

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-01 was opened.

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

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2009-01 as written below.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2009-01
CALENDAR YEAR 2009
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 CY2009 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 \$34,663.91 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 2009 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 \$121,323.69, and that the CY2009 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 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; 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.

PROCLAMATION – National Wear Red Day for Women

Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee proclaimed Friday, February 6, 2009 as 2009 National Wear Red Day for Woman as stated below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
2009 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 460,000 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 32,500 more females than males die from a stroke;

WHEREAS, in 2008 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U. S. is estimated at \$431.8 billion;

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

WHEREAS, only 13 percent of women consider cardiovascular disease their greatest health risk;

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 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 and by talking to their healthcare provider;

NOW, THEREFORE, I Patricia Schriver, Mayor, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 6, 2009 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 6, 2009 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.

IN TESTOMONY WHEREOF, I have hereunto set my hand and cause to be affixed the Seal of the Township of Lebanon this 21st day of January, 2009.

RESOLUTIONS

Resolution No. 26-2009 - Transfers

Motion by Mr. Morrison, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 26-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 26-2009**

WHEREAS, various 2008 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2008 Budget Appropriation Reserve in the last two months of 2008; and

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 \$44,420.06 be made between the 2008 Budget Appropriation Reserves as follows:

<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
Municipal Clerk s/w	152.51	
Finance s/w	77.59	
Police Department s/w	14,665.58	
Road Department s/w	4,793.39	

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee rejected all bids submitted for the Cell Tower and approved the advertising for new bids.

Attorney Bernstein stated that he would like two Committeemen to work with his office to deal with the issues he raised in his memo to the Committee and to other items raised in the bid exceptions. Mr. Piazza and Mr. Post will work with Mr. Bernstein to prepare a new document for the Committees review

Tax Collector Mary Hyland – Personnel Matter

Mary had requested to meet with the Committee to discuss a personnel matter. Mary was issued a Rice Notice and has requested that this discussion be held during the public portion of the meeting as opposed to closed session.

Attorney Bernstein reminded the Governing Body that there is an ongoing litigation between this Municipality and Mary and advised that the Committee not comment or respond to any statements made.

Mary stated that she was present to receive some clarification from the October 15, 2008 meeting. She said that it was stated at that meeting that a policy was going to be developed and that she is waiting for a copy of it so that there will be no further misunderstandings. Mary stated that she was told at the October meeting that she would no longer be paid for holidays and since that time she has been given verbal instructions that she would be paid for holidays except for her Monday holidays. Because it was never the Committee's intent to give a Monday worker, Monday holidays. Mary said that she went to her other employer and requested to change her work days so she could work with the Township Committee. Her other employer agreed with the change if it was so the desire of this Committee. Mary stated that she was present at this meeting to see if it was the desire of the Committee for her to change her days from Monday to Friday.

Mayor Schriver asked Attorney Bernstein if it would be acceptable to address the day change with Mary. Mr. Bernstein stated that if Mary is requesting a change of her work day to a Friday and is not going to contest it, if the Committee does so, the Committee can consider such. However, that is the only item he would suggest being discussed at this time. Mr. Post stated that he would need more information from Mr. Bernstein before moving forward with this request. Mr. Bernstein stated that since Mary has requested that this discussion take place during the public meeting and not in closed session, he will provide an opinion letter to the Committee. Mr. Bernstein stated that pending his advice, the Committee will take no action on this request until a later time.

Mary stated that she would note that Article 34 states that all employees are entitled to Mondays. As it stands now she would have been entitled to the Monday holiday, which she worked from 8:00 a.m. to 4:30 p.m. Mary stated that it is her desire to work with the Committee and requested that the Committee honor her hiring resolution.

Warren Newman – Trail Networking

EOC Chairman Warren Newman stated that during the last Environmental Commission meeting, John Trontis, the Director of the County Department of Parks and Recreation and two of his staff members were present along with Deputy Mayor Post. There was discussion on the existing trails that run through the County Park System and how they might integrate into future trails that could potentially be put on Township property. Parking areas were discussed; one being on the existing Township property that backs up to Michwin Woods, the Goracy property appears to be the connector between Woodglen Road and backs up to Michwin. The other location is on Point Mountain Road on the Point Mountain Reservation, where the trail crosses Point Mountain Road. The Commission discussed with John Trontis the potential to make some minor improvements or clearing to allow for some limited access for vehicles. Warren stated that he brought up that there may be some issues to deal with such as; land clearing permits or Highlands regulations. It was determined that it would be beneficial to receive input from the Township Engineer relative to such. Mr. Post stated that the first question is to see if the Committee approves the Engineer taking an hour or two to provide some consultation on guidance for any permitting required and the second matter is to see if the Committee is amenable to having the Township Road Department participate with a shared service with the County as they have lost their backhoe and clearing will need to be done.

Mayor Schriver asked if the Crystal Springs property could ever meet up with these trails. Mr. Post stated that there is a meeting coming up and they are in discussions with the SADC. Mr. Post spoke with Gary Pohorley last week and they will be meeting with Freeholder Peterson to discuss these matters.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Engineer to spend an hour or two, no more, on a consultative basis to provide some guidance on what permitting is required for the parking areas, as a first step.

Schedule Township Dinner

The Township dinner will be held on either March 28, 2009 or April 4, 2009 at the Bloomsbury Fire House. The preference is April 4, 2009.

Schedule Budget Meeting

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee scheduled Budget Work Sessions for February 5, 2009 at 5:00 p.m. and February 26, 2009 at 5:00 p.m. and authorized the Clerk to advertise such.

Professional Fees

Mr. Piazza stated that at the reorganization meeting the Committee received the Contracts for professional services. Two of the professionals had an increase in their fees. At the meeting a resident stated that due to economic times the professionals should not be seeking an increase and Mr. Piazza agrees with them. Mr. Piazza asked the Committee if it would be acceptable to request that the professionals to rethink their charges. The Committee agreed with Mr. Piazza. The CFO will speak to the Auditor and the Clerk will contact the Engineer.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee authorized the CFO and Clerk to speak to the Auditor and Engineer to request billing the Township at the 2008 rates.

NEW BUSINESS

Request to Appoint an EOS Alternate No. 2

EOS Chairman Warren Newman stated that he has received notification from Mr. Erik Henriksen expressing his interest in joining the Lebanon Township Environmental Commission.

The Committee appointed Mr. Henriksen to sit as the Lebanon Township representative to the Musconetcong River Management Council in March of 2008. Mr. Newman stated that based on Mr. Henriksen's resume, his involvement with the Musconetcong River Management Council and his residence it would be a good fit. Mr. Newman stated that this would enable the Commission to fill the vacant position on the Commission.

Mayor Schriver appointed Mr. Erik Henriksen to the Environmental Commission as Alternate #2 and stated that she feels that he will be an excellent addition to the Commission. Mr. Newman stated that he would agree.

Salvage Yard Renewal

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the renewal of salvage yard licenses to Burd Salvage.

Request to Attend Public Works Manager Courses

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Warren Gabriel's request to attend three PWM courses.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the January 21, 2009 bill list in the amount of \$270,581.14.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of December 2008
- b. Tax Collector's Annual Report
- c. Township Historians December 4, 2008 Meeting Minutes
- d. Musconetcong River Management Council – Draft Meeting Minutes
- e. Dennis Murphy – Hunterdon County Democrat Correspondence
- f. Municipal Revenue Restoration Act of 2008 –
(Please advise if you would like the Resolution on the next meeting agenda.)

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.

Mr. Gary Milkowski inquired the process the Township follows when sending an employee for classes.

Ms. Nancy Darois requested that the Committee look into a sign being placed on Route 513 at Bunnvale Road stating "Do Not Block The Intersection". Ms. Darois stated that the traffic backs up horribly in the morning, on Bunnvale Road as the traffic cannot make access to Route 513.

The Clerk will speak to the Police Chief and contact the County.

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.

EXECUTIVE SESSION

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2009 and convened in executive session at 8:01 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 27-2009

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:

Personnel
Finance
Attorney Client Privilege

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 9:35 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. Also present were the Township CFO and the Township Treasurer. There was conversation with Chairman Ralph Lomerson of the Township Historians regarding an Attorney Client Privilege issue. Mr. Lomerson will work with the Township Treasurer to address some outstanding issues and to insure compliance with various Township rules and regulations. The Township also met with the Township Rescue Squad relative to ongoing Attorney Client Privilege issues. The Squad provided the Committee with some information. The Committee has asked for additional information which the Clerk, the Township Attorney, the Deputy Mayor, the Liaison and the CFO will work together to be sure the materials are provided. No action is to be taken on either matter.

ADJOURN

Having no further business to come before the Committee a motion was made by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 9:37p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 4, 2009

Patricia Schriver, Mayor