

**Lebanon Township Committee
September 2, 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 Ed Post
George Piazza

Absent- Jay Weeks Francis Morrison

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 4 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of August 19, 2009. AYES: Piazza, Schriver ABSTAIN: Post

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of August 19, 2009. AYES: Piazza, Schriver ABSTAIN: Post

Public Hearing

Ordinance No. 2009-06- Bond Ordinance

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-06 was opened.

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

Final adoption is carried to the September 16, 2009 meeting.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2009-06**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW FIRE TRUCK 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 \$695,000 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.

Introduction

Resolution No. 70-2009 – Amending Capital Budget

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 70-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION NO. 70-2009**

WHEREAS, the Township of Lebanon desires to constitute the 2009 Capital Budget of said municipality by inserting therein a capital project for the construction of a public works garage.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon as follows:

Section 1. The 2009 Capital Budget of the Township of Lebanon is hereby constituted by the adoption of a schedule to read as follows:

PROJECT NO. 3
CAPITAL BUDGET OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,
NEW JERSEY
Projects Scheduled for 2009
Method of Financing

	CAPITAL			
ESTIMATED	BUDGET	IMPROVEMENT	CAPITAL	GENERAL

<u>PROJECT</u>	<u>COST</u>	<u>APPROP.</u>	<u>FUND</u>	<u>SURPLUS</u>	<u>BONDS</u>
Construction of \$2,000,000.00 a DPW Garage		\$100,000.00	NONE	\$1,900,000.00	

Section 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project to be included in the 2009 Permanent Capital Budget as adopted.

Resolution No. 71-2009 – Introduction of Bond Ordinance No. 2009-07

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 71-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 71-2009**

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 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 BOND."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 7thth day of October , 2009, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Township Committee, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Township Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

ORDINANCE NO. 2009-07

BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 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 7, 2009.

RESOLUTION

Resolution No. 72-2009 – Redemption of Sale Certificate

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No 72-2009. (as written below)

**RESOLUTION NO. 72-2009
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION APPOINTING WARREN GABRIEL AS ACTING DEPARTMENT OF PUBLIC WORKS SUPERVISOR

WHEREAS, Paul Jones is currently the supervisor for the Township of Lebanon's Department of Public Works; and,

WHEREAS, although Mr. Jones' official retirement date is not until October 1, 2009, he shall be commencing time off from the Township between now and October 1, 2009. Therefore, a replacement is necessary to handle the duties of Department of Public Works supervisor until Mr. Jones' official retirement and until a replacement can be appointed and/or hired thereafter; and,

WHEREAS, the Township of Lebanon wishes to appoint Warren Gabriel as the Acting Department of Public Works Supervisor until a replacement for Mr. Jones has been appointed and/or hired.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that Warren Gabriel is hereby appointed as the Acting Supervisor of the Department of Public Works until such time as an official replacement is appointed and/or hired thereafter.

OLD BUSINESS

Pelio Land Acquisition

Mr. Post stated that there is good news on the Pelio property acquisition, which is that it is progressing. At this point, it appears that there will be two transactions for the parcels. On the east side of Mt. Lebanon Road, the easement rights will be acquired by the SADC as a preserved farm. The SADC will strip the easement development rights off of it and resell it, much like they did on Anthony Road.

On the parcels on the west side of Mt. Lebanon Road, approximately 70 acres, that piece will be purchased fee simple with a combination of County funds and the Township's Municipal Green Acres match. The Hunterdon County Land Trust Alliance is administrating the transaction on our mutual behalf. They have asked the following: Would Lebanon Township be willing to cover the cost in updating the technical reports if need be? This can be accomplished with no out of pocket expenditures from the Township, utilizing the Green Acres grant money and the Township's County Open Space allocation. The County completed the appraisals, title, surveys and environmental investigation and the State has already informed them that they will not need to update the appraisals, however, there may be some cost in updating the title and survey to get to closing.

The approximate cost is \$5,000.00 - \$10,000.00. A resolution will need to be adopted by the Township Committee at the next meeting.

Mr. Post stated that the 70 acres should be managed by the County Park System. It can be handled through a management agreement between the Township and the County as we are party to the property or the Township can convey 100% of the interest of the property to the County at closing. Mr. Post stated that the later would be most desirable as we want the County to manage the property.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. Post to negotiate with the County relative to the acquisition of the property and to convey 100% of all rights of the Township to the County.

Mr. Post stated that there are a few other administrative items that will need to be dealt with: A signed application/certification form, a resolution authorizing the submission of the application on behalf of the municipality, an updated Open Space Inventory and the authorization to enter into an assignment agreement with the Land Trust to acquire the property. Mr. Post stated that the agreement will be forthcoming and he will share it with Attorney Bernstein's office. The closing will be sometime in 2010. Attorney Bernstein will prepare the required resolutions.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee moved to proceed with the Pelio transaction for the acquisition of 70 acres with Lebanon Township being the applicant and the Township putting forth their Open Space Tax up to \$5,000.00 to be matched by the Township's Green Acres funding to offset the cost.

The Clerk will speak to Kevin Richardson and the Treasurer to see if existing County Open Space Funds can be used to pay down existing debt.

Municipal Court of North Hunterdon

Mr. Piazza stated that the deadline for all of the participating municipalities to decide if they will remain in the system has come and gone. Lebanon Borough and Tewksbury have asked for an extension of time. The Clerk will call the Court Administrator to see when the deadline has been extended to.

NEW BUSINESS

Cooperative Purchasing- Snow & Ice Control Materials

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the participation in the Co-operative purchasing of snow and ice control materials.

Hunterdon County Shared Services Program – Health Insurance

Held until executive session.

Approve Raffle Application – Lebanon Township Memorial Park – Sept. 27, 2009

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved a raffle application for the Lebanon Township Memorial Park Committee for an event to take place on September 27, 2009.

Approve Raffle Application – Voorhees High School PTSA – October 9, 2009

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved a raffle application for the Voorhees High School PTSA for an event to be held on October 9, 2009.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the September 2, 2009 bill list in the amount \$2,714,083.67.

CORRESPONDENCE

Minutes from the Lebanon Historians Meeting of July 9, 2009.

PUBLIC COMMENTS

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

Mr. Ron Milkowski asked if the cost for the professionals are included in the total amount of the Township Garage Bond Ordinance or are the charges in addition to the \$2,000,000,000.

Mr. Casale asked what the status is of the insurance for the soil contamination at Fire Station No. #1. Attorney Bernstein stated that Groendyke is working with the carrier regarding the carrier's response. Attorney Bernstein will contract Ray Scherrer for a standing status.

Motion by Mr. Piazza, seconded by Mr. Post 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. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 73-2009 and convened in executive session at 7:35 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 73-2009

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:

Personnel – Zoning Officer
PBA and CWA Contract
Attorney Client Privilege

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 9:07 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. The Committee met with the Township Zoning Officer regarding ongoing issues involving his position. It was recommended that the Clerk contact the Zoning Board Chairman and the Planning Board Chairman to attend the October 7, 2009 Township Committee meeting in executive session for purposes of discussion of John Flemming and his situation. The Township Attorney will have a conversation with the Zoning and Planning Board Attorney in the interim relative to issues that he may or may not have relative to such. There was a further discussion regarding some involvement as to a possible issue as to a health insurance fund. The Township Clerk will speak to the Treasurer and to the insurance broker as to whether or not submitting information pursuant to a request from the Hunterdon County Shared Services Group. No action is to be taken at this time. The Governing

Body also had a conversation with the Attorney relative to a possible acquisition of property on Little Brook Road.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee rejected the request to acquire church property on Little Brook Road.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 7, 2009

Patricia Schriver, Mayor