

CALL TO ORDER

Deputy 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

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

ROLL CALL

Present - Patricia Schriver, Jay Weeks, Edward Post, Frank Morrison

Absent - George Piazza

Also Present - Attorney Phil George, 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 September 3, 2008 regular meeting minutes as written.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the September 3, 2008 executive session minutes.

ORDINANCE

Public Hearing

Ordinance No. 2008-08 - Revising Chapter XVIII (Zoning)

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2008-08 was opened.

Mr. Ron Milkowski questioned whether the Township Committee changed the fees a year ago. Mr. Post stated that it was determined that the money being collected for escrow is not

enough to cover the cost of the applications. Mr. Post stated that any money not used is returned to the applicant.

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2008-08 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2008-08
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND
MORE SPECIFICALLY CHAPTER XVIII (ZONING)

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

Section 1. Section 400-54F(2)(a) and (b), Escrow Fees for Technical Review, is amended to read as follows:

(a). The initial Escrow Fees for technical review shall be as follows:

- [1] Minor subdivision application: \$1,500.00.
- [2] Application for a certification of a prior nonconforming use or a certification of a prior nonconforming structure: \$500.00.
- [3] Application for the direction for issuance of a permit for a building or structure not related to a street shall be: \$2,000.00
- [4] Application for Conditional use approval: \$1,500.00
- [5] Variance application pursuant to N.J.S. 40:55D-70(c): \$750.00
- [6] Variance application pursuant to N.J.S. 40:55D-70(d): \$1,500.00
- [7] Application for lot line adjustment/ merger: \$1,000.00
- [8] For a request for an extension of time regarding a minor subdivision, major subdivision, site plan or an extension of time in which to obtain building permits or complete work in connection with a

variance under

Section 45-20: \$750.00

- [9] Appeals from decision of administrative officer under N.J.S. 40:55D – 72: \$400.00
- [10] Request for Interpretation to the Board of Adjustment: \$400.00
- [11] Request for informal discussion: \$500.00
- [12] Application or exemption from site plan review: \$500.00
- [13] Wireless telecommunications antennae and towers:

- (a) If no new tower is proposed: \$3,000.00
 - (b) If a new tower is proposed: \$6,000.00
- [14] Application for amended site plan or amended subdivision approval:
\$1,000.00

Applications declared complete but not yet approved as of the effective date of this article shall pay escrow fees for all professional services rendered after the effective date.

(b) A Larger initial escrow fee may be required as deemed necessary by the Board in light of the particular circumstances of the application. The initial deposit is required for a complete application. Additional review fees as required shall be paid in accordance with paragraph f,1(d). In addition to the escrow fees required above, any applicant for a major subdivision involving a geologic investigation pursuant to subsection 17-6.5 shall provide a fee of one hundred fifty dollars (\$150.00) for each lot included in the Carbonate Area District, and any applicant for a major site plan involving a geologic investigation pursuant to subsection 17-6.5 shall provide a fee of five dollars (\$5.00) per one thousand (1,000) square feet to be disturbed, plus fifty dollars (\$50.00) per one thousand (1,000) square feet of proposed building floor area or part thereof.

Section 2. Ordinance sections 400-54 F (4), (5), (6) and (7) are hereby deleted.

Section 3. This ordinance shall take effect following passage and publication in accordance with the laws of the State of New Jersey.

This Ordinance shall take effect immediately after final passage and publication in accordance with law.

Public Hearing

Ordinance No. 2008-09 - Amend Salary Ordinance

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2008-09 was opened.

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2008-09 as written below.

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

BE IT ORDAINED BY THE Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that:

SECTION A: This Ordinance shall be known and may be referred to be its short title which is "The 2008 Salary Ordinance"

SECTION B: The annual salary of the following officers and employees of the Township of Lebanon shall be as set forth hereafter:

	SALARY	RANGES
Mayor	4,000.00	6,000.00
Committee	4,000.00	6,000.00
Open Space Coordinator	4,000.00	6,000.00
Tax Assessor	30,000.00	48,000.00
Township Clerk	40,000.00	76,000.00
Deputy Clerk	30,000.00	49,000.00
	30,000.00	42,500.00
Tax Collector		
Chief Financial Officer	15,000.00	26,500.00
Treasurer	30,000.00	35,500.00
Planning Board Clerk	15,000.00	26,500.00
Zoning Official	24,336.00	26,500.00
Board of Adjustment Secretary	15,000.00	26,500.00
Police Office Manager	29,000.00	46,500.00
Road Supervisor	55,000.00	91,000.00
Asst. Road Supervisor	40,000.00	64,000.00
Chief Mechanic	29,000.00	63,000.00
Road Employee	29,000.00	57,000.00
Police Chief	86,000.00	104,000.00
Police Sergeant	66,000.00	93,500.00
Police Officer	47,000.00	86,000.00
Office of Emergency Management	2,000.00	6,000.00
Dog Census	2,000.00	4,500.00

SECTION C: The hourly wage of the following employees of the Township of Lebanon shall be set forth hereafter:

Buildings and Grounds	12.00	14.00
Library Clerk	13.00	19.47
Assistant Library Clerk	9.00	16.70
Clerical Substitute	12.00	12.00
Museum Curator	11.00	17.52
Assistant Museum Curator	9.00	14.70
Special Police Class II & Matrons	13.00	20.50
Dog Wardens	9.00	13.07
Mechanic Helper - over base pay	2.00	4.00
Fire Official	16.00	23.56
Perc Test Witness	100.00	125.00
Special Traffic Guards	25.00	42.58

SECTION D: The rate for mileage shall be the current federal limit.

This ordinance shall take effect upon final passage and publication as provided by law.

Ordinance No. 2008-10 – To Prohibit Parking on Raritan River Road

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance No. 2008-10. (as entitled below)

Introduction

ORDINANCE NO. 2008-10
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE AMENDING ORDINANCE § 7, PARKING,
ATTACHMENT 1, SCHEDULE I, NO PARKING, TO

PROHIBIT PARKING ON RARITAN RIVER ROAD FROM HOFFMAN’S CROSSING
ROAD SOUTH TO THE ENTRANCE OF KEN LOCKWOOD GORGE FOR A DISTANCE
OF ONE THOUSAND TWO HUNDRED AND THIRTY (1,230.00) FEET.

Public Hearing to be held on October 1, 2008.

RESOLUTIONS

Resolution No. 80-2008 - Designating a \$1,013,709.00 Bond Anticipation Note.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 80-2008 as entitled below and attached.

TOWNSHIP OF LEBANON
RESOLUTION NO. 80-2008
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN
THE COUNTY OF HUNTERDON, NEW JERSEY, DESIGNATING A \$1,013,709 BOND
ANTICIPATION NOTE, DATED SEPTEMBER 12, 2008, PAYABLE SEPTEMBER 11, 2009,
AS A “QUALIFIED TAX-EXEMPT OBLIGATION” PURSUANT TO SECTION 265 (b) (3)
OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

Resolution No. 81-2008 – Return of Tax Funds

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2008 as written below.

RESOLUTION 81-2008
TOWNSHIP OF LEBANON

COUNTY OF HUNTERDON
STATE OF NEW JERSEY

WHEREAS the lien holder of Tax Sale Certificate 01054, Beyond Redemption LLC has not accepted payment for the redemption of that lien from Theodore Marcu owner of Block 53, lot 6, 322 Turkey Top Road, Lebanon Township, and

WHEREAS a letter has been received from Kenneth McElwee, Esq representing Beyond Redemption LLC declining the payment.

THEREFORE BE IT RESOLVED that the amount of \$64,159.43 be returned to Theodore Marcu.

Resolution No. 82-2008 -Amend Salary Resolution

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 82-2008 as written below.

BE IT ORDAINED BY THE Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that:

SECTION A: This Ordinance shall be known and may be referred to be its short title which is "The 2008 Salary Ordinance"

SECTION B: The annual salary of the following officers and employees of the Township of Lebanon shall be as set forth hereafter:

	SALARY	RANGES
Mayor	4,000.00	6,000.00
Committee	4,000.00	6,000.00
Open Space Coordinator	4,000.00	6,000.00
Tax Assessor	30,000.00	48,000.00
Township Clerk	40,000.00	76,000.00
Deputy Clerk	30,000.00	49,000.00
Tax Collector	30,000.00	42,500.00
Chief Financial Officer	15,000.00	26,500.00
Treasurer	30,000.00	35,500.00
Planning Board Clerk	15,000.00	26,500.00
Zoning Official	24,336.00	26,500.00
Board of Adjustment Secretary	15,000.00	26,500.00
Police Office Manager	29,000.00	46,500.00
Road Supervisor	55,000.00	91,000.00
Asst. Road Supervisor	40,000.00	64,000.00
Chief Mechanic	29,000.00	63,000.00
Road Employee	29,000.00	57,000.00
Police Chief	86,000.00	104,000.00
Police Sergeant	66,000.00	93,500.00

Police Officer	47,000.00	86,000.00
Office of Emergency Management	2,000.00	6,000.00
Dog Census	2,000.00	4,500.00

SECTION C: The hourly wage of the following employees of the Township of Lebanon shall be set forth hereafter:

Buildings and Grounds	12.00	14.00
Library Clerk	13.00	19.47
Assistant Library Clerk	9.00	16.70
Clerical Substitute	12.00	12.00
Museum Curator	11.00	17.52
Assistant Museum Curator	9.00	14.70
Special Police Class II & Matrons	13.00	20.50
Dog Wardens	9.00	13.07
Mechanic Helper - over base pay	2.00	4.00
Fire Official	16.00	23.56
Perc Test Witness	100.00	125.00
Special Traffic Guards	25.00	42.58

SECTION D: The rate for mileage shall be the current federal limit.

This ordinance shall take effect upon final passage and publication as provided by law.

OLD BUSINESS

Request of Fire Chief Jay Harkins for Acceptance of a 1971 Jeep Forest Fire Ser. Vehicle - Approve Agreement and Hold Harmless/Authorize Mayor and Clerk to Execute

Mr. Post stated that Fire Chief Jay Harkins attended the last Committee meeting to discuss an Agreement with the Division of Parks and Forestry, Forest Fire Service, for the acquisition of a Forest Fire Service vehicle. Mr. Post stated that in review of the Agreement, by the Township Committee members as well as the Township Attorney, there are a few issues that need to be dealt with.

Attorney George stated that he feels that the discussion should be held in executive session; however, in general there were a few items that may be discussed publically. Last year there were some changes to the Firemen's Rule which relates to damages sustained by employees in the course of fighting a fire and other emergencies as well. As requested by the Township Committee Attorney George's office prepared a legal opinion in this matter and submitted it in writing. Attorney George stated that his office considered the fact that the Fire Vehicle has to be operated and licensed both on and off road; it gave them some concern under that language. He also stated that consideration has to be given with regards to insurance for on and off road operation. There is also a commitment to service the Forestry Service, in other areas, if they

make a call for assistance. There is also a financial consideration. Another matter of concern is that there is a requirement in the Agreement that the vehicle must be brought up to certain

administration code regulations and since it is a 1971 vehicle that can be unfavorable. Attorney George stated that there is no indication as to what, if anything, needs to be done to the vehicle relative to it being in compliance and suitable for service. The evaluation is subject to an inspection by the Fire Service, for compliance, prior to the vehicle going into service and annually thereafter. Mr. Post stated that the inspection should be done at this time to find out what needs to be done for conformity. This should be a provision prior to proceeding with the Agreement.

Township Garage

Mr. Post stated that the Township Committee met with an architect to discuss the Township Garage Replacement project. In order to prepare the formal bid documents, blue prints will need to be prepared for the specifications. Mr. Chambers provided the Township Committee with a proposal of \$19,200.00 for the preparation of the blue prints. The Township Engineer informed the Committee that his costs associated with the specifications preparation will be \$9,500.00.

Resolution No. 82A-2008 – Award of Non-Fair and Open Contract – Keith Chambers

Motion by Mr. Morrison, seconded by Ms. Schriver, and carried by favorable roll call vote, the Township Committee approved Resolution No. 82A-2008 as written below. AYES: Schriver, Post, Morrison NAYS: Weeks

RESOLUTION NO. 82A-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR LEBANON TOWNSHIP

WHEREAS, the Lebanon Township Committee has a need to acquire professional services as outlined below as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Lebanon Township CFO has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year and may be extended as approved by the Lebanon Township Committee; and

WHEREAS, the following agencies have completed and submitted a Business Entity Disclosure Certification which certified that they have not made any reportable contributions to a political or candidate committee in the Township of Lebanon in the previous one year, and that the contract will prohibit the agency from making any portable contribution through the term of the contract; and

WHEREAS, sufficient funds are available in the 2008 Municipal Budget for the Township of Lebanon as required in – N.J.A.C. 5:30-5.4.

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

The Mayor and Municipal Clerk are hereby authorized and directed to execute contracts with the following person and firm for the year 2008:

1. Keith T. Chambers of Chambers Architecture, Inc., PO Box 1058 Flemington, NJ 08822-1058.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this action shall be printed in the October 1, 2008 issue of the Hunterdon Review.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee moved to engage the services of Keith T. Chambers of Chambers Architecture, Inc., for the Phase I portion of the Township Garage replacement, in an amount not to exceed \$19,200.00, as well as Township Engineer, Steve Risse, at a cost not to exceed \$9,500.00, subject to availability and certification of funds from the CFO. AYES: Schriver, Post, Morrison NAYS: Weeks

NEW BUSINESS

Approve Raffle License Application – Voorhees HS Cheerleading Association

Motion by Mr. Morrison, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved a Raffle License Application for Voorhees HS Cheerleading Association for an event to be held on October 25, 2008.

A Day in the Park

Ms. Schriver reminded all present that A Day in the Park will be held on Saturday, September 20, 2008.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the September 17, 2008 bill list with the Tax Refund in the amount of \$64,159.43 to Theodore Marcu, as requested by the Tax Collector.

CORRESPONDENCE

Tax Collector's Report for the Month of August 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.

Ms. Nancy Darois thanked the Road Department for doing a good job in the cleaning of the drainage ditches and the cutting of the grass on the sides of the Township roadways.

Mr. Gary Milkowski asked what the Township's policy is relative to sending an employee to classes relating to their position. He wanted to know if the employee pays upfront for the class and then is reimbursed once the class is successfully completed or does the Township pay at the time of registration. There is a policy, however, it is vague and classes have been handled on an individual basis in the past. There has been no time in which an employee has not completed a class successfully to date. The provisions of the policy will be looked into.

Mr. Ron Milkowski stated that he wanted to clarify that the fire vehicle discussed earlier in the meeting, maybe listed as a Jeep, however, that does not accurately describe what the vehicle is. It is a six wheel military vehicle which used to be referred to as a duce and a half. Mr. Milkowski also stated the possible concerns he has with the holdharmless agreement associated with the Agreement the Fire Chief entered into for the acquisition of the fire vehicle from the Forestry Service.

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. 83-2008 and convened in executive session at 7:38 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 83-2008

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:

Contract Negotiations – Other than Collective Bargaining – Fire Vehicle
Indemnification Clause Proposed – Fire Vehicle
Tax Collector – Request for an Assignment
Police Chief's Contract

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 8:04 p.m.

Attorney George stated that during the executive session the Committee discussed the parameters of the draft contract for the Police Chief. The particulars and legal risks involved in the

holdharmless agreement relative to acquiring a Fire Vehicle from the Forestry Service was also discussed. The Committee also discussed the Township's Assignment for a Certificate for a landlocked piece of property versus closing on the property. No action was recommended by the Attorney.

ADJOURN

Having no further business to come before the Committee, a motion was made by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote to adjourn the meeting at 8:06 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 1, 2008

Edward Post, Deputy Mayor