

CALL TO ORDER

Mayor George Piazza 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 George Piazza asked everyone to stand for the Flag Salute and for a Moment of Silence.

ROLL CALL

Present - Patricia Schriver George Piazza
 Francis Morrison Ron Milkowski

Absent Brian Wunder

Also Present - Attorney Dick Cushing, CFO Greg Della Pia, Clerk Karen Sandorse and 5 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Piazza and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of October 19, 2011. AYES: Morrison, Schriver, Piazza ABSTAIN: Milkowski

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of October 19, 2011. AYES: Morrison, Schriver, Piazza ABSTAIN: Milkowski

PUBLIC COMMENTS – for agenda items only.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.

Mr. Nancy Darois stated her disappointment in the Committee considering sharing the Tax Collector position with another municipality without having the residents of the Township vote on it. Ms. Darois also asked if the Township is saving any money in sharing the position.

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

RESOLUTIONS

Resolution No. 80-2011 – Shared Municipal Tax Collector

Mayor Piazza stated that shared services is nothing new to the Township. The Township has participated in shared services with Tewksbury and Califon for road work. We share services with Tewksbury for Construction Code and participate in a Joint Municipal Court. State aid is now being determined partially by shared services. The Township also participates in cooperative purchasing with a few different entities. Mayor Piazza stated that when a municipality approaches you and requests a shared Tax Collection position and it is a savings to both towns, it is something you have to do. The Township has been involved in shared services and will continue to do so. Mayor Piazza stated that other positions in the Township have and are being considered for shared services also. Mayor Piazza noted that if the Township Committee finds an entity to share services with and the township saves money, they will take part because it is their job to do so. The Township Committee feels that they are doing what is best and are forced to do it, all the way up to the Governor.

Attorney Cushing stated that there is pressure by the State, on municipalities, to try to share services. The Governor and the Legislature are pushing municipalities to be more efficient and to use resources more wisely.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 80-2011.

RESOLUTION NO. 80-2011
AUTHORIZING THE ESTABLISHMENT OF AN OFFICE OF
SHARED MUNICIPAL TAX COLLECTOR BETWEEN THE TOWNSHIP
OF TEWKSBURY AND TOWNSHIP OF LEBANON, COUNTY OF
HUNTERDON, STATE OF NEW JERSEY PURSUANT TO
N.J.S.A. 40A:65-1 et seq.

WHEREAS, the Township of Tewksbury (hereby referred to as “Tewksbury”) and the Township of Lebanon (hereby referred to as “Lebanon”), in the County of Hunterdon, State of New Jersey, are desirous of achieving cost savings and efficiencies by having Tewksbury be the lead agency for the establishment of an office of Shared Municipal Tax Collector; and

WHEREAS, Section 40A:65-1, et seq., allows for two (2) or more municipalities to enter into an Interlocal Services Agreement (“Agreement”) for the establishment of the office of a Shared Tax Collector ; and

WHEREAS, Lebanon is committed to participating in shared services agreements whenever the benefits of such an agreement provides cost effective and efficient service so that the cost of government is reduced to the greatest extent possible;

WHEREAS, Lebanon has a documented history of providing cost effective service through shared services to other municipalities, including Tewksbury; and

WHEREAS, Lebanon currently participates in a shared services agreement with Tewksbury for the Building Code Official and also shares the use of equipment with Tewksbury for road

maintenance. In addition Lebanon participates in a shared purchasing service as part of the Morris County Cooperative purchasing agency and judicial service as part of the North Hundred and Municipal Court;

WHEREAS, the State of New Jersey has strongly encouraged municipalities to participate in shared services agreements. In adopting 40A:65-1, et seq., the Legislature made the following finding regarding the benefit of shared services: "The problem of high property taxes paid by New Jersey's residents is not easily solved, but can be ameliorated through changes to the laws designed to encourage government efficiency through shared services, regionalization and consolidation.

WHEREAS, To further this goal, in part, the State of New Jersey has required municipalities to participate in a Best Practices Inventory as part of the application by municipalities for discretionary State aid. On July 18, 2011, the Department of Community Affairs, Division of Local Government Service issued Local Finance Notice, LFN 2011-18R, regarding the 2012 Best Practices Inventory Questionnaire ("Questionnaire") municipalities are required to complete in order to receive discretionary aid. Discretionary aid granted by the State of New Jersey to a municipality reduces the tax burden upon municipal tax payers. The Questionnaire to be completed by municipalities asks a series of questions about municipal operations and the steps being taken by municipalities to reduce the cost of government operations. The second question on the list is: "Did your municipality evaluate and/or enter into at least one new shared service or cooperative agreement in 2010, outside of joining cooperative purchasing system?" The criteria established by the State for withholding aid is predicated on the number of yes answers that are provided to the Questionnaire. Accordingly, participating in shared services agreements is encouraged by the State and helps municipalities secure State aid.

WHEREAS, the Chief Financial Officer of Lebanon has calculated the saving from participating in a shared service with Tewksbury for Tax Collector. He has concluded the yearly savings for Lebanon taxpayers will be approximately \$15,358.00 per year.

WHEREAS, the Mayor and Council of Lebanon have concluded a shared tax collector with Tewksbury will provide the municipality a significant yearly savings and that the services can be efficiently provided to its taxpayers.

WHEREAS, Tewksbury and Lebanon have agreed upon a form of Agreement, attached hereto as Schedule A, for the creation of the office of Shared Municipal Tax Collector, which Agreement is open to public inspection at the offices of both municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Lebanon hereby authorizes the creation of the office of Shared Municipal Tax Collector, which office shall be held by the Tax Collector agreed upon by Tewksbury and Lebanon for a term of four years, they authorize the Township to enter into an Agreement in the form attached hereto setting forth the administrative and financial responsibilities of each municipality for this shared service; and

BE IT FURTHER RESOLVED, that the Mayor, Clerk, Chief Financial Officer, and any other proper official of the Township, be and each of them is hereby authorized to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary and proper for carrying out the transactions contemplated by this resolution.

BE IT FURTHER RESOLVED, the Shared Service Agreement for Shared Municipal Tax Collector shall become effective December 1, 2011, providing a Resolution authorizing the Shared Municipal Tax Collector is adopted by Tewksbury Township and both parties execute the Agreement attached as Exhibit A by that date.

ORDINANCES

Public Hearing

Ordinance No. 2011-10 –DPW Garage Bond Ordinance

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-10 was opened.

There were no comments from the public.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2011-10 was closed.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2011-10 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2011-10

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$600,000 FOR THE CONSTRUCTION OF A NEW DPW GARAGE IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Township Committee of the Township of Lebanon has heretofore authorized the construction of a new Department of Public Works ("DPW") Garage at the existing DPW site on Anthony Road, and appropriated the aggregate sum of \$2,100,000 therefor pursuant to ordinance nos. 2009-07 and 2011-07 adopted by the Township Committee of said Township on October 7, 2009 and August 3, 2011, respectively; and

WHEREAS, the Township Committee now finds and determines that the additional sum of \$600,000 is required for such improvement, NOW, THEREFORE,

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township"), as follows:

Section 1. The additional sum of \$600,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance nos. 2009-07 and 2011-07 adopted by the Township Committee of the Township on October 7, 2009 and August 3, 2011, respectively (collectively, the "Prior Ordinances"). Said

additional appropriation shall be met from the bonds authorized and the down payment appropriated by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "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 estimated cost of said purpose is \$2,700,000, including the sum of \$2,100,000 appropriated by the Prior Ordinances and the \$600,000 appropriated by this ordinance, and (4) \$134,770 of said sum is to be provided by the down payment, including the \$104,770 appropriated by the Prior Ordinances and the \$30,000 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$2,565,230, including the \$1,995,230 authorized by the Prior Ordinances and the \$570,000 hereinafter authorized, and (6) the cost of such purpose, as hereinbefore stated, does not include any amount 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 3. It is hereby determined and stated that moneys exceeding \$30,000, 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 \$30,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$570,000 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 5. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$570,000 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 6. 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 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 7. 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 8. 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 \$570,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, 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 10. The Township intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinances and described herein. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation 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 11. 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 12. 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 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

OLD BUSINESS

DPW Manager- Request to Purchase Two Dump Trucks

The DPW Manager, Warren Gabriel, is requesting permission to obtain bids for the purchase of two dump trucks. The new trucks will be replacing two Ford F-800 dump trucks. Mr. Gabriel has certified with the CFO, Mr. Della Pia, that funds are available in the 2010 and the 2011 Capital budget to cover the purchase. The total cost of this purchase will be approximately \$275,000.00.

Mr. Milkowski stated that he had requested that Mr. Gabriel put a plan in place to prevent the DPW employees from being on the road for too many hours during a snowstorm. Mr. Milkowski stated that Mr. Gabriel has been working on the Plan and he is satisfied with that.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee authorized Mr. Gabriel to seek bids for two new dump trucks.

Township Engineer Steve Risse Correspondence – Drainage, 141 Mountain Top Road

The Township Committee had received a complaint from Mr. and Mrs. Previti of 141 Mountain Top Road relative to storm water runoff. The DPW has already made modifications to correct the problem, however, the Mr. and Mrs. Previti do not feel that it is adequate. The Township Committee asked the Engineer, Steve Risse, to look into the matter. Ms. Schriver stated that Mr. Risse sent correspondence to the Township Committee stating that the modifications are adequate however, a neighbor had put sandbags in front of their property which directed excess water to 141 Mountain Top Road.

Mr. Gabriel stated that he and Mr. Risse met with Mr. Previti at his home. Mr. Previti informed Mr. Risse and Mr. Gabriel that during Hurricane Irene and Tropical Storm Lee the basin worked perfect. The sandbags placed at the neighbor's property sent the water down Mountain Top Road. The basin above the Previti's became blocked due to the overload of water and then the new basin below the Previti's home became blocked. Mr. Gabriel stated that the DPW will be replacing the top basin with a basin with a curb back. The water will have no other choice but to go into that basin. This will hopefully correct the problem.

Rescue Squad Matter

Ms. Schriver stated that the Township Committee has been discussing the Rescue Squad matter since the start of the year. The Township is now having a problem with the Squad building in regards to the Bankruptcy Trustee. Ms. Schriver stated that she feels that the residents need to be made aware of the situation.

Attorney Cushing provided an overview of the Squad matter and the attempts that have been made to acquire the Squad building. After many discussions between the Township, the Trustee and the Trustees Attorney and efforts to convey the building back to the Township. The Trustee has now determined that since legally they cannot figure out a way to convey the complete Deed to the Township they are going to abandon the property. Attorney Cushing stated that the impact is unclear since the Rescue Squad does not seem to be a functioning organization. The easiest solution would be for the Squad members to simply convey any Right, Title or Interest they have so that the matter can proceed. This would save the taxpayers money.

Ms. Schriver stated that the Food Pantry is continuing to use the building. They are paying for the electric service which is most likely a burden for them. Ms. Schriver stated that she feels that the building belongs to the residents. The Squad members provided a service through efforts and donations from the residents. Many of the residents, Ms. Schriver included, have participated in catered events, by cooking, washing dishes and cleaning, to raise funds to support the Squad for the services they provided and for the upkeep of the building. Ms. Schriver stated she would be angry as a resident if her money had gone toward the building and the building has since been trashed. Much of the equipment, furniture and dishes have been taken out and sold. The building has not been kept up and has not been for years. Ms. Schriver stated that she feels that the Committee should ask two Officers from the Squad to come to the Township meeting and ask them if they would turn the building over to the Township so no additional taxpayers money is spent. Ms. Schriver stated that the Township now has residents who are providing EMS for the Township and are doing a very good job. There are new members who have joined also. Ms. Schriver stated that they are providing a great service however, they are handicapped because they do not have the building that they need to work out of or to store the vehicles in. Ms. Schriver feels that the Squad Officers need to be informed as to what the Township is up against.

Mayor Piazza stated that the Attorney who drew up the Deed and the Reverter Clause intentions were that if there were a problem internally with the Squad and it disbanded the building would revert back to the Township residents. The interpretation of the language is the problem.

Attorney Cushing stated that the Trustee's attorney advised him today that they will be filing the abandonment with the Bankruptcy Court. Until that has been done, it is still under the Bankruptcy

Court. Attorney Cushing stated that there are issues which relate to the maintenance of the building, oil, heat, and other important factors that need to be considered and maintained. The building needs to be kept in good shape.

Ms. Schriver stated that this has been very difficult on her and she feels that the building belongs to the community and it needs to go back to the community. There are residents who are ready to raise money and work to bring it back to proper condition.

Chambers Architect Contract

Mr. Milkowski stated that he was not present at the last meeting. He questioned the contents of Chambers Architect contracts, which were approved at that meeting. Mr. Milkowski requested the he be able to speak to Keith Chambers for clarification. The Committee agreed.

NEW BUSINESS

DPW Manager – Request to Purchase Hydraulic System

The DPW Manager, Warren Gabriel is requesting permission to add a Hydraulic System to our 2010 Ford Mason Dump. This year the DPW will be short one dump truck because of a blown motor. In adding the Hydraulic System to the Mason Dump, Mr. Gabriel will be able to put an existing salt spreader on it to help fill in the gaps of a missing truck.

The Hydraulic System will be purchased through the Morris County Coop. The cost for the Hydraulic System is \$7,000.00. Mr. Gabriel has certified with the CFO that there are funds in the DPW's operating budget for the purchase.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request to purchase a Hydraulic System through the Morris County Coop at a cost of \$7,000.00.

Approve Raffle and Bingo Licenses – PTSO Voorhees High School Inc.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle and Bingo License for PTSO Voorhees High School Inc. in support of Project Graduation.

New Committee Member

Mr. Milkowski asked Attorney Cushing if it would be acceptable to include the Committeeman-Elect in the closed meetings for the remainder of the year. Attorney Cushing stated that it would be suitable once the General Election has passed.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the November 2, 2011 bill list in the amount \$3,348,277.62.

CORRESPONDENCE

2012 Municipal Court Budget – Comments to Committeeman Wunder by 11/9/11
Thomas Borden – Highlands Council – Plan Conformance

PUBLIC COMMENTS

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

Mr. Bob Hayes, a Glen Gardner resident, was present at the meeting to discuss concerns he has with the conditions of the property at 2053 Route 31 in the Township. The residents at the location hold steady yard sales. There are large items on the property and the property is an eyesore. The Clerk notified the Committee that the Zoning Officer had sent a letter to the residents of 2053 Rt. 31 informing them of the violations associated with the property.

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

EXECUTIVE SESSION

Motion by Ms. Schriver, seconded by Mayor Piazza and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.81-2011 and convened in executive session at 8:15 p.m. It is not anticipated that action will be taken at the close of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 81-2011

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:

Potential Litigation
Tilcon Litigation
First Aid Squad
Personnel – Potential Litigation
Contact Negotiations

The Township Committee reconvened the Regular Committee meeting at 8:56 p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed the Tilcon Litigation. There were discussions relative to the Rescue Squad and the general need for the building to be protected. The Committee also discussed the Crusader Litigation and that the insurance company has come in to provide the defense. Collective Bargaining, Shared Services was discussed along with a matter pertaining to a concern with a professional and certain issues associated with his billing.

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Morrison 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: December 7, 2011

George Piazza, Mayor