

**Lebanon Township Committee
July 16, 2008**

Minutes of Regular Meeting

CALL TO ORDER

Mayor George Piazza 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 Piazza asked everyone to stand for the flag salute.

ROLL CALL

Present - George Piazza, Patricia Schriver, Jay Weeks, Frank Morrison

Absent - Edward Post

Also Present - Attorney Eric Bernstein, Clerk Karen Sandorse and 5 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the June 18, 2008 regular meeting minutes with a correction as noted.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the June 18, 2008 executive session minutes.

ORDINANCE

Ordinance No. 2008-06 – Salaries

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance No. 2008-06. (as entitled below)

TOWNSHIP OF LEBANON
SALARY ORDINANCE
ORDINANCE NO. 2008-06

Public Hearing to be held on August 20, 2008.

RESOLUTIONS

Resolution No. 71-2008 - COMBE FILL Settlement

Motion by Ms. Schriver, seconded by Mr. Morrison, carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.71-2008 as written below.

RESOLUTION NO. 71-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION APPROVING THE FUNDING AGREEMENT FOR THE SETTLEMENT
WITH GOVERNMENT PLAINTIFFS IN THE CONSOLIDATED ACTIONS
ENTITLED UNITED STATES OF AMERICA V. BECKMAN COULTER, ET
ALS. AND NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, V.
AMERICAN THERMOPLASTICS CORP., ET ALS.

WHEREAS, certain claims have been asserted against the Township of Lebanon (the "Township") in the consolidated actions entitled United States of America v. Beckman Coulter, Inc., et. als., Civil Action No. 98-4812 (WHW) and New Jersey Department of Environmental Protection v. American Thermoplastics Corp., et als., Civil Action No. 98-4781 (WHW) pending in the United States District Court for the District of New Jersey (the "Litigation") regarding alleged environmental contamination at the Combe Fill South Landfill in Chester, New Jersey ("Site");

WHEREAS, certain Third-Party Defendant municipalities, school boards, school districts, colleges, parks commissions and housing authorities, including the Township of Lebanon, are members of a group known as the Municipal Group in the Litigation;

WHEREAS, the Municipal Group, on behalf of its members, engaged in settlement negotiations with the United States Department of Justice and the State of New Jersey ("Governmental Plaintiffs") under the supervision of the Honorable Esther Salas, United States Magistrate Judge;

WHEREAS, the Governmental Plaintiffs in the Litigation have agreed to settle with the Municipal Group for all past costs, future costs, and natural resource damage claims related to the Site, pursuant to a Consent Decree and Bar Order which will provide for contribution protection and no re-opener as to the municipal entities, except where there is a fraudulent misrepresentation by a party of the amount or type of its waste, in exchange for a total payment by the Municipal Group of \$12 million ("Municipal Group Settlement Payment") together with interest beginning from December 8, 2007 at the Superfund rate of interest which currently is 4.34% APR;

WHEREAS, a Funding Agreement has been prepared by the Municipal Group for the purpose of memorializing the allocation between the members of the Municipal Group for funding and

enforcement of the payment of Municipal Group Settlement Payment together with interest from December 8, 2007 (“Funding Agreement”), a copy of which is annexed as Exhibit A;
WHEREAS, the Township Committee of the Township of Lebanon have reviewed the terms of the Funding Agreement;
WHEREAS, the Township Committee is authorized under N.J.S.A. 40A:63-1 et. seq. to adopt resolutions for any purpose required for the government of the municipality or for the

accomplishment of any public purpose for which the municipality is authorized to act under general law;

WHEREAS, a Consent Decree and proposed form of Bar Order will be negotiated with the settling parties and the Governmental Plaintiffs in order to implement the settlement with the Governmental Plaintiffs;

WHEREAS, it is further contemplated that an Escrow Agreement will serve as the mechanism for the deposit and protection of the Municipal Settlement Payment;

WHEREAS, the Township Committee recognizes that the terms of the Funding Agreement are in the best interests of the Township and desires to approve the terms of the Funding Agreement and to authorize the Township Attorney to inform the Combe Fill South Municipal Joint Defense Group of the Township’s intention to join in the settlement with the Governmental Plaintiffs in accordance with the negotiated terms.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey as follows:

1. That the Township agrees to participate in the settlement of the Litigation based upon and to the extent of the understandings and representations set forth above, as well as the attached exhibits, and authorizes the Mayor to sign the Funding Agreement.
2. The Township Attorney is hereby specifically authorized to communicate to the Combe Fill South Municipal Joint Defense Group the Township’s passage of this Resolution.
3. It is further anticipated that authorization to enter into an Escrow Agreement and Consent Decree embodying the terms of the settlement described herein will also be required, with such authorization to be sought in a subsequent resolution.
4. This resolution shall take effect immediately.

Resolution No. 72-2008 – DEP Grant Application – Hollow Road Overlay

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.72-2008 as written below.

RESOLUTION NO. 72-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

A RESOLUTION OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE HOLLOW ROAD OVERLAY PROJECT.

WHEREAS, Lebanon Township, Hunterdon County, State of New Jersey desires to resurface Hollow Road from Anthony Road to Musconetcong River Road, and
WHEREAS, Lebanon Township is interested in pursuing a grant through NJDOT Local Aid to pay for the resurfacing project.
NOW, THEREFORE, BE IT RESOLVED that the Committee of Lebanon Township, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2009-Lebanon Township-00834 to the New Jersey Department of Transportation on behalf of Lebanon Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lebanon Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 73-2008 – Amending Res. No. 64-2008 Plenary Retail Consumption License

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.73-2008 as written below.

RESOLUTION NO. 73-2008
A RESOLUTION AMENDING
RESOLUTION NO. 64-2008
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, at the June 4, 2008 Township meeting, the Township Committee granted a Retail Consumption License Renewal for 1019-33-002-005 ONOROSA INC; and
WHEREAS, the applicant has matters to address with ABC relative to State Laws and Regulations prior to a Renewal being granted; and
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that Resolution No. 64-2008 is amended to read as follows, removing ONOROSA INC from the granting Resolution:

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. 74-2008 – Extension of Tax Interest Grace Period

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.74-2008 as written below.

RESOLUTION NO. 74-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

A RESOLUTION TO EXTEND THE GRACE PERIOD FOR INTEREST
ON THE THIRD QUARTER TAXES FOR 2008

WHEREAS because of the delay in the receipt of the tax rate for Lebanon Township by Hunterdon County, and,
WHEREAS it has become necessary to extend the grace period because the tax bills were not mailed before the statutory 25 day period, after which interest is charged,

THEREFORE BE IT RESOLVED, that the grace period for 3rd quarter 2008 taxes be extended to at least 25 days after mailing of the Tax Bills, after which time interest will accrue from August 1, 2008.

OLD BUSINESS

Request to Release Capital Funds – DPW Supervisor Paul Jones

DPW Supervisor Paul Jones sent correspondence to the Committee requesting the release of Capital Funds to move forward with the purchases or projects asked for in his 2008 Budget Request.

Motion by Mr. Weeks, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the release of Capital Funds as requested by Paul Jones.

Request to Release Capital Funds – Chief Chris Mattson

The Police Chief Chris Mattson sent correspondence to the Committee requesting the release of Capital Funds to move forward with the purchases or projects asked for in his 2008 Budget Request.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the release of Capital Funds as requested by Chief Mattson.

The Clerk is to advise the CFO to move forward with the preparation of the Bond Ordinance to be introduced at the August 20, 2008 meeting.

Approve ROSI – Authorize Mayor to Sign

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved the ROSI as submitted by the Clerk and authorized the Mayor to sign. AYES: Schriver, Piazza, Morrison NAYS: Weeks

Library Committee Request to Appointment Substitutes

Library Chairman Art Gerlich stated that the Wendy Harding was a substitute at the Library. Since Wendy has been promoted to Library Clerk there is a need to replace the position. Wendy was flexible with her hours, however, it is difficult to find someone who has the same availability. Art suggested appointing Karla Drumm and Eileen Lebida to share the responsibility of Substitute. The Substitutes will also be available to work at the Municipal Office if needed.

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee appointed Karla Drumm and Eileen Lebida as Township Substitutes at a rate of \$12.00 per hour.

Cell Tower Proposal

Mayor Piazza stated that he and Mr. Morrison met with representatives from the Cell Tower Company that are proposing to place a tower behind the Municipal Office. The Mayor called Representative, Steve, and he informed the Mayor that he has almost everything on his end prepared and that he will be working with the Township Attorney to come up with bid specs. Attorney Bernstein stated that the Committee will have to seek bids and that they will have to decide what they are looking for as a minimum rental price.

Freedom House

Mayor Piazza stated that Freedom House had a ribbon cutting ceremony. The House is now open. There are 10 bedrooms which are already occupied. The house is very nice.

NEW BUSINESS

Request to Purchase Livescan Maintenance Agreement

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of the Livescan Maintenance Agreement.

Request for the Repainting of DPW Truck

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the repainting of the DPW Truck as requested by the DPW Supervisor Paul Jones.

Zoning Officer John Flemming Correspondence – Alternative Energy

Zoning Officer John Flemming sent correspondence to suggest looking into whether or not the Township Committee should amend the Zoning Ordinances to take into account Alternative Energy such as windmills, solar panels, etc.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee requested that the Township Clerk is to ask Mr. Flemming to work with the Planning Board relative to Alternative Energy.

NJ Dept. of Agriculture – Gypsy Moth Application

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Gypsy Moth Survey to be conducted by the NJ Dept. of Agriculture.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the July 16, 2008 bill list in the amount of \$668,562.63, with the exception of Freedom House in the amount of \$35,284.00.

CORRESPONDENCE

Kevin Tatoris – Rocky Run Road Speeding

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee requested that the Police Chief conduct a police survey for speeding on Rock Run Road. AYES: Schriver, Piazza, Morrison NAYS: Weeks

Tax Collector's Report for the Month of June 2008

COAH – NJ League of Municipalities Pledge

The League of Municipalities is filing suit against the new COAH Regulations. They are looking for assistance from municipalities to help defray the cost of the litigation. The Mayor stated that the Planner Mike Bolan had recommended, to him, not to join in on the challenge as

the Township has nothing to loose. Attorney Bernstein stated that he is trying to make contact with Planner Bolan to request that he provide the Committee with an analysis, one way or another, so the Committee can make an informed decision. If the Township has to do something time is running out. The Clerk is to download the Pledge information for Committee review.

PUBLIC COMMENTS

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

The Library Committee Chairman, Art Gerlich, stated that the Library Roof Replacement Project is complete. Mr. Gerlich thanked Paul Jones and Warren Gabriel for doing an excellent job managing the project. It was a long road to get a contractor and it was done in less than a week. All went well.

Anthony Casale inquired on what the speed limit is on Rocky Run Road. He was told that it is not posted therefore it could be 25 mph or 50 mph. It depends on if it is a populated road. Since Rocky Run is not populated, it would be 50 mph.

Mr. Casale asked if the ROSI, which was approved, excludes the Township Office land.

Mr. Casale asked if there was an answer relative to his ongoing question about the insurance coverage for Fire Station No. 1.

Attorney Bernstein stated that he spoke to Groendyke and they have asked the carrier to look into their archives. There is some confusion because there has been carrier changes and there is question as to what obligations they have under that issue. Attorney Bernstein is waiting for word back from Groendyke.

Nancy Darois asked what the tonnage permitted on the Mowder Road Bridge. Warren Gabriel stated that it is unlimited. Ms. Darois stated that there are tractor trailers coming down Pt. Mountain Road. The six ton limit is beyond Musconetcong River Road. She has run into a few tractor trailers backing up because they realize that they can't cross the bridge. Ms. Darois asked if a sign could be placed closer to the entrance. Warren stated that it is a County bridge, therefore, the County is responsible for placing the sign.

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

EXECUTIVE SESSION

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 75-2008 and convened in executive session at 8:00 p.m.

TOWNSHIP OF LEBANON

RESOLUTION NO. 75-2008

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:

CWA Contract Negotiations
DPW Building
Cell Tower

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:45 p.m.

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. Warren Gabriel, on behalf of CWA Local 1040, participated in a portion of the executive session. Attorney Bernstein stated that the Committee had a discussion relative to the possibility of a trial balloon regarding work hours and times for the opening and closing of the Municipal Facilities with the exception of the Police Dept. The Committee came to no consensus except to potentially discuss this at a future date. Relative to the Cell Tower negotiations, the Committee has requested that the Township Attorney work with the parties relative to the possibility of going out to bid for a possible tower on the Municipal Office site. Attorney Bernstein will work with Committeewoman Schriver relative to the proposals and also other parties related thereto. No formal action needs to be taken. There was also an ongoing discussion as to the possibility of land acquisition and or related items, involving a DPW Garage. The Township Clerk will be on consultation with the Township Engineer regarding related matters. No formal action needs to be taken.

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 8:47 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: August 20, 2008

George Piazza, Mayor