

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 - Patricia Schriver Jay Weeks
George Piazza Ed Post

Absent Francis Morrison

Also Present - Attorney Phil George and Clerk Karen Sandorse and 7 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of February 4, 2009.
AYES: Piazza, Post, Schriver Abstain: Weeks

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved minutes of the Executive Session of February 4, 2009.
AYES: Piazza, Post, Schriver Abstain: Weeks

PROCLAMATION

Girl Scout Week – March 8 – 14

GIRL SCOUT PROCLAMATION

WHEREAS March 8-14, 2009 marks Girl Scout Week as designated by Girl Scouts of the USA, a movement founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and

WHEREAS, throughout its long and distinguished history, Girl Scouting has inspired more than 50 million girls and women to strive for the highest ideals of courage, confidence and character; and

WHEREAS, through Girl Scouts, girls grow strong, gain self-confidence, develop leadership skills and learn the lifelong lesson of contributing back to their communities; and

WHEREAS Girl Scouting helps girls achieve their potential by increasing awareness of opportunities which exist in the fields of math, science, sports, technology and other professional pursuits; and

WHEREAS the Girl Scouts Heart of New Jersey was formed in 2008 and is capably delivering the optimal Girl scouting experience to over 28.000 young women and adults in Essex, Hudson, Hunterdon, Middlesex, Somerset, Union and Warren counties; and

WHEREAS more than 3.8 million Girl Scouts nationwide, including in excess of 100,000 in the State of New Jersey, join in celebrating and rejoicing in this great American tradition,

NOW, THEREFORE, I Patricia Schriver, Mayor of the Township of Lebanon, do hereby proclaim March 8-14 as Girl Scout Week in the Township of Lebanon.

RESOLUTIONS

Resolution No. 30-3009 – Designating a BAN

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 30-2009. (See attached)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 30-2009

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FROM FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER, AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING AN \$836,375 BOND ANTICIPATION NOTE, DATED FEBRUARY 6, 2009, PAYABLE FEBRUARY 5, 2010, AS A “QUALIFIED TAX-EXEMPT OBLIGATION” PURSUANT TO SECTION 265 (B) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

Resolution No. 31-3009 – Purchase of Mason Dump Truck Chasis

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 30-2009. (See attached)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 31-2009

RESOLUTION AWARDING A CONTRACT FOR THE
PURCHASE OF A MASON DUMP CHASSIS

WHEREAS, the Township Committee of the Township of Lebanon advertised for bids for the purchase of a Mason Dump Truck pursuant to specifications prepared for this bidding; and

WHEREAS, two bids were received on January 16, 2009; and

WHEREAS, the Township Committee has reviewed the recommendations made by the Township Attorney and the DPW Supervisor for said bid; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, state of New Jersey that the following contract be awarded based on the recommendation of the Township Attorney and the DPW Supervisor.

COMPANY	ITEM	TOTAL
Bayer Bros.	2008 Mason Dump Truck	\$42,332.00

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the contracts for same.

OLD BUSINESS

Warren Newman – Update on ANJEC Grant

Warren Newman provided the Township with a summary list relative to the proposed improvements to the parking lots at the trailhead crossings, along with a fact sheet associated with an ANJEC Grant and a sample resolution to support the grant application process.

Warren provided the Township Committee with an information on the grant as it is a matching fund grant. Nothing has been finalized as to the amount relative to the project. It is a work in progress. There are issues as to how much money will be available in terms of matching funds. The Township is obligated to pay 25% of the project in cash.

The Township Committee informed Mr. Newman that it does not seem feasible in this economic time to budget money for the project. Mr. Newman stated that he understood the Committee's position on the issue. Mr. Newman asked the Committee, in putting the grant aside, if they would support the LTEOS in doing work on the trail connectivity. Deputy Mayor Post stated

that the Committee does support the project if it is done through volunteers. Mayor Schriver stated that she would hope that there might be some other funding source that comes along, where it is not as rigid as the ANJEC grant. Warren stated that they are seeking those options.

Cell Tower Bids

Mr. Piazza stated that he called the representative from Sprint today regarding the Cell Tower Bids. The representative wants to know if the Township is moving forward with the project or if it is going to be abandoned. Mr. Piazza stated that he is looking for a new bid packet which he

believed was going to be taken care of by Attorney Bernstein's office. Mr. Post stated that he received an email from Attorney Bernstein's assistant this afternoon, attempting to schedule a teleconference on the matter. Mr. Piazza stated that there were just a few items that needed to be tweaked. He said that it has been over a month and it has not moved forward. The teleconference will be scheduled.

Municipal Court of North Hunterdon

Mr. Piazza stated that all of the towns, with the exception of Tewksbury, voted for the 2009 budget. It is a majority vote, therefore, it passed.

Pelio Property

Mr. Post stated that he is in contact with the New Jersey Water Supply Authority regarding some potential funding on the Pelio property to help offset the costs and to help us tap into the Green Acres funding. Henry Patterson is pretty much spent out with 2009 and 2010 projects.

NEW BUSINESS

Approve Raffle License Application – St. John Neumann Church – June 6, 2009

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for St. John Neumann Church for June 6, 2009

Approve TRC Environmental Corporation Agreement

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the TRC Environmental Corporation Agreement for the 2009 year.

Approve Voorhees Municipal Alliance Subgrant Agreement for 2009

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Voorhees Municipal Alliance Subgrant Agreement for 2009.

Approve Special Permit for Social Affair – Lebanon Education Foundation – May 16, 2009

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved a Special Permit for Social Affair for Lebanon Education Foundation for an event to be held on May 16, 2009.

Appoint Township Historian

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee appointed Mr. Andrew Smego of 86 Forge Hill Road as a Township Historian.

Budget Work Session

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee scheduled a Budget Work Session to be held on March 12, 2009 and authorized the Clerk to advertise such.

Lebanon Township Volunteer Fire Dept.

Ron Milkowski, of the Lebanon Township Fire Department, stated that relative to the Background Check Ordinance No. 2007-14, the Fire Department has been following it but they have found that it is quite restrictive. The Fire Department would like to change the background check to the format which is used for Firearms Purchaser ID Card. They feel that it is a little more lenient but would still provide good requirements. Mr. Milkowski spoke to Police Chief Mattson and he is in support of the change.

Chief Mattson stated that the way he reads the ordinance, it includes not only crimes, but it also includes a petty disorderly person. If there were a loud argument in the parking lot and one of the persons were arrested and convicted in municipal court for a petty disorderly person, he would not be permitted to serve on the Fire Department.

Mr. Post asked Attorney George if Section A is a defined set of conditions which someone else determined that we use as a standard or is it a standard that the Township established internally. Attorney George stated that he believes that most of the standards set forth in Section A and possibly all, are defined by State law, however, they would be willing to look at the suggestions of the Fire Department to see if the ordinance can be amended. Attorney George also stated that he also believes that the standards for a Firearms Purchaser ID Card would not cover all of the mandatory background check provisions, but there may be a way to homogenize the request.

Attorney George stated that it also appears that the Fire Department is also looking for a broadening of the appeal process which would be no problem to look into.

The area in the ordinance to be altered would be on page 4, Section 7, A & B. A will be the mandatory disqualifiers by State law and B would be areas where there is a little discretion. Mr. Milkowski asked if these requirements are statewide, as he has spoken with other fire chief's and they use nothing compared to this ordinance. Attorney George stated that his understanding is that the sections that are listed in Section 7.A are comprised of a list of mandatory disqualifiers for consideration for membership as well as continued membership.

Mr. Milkowski also stated that under No. 9, if a person is denied by the Police Chief, the Fire Department has no way of knowing why. The Fire Department would like this amended so that the Police Chief can notify the Chairman of the Fire Department's Membership Committee and inform them of the reason for denial. This way the Fire Department can make a decision, based on the information, if they would like to pursue a waiver. Attorney George stated that the concern is the personal privacy rights of the individual. Also, the Fire Department does not have

the right to apply for the waiver, only the applicant does. Attorney George will redraft No. 9 also. He will check the Title which defines the requirements for the ordinance.

Attorney George stated that the proposal and the appeal process will be sent to the Committee and the LTVFD, for review, before the next meeting.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the March 4, 2009 bill list in the amount of \$209,969.56.

CORRESPONDENCE

Tax Collector's Report for the Month of January 2009
Lebanon Township Historians Meeting Minutes for February 5, 2009

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. Anthony Casale asked what the status was on the insurance coverage for Fire Station No.1. Mr. Post stated that there is a adjuster from Selective Insurance that is the Claim Adjuster who will be working with TRC Raviv to obtain the history on the project. Mr. Casale stated that his personal opinion on the matter.

Mr. Casale also stated that he reviewed the bids specs for the Cell Tower and he would like Mr. Post's email address so he may forward his comments and concerns on to him. Mr. Post provided his email address to Mr. Casale.

Nancy Darois asked how the Township Garage building is coming along. Mr. Post stated that the plans and blueprints are in progress. The Mayor has asked for a completion date as to when they can expect the blueprints.

Warren Newman stated that on the Fire Station No. 1 matter, he suggests and urges that the Committee follow through with speaking with the Environmental Counsel and create a line of communication through the Counsel and DEP. DEP is extremely overloaded and understaffed so they are working strictly on a priority basis. This would be a low priority project to them. Warren just suggested a more forceful attempt to reduce the level of frequency of monitoring.

Warren stated that regarding the Social Affair Permit approved for LTEF, the event will be a fundraiser not only for LTEF but it is their intent to make it a fundraiser for the Park Committee, the LTEF, the LTAA, the Fire Department and the Rescue Squad.

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. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2009 and convened in executive session at 8:18 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 32-2009

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:

Ongoing Litigation- Hyland

Action may be taken.

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 8:18 p.m.

Attorney George stated that during the executive session discussion was held on litigation regarding the Hyland v. Lebanon Township matter. Attorney George provided an update on current proceedings. Also discussed was the current status of the settlement and release documents in the Combe Land Fill matter with some clarifications to take place. The Township Committee also discussed the ramifications of catered affair invitations being sent to non-residents.

No formal action is to be taken at this time.

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 8:34 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: March 18, 2009

Patricia Schriver, Mayor