

CALL TO ORDER

Mayor Jay Weeks 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 Weeks asked everyone to stand for the flag salute.

ROLL CALL

Present - Jay Weeks Patricia Schriver
Francis Morrison Brian Wunder

Absent- George Piazza

Also Present - Attorneys Phil George and Eric Bernstein, Deputy Clerk Kimberly Jacobus and 15 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of October 6, 2010.

PUBLIC COMMENTS – Agenda Items Only

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

Anthony Casale spoke to the committee regarding his concerns with the cell tower. There was a Memorandum of Agreement filed at the County; the Assessor had a copy of it.

Sally Ollerenshaw of 14 Shady Lane wanted to speak about the outdoor furnace, wind turbine and solar panel ordinance that was introduced at the October 6th meeting. The Committee stated that the public hearing is on for the November 3, 2010 meeting. She stated that the paper had stated that it would be on for tonight's meeting.

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.

ORDINANCES

Public Hearing

Ordinance 2010-14-Bond

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public hearing for Ordinance 2010-14.

There were no comments from the public.

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee closed the public hearing.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance 2010-14 (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2010-14**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$665,000 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.

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 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 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; 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

B. (i) Installation of a fueling station at the new Department of Public Works (“DPW”) Garage and (ii) acquisition of new additional or replacement equipment and machinery for the use of the DPW consisting of (a) a tractor, (b) a mower and (c) a backhoe.

Appropriation and Estimated Cost	\$465,000
Down Payment Appropriated	\$ 22,200
Bonds and Notes Authorized	\$442,800
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$665,000
Aggregate Down Payment Appropriated	\$ 31,800
Aggregate Amount of Bonds and Notes Authorized	\$633,200

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 \$31,800, 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 \$31,800 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 \$633,200 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 \$633,200 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 13.49 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 \$633,200 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.

Public Hearing

Ordinance No. 2010-15- "Municipal Recycling Coordinator"

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee opened the public hearing for Ordinance 2010-15.

Kathleen Paige of 52 Hollow Road asked if the township was hiring someone to fill the position. Ms. Schriver answered that we have no choice as it is a state law and we have to.

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee closed the public hearing.

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2010-15 (as written below)

**ORDINANCE NO. 2010-15
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE TO REVISE, AMEND AND SUPPLEMENT
THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON, MOST NOTABLY
CHAPTER 317 ENTITLED "SOLID WASTE; RECYCLING", SPECIFICALLY §317-3,
ENTITLED "MUNICIPAL RECYCLING COORDINATOR"**

WHEREAS, Chapter 317 of the Township Code of the Township of Lebanon, entitled "Solid Waste; Recycling", sets forth certain recycling requirements in accordance with the provisions of the

New Jersey Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11, et seq. and creates the position of Municipal Recycling Coordinator for the Township of Lebanon; and,

WHEREAS, the Township Committee of the Township of Lebanon has determined that §317-3, entitled “Municipal Recycling Coordinator” should be amended to provide more detail as to the specific duties of the Township Recycling Coordinator.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 317 of the Township Code of the Township of Lebanon, entitled “Solid Waste; Recycling”, specifically §317-3, entitled “Municipal Recycling Coordinator” is hereby revised, amended and supplemented as follows:

“§317-3 Municipal Recycling Coordinator

B. The Municipal Recycling Coordinator shall be annually appointed by the Township Committee and shall serve a term of one (1) year. The Mayor shall annually affirm, in writing, the name of the person holding the position of Municipal Recycling Coordinator. The person holding said position shall be appointed to said position by resolution of the Township Committee which shall establish his/her hours of work, compensation and other terms and conditions of employment.

C. The Recycling Coordinator shall, from time to time, advise and make recommendations to the Township Committee or designee as to how the requirements set forth in this ordinance may be effectuated. In addition, the Recycling Coordinator shall report to the Township Committee at least semi annually on the status of the Municipal Recycling Program, including, but not limited to:

1. Tonnages that have been recycled by the municipal program since the last report;
2. Any additional materials that can reasonably be considered to be recycled as part of the municipal program;
3. The impact that the municipal recycling program has had upon the amount of solid waste generated within the municipality;
4. A report on financial or technical assistance that is available to the municipal recycling program; and,
5. A recommendation for revisions of the rules and regulations of the municipal recycling program.

***”

BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances, and all resolutions or portions of resolutions, which are inconsistent with this Ordinance, shall be repealed as to their inconsistencies only.

2. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

OLD BUSINESS

Kathleen Paige – Historians Brochure

Kathleen Paige was present to explain why there wasn't a resolution from the historians to place her name on the 3 fold brochure. She found through letters from Ms. Stevens of the Cultural and Heritage Commission that the brochure needed to be of a historical nature and theirs was more about the municipality now. Ms. Paige will be going back to the historians and report back to them regarding what happened at this meeting.

Conduct of Yard Sales – Zoning Officer Request

Attorney George explained to the Committee that at the last meeting, Mr. Flemming had posed a question about the fact that some yard sales seem to be taking on a life of their own as a regularly occurring issue. Mr. Flemming had inquired as to whether it was contrary to any ordinance. Attorney George checked it out and found that there is no ordinance specifically dealing with this issue. The Committee chooses to take no action on this matter.

Request to Award Bid – Rear Mounted Boom Mower

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Request to Award Bid for a Rear Mounted Boom Mower.

**RESOLUTION NO. 77-2010
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION AWARDING BID TO STORR TRACTOR COMPANY AS LOWEST
QUALIFIED BIDDER AND AUTHORIZING PURCHASE OF A
NEW D BOOM MOWER FOR THE DEPARTMENT
OF PUBLIC WORKS FROM STORR TRACTOR COMPANY.**

WHEREAS, the Township of Lebanon has previously advertised for bids for the supplying of a boom mower under the Local Public Contracts Law for use in and about the Township of Lebanon by the Department of Public Works; and,

WHEREAS, bids were received and opened pursuant to the Local Public Contracts Law on September 8, 2010; and,

WHEREAS, the bid of Storr Tractor Company was the lowest qualified bid at \$19,986.00 and within the bid specifications as to price.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that a contract for the purchase of a boom tractor pursuant to the bid of Storr Tractor Company in accordance with the specifications thereof be awarded to Storr Tractor Company and in the amount of \$19,986.00, subject to certification by the Chief Financial Officer of availability of funds; and, be it

FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to enter into and execute a contract for the purchase of a boom from Storr Tractor Company in the amount of \$19,986.00.

NEW BUSINESS

DPW Supervisor's Request to Replace Laptop

Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Supervisor's Request to Replace a Laptop in the amount of \$994.80 from Dell Computer.

DPW Supervisor's Request for Painting of Grader

Motion by Mr. Weeks, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved DPW Supervisor's Request for Painting of a Grader in the amount of \$9,850.00. The work will be done by Elizabeth Truck Center.

Replacement of Municipal Office Furnace

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Replacement of Municipal Office Furnace.

**RESOLUTION NO. 78-2010
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION AUTHORIZING PURCHASE OF A
REPLACEMENT FURNACE AND INSTALLATION
OF INTERIOR DUCWORK FOR TOWNSHIP HALL
BASEMENT MEETING AND GENERAL PURPOSE ROOM.**

WHEREAS, the Township of Lebanon has previously had a furnace and air conditioning unit in operation for the provision of heating, ventilation and cooling of the Township Hall Basement Meeting and General Purpose Room; and,

WHEREAS, the room is used by residents and employees to perform training, conduct civic meetings and to accommodate all ages of residents who attend the same; and,

WHEREAS, the heating and cooling units in the said Room have failed and been previously certified as unusable; and,

WHEREAS, estimates have been received and considered pursuant to the Local Public Contracts Law and do not exceed the public contracting threshold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that a contract for the purchase of a furnace and ancillary venting and ductwork be awarded to General Conditioning, Inc., for \$6,975.00, subject to certification by the Chief Financial Officer of availability of funds; and, be it

FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to enter into and execute a contract for the purchase of a furnace and ancillary venting and from General Conditioning, Inc., for \$6,975.00.

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 October 20, 2010 bill list in the amount of \$ 2,717,631.62

CORRESPONDENCE

NJ Dept of Agriculture – Gypsy Moth Egg Mass Survey

PUBLIC COMMENTS

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

Nancy Darois of Butler Park Road questioned when the DPW garage project is going to start. Attorney Phil George explained that he sent a letter thanking Finne for their cooperation excusing them from their contract because they said they could not begin it and their bid could no longer hold. We then went with the next lowest bidder and contacted them to see if they could hold their bid. We got a confirmation from them that their subs would hold their bid. Attorney George prepared a AIA standard form contract and sent it to Poppe a couple weeks ago. He received a fax from Glen Poppe,

the vice-president, indicating that he would be signing the contract, but they had to renew their performance bond because the one they submitted, in January for the bid, has expired. Attorney George is expecting a contract by Friday.

Ron Milkowski of Rocky Run Road questioned the Smith Motor bill for \$3000.00 for exhaust parts. Mr. Wunder explained that it was repairs and parts. The other issue he questioned was that two committee members gave information to an employee of the township who then went back to the historians meeting and reported something that apparently didn't happen. Nobody on the township committee knew anything about it. Being that it was a paid employee, he felt that it needed to be looked into. Mr. Milkowski feels that this should be addressed.

Mr. Wunder commented that he was disappointed that there would not be an executive session because he had requested that 2 different items be on for the executive session, one was the cell tower and the second was an issue with the rescue squad. He stated that according to our attorneys and Mayor that is not possible.

Anthony Casale of Boulder Field Road wanted to know if the committee could go back on the agenda to old business to open a discussion regarding the fact that something needs to be done with communications between the township committee and the planning board so they have some kind of direction regarding the cell tower, because they don't know what the intentions of the township committee is. He has copies of the exhibits that were submitted to the planning board which he feels does not represent what the committee's intent was. The exhibits, the bid specs, they recite from, a memorialized lease, that was supposed to be amended and it is not because the Mayor did not execute the amendments according to the lease. He thinks the committee should plan some direction of where we are going with this.

Mayor Weeks stated that he was the one that canceled the executive session because it was not on the agenda and he was not about to get involved with a lot of nonsense.

Anthony Casale asked that the committee members read the draft of the ordinance regarding the alternative energy before making a decision. He wants them to be informed when they vote on it.

Motion by Ms. Schriver, seconded by Mr. Weeks 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 Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote to adjourn the meeting at 7:43 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: November 3, 2010

Jay D. Weeks, Mayor