

**Lebanon Township Committee
February 4, 2015**

Minutes of Regular Meeting

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 Servicemen and Women.

ROLL CALL

Present - Thomas McKee Ronald Milkowski Bernard Cryan
 Brian Wunder Marc Laul

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 3 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of December 17, 2014

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of December 17, 2014. AYES: McKee, Milkowski, Cryan ABSTAIN: Wunder, Laul

Minutes of the Executive Session of December 17, 2014

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the executive session meeting of December 17, 2014. AYES: McKee, Milkowski, Cryan ABSTAIN: Wunder, Laul

Minutes of the Reorganization Meeting of January 7, 2015

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the Re-organization meeting of January 7, 2015.

PUBLIC COMMENTS – for agenda items only.

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

ORDINANCES

Ordinance No. 2015-01 – CAP BANK

Public Hearing

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2015-01 was opened.

There were no comments from the public.

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2015-01 was closed.

Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2015-01 as written below.

STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
ORDINANCE NO. 2015-01
CALENDAR YEAR 2015
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 1.5% 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 2015 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 \$ 62,444.48 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 2015 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 \$ 145,703.78, and that the CY 2015 municipal budget for the Township of Lebanon be approved and adopted in accordance with 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.

RESOLUTIONS

Resolution No. 21-2015 - \$551,210 Bond Anticipation Note

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 21-2015 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 21-2015

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$551,210 BOND ANTICIPATION NOTE, DATED JANUARY 30, 2015, PAYABLE JANUARY 29, 2016, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Township intends to issue a \$551,210 bond anticipation note, dated January 30, 2015 and payable January 29, 2016 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

SECTION 1. The Township Committee hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Township (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Township Clerk, Chief Financial Officer and other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2015.

SECTION 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2015.

SECTION 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2015 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Resolution No. 22-2015 – Acting Clerk

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 22-2015 as written below.

HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 22-2015

RESOLUTION APPOINTING TEMPORARY CLERK FOR FEBRUARY 18, 2015 MEETING

WHEREAS, the Clerk and the Deputy Clerk will be absent for the February 18, 2015 regularly scheduled municipal meeting; and

WHEREAS, it is necessary that there be a person designated to be the Acting Clerk in order to assist in the preparation for the meeting and for attendance at the meeting in order to fulfill the duties of Clerk at the February 18, 2015 meeting; and

WHEREAS, Gail Glashoff is the Clerk of the Planning Board and accordingly is experienced in and capable of fulfilling the duties of Acting Clerk;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that Gail Glashoff is hereby designated to fulfill the duties of Acting Clerk for the February 18, 2015 Township Committee meeting and to take such actions as would have been taken by the Municipal Clerk.

OLD BUSINESS

Gypsy Moth Aerial Suppression Program

Mayor McKee informed the Committee of the requirements of the Gypsy Moth Aerial Suppression Program. The spraying will be conducted by the New Jersey State Department of Agriculture. Mayor McKee stated that he attended a regional meeting where the NJ Dept. of Ag was present to discuss the program in detail. Mayor McKee was notified that the Township should budget \$60 per acre as opposed to the original \$55.15 per acre that was previously indicated by the Department. The Township will need to put a line item in the 2015 budget for the cost of the aerial spraying. Mayor McKee noted that there is the possibility that the Federal Government will have funding in place to give back up to 50% of the cost to the Township. Mayor McKee stated that the Township will have to establish a one hour no fly time that will need to be coordinated with two of the schools as there will be spraying by the high school and one of the local schools. The Township will have to inform all residents in the area that will be sprayed as well as the local farms. The Township will also be responsible to inform the surrounding municipalities of the Township's intent. Two Department of Public Works employees will need to be available the morning of the spraying to communicate with ground control. In addition, a legal notice and a display ad will need to be placed in the newspaper. Mayor McKee noted that there will be a cost to the Township in addition to the fee for the spraying and cost cannot be recovered. Mayor McKee stated that he was also informed that the Township will not be named as additionally insured by the State or the vendor which is an insurance issue.

Mr. Cryan stated that there are two very small parcels that are a problem and he questions if the cost will outweigh the benefits to the Township.

Mr. Laul asked how severe the problem is. Mayor McKee stated that he believes that the Dept. of Ag tries to hold a consistent average and the Township is slightly over the average.

Mr. Milkowski stated that he feels that it is a large undertaking for the small area that is affected. He feels that the Township should see what happens next year.

Mr. Wunder suggested that a notice be put in the newsletter asking for the residents to contact the Committee if they are noticing any issues with Gypsy Moths on their properties.

Mr. Laul will speak to the Environmental Commission to see if they can place an article in the Spring newsletter advising the residents on how to identify the Gypsy Moths and possible preventive measures for their properties.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee tabled the Gypsy Moth Suppression Program for this year and will reconsider the need next year if the problem should manifest.

A letter is to be sent to the Dept. of Agriculture to inform them of the Committee's intent.

NEW BUSINESS

Green Team – Sustainable New Jersey Program

Mr. Laul stated that in 2012, the Township Committee approved entering into the Sustainable New Jersey Program and subsequently established the Township's Green Team. The Green Team has not been very active; however, there now appears to be more interest. The Team is working toward obtaining a bronze level and in order to do so they must attain 150 points through various methods. The Green Team is asking for the Township Committee to consider three resolutions in an effort to obtain points. The resolutions relate to a wildlife pledge, sustainable land use and green building. The Green Team is requesting that the resolutions be sent to the Planning Board and the Board of Adjustment for their review and comments prior to the Committee finally considering them for approval.

Mr. Wunder asked if the wildlife action portion has anything to do with hunting. Mr. Laul stated that it does not. The wildlife action plan is more for bog turtle type scenarios or encroaching on habitats of threatened or endangered species.

Mr. Cryan asked if hunting was addressed in the Wildlife Action Plan. Mr. Laul stated that hunting is not located in any of the items.

Motion by Mayor McKee, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to send three resolutions; New Jersey Wildlife Action Plan, Sustainable Land Use Pledge and Commercial and Residential Building and Municipal Building a combination Green building policy, to the Planning Board and the Board of Adjustment for their review and comments.

Junkyard License Renewal – Milkowski

Motion by Mr. Laul, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved a Junkyard License for – A.S. Milkowski & Sons. Ayes: Wunder, McKee, Laul, Cryan Abstain: Milkowski

Mr. Wunder Comments

Mr. Wunder stated that there is nothing to report for the Relocation Officer. Mr. Wunder will be attending a meeting regarding grants tomorrow. Mr. Wunder stated that he received phone calls stating that that Township was without salt for the roads. Mr. Wunder noted that the Township was not out of salt, received another load today and two more loads are on the way. Mr. Wunder stated that the DPW Manager is looking into alternatives to salt and he is also looking into the set up cost for the application of the products.

Recreation Commission Appointments

Mayor McKee made the following appointments to the Recreation Commission.

Darin McDowell –	1 year term, expiring on 12/15 (filling unexpired term)
Maria Naccarato -	2 year term, expiring on 12/16 (filling unexpired term)
Jill Davis -	4 year term, expiring on 12/18 (filling unexpired term)
Donna Guzzino -	5 year term, expiring on 12/19

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the February 4, 2015 bill list in amount of \$ 22,181.46.

CORRESPONDENCE

a. Memorial Park January 12, 2015 Meeting Minutes

Mayor McKee asked Attorney Cushing if the Friends of Memorial Park Committee can charge a fee for the use of the Park. At this time a donation is requested; however, not all that use the pavilion provide a donation. Attorney Cushing stated that he has concerns with a private organization receiving funds for the use of the public park. He would rather see the funds come into the Township and for the CFO to put it into a fund for the Friends of Memorial Park Committee's use, as approved by the Committee. Attorney Cushing suggested that an ordinance could be adopted outlining the use of the park and the fees that can be charged. Attorney Cushing stated that he would feel more comfortable in having the money received for the use of the public park filtered through the Township. Discussion was held on the difference between the Lebanon Township Park Committee and the Friends of Memorial Park and the proper way to handle the funds collected for the use of the park. Mayor McKee noted that the intent was for the money collected to be put back into the park. The Committee discussed what the Recreation Commission's role is with the public park. Mr. Laul will attend the Park Committee meeting to discuss the Township Committee's concerns and to collect information on the functions of the Park Committee and the Friends of Memorial Park Committee. The Township Committee recognizes and appreciates the countless efforts and contributions the two committees have provided; however, they would like to clarify the roles of the sub committees.

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:12 p.m.

Ms. Laurie Hoffman asked how the Friends of Memorial Park are any different from the former rescue squad who did not turn over their books. Ms. Hoffman said that the Township Committee needs to decide exactly what they want from the sub committees. Ms. Hoffman told the Committee to find out if the Memorial Park Committee and the Friends of Memorial Park Committee have two separate meetings. Ms. Hoffman wants to know why the Friends of Memorial Park Committee is collecting money and the Township is paying for certain things.

Ms. Hoffman asked who is responsible for the Cudina Memorial and who will be responsible for it once Georgia Cudina moves away.

Ms. Hoffman stated that there are Friends of the Library that hold a book sale for the benefit of the library.

Ms. Hoffman stated that if there is going to be an article in the newsletter regarding Gypsy Moth spraying it is due to Karen Newman by March 1st.

Ms. Hoffman asked if the Green Team can use grant money to encourage the public to get or produce the natural predators of the Gypsy Moths. Ms. Hoffman stated that if and when the Township sprays she feels that the Buffalo Hollow Road residents should be made aware also.

Ms. Hoffman asked if the Township Bond Anticipation Notes are ever paid off.

Mr. Victor Hoffman asked if the State will spray the State Park lands for the Gypsy Moths since the Township has decided not to spray this year.

Mr. Hoffman asked if the park is public or private and questioned who oversees the park. Mr. Hoffman asked who would be sued if someone were to be hurt in the park. Mr. Hoffman asked if the Recreation and Park Committees would be sued also. Mr. Hoffman asked how fees can be charged for the park when it is there for the public's use.

Ms. Hoffman inquired on the release of executive session minutes.

Ms. Laurie Ann Williams asked Mr. Laul if the Green Team will get points for a resident installing solar panels. Mr. Laul stated that they would not.

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:39 p.m.

Resolution No. 23-2015 –Executive Session

Motion by Ms. Milkowski, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 23-2015 and convened in executive session at 8:39p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 23-2015
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_____. 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: _____

_____ 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.);

LTCM

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 X 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: X 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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 10:18 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 18, 2015

Thomas McKee, Mayor