

**Lebanon Township Committee
April 1, 2009**

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 - Patricia Schriver Jay Weeks
George Piazza Ed Post Francis Morrison

Absent-

Also Present - Attorney Phil George and Clerk Karen Sandorse and 14 members of the public.

PRESENTATION OF MINUTES

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of March 18, 2009.
AYES: Piazza, Post, Morrison, Weeks Abstain: Schriver

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 March 18, 2009.
AYES: Piazza, Post, Morrison, Weeks Abstain: Schriver

PROCLAMATION

Township of Lebanon
County of Hunterdon
State of New Jersey
National Start! Walking Day Proclamation

WHEREAS, each year 1.2 million Americans suffer a new and recurrent coronary attack, and cardiovascular disease is the nation's leading cause of death with direct and indirect costs estimated to be \$4348.5 billion in 2008; and

WHEREAS, more physical activity can help improve these statistics; and

WHEREAS, some adults may gain up to two hours of life expectancy for every hour of regular, vigorous physical activity, such as very brisk walking; and

WHEREAS, in addition to the possibility of increased life expectancy, regular walking has many proven benefits for an individual's overall health. Brisk walking for 30 minutes a day can lower both bad cholesterol (LDL) levels and high blood pressure. It may also help individuals who are overweight prevent weight gain, and reduce their risk of stroke; and

WHEREAS, the Center for Disease Control and Prevention estimate that physically active people save \$330 per year in direct medical expenditures; and

WHEREAS, on National Start! Walking Day, April 8, the American Heart Association's Start! initiative call on all citizens of the Township of Lebanon to walk at least 30 minutes today; and

WHEREAS, the purpose behind National Start! Walking Day is to get Americans to become more physically active by walking.

NOW, THEREFORE, I Mayor Patricia Schriver, in recognition of the importance of regular physical activity, do hereby proclaim April 8, 2009, as

“National Start! Walking Day”

in the Township of Lebanon, County of Hunterdon, State of New Jersey and urge all citizens to show their support for walking and the fight against heart disease and commemorate this day by walking at the Township of Lebanon Memorial Park Walking Path.

By increasing awareness of the importance of physical activity to reduce the risk for cardiovascular disease, we can save thousands of lives each year.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Township of Lebanon this first day of April 2009.

ORDINANCE

**ORDINANCE NO. 2009-02
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**AN ORDINANCE REVISING, AMENDING AND SUPPLEMENTING
CHAPTER 35 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LEBANON,
ENTITLED “FIRE DEPARTMENT” MOST NOTABLY SECTION 35-7, ENTITLED
“CRIMINAL HISTORY BACKGROUND CHECKS OF PROSPECTIVE MEMBERS”
AUTHORIZE CRIMINAL HISTORY BACKGROUND CHECKS FOR ALL
APPLICANTS TO THE
LEBANON TOWNSHIP FIRE DEPARTMENT**

Held to a later date.

RESOLUTIONS

Resolution No. 34-2009 - Support Our Troops Day

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 34-2009. (as written below)

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
RESOLUTION NO. 34-2009
A RESOLUTION HONORING OUR TROOPS AND
“SUPPORT OUR TROOPS DAY”

WHEREAS, the people of this municipality support the New Jersey National Guard and Reserve in the strongest possible terms, are immensely proud of their accomplishments, and are extremely grateful for their services to this State and to the nation over the years;

WHEREAS, in the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession by responding to their community and their country in time of need,

WHEREAS, it is right and proper that we set aside time to honor these fine men and women for the sacrifices they make for every one of us,

WHEREAS, the New Jersey National Guard State Family Readiness Council is honoring them with a concert by the Blawenburg Band at the National Guard Armory in Lawrenceville on “Support Our Troops Day” on Sunday, April 19, 2009,

THEREFORE BE IT RESOLVED, that the governing body of the Township of Lebanon, County of Hunterdon, hereby resolves that it honors these service members and the day of appreciation set aside for them,

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to the New Jersey National Guard State Family Readiness Council, and the New Jersey League of Municipalities.

Resolution No. 35-2009 – Delayed 2009 Budget Introduction

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 35-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 35-2009

WHEREAS, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 31 of the fiscal year; and,

WHEREAS, the Township of Lebanon has delayed the introduction of the 2009 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 2009 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: Edward Post
 Second: George Piazza
 Committee Polled: AYES: Piazza, Post, Schriver, Morrison, Weeks NAYS: 0

Resolution No. 36-2009 – Special Item of Revenue

Motion by Mr. Morrison, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 36-2009. (as written below)

TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 36-2009

WHEREAS, the Township of Lebanon is holding a meeting on April 1, 2009, for the purpose of introducing the 2009 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 2009 Local Municipal Budget be introduced and approved on April 1, 2009.

2009 LEBANON TOWNSHIP MUNICIPAL BUDGET

Surplus anticipated general revenues	\$ 816,000.00
Total Miscellaneous revenue	3,062,725.00
Receipts from Delinquent Taxes	275,000.00
Local Property Taxes	<u>298,153.00</u>
Total General Revenues	<u>\$4,451,878.00</u>
Total Operations	\$3,470,090.00
Capital Improvements	36,000.00
Debt Service	190,632.00
Statutory Expenses	261,981.00
Reserve for Delinquent Taxes	<u>493,175.00</u>

Total 2009 Municipal
Budget \$4,451,878.00

Motion: Francis Morrison

Second: George Piazza

Committee Polled: AYES: Piazza, Post, Schriver, Morrison, Weeks NAYS: 0

It is hereby certified that this is a true and accurate copy of a Resolution adopted by the governing body of the Township of Lebanon at a regular meeting held at the Municipal Building on April 1, 2009.

Resolution No. 37-2009 – Special Item of Revenue

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 37-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION NO. 37-2009

WHEREAS, the 2009 Local Municipal Budget was introduced on the 1st day of April, 2009; and,

WHEREAS, during fiscal year 2009, the Township of Lebanon has been allocated a state grant for the Uniform Fire Safety Act in the amount of \$6,445.00.

NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2009 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 \$6,445.00.

Resolution: Edward Post

Second: Francis Morrison

Committee Polled: AYES: Piazza, Post, Schriver, Morrison, Weeks NAYS: 0

Resolution No. 38-2009 - 2009 Budget Introduction

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 38-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 38-2009

WHEREAS, the 2009 Local Municipal Budget was introduced on the 1st day of April, 2009; and,
 WHEREAS, during the fiscal year 2009 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$20,644.00.
 NOW, THEREFORE BE IT RESOLVED, that petition be made herewith to the Director of the Division of Local Government Services that the 2009 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	\$14,622.00
	Clean Communities – Prior Year	
Unapprop.	1,610.00	
	Recycling Tonnage Grant	1,766.00
	Drunk Driving Enforcement Fund	<u>2,646.00</u>
		<u>\$20,644.00</u>

Resolution: George Piazza
 Second: Francis Morrison
 Committee Polled: AYES: Piazza, Post, Schriver, Morrison, Weeks NAYS: 0

Resolution No. 39-2009 – Application for a Reduced Pension Contribution

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 39-2009. (as written below)

Resolution No. 39-2009
 Resolution of Township of Lebanon
 Making Application to the Local Finance Board for
 a Reduced Pension Contribution
 Pursuant to N.J.S.A 43:15A-24(c) and/or
 N.J.S.A. 43:16A-15(9)

WHEREAS, the Township Committee of the Township of Lebanon in the County of Hunterdon desires to make application to the Local Finance Board for its approval of a reduced pension contribution pursuant for its Police and Fire Retirement System contribution pursuant to N.J.S.A. 43:15A-24(c) and its Public Employee Retirement System contribution pursuant to N.J.S.A. 43:16A-15(9) for certain normal and accrued liability contributions in the amount of:

- Police and Fire Retirement System in the amount of \$74,806.50
- Public Employee Retirement System in the amount of \$32,339.50; and,

WHEREAS, the Township Committee has made certain determinations concerning this application as required by statute and has completed the required Attachment that documents said determinations; and,

WHEREAS, the Township Committee determined that it needs to pay the reduced contribution and said determination is in the public interest; and,

1. the inability of the Township of Lebanon to meet the cap without jeopardizing public safety, health, and welfare or jeopardizing the fiscal stability.

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

Section 1. The reduced pension contribution Attachment, as attached hereto, is incorporated by reference into this Resolution as if contained fully within.

Section 2. The reduced pension contribution for PFRS in the amount of \$74,806.50 and PERS in the amount of \$ 32,339.50, pursuant to N.J.S.A. 43:15A-24(c) and/or N.J.S.A. 43:16A-15(9) et. seq. have been confirmed by the Chief Financial Officer and are the amounts deemed by the governing body for application to the Local Finance Board and as allowed by the New Jersey Division of Pension and Benefits.

Section 3. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, along with other representatives of the Township of Lebanon are hereby authorized to submit such application and to represent the Township of Lebanon in matters pertaining thereto.

Section 4. The Certification of the Chief Financial Officer of the Township of Lebanon, is incorporated into this Resolution as a certification of the truth and accuracy of the facts submitted in the application for pension deferral.

Section 5. The Clerk of the Township of Lebanon is hereby directed to file a copy of this reduced pension contribution resolution as part of the application with the Local Finance Board.

Section 6. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by law .

Recorded Vote

AYES: Piazza, Post, Schriver, Morrison, Weeks NAYS: 0

ABSTAIN: 0

ABSENT: 0

OLD BUSINESS

Approve Summit Risk Non-waiver Agreement – Hyland Litigation

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the Summit Risk Non-waiver Agreement relative to the Hyland Litigation and authorized the Mayor to execute.

Township Garage

Mr. Piazza stated that at the last meeting, the Township Committee talked about Keith Chambers possibly representing the Township in the preparation of the Township Garage project bids. He asked how the Township is going to move forward with the process. Mr. Post asked that a letter be sent to Keith requesting his best and final offer in the project. Paul Jones is to meet with him to discuss the matter also. The Committee would like the proposal in writing.

Proposed Cell Tower

Mr. Post stated that he and Attorney Bernstein met to discuss the bid specifications and some of the objections that the prior two bidders had. Discussion will take place in executive session relative to the preparation of the bid specifications.

NEW BUSINESS

Approve Raffle License Application – St. John Neumann Church – June 5 and July 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 5, 2009 and July 6, 2009.

Approve Blue Light Application – Andrew C. Estal

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee approved the Blue Light Application for Andrew C. Estal.

Approve Highlands Council 2009 Plan Conformance Grant Agreement

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the Highlands Council 2009 Plan Conformance Grant Agreement and authorized the Mayor to execute.

Approve Social Affair Permit for 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 Special Permit for Social Affair application for St. John Neumann Church for an event to be held on June 6, 2009.

Approve Social Affair Permit for Lebanon Township PTA – June 7, 2009

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Special Permit for Social Affair application for Lebanon Township PTA for an event to be held on June 7, 2009.

Approve DPW Supervisor Request for Take You Child/Grandchild to Work Day

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Supervisor's Request for the employees to bring their child or grandchild to work on April 23, 2009 for Take Your Child/Grandchild to Work Day.

Highlands Council

Mr. Tom Borden of the Highlands Council will be in attendance at the May 6, 2009 Committee meeting to discuss Highlands Plan conformance.

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 April 1, 2009 bill list in the amount of \$209,944.93.

CORRESPONDENCE

Township Historians Meeting Minutes for March 5, 2009
Assembly Republican Leader Alex DeCroce –FY 2010 State Budget Resolution Support

PUBLIC COMMENTS

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting.

Nancy Darois inquired on the status of the Township Garage project.

Mr. Brian Wunder asked if it were possible to include the squad in the background check ordinance.

Mr. Ron Milkowski asked if the plans for the Township Garage are going to remain the same as submitted with no possible changes. Mr. Post stated that no one is comfortable yet with the full size and price of the project. The drawings will however remain close to the same, therefore, the price for preparing the mechanical drawings needs to be considered in order to move forward.

Mr. Al Nagie asked the Township Committee if they have given any thought to hiring a consulting engineering firm to look at the drawings. He said that they can fine tune the plans and price.

Mr. Anthony Casale provided the Township Committee with a few relevant suggestions he had relative to the cell tower bid specifications.

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 7:50 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:

Litigation – Hyland
Possible Litigation – Tax Certificate
Attorney Client Privilege - Competitive Bidding Cell Towers

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 8:20 p.m.

Attorney George stated that during the executive session, the Committee discussed Mr. Post's concerns with fine tuning the cell tower bid specifications. Discussion was held on a threatened lawsuit for the foreclosure of an old house rehabilitation loan. Also discussed, were general problems that the Zoning Officer is having with enforcement in certain areas of the Township relative to business being conducted on residential premises.

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 8:22 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: April 15, 2009

Patricia Schriver, Mayor