

**Lebanon Township Committee
February 15, 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
Ed Post

Absent Jay Weeks, Francis Monahan

Also Present - Attorney Phil George and Clerk Karen Sandorse and 9 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the January 18, 2006 regular meeting minutes.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the January 18, 2006 executive session minutes.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the February 1, 2006 regular meeting minutes.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the February 1, 2006 executive session minutes.

RESOLUTIONS

Resolution No. 31-2006

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 31-2006 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION 31-2006
Establishing a New Petty Cash Fund**

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution, and,
WHEREAS, it is the desire of the Township of Lebanon, County of Hunterdon to establish such a fund for the Office of the Municipal Clerk in the amount of \$100.00; and
WHEREAS, the custodian for this fund is, Karen J. Sandorse, who is bonded for the amount of \$1,000; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;
NOW, THEREFORE BE IT RESOLVED that the Township Committee hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution No. 32-2006

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2006 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION #32-2006
PROFESSIONAL SERVICE APPOINTMENT**

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, in the County of Hunterdon, on this 15th day of February, 2006 as follows:

1. Steve Rogut of Rogut McCarthy Troy, LLC, is hereby appointed as Bond Counsel for the Township of Lebanon for the year 2006.

Resolution No. 33-2006

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 33-2006 as written below.

Township of Lebanon
County of Hunterdon
Resolution No. 33-2006

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 \$15,056.61 be made between the 2005 Budget Appropriation Reserves as follows:

<u>ACCOUNT #</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
	Recreation o/e	10,000.00	
	Finance s/w	818.56	
	Roads s/w	4,238.05	
	Fueul Oil/Gasoline		3,146.69
	Snow Removal o/e		11,909.92

Califon, NJ 07830
832-5032

Amy Happ / D'Antonio
115 Mount Lebanon Rd
Glen Gardner, NJ 08826
832-7752

2 year term, expiring 12/07

Joe Maurizio
406 Little Brook Rd
Glen Gardner, NJ 08826
832-5939

1 year term, expiring 12/06

APPROVAL OF CONTRACTS/AGREEMENTS

Rogut McCarthy Troy, LLC – Bond Counsel

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Rogut McCarthy Troy, LLC, (Steve Rogut, Bond Counsel) contract for the 2006 year and authorized the Mayor and Clerk to sign.

Gramco Maintenance Agreement

The Township Committee reviewed the proposed agreement and decided to pay time and materials. The Clerk will obtain a Time and Materials proposal from Gramco.

Newsletter Agreement – Karen Newman

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Agreement with four quarterly payments at \$300.00 per payment.

OLD BUSINESS

Kevin Foran – Backus Estates Drainage

The Clerk is to speak to Municipal Engineer Steve Risse to obtain an update on the status of the drainage issue.

NEW BUSINESS

Telephone Phone Service – Local-Long Distance Calling

In reviewing the Township's phone bills (local-long distance calls), Scott Koenig of TKG Technologies, LLC, suggested transferring the service for all calls to Cooperative Communication for significant cost savings.

Mr. Post and the Clerk will hold a conference call with Mr. Koenig to discuss his proposal.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Post seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the February 15, 2006 bill list in the amount of \$2,430,803.43.

CORRESPONDENCE

Mary Hyland submitted the Tax Collector's report for the month of January 2006.

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. Donald Winkler of Sliker Road stated that he was there to inform the Township Committee and residents, that the Township has expended approximately \$38,000.00 in legal fees for the Raritan Inn, Bed and Breakfast. Mr. Winkler stated that he feels that it is outrageous. He said that the man has done a wonderful job and suggested that the Committee take a professional approach and work with the owner.

Attorney George stated that due to the matter still being in litigation, he will only comment to state, that the case will be before Judge Buchsbaum at the end of the month for final resolution. Attorney George stated that there were a number of aspects to the litigations that involved several different phases such as, occupation without a Certificate of Occupancy, issues with the DEP, which are ongoing, there were Planning Board Applications which resulted in legal fees for the approval of the Bed and Breakfast as well. The current matter is compliance with American's With Disabilities Act. Attorney George also stated that the Federal Law requires the

Township to ensure compliance. Mr. Post stated that as a result of this requirement, the Township is obligated to comply with Federal law, and until a jurisdiction tells the Township they are not responsible they must continue with the course of action. Mr. Post stated that the Committee would love to see the matter resolved, however, it must be compliant.

Mayor Schriver stated that the DEP and FEMA overrule all jurisdiction in the Township.

Mr. Dick McCall of Sliker Road stated that he went to visit the Inn and the owner has brought historic significance and technology to Lebanon Township.

Mr. McCall questioned why the Township Committee couldn't accept the Certificate of Occupancy given to the owner by the County and move on with the matter. Mr. Post stated that the Committee is not begrudging the improvement to the Township however, the Township has an obligation to be enforcers of the ADA Requirement.

Ms. Nancy DeBeau stated that it is her understanding that the Bed and Breakfast only has five (5) bedrooms and would not fall under the ADA requirements. Mr. Post stated that which ever way the Judge rules at the end of the month, will determine the Township's position.

Mayor Schriver stated that she can recall when Mr. Asdal came before the Township with his plans and everyone was thrilled with his proposal. The Township feels badly because the B & B improved the end of the Township. The Township Committee is between a rock and a hard place.

Mr. Piazza stated the money expended is true. However, he remembers when FEMA came to the Township and informed them that there were certain requirements that Mr. Asdal must meet and if the Township did not see to it, every Flood Insurance Policy in the Township will be canceled.

Mr. John Quinn stated that Mr. Asdal has invited all of the Committee to have a tour of the house, however, no one has been there. The Committee stated that the issue is not the beauty of the project, it is a matter of rules and regulations.

Mr. Frank Bihon of Spring Mountain Road, stated concerns with the proposed Clinton Township proposed de-regionalization of the Regional High School District. Mr. Bihon worked in Union County Regional High School in Berkeley Heights during the time it de-regionalized and it was a complex, divisive, and back biting situation. Mr. Bihon stated that the Township is in the middle of the storm and will be dealing with an attorney, Mr. Gagliardi, who is excellent and led the de-regionalization in Union County. Mr. Bihon stated that the Township must view this as a major concern. Mr. Bihon went into detail as to the effects this process will have on the Township. Mr. Bihon suggested that the Township put together a Committee to work with the other Towns effected by the proposal. Mr. Bihon stated that he went to the Township Board of Education last night and they were in unanimous agreement, against the proposal. He said that he will be going to the Regional Board of Education meeting

and try to attend as many local school board meeting to attempt to develop a cohesive plan to fight what will become a highly sophisticated, highly structured de-regionalization package.

Mayor Schriver stated that Mr. Post attended the de-regionalization meeting in Tewksbury and she is still waiting for a 50 page report. The Mayor stated that the Township can not afford to de-regionalize. Mayor Schriver thanked Mr. Bihon for speaking on the matter.

Mr. Post stated that there is a new demographic study coming out that may determine if a new school is needed, based on the population growth along the Route 78 Corridor.

Mr. Anthony Casale complimented Mr. Bihon on his energy and enthusiasm and agreed with Mr. Bihon's suggestion for the Committee to form a sub-committee to work on the de-regionalization.

Motion by Mr. Post seconded by Mr. Piazza 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. 35-2006 and convened in executive session at 7:55p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 35-2006

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 – Contract Issue
Pending Litigation

Motion by Mr. Piazza seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:51p.m.

Attorney Phil George stated that the Committee discussed finalizing a personnel dispute in the Gambert Contract matter. Also discussed, was the present status of the remand to the Construction Board of Appeals in the Asdal matter and the conclusion of the Davara appeal to the County Board of Appeals. Discussion was held on the general issues, the suit the Township formally had regarding Open Space Funding and the successful resolutions and discussions from the State that came from them.

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 8:52 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved:

Patricia Schriver, Mayor