

CALL TO ORDER

Mayor Thomas McKee 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 McKee asked everyone to please stand for the Flag Salute and for a Moment of Silence in honor of our Troops.

ROLL CALL

Present - Tom McKee Patricia Schriver Francis Morrison
 Ron Milkowski Bernie Cryan

Absent-

Also Present - Attorney Lorraine Staples, Clerk Karen Sandorse and 20 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of December 19, 2012

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of December 19, 2012. AYES: Schriver, McKee, Milkowski, Morrison ABSTAIN: Cryan

Minutes of the Executive Session of December 19, 2012

Motion by Ms. Schriver, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of December 19, 2012. AYES: Schriver, McKee, Milkowski, Morrison ABSTAIN: Cryan

Minutes of the Reorganization Meeting of January 2, 2013

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of January 2, 2013.

PUBLIC COMMENTS – for agenda items only.

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

Mr. Anthony Casale asked if the Quest Environmental Proposal relates to an application to terminate the DEP requirement for testing at Fire Station No. 1. Ms. Schriver stated that the proposal includes the phasing out of several wells; however, more testing will need to be conducted to prove that additional phasing can be done.

Mr. Casale asked where the unsafe structure is located in the Township. Mayor McKee stated that the property is located on Route 31.

Mr. Casale asked what the Request for the Storage of EMS Patient Records pertains to. Mayor McKee stated that the matter pertains to the prior EMS Squad and the Committee needs to discuss where, when or how the Township can house the records. Mr. Casale stated his concern with the Township taking on the responsibility of sensitive records.

Mr. Casale asked what the concern is with the allotment of time for public comment during meetings. Mayor McKee informed Mr. Casale that the Committee will be discussing the possibility of limiting the time in which the public may speak during the two public comment portions of the meeting. Mr. Casale stated his concerns with limiting the amount of time that the public has to speak during the meeting.

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

ORDINANCE

Ordinance No. 2013-01- ESTABLISHING A CAP BANK

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-01 was opened.

Mr. Anthony Casale asked if the ordinance pertains to a specific item. Mayor McKee stated that it does not.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-01 was closed.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2013-01 as written below.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2013-01**

**CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40a:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Lebanon in the County of Hunterdon finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 1.5% increase in the budget for said year, amounting to \$ 60769.38 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Township of Lebanon shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$141,795.22, and that the CY 2013 municipal budget for the be approved and adopted in accordance with Township of Lebanon this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE 2013-02 – CESSATION OF MUNICIPAL COURT/SHARED SERVICE AGREEMENT

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-02 was opened.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-02 was closed.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2013-02 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2013-02

AN ORDINANCE APPROVING THE CESSATION OF THE REGULAR MUNICIPAL COURT CASE FUNCTIONS OF THE NORTH HUNTERDON MUNICIPAL COURT AND APPROVING THE SHARED SERVICES AGREEMENT TO PROVIDE FOR THE STORAGE, SECURITY AND ADMINISTRATION OF THE MUNICIPAL COURT OF NORTH HUNTERDON'S CASE FILES AND RECORDS AND THE CONTINUATION OF BUSINESS AS REQUIRED AFTER CESSATION OF REGULAR MUNICIPAL COURT CASE FUNCTIONS

RESOLUTIONS

Resolution No. 22-2013 – DPW Garage Project Change Order No. 09

Motion by Mr. Milkowski, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 22-2013 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 22-2013
DPW GARAGE PROJECT
CHANGE ORDER NO. 09

WHEREAS the need has arisen for a change order for the DPW Garage Project;
WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Excavate and remove unsatisfactory soil in parking lot as directed by Twp. Engineer, and replace with quarry process material S-3c 103.18 tons @ 19/ton	\$ 1,960.42

S-5 68 C.Y. excavation @ \$15/C.Y.	\$	1,020.00
10%	\$	<u>298.04</u>
Sub Total	\$	3,278.46
S-3b deduct for deleting of 1-5 asphalt 494.1 tons @ \$96/ton	\$	(47,433.60)
S-3d deduct traffic striping	\$	<u>(850.00)</u>
Sub Total	\$	(48,283.60)
Add Grab Bars (see attached)	\$	135.00
Add guard rail at electrical panels	\$	1,000.00
Install drains for water lines going into storage end of building	\$	176.00
10%	\$	<u>131.10</u>
	\$	1,442.10
3b DPW installed asphalt for salt barn 20.94 tons @ \$96/ton	\$	(2,010.24)
Total Change Order Deduct	\$	(45,573.28)

The new (Contract Sum) including this Change Order will be... \$ 2,079,191.47

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval of a credit in the amount of \$(45,573.28).

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 09 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 23-2013 – DPW Garage Project Change Order No. 10

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 23-2013 as written below.

**TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 23-2013
 DPW GARAGE PROJECT
 CHANGE ORDER NO. 10**

WHEREAS the need has arisen for a change order for the DPW Garage Project;
 WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Revised Door Track	\$ 790.00
+10%	\$ 79.00
+ 5%	\$ <u>39.50</u>
	\$ 908.50

The new (Contract Sum) including this Change Order will be... \$ 2,080,099.97

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval of a payment in the amount of \$ 908.50.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 10 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 24-2013 – DPW Garage Project Change Order No. 11

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved Resolution No. 24-2013 as attached. AYES: Schriver, Milkowski, McKee, Morrison NAYS: Cryan

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 24-2013
DPW GARAGE PROJECT
CHANGE ORDER NO. 11**

WHEREAS the need has arisen for a change order for the DPW Garage Project;
WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Completion date extended to February 28, 2013 (see attached letter)	
The new (Contract Sum) including this Change Order will be...	\$ 2,080,099.97

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval for the extension of time, to February 28, 2013, for completion of the project.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 11 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 25-2013 – DPW Garage Project Change Order No. 12

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 25-2013 as written below.

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 25-2013
DPW GARAGE PROJECT
CHANGE ORDER NO. 12**

WHEREAS the need has arisen for a change order for the DPW Garage Project;
WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Add eight lights 1 emergency light extra fire alarm to added mezzanine	\$ 5,305.98
	\$ 5,305.98
The new (Contract Sum) including this Change Order will be...	\$ 2,085,405.95

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval for the payment of \$5,305.98.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 12 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 26-2013 - DPW Garage Project Change Order No. 13

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 26-2013 as written below.

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 26-2013
DPW GARAGE PROJECT
CHANGE ORDER NO. 13**

WHEREAS the need has arisen for a change order for the DPW Garage Project;
WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Add 6" epoxy base up walls in Wash Bay and Mechanic's Bay	\$ 1,275.00
	\$ 1,275.00
The new (Contract Sum) including this Change Order will be...	\$ 2,086,680.95

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval for the payment of \$1,275.00.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 13 for the DPW Garage Project be approved and authorized the Mayor to execute.

OLD BUSINESS

Former Rescue Squad Plaque

Part of the final settlement agreement with the First Aid Squad was to have a plaque placed at the Squad building in honor of all of the EMS volunteers who served the Township through the years. The Committee discussed the size and type of plaque to be purchased as well as where the plaque will be placed. The language has already been agreed to by all. The Committee decided that the plaque will be placed on the outside of the building where it will be most visible for all to see. Mr. Milkowski will look into possible plaque options for the Committee's consideration.

Lebanon Township Fire/EMS Report

Mr. Tom Carlucci and Mr. Al Bauer were present. Mr. Carlucci provided the following report.

- 32 calls for EMS during the month of December.
- 14 calls were covered during the Clinton Town contracted hours.
- 18 calls were covered during the hours that Station 19 covers.
- 11 new members since October 2012.
- 9 new members are certified EMT's.
- 1 current member has become an EMT.
- 1 member is in EMT training.
- 2 members are enrolling in an EMT program.
- Bylaws are in the final stages with hope for first reading at February Dept. meeting.
- Fire Dept. has been training with mutual aid companies.
- Department is doing really well.

Mr. Carlucci stated that space is tight and the Department can use additional space. Mr. Carlucci stated that Sunday through Thursday they have staffed duty crews. On Friday there are split crews and Saturday they "scramble". Mayor McKee stated that there seems to be growth and he hopes that it continues. Mr. Carlucci stated that they are always looking for new members.

Fire Tank/DPW

Mayor McKee stated that, with all good intentions, the fire suppression tank was installed off of the Fire Department property line. The Committee has had to look into easements and other possible ways to rectify the problem. Mayor McKee stated that the Committee decided to withhold the final payment from the Contractor until they see where the Township is going. Mayor McKee stated that the Township has incurred some responsibilities and costs so the Committee opted to hold the funds as a precautionary measure. Mr. Milkowski stated that the tank was installed on a neighbor's property. Mr. Milkowski asked the Contractor to tell the Committee and the public why the fire tank was installed in the place that it was. Mr. Pete Rochelle stated that he sent a letter to the Township Attorney in response to a letter that he received from Attorney Cushing. Mr. Rochelle stated that his letter outlines exactly why the tank was placed where it was. Mr. Rochelle stated that three years ago, at the pre-construction meeting, the tank was to be installed where it is and last year when it was put in the ground it was in the exact same place. Mr. Rochelle noted that there were no plans provided by the Township's Engineer. Mr. Rochelle stated that if the tank was not placed in the

location it is, it would have had to be placed in the middle of the parking lot of the firehouse. Mr. Rochelle stated that the DPW dug a test hole, prior to the job going to bid, to check for water which they did find. Mr. Rochelle said that he was never informed that the tank would not be on Township property. Mr. Rochelle stated that he found out later that someone had been told that the tank was going to be off of their property however no one ever relayed the information to Mr. Rochelle, the Architect or the Engineer. Mr. Rochelle stated that the tank is where it is because that is where they were told to put it. Mr. Rochelle stated that apparently someone knew, three years ago, that the tank was going to be off the property but no one ever looked into it. Mr. Milkowski asked Mr. Rochelle if the Township Engineer was at the meetings and if he told him where to install the tank. Mr. Rochelle stated that three years ago, at the pre-construction meeting, all of the contractors went to the site and Warren Gabriel was present also. Mr. Milkowski stated that he asked the Engineer about the issue and Mr. Risse stated that he was not in attendance at the meetings. Mr. Rochelle agreed that Mr. Risse was not present. Mr. Milkowski asked Mr. Rochelle who told him to install the tank where it is. Mr. Rochelle stated that Warren Gabriel showed him where it was to be located. Mr. Milkowski questioned that it was not one of the professionals and Mr. Rochelle agreed. Mr. Rochelle stated that the Architect did not know where the tank was to be installed. Mr. Milkowski stated that unfortunately Mr. Rochelle was not provided with a map at that time however, in looking back, Mr. Rochelle should have insisted on having one. Mr. Rochelle stated that, in hindsight, the Township should have had a survey prior to putting the tank in the ground. Mr. Milkowski stated that Mr. Rochelle installed the tank with no stakes other than an employee's statement of where the tank was supposed to be placed. Mr. Rochelle stated that he put stakes in ground and the neighbor notified someone in the Township that the stakes were on his property. Mr. Milkowski stated that he understands that the neighbor sent an email to the Fire Chief informing him that the stakes were on his property. The Chief informed the neighbor to contact the DPW Manager but Mr. Milkowski does not know what happened from there. Attorney Staples stated that the parties are trying to work out the problem and the Committee is requesting that the Contractor have patience until the matter is resolved. Mr. Rochelle stated that he has had seven months of patience. Mayor McKee stated that matters like this takes time. Mr. Rochelle asked if the easement will included the Fire Department's parking lot that is located on the neighbor's property also. Mr. Rochelle stated that he will be patient until the end of February.

Quest Environmental Proposal - Fire Station No. 1

Mayor McKee stated that Quest provided a proposal for vapor sampling, treatment system evaluation sampling and well abandonment. Ms. Schriver stated that in 2011 the DEP decided that certified agents would be able to provide testing out in the field. The owner of Quest Environmental holds the title of LSRP which enables him to make decisions without relying on the DEP's recommendations. There are two monitoring wells that the Township is hoping to abandon and there is certain work that needs to be done on a periodic basis. Ms. Schriver stated that she feels that the Township is on the right tract in trying to eliminate some of the cost at the Fire House.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved the Quest Environmental Proposal for Fire Station No. 1. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

NEW BUSINESS

Architect Keith Chambers – Extended Services Due to Construction Schedule Change

Mr. Milkowski stated that the Request for Extended Services pertains to the Clerk of the Works onsite supervision of the DPW Project and the Architects administrative services for the extended thirty six days. The proposal is for \$10,400.00. Mr. Milkowski stated that he does not like it because he does not like to spend more money but he does feel that the Township needs it.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the extended Architect's contract from January 10, 2013 to February 28, 2013. AYES: Schriver, McKee, Milkowski, Morrison NAYS: Cryan

Architect Keith Chambers - Request for Payment Approval for Wash Bay Power Washer

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the payment for a Wash Bay Power Washer, in the amount of \$5396.00, which will to be released when the equipment is delivered.

Potential Land Acquisition – Fire Tank

Mayor McKee stated that this matter will be held and discussed in executive session. Mr. Milkowski stated that since the DPW Fire Tank was installed on the neighbor's property the Committee needs to discuss whether they will need an easement or if they will need to purchase the land. Mr. Milkowski stated that when the Committee comes out of executive session they will most likely have a decision.

Fundraising Committee – Squad Building Restoration

Ms. Schriver stated that she feels that she will not be able to obtain enough money, through grants, to restore the Squad building and to purchase the equipment that was removed from the building. Ms. Schriver requested that the Committee form a fund raising committee. Ms. Schriver stated that she would like to be part of the fundraising committee and has individuals who have offered project ideas and would like to be involved. Ms. Schriver will Chair the committee and will make monthly reports to the Township Committee.

CO Charlie Rogers - Notice of Unsafe Structure

Mayor McKee stated that the CCO Charlie Rogers has informed the Committee of two unsafe structures located at 2069 Route 31 in the Township. The structures need to be demolished as they are unsafe and hazardous. There is no response from the property owners and the Township will need to take action. Attorney Staples stated that there are procedures to follow in this matter and her office will look into the matter.

Califon Volunteer Fire Company – Request for Annual Contribution

Califon Volunteer Fire Company sent a letter to the Township requesting a donation for their services in the Township. Mayor McKee stated that he had some confusion with the request but

noted that there is a line item in the Township budget for Aid to Mutual Aid Communities. Ms. Schriver stated that the Committee should look at past practices and knows that the Committee has struggled with this issue many times in the past. Mayor McKee asked the Fire Department if they receive donations from surrounding towns. Assistant Chief Carlucci stated that he does not believe so. The Committee will look further into the request.

Tino DeSantis – Request to Store EMS Patient Records

Mr. Tino DeSantis sent a letter to the Township Clerk requesting that the Township store past EMS patient records. Mayor McKee stated his concern with the request. Ms. Schriver stated that she feels that the Committee needs a legal opinion on the request. Mr. Cryan stated that HIPAA Laws need to be considered as well as the length of time in which the records need to be held. Ms. Schriver stated that she feels that the Committee should obtain a legal opinion and an opinion from the insurance agent on possible liabilities to the Township.

Trailer Park License – Camelot at Spruce Ridge

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a Trailer Park License for Camelot at Spruce Ridge for the 2013 year.

Junkyard License - A.S. Milkowski & Sons LLC

Motion by Ms. Schriver, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved a Junkyard License application for A.S. Milkowski and Sons LLC for the 2013 year. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

Hunterdon County Open Space Trust Fund Application – Block 16, Lot 17 (Part) Lot 20 (Part) and Proposed Lot 20.01

Mayor McKee stated that this property is located by the Learning Center on Hoffman's Crossing Road. The property adjoins the Ken Lockwood Gorge. The New Jersey Conservation is preparing a Hunterdon County Open Space Trust Fund funding application in an attempt to acquire 50 acres of land for preservation. The land is owned by the Four Season Outdoor Center, LLC. The acquisition of the land will provide for additional public access and recreation opportunities in a natural and important area. Mr. Milkowski asked if there is any cost to the Township. Mayor McKee stated that he does not believe so, at this time, as the acquisition will be fee simple.

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee authorized the Clerk to send a letter to New Jersey Conservation stating the Township's support of the acquisition with the stipulation that if there is a cost to the Township the Township should be advised for further consideration. AYES: McKee, Milkowski, Morrison, Cryan ABSTAIN: Schriver

Allotment of Time – Public Comments

Mayor McKee stated that in thinking of the length of time of past meetings he placed this issue on the agenda for the Committee to consider setting some type of time consideration on public

comment. Mayor McKee thought that there could possibly be two periods to speak, during each public comment, which would allow for four comment periods, per person, during the Committee meeting. Mr. Milkowski stated that he feels that time limits may be something that the Committee should consider but not at this time, possibly in the future. Ms. Schriver stated that in the past Committees did have a limited time for public comment because people would get off on a tangent. Ms. Schriver stated that she feels that the Mayor has the right to move the meeting along at his discretion. Mr. Morrison stated that he feels that it is up to the Mayor to decide the limit of public comment. Mr. Cryan stated that there are entities that utilize the time constraints in the interest of making sure that everyone has the opportunity to speak, however, he is willing to agree with the majority of the Committee on the issue. Mayor McKee stated that the process will remain the same and there will be no time limit. The Committee will manage the comments as deemed necessary.

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 January 16, 2013 bill list in amount of \$290,864.80.

CORRESPONDENCE

- a. Recreation Committee's Meeting Minutes – November 15, 2012
- b. Historian's Meeting Minutes – December 13, 2012
- c. Tax Collector's Report for the Month of December 2012
- d. Tax Collector's Annual Report the 2012 Year
- e. Chambers Architect DPW Project Updates – 12/28/2012 – 01/11/2013

Standing Committee Meeting Minutes

Mr. Milkowski asked if it is possible to post the Standing Committee meeting minutes. He stated that in some organizations, just because they are public, it does not mean that the minutes can be posted. Mr. Milkowski would like to discuss the matter under attorney client privilege.

PUBLIC COMMENTS

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

Mr. Anthony Casale asked if the generator has been used at the municipal office. Mr. Milkowski stated that the generator has been used but he does not know how it is being paid for.

Mr. Casale stated that there had been discussion on the Fire Department sharing the Township Office generator and asked what the outcome was. Mr. Milkowski stated that he spoke to the individual who volunteered to look into the possibility and he was informed that it would be marginal in the Township Office and Fire Department sharing the generator since it is supposed to work off 80% of

the total capacity. Mr. Milkowski stated that if there was a reduced usage there would be enough capacity. Mr. Milkowski stated that the Committee will need to speak with the Fire Department to see if they have interest in sharing the generator.

Mr. Casale stated again his concern with the Township storing the past EMS records.

Mr. Casale asked Mr. Milkowski why he abstained from the approval of the Quest Environmental proposal for Fire Station No. 1. Mr. Milkowski stated that he had done work for Quest in the past and felt that it would be best to abstain.

Mr. Casale stated that he is getting uncomfortable with the way Mr. Milkowski called the Contractor up to investigate why the fire tank was placed where it was at the firehouse. Mr. Casale stated that the Township has had a history, in the past few years, of not stating who is to blame for errors or decisions that were made in which the Township lost money. Mr. Casale stated that he feels that someone is looking to "call out a name" in the fire tank matter and he does not like it. Mr. Casale stated that there is personal stuff that happens in the Township and the Committee should just drop it and move on. Mr. Casale stated that he felt that Mr. Milkowski was interrogating the Contractor and he does not appreciate it and requested that it be placed on record. Mr. Milkowski stated that all he was attempting to do was to show that it was not the Township's professionals who made the error so the Township could not go after them for it.

OEM Coordinator Alan Goracy stated that the Township will be reimbursed by FEMA up to 75% for the storm clean up, during a 30 day period. This does not include the work that was done in the first three to five days. The 75% covers all regular time pay and equipment usage. Mr. Goracy stated that he and the DPW Supervisor met with a FEMA representative and the DPW is approximately 55-60% done with the chipping. FEMA will assist the Township in removing stumps that need to be trucked away. Mr. Goracy stated that he never gets the same answer from FEMA. The Government has approved more FEMA money for New York and New Jersey. Mr. Goracy stated that he is probably within a week or two of accumulating what is needed to submit to FEMA. Mr. Goracy stated that Mr. Gabriel has papers which FEMA does not provide as they want the towns to put this together loosely. Mr. Goracy stated that he spoke to the Fire Chief and there appears that there will be some Fire Department reimbursement for equipment use however they have not decided on volunteer hours for the first three to five days. Mr. Goracy stated that he received a letter from a resident regarding mitigation and the installation of a natural gas line. Mr. Goracy stated that he forwarded the letter onto the FEMA rep. Mayor McKee stated that the letter pertains to residents along the Raritan River who have oil or propane tanks that were floating down the river. The thought is that if they have natural gas they will not have that issue again.

Ms. Nancy Darois asked when the DPW garage will be completed. Mayor McKee stated that the project will be done on February 28, 2013. Ms. Darois stated that enough is enough and it is time to finish the project.

Ms. Darois asked how the Township residents are to find out about the storm chipping. She does not feel that the sign in front of the building is sufficient. Ms. Darois stated that the residents have to take responsibilities for their own properties but if they can drag the branches to the curb they need to know the details. Mr. Cryan stated that he will contact the DPW Manager regarding her questions.

Mr. Victor Hoffman questioned the actual amount of brush pick up that has been completed and questioned if the DPW will have enough manpower and equipment to get the work done in the 30 day period. Mr. Hoffman stated that the Township had the opportunity to hire other people to get the chipping done but were then told that the DPW can handle the work. Mr. Milkowski stated that he contacted the DPW Manager and was reassured that the DPW can handle the cleanup. Mr. Hoffman stated that the Township had the opportunity to contract out for the service but does not know if they still do. Mr. Hoffman asked what the protocol is on picking up the brush. He asked how the DPW is handling the pickup as he knows that there is brush on certain roads that has not been picked up yet. Mr. Hoffman stated that it behooves him as to why the residents need to make a phone call to have the brush picked up. Mayor McKee stated that it is his understanding that what has been done in the past will be done in this instance also. There have been storms in the past and brush was chipped and removed. Mr. Hoffman stated that the brush on Bunnvale Road has been sitting there for quite a while as well as County Route 513. Mr. Morrison stated that he does not see people chipping and feels that they are way behind.

Mr. Hoffman asked if the Township website is the official website. Mr. Milkowski stated that the Committee needs to discuss what it takes to make if the official site. Mr. Milkowski stated that Mr. Hoffman is correct and it needs to be addressed.

Mr. Hoffman stated concerns with the Committee addressing matters at meeting but once they walk out the door "it is no longer here". Mr. Hoffman asked if the Committee ordered the FEMA manual that was discussed at the last meeting.

Mr. Hoffman stated that he thinks that the Township needs more information on the Squad's patient records and questioned where the records are at this time.

Mr. Hoffman stated that he disagrees with Mr. Casale and questioned who "dropped the ball" in the placement of the fire tank. Mr. Hoffman stated that it seems to him that if people are possibly going to "get their tails chewed out" or have to come up with a monetary retribution, no one wants to mention names. Mr. Hoffman asked how much it is going to cost for the easement. Mr. Hoffman stated that this should have never happened on a project. Mr. Hoffman stated that there were too many people who should have been overseeing the project. Mr. Hoffman stated that he is hoping that it will not happen again because it has cost the Township thousands and thousands of dollars.

Mr. Hoffman asked what the status is of the Squad building. Ms. Schriver stated that there is an estimate for at least \$80,000.00. Discussion was held on the work that needs to be done. Mr. Hoffman told the Committee to inform the public of what needs to be done so they can work with the Committee. Ms. Schriver stated that she envisions the work to be similar to the Park. The pavilion was built with volunteer labor. Ms. Schriver stated that the work has been done through raised money. Ms. Schriver would like to pattern the work at the Squad building after the Park.

Mr. Hoffman asked if something will be done with the unsafe structure on Newport Road. Mr. Hoffman stated that it should be protected.

Mr. Hoffman again stated that he would like to know if Township website is the official message of the Committee or is it wishful thinking. Mr. Hoffman stated that by the next meeting he would like something concrete on the subject.

Mr. Milkowski stated that regarding the Squad building, when the building was originally built his company did all of the site work for it, which was donated and another contractor dug the footings at no cost to the squad. Mr. Milkowski stated that a lot had been done in the past and if in the future there is something that can be done it will be. Mr. Milkowski stated that his company did work for the Park as well as the pond behind the Municipal Building at no cost to the Township. Mr. Milkowski stated that many people in the community are providing a service at no cost. The contractor, who did the site work in the Park, did it at almost no cost.

Mr. Milkowski stated that they are not quite sure why the fire tank was installed in the wrong location at the firehouse. Mr. Milkowski stated that there is a Clerk of the Works on the project and questioned why he did not question where the tank was to be placed but noted that the COW did not tell the contractor where to place it. Mr. Milkowski stated that it is a "gray area" on how the tank was placed where it is. Mr. Milkowski stated that he believes that an employee informed the Contractor where the tank should go but it was done in good faith and he does not believe that it was done deliberately.

Mr. Milkowski asked Attorney Staples if the Township Committee needs to adopt an ordinance or a resolution establishing that the Township website is the official website. Attorney Staples stated that the website is the official website of the Township as it was established by the Township Committee. Mayor McKee stated that the website is where the residents can officially gather information from, as well as the sign in front of the Municipal Office or by a phone call to the Municipal Office. Mayor McKee stated that there have been ways for the public to receive the information.

At the last meeting Mr. Hoffman questioned why the Committee meeting minutes were not up to date on the webpage. The Clerk informed Mr. Hoffman that there was a problem with the webhost therefore, Karen Newman had a problem accessing the site and was unable to post the minutes. Karen Newman has since changed to another webhost and the problem has been resolved. Mr. Hoffman stated that it was a logical reason. Mrs. Sandorse stated that the minutes are posted at the municipal office and copies will be provided upon request.

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

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2013 and convened in executive session at 9:09 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 27-2013**

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to

attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ Professional Service Contracts – **Office Cleaning Contract**. The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: **EMS Patient Records** _____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the

matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ Union Contract _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Township Committee reconvened the Regular Committee meeting at 9:44 p.m.

During the executive session the Township Committee discussed a cleaning service contract and property acquisition related to the fire tank. The attorney has been authorized to proceed with contract negotiations with the property owner.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Clerk to solicit quotations for cleaning service for the municipal facilities and to enter into a contract not to exceed \$8500.00 for the year.

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 9:45m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 6, 2013

Thomas McKee, Mayor