

**Lebanon Township Committee
July 7, 2010**

Minutes of Regular Meeting

CALL TO ORDER

Mayor Jay Weeks 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 Jay Weeks asked everyone to stand for the flag salute.

ROLL CALL

Present - Jay Weeks Patricia Schriver George Piazza
Francis Morrison Brian Wunder

Absent -

Also Present - Attorney Eric Bernstein, Attorney Phil George and Clerk Karen Sandorse

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of June 28, 2010 – Tabled to August 4, 2010 Meeting

PUBLIC COMMENTS – Agenda Items Only

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

There were no comments from the public.

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.

ORDINANCES

Public Hearing

Attorney Phil George read Ordinance 2010-09 aloud and in full.

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2010-09 was opened.

Members of the Rescue Squad stated that they are still open to compromise. They did not hear from the Committee to schedule a meeting. They asked for the Committee to hold off on their vote.

Concern was raised with the continuation of the food pantry which operates out of the squad building.

Residents stated that they think that the squad provided a fine service to the Township and feel that the Township Committee is being unresponsive in trying to resolve this issue. A resident questioned where the money is going to come from for the Fire Dept. to provide Emergency Medical Services. Residents also raised concerns with the cost of attorney fees and suggested that the issue be put out for a public vote.

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by favorable roll call vote, the Township Committee closed the public comments portion of the meeting. AYES: Wunder, Schriver, Weeks, Piazza Nays: Morrison

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2010-09 as written below. AYES: Schriver, Weeks, Piazza Nays: Wunder, Morrison

**ORDINANCE NO. 2010-09
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 35, ENTITLED "FIRE DEPARTMENT", SPECIFICALLY
SECTION 2, ENTITLED
"APPROVAL OF AGREEMENT TO PROVIDE FIRE SERVICES"
TO DESIGNATE FIRST AID RESPONDER**

WHEREAS, the Township of Lebanon, County of Hunterdon, State of New Jersey has previously designated the Lebanon Township Volunteer Fire Department (hereinafter referred to as the "LTVFD") to provide fire protection services to the Township of Lebanon; and,

WHEREAS, the Township of Lebanon now wishes to designate the Lebanon Township Fire Department as its first aid responder.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 35 of the Township Code of the Township of Lebanon, entitled "Fire Department", specifically § 2, entitled "Approval of Agreement to Provide Fire Services" is hereby amended, revised and supplemented as follows:

§ 35-2 of the Revised General Ordinances of the Township of Lebanon is hereby amended to

read as follows:

[deletions shown by ~~strikethrough~~; additions shown by underline].

§ 35-2 Approval of agreement to provide fire services-, ambulance services and first aid services.

In accordance with N.J.S.A. 40A:14-68, the Township of Lebanon hereby approves and authorizes the execution of all necessary agreements with the LTVFD to provide fire services to the citizens and residents of the Township for the purpose of extinguishing all fires within the Township. The LTVFD is hereby designated as the entity responsible for providing all fire services and extinguishing all fires within the Township of Lebanon. The Township of Lebanon hereby further approves and authorizes the LTVFD to provide all ambulance services and first aid services in the Township of Lebanon as the first responder for such services, subject to such mutual aid agreements, as may be applicable, from other municipalities' rescue squads, ambulance squads, first aid squads and/or fire departments and/or as well other Township of Lebanon designated ambulance services/first aid service/rescue service providers, who provide such services without mutual aid as described above, but by Township Committee designation. No other organization or entity shall be designated to provide such services for the Township of Lebanon unless duly approved and authorized by the Township Committee of the Township of Lebanon.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.
3. This Ordinance shall take effect immediately upon final passage and publication as required by law.

RESOLUTIONS

Resolution No. 58-2010 -Renewal of Retail Consumption License

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 58-2010. (as written below)

RESOLUTION NO. 58-2010 RESOLUTION RENEWING PLENARY RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2010-2011 year:

1019-33-001-002 A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ

Resolution No. 59-2010 – Certification of the Annual Audit

Motion by Mr. Piazza, seconded by Mayor Weeks and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 59-2010. (as written below)

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 59-2010
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and.

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Lebanon, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

OLD BUSINESS

Request for Release of Capital Funds

The DPW Supervisor, Warren Gabriel, sent a letter to the Township Committee requesting permission to proceed with capital purchases which include the following projects:

- | | |
|---|--------------|
| 1) Overlay of Newport Rd & Cannon Hill | \$200,000.00 |
| 2) Replacement of Tractor and Mower | \$80,000.00 |
| 3) Fueling Station for new garage | \$300,000.00 |
| 4) Replacement of Backhoe
(See below item) | \$85,000.00 |

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the request to proceed with the capital purchases as request.

NEW BUSINESS

Replacement of Backhoe

The DPW Supervisor sent a letter to the Township Committee to inform them that while doing some pipe work on Poplar Road, the backhoe sprung a hydraulic leak which prohibited the continued use of the backhoe. The leak is from the torque converter area of the transmission. The DPW took the backhoe to Powerco Services and received an estimate of \$15,000.00 for the repairs, however, Powerco could not guarantee that it would be the total cost until they took it apart. If the torque converter is cracked, it could cost another \$10,000.00 to replace it.

The backhoe is 16 years old and has 4000 hours on it and Powerco did not feel that it was worth putting that kind of money into it. Warren has done some checking into the replacement of the backhoe. The cost would be around \$85,000.00 which is a State Contract price.

In his 2010 capital budget request, Warren had asked to purchase a paver in the amount of \$125,000.00. He suggested that, if possible, he would like to use the paver money for the replacement of the backhoe and to leave the paver for consideration in the 2011 budget. Warren stated that the DPW cannot be without a backhoe as they have projects scheduled and it would not be cost effective to rent one. The DPW has drainage projects that need to be completed before winter to correct some hazardous icing conditions.

Township Historians – Lebanon Township Brochure

Ms. Schriver stated that at the June 16, 2010 meeting the Township Historians provided the Township Committee with a copy of the proposed Lebanon Township Brochure for their review and approval. Ms. Schriver stated that she has two concerns with the brochure; 1) the municipal office hours need to be changed to reflect that the office is no longer closed for lunch 2) the brochure was paid for by a grant and since it was worked on by all of the historians, at some point, it should not list one individual as the creator.

Motion by Ms. Schriver, seconded by Mayor Weeks and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Historians to amend the proposed brochure by listing the Municipal Office hours as 8:00 a.m.– 4:30 p.m. and to cite the Lebanon Township Historians as the creator's of the brochure, not one individual.

Recycling Coordinator Position

Ms. Schriver stated that the Recycling Coordinator position needs to be considered in the near future.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the July 7, 2010 bill list in the amount of \$1,820,570.96

CORRESPONDENCE

Tax Collector's Report for the Month of June 2010

PUBLIC COMMENTS

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

Township residents raised concerns with the continuation of the food pantry, which operates out of the squad building, what ambulances the fire department will be responding with once Ordinance 2010-09 takes effect, costs for attorney fees and needed EMS equipment. They also inquired on the possibility of a public referendum.

Motion by Ms. Schriver, seconded by Mr. Weeks 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 Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: August 4, 2010

Jay D. Weeks, Mayor