

**Lebanon Township Committee
June 18, 2014**

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 Patricia Schriver
 Brian Wunder Bernard Cryan

Absent- Ronald Milkowski

Also Present - Attorney Tara St. Angelo, Clerk Karen Sandorse and 13 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of May 21, 2014

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of May 21, 2014. AYES: Schriver, McKee, Cryan
ABSTAIN: Wunder*

Minutes of the Executive Session Meeting of May 21, 2014

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of May 21, 2014. AYES: Schriver, McKee, Cryan
ABSTAIN: Wunder*

Minutes of the Regular Meeting of June 4, 2014

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of June 4, 2014. AYES: Schriver, McKee, Milkowski, Cryan
ABSTAIN: Wunder*

PUBLIC COMMENTS – for agenda items only.

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

Mr. David Shope stated his concern with the look back provision in the Highlands ordinance. Mr. Shope stated that applications will be subject to review by the Highlands Council and/or the DEP. Mr. Shope noted that the Planning Board and Building Inspector should advise applicants that there may be the possibility of review by the Highlands Council and DEP. Mr. Shope stated that there is a 45 day period for action to be taken and he hopes that Planning Board and the Building Department notify the applicant that once they get approvals from them they should wait the 45 days incase their approval is amended by the DEP or the Highlands during that time frame.

Mr. Shope said that Lebanon Township is going to suffer a decline as a result of the restrictions placed on the lands in the Township.

Motion by Ms. Schriver, 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. 2014-05 - HIGHLANDS AREA EXEMPTION

Public Hearing

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-05 was opened.

Mr. Shope stated that the Committee should really consider this ordinance going back to the Planning Board. Mr. Shope also stated that he questions what the Planning Board has done this year.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-05 was closed.

Motion by Mr. Wunder, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-05 was reopened.

Planning Board Member Marc Laul discussed the look back provision with the Committee.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-05 was closed.

Ms. Schriver questioned if the Planning Board discussed the 45 day look back period. Discussion was held on holding the ordinance for adoption in order for the Committee to research the look back language.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee tabled Ordinance No. 2014-05 to a later date.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2014-05
HIGHLANDS AREA EXEMPTION
ORDINANCE

Introduction

Ordinance No. 2014-06 – 2014 SALARIES

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2014-06 as entitled below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
SALARY ORDINANCE
ORDINANCE NO. 2014-06

Public Hearing to be held on July 16, 2014.

RESOLUTIONS

Resolution No. 46-2014 – Renewing Plenary Retail Consumption Licenses

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved Resolution No. 46-2014 as written below. AYES: Schriver, McKee, Cryan
ABSTAIN: Wunder*

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 46-2014
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2014-2015 year:

1019-33-001-002 A T K Inc. t/a Tony's Restaurant & Pub, Califon, NJ

Resolution No. 47-2014 - Fireworks Display/A & B Stainless Valve and Fitting Co.

*Motion by Mr. Cryan, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved Resolution No. 47-2014 as written below. AYES: McKee, Wunder, Cryan
ABSTAIN: Schriver*

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 47-2014
RESOLUTION GRANTING FIREWORKS
PERMIT TO A&B STAINLESS VALVE
AND FITTING COMPANY

WHEREAS, A&B Stainless Valve and Fitting Company has applied for a permit for public display of fireworks to be held on July 12, 2014 at 9:00 p.m.; and

WHEREAS, the Lebanon Township Fire Code Official has reviewed the application, investigated the area where the display will take place and recommends that the permit be granted; and

WHEREAS, the necessary bond and surety has been posted.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey that a fireworks permit be granted to A&B Stainless Valve and Fitting Company for the activity described in its application.

BE IT FURTHER RESOLVED that the Township Fire Official file copies of this Resolution and any other pertinent document with the appropriate New Jersey agency.

OLD BUSINESS

Township Volunteer Recognition Event

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the appointment of the Mayor and Ms. Schriver to work with the Park Committee on the Township Volunteer Recognition Event.

NEW BUSINESS

Police Chief Request to Purchase a 2014 Police Interceptor SUV

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the lease/purchase of a 2014 Ford Police Interceptor SUV from Beyer

Ford (Morris County Co-op) at a cost of \$38,088.75, which will be paid over three years. The Interceptor will replace 19-12, the 2010 Ford Explorer.

Tour of Long Valley Request

The Tour of Long Valley will be holding a bicycle charity ride on Sunday July 27, 2014 from 9:30 a.m. to 11:30 a.m. They are requesting that one police officer be present in the Hoffman's Crossing area for traffic assistance. The Police Chief has coordinated the coverage with a Tour of Long Valley representative and they will be covering the cost for the officer's service.

July and August Meetings – One Meeting Per Month

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized the cancellation of the first meeting in July and the first meeting in August.

Damaged DPW Dump Truck – Authorize Clerk to Sign Title for Selective Insurance Company

On May 6, 2014 a DPW employee was in a motor vehicle accident with a DPW dump truck. It was determined by the insurance company that the truck was totaled. Selective is requesting the title for the truck so they can issue the Township a check for the damages.

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to sign over the title to Selective Insurance Company.

NJ Department of Health - Right to Know Coordinator

The NJ Department of Health has established a new online system for submitting annual Right to Know Surveys. The Dept. is requesting that that Township appoint one official RTL Coordinator. The person must be an employee of the Township and must be responsible for coordinating the completion of all RTK Surveys. The individual can both complete and submit the surveys or they can oversee the process by assigning surveys to other individuals for completion.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee authorized Warren Gabriel to be the administrator of the Right to Know program for the Township.

Howard Symond's Passing

Ms. Schriver expressed her sympathy to the Symonds family in the passing of Howard Symonds. Ms. Schriver stated that Mr. Symonds sat on the Township Committee and was more recently the Perc Witness for the Township.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the June 18, 2014 bill list in amount of \$2,530,951.92.

CORRESPONDENCE

- a. Tax Collector's Reports for the Months of April 2014 and May 2014.

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 7:47 p.m.

Mr. Shope stated that he receives the Hunterdon Review and he receives it late therefore it does not do well for the Township's public notices.

Mr. Shope stated that Mansfield Township has not adhered to the requirements of the Highlands Act and have had no issues.

Mr. Marc Laul asked about the letter received from the NJ Land Trust regarding their opinion on the Quarry. Mayor McKee stated that the Land Trust's position has not changed and he feels that it is a non-issue for the Township at this time. The Land Trust was supposed to be part of the swap and if they do not want to get involved it makes no sense for Township to be involved either.

Mr. Victor Hoffman stated that the Committee authorized the Clerk to sign the title over for the damaged DPW dump truck. Mr. Hoffman asked what is being done about the accident and the loss of the vehicle. Mr. Hoffman asked if there was disciplinary action taken as someone needs to be held accountable.

Mr. Hoffman asked if the subcommittees have been advised that they are required to submit their meeting minutes. The Committee will consider instituting that the subcommittees are to submit their meeting minutes.

Ms. Laurie Ann Williams of Butternut Road addressed the Committee with suggestions she has in raising money for the Township through a Non-profit 501c3 organization.

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 8:05p.m.

Resolution No. 47-2014 –Executive Session

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 47-2014 and convened in executive session at 8:06 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 47-2014
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: **Centurion Litigation** _____ 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.);

 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: _____ 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. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at 9:11 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: July 16, 2014

Thomas McKee, Mayor