

**Lebanon Township Committee
December 16, 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 Jay Weeks George Piazza
Ed Post Francis Morrison

Absent-

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 10 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Post, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of December 2, 2009. AYES: Post, Schriver, Morrison ABSTAIN: Piazza, Weeks

Motion by Mr. Post, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of December 2, 2009. AYES: Post, Schriver, Morrison ABSTAIN: Piazza, Weeks

RESOLUTIONS

Resolution No. 90-2009 - Refund for Overpayment of Taxes

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 90-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION NO. 90-2009
REFUND OF OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$4,206.77 for 2009 taxes for Block 37, lot 23 because of a duplicate 4th Quarter 2009 taxes, and,

WHEREAS this amount has been requested for refund by Kristen A. Perry, Attorney at Law,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign this refund check to Kristen A. Perry, Attorney at Law, 1728 Route 31 North, Clinton NJ 08809

Resolution No. 91-2009 - Refund for Overpayment of Taxes

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 91-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 91-2009
REFUND OF OVERPAYMENT OF TAXES

WHEREAS there exists an overpayment of \$570.96 for 2009 taxes for Block 51, lot 19 assessed to Charles Zawatski, because of a reduction in the assessment, and,

WHEREAS this amount has been requested for refund by Thomas E. Stover, Attorney at Law,

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign this refund check to Thomas E. Stover, Attorney at Law, 5 W.Washington Ave, PO Box311, Washington NJ 07882.

Resolution No. 92-2009 - Redemption of Tax Sale Certificate

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 92-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 92-2009
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #200815 on October 22, 2008 for unpaid 2007 taxes for Block 56, lot 29.01, assessed to Rudyard J. Ress to Lebanon Township and,

WHEREAS the amount of \$758.17 has been collected from Rudyard J. Ress, owner of Block 56, lot 29.01 for the redemption of Tax Sale Certificate #200815,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$758.17 payable to Lebanon Township.

Resolution No. 93-2009 - 2009 Overpaid Taxes to be Canceled

Motion by Mr. Weeks, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.93 -2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 93-2009
2009 TAX SURPLUS

WHEREAS N.J.S.A.40A:5-17.1 allows for amounts of \$5.00 and less of overpaid taxes to be cancelled, and

WHEREAS the following amounts are overpaid for 2009, and

WHEREAS it is the desire of the Tax Collector to clear these small credit balances before the New Year,

THEREFORE, BE IT RESOLVED that the following amounts be cancelled and placed in surplus:

Owner:	Block/Lot	Amount
Mary Drucker	18/48.01	.49
Edgar Farley	29/10	.01
Tracey & Robert Flatley	35/93	.37
William Welch Est.	37/23.08	.04
Brook View Inc	38/34	.02
Kathleen Knight	39/3	.92
Louise Sliker Est	40/22	.20
Douglas & Margaret Trimmer	40/36	.01
David & Diane Staph	41/16.04	.01
Thomas & Megan Schafer	41/16.06	.64
Lisa Falkenstern	44/22.03	.01
Thomas & Matilda Palma	49/29	.05
William Mannon	59/20 Q0170	.02
David & Deborah Gaughan	60/6	.20
William VanVeldhuisen	60/41.02	.16
		TOTAL: \$3.15

Resolution No. 94-2009- 2009 Delinquent Taxes to be Canceled

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 94-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 94-2009

DELINQUENT TAXES TO BE CANCELED

WHEREAS N.J.S.A.40A:5-17.01 allows for amounts of \$5.00 and less of delinquent taxes to be cancelled, and

WHEREAS the following amounts are open and due for 2009, and

WHEREAS it is the desire of the Tax Collector to clear these small balances before the New Year,

THEREFORE, BE IT RESOLVED that the following amounts be cancelled:

Owner:	Block/Lot	Amount
Albert & Kathleen Hillman	10/33	.10
Dominick & Loretta Aprile	11/7.01	.40
Sylva Burd	16/52	.01
Roy Wimmer	18/20 Q0032	.06
W C Rhines Est	18/40	.01
Angeline Wilde	21/13	.06
James MacDonald	24/5.11	.09
Douglas & Shirley Markle	29/4	.01
Barbara Fultz	29/7	.01
James & Metta Hachtmann	35/57.04	.52
Gerard & Georgette Ezyske	35/91.03	.20
David & Cynthia English	36/28.02 Q0246	.07
Paul & Collette Evanko	36/29.03 Q0095	.24
Michael & Valerie Richardson	37.02/6	.01
Karen Verso	43/2.03	.06
Glenn-Stevens INC	57/29	.25
Richard & Gail Stolar	67/2.02	.92
George & Janet Black	72/20	.02
John & Julianne McGinnis	73/45 Q0264	.14
Mark Brazina	77/8.02	.53
	TOTAL:	\$3.71

Resolution No. 95-2009- Transfers

Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 95-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 95-2009
TRANSFERS

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2009 calendar year budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be an excess in one ore more appropriations; and

WHEREAS, certain charges to be incurred or salaries and wages that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid before the end of the 2009 calendar year budget:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills and salaries may be paid in the 2009 calendar year budget:

<u>APPROPRIATION NAME</u>	<u>FROM</u>	<u>TO</u>
<u>Appropriations within "caps"</u>		
Administration o/e	2,000.00	
Elections o/e	1,000.00	
Tax collection o/e	1,000.00	
Historic o/e	1,000.00	
Aid to New Hampton o/e	2,000.00	
Planning Board o/e	5,000.00	
General Liability Insurance	1,349.14	
Surety Bond Premiums	478.25	
Police o/e	15,000.00	
Accumulated Absence	25,000.00	
Regional Prosecutor s/w	3,090.00	
Recycling o/e	5,000.00	
Board of Health s/w	2,400.00	
Environmental Committee o/e	1,000.00	
Library	3,220.35	
Township Clerk s/w		300.00
Tax Collection s/w		1,557.40
Tax Assessor s/w		179.68
Legal o/e		15,678.81
Planning Board s/w		1.00
Board of Adjustment o/e		6,500.00
Employee Group Insurance		3,500.00

Police s/w		40,000.00
Telephone		120.85
	<u>68,537.74</u>	<u>67,837.74</u>
<u>Appropriations outside "caps"</u>		
	-	-
LOSAP		700.00
	<u>68,537.74</u>	<u>68,537.74</u>

Resolution No. 96-2009 - Open Space

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 96-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO.96-2009
REQUEST TO RESERVE OPEN SPACE TRUST FUNDS

WHEREAS, fifteen percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Township of Lebanon does not have immediate plans to use its portion of the Open Space Trust Fund; and

WHEREAS, the Township of Lebanon wishes to reserve its FY 2008 share of the Fund for future open space use.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$51,280.45 of the Hunterdon County Open Space Trust Fund collected in 2008 for use in future years.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

Resolution No. 97-2009 - Highlands Supplemental Resolution

Held to a later meeting.

OLD BUSINESS

Fire House # 1- Remedial Action Report Draft – Authorize Mayor to Sign

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Fire House # 1 Remedial Action Report No. 17 as submitted by TRC Environmental and authorized the Mayor and Clerk to sign.

Board of Chosen Freeholders Correspondence – Recycling Program

The Township Committee received correspondence from the Hunterdon County Board of Chosen Freeholders asking if the township is interested in participating in the County's Shared Service Recycling Model. The Committee asked that the Clerk send a letter to the Freeholders requesting an extension of time for their reply, to January 31, 2010 and to request that Lebanon Township SWAC Representative Steve O'Reilly be present at the January 20, 2010 meeting.

Environmental Study Request – Asbestos & Lead Paint

The DPW Supervisor Warren Gabriel put in a request to have an environmental study performed at the Township Garage to find out if there is a problem with asbestos or lead paint prior to moving forward with the proposed project. The Study will be conducted by RK Occupational & Environmental Analysis, Inc. at a cost of \$2450.00.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Supervisor to proceed with the environmental study, to be conducted by RK Occupational & Environmental Analysis, Inc. at a cost of \$2450.00 subject to the availability of funds.

Speed Limit Survey on County Road 513

Mayor Schriver stated that at the request of the Township Committee the Police Chief conducted a speed survey on County Road 513 and it is his opinion that the existing speed limit of 45 mph is appropriate for that part of the road and that the speed limit was set by the County Freeholders as 513 is a county road.

NEW BUSINESS

Reorganization Meeting – Schedule Date and Time

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee scheduled the 2010 reorganization meeting for January 6, 2010 at 7:00 p.m. and ordered the Clerk to publish and post such notice.

Township Dinner – Schedule Date and Time

The Township Committee requested that the Clerk contact the Bloomsbury Fire House to see if there is banquet hall availability during the month of March 2010.

Hunterdon County Agriculture Development Board - Schroder Farm Request

The Township Committee received a letter from the Hunterdon County Agriculture Development Board stating that they are processing the Schroder Farm, Block 69, Lot 3, preservation application. The Board would like to know if the Township is interested in contributing 17% of the total easement purchase at a cost of \$47,352.50.

The Township Committee requested that the Clerk send a letter to the Hunterdon County Agriculture Development Board informing them that the Township is not able to provide the funding for the acquisition of the Schroder Farm.

Resignation – Karen Newman – Recreation Commission

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee accepted Karen Newman's resignation from the Recreation Commission with regret.

Police Chief's Request to Purchase Duty Weapons

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Police Chief Mattson's request to purchased 11 (eleven) Glock 23 pistols and holsters at a cost of \$3447.29.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the December 16, 2009 bill list in the amount of \$131,479.02.

CORRESPONDENCE

Tax Collector's Report for the Month of November 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. Anthony Casale stated that he is pleased with the supplemental resolution being prepared by the Township Planner for the Committee's approval and submission to the Highlands Council.

Mr. Casale stated that he appreciates that Mr. Piazza always questions the funding when a land acquisition is proposed to the Committee.

Mr. Casale asked about the status of the preservation of the Swak Church on Anthony Road. Mr. Post stated that no funds were spent on the Church as there was a Title Search performed and it came up blank.

Mr. Casale thanked Mr. Post for his service to the Township.

Mr. Ron Milkowski asked what the cost is for the environmental survey for the Township Garage.

Mr. Milkowski asked what type of Duty Weapon the Police Chief is requesting. The Committee stated that they are the same as the ones they use now. The old weapons will be traded in.

Ms. Nancy Durois asked how the bids were going for the Township Garage Project. The Township Committee informed Ms. Durois that there were quite a few bids received and due to the matter being contract negotiations, it will be discussed in the closed session of the meeting.

Ms. Durois thanked the Township Committee for their efforts and wished them all a Happy Holiday.

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.

Mayor Schriver thanked Mr. Post for all of his work and contributions to the Township especially through land preservation. Mr. Post stated that it has been an honor and he is looking forward to doing it again soon.

EXECUTIVE SESSION

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 98-2009 and convened in executive session at 7:40 p.m.

**TOWNSHIP OF LEBANON
RESOLUTION NO. 98-2009**

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:

Hyland Litigation
Attorney Client Privilege (DPW/Squad)
Tilcon Litigation
Personnel (Asst. DPW Supervisor Position)

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:30 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 and the DPW Supervisor. Attorney Bernstein stated that also present at portions of the executive session were the Township CFO and the Architect hired by the Township for the DPW Garage Project. There was discussion regarding the ongoing DPW Garage issues. No formal action will be taken at this time pending the outcome of some reports that the DPW Supervisor is coordinating. There was a further discussion relative to Squad related matters. The direction has been given relative to dealing with those issues. If there is any further discussion, it will come in early 2010. There was an update on the Hyland and Tilcon litigation in which no action needs to be taken at this time. There is a need for action under the discussion of the appointment of an Assistant DPW Supervisor.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee authorize the Mayor and Clerk to execute a Memorandum of Agreement with CWA Local 1040 for the Assistant DPW Supervisor position so that the Township can fill the position.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote to adjourn the meeting at 9:31 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: January 20, 2010

Patricia Schriver, Mayor