

CALL TO ORDER

Mayor Edward Post 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 Post asked everyone to stand for the flag salute.

ROLL CALL

Present - Ed Post Jay Weeks
George Piazza Francis Monahan

Absent - Patricia Schriver

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 6 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the June 6, 2007 regular meeting minutes.

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the June 6, 2007 executive session minutes.

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the June 13, 2007 special meeting minutes.

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the June 13, 2007 special executive session minutes.

2006 MUNICIPAL AUDIT

Resolution No. 55A-2007 – Acceptance of the 2006 Municipal Audit

Chief Financial Officer provided the Committee with a corrective action plan relative to the recommendations of the Township Auditor.

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 55A-2007 as stated below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 55A-2007
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 2006 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.

ORDINANCES

Ordinance No. 2007-10 - Public Hearing

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2007-10 was opened.

Mr. Ron Milkowski inquired on the type of sign that will be purchased with the bond funds.

The public hearing was closed on a motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote.

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2007-10 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2007-10

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, 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 \$257,500 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.

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

Section 1. The Township of Lebanon, in the County of Hunterdon, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking various public improvements and the acquisition of new additional or replacement equipment and machinery consisting of: (i) undertaking the Road Resurfacing Program at various locations in the Township, as set forth on a list on file or to be placed on file with the Township Clerk, and hereby approved as if set forth herein in full, (ii) replacement of the Public Library roof, (iii) construction of a well at Memorial Park and (iv) acquisition of fireproof file cabinets for the use of various departments, offices and agencies. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the list referred to in clause (i) of the preceding sentence. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$152,500
Down Payment Appropriated	\$ 7,300
Bonds and Notes Authorized	\$145,200
Period of Usefulness	10 years

B. Acquisition of new communication and signal systems equipment consisting of a traffic safety message sign for the use of the Police Department.

Appropriation and Estimated Cost	\$ 16,000
Down Payment Appropriated	\$ 800
Bonds and Notes Authorized	\$ 15,200
Period of Usefulness	10 years

C. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of the Road Department consisting of (i) a transport trailer for lawn mowers, (ii) a salt spreader, (iii) electric truck tarps and (iv) a pickup truck with plow.

Appropriation and Estimated Cost	\$ 54,000
Down Payment Appropriated	\$ 2,600

Bonds and Notes Authorized	\$ 51,400
Period of Usefulness	5 years

D. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an all-terrain vehicle for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 35,000
Down Payment Appropriated	\$ 2,175
Bonds and Notes Authorized	\$ 32,825
Period of Usefulness	5 years

Aggregate Appropriation and Estimated Cost	\$257,500
Aggregate Down Payment Appropriated	\$ 12,875

Aggregate Amount of Bonds and Notes Authorized	\$244,625
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Section 5. The cost of such purposes, as hereinbefore stated, does not include any amount to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$12,875, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$12,875 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$244,625 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$244,625 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 8.27 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$244,625 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Hunterdon, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Ordinance No. 2007-11 – Introduction

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2007-11. (as entitled below)

ORDINANCE NO. 2007-11
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING
THE REVISED GENERAL ORDINANCES RELATING TO
ORGANIZATION OF THE LEBANON TOWNSHIP POLICE DEPARTMENT,
SELECTION OF CHIEF AND SUPERIOR OFFICERS, AND
AMENDING THE POLICIES AND PROCEDURES MANUAL OF THE

POLICE DEPARTMENT OF THE TOWNSHIP OF LEBANON.

Public Hearing to be held on July 18, 2007.

RESOLUTIONS

Resolution No. 56-2007 – Plenary Retail Consumption License Renewals

Motion by Mr. Piazza , seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 56-2007. (as written below)

RESOLUTION NO. 56-2007
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 \$2,250.00

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 2007-2008 year:

1019-33-005-001	New Hampton Inn, Inc., Musconetcong River Road, Hampton, NJ
1019-33-001-002	A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ
1009-33-004-007	Christies Inc. 2035 Highway 31, Glen Gardner, NJ
1019-33-002-005	ONO ROSA INC

Resolution No. 57-2007 – Granting Fireworks Approval

Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 57-2007. (as written below)

RESOLUTION NO. 57-2007
RESOLUTION GRANTING FIREWORKS
PERMIT TO A&B STAINLESS VALVE
AND FITTING COMPANY

WHEREAS, A & B Stainless Valve and Fitting Company has applied for a permit for public display of fireworks on July 7, 2007; and

WHEREAS, the Lebanon Township Fire Code Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that a fireworks permit be granted to A & B Stainless Valve and Fitting Company for the activity described in its application.

BE IT FURTHER RESOLVED, that the Township Fire Official file copies of this Resolution and any other pertinent document with the appropriate New Jersey agency.

OLD BUSINESS

Library Roof Replacement

Mr. Art Gerlich stated that the Township Engineer submitted an estimate for a cedar or synthetic shingles for the library roof. The estimated cost would be the same for both at an approximate cost of \$1,000.00 a square foot. The entire cost could be close to \$30,000.00. Mr. Gerlich recommended just replacing the cedar shingles as he felt that the estimate was high. Mayor Post asked if asphalt was considered. The Township Committee budgeted \$10,000.00 for the roof in 2007. The Township Clerk will request an estimate from the Engineer for an asphalt roof with plywood. The Clerk is to inform the Engineer of the dollar figure the Committee has to work with.

TRC – Authorize Mayor to Execute Biennial Certification Monitoring Report

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor and Clerk to execute the Biennial Certification Monitoring Report to be sent to the DEP by TRC Raviv.

The Clerk is to speak to John Potenza to inquire on where the Township is with the testing and where the process is.

Freedom House

Mayor Post stated that they did a site inspection yesterday with the contractor, the architect and Fred Riehl. They were looking to see what it would take to finish the project, absent the septic system.

Mayor Post stated that they are ready to move forward with the septic system and asked the Township Attorney what the process is in bidding for the contractor to perform the work. Attorney Bernstein stated that the money the Township will be contributing to Freedom House is COAH Trust money and is just a different form of grant money; therefore, there are requirements Freedom House will need to follow. If Freedom House is going to seek a

contractor, they will need to follow the normal course of action in the expenditures of public funds, such as prevailing wage and alike. The Township's responsibility is to only provide Freedom House with the money once they have obtained the required contractor to do the work. The contractor must be in compliance with the Freedom House requirements as well as the Township's requirements in terms of prevailing wage, valid business registration certificate, etc. Attorney Bernstein stated that he will work with Freedom House to inform them of the requirements.

Nagie Closing

Mayor Post stated that he met with the SADC and the Nagie Closing is imminent. Attorney Bernstein stated that the documents were just returned to Attorney DeSapio with the Mayor and Clerk's signatures. Mayor Post stated that he would like Attorney Bernstein to follow up on obtaining the Nagie signatures.

Police Rules and Regulations

Attorney Bernstein stated that it has come to his attention that relative to the Rules and Regulations that they have not been reviewed or updated in over a generation. Attorney Bernstein asked for approval for his office to review the document and to make recommendations to the Committee.

The Committee decided to wait until the new Chief is appointed so that they may work with the Township Attorney on updating the policy.

NEW BUSINESS

Appoint Municipal Clerk

Attorney Bernstein stated that with this 3 year appointment, the Clerk will receive tenure after the second year.

Motion by seconded Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reappointed Karen Sandorse as Township Clerk.

PRESENTATION OF VOUCHERS

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

Motion by seconded Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee approved the June 20, 2007 bill list in the amount of \$2,681,160.69.

CORRESPONDENCE

County of Hunterdon – Dept. of Public Safety – George F. Wagner, Director LTFAS – Non-Compliance with NIMS

The Clerk is to send a letter to Ken Ader to inquire on how the Squad is going to remedy the concerns raised by Mr. Wagner.

Attorney J. Peter Jost – Borough of Califon – North Hunterdon Municipal Court

PUBLIC COMMENTS

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

Sergeant Jack Gale asked how many residents will reside at Freedom House. Mayor Post stated 10 men. Sergeant Gale asked for clarification on the amendments to the Police ordinance. He stated that the method which will be followed in the Chief's promotion process is the same as originally understood by all candidates, therefore, couldn't the prior test grades stand. Mayor Post stated that due to the confusion that has been associated with the Rules and Regulations for the police department, the Committee feels that it is best to officially adopt the ordinance establishing the procedures and to start from the beginning all over again.

Mr. Ron Milkowski asked what went wrong since the last meeting that the promotion process changed so much. Attorney Bernstein explained that the Township became aware that there were issues with the way the process had been done and whether it had been done legally. The

Rules and Regulations were adopted years ago by resolution but should have been adopted by ordinance. Therefore, they were not official.

Mr. Milkowski asked why the Township can't go out to bid for cedar shingles with the option of asphalt shingles for the library roof. Mayor Post stated that the Township cannot go to bid for something unless the money is in place, which it is not. Mr. Milkowski suggested putting the cedar shingles on one side of the building this year and the other side next year.

Motion by Mr. Piazza, seconded by Mr. Monahan 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 Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 58-2007 and convened in executive session.

TOWNSHIP OF LEBANON
RESOLUTION NO. 58-2007

BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

Personnel – Chief’s Position
Personnel – Chief’s Promotional Exam Process
First Aid Squad Audit

Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting.

Attorney Bernstein stated that all members of the Governing Body present at the commencement of the executive session were present at the recommencement of the open session as well as the Township Clerk and the Township Attorney. The Township CFO Greg Della Pia was also present for the conversation regarding the audit performed by the Township Auditor, Ardito and Co., regarding the volunteer First Aid Squad.

Attorney Bernstein said that the Clerk has been given instruction relative to the audit findings from Ardito as well as the Township Attorney’s office in terms of distribution. No formal action is required.

Relative to the scoring on the first Chief’s Exam, Ms. Sandorse was given direction by the Committee, with the advise of Counsel, of what needs to be done. The Attorney will work with her to carry it out, in coordination with Chief Schell, prior to her retirement.

In the issue of the filling of the position in the absence of an appointed Chief, the Committee discussed the concept of Acting Chief as opposed to an Officer in Charge.

Motion by Mr. Monahan, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee created the position of and appointed Sergeant Jack Gale as Officer in Charge. As Officer in Charge, Sergeant Gale will be advised to coordinate purchases and related items with the Township Committee Liaison to the Township Committee, Russ Monahan, as well as keep Committeeman Monahan abreast of the ongoing issues so he can advise the Committee accordingly. There shall be no shift changes and no other actions that would be contrary to the Collective Bargaining Agreement or the procedures of the Department that have been in existence.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Weeks, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:57p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved

Edward L. Post III, Mayor