

**Lebanon Township Committee
January 18, 2006**

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 - George Piazza Patricia Schriver
Jay Weeks Ed Post
Francis Monahan

Also Present - Attorney Eric Bernstein and Deputy Clerk Kimberly Jacobus and 20 members of the public.

PRESENTATION OF MINUTES

Mayor Schriver stated that the minutes of the executive session of December 7 and 14, 2005, are tabled until after the executive session.

Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the January 4, 2006 reorganization meeting minutes.

ORDINANCES

Public Hearing-2nd reading

ORDINANCE NO. 2006-01

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

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

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous roll call vote, the

Township Committee adopted Ordinance No 2006-01 as written below.

ORDINANCE NO. 2006-01

AN ORDINANCE REGARDING THE TRANSFER OF JURISDICTION FOR THE ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CONSTRUCTION CODE IN THE TOWNSHIP OF LEBANON AND THE BOROUGH OF CALIFON TO THE CONSTRUCTION DEPARTMENT OF THE TOWNSHIP OF TEWKSBURY AND AUTHORIZING A CONTRACT WITH THE BOROUGH OF CALIFON AND THE TOWNSHIP OF LEBANON FOR SUCH PURPOSE

Section 1. From and after the effective date of this Ordinance, the New Jersey State Uniform Construction Code enforcing agency for the Borough of Califon, and the Township of Lebanon, both in the County of Hunterdon, shall be the Township of Tewksbury Construction Department, consisting of the Township of Tewksbury Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official, Elevator Safety Subcode Official and such other Subcode Officials for such additional sub-codes as the Commissioner of the Department of Community Affairs, State of New Jersey shall hereafter adopt pursuant to the State Uniform Construction Code Act (NJSA 52: 27D-119, et seq). The Township of Tewksbury construction official shall be the chief administrator of Uniform Construction Code enforcement in the said Borough of Califon and the said Township of Lebanon.

Section 2. The public in the Borough of Califon and Township of Lebanon shall have the right to do business with the Township of Tewksbury Construction Department at its office location at 108 Fairmount Road West, Califon, NJ 07830, or such other place in Tewksbury Township to which it is relocated.

Section 3. Persons in the Borough of Califon or Township of Lebanon aggrieved by a decision of the Township of Tewksbury Construction Department as enforcing agency, may appeal such decisions to the Construction Board of Appeals established by the Board of Chosen Freeholders in Hunterdon County.

Section 4. The fee for a construction permit shall be a sum equal to the sum of the subcode fees listed in the current fee schedule of the Township of Tewksbury ordinance establishing a state uniform construction enforcing agency and construction fee schedule pursuant to the State Uniform Construction Code Act and Title 5, Chapter 23 of the New Jersey Administrative Code, and as such ordinance may be amended and revised from time to time.

Section 5. The Township of Tewksbury construction official shall, with the advice of the Township of Tewksbury sub-code officials, prepare and submit to the Mayor and Council of the Borough of Califon, and the Township Committee of the Township of Lebanon, bi-annually, a copy of the report to the Township Committee recommending a fee schedule based on the operating expenses of the Township of Tewksbury agency, and any other expenses of the Township of Tewksbury fairly attributable to the State Uniform Construction Code Act.

Section 6. In order to provide for the training, certification and technical support programs required by the Uniform Construction Code Act and the regulations, the Township of Tewksbury enforcing agency shall collect from applicants in the Borough of Califon, and the Township of Lebanon, in addition to the fee specified above, a surcharge fee

required by N.J.A.C. 5:23-4.19. Said surcharge fee shall be remitted to the Bureau of Regulatory Affairs, Department of Community Affairs, on a quarterly basis for the fiscal quarter ending September 30, December 31, March 31 and June 30, and not later than one month next succeeding the end of the quarter for which it is due.

Section 7. The Township of Tewksbury enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fees collected in the fiscal year.

Section 8. The Township of Tewksbury is hereby authorized to enter into the attached contract pursuant to NJSA 40: 8A-1, et. seq., the Interlocal Services Act, with the Borough of Califon, and the Township of Lebanon, for the providing of a Uniform Construction Code inspection and enforcement services enforcing agency and inspection services by the Township of Tewksbury Construction Department for the residents of the Borough of Califon, and the Township of Lebanon. A copy of said contract shall be filed and open to public inspection at the offices of the Township of Tewksbury immediately after the introduction of this ordinance, and said contract shall take effect following the adoption of appropriate ordinances by the Township of Tewksbury, the Borough of Califon, and the Township of Lebanon, upon the effective date of this ordinance.

Section 9. This ordinance shall take effect upon the date when all of (a), (b), and (c) below have occurred: (a) the final adoption and publication according to law of this ordinance; (b) final adoption and publication of a similar ordinance by the Borough of Califon; and (c) final adoption and publication of a similar ordinance by the Township of Lebanon.

Public Hearing-2nd reading

ORDINANCE NO. 2006-02

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

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

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous roll call vote, the Township Committee adopted Ordinance No 2006-02 as written below.

ORDINANCE NO. 2006-02

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

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 2006 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	43,000.00
Township Clerk	40,000.00	62,000.00
Deputy Clerk	30,000.00	44,000.00
Tax Collector	30,000.00	38,000.00
Chief Financial Officer	15,000.00	25,000.00
Treasurer	30,000.00	35,000.00
Planning Board Clerk	15,000.00	25,000.00
Board of Adjustment Secretary	15,000.00	25,000.00
Police Office Manager	29,000.00	39,000.00
Road Supervisor	55,000.00	79,000.00
Asst. Road Supervisor	40,000.00	58,000.00
Chief Mechanic	29,000.00	56,000.00
Road Employee	27,000.00	51,000.00
Police Chief	86,000.00	104,000.00
Police Sergeant	66,000.00	83,000.00
Police Officer	32,000.00	78,000.00
Office of Emergency Management	2,000.00	3,000.00
Dog Census	2,000.00	4,000.00

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	18.50
Assistant Library Clerk	9.00	15.00
Museum Curator	11.00	16.00
Assistant Museum Curator	9.00	14.00
Special Police Class II & Matrons	13.00	18.50
Dog Wardens	9.00	12.00
Mechanic Helper - over base pay	2.00	4.00
Fire Official	16.00	20.00
Zoning Official	17.00	25.00
Perc Test Witness	100.00	125.00
Special Traffic Guards	25.00	38.00

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.

Public Hearing-2nd reading

ORDINANCE NO. 2006-03

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the public hearing was opened for comments.

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

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous roll call vote, the Township Committee adopted Ordinance No 2006-03 as written below.

ORDINANCE NO. 2006-03

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE AUTHORIZING THE SALE OF A DEVELOPMENT EASEMENT TO
THE STATE AGRICULTURE DEVELOPMENT COMMITTEE, PURSUANT
TO N.J.S.A. 40A:12-4**

WHEREAS, the Township is authorized by State law to acquire real property, including easements thereon, useful for the proper exercise of any power conferred upon the Township by law; and

WHEREAS, the Township Committee has determined that the public good is best served by the preservation of significant contiguous parcels of farmland from and against any development not related to the farming of such property; and

WHEREAS, the State Agriculture Development Committee (“SADC”) makes available to municipalities funds for the purchase of certain development easements from such municipalities which nevertheless furthers the goals of preservation; and

WHEREAS, SADC has in the instant case made such funds available to Lebanon Township, thereby preserving the land and returning the proceeds to the Township reserves for future preservation projects.

NOW, THEREFORE, be it Ordained by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, as follows:

The Township of Lebanon, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. is hereby authorized to sell to SADC the development easement on the land known as Stonegate Standardbred Farms, Inc., designated as Block 51, Lots 6 and 6.01 on the tax map of Lebanon Township.

BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that 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.

RESOLUTIONS

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous roll call vote, the Township Committee adopted Resolution No 23-2006 as written below.

RESOLUTION #23-2006

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

WHEREAS, in Homeland Security Presidential Directive (HSPD) 5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and Local governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the 9-11 Commission recommended adoption of standardized Incident Command System; and

WHEREAS, it is necessary that all Federal, State, and Local government management agencies and other public safety agencies coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and Local organizations utilize standard terminology, standardized organizational structures, uniform personnel qualifications standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the ability to utilize State and Federal funding to enhance County and Local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, County, and Local Municipalities, including all public all safety and emergency response organizations training programs; and

WHEREAS, over fifty Federal grant programs mandate that NIMS be adopted as a prerequisite for obtaining these grants;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Lebanon, County of Hunterdon hereby mandates that the National Incident Management System (NIMS) be utilized for all incident management in the County of Hunterdon; and

BE IT FURTHER RESOLVED, that all Municipalities within the County of Hunterdon be sent a copy of this resolution and are requested to adopt a similar resolution; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous roll call vote, the Township Committee adopted Resolution No 24-2006 as written below.

**TOWNSHIP OF LEBANON
RESOLUTION 24-2006
STATEWIDE INSURANCE FUND**

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Lebanon (hereinafter “LOCAL UNIT”) has joined the Statewide Insurance Fund (hereinafter “FUND”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the FUND; and

WHEREAS, the FUND has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lebanon, in the County of Hunterdon and State of New Jersey, as follows:

1. Township of Lebanon hereby appoints Edward Post III as its local Risk Management Consultant.

2. The Mayor and Clerk are hereby authorized to execute the Risk Management Consultant's Agreement for the fund year **2006** in the form attached hereto.

RESOLUTION #25-2006
Agreement for Municipal Auditor Services

Motion by Mr. Monahan seconded by Ms. Schriver and carried by a favorable roll call vote, the resolution was passed by a vote of 3 to 2. Mr. Weeks, Mr. Piazza and Mr. Monahan, yea, Ms. Schriver, Mr. Post nay. (as attached)

APPOINTMENTS

Mayor Schriver appointed Mr. Ed Post as the Statewide Insurance Fund Commissioner. Mayor Schriver also appointed Paul R. Jones to be the Statewide Insurance Safety and Loss Prevention Representative and Kim Jacobus as Alternate.

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Committee approved the appointments.

CONTRACTS/AGREEMENTS - Approve/Authorize Mayor And Clerk to Sign

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous roll call vote, the Township Committee approved the contract for Township Attorney Eric M. Bernstein & Associates, L.L.C.

Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the contract for the Township Engineer, Stephen Risse of Bayer Risse Engineering.

Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the contract for the Township Planner, Michael Bolan, PP/AICP of Banish Associates, Inc.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the contract for Martin Allen, Tax Appeal Attorney, of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C.

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Committee approved the contract for Howard Cohen – Special Counsel.

Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Thomas L. Yager & Associates to provide the Tax Maps for 2006.

There were questions regarding Gramco Business Communications Maintenance agreement. The Committee wanted to know the cost of repairs if we did not pay the \$950.00 a year. The Clerk is to call Gramco for other options.

OLD BUSINESS

The Planning Board sent a memo to the Township Committee regarding the Davara property. Mayor Schriver requested that the memo be held to the executive meeting.

The information regarding the North Hunterdon Municipal Court Budget was also held for the executive meeting.

On instruction by Attorney Bernstein, the Township Committee introduced by title, Amended Ordinance No. 2005-17 with the opt-out change from \$20,000.00 to \$50,000.00 as requested by the Planning Board. The ordinance will be prepared by Attorney Bernstein and ready for the public hearing scheduled for February 15.

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Committee introduced Amended Ordinance #2005-17.

NEW BUSINESS

Budget Meetings were scheduled for February 2, 2006 at 7:00 p.m. and for February 15, 2006 at 5:00 p.m.

Motion by Mr. Monahan seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved a raffle application for a 50/50 for the Voorhees High School PTSA .

Motion by Mr. Monahan seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved a raffle application for a 50/50 for the Voorhees High School PTSA in support of the LT Junior Police Academy.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the work requested by DPW Supervisor Paul Jones for repairs on a tractor, not to exceed \$4,200.00, subject to availability of funds certified by the Treasurer.

Mayor Schriver asked Doug Diehl, Chair of the Environmental/Open Space Commission, to discuss the activities of the commission from the past year. Doug spoke about the water testing program and public outreach at "A Day in the Park". The Environmental/Open Space Commission received an award from the Hunterdon County Planning Board for the Spruce Run Stream Corridor Study with

the help of Mary Nucci. Mr. Diehl also stated the need for new members and applicants could send their information to the Clerk.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the January 18, 2006 bill list in the amount of \$130,012.49 less the TRC Raviv voucher of \$,489.73 for a total of \$125.122.76.

CORRESPONDENCE

The Township Committee received a copy of the Tax Collector's Report for the month of December 2005. Also received were the December 12, 2005 minutes of the Lebanon Township First Aid Squad.

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.

Having no comments from the public on motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.

EXECUTIVE SESSION

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 26-2006 and convened in executive session at 8:10 p.m. (as written below)

**TOWNSHIP OF LEBANON
RESOLUTION NO. 26-2006
EXECUTIVE SESSION**

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:

Negotiations other than Collective Bargaining (NHMC)
Personnel issues

Pending Litigation- Davara & Asdal

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee reconvened at 9:10 p.m.

During the executive session, Julia Gambert and Robert Yeager, CWA 1040 representative, were present for a portion of the meeting.

Motion by Mr. Piazza seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor and Clerk to sign an agreement between Ms. Gambert and the Committee subject to the approval by all parties as to the open language which is still an issue.

Motion by Mr. Post seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee approved Resolution #28-2006, not to exceed \$2,500.00, as written below.

RESOLUTION #28-2006

PROFESSIONAL SERVICE APPOINTMENTS

WHEREAS, there exists a need for Attorneys, Engineers, and Professional Experts for the Township of Lebanon, and

WHEREAS, the Local Public Contracts Law (N.J.S. A. 40A:11-1 et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the Mayor, Township Clerk and Chief Financial Officer are hereby authorized and directed to execute the agreements; and

WHEREAS, sufficient funds are available in the 2006 Temporary Budget and will be made available in the 2006 Municipal Budget for the Township of Lebanon for such services.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that the following Professional Expert is hereby appointed for the year 2006:

1. Edward Hoff as an Expert Witness

Motion by Mr. Post seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee approved the Mayor and Clerk to sign Resolution #27-2006 (as attached).

Attorney –Client issue regarding an appointment for the Planning Board. Mayor Schriver will contact the Planning Board attorney on this issue.

ADJOURN

Having no further business to come before the Committee, a motion was made by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote to adjourn the meeting at 9:13 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved

Patricia Schriver, Mayor