

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 Eric Bernstein, CFO Greg DellaPia and Clerk Karen Sandorse.

RESOLUTIONS

Resolution No. 45-2009 – Tax Sale Certificate

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 45-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 45-2009
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate 01054 on September 19th 2001 to James C. Older and,

WHEREAS this certificate had been assigned to Beyond Redemption LLC on February 28th, 2005 and,

WHEREAS the amount of 69,169.20 has been collected from Theodore Marcu the owner of the property, known as Block 53, lot 6, 322 Turkey Top Road for the redemption of this certificate,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$69,169.20 and that

this check be mailed to Beyond Redemption LLC, 88 East Main Street, Mendham New Jersey 07945 .

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 May 6, 2009 bill list in the amount of \$1,290,068.29.

2009 BUDGET

Resolution No. 46-2009 – Self Exam 2009 (Budget)

Motion by Mr. Post, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 46-2009. (as written below)

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 46-2009

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Lebanon meets the necessary conditions to participate in the program for the 2009 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Lebanon that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)

3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

2009 BUDGET – PUBLIC HEARING

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee opened the public hearing for the 2009 Proposed Budget.

There were no comments from the public.

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.

DPW Garage Project

Architect Keith Chambers provided the Township Committee and the residents with a detailed presentation of the proposed DPW Garage plans.

Mr. Post stated that the Township is at the point now, with the conditions of the garage, that moving forward with the present facility is not even an option. Due to the health, safety, HVAC issues it is not an alternative. Mr. Post stated that he would implore the residents to meet with the DPW Supervisor so they can get a real appreciation for such. Over the past 20 years, the property has been maintained and kept up but the municipality has not invested in it. The structures are at the end of their useful life. Mr. Post also stated that what impresses him most is that the taxes in the municipality could be more if the Township Committee does nothing. The Committee does not believe that it is anyone's interest, especially the Township's fine Road

Department, to proceed and do nothing. It is incumbent on the Community to make a decision. Mr. Post stated that the Committee is not at the point tonight to commit \$4,000,000.00. This is the feasibility study for this project. The Committee is not done; there are a few members of the Community which are interested in the project, who also have expertise in this, who will be asked to contribute their guidance to us. The next step in the process is to engage Architect Keith

Chambers, to come up with a set of construction documents that would allow the Committee to understand the real costs and to apply for any stimulus money. What that money may do for the Township, is unknown at this time. Stimulus money cannot be applied for until we have a set of construction documents.

Mr. Post stated that the Ordinance, which the Township Committee will be considering for adoption, is to permit the Committee to move to the next step, to get to the point of having construction documents to find out the true cost.

ORDINANCE

Public Hearing

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

Motion by Mr. Piazza, seconded by Mr. Post and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2009-03 was opened.

Mr. Dennis Duryea of Terry Lane was present and submitted a 415 signature petition to the Committee requesting that they suspend any and all DPW Garage plans until a feasibility study is completed and the estimates of the cost of the project are provided to the residents of Lebanon Township and that the residents are given the opportunity to vote on the project.

Many residents made statements to the Township Committee relative to the cost of the project, the size of the proposed building, environmental issues, highlands and wetlands issues, past and future maintenance of the Township's DPW facility, and the lack of community involvement. A few residents offered to sit on a sub-committee to provide their expertise in such a project.

The public hearing was closed on a motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote.

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2009-03 as written 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.

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 undertake the feasibility study and design phases for the construction of a new Department of Public Works ("DPW") Garage at the existing DPW site on Anthony Road in, by and for the Township. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$200,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$200,000, and (4) \$10,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$190,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$200,000 which is estimated to be necessary to finance the cost of such purpose, 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 4. It is hereby determined and stated that moneys exceeding \$10,000, 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 purpose. The sum of \$10,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$190,000 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 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$190,000 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 7. 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 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 9. 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 \$190,000 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 10. Any private contributions, any funds received from 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 purpose,

shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. 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 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township expects 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 13. 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 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

DPW Garage Sub-Committee

A sub-committee will be formed and Mr. Post and Mr. Piazza will sit as the Township Committee representatives.

RECESS

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee recessed the meeting at 8:05 p.m.

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee reconvened the meeting at 8:35 p.m.

OLD BUSINESS

Lebanon Township Volunteer Fire Department – Brush Truck Finance Application Authorize the Clerk to Sign

Attorney Bernstein stated that he is drafting an agreement relative to the purchase of the Brush Truck. The Fire Department will finance the truck but the Township will hold the note. At this

time, the Committee is being asked to authorize the Clerk to sign the application for financing of such.

Motion by Mr. Piazza, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee authorized the Clerk to sign the financing application for the purchase of the Brush Truck.

Fire Department's Request for a Tanker Truck

Fire Chief Jay Harkins stated that the fire department is in a predicament as the old truck has some issues with it, one being overweight. Jay stated that since it is overweight, the Fire Department is taking on a large liability if someone is to be hurt, even if it is not the Department's fault. There could be serious consequences. Jay said that the timing is critical and it is not an issue that they want it now, it's an issue that they need it now. He is also trying to save the Township money. There are new NFP standards that will go into effect next year which will be required for engines and pumper tankers. There are annual price increases to be considered.

The weight is a concern for the Fire Department and the insurance needs to be considered. The truck has been overweight since its purchase 26 years ago. Jay Harkins stated that the Fire Department just found out that the truck is overweight.

Steve Freeborn stated that as a CDL License holder if he got in an accident in a commercial vehicle that is overweight he is liable and can be sued.

President John Kneafsey stated that at the fire on Dewey Lane, they used 40,000 gallons of water to extinguish the fire. The problem was that they used their usable supply of water, between three engines and the Glen Gardner tanker and then had to wait as they were completely out of water for 20 minutes before the first tanker arrived from the Tanker Task Force with more water. The Department went through 6,000 gallons of water in a matter of minutes.

There are \$2100.00 in repairs that need to be done on the Tanker at this time.

Mayor Schriver stated to Chief Harkins that she understood that when he met with the Township CFO and the Clerk, it was agreed that the Fire Department would follow the procedure as laid

out previously. He stated that he did not know what the Township Committee's wishes were, but this is a different situation at this time, due to the weight and the cost involved. He is not sure if the cost will be the same next year.

Mayor Schriver asked if the Fire Department has to go with the Cadillac when there is probably something just as good without a name. Jay stated that the truck that the specifications were drawn from has no extras on it, no bells and whistles.

CFO Greg Della Pia asked the Fire Department if they have any money to put toward the purchase of the truck. Jay Harkins stated that they are buying a brush truck. However, Greg stated that they are buying the truck on credit and if they have money, do they want to contribute to the tanker.

Mayor Schriver asked Jay if they have applied for the 2009 Homeland Security Grant as they stated that they did last year, to offset the cost of the truck. Jay stated that, yes they will be applying for the grant again this year. Mayor Schriver stated that they should do it as soon as possible. The Fire Department has applied for two other grants from the NJ State Firemen's Fund. One is for the Brush Truck and one for the tanker. They should hear something in July or August.

Mr. Post stated that the Committee would like a commitment that any grants funds which are received will be used to pay off any principle balance which is had.

Mr. Week stated that the Squad has been asked in the past to contribute toward the purchase of an ambulance and the Fire Department should be made to do the same.

Mr. Post stated that if the Fire Department puts in \$30,000.00 it may be more reasonable to consider the truck purchase at this time. Mayor Schriver stated that the Fire Department needs to speak with their membership on their contribution and come back to the Committee with their decision.

Schedule Special Meeting with Planning Board – June 2, 2009

Motion by Mr. Piazza, seconded by Mr. Post and carried by favorable roll call vote, the Township Committee scheduled a special meeting with the Lebanon Township Planning Board on June 2, 2009 so they may be in attendance for a Highlands presentation.

NEW BUSINESS

TRC Environmental Corp. – Todd Reinold Email – Draft Remedial Action Report

The Clerk is to ask Todd Reinold or John Potenza to be in attendance at the May 20, 2009 meeting.

Tier B Municipal Stormwater General Permit – Report and Certification

Motion by Mr. Post, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved the Tier B Municipal Stormwater General Permit Report as submitted by Engineer Steve Risse and authorized the Mayor to execute.

Hunterdon County Utilities Authority – Recycling Shared Service Proposal

Hunterdon County is looking into Recycling Shared Services and has sent a letter to the Township Committee requesting their interest in participating in such. The Committee would like to speak with the Lebanon Township SWAC Steve O'Reilly and the DPW Supervisor Paul Jones prior to responding. The Clerk will contact Cynthia Yard to see if the response time can be extended until after the next meeting.

Treasurer and Assessor Request to Purchase Computers

The Township Treasurer and the Township Assessor have each requested to purchase a new computer. The Cost for the Assessor's computer will be taken from the Current budget and the Treasurer's will be taken from Clean Communities Grant funds. There was not objection to the purchase.

CORRESPONDENCE

Meeting Minutes of the Lebanon Township Historians – April 2, 2009
Hunterdon County Health Department –
Notice of Model Septic Maintenance Ordinance Meeting
Township of Tewksbury – Municipal Court Finances
New Jersey General Assembly – EMT Training Fund

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. Ron Milkowski stated that the correspondence that the Township Committee received relative to the EMT Training Fund is a very important issue and he would like to see the Township send a letter of support.

Motion by Mr. Post, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Attorney to draft a resolution opposing the State's position in removing \$4,000,000.00 from the EMT Training Fund.

Anthony Casale stated that he still has concerns with the Cell Tower specifications. Discussion was held on the co-locator's 5 year term, the definition of development fees and material breach language.

Motion by Mr. Morrison, seconded by Mr. Post and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.

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 9:30 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 20, 2009

Patricia Schriver, Mayor