

**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 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 Deputy Clerk Kim Jacobus and 10 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the amended minutes of the Regular Meeting of August 4, 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 August 4, 2010.*

**PUBLIC COMMENTS – Agenda Items Only**

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

Mr. Gordon Sandelier of Voorhees Road asked what was wrong with the backhoe. Mr. Wunder understood that the transmission was leaking and the estimate to fix it was \$15,000. Mr. Sandelier asked what else was wrong with it. Warren Gabriel, DPW Supervisor explained that the boom fell off of it last year and the cost to fix it was \$10,000 and now the hydraulics fluids are leaking in the transmission and it will be \$15,000 to repair. If they take it apart to fix it and find that the torque converter is cracked, it could be another \$10,000 to repair, and we did not pay that much for the machine. Mr. Sandelier asked what the price was for a new machine. The cost of a new backhoe is about \$80,000.00 and the cost to repair the old is between \$15,000 and \$25,000 and that is if they don't find anything else wrong with it. Mr. Piazza asked how old the

machine was. Mr. Gabriel said that it is a 1994 Ford and has 4,000 hours on it. Mr. Wunder felt that the old ford set-up wasn't a very good piece of equipment and he was familiar with it.

Mr. Sandelier also asked about the mower that was being replaced. Mr. Gabriel explained that the machine is 27 years old; the PTO (power-take-off) is bad and won't pump any hydraulic fluid to the mower and without tearing the whole transmission apart and rebuilding it, they can not run it.

Ron Milkowski asked what the cost was to re-introduce the same bond ordinance. Attorney George did not know the cost because the township has separate bond counsel, but he could inquiry as to the cost. Mr. Piazza had talked to Mr. Della Pia and he thought that they were just changing the dates. The advertising had to be done for the introduction of the ordinance and after the public hearing, with a cost of approximately \$200 or \$300 each time. Mr. Piazza thought that the cost would be under \$1,000. The problem with re-introducing the ordinance is that the township is already 2 months behind and now the Committee has to start all over again. Mr. Milkowski feels that the Township will have to pay for 2 more months of rental, where we could have possibly purchased a machine. Mr. Piazza commented that the Committee has had budget meetings, the departments put their budget in, and the township did the capitol budget, 5% of the monies were put aside for all this, it has been talked about many times and the Committee was all aboard saying yes to these items and at the last minute it was turned down. Mr. Milkowski said hopefully the costs are under \$1,000.

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

## **ORDINANCES**

### **Ordinance No. 2010-13-Introduction**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee introduced Ordinance No. 2010-13. (As entitled below)*

Ayes: Wunder, Schriver, Weeks, Piazza Abstain: Morrison

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2010-13

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$840,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

**Public Hearing to be held on October 6, 2010**

Mr. Piazza wanted to talk about this ordinance. He explained that the \$42,000 is the down payment that the township has budgeted for. The \$42,000 will allow the township to borrow the \$840,000 over a period of time with each item having a different life span. When the bid goes out for the backhoe, it has to be ordered.

Mr. Wunder commented that he is separating the issue out with the ambulance, that the ambulance is needed for the township residents no matter whose driving it, it doesn't matter. He is not going to be an obstruction to the ordinance because he might be sitting on the other side of the fence on the side of the rescue squad; he feels that the Township residents need the ambulance. It's long over due and that's how he feels. He also believes it's very important for the residents'. Mr. Wunder commented that when it was discussed originally, the squad had asked for twice the amount of money; they wanted 2 ambulances and they are now down to the one and he thinks that it is reasonable, considering where the township is at. He feels that no matter what the court says, the town needs the ambulance.

**RESOLUTIONS**

**Resolution No. 71-2010 – Designating a Bond Anticipation Note**

Mr. Piazza asked for an explanation regarding the bond anticipation note. Attorney George explained that bond anticipation notes are issued in advance of a bond actually being picked up by an underwriter and financed. It allows the township to borrow some of the money on a bond issue and when they come due every year, they are rolled over into a new note and that's what this is, it is rolling over an old bond anticipation note from the bank to a new bond anticipation note to the bank prior to the actual bond issue being picked up by the bank.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 71-2010. (as attached)*

**Resolution No. 72-2010 – Study Speed on County Route 513**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 72-2010. (as written below)*

**RESOLUTION NO. 72- 2010  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**WHEREAS**, the Township of Lebanon has from time to time heard its residents and citizens advise of traffic accidents and excessive speeds observed on and about Hunterdon

County Route 513 within the Township of Lebanon, County of Hunterdon, particularly from Bunnvale Road to the High Bridge border with the Township of Lebanon; and,

**WHEREAS**, the said Hunterdon County Route 513 is, in part, a narrow and twisting road typical of the rural portions of the State of New Jersey and County of Hunterdon which sometimes predate modern development and traffic; and,

**WHEREAS**, as a result of the concerns of its residents and citizens, the Township of Lebanon wishes the County of Hunterdon to study and evaluate the flow of traffic on Hunterdon County Route 513 with regard to potential adjustment of speed and other controls for the safety of residents along the said Route, citizens using the Route and vehicular traffic:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Mayor and Township Clerk are hereby authorized to write to the County of Hunterdon, its Board of Chosen Freeholders, Traffic Engineers, and other appropriate officials expressing that its citizens and residents have raised concerns with the speeds and conditions of Hunterdon County Route 513 and request that study and evaluation of speeds and other controls on the said Route be examined.

## **OLD BUSINESS**

### **John Flemming, Zoning Officer-Route 31 Yard Sale**

Attorney George is going to check our ordinances in respect to Mr. Flemming's request about yard sales and give Mr. Flemming direction in that regard. The letter in question for the public's interest, was a letter regarding certain areas are having yard sales that appear to be almost like a commercial business, they occur every weekend, and they seem to be a regular focus, so he is going to check the ordinance to see if it covers the circumstance and get back to Mr. Flemming.

Mr. Piazza explained that at the last meeting, there was a memo from the Police Chief about a speed survey that was done on Hill Road and according to the officers that were doing the survey and the police chief; they felt that the 35 miles per hour is adequate and it should be kept that way. Mr. Piazza wanted it to go on the record in case someone comes along and said the committee never talked about it, that they did and that they have a report and it was recommended that the township keep it 35 miles per hour.

Mr. Piazza also commented that with regards to the Open Space tax that was talked about at the last meeting, he had called Kevin Richardson to get some formation. He found that it is possible and permissible for the township to use 15% of the tax dollars that come back from the county to pay off the township's debt. Mr. Richardson's questioned Mr. Piazza as to why the township had not applied for it all these years when the township had the opportunity? Mr. Piazza was told that the county started the open space tax in the year 2000, but he did not know when they started the 15% give away. About a year or two ago, the township applied for money for the Pelio property, trying to use \$150,000 for the purchase, but the deal did not go through. If the township applies in 2010, they will have over \$200,000 to apply for. Mr. Piazza said the township has to do something with the money.

Mr. Richardson explained to Mr. Piazza that he could come to township and explain the township's options. Mr. Piazza felt that he could meet with one or two of the committee

members, the Clerk and the CFO. Mr. Richardson inquired how much the township's payments was each year towards the loan; Mr. Piazza didn't know. Everyone agreed that it was a good idea for Kevin Richardson to come and discuss the township's options.

## **NEW BUSINESS**

A letter from Judy Burd, Superintendent of the Lebanon Township School was discussed regarding the problem on Butternut Road. The township's Police Chief had sent a memo to the township stating that the department recently observed the intersection of County Route 513 and Butternut Road during the school bus pickup/drop-off. The observation was made over a 5 day period just prior to the end of the school year. Patrol reported that there were no traffic or safety issues during these 5 days. The petitioners' complaint appears to be an issue best resolved between the Board of Education, Bus Company and the resident parents. Future parking complaints that are in violation of the New Jersey Motor Vehicle Code Titled 39 can be dispatched to the police department by residents by calling 9-1-1.

Mr. Piazza stated that he and Mr. Wunder had received a phone call from Mrs. Judy Burd. Mr. Piazza explained that a gentlemen had come to the Committee a number of meetings ago with a petition from the people on Butternut Road complaining that a lot of parents are parking their cars on Butternut to pick up their children at this stop, where their children are not suppose to be dropped off at. Mrs. Burd is asking the township to put a sign up which is already a law, that that no one can park within 50' feet of the stop sign and then from that point on she feels it's the residents responsibility; she will be notifying all the children's parents on that bus of the ones that can get off and the ones that can't because its not right to have cars sitting there waiting just so they can get their children home quicker. There is a problem and they are working on it and they are going to solve it but they would like some help from us to put a sign there so they can only park on one side of the road and not both. Mr. Piazza questioned if we needed to do a resolution.

Attorney George commented that he would have to verify it in the ordinance that the township can erect the sign. There is no need for a resolution as long as it is designated. Mr. Piazza wanted to know what the sign should say if Warren is going to put it up. Attorney George said it should read, "No Parking from here to the stop sign".

## **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the September 15, 2010 bill list in the amount of \$992,923.69*

## **CORRESPONDENCE**

- a. Police Chief Chris Mattson – Speed/Traffic Survey – East Hill Road
- b. NJ Dept of Agriculture – Gypsy Moth Egg Mass Survey Notification
- c. Tax Collector’s Report for the Month of August 2010

## **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.*

Deb Dawson from the Hunterdon Review asked if Resolution No. 72-2010 was for the speed survey.

Mr. Ron Milkowski asked if the speed survey was a request for the county to do or our police. Ms. Schriver stated the county. Mr. Milkowski stated that at the last meeting, there was a presentation by the Open Space people and there’s monies that is Green Acres money that they wanted to use and there was some questions about the county money, if we could use it for paying down the old debt. Did anybody find out any answers? Ms. Schriver stated that is why we are having Kevin Richardson come up. Mr. Milkowski stated that was part one of the question. The other part is, if we were able to use it, to purchase this property, there are some other properties he knows of that are in the works trying to be preserved, if we move these ahead, are we opening ourselves up to problems because this is just something that came in quick, last minute. Mr. Piazza stated that he was against buying any more property, that’s why he wanted to pay the debt, but if Kevin Richardson comes up here and says we not going to be able to spend it on your debt, we have to do new projects, and Mr. Piazza doesn’t know what we are going to do.

Mr. Milkowski said find a worth while project, a last minute one just because of a chance of using Green Acres money may not be the best project to go in on. Mr. Piazza stated that if we decide to do this, if the township was to back out, they would try to find someone else to pick up our cost. Again we don’t know how we can spend this money until we talk to Mr. Richardson.

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

## **EXECUTIVE SESSION**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 73-2010 and convened in executive session at 7:50 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 73-2010**

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:

DPW Garage Contract Negotiations  
Contract Negotiation

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 7:56p.m.*

Attorney George stated that the options available to us based upon the notification by Finne Construction, the lowest bidder, that they may not be starting the project due to some cost anticipation. The consent was to look further into negotiations with other bidders. In addition, there was a general discussion on the beginning of the collective bargaining negotiations process, without a discussion of figures or bargaining offers or counter offers and the township committee will be considering other matters related to collective bargaining as the process goes forward, including Mr. Della Pia's calculations of possible benefits which will reduce or increase based upon the recent amendments to the pension and health benefits law. No other matters were discussed. All members of the township committee were present at the beginning of the session remained throughout the session. All matters will be released when concluded consistent with the open public records act and open public meetings act.

**ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver seconded by Mr. Morrison and carried by unanimous favorable roll call vote to adjourn the meeting at 7:58 p.m.

Respectfully submitted,

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Kimberly S. Jacobus  
Deputy Clerk

Approved: October 6, 2010

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Jay D. Weeks, Mayor