

**CALL TO ORDER**

Mayor 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 stand for the Flag Salute and for a Moment of Silence in honor of our Troops.

**ROLL CALL**

Present -                    Thomas McKee            Patricia Schriver  
                                  Ronald Milkowski        Bernard Cryan

Absent-                    Francis Morrison

Also Present - Attorney Lorraine Staples, Deputy Clerk Kimberly Jacobus and 15 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of March 6, 2013**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of March 6, 2013 as amended.*

**Minutes of the Executive Session of March 6, 2013**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll vote, the Township Committee approved minutes of the executive session meeting of March 6, 2013.*

**PUBLIC COMMENTS – for agenda items only**

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

Laurie Hoffman of 213 Buffalo Hollow Road stated that the Historians changed the Facebook page to Friends of the Lebanon Township Museum and took off the Township emblem. Mayor McKee asked if they had put a disclaimer on the Facebook page. Ms. Hoffman stated no. She said that she

thought that they were going to discuss the request to have a Facebook page at the next meeting. Mayor McKee stated that the Committee would table the discussion requesting a Facebook page until then. Ms. Hoffman questioned why the Committee was delaying the budget. Mr. Della Pia explain that the budget was suppose to be introduced statutorily by March 15, since it is being introduced 5 days late, it is required to be introduced by resolution.

Francis Russ Monahan, former member of the Lebanon Township Rescue Squad, asked if the Committee would please consider putting the old Rescue Squad building back into emergency services. That is what it was built for.

Anthony Casale, Bunnvale Road asked what the amendments were to Ordinance 2013-05. He stated that he did not remember any discussion at the Planning Board meeting about an amendment. Mr. Casale wanted to know where the Township stood with the Co-Locator agreement, was it ready for signing or is there a draft proposal. Mr. Casale feels that regarding the Rescue Squad Building, the Fire Company should have the bays for the ambulances. Mr. Casale asked when the Comcast Cable Franchise needs to be signed. Mayor McKee stated April 2014. Mr. Casale stated that he knew of people who had worked on a citizen group for a cable franchise agreement. Mr. Casale also asked what the criteria was for the Historians to have a Facebook page.

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

#### **ORDINANCES -Introduction**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee introduced Ordinance 2013-04 as entitled below.*

**ORDINANCE NO. 2013-04  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE TO PETITION THE HIGHLANDS COUNCIL  
FOR PLAN CONFORMANCE FOR THE PLANNING AREA**

Public Hearing to be held on April 3, 2013

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee tabled Ordinance 2013-05 to return it to the Planning Board for clarification.  
Ayes: Schriver, McKee, Cryan Abstain: Milkowski*

**ORDINANCE NO. 2013-05  
TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
AN ORDINANCE TO  
REVISE, AMEND AND SUPPLEMENT**

**THE CODE OF THE TOWNSHIP OF LEBANON  
CHAPTER 110, TITLED “AFFORDABLE HOUSING”, SPECIFICALLY  
SECTION 110-3, TITLED “RESIDENTIAL DEVELOPMENT FEES”, SECTION 110-5,  
TITLED “ELIGIBLE EXACTION, INELIGIBLE EXACTION AND EXEMPTIONS”, AND  
SECTION 110-10, TITLED “DEFINITIONS”**

**RESOLUTIONS**

**Resolution No. 39-2013 – Redemption of Tax Sale Certificate**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 39-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 39-2013  
REDEMPTION OF TAX SALE CERTIFICATE**

**WHEREAS** the Tax Collector did sell a Tax Sale Certificate #201105 on October 26, 2011 to Stella Lasher, and,

**WHEREAS** the amount of \$11,119.10 has been collected from Closing Partner LLC, for the Barbara Cameron Estate owner for this property, known as Block 27, Lot 2, 16 Boulder Field Road, Lebanon Township for the redemption of Tax Sale Certificate #201105,

**THEREFORE BE IT RESOLVED** that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$11,119.10 and that this check be mailed to:

Stella Lasher  
PO Box 83  
Milltown, NJ 08850

**Resolution No. 40-2013 - Redemption of Tax Sale Certificate**

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 40-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 40-2013  
REDEMPTION OF TAX SALE CERTIFICATE**

**WHEREAS** the Tax Collector did sell a Tax Sale Certificate #201001 on October 15, 2010 to US Bank Cust for CCTS Capital LLC, and,

**WHEREAS** the amount of \$33,023.10 has been collected from Jacqueline Lance, for redemption of this lien on this property, known as Block 24, Lot 7, 74-76 Bunnvale Road, Lebanon Township for the redemption of Tax Sale Certificate #201001,

**THEREFORE BE IT RESOLVED** that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$33,023.10 and,

**THEREFORE BE IT FURTHER RESOLVED** that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$10,000.00 for the premium paid for Tax Sale Certificate #201001, and that these checks be mailed to the lienholder:

US Bank Cust for CCTS Capital  
2 Liberty Place-Suite 1950  
Philadelphia PA 19102

**Resolution No. 41-2013 - Opposing S2364/A3553 Early Voting**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 41-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
TOWNSHIP OF LEBANON  
RESOLUTION 41-2013**

**RESOLUTION OPPOSING S2364/A3553**

**WHEREAS**, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

**WHEREAS**, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

**WHEREAS**, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more that it would accommodate their needs; and

**WHEREAS**, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing other important uses for these buildings, causing inconvenience to residents; and

**WHEREAS**, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

**WHEREAS**, these bills would increase costs to municipalities, including overtime pay for workers; and

**WHEREAS**, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

**WHEREAS**, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process.

**NOW, THEREFORE, BE IT RESILVED** the governing body of the Township of Lebanon in the County of Hunterdon does hereby oppose S2364 and A3553; and

**BE IT FURTHER RESOLVED**, the governing body of the Township of Lebanon does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections and the New Jersey League of Municipalities.

## **2013 BUDGET INTRODUCTION**

### **Resolution No. 42-2013 - Delay in Budget Introduction**

*Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 42-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 42-2013**

**Delay in Budget Introduction**

**WHEREAS**, under provisions of N.J.S.A.40A:4-5, a municipality shall introduce the Local Municipal Budget no later than March 15 of the fiscal year; and,

**WHEREAS**, the Township of Lebanon has delayed the introduction of the 2013 Municipal Budget past the statutory deadline; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services to allow a delayed introduction of the 2013 Lebanon Township Municipal Budget; and,

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services, 101 South Broad Street, P.O. Box 803, Trenton, New Jersey 08625-0803.

### **Resolution No. 43-2013- Special Item of Revenue~ Clean Communities Program-2013 Drunk Driving Enforcement Grant- Prior Year Unapprop.**

*Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 43-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY  
RESOLUTION NO. 43-2013**

**Special Item of Revenue~  
Clean Communities Program-2013  
Drunk Driving Enforcement Grant- Prior Year Unapprop.**

**WHEREAS**, the 2013 Local Municipal Budget was introduced on the 20th day of March, 2013; and,

**WHEREAS**, during the fiscal year 2013 the Township of Lebanon has been allocated a state grant for various programs in the amount of \$21,058.00.

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2013 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations:"

Clean Communities Program-2013	\$19,459
Drunk Driving Enforcement Grant – Prior Year Unapprop.	<u>1,599</u>
	<u>\$21,058</u>

**Resolution No. 44-2013 – Special Item of Revenue ~ Uniform Fire Safety Act  
General Capital Fund**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 44-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 44-2013**

**Resolution for Special Item of Revenue  
Uniform Fire Safety Act General Capital Fund**

**WHEREAS**, the 2013 Local Municipal Budget was introduced on the 20th day of March, 2013; and,

**WHEREAS**, during fiscal year 2013, the Township of Lebanon has been allocated a state grant for the Uniform Fire Safety Act in the amount of \$8,500.00, and currently has \$900,268 in General Capital Fund Balance available and unencumbered.

**NOW, THEREFORE BE IT RESOLVED**, that petition be made herewith to the Director of the Division of Local Government Services that the 2013 Local Municipal Budget include a special item of revenue under the heading of "Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Other Special Items:

Uniform Fire Safety Act	\$ 8,500
General Capital Fund Balance	<u>900,268</u>
	\$ <u>908,768</u>

**Resolution No. 45-2013 - Deferral of School Taxes**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 45-2013 as written below.*

**TOWNSHIP OF LEBANON  
 COUNTY OF HUNTERDON  
 STATE OF NEW JERSEY  
 RESOLUTION NO. 45-2013**

**Deferral of School Taxes**

**WHEREAS**, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

**WHEREAS**, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

**WHEREAS**, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2012, and be reflected in the Annual Financial Statement for the year 2012 as follows:

	<u>FY 12-13 SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT OF DEFER TAX</u>
Local School Tax	\$10,037,176.00	\$5,018,588.00
TOTAL MAXIMUM DEFER TAX 12/31/12		5,018,588.00
LESS – DEFER TAX 12/31/11		3,566,263.38
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2013		\$1,452,324.62
ACTUAL AMOUNT INCREASE OF DEFERRED AT 12/31/12		\$300,000

**Resolution No. 46-2013 - 2013 Municipal Budget Introduction**

*Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 46-2013 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 46-2013**

**2013 Municipal Budget**

**WHEREAS**, the Township of Lebanon is holding a meeting on March 20, 2013, for the purpose of introducing the 2013 Municipal Budget and conducting other matters; and,

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that the Township of Lebanon hereby petitions the Director of the Division of Local Government Services that the 2013 Local Municipal Budget be introduced and approved on March 20, 2013.

**2013 LEBANON TOWNSHIP MUNICIPAL BUDGET**

Surplus anticipated general revenues	\$ 1,164,000.00
Total Miscellaneous revenue	3,697,548.00
Receipts from Delinquent Taxes	275,000.00
Local Property Taxes	<u>1,093,013.00</u>
Total General Revenues	<u>\$6,229,561.00</u>
Salaries and Wages	\$2,022,929.00
Other Expenses	1,735,002.00
Capital Improvements	923,268.00
Debt Service	522,312.00
Statutory Expenses	532,418.00
Reserve for Delinquent Taxes	<u>493,632.00</u>
Total 2013 Municipal Budget	<u>\$6,229,561.00</u>
Municipal Tax Rate	\$0.147 (Est.)

**Public hearing will be held on April 20, 2013.**

**OLD BUSINESS**

**Municipal Complex Cell Tower – Co-Locator Agreement**

Mr. Casale discussed with the Committee concerns he had with the Co-Locator Agreement and the permits for the cell tower

**Request to Store EMS Patient Records- Tino DeSantis** – Discussion regarding storage of old EMS records was tabled to the executive session.

**Request for a Red Light/Siren Permit – Edward Schaffer**

*Motion by Ms. Schriver, to approve the request, no second, motion died due to lack of second*

Mr. Cryan asked the Mayor if he could ask any questions of the applicant. Mayor McKee told him yes. Fire Chief Ed Schaffer explained that his primary responsibility is to respond to the scene and evaluate what is going on and make a determination for what is needed at the scene. The Fire Department is very fortunate to have 2 command vehicles. However, being the Chief he does not always have his command vehicle. Sometimes members take the command vehicles and go to training leaving himself or the Deputy Chief without a vehicle. To get to the scene in a timely fashion and make an evaluation as to what is needed is the reason for the request. Mayor McKee questioned what happens with the red lights and sirens if someone stops being a fireman. Chief Schaffer stated that it would be an item that would be purchased by him personally, and then he could pass them along, he could sell them or he could trade them when his term as Fire Chief was over. The permit would be destroyed as well. Mr. Cryan stated that it looked like the Committee has never allowed anybody in a personal vehicle to have a red light and siren. He stated that one of the concerns is that Mr. Schaffer is not always going to be the driver of the vehicle that is equipped with sirens and red lights.

*Motion by Mayor McKee, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee denied the Red Light Permit. Ayes: McKee, Cryan Nays: Schriver, Abstain Milkowski Motion did not carry.*

**Fire Department – Request for Squad Building**

Paul Ibsen, President of the Lebanon Township Volunteer Fire Department and Chief Ed Schaffer were present. They handed the Committee a copy of a written proposal for the Rescue Squad building. The membership of the Lebanon Township Volunteer Fire Department is requesting that the Township Committee consider authorizing the department to resume use of the squad building as an EMS/Fire service facility. They only seek use of the facility and not ownership of the building. In addition it would be acceptable for use by civic groups, such as: recreation committee, historical society, or town functions such as elections. The food pantry could also stay on sight. The Fire Department also wants to explore the possibility of establishing a warming center at the squad building, complete with male, female showers and possibly a washer and dryer for residents needing temporary assistance during black outs and storms. That is important after having had 2 bad storms where people have been without power for 2 weeks at a time. They are now providing the same Fire/Ems using existing Fire Department facilities. This has become a difficult situation regarding, storage protection of vehicles, housing for duty crews and storage of supplies. Training is also a priority. Being able to utilize the squad building for training it would expand the options to host specialty training for the members. Given permission to use the squad building would alleviate much of this concern. Moving the pancake breakfast to the squad building at a later date is another goal. Conditions of the squad building, as written in articles in local media, have given an estimate of \$83,000 in repairs needed for the facility. They have identified the following issues: damage to

rear siding, gutter and fascia. Existing bay doors need complete replacement, floor in the bays, numerous tiles are broken and missing. The drop ceiling throughout the structure needs to be replaced, acoustic tiles at a bare minimum. The ambulance bay closets and storage doors are broken, holes are punched in the walls, wiring exposed. In the bathrooms, one or more toilets are not working, a sink is not working. The room divider, separating bays from the meeting area, needs complete replacement. Several panels are broken off, the weather stripping is missing along the bottom and the panels no longer fit flush and close. The carpet in meeting area is heavily soiled. The entire kitchen is in need of taping and spackling at the water damage sites from when the building lost heat and pipes burst. The dish washer is not working and the stove is missing. It needs general landscaping work, brush trimming and weeding around the exterior of the building. The plan for rehabilitating the Squad building priorities would be Phase 1 to restore the ambulances bays, replace all the building entry doors including garage doors, cabinet storage repair, and floor repair and replace room divider. Phase 2 would be the bathrooms and kitchen-trying to get ADA compliant restrooms. They believe that there is grant money for that. They are looking to add a shower, making repairs to the plumbing on all of the toilets and sinks and make them operational, redo the kitchen with a replacement stove and other appliances as called for, repair the dishwasher, tape, and spackle and paint the walls. Phase 3 would be to remove paneling on walls in meeting room, sheetrock walls and paint. Replace acoustic tiles in the entire drop ceiling. Replace carpet with Pergo or new carpet and redo all the window treatments. The Lebanon Township Volunteer Fire Department has always been good stewards of the equipment and facilities entrusted to them by the citizens of the Township and the Township Committee. This tradition will certainly continue with their use of the Squad building. Mayor McKee stated that the building is certainly in disrepair by the pictures presented to them. Mayor McKee then asked about funding, was it something that the Fire Department was going to fund or would they be looking for help from the Township? Chief Schaffer stated that it has been discussed by the Fire Department at their budget meeting. The Fire Department is willing to contribute some money toward the project. They do not have an exact amount as they do not know what they are up against. They have looked around the building and saw things that need repair but do not know the cost. They do not know what the cost is for appliances or what it will cost to bring the building up to code. The Fire Department is willing to contribute something, yes. They talked about doing a few coin drives to raise money. They have heard of grant money if they are trying to make the building into a warming center for a shelter in the event it is needed for storms. They are working on finding out the different criteria for a warming facility as opposed to a shelter to find out what grant money would be available. They would defiantly be looking for assistance. They also have a lot of guys who are in the building trade that are members of the department; a lot of the work would be done by the members. They would like some financial help.

Mayor McKee asked if the Fire Department could handle Phase 1. Basically it is getting the ambulance back under cover. Chief Schaffer stated that the ambulances are under cover now. Mayor McKee stated that security is a problem and the Fire Department stated that they were going to replace all doors. Mayor McKee asked if that was something that they can handle. Chief Schaffer stated that they have not got estimates for the work. They did a walk through as to prioritize what work needs to be done first. Obviously the securing of the building would be first and foremost. To get estimates on those items and to see what the number is would be a start. Mr. Cryan asked if access to their resources' would enable them to complete Phase 1 without any help. Chief Schaffer stated that without prices they did not know. Mr. Ibsen stated they would have to bring it to the members. They also stated that the building would be available to the community. They are looking to put it back to the way it was, with the Fire Department taking care of the scheduling and

arrangements and the upkeep. Mr. Cryan stated that they had mentioned relocating the kitchen facilities to the squad building for the breakfasts. The Fire Department feels it is a better place for the breakfast. Mr. Cryan asked what was in their plans for the other building. Mr. Ibsen stated that nothing that is official. They have talked about not having a need for 3 stations; they talked about possibly doing a joint facility with the Township to house an engine and an ambulance on the other side of the Township. Mr. Cryan asked if their plans were to keep something over there for access for members of the road department. Chief Schaffer stated that they want to keep vehicles on that side of town, not house everything here. Mr. Milkowski asked that possibly the Township could use some of the area for other functions, like the DPW? Chief Schaffer stated yes. Attorney Staples recommended that the Township Committee consider formal arrangements if they are thinking of doing this since the Township owns the building and it would be a lease to the Fire Department. Ms. Schriver stated that it should be taken in to consideration that there may be another group that is interested in the building. She thinks that technically the school is suppose to be the warming station and she stated that the Township has struggled with the emergency management group and she feels the Township has not been clear to the residents, but she thinks that the school was defined as an emergency area, since it already has showers and the space. Chief Schaffer stated that the school does not have generator power and with the squad building they would have electric.

*Motion by Mayor McKee, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee gave the Fire Department use of the Rescue Squad building, starting with Phase 1 and finishing up with Phase 3 and a lease agreement to be drawn up between the two parties.*  
Ayes: McKee, Milkowski, Cryan Abstain: Schriver

### **Comcast Cable Franchise**

Mayor McKee stated that the current franchise with Comcast Cable expires April 18, 2015. The municipality has until April 18, 2014 to issue a municipal report. This municipal report is usually prepared by an advisory committee appointed by the Township Committee after it conducts a fact finding on the current service provided by the cable operator and the needs of the municipality and its residents. Preparation of this municipal report is worthwhile but a time consuming process as it allows for wide ranging investigation of the current state of cable service in the Township in a forum for the Township residents to express their concerns.

Mayor McKee stated that the Township would like to have an advisory committee made up of people that are concerned about their cable service. It is their one time chance to have input, but it takes a group to get together on it. It is their chance to voice concerns and complaints, like people who do not have cable in their area. The Committee is trying to put this out to the community, maybe put it in the newspaper or on the website to see if the Committee can get some interested people from the Township to get involved with this. Ms. Schriver stated that she thinks that involvement also means members have to research the Township as she knows there are residents that are not being served, that is part of it, finding out who is not being served, what schools or organizations could use, some cable or equipment to the school; it is not just meeting, it is also researching. The Mayor is going to put something on the website.

### **Township Historians – Facebook Page- Tabled**

### **Bourbon Street Blues Festival – Police Chief Mattson Memo**

Mayor McKee read the memo from Police Chief Mattson regarding the reservations he has about signing off on the permit pending for the Bourbon Street Blues Festival. Chief Mattson states that he has been advised that the Blues Fest plans on using a private security force during the event with no plans to have a police presents. This is a large event on Township property where alcohol beverages will be dispensed. In anticipation that police will be required to respond for assistance or disturbances, necessary manpower should be available on site at their expense. The normal road coverage patrol will be one officer or maximum of two, with the possibility that the patrol will not be available to respond promptly to the Blues Fest. There was an estimate of 3,000 attendees last year. For the record, the Committee is in total agreement that they support the Chief and what he feels we need at the event, the Committee is behind him. Mayor McKee will reach out to the Chief.

### **Final On-Site Supervision Payment – DPW Garage Project**

A bill from Keith Chambers was presented to the Committee. Mr. Milkowski stated that he thought the payment should be tabled until the building is complete. Mr. Cryan felt there was no need to table it, as he had no intentions of approving it as it is. Mr. Cryan does not know what was misunderstood about completion by the 28 of the month. For him, on his own, to just keep his people there then send a bill for it, is ridiculous. Mayor McKee wanted to put it aside, let him get all his punch list items complete and possibly revisit, just so there is no litigation. Mr. Milkowski wanted to see it tabled until the work is complete. Ms. Schriver feels that it is an unfair request. Tabled, no payment is to be made at this time. A contract is a contract.

### **Approve Preparation of Payment – Matarazzo Excavation**

Mayor McKee stated that the equipment has been moved to the unsafe structure site. He does not know if the asbestos is off yet. He should be done by the end of the week with the unsafe structures so what the Mayor would like the Township to do is to cut a check for Matarazzo Construction, hold it unsigned and pay it when the work is deemed complete. Ms. Schriver agreed with the Mayor. Mayor McKee stated that this was deemed an emergency. The work is one day for demo, one day for the asbestos removal and the next day the buildings will be down and carted away. It was agreed that a check would be cut and held unsigned. The check would be released when the work is deemed complete by the Construction Official and the Mayor.

*Motion by Ms. Schriver, seconded by Mayor McKee and carried by favorable roll call vote, the Township Committee approved cutting a check for payment, to be held until Construction Official and Mayor approve it for release. Ayes: Schriver, McKee, Milkowski Nays: Cryan*

### **Maxwell Property – Lot Line Adjustment**

*Motion by Ms. Schriver, seconded by Mayor McKee and carried by favorable roll call vote, the Township Committee approved Resolution 47-2013. Ayes: Schriver, McKee, Milkowski Abstain: Cryan*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 47-2013**

**A RESOLUTION AUTHORIZING APPLICATION FOR A LOT LINE ADJUSTMENT  
OR MINOR SUBDIVISION, AS REQUIRED, IN CONNECTION WITH  
THE ACQUISITION OF REAL PROPERTY KNOWN AS A PORTION OF**

**BLOCK 64, LOT 7.03 ON THE TAX MAP OF THE TOWNSHIP OF LEBANON**

**WHEREAS**, the Township of Lebanon has determined that a portion of the property known as Block 64, Lot 7.03 (hereinafter, the Property), is needed by the Township for a public purpose; and

**WHEREAS**, the Township of Lebanon has previously authorized, by ordinance, the negotiation with the owners of the Property to acquire a fee simple interest in a portion of said block and lots; and

**WHEREAS**, in connection with said acquisition, it will be necessary to make application to the appropriate Board of the Township for a lot line adjustment or minor subdivision of the Property.

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

1. That the application to the appropriate Board of the Township of Lebanon for a lot line adjustment or minor subdivision is hereby authorized in connection with the acquisition of a fee simple real property interest in a portion of Block 64, Lot 7.03. The actual metes and bounds description of the Property will be in accordance with a survey to be prepared and paid for by the Township.

2. That the Township shall pay for all surveys, preparation of documents or other submissions relating to this proposed lot line adjustment/minor subdivision, as well as the professional fees necessitated by the lot line adjustment/ minor subdivision.

3. That the Township may assign its obligations and liabilities under any Contract entered into with the Property owners to the Lebanon Township Fire Department, and , if so assigned, may act on behalf of the Lebanon Township Fire Department in the perfection of any such application for lot line adjustment/minor subdivision as authorized by the Fire Department..

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

**DPW Building Sign**

Ms. Schriver stated that at the last meeting there were several suggestions for the sign at the Public Works building and none of the signs were what the Committee wanted, so Ms. Schriver got a quote on a wooden sign. The Township would install it, the sign is 36 x 60 and the cost is \$500. It would probably be a white background; could use green lettering or whatever. Mayor McKee stated that it is wood, painted, and asked if it was a pressure treated wood. Mayor McKee is worried about the wood, which will need maintenance and it will continue to need to be painted. Mayor McKee

asked if anyone had asked the DPW Supervisor what he might like. Mr. Milkowski wanted to know if there were any other materials more permanent than wood for the sign, something that will last longer. Ms. Schriver will check into it.

## **NEW BUSINESS**

### **Social Affair Permit- St. John Neumann Church – 6/1/2013**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for an event to be held on June 1, 2013.*

## **PRESENTATION OF VOUCHERS**

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

Mr. Milkowski had a issue with the final payment for the fueling system in the amount of \$54,792. There is a problem with this tank as it also supplies fuel to the heaters inside. The issue is, when the tank runs down to 20", it stops working. They did some work on it; they think they have it corrected; this is under their portion of the project. What Mr. Milkowski wants to do, even though there is \$26,987.00 that is 1/3 on hold back, if we still retain it, then that is sufficient. If not, that gets paid out so many days after, say 30 days, after completion of the project, then he thinks that the Township needs to hold some money off this bill. Mayor McKee stated that was to make sure they come back and repair it and he asked why they could not repair it right now. Mr. Milkowski stated that they believe they did. When the fuel tank drops down to 20" there is a pump on the second floor which supplies oil to the burners inside, it would not draw that distance. They will not know if it works until the fuel drops down below 20" again. That is why money should be left to cover that.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved the amended March 20, 2013 bill list in the amount \$210,676.86 to include: pay only \$45,000 of the \$54,792.68 for Independence Contractors, Inc. and issue a check to Matarazzo Excavating for \$30,570 to be held unsigned until the work is deemed complete, total amended bill list of \$231,454.18. Ayes: Schriver, McKee, Milkowski Nays: Cryan*

## **CORRESPONDENCE**

Tax Collector's Report for the month of February 2013

## **PUBLIC COMMENTS**

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

Laurie Hoffman, 213 Buffalo Hollow Road stated that several times the Committee is coming up with motions and voting on things and not allowing any public comment. The Fire Department taking over the Rescue Squad is a major thing to not allow any public comment. Mr. Milkowski stated that the meeting is opened to the public for agenda items and Ms. Hoffman stated that they did not know what the proposal was at that time. There was no public comment on what the Committee did. The Committee is not allowing anyone else to come forward, she is not against the Fire Department having the building, she feels that the Rescue Squad and Fire Department are a hot issue and she thinks that there should public input into it, other options instead of just the Committee making the decision. On the Maxwell property, is the Township going to own the property or the Fire Department? Mr. Milkowski stated that it will be merged with the Fire Department property. Last Friday Mrs. Hoffman attended a senior's township meeting. She told the Mayor and Clerk that she would attend as liaison for the Township. They want to have permission for a representative from the county senior group to come and sit at the Township building so if any resident that has any concerns they can come here. They are going to see if Ms. Hoffman can be the liaison on the committee because she might be too young. She feels there needs to be more follow through with what the Committee is doing. She stated, that as of today, the cleanup of the Swack Church is being done by nobody connected with the Lebanon Township Governing body. A group will be working again on the weekend. They have been on the 69 News in Allentown. The Express Times and the Democrat have been there also. There are about 100 graves at the site. They are finding more and more stones. There is a group called the Gravematters and their biggest thing is to go into old cemeteries, find out about them and reset the stones. They are hoping to set the stones and make it look like a cemetery when it's done. Mayor McKee asked if they were moving the stones. Mrs. Hoffman understood that no one has touched the stones; there are red flags that mark every time someone finds a stone, they are putting red flag markers, so everyone knows when they are working in the area. They also believe that in the past Ralph Lomerson had gone in and put the stones all around a tree, he thought he was saving the stones by doing that.

Russ Monahan, Dutch Hill Road, stated that he wanted to thank the Committee for entertaining the Fire Company's restoration of the Squad building. He stated that the Township will retain ownership of the building and they will lease it for a nominal fee and he will pay the dollar. He also stated that if an ambulance or a fire truck or a police car is backed in the front doors, that is still all for the residents of the Township, not the Fire Company. This Township has a multi million dollar budget and he was asking the Committee to scrutinize the budget and see if there is a way to help the Fire Company get the job done. He does not feel that the whole burden should be put on their shoulders. He asked if there was a way of bonding for the cost of the repairs to try to expedite the whole thing. Mayor McKee state they would take it into consideration.

Fred Schlesinger, 58 Bunnvale Road, stated that he wanted to thank the volunteers for what they do for the town. He stated that the Township has had the building for over a year and there is no money in the budget for the building. Ms. Schriver stated the money was going to be raise through foundations and grants. Mr. Schlesinger suggested that maybe changes could be made to the budget in order to accommodate getting the building finished. Mr. Schlesinger also stated that the Fire Station is owed by the Fire Department as he has seen a deed, there is not going to be a lease found. He also felt the patient records were not an executive item. Mr. Milkowski explained that there legal issues attached.

Anthony Casale – Mr. Casale thanked the Committee for tabling the COAH ordinance. He explained the circumstances involving his home and COAH fees. Mr. Casale discussed the cell tower and the permits for it.

Fred Schlesinger- Commenting on the cell tower, Mr. Schlesinger stated that he knows things have a way of lingering and he is required to only get cell service from one carrier, Verizon, because nothing but that cell tower reaches Bunnvale Road. There are benefits to the public for having a co-locator on the tower and he hopes that the Committee is aware of the fact that the longer this is delayed the more expensive it is for some town residents that are stuck with one particular carrier.

Victor Hoffman-213 Buffalo Hollow Road stated that he felt the Committee took a step backwards tonight. He does not have a problem with the Fire Company taking over the building, but feels that the Committee should have listened to other proposals. He feels that would have been fairer to the residents. He wished that they had taken another week to finalize the proposal and acceptance of it. He thinks that there is going to be residents that are not happy with this. He asked if the Township is able to request from Comcast the rate on how long it takes to do repairs and the record of how many repairs they have and how many service repairs they have in our community. Ms. Schriver stated that we can put anything in it, it is important that this is a 10 year commitment, you have to wait 10 years to do it all over again. Mr. Hoffman stated that he would help with the advisory committee if they are unable to find anyone. Under Bourbons Street Blues Fest, he asked if our insurance plays in that in any way. Mayor McKee stated that they have their own insurance. Ms. Schriver stated that they have their own insurance but it is our property. Mr. Hoffman stated alcohol is being sold on our property, someone goes out has a tragedy are we in anyway liable? Mr. Milkowski stated are we going to be sued, absolutely. Will they collect from us, probably not. Mr. Cryan stated that in the world of lawyers anyone can be sued. Mr. Hoffman stated that the Township would probably wind up paying because they are more apt to pay it then fight it. If the Township can not have the police department present, then Mr. Hoffman does not believe that the Blues Fest should have the festival or he would like the Committee to authorize our Police Department to do a sobriety test on everyone leaving. Ms. Schriver stated that it was already decided that they are not having it if they do not have our police.

Nancy Darois of Butler Park Road stated that this has been the worst meeting that she has ever been to. She stated that the Committee has not supervised or understood half the items they are suppose to, first one was about the garage. She wanted go know if the DPW was ready to move in. Mr. Milkowski stated that there is a temporary CO. Ms. Darois asked, “No more money? I don’t hear that do I”. Mr. Milkowski stated that he did not know of any more money, the Township is not paying anymore. Ms. Darois asked if they are going to get their Certificate of Occupancy to move in. Mr. Milkowski again stated there is a temporary one. The last things they are waiting on is the shower, the floor had to be retiled and they have to set the drain, get an inspection on it and then they are going to do a building inspection, another thing that needed to be done was to line the handicapped parking area. Mayor McKee stated that they do have the ability to move in. Ms. Darois stated that the Township does not need the Blues Fest at all because if they are drinking, they are not thinking. She feels that the Committee needs to get their paperwork a little bit more together. She does not agree with the COAH ordinance.

Ed Schaffer- Fire Chief stated that April of 2010 is when the First Aid Squad ran into their issues and the building has been vacant since. The Fire Department has sat back since that time and tried to

keep their end of things together in hopes of moving forward with the building. The Township brought up the idea of the community center and nobody else came forward with a plan and the Fire Department took the opportunity to work with the Township. They look forward to working with the Township in putting the building back to what it was and have it here for the community.

Anthony Casale of Bunnvale Road asked how many times have we discussed the cell tower over the last 2 years. It just gets delayed and delayed and it does not come around. Mr. Casale discussed the generator providing electric service to the Fire Company.

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

## **EXECUTIVE SESSION**

There are 2 items for executive session. Two matters of potential litigation storing of patient records notice of lien and the second is contract negotiation.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 48-2013 and convened in executive session at 9:50 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 48-2013  
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: \_\_\_\_\_);

X  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;

X  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.);

\_\_\_\_\_ 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 at 10:26 p.m.

The Township Committee discussed 3 items. Potential litigation storing patient records, contract negotiation property acquisition, potential litigation notice of lien claim and no action is to be taken.

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 10:27 p.m.

Respectfully submitted,

---

Kimberly S. Jacobus  
Deputy Clerk

Approved: May 1, 2013

---

Thomas McKee, Mayor