

**Lebanon Township Committee
June 3, 2009**

Minutes of Regular Meeting

CALL TO ORDER

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

FLAG SALUTE

Mayor Schriver asked everyone to stand for the flag salute.

ROLL CALL

Present - Patricia Schriver Jay Weeks
George Piazza Ed Post Francis Morrison

Absent-

Also Present - Attorney Phil George and Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of May 20, 2009.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of May 20, 2009.

2008 MUNICIPAL AUDIT

Resolution No. 50-2009 - Acceptance of the 2008 Municipal Audit

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 50-2009 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 50-2009

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Lebanon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a

certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

2009 BUDGET ADOPTION

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 51-2009 (as written below.)

TOWNSHIP OF LEBANON HUNTERDON COUNTY, NEW JERSEY

RESOLUTION NO. 51-2009 ADOPT 2009 MUNICIPAL BUDGET

WHEREAS, the 2009 Lebanon Township Municipal Budget was introduced and approved on the 1st day of April, 2009; and

WHEREAS, the 2009 Lebanon Township Municipal Budget was advertised in the "Hunterdon Review" in the issue of April 22nd; and

WHEREAS, the public hearing on said Budget was held on May 6, 2009; and

WHEREAS, the approved 2009 Lebanon Township Municipal Budget has been filed with the Director of the Department of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED, on this 3rd day of June 2009, by the Mayor and Township Committee of the Township of Lebanon, that the budget as set forth is hereby adopted and shall constitute appropriations for the purposes stated of the sum set forth as appropriated.

PROCLAMATIONS

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee endorsed the following proclamations with pleasure.

TO DAN ANGRI FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Dan Angri, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Dan Angri is to be commended for his Eagle Scout Service Project, which was the construction of an 8' x 12' storage shed, located on the outskirts of the Hampton School baseball field; and

WHEREAS, the shed will be utilized by the Hampton Recreation Association; and

WHEREAS, Dan Angri will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 20, 2009; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Dan Angri.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Dan Angri, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

**TO BEN CASALE
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Ben Casale, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Ben Casale is to be commended for his Eagle Scout Service Project, which was to reconstruct/renovate an emergency exit path and to restore an outdoor area, which included either refurbishing or replacing wooden benches at the Valley View Elementary School; and

WHEREAS, the emergency path is utilized by the school for drills and actual emergencies and the outdoor area is used as a classroom for the students as well as a portion of a nature trail to be enjoyed by the community; and

WHEREAS, Ben Casale will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 20, 2009; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Ben Casale.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Ben Casale, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

**TO RON GARDNER
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Ron Gardner, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Ron Gardner is to be commended for his Eagle Scout Service Project, which involved building an outdoor classroom with a surrounding garden to attract birds and butterflies at the Hampton School in Hampton, NJ; and

WHEREAS, Ron also built a wooden podium and six wooden benches and there is a space for a planting garden for the school children's use as well as a bird bath, feeders and houses; and

WHEREAS, Ron Gardner will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 20, 2009; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Ron Gardner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Ron Gardner, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

**TO ERIC MORAN
FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Eric Moran, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Eric Moran is to be commended for his Eagle Scout Service Project, which was the conversion of a church basement storage room into a food pantry, which required the discarding of junk, thoroughly cleaning of the room; studs and tracks were installed and new walls were built.; and

WHEREAS, Eric also installed shelving for the storage of food and supplies and stocked the shelves so the pantry could be used immediately; and

WHEREAS, Eric Moran will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on June 20, 2009; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Eric Moran.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Eric Moran, for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

RESOLUTIONS

Resolution No. 52-2009 – EMT Training Fund Reallocation

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 52-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION OPPOSING GOVERNOR CORZINE'S
REALLOCATION OF FUNDS FROM THE EMT TRAINING FUND
TO THE GENERAL TREASURY**

WHEREAS, Governor John Corzine has proposed a Four Million Dollar (\$4,000,000) “reallocation” of funds from the EMT Training Fund to the New Jersey General Treasury for the 2010 fiscal year; and,

WHEREAS, the Township Committee of the Township of Lebanon believes that taking funds from the EMT Training Fund would place an undue burden on emergency squads and the municipalities they serve, which already have limited resources, may affect the health and safety of New Jersey residents and may have many other long-term negative consequences; and,

WHEREAS, the Township of Lebanon opposes this “reallocation” of funds from the EMT Training Fund to the New Jersey General Treasury.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Township of Lebanon hereby expresses its opposition to Governor Corzine’s proposed “reallocation” of funds from the EMT Training Fund to the New Jersey General Treasury for fiscal year 2010; and,

BE IT FURTHER RESOLVED that the Township Clerk is authorized to forward a copy of this Resolution to the New Jersey League of Municipalities on behalf of the Township of Lebanon and to the legislators representing the 23rd Legislative District in which Lebanon is situated (Senator Marsha Karrow, Assemblyman John DiMaio and Assemblyman Michael Doherty).

Resolution No. 53-2009 – Renewal of Plenary Retail Consumption Licensees

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 53-2009. (as written below)

RESOLUTION NO. 53-2009 RESOLUTION RENEWING PLENARY RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2009-2010 year:

1019-33-002-005 ONOROSA INC. 282 Route 513

1019-33-003-004 RADGNA, L.L.C. 2012 Route 31

1019-22-007-001 LEDYARD B. SCHUYLER, JR - RIVER STYX INN –374 Vernoy Road

Resolution No. 54-2009 – Renewal of Plenary Retail Distribution License

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 54-2009. (as written below)

**RESOLUTION NO. 54-2009
RESOLUTION RENEWING A PLENARY
RETAIL DISTRIBUTION LICENSE**

WHEREAS, the listed Plenary Retail Distribution License has submitted an application form that has been completed in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, the applicant has paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed License be granted a renewal for the 2009-2010 year:

1019-44-008-002 The Rock Corp. of Tewksbury t/a Bourbon Street Wine and Liquor
425 Route 513, Califon, NJ

Resolution No. 55-2009 – Redemption of Tax Sale Certificate

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 55-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 55-2009
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #200811 on October 22, 2008 to US Bank Custodian for Phoenix Funding Inc and,

WHEREAS the amount of \$28,180.02 has been collected from First Hope Bank for Jess Symonds, the owner of the property, known as Block 59, Lot 31, 139 Mountain Top Road, Lebanon Township for the redemption of Tax Sale Certificate #200811, and

WHEREAS there had also been a Premium paid in the amount of \$2,500.00 for this Certificate #200811 by US Bank Custodian for Phoenix Funding Inc,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign checks in the amounts of \$28,180.02 and \$2,500.00 and that these checks be mailed to:

US Bank As Custodian For:
Phoenix Funding, Inc
Attn: Tax Lien Servicing Group
2 Liberty Place-TLSG
50 South 16th Street-Suite 1950
Philadelphia PA 19102

OLD BUSINESS

Approve Fire Station No. 1 Remedial Action Report No. 16.

Held for the Closed Session.

Police Chief's Request to Proceed with Office Renovations

Mayor Schriver stated that the Police Chief is requesting the release of capital funds to proceed with the police office renovations as discussed in the budget worksessions. The construction is to provide more space for the Department. The cost of the renovations is \$9700.00.

Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee authorized the Police Chief to proceed with the Police Office renovations.

Replacement of Engine 19-63

The Fire Department has submitted a copy of their 2008 Financial Statement as well as a copy of the Homeland Security Grant that they applied for to help offset the cost of the tanker truck.

The Mayor stated that the Committee wants to be sure that the Fire Department understands that an additional truck should not be requested for at least six years.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the replacement of Engine 19-63 with the condition that the Fire Department will not request another truck for six years and that this purchase is an exception, as the Fire Department is funding the 2009 cash flow with \$35,000.00.

Township DPW Garage Project Update

Mr. Post stated that the sub-committee is waiting for a side-by-side analysis of the two options that they have designed. The original 23,000 sq. ft. footprint has been brought back substantially to a 14,000 sq. ft. and an 11,000 sq. ft design. The difference is that the 14,000 sq. ft is a single footprint

and the 11,000 is two separate buildings. The sub-committee wanted to obtain the costs for each footprint as there was an argument made that the cost of doing the excavation and the construction on the two sites may exceed or be parallel to having a single structure. The architect has prepared the analysis and the sub-committee will be looking at it tomorrow night. The objective is to pick one plan or the other and to have the site plan submitted to the Township Engineer, Steve Risse. Steve will then apply to the DEP for a Highlands Applicability Determination. Mr. Piazza asked what the status is of the approval needed to build over an existing pipe on the property. Assistant DPW Supervisor, Warren Gabriel stated that the DPW Supervisor, Paul Jones, has received verbal approval and is expecting written approval shortly.

NEW BUSINESS

Approve Lebanon Township Fire Department Coin Toss Application – 07/3/09 & 11/27/09

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Lebanon Township Fire Department's application to hold two Coin Toss events which are to be held on 07/3/09 & 11/27/09; subject to written approval being provided by the Hunterdon County Freeholders.

Cancel July 1st and August 5th Meetings

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee canceled the July 1, 2009 and August 5, 2009 meetings.

Hunterdon County Articulation Meeting

Mayor Schriver stated that there will be a Hunterdon County Articulation Meeting on Monday, June 8, 2009. The Interim Hunterdon County Superintendent is attempting to bring

municipalities together to see if there is interest in reconfiguring existing school districts in the K-12 grade. There was no interested shown by the Committee. Mayor Schriver will respond that there is not interest on the part of Lebanon Township.

Mr. Piazza stated that Tom Borden, from the Highlands Council, attended the Planning Board meeting to discuss the Highlands Plan Conformance. There is a lot of new information and there have been many changes. Mr. Post stated that there are obligations that the Township needs to comply with and recommended that the Township Planner provide the Committee with the status report on the Plan. The Clerk will ask the Planner for a written report.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the June 3, 2009 bill list in the amount of \$123,963.49.

CORRESPONDENCE

Lebanon Township Historians Meeting Minutes for May 7, 2009
Tax Collector's Report for the Month of May
NJ Ride Against Aids – September 25 – 27

PUBLIC COMMENTS

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

Mr. Anthony Casale stated his concerns with the bid specifications for the proposed cell tower. The removal of footings, the buffer, maintenance of the land, installation of electric or sub meters, escape clauses, insurance provisions for causality, use by the Township emergency services and rent relative to such were discussed. Mr. Casale also stated that the way in which the rent for the co-locators was written, appeared to be incorrect.

Mr. Post stated that once the Township Committee awards the bid, they will then go into contract with the winning bidder. Attorney George agreed with Mr. Post's statement and stated that it is frequently handled in this manner. During that contract negotiation time, Mr. Post offered to sit with Mr. Casale to cover the areas of concern to see to it that they do not fall through the cracks. The bid specifications outline what is required and sometimes there will be bids received with exceptions or proposals for change, which can be considered as part of the acceptance. Attorney George stated that the bid specs do not cover everything related to the contract. As long as the contract does not substantially modify the cost and location or any of the basic requirements in the bid specs, the Township can contract if they choose. Frequently with cell tower bids, the business conditions change and there can be some negotiations of the terms.

Mr. Casale inquired on how much liberty the Township has in amending the language without having to republish the bid request again.

EXECUTIVE SESSION

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 49-2009 and convened in executive session at 7:52 p.m.

TOWNSHIP OF LEBANON

RESOLUTION NO. 49-2009

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:

Attorney Client Privilege - Fire Station No. 1
Personnel Matters – Background Checks
Contract Negotiations – Cell Tower
Attorney Client Privilege – Combe Fill Litigation

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:01 p.m.

Attorney George stated that during the executive session, the Committee discussed with the Police Chief and the Fire Department, the nature of the waiver provisions relative to a Background Check Ordinance, which are being proposed for introduction. They discussed the cell phone tower bids specs. A tabulation of the bids and an explanation of any exceptions which were made by Verizon Wireless and Nextel. There may be action taken on the matter. Attorney George gave a final status and update on Combe Land Fill by the joint municipal defense fund. A report was provided by Mr. John Potenza, of TRC Environmental Corporation, regarding the well monitoring project and some new developments with the DEP.

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the entertaining of a resolution of adoption of a cell phone tower bid, to the highest qualified bidder, as recommended by the Township Attorney, subject to the negotiation of an acceptable contract.

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the ground water testing Report #16, as submitted by TRC Environmental, to be submitted to DEP on the Township's behalf.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote to adjourn the meeting at 9:06 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: June 17, 2009

Patricia Schriver, Mayor

