

**CALL TO ORDER**

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

**ROLL CALL**

Present -                      Brian Wunder                      Patricia Schriver                      Francis Morrison  
    Ron Milkowski                      Tom McKee

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 15 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of February 1, 2012**

*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 February 1, 2012.*

**Minutes of the Executive Session of February 1, 2012**

*Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of February 1, 2012.*

**PUBLIC COMMENTS – for agenda items only.**

*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. EJ Skidmore asked the Township Committee what a BAN is.

Mr. Skidmore questioned the Township paying one third of the cost to correct the drainage problem on Maple Lane and Trimmer Road. Since it was never determined to be a Township matter, Mr.

Skidmore feels that the Committee might be taking on a liability if they enter into an Agreement with the residents. Mr. Skidmore asked the Committee if they are assuming responsibility by signing an agreement for something that they had no responsibility for in the first place.

Mr. Bernie Cryan stated that he was present to represent the Fire Department. Mr. Cryan informed the Committee that the Fire Department has served beer at the Blues Festival in prior years and there have been problems. The Fire Department is questioning what kind of Emergency Services coverage is needed at the 2012 event. The Fire Department would like to be involved with the planning and organization of the event and would like to speak about concerns they have with what transpired at last year's festival.

Mr. McKee will work with Mr. Cryan in an attempt to establish better communication between everyone involved in the festival and to address the Fire Department's concerns.

Mr. Anthony Casale asked the Mayor what he will be discussing under Committee Reports regarding Legal matters. Mayor Wunder stated that he will be discussing the Cell Tower matter.

*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.*

## **RESOLUTIONS**

### **Resolution No. 29-2012 – Designating a BAN**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 29-2012 as attached.*

### **Resolution No. 30-2012 - Agreement - Maple Lane and Trimmer Road Drainage Improvements**

Mayor Wunder stated that he felt that the Resolution was vague and suggested holding the Resolution for further consideration with respect to the liability issue pointed out by Mr. Skidmore.

Mr. Milkowski stated that this drainage issue was addressed by the prior Committee. Mr. Milkowski noted that it is his understanding that the prior Committee was going correct the drainage issue entirely at the cost to the Township. The work was not carried out immediately so the two property owners provided an offer to cover 2/3 of the cost for the materials needed for the project. The Township Committee agreed to cover the final 1/3 and the labor.

*Motion by Mr. Morrison, seconded by Mayor Wunder and carried by favorable roll call vote, the Township Committee tabled Resolution No. 30-2012 for further consideration. AYES: Milkowski, Wunder, McKee, Morrison ABSTAIN: Schriver*

## **OLD BUSINESS**

### **Social Affair Permit – Bourbon Street Blues Fest, Inc. – May 19, 2012**

*Motion by Ms. Schriver, seconded by Mayor Wunder and carried by favorable roll call vote, the Township Committee approved the Social Affair Permit Application for the Bourbon Street Blues Fest, Inc. which will be held in the Memorial Park on May 19, 2012. AYES: Schriver, Wunder, McKee, Morrison NAYS: Milkowski*

### **Polt Property**

Attorney Cushing stated that a letter was received from Attorney Jim Lance, dated February 13, 2012, which stated that they had not yet received the environmental information relative to the Polt property. Attorney Cushing has received the Deed. Contracts will be negotiated once the environmental integrity is determined.

### **DPW Garage Project**

Mr. Milkowski stated that Rochelle is changing bonding companies and he looks to have all paperwork provided to the Township by Tuesday, February 21, 2012.

### **DPW Manager –Request to Award Bid for Dump Trucks**

On January 31, 2012, bids were opened for two 2013 dump trucks for the Department of Public Works. There were three bids received; Mid Atlantic Truck Center for \$294,590.00 (Two Hundred Ninety-Four Thousand Five Hundred Ninety Dollars), Brown's Hunterdon International for \$308,054.00 (Three Hundred Eight Thousand Fifty-Four Dollars), Campbell Freightliner, LLC for \$320,198.00 (Three Hundred Twenty Thousand One Hundred Ninety-Eight Dollars).

DPW Manager Warren Gabriel has recommended that the bid be awarded to the lowest responsible bidder, Mid Atlantic Truck Center. Mr. Gabriel believes that the bid does meet the Township's specifications and the needs of the Department of Public Works. In order for Township to stay under the budgeted amount with the trade-ins, one snowplow must be removed from the bid. This will bring the total for the two vehicles to \$274,200.00 (Two Hundred Seventy-Four Thousand Two Hundred Dollars).

Mr. Gabriel spoke to Mr. Della Pia and he has certified that funds are available for this purchase through the 2010 and 2011 Capital Budgets.

*Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee awarded the bid for the purchase of two dump trucks to Mid Atlantic Truck Center at a cost of \$274,200.00.*

### **Volunteer Dinner DJ Contract –**

The Township Dinner will be held on April 14, 2012.

*Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the contract with Spinner's Plus for DJ services at the Township dinner and authorized the Treasurer to issue a check in the amount of \$200.00 as a deposit.*

## **NEW BUSINESS**

### **Police Chief – Mutual Aid Agreement**

The Police Chief has received a Mutual Aid Agreement from the Hunterdon County Prosecutor's office. The Chief has asked for the Committee's consideration for approval. The Committee would like additional time to review the Agreement and asked for Attorney Cushing to provide his opinion also.

### **Firing Range Lease Agreement – The Melick Lebanon Farm, LLC**

*Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Lease Agreement for the Police firing range at the Melick Farm at a cost of \$1.00.*

### **DPW Manager - Request to Purchase a Furnace and an Air Conditioning Condenser**

The DPW Manager has requested to purchase a furnace for the main offices and an air conditioning condenser for the downstairs meeting room in the Municipal Building. Mr. Gabriel has been working with Donnelly Energy on a grant for this project. The funds for the oil measures portion of this grant ran out before the grant was approved by the State. Mr. Gabriel spoke to Donnelly Energy regarding options for the furnace and air conditioning condenser unit. They advised him that if the Township were to purchase the furnace and air conditioning condenser unit they would be able to install them under the grant.

Mr. Gabriel provided the Committee with an estimate from Donnelly Energy for the work outside the Direct Install Program, for the furnace and air conditioning condenser. The furnace cost would be \$4675.00 and the condenser unit would be \$3750.00.

Mr. Gabriel spoke to Mr. Della Pia and he has certified the availability of funds as long as Buildings and Grounds Budget remains the same as it has been the past few years.

*Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a furnace at \$4675.00 and a condenser unit at \$3750.00, for the Municipal Offices.*

### **Rachael Stewart – Tax Collector**

Ms. Schriver stated that past Tax Collector, Rachael Stewart, has passed away. Ms. Schriver would like the Township to send regrets to the family.

## **COMMITTEE REPORTS**

### **MAYOR –**

**Municipal Court of North Hunterdon** – The CFO is requesting 2012 Budget information. There is a Court meeting on February 29, 2012. All towns appear to be online with the exception of Franklin Township. They may need to move forward with the Lease Agreement as there is construction work to be done.

**Local School District-** The Local School Board voted to move the School Election to the November General Election. This will save the taxpayer's money. School will be closed February 17, 2012 – February 20, 2012 in observance of President's Day. There is still an issue with the flashing school lights. Director Walton stated that the County is not responsible to service the units for the Township.

**Insurance** – Mayor Wunder contacted Faith Coughlan from Groendyke regarding coverage for Fire Station No. 1.

**Shared Services** - There will be a meeting in Lebanon Borough on March 22, 2012 at 7:30 to discuss Shared Services of the county schools. There is a Mayor's meeting in Lambertville on March 1, 2012. Shared Services for Animal Control, DPW issues along with others will be discussed.

**Food Pantry** – The Food Pantry is looking for donations and is looking for volunteers. They need help with lifting.

**FEMA-** The Mayor and the Engineer met with Ms. Nancy Parker from FEMA regarding grant money to assist the three families on Raritan River Road who had over 50% of damage to their homes during the storms. It appears that one home will be a buyout and the others will be elevated.

### **DEPUTY MAYOR-**

**Public Works-** Warren Gabriel will be working on a list of surplus equipment that can be disposed of.

**Planning Board** – The Planning Board meeting was canceled due to overcrowding. The meeting has been rescheduled for February 27, 2012 at the Woodglen School.

### **COMMITTEEWOMAN SCHRIVER–**

**Administration & Finance** – The Clerk will speak to the CFO regarding Budget meeting dates.

**Grants-** There is a good chance to obtain money to revamp the old Squad building but until the Township has acquired the building there is no sense in applying for it at this time. Hopefully, the funding will not run out before that time.

**Environmental Matters-** Ms. Schriver will be speaking to the Environmental Consultant regarding the Polt property and Fire Station No. 1.

## **COMMITTEEMAN MORRISON –**

**Police, Fire and Rescue-** Mr. Morrison read the monthly Police report.

## **COMMITTEEMAN MCKEE –**

**Standing Committees-** Mr. McKee attended the Standing Committee meetings.

**Historians** – The meeting was well attended. They are discussing plans to pave the parking lot and have received approval from the County. They will need some input from the Township Engineer to finalize their plans. The Historians have been requested by the County to take photographs of 224 homes in the Township, built prior to 1900. They need to photograph the homes, write a description and document. They have five volunteers and are looking for more if anyone is interested. The Historians have been storing the Bicentennial Books in the shed for quite some time. Mr. McKee suggested that possibly the Historians could keep some of the money made from the sale of the books.

**COAH-** Mr. McKee met with Gail Glashoff, Mr. Milkowski and Planner Bolan on February 7, 2012 to discuss the state of COAH, which has been reorganized and is with the Dept. of Community Affairs. The meeting was to discuss where the Township is going with Affordable Housing, where we are headed, what obligations we have moving forward and the timelines associated with such.

**Library Committee-** The lower level of the Children's Book area has been renovated. The Committee did a wonderful job, it is very open and has a pleasant feel to it. The Library Committee used only the money from their Trust Fund for the project, which is wonderful. There was a lot of volunteer help also to complete the project. The Library Committee has aggressive future projects planned. They are looking into getting community service volunteers to re-stain the exterior of the building and to scrap and give a fresh coat of paint to the soffits. The Library Committee could use donations of paint brushes and paint scrappers.

**Park Committee-** The Park Committee has completed their paving in the Park and are looking for speed bumps to be install. There was a good discussion regarding the Blues Fest. There were four Blues Fest people present to answer some concerns that the Park Committee had, from last year, regarding parking on the soggy grounds. A contingency plan was discussed for this year to avoid the same problem. The Blues Fest people stated that they would try to be better with their communications. Last year there seemed to be a breakdown in communications with the sale of beer; when it was closed and the tickets being issued. Mr. McKee said that the feels that the group realizes that some mistakes were made and he believes that they will make a better effort this year.

## **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Feb 15, 2012 bill list in the amount \$40,599.68.*

## **CORRESPONDENCE**

- a. Byron T. Edwards - Woodglen Road - DPW Commendation Letter
- b. Tax Collector's Report of the Month of January 2012

## **PUBLIC COMMENTS**

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

Ms. Nancy Darios asked if there is any progress with the Squad Matter. Mr. McKee stated that on Monday, February 20, 2012, he will be meeting with Attorney Cushing and the Squad to negotiate for a resolution of the matter. Mr. Milkowski stated that he does not feel that the Township is moving very fast at all. It was just brought to the Township Committee's attention that the individual that has been contacting them is not an authority to sign any documents. Mayor Wunder stated that he does not totally agree with Mr. Milkowski as he has been in some contact with the Squad and they have been as accommodating as they could be. Their hands were tied due to the bankruptcy. Now that the building is abandoned, the Township can finish business with them. Mr. Milkowski stated that he sent the Captain and the President of the organization a letter on November 10, 2011, requesting a meeting and they just responded now. Mr. Milkowski stated that he never received a response from them personally, especially from the President who can sign the papers, she has never contacted him. Mr. Milkowski stated that everything has come through the Mayor so he assumes that the Mayor is doing the negotiations.

Mr. EJ Skidmore asked Attorney Cushing if the bankruptcy that the Squad just went through dissolves the organization. Attorney Cushing stated that it did not. Mr. Skidmore stated that as they were an organization of New Jersey, they must have had bylaws which dictated the way they function. Mr. Skidmore questioned if the bylaws had a term of office for the officers and are the officers still legitimate without a meeting.

Mr. Skidmore stated that he was taken aback by Mr. Cryan's comments that the Blues Fest did not include the Fire Dept. in their planning. Mr. Skidmore assumes that they did not speak to the Police or Rescue either. Mr. Skidmore looked into the Township Ordinances and found that in 269.3 it states that in the issuance of permits, paramount consideration will be given to the protection of public health, safety, morals and general welfare. Mr. Skidmore stated that in order to meet the requirements of the ordinance, the Committee should have had active involvement. Mr. Skidmore asked if proof of insurance is provided especially since they are serving alcohol. Mr. Skidmore suggested coming up with an ordinance for occasions like this, stating that the Township has the right to issue a special one day license to sell alcoholic beverages. Mr. Skidmore suggested that in the future, when there are events on Township property, there should be guidance in the form of an ordinance which dictates who participates from the Committee to protect the Township.

Mr. Anthony Casale asked where the heating and air conditioning grants came from. Mr. Milkowski stated that it was a Green Energy Grant.

Mr. Casale stated that at the last meeting discussion was held on the cost for the Township Attorney relative to the Hyland Litigation and asked about the limitations on the policy for insurance. Mr. Groendyke stated that Selective provides for coverage where there was injunctive relief or no demands for payment. Selective's endorsement is for up to five times per year, they would provide \$10,000.00 each time for legal defense.

Mr. Casale asked about the payment approved for revisions of the Township Tax Maps. Attorney Cushing stated that if there are sub-divisions or alterations in the boundaries of a property, the tax map needs to reflect that. Mr. Casale asked if a developer benefits from a sub-division shouldn't he pickup the fees for the tax map revision. Attorney Cushing stated that the Township would not be permitted to charge them. Mr. Casale questioned that since the Township has acquired many properties for open space, which may require revisions to the tax map, should the cost associated with such be covered by the grant funds. Attorney Cushing stated that there are specific costs that the State will cover but he does not believe that they would cover the revisions.

Mr. Casale stated that the DPW Garage has gone backwards in his mind from the number of bays and a smaller building than the one that was taken down. At the last meeting Mr. Milkowski made reference to a Pole Barn which was thought about years ago. The discussion of the Pole Barn was brought to an end for the new building to be built. Mr. Casale asked that if the Township wants to go in the direction of a Pole Barn for a cheaper purchase, will they be able to use the money which was bonded for the DPW Project.

Mr. Milkowski stated that he is not sure if the Bond would apply for the Pole Barn but he would assume that it would. Mr. Milkowski stated that in regard to Mr. Casale's comments on the DPW Garage being smaller; the building that is going to be constructed is one and a half times the size of the DPW Garage which was taken down.

Mr. Tom Groendyke was present to provide the Committee with quotes he has received for the Township's package policy. The package policy renews on March 1, 2012. The Workers Compensation and the Excess Liability Policy were renewed on January 21, 2012 with Statewide Insurance. The package policy which includes the Township properties, general liability and automobile coverage, have been written with Selective Insurance in last several years. This year, Groendyke Associates attempted to obtain quotations from three additional insurance funds; Statewide, PAIC and Somerset County JIFF. PAIC and the JIFF refused to provide a quote. Statewide provided a quote, which was \$13,000.00 less than Selective. When comparing the policies, Statewide had more coverage in more areas, such as earthquake and flood. There is little exposure to these sorts of things in this area though. Two years ago Selective added an endorsement to the policy that allowed for legal defense for up to five occurrences per year for \$10,000.00 per occurrence. When looking back at the claims over the past three years, there were five claims in the last two years and six claims in the last three years. Each one of the claims is right at the max or reserved for more than the max. If the Township Committee thinks that there may be more of these types of losses the Committee might want to stay with Selective however, if they feel that the Township will not be having this sort of claim they should consider Statewide.

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Mr. Groendyke stated that he had discussions with the Executive Director of Statewide and he was advised that Statewide may not keep the deductible for the Professional Liability Coverage the same as what it has been at, \$2500.00.

*Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee moved to stay with Selective Insurance for the Township's package Policy.*

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

## **EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 31-2012 and convened in executive session at 8:10 p.m.*

### **TOWNSHIP OF LEBANON RESOLUTION NO. 31-2012**

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:

PBA - Collective Bargaining  
Squad Matter  
Contract Negotiations-Cell Tower  
Ongoing Litigation – Hyland  
Polt Property

The Township Committee reconvened the Regular Committee meeting at 9:01p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed the Cell Tower negotiations, PBA Collective Bargaining, the Hyland Litigation matter and the Polt property.

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Milkowki and carried by unanimous favorable roll call vote to adjourn the meeting at 9:03p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

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Approved: March 7, 2012

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Brian Wunder, Mayor