

**Lebanon Township Committee  
March 21, 2007**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Edward Post 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 Post asked everyone to stand for the flag salute.

**ROLL CALL**

Present -      Ed Post                      Patricia Schriver              Jay Weeks  
                    George Piazza                      Francis Monahan

Absent -

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

**PRESENTATION OF MINUTES**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the March 7, 2007 regular meeting minutes.*

*Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the March 7, 2007 executive session minutes.*

**2007 BUDGET INTRODUCTION**

Public Hearing will be held on April 18, 2007 at 7:00 p.m.

**Resolution No. 33-2007**

*Motion by Mr. Piazza, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 33-2007. (As written below)*

**TOWNSHIP OF LEBANON**

**COUNTY OF HUNTERDON  
STATE OF NEW JERSEY**

**RESOLUTION NO. 33-2007**

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 12 of the fiscal year; and, WHEREAS, the Township of Lebanon has delayed the introduction of the 2007 Municipal Budget past the statutory deadline; and, NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2007 Lebanon Township Municipal Budget; and, BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

**Resolution No. 34-2007**

*Motion by Mr. Monahan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 34-2007. (As written below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 34-2007

WHEREAS, the Township of Lebanon is holding a meeting on March 21, 2007, for the purpose of introducing the 2007 Municipal Budget and conducting other matters; and, NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2007 Local Municipal Budget be introduced and approved on March 21, 2007.

2007 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 741,000.00
Total Miscellaneous revenue	3,258,139.00
Amount to be Raised by Taxes	97,967.00
Receipts from Delinquent Taxes	<u>274,500.00</u>
Total General Revenues	<u>\$4,371,606.00</u>
Total Operations	\$3,404,223.00

Capital Improvements	12,875.00
Debt Service	235,249.00
Statutory Expenses	248,927.00
Reserve for Delinquent Taxes	<u>470,332.00</u>
Total Municipal Budget	<u>\$4,371,606.00</u>

**Resolution No. 35-2007**

*Motion by Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 35-2007. (As written below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 35-2007

WHEREAS, the 2007 Local Municipal Budget was introduced on the 21st day of March, 2007; and,

WHEREAS, during the fiscal year 2007 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$20,130.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2007 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations."

Clean Communities Program	\$ 12,658.00
Drunk Driving Enforcement Fund	2,472.00
StormWater Management	
Grant	<u>5,000.00</u>
	<u>\$20,130.00</u>

**Resolution No. 36-2007**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 36-2007. (As written below)*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 36-2007

WHEREAS, the 2007 Local Municipal Budget was introduced on the 21st day of March, 2007; and,  
WHEREAS, during fiscal year 2007, the Township of Lebanon received a state grant for the Uniform Fire Safety Act in the amount of \$7,895.00.  
NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2007 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items: Uniform Fire Safety Act", in the amount of \$7,895.00.

## **ORDINANCES - Introduction**

### **Ordinance No. 2007-08**

*Motion by Mr. Monahan, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2007-08 on first reading. (as entitled below) AYES: Piazza, Post, Schriver, Monahan NAYS: Weeks*

TOWNSHIP OF LEBANON  
ORDINANCE NO. 2007-08  
AN ORDINANCE TO AMEND THE CODE OF THE  
TOWNSHIP OF LEBANON BY ADDING A NEW  
ARTICLE III, POSSESSION OR CONSUMPTION  
ON PRIVATE PROPERTY BY UNDERAGE  
PERSONS TO CHAPTER 120, ALCOHOLIC  
BEVERAGES, WHICH RESTRICTS THE  
POSSESSION AND CONSUMPTION OF  
ALCOHOLIC BEVERAGES BY UNDERAGE  
PERSONS, AND WHICH ALSO CONTAINS  
PENALTIES FOR VIOLATION THEREOF

Public Hearing to be held on April 18, 2007.

### **Ordinance No. 2007-09**

*Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2007-09 on first reading. (as entitled below)*

ORDINANCE NO. 2007-09

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE AUTHORIZING THE ACCEPTANCE BY LEBANON TOWNSHIP OF  
DOEFIELD ROAD, HICKORY RUN ROAD,  
LANCE DRIVE AND EVERGREEN LANE INTO THE PUBLIC ROADWAY SYSTEM,  
PURSUANT TO N.J.S.A. 40:67-1

Public Hearing to be held on April 18, 2007.

**RESOLUTIONS**

**Resolution No. 37-2007**

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 37-2007. (as written below)*

TOWNSHIP OF LEBANON  
2007 SALARY RESOLUTION AMENDMENT  
NO. 37-2007

RESOLVED, BY THE Township of Lebanon, County of Hunterdon, State of New Jersey fixing the Compensation and Salaries of certain officers and employees of the Township.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon that this Resolution be known as the 2007 Salary Resolution and the annual salaries of the following officers and employees be set forth hereafter:

SECTION A:	<u>2007 Salary</u>
Township Clerk - Sandorse	67,114.25
Road Supervisor - Jones, Jr.	80,882.12

NOW, THEREFORE, BE IT RESOLVED that the Township Clerk's salary is being increased to take into account additional duties and responsibilities as it relates to open space acquisition/farmland preservation, Township Board of Health and certain personnel matters for calendar year 2007.

**Resolution No. 38-2007**

*Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolutions No. 38-2007. (as written below)*

TOWNSHIP OF LEBANON  
TRANSFER RESOLUTION  
NO. 38-2007

WHEREAS, various 2006 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 2006 Budget Appropriation Reserve in the last two months of 2006; 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 \$2,098.75 be made between the 2006 Budget

Appropriation Reserves as follows:

<u>ACCOUNT #</u>	<u>ACCOUNT NAME</u>	<u>FROM</u>	<u>TO</u>
6-01-27-369-299	Underground Tank o/e		2,098.75
6-01-20-120-299	Municipal Clerk o/e	2,098.75	
		<u>2,098.75</u>	<u>2,098.75</u>

**OLD BUSINESS**

**Friends of Memorial Park Committee – Chairman Art Gerlich**

Mr. Gerlich provided the Committee and those present, a brief history of the development of the Park. Mr. Gerlich avowed thanks and gratitude to all of the selfless hours volunteers contributed in fundraising, donations, professional services, etc. Mr. Gerlich listed many events that take place in the park all year round. Mr. Gerlich stated that the Friends of Memorial Park Committee will continue with the fundraising efforts and developing the Park, but requests that the Township share in the maintenance of the Park by contributing \$10,000.00 in the annual budget.

Mr. Weeks stated that he does not have a problem with the Park, however; it was originally stated by the Committee that no taxpayers dollars would be spent on the Park. He would like to see an amendment made to the original policy of not contributing to the Park.

*Motion by Mr. Monahan, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the expenditure of taxpayer's funds, as set by the Governing Body in the annual budget, to provide for maintenance in the Lebanon Township Memorial Park. This motion does not bind the municipality to any expenditure other than maintenance funds. AYES: Weeks, Piazza, Post Monahan ABSTAIN: Schriver*

### **Municipal Generator**

Mr. Piazza stated that the Committee discussed purchasing a generator for the municipal building in the past, however the purchase has not moved forward.

Warren Gabriel stated that a generator was not listed in the 2007 Capital Budget, however; there is a possibility that one is going to be donated to the Township. The DPW Supervisor is to obtain specifications and costs prior to the April 4, 2007 Committee meeting. There should also be a patch panel included in the specifications for a mobile unit.

### **Incident Command Training**

Ms. Schriver asked OEM Coordinator, Warren Gabriel if he has updated information on the Incident Command training the Committee is required to attend. Mr. Gabriel stated that he is waiting to here back from the instructor.

### **Floodplain Administrator Position**

Mayor Post stated that he is waiting to hear back from Mr. Warren Newman stating whether he is interested in accepting the Floodplain Administrator position.

### **NEW BUSINESS**

#### **New Jersey DEP Correspondence State Forest Service Green Communities Grant**

Correspondence was received from the DEP regarding a grant in the amount of \$2,000.00 which was received by the Township in 2002. The purpose of the grant was to provide the Township with monies to hire a qualified expert to assist the Township in the development of a Community Forestry Management Plan. There has been no movement with the project to date. Mayor Post asked the Clerk to provide the Township Planner with the information to see if the grant applies to any areas of the Township and if it would be a benefit to retain an expert.

### **NJLM – Support the Troops Pancake Breakfast**

The New Jersey League of Municipalities sent correspondence to request assistance in raising money to support National Guard State Family Readiness Council Pancake Breakfast. The Committee took no action on the request.

### **PRESENTATION OF VOUCHERS**

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

*Motion by seconded Mr. Piazza, seconded by Mr. Monahan and carried by unanimous favorable roll call vote the Township Committee approved the March 21, 2007 bill list in the amount of \$425,486.59.*

### **CORRESPONDENCE**

Tax Collector's Report for the Month of February 2007.

Mayor Post stated that on March 15, 2007, there was a letter from the Lebanon Township Squad, to the editor of the Hunterdon County Democrat regarding squad matters. Mayor Post thanked the volunteers who serve the Township. He said that it is impressive that the response rates have improved. The Committee stated their gratitude to the volunteer Fire and EMS members who give many hours to the Township residents.

### **PUBLIC COMMENTS**

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

Mr. David Nell, President of the Lebanon Township First Aid Squad, stated that he was in attendance to defend the Squad from accusations and charges based on hearsay, not on facts. Mr. Nell stated that the Squad and the Committee had scheduled a meeting. On the day of the



meeting, the Squad was informed that the meeting would not take place. Mr. Nell stated that on that same evening, during the regular Township Committee meeting, the Committee made a decision, in secret, which will materially affect the Squad and the residents of the Township. Mr. Nell stated that he viewed meeting minutes on the Township website, Monday March 19, 2007, which he stated had been there for months, and when he looked again today, March 21, 2007, the minutes had been altered. Mr. Nell stated that “the minutes of those meetings had been altered to accommodate the fact that certain decisions were made in private.” Mr. Nell stated that the charges and accusations stated in his letter to the editor, go to the behavior of the Committee and the lack of ethics involved. Mr. Nell stated that the residents should know that the Committee does not work in accordance with the law.

Mr. Piazza stated that if in fact his accusations are founded, he will be very upset. It will be looked into and if it did take place, then action will be taken. Mr. Piazza and Mr. Weeks stated that they are not aware of changes being made. Mr. Nell stated that this is a very serious concern and needs to be investigated by the proper authorities. Mr. Nell stated that someone on the Committee had to have authorized the changes. Mr. Monahan suggested that Mr. Nell just accuse him personally for altering the minutes. Mr. Nell stated that he was going to but would not be permitted to do so. Mr. Nell did not provide the Committee with any detailed information or proof of his statements.

Mr. Nell provided the Committee with costs and statistics associated with the Squad. Training is received to insure top quality care for the Township residents.

Relative to mutual aid, Mr. Nell stated “that at no time during 2006 did our mutual aid companies come to our aid at any time” with exception of one time when a High Bridge member rode with them in the Township rig. The rest of the calls were handled by Squad 27. Mr. Nell stated that this is a small percentage of Township calls. This year, mutual aid was only needed two times with one of those times being part of a multi-fire, multi-squad response. This the “heart of the dilemma” in which the mutual aid companies must face, the Township Squad’s strength, is their problem.

Mr. Nell provided information on standbys and transports that were provided by the Township Squad and denied by other squads.

Mayor Post stated that the Committee does not challenge any statistics provided and asked Mr. Nell what the Squad’s real concerns are. Mr. Nell stated that the Committee makes undisclosed decisions that materially affect the Township such as requesting Requests for Proposal for a paid squad in the Township. Mr. Nell stated that he is concerned that the Township “colludes” with other squads and has secret meetings behind their backs. Mayor Post stated that he is not sure of where Mr. Nell is getting his facts, but for the record, what Mr. Nell is stating has not happened. Mayor Post made clear that the Committee has not taken any action in hiring a day squad. Mayor Post also stated that “this Township has an obligation to look for alternatives in the event that your membership were to diminish very quickly because of a lack of confidence

in, say the leadership or that service levels were to diminish to the point where it was no longer safe for the community.”

Mayor Post stated that the Committee can receive proposals and never act on them. The Committee needs to make sure that the municipality is covered. Mr. Nell stated that this Township is covered regardless, because it has mutual aid.

Mr. Piazza stated that the Committee and the Squad leadership seem to disagree quite often and suggested scheduling a meeting.

Mayor Post stated that the Committee supports the volunteers but does not always appreciate the tactics the leadership uses. It tends to be aggressive, provocative and abrasive and does not help in trying to solve problems.

Relative to funding, Mayor Post stated that the Committee has a fiduciary responsibility to make sure that the Squad's books and records are audited. The Committee has received documents that would be used for an audit, but has not seen audited financials for 2005. The Township must have the details inventoried, at a cost to the Township, to obtain that audit. Mr. Nell stated that the 2005 documents are at their auditor.

Mr. Nell stated that he feels that the Squad has earned the right to service the Township residents and requested a resolution of the Township Committee stating that LTFAS and it's designates as the sole provider of EMS for the Township of Lebanon. Should the squad determine and/or statistics determine that they are no long able to provide the services, that they will explore all avenues and decide what it best for the Township residents. Mayor Post stated that the Committee will take the request under consideration.

Mr. Nell stated that he would like to schedule a meeting to work through these problems. Mayor Post stated that it is difficult to work with the Squad when they come to meetings and disparage a Committee member and Squad liaison, Mr. Monahan. Mr. Monahan stated that he attended the Squad Open House and was ignored by the members.

Mayor Post stated that the Squad and Committee must work together due to responsibilities to the Township, however, the Committee is looking for respect and reciprocity. Accusations which are unfounded do not help. Mr. Nell said that they may seem unfounded but they do have independent witnesses who saw the same in the altered minutes. Mayor Post asked for Mr. Nell to put the information together and it will be looked into and if he feels it necessary, to contact the prosecutor. There are no impropriates that the Committee is aware of.

Mayor Post asked Mr. Nell to put together an agenda of items that he would like discussed at the meeting.

Mr. Gordon Sandalier asked when Mr. Monahan was appointed as liaison to the Squad and since there are problems, why was someone else not appointed instead. Mr. Monahan stated that the

problems started after he was appointed as liaison. Mayor Post stated that Mr. Monahan is qualified to sit as the liaison. Ms. Schriver stated that Mr. Monahan is the only Committeeman who served on the Squad for many years.

Ms. Joni Note, Vice President of LTFAS stated her concerns with a paid squad. She stated that the patient is billed and sometimes they constantly pester the patient and do not necessarily accept only what they are legally bound to accept, medicare, or any additional payment the patient can offer. Ms. Note said that patient care should be everyone's primary concern. She offered to meet with Mr. Monahan to discuss the issues between the Squad and the Committee. Mr. Monahan stated that the Committee will handle the matter with the proper Squad authorities.

Mr. Monahan stated that he had the opportunity to look at the paid squad's contract. It states that they will only bill twice. The first bill is sent to the insurance company and medicare, then, they bill the patient one time. Mr. Monahan stated that 27 Unit is a paid squad coming into the municipality without a contract with Lebanon Township, therefore they can bill as they want.

Mr. Ken Ader, Captain of the LTFAS stated that yes the paid squad's contract does read as Mr. Monahan stated, however, that is not what occurs. There is a resident present that received no less than 6 bills and in the end a small threat of action to be taken if the bill was not paid. Attorney Bernstein asked Mr. Ader what the Squad was going to do relative to the obligations they have with the mutual aid and Squad 27, to insure that they abide by the obligations that they have with the squad, which is that they will only bill twice. Attorney Bernstein advised that the Squad notify the mutual partners that when it comes to Township residents, to not violate the provisions of the contract by billing more than once. Mr. Ader stated that he has spoken to the other squad captains and he continually hears that there is nothing that can be done because the contract has been signed. Attorney Bernstein disagreed with that position.

Mrs. Joy Franz-Kin stated her endless support for the Rescue Squad. She said that she is much indebted to the Squad for all of their efforts through the years in taking care of her family members. Mrs. Franz-Kin asked for the Committee and Squad to work together for peace and for what is best for the residents of this Township.

Mr. Bill Rauschenberger stated that in the future if the Committee is considering other options for EMS services, the Squad should be included from the beginning as they would be the people working with them.

Mr. Ralph Lomerson, Historian Chairman, stated that Mr. John Bolt contacted Trenton to see what the status was on the application for the Woodglen Historic District. Mr. Bolt was advised that due to the majority of the property owners being against the District, the application was denied. The Historians have laid the project to rest.

*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 Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2007 and convened in executive session at 8:37 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 39-2007**

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:

Negotiations Relative to Land – Other Than Collective Bargaining  
Attorney Client Privilege

*Motion by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:57 p.m.*

Attorney Bernstein stated that all members of the Governing Body were present at the commencement of the executive session were also present at the commencement of the open session, with the exception of Mr. Piazza, as well as the Township Attorney, Township Clerk and the Deputy Township Clerk who was asked to be present in the executive session.

Discussion was held between the Township Attorney and the Township Clerk relative to a request he made regarding comments made during the public comments portion of the open meeting. He inquired whether or not information was in fact an issue relative to prior minutes. The Municipal Clerk will deal with accordingly, with consultation with the Township Attorney. No formal action needs to be taken. Discussion was also held of possible land acquisition. The Mayor was given direction by the Governing Body relative to possible land acquisition. Formal action will not be taken at this time.

*Motion by Ms. Schriver, seconded by Mr. Weeks and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Auditors, Auditor and Company, to*

conduct an audit of the 2005 Lebanon Township Rescue Squad books. The cost of \$5,000.00 will provide for such audit and is to be expended by the Township at this time with possible credit or reimbursement at a future date and time. Subject to availability of funds.

## **ADJOURN**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Monahan and carried by unanimous favorable roll call vote to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

---

Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved

---

Edward L. Post III, Mayor