

**CALL TO ORDER**

Mayor Jay D. 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 Schriver asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Patricia Schriver      Jay Weeks      George Piazza  
                 Francis Morrison      Brian Wunder

Absent

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 12 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of December 16, 2009. AYES: Schriver, Weeks, Morrison, Piazza ABSTAIN: Wunder*

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of December 16, 2009. AYES: Schriver, Weeks, Morrison, Piazza ABSTAIN: Wunder*

## **ORDINANCES**

### **Public Hearing**

#### **Ordinance No. 2010- 01 - CAP BANK**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-01 was opened.*

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

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2010-01 as written below.*

STATE OF NEW JERSEY  
COUNTY OF HUNTERDON  
TOWNSHIP OF LEBANON  
ORDINANCE NO. 2010-01  
CALENDAR YEAR 2010

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 in increase its CY2010 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 \$36,866.55 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 2010 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 \$129,032.93, and that the CY2010 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.

## **Public Hearing**

### **Ordinance No. 2010- 02 - Salaries**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-02 was opened.*

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

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2010-02 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE 2010-02  
SALARIES

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 2010 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	27,375.00
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.

## **ORDINANCES**

### **Introduction**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2010-03 on first reading. (As entitled below).*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
ORDINANCE NO. 2010-03

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW FIRE TRUCK AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$695,000 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.

Public hearing to be held on February 3, 2010.

### **PROCLAMATION – National Wear Red Day for Women**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee proclaimed Friday, February 5, 2010 as 2010 National Wear Red Day for Woman as stated below.*

TOWNSHIP OF LEBANON

COUNTY OF HUNTERDON

STATE OF NEW JERSEY

2010 National Wear Red Day for Woman

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death;

WHEREAS, cardiovascular diseases (CVD) claim the lives of close to 455,000 American females (about one death per minute) each year;

WHEREAS, each year, 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and nearly 30,400 more females than males die from a stroke;

WHEREAS, in 2009 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U. S. is estimated at \$475 billion;

WHEREAS, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers;

WHEREAS, one in 2.7 die from cardiovascular disease and 64 percent of women who die suddenly from coronary heart disease have no previous symptoms;

WHEREAS, February is designated as American Heart Month;

WHEREAS, Go Red For Women is the American Heart Association's national movement to make women aware of their risk for heart disease-the leading cause of death for women-and to empower women to make choices and take action to reduce that risk;

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart CheckUp, Go Red BetterU and by talking to their healthcare provider;

NOW, THEREFORE, I Jay Weeks, Mayor, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 5, 2010 to be

"National Wear Red Day for Women"

in Lebanon Township and urge all citizens to "go red" for the day and wear red on February 5, 2010 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By

increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

## **RESOLUTIONS**

### **Resolution No. 22-2010 - Transfers**

*Motion by Mr. Morrison, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 22-2010. (as written below)*

#### **RESOLUTION No. 22-2010**

#### **LEBANON TOWNSHIP**

#### **SUPPLEMENTAL RESOLUTION CONCERNING**

#### **THE SUBMISSION OF A PETITION FOR PLAN CONFORMANCE**

#### **TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL**

#### **FOR LAND IN THE PRESERVATION AREA AND IN THE PLANNING AREA**

**WHEREAS**, on December 1, 2009 the Lebanon Township Planning Board held a public meeting concerning the Highlands Master Plan Element for the Township at which Board members and the public provided comments; and

**WHEREAS**, at the conclusion of the public meeting the Planning Board voted 5-2 to recommend to the Township Committee that the Committee not submit a Petition for Plan Conformance to the Highlands Council; and

**WHEREAS**, the comments from the Planning Board that preceded the vote included the following: there are inconsistencies in the Highlands Regional Master Plan (RMP); the development standards preclude development and will affect the viability of home occupations; conformance with the RMP will or will not result in lawsuits at the local level; the system is a bureaucratic nightmare; the stormwater

rules compound the difficulty of providing development; the future of the community may be affected by the lack of new development; and, the Highlands Act and RMP are a reality that the Township should deal with.



**WHEREAS**, the comments from the public at the Planning Board public meeting on December 1, 2009 included the following: the maintenance requirements for septic systems are onerous; the loss of development potential negatively affects large landowners who have kept their land open; conformance with the RMP will result in lawsuits at the local level; the dual appraisal process should be retained; open space and agricultural protection funding by the State should be targeted to the Highlands; the Act is corrupt; municipalities will become the “bad guy”; properties have been down-zoned over the years to protect the Highlands resources; and, the Highlands Area is not a wilderness.

**WHEREAS**, at the Township Committee meeting on December 2, 2009 the Committee voted 3-0 to submit a Petition for Plan Conformance to the Highlands Council; and

**WHEREAS**, at the Township Committee meeting on December 2, 2009 the Committee asked for public comment, which included the following: the Act is unconstitutional; once the zoning laws are changed the legal obligation becomes the municipality’s; the Township’s Resolution should include language concerning dual appraisals, dedicated funding and a workable Transfer of Development Rights (TDR) program; farmers and family investments are being punished with no compensation; the Preservation Area boundary and its scientific rationale; Hunterdon County voted against a submission; the Highlands Act was an exercise in crass political power; Council on Affordable Housing (COAH) protection may be illusory; the Highlands Act did not consider the fiscal impact to municipalities, particularly if all people are paid for the loss in value; private landowners’ property was confiscated; the administrative burden; the Township should not be developed, and resource management standards will accomplish the limitation on development without drastic density limitations; changes at the Department of Environmental Protection (DEP) and to the Highlands Council membership will occur with the new Governor; and, the entire Township will be affected; and

**WHEREAS**, at the conclusion of the December 2, 2009 Township Committee meeting the Committee indicated that this Resolution should be prepared to incorporate the comments of the Planning Board and Township Committee;

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of Lebanon Township makes the following recommendations:

1. The Highlands Council should work with the DEP to review the density standards for the Preservation Area in order to have the DEP standards reflect the standards developed by the Highlands Council.
2. The RMP should be reviewed for any inconsistencies.

3. The Highlands Council should examine the potential fiscal impact to municipalities resulting from the potential loss of value, and municipalities should be compensated for any loss of value.

4. The Highlands Council should encourage the DEP to streamline its

development review procedures for lands in the Preservation Area so that application review does not take an inordinate amount of time.

5. The Highlands Council should encourage the Legislature to reinstate the dual appraisal process.

6. Funding for open space and agricultural preservation in the Highlands should have a dedicated source of money and have priority over other areas of the State, and landowners should be compensated for loss of value.

7. A viable Transfer of Development Rights program should be developed by the Highlands Council.

## **OLD BUSINESS**

### **Township DPW Building Project**

Architect Keith Chambers and Attorney Eric Bernstein sent correspondence to the Township Committee stating that Finne Building & Investment, Inc. is the lowest responsible bidder for the DPW Garage project and recommended that the contract be awarded to them.

*Motion by Mr. Piazza, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee awarded the DPW Garage Project to Finne Building & Investment, Inc. in the amount of \$1,839,500.00 and for the Add alternate A1-A for \$155,000.00 and the Add Alternate D1 for \$55,000.00 for a total contract amount of \$2,089,500.00.*

### **Bunnvale Library Heating System-Award Bid**

Township Engineer Steve Risse and Attorney Eric Bernstein sent correspondence to the Township Committee stating that Mechanical Preservation Associates, Inc. is the lowest responsible bidder for the Bunnvale Library Heating project.

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee awarded the Bunnvale Library Heating System project to Mechanical Preservation Associates, Inc in the amount of \$34,990.00, subject to certification of funds.*

#### **Award Bids for Surplus Equipment**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee awarded the bid to Jersey One Auto Sales for the Kubota Tractor at \$1,909.00 and the Toro Groundsmaster Mower for \$1550.00.*

#### **Hunterdon County Freeholders - County Recycling Plan**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to notify the Hunterdon County Freeholders of their interest in participating in the Proposed County Recycling Plan.*

#### **Schedule Township Budget Meetings**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee scheduled two (2) budget meetings to be held on February 15, 2010 at 6:00 p.m. and February 17, 2010 at 5:00 p.m., prior to the regular Township Committee meeting.*

#### **Peter Schroder – Farm Preservation**

Matter held to a later meeting at the request of Mr. Schroder.

### **Recommendations to Appoint Recreation Commission Members**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee appointed Andrew Li and Pamela Schell to the Recreation Commission. Andrew will fill the 1 year unexpired term of Karen Newman and Pamela Schell is appointed to a three year term.*

### **NEW BUSINESS**

#### **Approve Interlocal Services Agreement – Uniform Construction Code Services**

##### **Authorize the Mayor and Clerk to Sign**

*Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved an Agreement pursuant to the Interlocal Services Act NJSA52:27D-119 ET SEQ., for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury to the Borough of Califon and the Township of Lebanon for four (4) years.*

#### **Shelly and Rich Baluta- East Hill Road**

Mr. and Mrs. Rich Baluta were present at the meeting to discuss their concerns with speeding on East Hill Road. The Baluta's informed the Committee of animals being hit by cars and incidents with car v. pedestrians. The Baluta's asked for the speed limit to be reconsidered on East Hill Road and for there to be more police presence. The Township Committee recommended that the Balutas meet with the Police Chief to discuss their concern.

### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the January 20, 2010 bill list in the amount of \$131,479.02.*

## **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of December 2009
- b. Tax Collector's Annual Report
- c. Township Historians December 3, 2009 Meeting Minutes

## **PUBLIC COMMENTS**

*Motion by Mr. Piazza, 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 commented on the speed limits in the Township and the fact that it is very difficult to control speeders. She stated that Lebanon Township is a large, rural township and the police cannot be in all places in the Township at all times.

Mr. Ron Milkowski asked the Committee why they did not decide to leave out the alternatives on the garage project to keep the project costs down. Mr. Milkowski also inquired on what the cost will be to heat the truck bays.

*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. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 23-2010 and convened in executive session at 7:55 p.m. Action may be taken at the end of the meeting.*

**TOWNSHIP OF LEBANON**

**RESOLUTION NO. 23-2010**

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:

Personnel – DPW Assistant Supervisor  
Treasurer  
Litigation – Hyland v. Lebanon Township  
Tilcon

*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 9:50 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. The Committee met with two candidates for the position of DPW Assistant Supervisor, as well as the DPW Supervisor. There was discussion with members of the Lebanon Township First Aid Squad relative to a matter involving the squad. There was an update provided by the Township Attorney relative to two (2) pending litigation matters involving the Township. No formal action is going to be taken relative to the Squad other than what has been discussed with the liaison and Clerk to present to the Squad. No action needs to be taken relative to the litigation matters. There is a personnel matter which the Clerk has been authorized by the Committee to start advertising. Action needs to be taken relative to the appointment of a new DPW Assistant Supervisor to replace Warren Gabriel who is now the DPW Supervisor.

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Kevin Rivers as Assistant DPW Supervisor at a salary to be determined by the Mayor, the Clerk and the CWA.*

**ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous favorable roll call vote to adjourn the meeting at 9:52 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC

Municipal Clerk

Approved: February 3, 2010

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Jay D. Weeks, Mayor