

**CALL TO ORDER**

Deputy Mayor Francis Morrison 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**

Deputy Mayor Morrison asked everyone to stand for the flag salute.

**ROLL CALL**

Present - Patricia Schriver      George Piazza  
                 Francis Morrison      Brian Wunder

Absent      Jay Weeks

Also Present - Attorney Eric Bernstein and Clerk Karen Sandorse and 7 members of the public.

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of regular meeting of February 3, 2010.*

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of February 3, 2010.*

**ORDINANCES**

**Public Hearing**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-03 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. 2010-03 as written 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.

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BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, as follows:

Section 1. The Township of Lebanon, in the County of Hunterdon, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire 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 said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

#### SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking the Road Resurfacing Program at various locations in the Township, as set forth on a list on file or to be placed on file with the Township Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$200,000
Down Payment Appropriated	\$ 9,600
Bonds and Notes Authorized	\$190,400
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works ("DPW") - Streets and Roads consisting of (i) a mason dump truck and (ii) pickup truck.

Appropriation and Estimated Cost	\$ 70,000
Down Payment Appropriated	\$ 6,000
Bonds and Notes Authorized	\$ 64,000
Period of Usefulness	5 years

C. Acquisition of new additional or replacement equipment and machinery consisting of a vehicle lift for the DPW Garage.

Appropriation and Estimated Cost	\$ 55,000
Down Payment Appropriated	\$ 2,700
Bonds and Notes Authorized	\$ 52,300
Period of Usefulness	15 years

D. Undertaking of improvements to the heating system at the Public Library. It is hereby determined and stated that said public building being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 20,000
Down Payment Appropriated	\$ 1,000
Bonds and Notes Authorized	\$ 19,000
Period of Usefulness	15 years

E. Acquisition of a new tanker fire truck, including original apparatus and equipment.

Appropriation and Estimated Cost	\$350,000
Down Payment Appropriated	\$ 16,700
Bonds and Notes Authorized	\$333,300
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$695,000
Aggregate Down Payment Appropriated	\$ 36,000
Aggregate Amount of Bonds and Notes Authorized	\$659,000

Section 5. The cost of such purposes, as hereinbefore stated, does not include any amount to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$36,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$36,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$659,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$659,000 are hereby authorized to be issued pursuant to the Local Bond Law in

anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 10.05 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$659,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Hunterdon, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the

payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and

The interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

## **Introduction**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2010-04 on first reading. (As entitled below).*

**ORDINANCE NO. 2010-04**

**TOWNSHIP OF LEBANON**

**COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY**

**AN ORDINANCE TO**

REVISE, AMEND AND SUPPLEMENT  
THE CODE OF THE TOWNSHIP OF LEBANON  
CHAPTER 400, TITLED "ZONING", SPECIFICALLY  
SECTION 400-10, TITLED "ACCESSORY USES AND STRUCTURES"

**Public Hearing to be held on March 17, 2010.**

**Introduction**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2010-05 on first reading. (As entitled below).*

TOWNSHIP OF LEBANON

COUNTY OF HUNTERDON

ORDINANCE #2010-05

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AND MORE SPECIFICALLY CHAPTER 400(ZONING)

**Public Hearing to be held on March 17, 2010.**

**RESOLUTIONS**

**Resolution No. 27-2010 – Stipulation of Settlement Relative to a Tax Appeal –O'Brien**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 27-2010. (as written below)*

RESOLUTION AUTHORIZING THE TOWNSHIP SPECIAL TAX APPEAL  
ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO

THE TAX APPEAL CAPTIONED BRIAN AND JILL O'BRIEN V. LEBANON  
TOWNSHIP, DOCKET NO. 012009-2009 PENDING IN THE TAX COURT OF  
NEW JERSEY.

TOWNSHIP OF LEBANON

RESOLUTION NO. 27-2010

WHEREAS, Brian and Jill O'Brien ("Taxpayer"), the owners of 6 Harber Drive, Block 61.01, Lot 19 (the AProperty@) on the Township of Lebanon=s Tax Assessment Maps, filed an appeal of its 2009 tax assessment on the Property in the Tax Court of New Jersey, Docket No. 012009-2009; and

WHEREAS, the Tax Assessor inspected the property, reviewed the market and determined that a reduction in assessment is warranted; and

WHEREAS, the Township Committee of the Township of Lebanon met and discussed the aforesaid Tax Appeal and the recommendations of the Township Tax Assessor and Special Tax Appeal Attorney; and

WHEREAS, an acceptable settlement of the aforesaid Tax Appeal has been negotiated in which the 2009 total tax assessment will be reduced from a total tax assessment of \$552,600 to a total tax assessment of \$448,800; and

WHEREAS, the Freeze Act shall apply to the settlement and the 2010 tax year assessment, which has already been adjusted by the Township Tax Assessor to a total tax assessment of \$448,800; and

WHEREAS, as a result of the Freeze of the assessment, the Taxpayers have agreed to waive any right they may have to appeal the 2010 tax assessment as revised and acknowledges that the Township will enter into the settlement, in part, in consideration for this waiver; and

WHEREAS, the Taxpayers agree to waive the payment of interest on any adjusted taxes and accept credits in lieu of a refund; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid tax assessments to the Township Tax Assessor=s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Lebanon as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Committee will make this settlement with the Taxpayers without prejudice to its dealings with any other Lebanon Township Tax Assessor=s request for a tax assessment reduction.

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

1. The Township of Lebanon=s Tax Assessor will establish the allocations between land and improvements of the \$448,800 assessment for Block 61.01, Lot 19, which is most beneficial to the Township of Lebanon and advise the Special Tax Appeal Attorne2. The Special Tax Appeal Attorney is authorized to execute the Stipulation of Settlement annexed hereto and incorporated herein by this reference, relative to the tax appeal of Brian and Jill O'Brien, Docket No. 012009-2009, in which settlement the 2009 tax assessment is reduced from a total tax assessment of \$552,600 to a reduced total tax assessment of \$448,800; at the allocations recommended by the Township Tax Assessor ; which further provides that the Freeze Act shall apply to that reduction for the 2010 tax year; which further provides that the taxpayers waive any right to file an appeal of the 2010 adjusted assessment; and which further provides that interest on any reduction of taxes shall be waived and the taxpayers will accept credits in lieu of refunds.

3. The form of Stipulation of Settlement is annexed hereto, having been reviewed by the Township Committee of the Township of Lebanon.

4. The settlement outlined above shall be without prejudice to the Township's dealings with any other Township taxpayers' request for tax assessment reductions.

**Resolution No. 28-2010 – Deferral of School Taxes**

Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 28-2010. (as written below)

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 28-2010**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2009, and be reflected in the Annual Financial Statement for the year 2009 as follows:

AMOUNT	FY 09-10	MAXIMUM
	<u>SCHOOL LEVY</u>	<u>OF DEFER TAX</u>
Local School Tax	\$10,686,595	\$5,343,297
TOTAL MAXIMUM DEFER TAX 12/31/09		5,343,297
LESS – DEFER TAX 12/31/08		1,921,263
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2009		\$3,422,034
AMOUNT DEFERRED AT 12/31/09		\$450,000

**OLD BUSINESS**

**Schedule Budget Meeting**

*Motion by Mr. Piazza, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee scheduled a Budget Worksession for March 11, 2010 at 5:00 p.m.*

**Award Bid for Diesel, Gasoline and Heating Oil**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee awarded a Bid to Van Doren Oil Company for Gasoline, Diesel and Heating Oil at the following delivery charges.*

No Lead Gasoline (High Test)	for \$ <u>0.29</u> cents per gallon delivery charge.
Diesel	for \$ <u>0.29</u> cents per gallon delivery charge.
Heating Oil	for \$ <u>0.39</u> cents per gallon delivery charge.

**NEW BUSINESS**

**Melick Farms Lease – Police Department Firing Range**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved an agreement with Melick Farms for the lease of the quarry property for the Police Firing Range at a cost of \$1.00 per year.*

**Holly Warnowicz -Speed Limit on Mt. Top Road**

Ms. Holly Warnowicz was present at the meeting to request that a speed limit be posted on Mt. Top Road. The road is not posted at this time and there is much speeding going on.

The Township Committee asked the Clerk to notify the Police Chief that they would like a traffic/speed study conducted on Mt. Top Road.

**Proposed Hunterdon County Shared Service Recycling Program**

Attorney Bernstein stated that there is a letter from the Chairman of the Hunterdon County Utilities Authority, Willam Mennan, regarding the proposed Hunterdon County Shared Service Recycling Program. Action will be required by the Committee in the near future. The Deadline for the ordinance is the end of March 2010. Hunterdon County has decided not to move forward with the Shared Service Program which will ultimately put the entire burden on each

municipality. Attorney Bernstein stated that a Recycling Coordinator will need to be appointed by 2012. An ordinance will need to be adopted, there are educational issues to be dealt with, a recycling collection center will need to be established, certain enforcement strategies depending on the ordinance and finally the appointment of the recycling coordinator.

The Township Attorney will draft an ordinance for the March 3, 2010 meeting. Ms. Schriver is to follow up with Alan Johnson at the County to inquire on the matter.

### **Library Heating System**

Mr. Piazza asked Attorney Bernstein what the status of the Library Heating system contract was. Attorney Bernstein stated that he thought that it was taken care of and that he will check into it.

Attorney Bernstein also stated that he has the draft contract of the Township Garage project. Ms. Schriver inquired on the Cell Tower contract. Attorney Bernstein stated that he thinks that they have come up with a basic premise, now it has to be approved by the Highlands. Ms. Schriver asked if the contract includes the generator which is to be shared by the Township and the Cell Tower company. Attorney Bernstein stated that he is pretty sure it does, but will check into it.

### **PRESENTATION OF VOUCHERS**

There were no vouchers for approval.

### **CORRESPONDENCE**

## **PUBLIC COMMENTS**

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

Mr. Anthony Casale asked the Committee where he could obtain a copy of Ordinance 2010-04.

Mr. Casale asked if the Township Committee has taken any consideration to his request to have two public hearing during the public meeting. Ms. Schriver stated that when the Mayor gets back they will discuss the request.

Mr. Casale asked for clarification on the proposed recycling requirements to be imposed by the State.

Relative to Ordinance No. 2010-05, Mr. Ron Milkowski asked how often escrow changes are made in the Township.

Mr. Milkowski questioned the increase in the cost of diesel delivery.

*Motion by Ms. Schriver, 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 Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 29-2010 and convened in executive session at 7:36 p.m. Action may be taken at the end of the meeting.*

**TOWNSHIP OF LEBANON**

**RESOLUTION NO. 29-2010**

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 – Treasurer –CFO

Lebanon Township First Aid Squad

Attorney Client Privilege

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:57p.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. At certain periods of time during the meeting, the CFO, Greg DellaPia was present. Members of the Rescue Squad were present with a billing company to answer any questions that the Township Committee may have had. Warren Gabriel, DPW Supervisor, was also present for a short period of time. The Committee conducted interviews for a prospective assistant municipal treasurer. The Clerk, CFO and Committeewoman Schriver will coordinate on the hope that the Township will have some issues to deal with at the March 3, 2010 meeting. The Committee was given an update on a couple of outstanding litigation matters by the Township Attorney. The Committee had an ongoing discussion with the Rescue Squad as to possible personnel litigation matters. Direction has to be given to the Township Attorney and the Township Clerk. No action is to be taken.

## **ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote to adjourn the meeting at 8:58 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC

Municipal Clerk

Approved: March 3, 2010

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Francis Morrison, Deputy Mayor