100.00 for the recording system rented for the May 3, 2010 meeting which was held at the Woodglen School. He asked if the school had one that could have been used. The School Administration stated that they do not have a system which would have accommodated the needs of the Township.

Ms. Erin Crail asked if there was a way for the Township Committee to hear public comments earlier in the meeting. She had wanted to make a statement, to the Township Committee, prior to their consideration on the Local School Budget. Ms. Crail read her statement supporting the Local School Budget and requested that the Township Committee not further cut it.

Ms. Shelia Noonan stated that she is hoping for a more open relationship between the public and the Board. She stated that if the public does not know what the Township Committee is considering, in resolution form or otherwise, the public cannot have an opinion on it either. Ms. Noonan thanked the Township Committee for their work with the School Board. Ms. Noonan asked that the Township Committee be more involved in the school activities and to get to know the school more than by the number (dollars). Ms. Noonan stated that she voted "yes" for the Local School Budget because it was a good budget.

Mr. Anthony Casale asked about the public comment portion of the meeting being moved up on the agenda, as he has in the past.

Mr. Casale stated that he is certain that the Schaaf property sign is on his property. He requested again that it be removed. Warren Gabriel stated that the DPW did attempt to remove the sign, however, it was cemented in and they didn't want to damage it. Warren said that he did make a call and it was supposed to be moved but it has not been at this time. He will make a follow up call.

Mr. Piazza asked Attorney Bernstein if there is any legal issue in having the Public Comments at the start of the meeting. Mr. Bernstein stated that if the Township Committee wishes to move the Public Comment portion to before action items on the agenda, it is their call.

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to add a Public Comment portion to the agenda to be listed prior to action items. The first Public Comment will be limited to agenda items only with the second Public Comment to be open.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 8:09 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: June 2, 2010

Jay D. Weeks, Mayor