

**Lebanon Township Committee  
July 16, 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	Ronald Milkowski
	Brian Wunder	Bernard Cryan	

Absent-

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

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of June 18, 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 June 18, 2014. AYES: Schriver, McKee, Wunder, Cryan, ABSTAIN: Milkowski*

**Minutes of the Executive Session Meeting of June 18, 2014**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of June 18, 2014. AYES: Schriver, McKee, Cryan, Wunder ABSTAIN: Milkowski*

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

*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.*

Ms. Laurie Hoffman stated that she feels that if the Committee extends back to when the veteran filed for the second exemption it will be opening a can of worms.

Ms. Hoffman said that she hopes that the Committee will look into the NJ Water Supply Authority possibly purchasing the property on Newport Road before town takes over.

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

Mr. Shope informed the Committee of many concerns he has with the language in the Highlands Area Exemption Ordinance. Mr. Shope encouraged the Committee to think hard before adopting the ordinance. Mr. Shope feels that the ordinance does not provide for an exemption as it is an additional burden to the property owners. Mr. Shope does not feel that the ordinance should be adopted as written.

*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.*

Mayor McKee stated that a memo was received from the Township Planner stating that there is no 45 day look back period. There is a 20 appeal period which is the same as a zoning application. Mayor McKee stated that there are seven exemption items that the Township will now be able to address without the need to deal with the DEP or the Highlands Council.

Mayor McKee stated that the Planning Board endorsed the adoption of the Highlands Area Exemption Ordinance.

*Motion by Mayor McKee, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2014-05 as attached. AYES: Schriver, McKee Milkowski NAYS: Wunder, Cryan*

ORDINANCE

**Ordinance No. 2014-06 - Salaries**

**Public Hearing**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-06 was opened.*

Ms. Laurie Hoffman asked for the definition of the ordinance.

*Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-06 was closed.*

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2014-06 as written below.*

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

BE IT ORDAINED BY THE Township Committee of the Township of Lebanon, Hunterdon County, New Jersey, that:

SECTION A: This Ordinance shall be known and may be referred to be its short title which is "The 2014 Salary Ordinance"

SECTION B: The annual salary of the following officers and employees of the Township of Lebanon shall be as set forth hereafter:

	SALARY	RANGES
Mayor	4,000.00	6,000.00
Committee	3,000.00	6,000.00
Open Space Coordinator	4,000.00	6,000.00
Tax Assessor	30,000.00	54,000.00
Township Clerk	40,000.00	84,000.00
Deputy Clerk	30,000.00	55,000.00
Tax Collector	30,000.00	47,000.00
Chief Financial Officer	2,000.00	30,000.00
Treasurer	30,000.00	35,000.00
Planning Board Clerk	15,000.00	30,000.00
Zoning Official	11,000.00	31,000.00
Board of Adjustment Secretary	15,000.00	30,000.00
Police Office Manager	29,000.00	52,000.00
Road Supervisor	55,000.00	88,000.00
Asst. Road Supervisor	40,000.00	71,000.00
Chief Mechanic	29,000.00	70,000.00
Road Employee	27,000.00	70,000.00
Police Chief	86,000.00	112,000.00
Police Sergeant	66,000.00	108,000.00

Police Officer	32,000.00	98,000.00
Office of Emergency Management	2,000.00	6,000.00
Dog Census	2,000.00	5,000.00

SECTION C: The hourly wage of the following employees of the Township of Lebanon shall be set forth hereafter:

Buildings and Grounds	12.00	15.00
Library Clerk	19.00	22.00
Assistant Library Clerk	9.00	15.00
Museum Curator	11.00	20.00
Assistant Museum Curator	9.00	17.00
Special Police Class II & Matrons	20.00	24.00
Dog Wardens	9.00	14.00
Mechanic Helper - over base pay	2.00	4.00
Fire Official	24.00	26.00
Perc Test Witness	100.00	125.00
Special Traffic Guards	25.00	38.00
Accounts Payable	20.00	23.00

SECTION D: The rate for mileage shall be the current federal limit.

This ordinance shall take effect upon final passage and publication as provided by law.

**RESOLUTIONS**

**Resolution No. 49-2014 – 3<sup>rd</sup> Quarter 2014 Tax Grace Period**

*Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 49-2014 as written below.*

TOWNSHIP OF LEBANON  
 COUNTY OF HUNTERDON  
 STATE OF NEW JERSEY  
 RESOLUTION NO. 49-2014

WHEREAS the certified 2014 tax rate may be delayed from the Tax Board of Hunterdon County, and WHEREAS this amount is needed for the property tax bills to be printed, and WHEREAS there must be twenty-five days from the date of mailing for the return of the quarterly payment before interest is charged, THEREFORE BE IT RESOLVED, that pursuant to N.J.S.A. 54:4-66 et seq., the payment without interest for the third quarter 2014 taxes will be extended to at least twenty-five days from the mailing of the tax bills, after which time all receipts for the third quarter shall be deemed delinquent with interest accruing from August 1<sup>st</sup>, 2014.

**Resolution No. 50-2014 – Totally and Permanently Disabled Veteran Exemption**

The Committee discussed past practices relative to Veteran Exemptions and the possible need to establish a new policy based on the change in financial circumstances in the Township.

Attorney Cushing will prepare a resolutions providing for a retroactive payment for Mr. Petrowski and Ms. Symonds back to the date the veteran was declared disabled by the Veterans Administration. The portion to be returned would be the municipal portion of the taxes paid only.

Attorney Cushing will prepare an additional resolution stating that the future policy will be that the Township will provide for a Disabled Veteran Exemption reimbursement from the date of application to the Township for exemption. The reimbursement will be solely the municipal share of taxes that had been paid.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee tabled Resolution No. 50-2014 as well as the Mark Petrowski matter which is listed under Old Business.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 50-2014  
PERMANENTLY DISABLED VETERAN EXEMPTION

**Resolution No. 51-2014 - Award Bid for 2014 Road Materials**

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 51-2014 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 51-2014  
RESOLUTION AWARDING A CONTRACT FOR  
2014 ROAD MATERIALS

WHEREAS, bids were received on July, 1, 2014 for 2014 Road Materials, and  
WHEREAS, the Township Committee has reviewed the recommendations made by the Township Public Works Manager on said bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contracts be awarded based on the recommendation of the Township Manager of Public Works.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
Flemington Bituminous	Top Mix (I-5)	\$ 64.95 per ton
Flemington Bituminous	Base Mix (I-4)	\$ 62.95 per ton

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the contracts for same.

**Resolution No. 52-2014 – 2014 Salaries**

Mr. Milkowski stated that he feels that there were salary increases provided to certain positions, the OEM Coordinator and the Recycling Coordinator, which are not part of the CWA Local Bargaining Unit. Mr. Milkowski stated that when the positions were established a \$5000 stipend was agreed upon. Each position has been given an annual increase based on the CWA Contract negotiations. Mr. Milkowski feels that the salaries should be put back to \$5000.00 since the employees were given raises and should not have been. Mr. Milkowski stated that there is another employee listed twice on the resolution which is an error that needs to be corrected. Discussion held.

*A motion was made by Mr. Milkowski and seconded by Mr. Wunder to amend Resolution No. 52-2014 by setting the salary of the OEM Coordinator and Recycling Coordinator at \$5000. AYES: Milkowski, Wunder NAYS: Schriver, McKee, Cryan Motion defeated.*

*Motion by Mayor McKee, second by Mr. Cryan and carried by unanimous favorable roll call vote the Township Committee amended Resolution No. 52-2014 by removing the OEM Coordinator and Recycling Coordinator position from the resolution until discussion can be had with the individuals regarding the concerns raised by the Committee to bring their salaries back to \$5000.*

*Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 52-2014 as amended and written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 52-2014

RESOLVED, BY THE Township of Lebanon, County of Hunterdon, State of New Jersey fixing the Compensation and Salaries of certain officers and employees of the Township.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon that this Resolution be known as the 2014 Salary Resolution and the annual salaries of the following officers and employees be set forth hereafter:

SECTION A:	<u>2014</u> <u>Salary</u>
Mayor	4,000.00
Committee	3,000.00
Open Space Coordinator	5,000.00
Tax Assessor –Mastro	52,358.64
Deputy Clerk Jacobus	53,407.68
Township Clerk – Sandorse	82,622.40
Tax Collector – Hyland	46,029.60
Chief Financial Officer - Della Pia	2,439.84
Planning Board/Bd of Adj Secretary – Glashoff	57,310.08
Police Office Manager – Goracy	50,335.68
Zoning Officer – Flemming	29,922.72

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Road Supervisor – Gabriel	86,755.92
Asst. Road Supervisor-Rivers	69,786.96
Chief Mechanic – Kiley	68,476.08
Road Employee – Heft	61,588.80
Road Employee – Beam	60,074.40
Road Employee – Candler	53,948.88
Road Employee – Nunn	53,948.88
Road Employee – Apgar	46,086.24
Chief of Police Mattson	108,474.00
Sergeant Gale	105,264.96
1st Class – Smith	96,828.24
1st Class – Rautenberg	96,828.24
1st Class – Gurneak	96,828.24
1st Class – Unkert	96,514.80
1st Class - Cronce	95,288.40
1st Class – Lane	93,748.32
1st Class – Thomsen	93,444.00
Dog Census – Dunlap	4,747.26

SECTION B: The hourly wage of the following employees of the Township of Lebanon shall be set forth hereafter:

Library Clerk - Harding	21.28
Alt. Library Clerk - Drumm	12.55
Alt. Library Clerk - Lebida	12.83
1st Clerk - Lucas	18.25
2nd Clerk - Roth	16.55
Museum Curator - Lucas	19.16
Assistant Museum Curator - Kinney	16.07
Special Police Class II	22.41
Animal Control Officer	13.07
Fire Official - Apgar	25.19
Perc Test Witness -	100.00
Special Traffic Guards	42.58
Accounts Payable - Fascinelli	21.86
Road Department - Laborer	15.00

SECTION C: The rate for mileage shall be the current federal limit.

## **OLD BUSINESS**

### **Veterans Exemption Request – Mark Petrowski**

See Resolution No. 50-2014.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee tabled Resolution No. 50-2014 as well as the Mark Petrowski matter which is listed under Old Business.*

### **Diane Glass – Donation Offer –Block 36, Lot 27 – 332 Newport Road**

Ms. Diane Glass has offered to donate her property at 332 Newport Rd to the Township. The Engineer went to the property and took photos and has raised some concerns. The concerns relate to residual issues but nothing environmentally sensitive. Mayor McKee noted that it is a wet piece of property. Ms. Glass will take the building down and remove it; the rubble foundation will be imploded and left.

*Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved accepting the property with a letter to be sent to Ms. Glass stating the Committees concerns and how they would like to see the property left.*

Attorney Cushing will prepare the letter and will conduct a Judgment Search.

### **New Jersey Land Trust Correspondence - U.S. Concrete – Expansion of Quarry**

Mayor McKee stated that the Planning Board is anxious to receive a copy of the letter received from the NJ Land Trust regarding their thoughts on the concept of the Quarry. Mayor McKee stated that the Land Trust's position did not change on the Quarry's proposal. They feel that Eastern Concrete did not provide adequate proof that they have exhausted all means to continue quarrying and they did not feel that the land swap was in any interest to them.

The Committee feels that since the Land Trust has no interest in the proposal it is a moot issue for the Township at this time. The Land Trust letter is to be provided to the Planning Board.

### **Cell Tower**

Attorney Cushing stated that there is nothing new to report regarding the co-locator rent for the cell tower. The Township's position is that rent is accruing.

Attorney Cushing will bring a report and numbers to the next meeting. The Committee will decide at the next meeting if a letter should be sent stating that this is the contractual situation and if the Township does not receive retroactive rent by a certain date the Township will file suit.

### **FD Lease Agreement**

Mr. Milkowski stated that he met with the Fire Dept. at one of their meetings and they unanimously approved the lease agreement for the Squad building as presented. The lease agreement will be on the next meeting agenda for Committee's consideration.

## **NEW BUSINESS**

### **Meeting Minutes – Township Standing Committees**

Mayor McKee stated that it has been brought up about the standing committee meeting minutes being provided to the Township Committee. Some of the standing committees do provide their minutes but all do not. The Mayor stated that he would like for all of the standing committees to submit their approved meeting minutes to the Committee and that they will then be displayed in the Municipal Office. Mr. Wunder noted that he informed the standing committees that they may be asked to submit their minutes and he will now send them a follow up memo requesting such.

### **Appoint Collective Bargaining Sub-committees**

Mayor McKee appointed Mr. Cryan as Chairman of the CWA Negotiation Committee and appointed Mr. Milkowski to Chairman of the PBA Negotiation Committee. Each chairman is to select their negotiating partner. The matter will be placed on the next meeting agenda for each chairman to inform Committee of partner.

### **DPW Manager Correspondence – Roadway Clarification**

The DPW Manager sent a letter to the Committee asking for clarification on the DPW's responsibility in snowplowing and maintaining two portions of Old Spruce Run Turnpike, which runs parallel to Route 3, Skinner Road and Sanatorium Road.

Mr. Cryan stated that last year the Committee made the decision to not plow some of the roads in the middle of the winter and Warren Gabriel would like clarification as to whether the roads should be maintained by the Township in the future. Discussion was held on road ownership, abandonment and roads previously maintained by the State.

The matter will be placed on the next meeting agenda for the further consideration.

### **Social Affair Permit – LTVFD – Day in the Park**

*Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved a Social Affair Permit for the Lebanon Township Volunteer Department for the "Day in the Park" event to be held on October 11, 2014 with a rain date of October 12, 2014, AYES: Schriver, McKee, Milkowski, Cryan NAYS: Wunder*

### **Hunterdon County Cultural & Heritage Commission Request to Appoint Local Historian**

*Motion by Mayor McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the Historians to make a recommendation to the Township Committee for the appointment of a Local Historian.*

### **DPW Manager Correspondence - Quest Environmental Quote for 5/6/2014 Accident**

The DPW Manager informed the Township Committee that he is requesting Committee approval for Quest Environmental to conduct additional Remedial Investigations relative to the DPW dump truck accident on Hollow Road. Warren Gabriel informed the Committee that the work needs to be done in order to be in compliance with the NJDEP's standards. Once the invoice is received, for the work conducted, it will be sent to the insurance company for payment.

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee authorized Quest Environmental to conduct remedial work on Hollow Road as outlined in their June 26, 2014 proposal.*

### **Veteran's Haven Meeting – Fire and EMS Responses**

Mr. Milkowski stated that in the past the Township had an agreement with Hagedorn in which the Township was reimbursed for Fire and EMS calls at the facility. When Hagedorn closed, Veteran's Haven took over a portion of the facility. As there are now Fire and EMS responses to Veteran's Haven, Mr. Milkowski and the Fire Dept. would like to meet with their representatives to see if the program can be reinstated. Ms. Schriver stated that she feels that since the matter involves Fire and EMS Mr. Milkowski should meet with them the Veteran's Haven officials. Mr. Milkowski will meet with the Fire/EMS Department and Veteran's Haven representatives. Warren Gabriel suggested including the mutual aid companies in the meeting.

### **OPRA Requests**

Mr. Milkowski stated that a resident had inquired on OPRA requests received by the Township. Mr. Milkowski stated that in the future he would like OPRA requests to be posted on the Municipal Office bulletin board for 30 days. The Committee decided that OPRA requests are a matter of public record and will be displayed.

### **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 July 16, 2014 bill list in amount of \$218,726.64.*

### **CORRESPONDENCE**

- a. Tax Collector's Report for the Month of June 2014

### **PUBLIC COMMENTS**

*Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 9:12 p.m.*

Ms. Laurie Hoffman asked what Centurion is. Attorney Cushing provided a explanation of the problems with the initial DPW Garage project contractor, Mr. Walter Poppe.

Ms. Hoffman asked if the Township has a quarry ordinance. Mayor McKee stated that the Township does not have a quarry ordinance at this time and is not in process of establishing one. Discussion was held on the matter.

Ms. Hoffman asked about the status of the volunteer picnic.

Ms. Hoffman asked for clarification on the Petrowski and Symond's Disabled Veteran's requests.

Ms. Hoffman stated that the \$5000 stipends for the OEM Coordinator and the Recycling Coordinator were discussed at a budget meeting.

Ms. Hoffman stated that she would like to see proof, in writing, that the Township abandoned the roadway in front of Davara's (Route 31 North) after the State had abandoned it.

Mr. Shope stated that the idea of posting OPRA requests on the bulletin board is fine but he would like the response to be added also.

Mr. Shope stated that based on discussions of the Township Committee he feels that the Committee may not be using the state representatives. Mr. Shope noted that if the Committee needs information from Trenton the representative would help out and they would most likely be glad to receive the Township's calls.

Mr. Shope stated that if someone does not want their property they may stop paying taxes on it and the Township may end up with the issue of adverse consequences in land values.

Mr. Casale asked if there has been any soil testing done on the property that is being offered as a donation. Mr. Milkowski stated that during his visual inspection the engineer detected that a wood stove was used for heat.

Mr. Casale stated that he does not know if posting OPRA responses is proper. Mr. Casale stated that a resident asked for the cost of OPRA requests and noted that he has concerns as to how the individual was aware of the OPRA requests as they were an item of sensitive nature. Mr. Casale stated that if it was an executive session matter, no one should be aware of what happened in the session. Mr. Casale does not feel that posting the OPRA is a good practice. Mr. Casale also stated that he has concerns with people paying for items that they have requested and another person receiving the same information for free because they will be displayed in the office. Mr. Cryan stated that the individuals request for the cost of the Township's OPRA requests was broad and not specific to an individual request.

Mr. Casale stated he does not know where the demand for rent letter was sent but there is another interested party and Verizon should share in the pursuit for rent. Mr. Casale stated that the commencement of rent should be back to when Verizon's was.

Mr. Marc Laul stated that the in the 2014 budget it shows a \$5466 stipends for the OEM Coordinator and the Recycling Coordinator. He stated that it was never corrected. In 2009- 2012 the stipends for the

OEM Coordinator were \$5000 and increased in 2013 it was increased. For the Recycling Coordinator the stipend was \$5000 for 2009-2012. In 2013 there was no increase however the Coordinator was paid more. Mr. Laul stated that the numbers are the same.

Mr. Laul stated that the Planning Board discussed a quarry ordinance; however, it would only take effect if there were a conveyance of the property. The Zoning would have to change in that case and that would afford the Township the time to consider an ordinance.

Mr. Laul stated that the request for the cost of OPRA requests was initiated by information written in the bottom of Committee minutes.

Mr. Hoffman stated that years ago the State closed Skinner Road during snow storms. There was a person who had an issue with the decision. The State's position was that it was their road and they were going to close it. Mr. Hoffman stated that he would not worry about plowing the road. Mr. Hoffman also stated that the Committee should find out what portion of Sanatorium Road is owned by the Township and only plow that area.

Mr. Hoffman asked for clarification on what would be reimbursed for Veteran's Exemptions. Mayor McKee stated that they would be reimbursed retroactively for municipal taxes only. The veteran will be exempt from paying all taxes once deemed permanently disabled as per state law. Mr. Hoffman asked for an explanation on Mr. Petrowski's two applications for exemption.

Mr. Victor Hoffman asked why the CFO able to raise salaries and asked if someone will be getting an answer on such. Attorney Cushing stated that the CFO made recommendation and the Committee approved it.

Mr. Hoffman stated that he hopes that Committee has the owner of the Newport Road property fill in the basement prior to accepting it.

Mr. Hoffman questioned that if there is an accident in front of Davara, who is responsible?

Mr. Hoffman asked that if traffic is restricted from making a right hand turn at the bottom of Buffalo Hollow Road, will improvements be made on the left side of the road to enable a safer right hand turn onto Route 31.

Mr. Hoffman stated that he is the person who requested the information on the OPRA costs because people need to know where the money is going. If someone does not want people to know that they are requesting information then they should not submit an OPRA request. Mr. Hoffman stated that it is time for people to know who is trying to spend the Township's money.

Mr. Nancy Darois asked if LOSAP has been straightened out yet and if the lease for the Squad building is moving forward.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 9:52 p.m.*

Motion by Mr. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 53-2014 and convened in executive session at 9:53 p.m.

Possible action may be taken.

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 53-2014  
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: **GRC Matters**

\_\_\_\_\_ 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 Mayor McKee seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 11:02 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: August 20, 2014

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Thomas McKee, Mayor