

**Lebanon Township Committee
April 15, 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 unanimous favorable roll call vote, the Township Committee approved minutes of the Regular Meeting of April 1, 2009.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Executive Session of April 1, 2009.

PROCLAMATION

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the Older Americans Month Proclamation as written below.

**Older Americans Month
PROCLAMATION**

Whereas, the month of May is traditionally designated and observed throughout the nation as Older Americans Month; and

Whereas, the 2009 theme is "Live Today for a Better Tomorrow" in honor of older Americans; and

Whereas, the Township of Lebanon recognizes the contributions older Americans have made to our families, our communities, and our nation; and

Whereas, older Americans remain active and productive, volunteering their time, talents and expertise, thereby enriching all our lives;

NOW, THEREFORE, BE IT RESOLVED that the Township of Lebanon does hereby proclaim the month of May as Older Americans Month and calls upon individuals and entities to honor and celebrate the outstanding contributions of this Municipality's older residents.

ORDINANCE

Introduction

Ordinance No. 2009-03 – Bond Ordinance – Township Garage Project

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee introduced Ordinance No. 2009-03. (as entitled below) AYES: Piazza, Post, Schriver, Morrison NAYS: Weeks

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2009-03

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE FEASIBILITY STUDY AND DESIGN PHASES FOR THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 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.

Mayor Schriver stated that the CFO wrote a letter suggesting that the Township Committee authorize the issuance of this Note as they will be utilizing \$10,000.00 of the Capital Improvement Funds, leaving \$230,000.00 it had. These funds will be used to offset the required 5% down payment, **should** the Township decide to go forward with the construction.

Mayor Schriver stated that the Township Committee was invited in groups to the Township Garage. The DPW employees showed the Committee some of their concerns with the building. Mayor Schriver said that the main areas of concern are; 1) There was a deadline of February

2009, in which the wash station had to comply with state standards. The vehicle wash station is below standard and must be brought up to state code. This station not only service the public works vehicles but also the fire department and police vehicles. There may be an option to permit other municipalities to use the wash station, as a shared service. 2) The building is in bad repair. There is another section of the roof which is close to being lost. 3) The septic is in need of being enlarged or repaired, in accordance with code. A soil log was preformed and an appropriate location to place the system has been determined. 4) The fuel tanks to not meet code. 5) The drainage needs to go into an oil – water separator, which at this time, we do not have. 6) The heating system is in need of an exhaust. 7) There is no ventilation for the trucks 8) The well needs to be replaced, 9) There is no safety on the lifts.

Mr. Post stated that this was his first visit to the garage and he was very moved by the state of disrepair it is in and how the employees have been making due with what they have to work with. It is time to act.

Mayor Schriver stated that the DPW Supervisor Paul Jones believes that at least \$700,000.00 of the work that has been identified can be carried out by the DPW. This would be a cost saving to the Township.

Mr. Morrison stated that he has been there many times and it seems as though the conditions are getting worse and worse. There is no roof, it is as though the employees are working outside. They need help, but at a good cost.

Mr. Piazza stated that when he spoke to the architect he was informed that the Committee can go out for bid with the specs and see what is submitted. At that point the Township Committee can adjust the plans, if necessary. The Committee is not locked into the bids. Mr. Piazza said that they have to start doing something and moving forward. There are months ahead before this can be finalized.

Mayor Schriver stated that there is stimulus money from the state that municipalities are receiving, however, the Township Garage project is not “shovel ready” and the state will not even consider us until it is.

RESOLUTIONS

Resolution No. 41-2009 – Bond Ordinance

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee adopted Resolution No 41-2009. (as written below) AYES: Piazza, Post, Schriver, Morrison NAYS: Weeks

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 41-2009**

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE FEASIBILITY STUDY AND DESIGN PHASES FOR THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$200,000 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."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of May, 2009, at 7:00 P.M., or

as soon thereafter as the matter can be reached, at the regular meeting place of the Township Committee, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Township Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Resolution No. 42-2009 - SALE OF SURPLUS EQUIPMENT

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 42-2009. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 42-2009
RESOLUTION AWARDDING A BID FOR
THE SALE OF SURPLUS EQUIPMENT**

WHEREAS, bids were received on April 8, 2009 for 1 (one) 2003 Ford Crown Vic, Vin #2FAFP71W73X105924, and

WHEREAS, there was an \$1800.00 minimum bid requirement along with a 10% deposit, which was to be submitted with the bid; and

WHEREAS, two bids were submitted:

COMPANY	BID PRICE
Bay Ridge Motors, Inc.	\$ 2109.00
Dan Dames	\$ 700.00

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the bid be awarded to Bay Ridge Motors, Inc. for \$ 2109.00, based on the recommendation of the Assistant Supervisor of Public Works.

BE IT FURTHER RESOLVED that the Township Clerk Township and Assistant DPW Supervisor are hereby authorized and directed to execute the sale.

Resolution No. 43-2009 – Constitute the 2009 Capital Budget

Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee adopted Resolution No 43-2009. (as written below) AYES: Piazza, Post, Schriver, Morrison NAYS: Weeks

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION NO. 43-2009**

WHEREAS, the Township of Lebanon desires to constitute the 2009 Capital Budget of said municipality by inserting therein Various Capital Projects.

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

Section 1. The 2009 Capital Budget of the Township of Lebanon is hereby constituted by the adoption of a schedule to read as follows:

**PROJECT NO. 1
CAPITAL BUDGET OF THE
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON,
NEW JERSEY**

**Projects Scheduled for 2009
Method of Financing**

<u>PROJECT</u>	<u>ESTIMATED COST</u>	<u>BUDGET APPROP.</u>	<u>CAPITAL IMPROVEMENT FUND</u>	<u>CAPITAL SURPLUS</u>	<u>GENERAL BONDS</u>
DPW Garage-Feasibility Study	\$200,000.00	NONE	\$10,000.00	NONE	\$190,000.00

Section 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project to be included in the 2009 Permanent Capital Budget as adopted.

OLD BUSINESS

Lebanon Township Volunteer Fire Department – Replacement of Engine 19-63

Mayor Schriver stated that during the budget process, the Township Committee felt that the agreement between the Township Committee and the Fire Dept., for the five year engine replacement, begins next year. Therefore, the Township Committee requested that the Fire Dept. wait until that time to seek bids for the replacement of Engine 19-63. The Township Committee cannot afford to expend the money for the vehicle until next year.

Steve Freeborn, Chairman of the Truck Committee, stated that he has been in contact with one of the suppliers that they have been working with to have a set of specs drawn up. Steve made him aware of the Committee's concerns and they said that if the Township were to go out to bid for the truck tomorrow, there would be no out of pocket expense until the truck is delivered. This is unless the Committee chooses to pay for the chassis, upfront, as they have in the past. This

would provide for a \$3,000.00 credit. The cost of the chassis would be \$103,000.00. Steve stated that the truck will take nine months to build, from the time the bid is awarded.

Attorney Bernstein stated that if the Township Committee allows the Fire Department to move forward without a payment until next year, they are committing themselves to the purchase next year. Unless the Committee is going to reject the bid, if it is over the budget limit. The question is, who is going to pay what and how much? Steve stated that the Fire Department voted at their meeting, the night before, to purchase a brush truck. Mr. Post asked what the estimated cost is for the Tanker. Steve stated that it would be just under \$340,000.00.

Mr. Post stated that when the Committee went through the capital process they had gone through the details of the relative price of the truck and the agreement between the Township Committee and the Fire Department. The cycle time for the replacement of equipment and in anticipation of the lead time, the Committee wanted to permit the Department to proceed so we would be in a position to take delivery of the truck in the fifth year. Mr. Post stated that if the Committee were to move forward with such, he would like to condition giving the Department the "go ahead", upon confirmation from the Township's CFO that the Committee budgeted the correct capital dollar amount and that the funds will not have to be expended until next year. Mr. Post stated that he wants to insure that there is no cost liability this year.

The Clerk will speak to the CFO. Attorney Bernstein stated that it must be kept in mind, that although this particular contractor has agreed to this payment option, this is an open bid process, and there is no guarantee that the successful bidder will provide the same contract option.

Steve Freeborn stated that this truck has no "bells and whistles", it is a very basic truck from past trucks. It is a tank, a pump and a chassis.

The Township Committee authorized the Fire Department to move forward with starting the bidding process by having bid specs drafted for the Township Attorney's review.

Mr. Post asked that if the Fire Department is on a five year delivery cycle, and the last truck was delivered in 2006, isn't this process being accelerated by a year. Jay Harkins stated that it takes nine months from blueprint to build. Therefore, even if the process is started with the money, it will take a year just to build. Mr. Post stated that based on receiving the specs and the award, the Township would potentially be able to say that we would not take delivery until January 2011. Mr. Post added that the question is, does the Township Committee want to compress the five year agreement and is it something that needs to be considered.

Jay Harkins stated that he has to take the truck out of service as the pump failed last year and it is out of NFP requirements.

The Clerk will speak to the CFO and the Fire Department will provide the Township Attorney with the proposed specs.

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee authorized the Fire Department to move ahead with obtaining bid specifications to be presented to the Township Attorney for review. This is assuming that the Township CFO is in agreement with moving ahead with the procedure.

Proposed Cell Tower

Held for executive session.

Ordinance 2008-14 – Fire Department Background Checks

Ron Milkowski stated that at the last Committee meeting, the Fire Department was provided with a copy of the revised Background Check Ordinance. Ron stated that in reviewing the amendment, it was his understanding that it provided a way to grant waivers for certain offenses, which could otherwise deny membership. He does not believe that the amendments will solve the problem. The requirements that are in place now are so restrictive that you would be able to be a police officer in the Township, but not a firefighter.

Ron feels that the entire ordinance needs to be rewritten and quite a bit of time will need to be put into it. Ron asked the Township Committee to abandon the existing ordinance and to authorize the police department to perform a background check and to advise as to their findings. Based on the Chief's advisement, the Fire Department would either allow or not allow an individual to apply for membership. Ron stated that he spoke to the Chief and he is willing to handle the process as such.

Attorney Bernstein stated that if the Chief has issues with the ordinance, then he should speak to the Township Committee directly. The Chief should put it in writing to the Township Attorney, what his recommendations are for amendments.

NEW BUSINESS

Approve “Click It or Ticket May, 2009” Grant/Authorize Mayor to Sign

There is a grant being offered by the NJ Division of Highway Traffic Safety for municipalities to provide a two week enforcement, overtime campaign, from May 18, 2009 through May 31, 2009. The project is designed to increase seatbelt usage in the participating municipalities. The grant is for \$4000.00.

The Township Committee stated concerns with the campaign and the fact that the grant is not for issuing warnings. There is a requirement that tickets be issued. The Committee denied the grant application and stated that unless it is extremely worthwhile they do not support the program

John Potenza – Fire Station No. 1 Inquiry

The Township Committee received a communication from TRC Raviv, the environmental consultant, regarding Fire Station No. 1’s well testing. The Fire Department would like to pave the parking lot and the concern is that the Township needs to make sure that the two wells in the parking lot are properly sealed. TRC will handle the project at a cost of \$2100.00.

The funds are to come out of the TRC testing line in the budget.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized TRC to move forward with the sealing of the wells, at a cost not to exceed \$2500.00 and upon certification of funds.

Sharing of Police Services

Mayor Schriver stated that she received an email from the Director of Shared Services from the Hunterdon County Chamber of Commerce stating that the Borough of Hampton is interested in seeing what options there are in the sharing of police services.

The issue was tabled until the Mayor can find out more information.

Chambers Architect – DPW Garage Project - Phase II

Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee moved to proceed with Chambers Architect for Phase II of the Township Garage project at a cost of \$65,000.00. This motion is under a Non-fair and Open Contact which was approved at the January 2009 Reorganization meeting. This appointment is subject to the adoption of Bond Ordinance 2009-03. AYES: Piazza, Post, Schriver, Morrison NAYS: Weeks

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 15, 2009 bill list in the amount of \$2,633,928.75.

CORRESPONDENCE

Tax Collector's Report of Uncollectible Taxes
Tax Collector's Report for the Month of March 2009

PUBLIC COMMENTS

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

Ron Milkowski stated that the Township had a committee put together, a few years ago, to evaluate the needs of the Township garage. Ron said that he understands that the Township does need a new garage, however, what they are planning to put there is over the top.

Ron provided the Committee with his opinion in the project's plans.

Discussion was held on the way to proceed with the plans.

Committeeman Post, Paul Jones, Warren Gabriel, Ken Swan and Ron Milkowski will meet to discuss the pros and cons of the proposed garage plans.

Mr. John Locker of County Route 513 inquired on the status of the police findings relative to the concerns he has with loud motorcycle mufflers and jake braking on County Route 513. The Clerk will speak to the Chief.

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. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 44-2009 and convened in executive session at 8:16 p.m.

TOWNSHIP OF LEBANON
RESOLUTION NO. 44-2009

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:

Attorney Client Privilege –
Bids Specifications
Lebanon Township Rescue Squad
Litigation or Pending Litigation –
Hyland
Benzie

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 8:58 p.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. There was a brief discussion with the Rescue Squad relative to ongoing Attorney Client Privilege issues. A standing committee will be appointed by the Mayor to meet with the Squad on a quarterly basis and report back to the Governing Body. No formal action needs to be taken. There was a discussion relative to the ongoing litigation involving Mary Hyland as well as a property on Woodglen Road. The insurance carrier is handling the Hyland matter in conjunction with the Township Attorney's office. The Township Attorney's office has notified the holder of the Tax Sale Forclosure Certificate, for the Woodglen Road property, of the Township's position on moneys owed to the Township. No formal action is to be taken at this time. There was a discussion with the Governing Body relative to bid specifications for the cell tower project. There will be one last correction made, in conjunction with members of the Committee who are going to search for a missing piece. Once complete, the final specifications will be sent to the Clerk for publication. The award date will be sometime in May or June.

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 8:59 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 20, 2009

Patricia Schriver, Mayor