

**Lebanon Township Committee
January 16, 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
Ed Post Francis Morrison

Absent Jay Weeks

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

PRESENTATION OF MINUTES

Motion by Ms. Schriver seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of December 19, 2007. AYES: Post, Schriver, Piazza, Weeks Abstain: Morrison

Motion by Ms. Schriver seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of December 19, 2007. AYES: Post, Schriver, Piazza, Weeks Abstain: Morrison

Motion by Ms. Schriver seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Reorganization Meeting of January 2, 2008.

PRESENTATION – Gail Glashoff – Planning Board & Bd. of Adjustment Clerk

Mrs. Glashoff stated that General Code has a Municipal Clerk's honor roll program. Mrs. Glashoff nominated Karen Sandorse for the honor. Mrs. Glashoff read the statement she provided General Code with and presented Clerk Sandorse with a certificate and pin.

ORDINANCES

Public Hearing

Ordinance No. 2008- 01 - CAP BANK

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2008-01 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 Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2008-01 as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2008-01
CALENDAR YEAR 2008
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of Lebanon Committee of the Township of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Lebanon Committee hereby determines that a 1% increase in the budget for said year, amounting to \$34,970.14 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township of Lebanon Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township of Lebanon Committee of the Township of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2008 budget year, the final appropriations of the Township of Lebanon shall, in accordance with this ordinance and N.J.S.A.40A: 4-45.14, be increased by 3.5%, amounting to \$122,395.49, and that the CY2008 municipal budget for the Township of Lebanon be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduction

Ordinance No. 2008-02 - Duties and Responsibilities of the Zoning Officer

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance No. 2008-02. (as entitled below)

ORDINANCE NO. 2008-02
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

AN ORDINANCE ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF
THE ZONING OFFICER FOR LEBANON TOWNSHIP

Public Hearing to be held on February 6, 2008.

Introduction

Ordinance No. 2008-03- Criminal History Background Checks/LT First Aid Squad

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township introduced Ordinance No. 2008-03. (as entitled below)

ORDINANCE NO. 2008-03
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING
THE REVISED GENERAL ORDINANCES TO AUTHORIZE CRIMINAL HISTORY
BACKGROUND CHECKS FOR ALL APPLICANTS TO THE
LEBANON TOWNSHIP FIRST AID SQUAD

Public Hearing to be held on February 6, 2008.

RESOLUTIONS

Resolution No. 22-2008 – Authorizing the Use of Taxpayers Funds for Memorial Park

Mr. Post stated that it seems to be consistent with the actions of the Committee where they have been contributing funds toward the maintenance and up keep of the Memorial Park. It is recognized that the Park is self funding and to that extent the municipality has contributed to assist in making ends meet. There was some question as to prior resolutions which may have precluded the Committee from contributing to the Park. This resolution was put in place to bring all in order and supercedes all other resolutions. Mr. Post reiterated that the contributions are for

park maintenance and not development. The Park Committee has raised all funds that has gone into the development of the park and continues to do so.

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 22-2008. (as written below)

RESOLUTION NO. 22-2008
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION AUTHORIZING
USE OF TAXPAYER FUNDS FOR
UPKEEP AND MAINTENANCE OF THE TOWNSHIP'S MEMORIAL PARK

WHEREAS, the Township Committee of the Township of Lebanon believes that the upkeep and maintenance of the Township's Memorial Park is important to preserve the utility and appearance of the park; and,

WHEREAS, the Township Committee of the Township of Lebanon believes that it will be of benefit to residents of the Township and others to maintain the Township's Memorial Park so that it may be used and enjoyed; and,

WHEREAS, the Township Committee of the Township of Lebanon finds that it may be necessary to expend taxpayer funds for such upkeep and maintenance under certain circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township is hereby authorized to use taxpayer funds for the upkeep and maintenance of the Township's Memorial Fund under certain circumstances which circumstances shall be determined in the sole discretion of the Mayor and Township Committee.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that this Resolution supercedes all prior Resolutions on this subject and that this Resolution shall take precedence over any other conflicting Resolutions on this subject.

Resolution No. 23-2008 - Transfers

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 23-2008. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
RESOLUTION 23-2008
TRANSFERS

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year,

and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

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 in the amount of \$32,497.43 be made between the 2007 Budget

Appropriation Reserves as follows:

<u>ACCOUNT #</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
7-01-31-440-299	Telephone	10,000.00	
7-01-25-240-011	Police s/w	22,497.43	
7-01-20-165-299	Engineering		2,205.00
7-01-26-295-299	Snow Removal o/e		28,950.84
7-01-23-220-286	Insurance		1,341.59
		<u>32,497.43</u>	<u>32,497.43</u>

OLD BUSINESS

Cancel/Schedule Budget Meeting

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee cancelled the January 22, 2008 Budget meeting and rescheduled it for February 19, 2008 at 6 p.m.

**Approve Township Dinner Agreement – Riverview Banquet & Catering - 04/12/08
(Authorize Mayor to Sign)**

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved an agreement with Riverview Banquet & Catering for the Township Dinner which will be held on 04/12/08 and authorized the Mayor to sign.

29 Sharrer Road

Mayor Piazza stated that the Committee has received complaints from neighbors in the area that the house was falling down and a hazard. The CCO, Charlie Rogers, visited the property and agreed that there was a problem. Mr. Rogers issued proper notices to the home owner and a deadline was given to correct the risk of collapse or to demolish the structure. Mayor Piazza stated his concerns in dealing directly with the homeowner. He suggested having the Township Attorney make contact with a legal representative on behalf of the homeowner to insure that the Township's intentions are clearly stated and understood. Mayor Piazza also stated concerns with the DPW demolishing the house due to asbestos and a septic tank. It should also be determined if the homeowner can meet the expense of the demolition. Mr. Post and Ms. Schriver stated that they feel that the Township has to move forward with the demolition to protect the community. It is the obligation of the Committee to insure it is carried out.

Township Garage

Mayor Piazza stated that it has been discussed for years that the Township Garage is in need of being replaced. Many options have been considered. Mayor Piazza stated that he spoke to Paul Jones and Warren Gabriel and they think that putting a new building on the existing site would be the best choice. Mayor Piazza spoke to Steve Risse, the Township Engineer about the project and Steve will be reviewing papers that he prepared originally. Mayor Piazza asked for Committee support on the plan.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved getting the appropriate people together to start moving forward with the design and to put the plan together to tear down the existing building and have something available for the DPW to use in the mean time.

NEW BUSINESS

Appoint Police Matron – Judy Dunlap

Motion by Mr. Post, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee appointed Judy Dunlap as Police Matron for the 2008 year.

Approve Raffle Application – Voorhees High School PTSA – 04/29/08

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Voorhees High School PTSA Raffle Application to be held on 04/29/08.

Freeholder George Muller – FEMA Request – Authorize Mayor to Sign

Motion by Mr. Post, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved cooperating in the FEMA Pre-disaster Mitigation Plan Grant application with Hunterdon County.

Approve Social Affair Permit – Lebanon Twp. Education Foundation 05/03/08

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for the Lebanon Twp. Education Foundation for an event which will take place on 05/03/2008.

Request to Purchase Replacement Audio Recorder

The meeting room recorder is not working. There are two tape decks and one of the decks is making noise and not taping properly. Gramco, the company the system was originally purchased from, came to assess the problem and stated that it would cost approximately \$800.00 to replace the one deck. They suggested purchasing a new digital recorder. Mr. Post stated concerns with the purchase. He will speak with Gramco to receive more information.

Township Directory

Mr. Morrison stated that he would like to reinstate the Township Directory of the past. He feels that it is easy access to important numbers for the Township residents. Discussion was held on the cost and the fact that the newsletter already provides the same information. Mr. Morrison stated that it would cost approximately \$1300.00 and it is not the same as having it in the newsletter.

Mayor Piazza asked for a motion to approve the directory as suggested by Mr. Morrison. There was no motion made, no action to be taken.

Help Line

Mr. Morrison stated that he will be available to the public every third Tuesday of the month to assist residents in finding help on issues that concern them. The meetings will be held anywhere between 1:30 p.m. and 7:30 p.m. Mr. Post asked Mr. Morrison what type of help he will be providing. Mr. Morrison stated that he would be giving direction to residents with issues such as drainage problems on their properties. Mayor Piazza and Mr. Post stated concerns with the possibility of Mr. Morrison administering policy on behalf of the municipality.

Attorney Bernstein stated that if Governing Body members choose to hold office hours and there is room available for them, there is nothing wrong with them doing so. The caveat obviously is that the conversations held between the Governing Body and the public has no binding effect on the rest of the Governing Body. The Committeeman is giving advise, on behalf of himself, not on behalf of the Township Committee. If people rely on such, it comes with his own "peril" in terms of coverage.

Presidential Primary – February 5, 2006

Ms. Schriver stated that the State will be holding two primary elections in 2008. On February 5, 2008 there will be a special primary election for the US President. Ms. Schriver stated for the record that she did not feel that this was a good idea.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote the Township Committee approved the January 16, 2008 bill list in the amount of \$121,974.59.

CORRESPONDENCE

Tax Collector Report for the Month of December 2007.

PUBLIC COMMENTS

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

Mr. Darryl Schmidt questioned the need for an added assessment on a tax bill for the replacement of a furnace at his mother's home.

Mr. Anthony Casale inquired on the insurance policy that was in place during the Fire Station I soil contamination and Combe Fill. Attorney Bernstein stated that he spoke to Groendyke

Insurance and they believe that a claim was made, which may ultimately result in the paying of some or all of the monies that are an issue.

Mr. Casale questioned all of the discussion on the Zoning Officer position and responsibilities. Attorney Bernstein stated that the ordinance introduced earlier in the meeting delineates the duties of the Zoning Officer.

Mr. Casale stated that the Committee discussed the newsletter and the directory but did not decide how to remedy the problem. Discussion was held on different options.

Mr. Casale stated that relative to the construction permit process, the issue in needing to obtain a permit, is to see that the project is completed properly.

Mr. Casale stated that he has no objection to the resolution that was adopted earlier in the meeting to donate funds to the park. But he wanted to know if anyone looks back to see why resolutions and ordinances were adopted they way they were originally.

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.

EXECUTIVE SESSION

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.24 -2008 and convened in executive session at 8:15 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 24-2008

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:

29 Sharrer Road
Collective Bargaining - PBA & CWA
Land Acquisition

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 10:19 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. There were ongoing discussions with Art Gerlich, Library Chairman, relative to library related issues. The Township Clerk will work with the insurance broker relative to certain policies and the Township Committee will look into certain CWA issues. There was discussion relative to a response proposals from PBA and CWA contracts. Guidance has been given to Committeeman Post and Committeeman Morrison in response to both sets of proposals. There was an ongoing discussion regarding 29 Sharrer Road. The Township Attorney will work with the Township Construction Official to resolve any possible technicality issues and will deal with accordingly. There was discussion regarding the acquisition of the Pelio property by the Township and the County. The Committee was advised that the County is going to obtain the property and there is formal action that needs to be taken. The County has asked that in order to expedite the closing, on or about 04/15/08, that the Township participate in some of the out of pocket costs for items such as survey, title, etc.

Motion by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved using their portion of the 2006 and 2007 Open Space Trust Funds to assist in the out of pocket costs. The contribution will not exceed the available Trust funds.

ADJOURN

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Post and carried by unanimous favorable roll call vote to adjourn the meeting at 10:21 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 6, 2008

George Piazza, Mayor