

**Lebanon Township Committee  
September 3, 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, Edward Post, Frank Morrison

Absent -

Also Present - Attorney Eric Bernstein, Clerk Karen Sandorse and 9 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 August 20, 2008 regular meeting minutes with a correction as noted.*

*Motion by Mr. Post seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the August 20, 2008 executive session minutes.*

**EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 79-2008 and convened in executive session at 7:02 p.m.*

TOWNSHIP OF LEBANON  
RESOLUTION NO. 79-2008

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:

Personnel – Possible Retention of an Architect  
Police Chief Salary

Anticipated or Pending Litigation – Ongoing Issue with the Council on Affordable Housing

*Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:13 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. Also in attendance was Paul Jones, DPW Supervisor, Warren Gabriel, Assistant DPW Supervisor and Michael Bolan, the Township Planner. There was a discussion regarding the possible retention of an architect relative to the Township Garage, the Committee received material from Mr. Keith Chambers and has requested some additional information and will revisit this matter as early as the next Committee meeting. No formal action needs to be taken at this time. There was discussion with the Township Attorney and the Township Planner relative to possible litigation involving the Township's COAH obligations for Round 3. Planner Bolan and Attorney Bernstein have been given direction as to what actions to take on behalf of the Committee. No formal action will need to be taken. There was also a discussion relative to Police Chief Mattson and his employment contract. Ms. Sandorse has been given direction for the Treasurer relative to compensation. The Committee will review the Chief's present agreement and the Mayor and the Township Committee liaison, Committeeman Morrison will discuss a new contract with the Chief. No formal action is needed at this time.

**Five Minute Recess Taken at 8:14 p.m.**

**ORDINANCE**

**Public Hearing**

**Ordinance No. 2008-07 - Public Improvements Bond**

*Motion by Ms. Schriver, seconded by Mr. Post, and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2008-07 was opened.*

*Hearing no comments from the public, the public hearing was closed on a motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote.*

*Motion by Ms. Schriver, seconded by Mr. Post, and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2008-07 as written below.*

COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2008-07

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT 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 \$346,500 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.

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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 information technology equipment and a new automotive vehicle, 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) renovations at the Municipal Building, including renovating a garage for use as a Police multi-purpose room and improvements to interior lighting, (ii) acquisition of a generator for the Municipal Complex and (iii) acquisition of fireproof file cabinets. It is hereby determined and stated that said public building being improved is 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	\$ 71,500
Down Payment Appropriated	\$ 3,500
Bonds and Notes Authorized	\$ 68,000
Period of Usefulness	15 years

B. Acquisition of new information technology equipment for the use of the Police Department consisting of (i) new computers and (ii) an audio/video system.

Appropriation and Estimated Cost	\$ 15,000
Down Payment Appropriated	\$ 800
Bonds and Notes Authorized	\$ 14,200
Period of Usefulness	5 years

C. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a mason dump truck for the use of the Department of Public Works.

Appropriation and Estimated Cost	\$ 60,000
Down Payment Appropriated	\$ 3,100
Bonds and Notes Authorized	\$ 56,900
Period of Usefulness	5 years

D. 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. 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 aforesaid list. 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.

Appropriation and Estimated Cost	\$200,000
Down Payment Appropriated	\$ 9,600
Bonds and Notes Authorized	\$190,400

Period of Usefulness	10 years
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Aggregate Appropriation and Estimated Cost	\$346,500
Aggregate Down Payment Appropriated	\$ 17,000
Aggregate Amount of Bonds and Notes Authorized	\$329,500

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 \$17,000, 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 \$17,000 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 \$329,500 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 \$329,500 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 9.95 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 \$329,500 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.

## **Introduction**

### **Ordinance No. 2008-09 - Amend Salary Ordinance**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance No. 2008-09. (as entitled below)*

TOWNSHIP OF LEBANON  
AMEND SALARY ORDINANCE  
ORDINANCE NO. 2008-09

Public Hearing to be held on September 17, 2008.

## **OLD BUSINESS**

## **Fire Chief Jay Harkins – Committee’s Request**

Mayor Piazza stated that he had a conversation on the phone with Fire Chief Jay Harkins and informed him that he was surprised to hear that one of the Township Fire Trucks had been removed from the Township’s insurance policy and the truck was in fact still being used. The Fire Chief told the Mayor that the truck was taken off by the insurance company and there was a mistake but then it was put back on the policy. Mayor Piazza also stated that he tried to make the Chief aware that everything must go through the Township Committee as they are the Township’s trucks. The Township takes the trucks off the insurance and put them on. The Township Committee assigns Paul Jones and Karen Sandorse to oversee the process. Mayor Piazza stated that they were upset with the Chief and the Insurance Company for the gaffe. Fire Chief Jay Harkins was in attendance and stated that the Insurance Carrier, Mr. Ray Scherrer wanted to meet with the Chief to go over some general paperwork. The Chief stated that as a department head, he met with Mr. Scherrer and discussed some insurance replacement costs as

fire apparatus is getting more costly every year. Mr. Post asked the Chief if Mr. Scherrer contacted him directly to request the meeting. The Chief said that, yes he did back in July. The Chief met with Mr. Scherrer and the Assistance Chief and discussed the vehicles we have and those that we do not have. The Chief noted that Mr. Scherrer stated issues that he wanted to make apparent to him and there were a couple pieces of equipment that the Fire Department no longer have and were replaced in 2004. The Chief stated that, not knowing the proper channels, he took it upon himself to let Mr. Scherrer know that the Township no longer had the equipment. Since money is an issue, there is no sense in insuring vehicles that we do not have and haven’t had since 2004. The Chief stated, that apparently Mr. Scherrer made a mistake and took one of the other engines off that the Fire Department still has on the road. A letter was sent to the Township confirming the removal of the vehicle from the policy. The Chief received a call questioning the removal and he called Mr. Scherrer to have the vehicle put back on the policy, which was done immediately. The Chief informed the Committee that he spoke to Paul Jones, Karen Sandorse, the Mayor and Committeeman Morrison. The matter was straightened out. Mr. Post asked how many assets were found to be on the policy that are no longer owned by the Township. The Chief stated that he had two pieces on the policy that should not have been. The Chief stated that two items should have been taken off the policy and Mr. Scherrer misinterpreted what he said and removed one item correctly and one incorrectly. The Chief stated that the items to be removed were two old engines, 19-61 and 19-62 which were two old pumpers which were replaced. The pumper tanker 19-63 was removed in error as it is located in Fire Station No. 1 at this time.

The Chief stated that he has now had the conversation and knows how to go through the proper channels. The Chief stated that in going through the insurance he would like to bring the Committee’s attention that the Fire Department’s medical and disability income for each individual. He stated that the accident insurance for medical, for each individual, is \$5,000.00 coverage. The Chief also stated that he needs to bring disability income to the Committee’s attention, as each individual is only covered for \$5,000.00. The major issue the Chief found in the policy was life insurance. He informed the Committee that, if there were a loss of life on the Fire Department, the coverage would be \$30,000.00. The Chief stated that it is unacceptable and



something needs to be done about that. He does not think it has been changed in years and he isn't sure if it has been brought to anyone's attention. Mr. Post stated that renewal is coming up and this will be part of the discussion. The Chief stated that he feels that the loss of life should be up with the police and road department, equal across the board. It should be the same whether it is a million or \$5,000,000.00. The Chief said that it should be set to a standard, as it has been overlooked for so long. The Chief stated that it is just not fair to his members. The Chief said that he spoke to the Mayor and stated that God forbid something happened with the truck being taken off the policy for the brief period, possibly 24 hours, something happened but what if one of the Firemen loses their life and only receives \$30,000.00. Mr. Post stated that in his discussion with the insurance carriers, he asked if there was any anticipation of where we are with our insurance relative to the Fire Department. Mr. Post understood that there was a meeting that included Matt Duryea, another insurance carrier. The Chief stated that Matt is his Assistant Chief and has insurance background which is to the Fire Department's benefit.

Mr. Post stated that additional levels of coverage will be considered when seeking new quotes for the Township's insurance.

The Chief apologized to anyone who may have felt that he did not follow the proper channels.

Mr. Post stated, that on the issues of contracts, he assumes that the Fire Department appreciates the issues of economies the Fire Department achieves by insuring through the municipality and given that to insure separately outside of the municipality, if being considered, it would end up costing everyone more without the same level of protection.

Mayor Piazza asked the Chief if he has any idea of what the coverage should be. The Chief stated that he talked around and it is anywhere from a million or so for Life insurance. The Chief said that he will check with the mutual aid departments for comparables.

### **Highlands Council Grant Agreement – Authorize the Mayor to Sign**

*Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor to sign the Highlands Council Grant.*

### **Fire Station No. 1**

Mr. Post stated that he is still trying to chase down the DEP Representative relative to the Fire Station No. 1 site remediation. He has not been successful to date. Mr. Post has sent a email reminder and at this time it appears that the Commissioner needs a be called.

### **Sergeant Gale**

Mayor Piazza stated that Sergeant Gale has returned to work after being out on a medical leave.

### **NEW BUSINESS**

### **Approve Voorhees High School PTSA Raffle Application – 10/10/08**

*Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee approved the Voorhees High School PTSA Raffle Application for an event to be held on 10/10/08.*

### **Approve Social Affair Permit Application – Lebanon Township Fire Department**

*Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit Application for the Lebanon Township Fire Department for A Day in the Park, to be held on September 20, 2008.*

### **Accept 1971 JEE Brush Truck – Lebanon Township Fire Department**

Fire Chief, Jay Harkins, stated that through some networking, the Fire Department acquired a brush truck through the Forestry Services in Andover. The truck was received through a lien through the Forestry Services. The truck is the Fire Departments for their use, however, if they want to return it, it has to go back to the Forestry Service. The truck is an ex-military vehicle that was retrofitted. The company that did the retrofit was out of Farmingdale and it was supposed to go to Sparta Fire Department, however, Sparta decided to buy a new vehicle. The Chief then acquired it. The vehicle did not have a skid unit, which is a tank, a pump and a foam unit. The

Chief spoke to the Chief from the Fire Department that retrofitted the equipment and they donated all of the equipment for the back of the truck. The truck is capable of carrying 500 gallons of water, it has a foam system on it and it has a nice pump unit. The value is approximately \$10,000.00. The Chief acquired the vehicle and would like to put it to use. Mr. Post asked if the Chief has clear title on the vehicle. The Chief stated that he has the title in hand but still has to change it over to the Township. Mr. Weeks asked if there were other stipulations with the vehicle. The Chief stated that another stipulation is that the LTVFD can be called to other brush fires if the Forestry Services should need the vehicle in the area. The Township Fire Department would have to man the truck. Mr. Post asked if there is a zone in which the Township must respond. The Chief stated that he is not sure, but he will speak to John Trontis about it. Mr. Weeks asked if we add the vehicle to the Township's insurance, only our Firemen will man it. The Chief stated that that was correct. Mr. Post stated that the truck should not be used until the title has been transferred. The Chief stated that the truck has not been used, it is in the Fire House in storage. The Chief stated that if you get something from Forestry Services and you network to get it, you have to jump on it.

Attorney Bernstein asked if there is an agreement that goes along with the truck. The Chief stated that he has a contract. It is a title with a lien on it stating that we cannot sell the piece of apparatus. Attorney Bernstein stated that the Township Committee needs to see the Agreement to see what the obligations are. The Clerk asked the Chief if the Agreement has been executed and by whom. The Chief stated that he and the Forestry Service executed the Agreement. Attorney Bernstein stated that the Agreement is between the municipality and the Forestry Service if we are going to insure it and have title to it. It is not a Fire Department

agreement. Mr. Post stated that all should refrain from entering into contracts on behalf of the municipality. This vehicle would be an addition to the fleet. Attorney Bernstein stated that the Township Committee must formally accept the vehicle as municipalities do not have the right to receive anything as a gift. There are requirements relative to such. The Chief will provide a copy of the Agreement to the Committee and the Attorney. Mr. Post asked the Chief if he is aware of other Township's that are in similar agreements. The Chief stated, that he is not aware of any at this time. The Chief stated that there are no additional costs associated with acquiring the vehicle that he is aware of. Attorney Bernstein stated that the insurance company should be informed of the possible acquisition to see if there are any additional matters to be addressed. The Chief is to provide a copy of an insurance certificate from Sparta Township.

### **NJ Shade Tree Federation Correspondence**

**Tabled.**

### **Municipal Wastewater Management Plan Advisory Committee Correspondence**

The Hunterdon County Wastewater Management Planning Agency sent correspondence requesting that the Township Committee establish a Municipal Wastewater Manage Advisory Committee and to appoint one member to serve on the County WMP Steering Committee. The Advisory Committee will be responsible for working with the County Planning Board, Municipal Planning Board, Zoning Board and Governing Body in completing the our municipality's chapter of the County WMP and associated new and amended ordinances and

documentation. There was no interest shown on the part of the Township Committee. No action taken.

### **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 August 20, 2008 bill list in the amount of \$2,825,972.10.*

### **CORRESPONDENCE**

Tax Collector's Report for the Month of July 2008.

### **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.*

Mr. Bill Rauschenberger stated that he is looking for assistance with the deer in the Township. Mr. Rauschenberger stated that they have become out of control and asked for the Committee to write a letter stating what a detriment they are in the Township.

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

## **ADJOURN**

Having no further business to come before the Committee, a motion was made by Mr. Weeks, seconded by Mr. Post and carried by unanimous favorable roll call vote to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: September 17, 2008

Mayor

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George Piazza,