

CALL TO ORDER

Mayor Brian Wunder called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

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

ROLL CALL

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

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 23 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of July 18, 2012

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of July 18, 2012. AYES: Schriver Milkowski, McKee, Morrison ABSTAIN: Wunder

Minutes of the Executive Meeting of July 18, 2012

Motion by Ms. Schriver, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the executive session meeting of July 18, 2012. AYES: Schriver, Milkowski, McKee, Morrison ABSTAIN: Wunder

PUBLIC COMMENTS – for agenda items only.

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.

Mr. Anthony Casale stated that he has been doing some research regarding the Cell Tower Lease at the Municipal Building and the Construction Department. Mr. Casale stated that he had a discussion with Attorney Cushing over his past concerns with the commencement date of the rent payments. Mr. Casale stated that when he went to the building department he reviewed the construction file and

the lead bidder holds the permit for both the lead bidder and the co-locator. The second deck that is being built on the tower is for the co-locator. This would mean that they have possession of the tower as there are provisions which had their name on it regarding the second deck. Mr. Casale asked for the Committee to be sure that when the rent is negotiated with the co-locator, they receive a fair rent from the date of possession not from when the lease is finalized. Mr. Casale stated that he was pleased to see the change in the footings language, relative to removal. Mr. Casale stated his concerns with the language in the lease pertaining to interference as it seems to be limited only to the equipment on the tower causing interference with the other equipment on the tower. Mr. Casale stated that during Planning Board and Zoning Board meetings, residents stated their concerns with interference with other equipment in the Township, such as pacemakers, computers, emergency equipment, etc. Mr. Casale questioned why the language in the lease pertains to equipment on the tower only. Attorney Cushing stated that he does not believe that his office addressed the matter of interference as it was addressed by the prior Township Attorney. Attorney Cushing stated that if the problem should arise he feels that it can be dealt with. Mr. Casale asked about the language of fuel costs in the lease. He feels that the actual cost should be added. Mr. Casale stated that the lease also mentions that the lead bidder is given the liberty to seek other users for the tower but it does not establish any minimum amount of rent due. Attorney Cushing stated, that in leases of this nature, the issue is usually resolved by saying that rents will be commercially reasonable, which is a generic standard that would be enforceable if necessary. Mr. Casale stated that he feels that the language regarding the breakdown of the co-locator's rent was very confusing. Attorney Cushing stated that he feels the same way. The rent has been approved at \$1800.00 per month and the new language would read that there will be a 50/50 split for Cellco and the Township. Mr. Casale stated that he is also confused with the language which pertains to the default of payment of sub leasee.

Attorney Cushing stated informed the Committee that Mr. Casale has devoted a lot of time and effort into this Cell Tower matter and has provided very good suggestions. Attorney Cushing thanked Mr. Casale for his efforts. Mr. Casale said that the Township is not where it should be with the matter but is in a better place. Mr. Casale thanked Attorney Cushing and Attorney Staples for their efforts.

Mr. Fred Schlesinger thanked all for finalizing the Cell Tower Lease and stated that he is looking forward to cell service at his home for the first time since he moved to the Township.

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.

RESOLUTIONS

Resolution No. 66-2012 – Telecommunications Site Lease Agreement

Motion by Mr. Milkowski seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 66-2012 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 66-2012

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AMENDMENT
TO A TELECOMMUNICATIONS SITE LEASE AGREEMENT

WHEREAS, on June 17, 2010 the Township of Lebanon (“Township”) and Cellco Partnership, doing business as Verizon Wireless (“Verizon”), entered into a Telecommunications Site Lease Agreement (“Agreement”) permitting the construction of a cell tower on Township property; and

WHEREAS, the Township and Verizon desire to clarify the terms of the Agreement with respect to the purchase of a generator to be located on Township property and used by both the Township and Verizon; and

WHEREAS, the Township and Verizon also desire to clarify the terms of the agreement with respect to subleasing of space to co-locators; and

WHEREAS, the parties have negotiated the changes to be made to the Agreement as set forth in the Amendment to Telecommunications Site Lease Agreement (“Amendment”) a copy of which is attached to this Resolution; and

WHEREAS, the Mayor and Council have reviewed the Amendment and find that it is in the best interests of the Township to amend the Agreement as set forth in the Amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lebanon, County of Hunterdon, New Jersey, that the Mayor and Township Clerk, are hereby authorized to execute on behalf of the Township the Amendment to Telecommunications Site Lease Agreement substantially in the form attached hereto.

Resolution No. 67-2012 – Redemption of Tax Sale Certificate – Blk 56 Lot 26

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 67-2012 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 67-2012
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #200809 on October 22, 2008 to Mooring Secured Liquidity Fund LLC, which certificate has been assigned to MACWCP II LLC and,

WHEREAS the amount of \$11,708.25 has been collected from Eileen Pinsonault, owner for this property, known as Block 56, Lot 26, Lebanon Township for the redemption of Tax Sale Certificate #200809,

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 \$11,708.25 and that this check be mailed to:

MACWCP II LLC
Box 952804
1640 Phoenix Blvd.
Atlanta GA 30349-5563

Resolution No. 68-2012 – Purchase of Paving Materials

Motion by Mr. McKee, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 68-2012 as written below.

RESOLUTION NO. 68-2012
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF PAVING MATERIALS FOR THE TOWNSHIP FROM MANNON EXCAVATION AND PAVING THROUGH THE COUNTY OF HUNTERDON COOPERATIVE PRICING SYSTEM

WHEREAS, the Township of Lebanon is a member of the County of Hunterdon Cooperative Pricing System (the “Cooperative”), as defined and regulated by N.J.A.C. 5:34-7; and,

WHEREAS, under the Cooperative system, the County of Hunterdon advertises and solicits bids for the services and/or materials required by the Cooperative members so that there is no necessity for the Township of Lebanon to separately advertise for such services and/or materials; and,

WHEREAS, the Township of Lebanon was in need of paving resurfacing and surface treatment program services and/or materials (the “Project”) and therefore submitted to the County of Hunterdon an estimated quantity of such that it required so the County of Hunterdon, in accordance with the Cooperative, could advertise for bids on behalf of the Cooperative for such paving services and/or materials; and,

WHEREAS, the County of Hunterdon, after publicly advertising for bids for the Project on behalf of the Cooperative, awarded the master contract for such to Mannon Excavation and Paving; and,

WHEREAS, pursuant to N.J.A.C. 5:34-7.11, prior to entering into any contract with the successful bidder and/or ordering any materials from the successful bidder, the Township must pass a resolution awarding a contract to the successful bidder; and,

WHEREAS, the Township of Lebanon wishes to enter into a contract with Mannon Excavation and Paving for the purchase and/or order of the paving services and/or materials it requires based on the estimated quantities it submitted to the County of Hunterdon, at a cost of One Hundred and Twenty Five Thousand Dollars (\$125,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the Township hereby awards the contract for paving resurfacing and surface treatment program services and/or materials for the Township to Mannon Excavation and Paving in accordance with its membership in the Hunterdon County Cooperative Pricing System for One Hundred and Twenty Five Thousand Dollars (\$125,000.00), and the Mayor and Township Clerk are hereby authorized to execute any such contract on behalf of the Township.

ORDINANCE

Ordinance No. 2012-01- Public Improvements Bond

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-01 was opened.

There were no comments from the public.

Motion by Mr. McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-01 was closed.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2012-01 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE NO. 2012-01

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$460,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, as follows:

Section 1. The Township of Lebanon, in the County of Hunterdon, State of New Jersey (the "Township") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, in, by and for said Township, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Township.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each

such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking the Road Resurfacing Program at various locations in the Township, as set forth on a list on file or to be placed on file with the Township Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Township Committee, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$200,000
Down Payment Appropriated	\$ 9,600
Bonds and Notes Authorized	\$190,400
Period of Usefulness	10 years

B. Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a dump truck for the use of the Department of Public Works ("DPW") - Streets and Roads.

Appropriation and Estimated Cost	\$160,000
Down Payment Appropriated	\$ 8,600
Bonds and Notes Authorized	\$151,400
Period of Usefulness	5 years

C. Acquisition of new additional or replacement equipment and machinery consisting of a road maintainer machine for the use of the DPW - Streets and Roads.

Appropriation and Estimated Cost	\$100,000
Down Payment Appropriated	\$ 4,800
Bonds and Notes Authorized	\$ 95,200
Period of Usefulness	15 years

Aggregate Appropriation and Estimated Cost	\$460,000
Aggregate Down Payment Appropriated	\$ 23,000
Aggregate Amount of Bonds and Notes Authorized	\$437,000

Section 5. The cost of such purposes, as hereinbefore stated, does not include any amount to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$23,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township, are now available to finance said purposes. The sum of \$23,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Township of an aggregate principal amount not exceeding \$437,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$437,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 9.35 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$437,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Hunterdon, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Township intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

OLD BUSINESS

COAH – Municipal Affordable Housing Trust Fund Current Balance Correspondence

Mr. McKee stated that the Affordable Housing Trust Funds Current balance is \$.00. The Township has received correspondence from COAH verifying that Lebanon Township does for sure have a \$.00 balance. There is a Certification of Trust Fund Status which needs to be completed and returned to COAH. Mr. McKee stated that Gail Glashoff, the Municipal Housing Coordinator, feels that all is in order and that the Certification can be forwarded.

Mr. Milkowski stated that the Planner Mike Bolan, informed him that the letter from COAH stated that not returning the Certification would indicate that the Township approves that their calculations are correct. Mr. Bolan said that he was going to speak to Attorney Cushing on such. Attorney Cushing stated that he and the Planner have been discussing the issue. The question has been raised that COAH may not have had the right to send the letter to municipalities because the Governor abolished COAH. In turn the Courts reestablished COAH citing that the Governor had no right to abolish the Council. The problem is now that the COAH Council has not been formed with the proper number of individuals. Some towns feel that the correspondence from COAH and the demands made by COAH, for balances to be turned over to them, are unfounded as there is no authorization by statute or ordinance for them to take the action because the formal COAH Council has not been created.

Attorney Cushing stated that he needs to speak again to Planner Bolan to see if a caveat needs to be put in a letter to COAH stating that the Township reserves the right to argue the matter, just in case there is an issue in the future.

Fire Dept. LOSAP Audit Proposal

Attorney Cushing stated that there were questions raised on whether the process followed by the Fire Department, in giving credit to members for participation, was consistent with the ordinance requirements of the Township. Due to the questions, the Committee thought that an independent evaluation should be conducted to look into what was done, why it was done, how it was done and whether it was correct. The Committee prepared Requests for Proposals for a professional auditor to audit the process. The Clerk contacted the DCA for recommendations and received a number of Auditing Firms that were experienced in LOSAP matters. Requests for Proposals were mailed to each of the Firms and advertised in the newspaper. Lerch, Vinci and Higgins, from Fair Lawn NJ, is the only Firm who responded however, based on their qualifications they are a very experienced Firm. The Committee felt that it would be best to obtain an autonomous auditor, not associated with the Township, in order to make an independent evaluation. The quote received for the audit was \$4200.00 - \$4700.00.

Motion by Mayor Wunder, seconded by Ms. Schriver, and carried by favorable roll call vote, the Township Committee approved the Special LOSAP Audit proposal from Lerch, Vinci and Higgins at a cost of \$4200.00 - \$4700.00. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski

Authorize Public Statement Draft – Fire Department LOSAP Matter

Attorney Cushing stated that he prepared a Public Statement relative to the Fire Department LOSAP matter at the suggestion of Mr. McKee. Mr. McKee felt that it is important to set forth a record of what had been done, in association with this matter. Mayor Wunder stated that he feels that the Prosecutor's Office recommendations should be included in the statement since that is what the Committee should be striving to follow as best as they can. Mr. McKee stated that he feels that Attorney Cushing's draft is to the point and states what has transpired over the past few months. Mr. McKee said that he feels that the Committee needs to act on it. The Committee decided to attach the Prosecutor's letter to the Public Statement for release.

Motion by Ms. Schriver, seconded by Mr. McKee, and carried by favorable roll call vote, the Township Committee approved for release the Fire Department LOSAP Public Statement accompanied by the recommendation letter from the Prosecutor's Office. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski

LTEOS - Warren Newman - Ongoing Sustainable New Jersey Certification Process

LTEOS Chairman Warren Newman stated that the LTEOS is moving forward with the Sustainable New Jersey Certification Program. According to the latest development in the process to have Lebanon Township certified the Township Committee must create a "Green Team Advisory Committee". Mr. Newman stated that the Team will push forward the Mission and Objectives of the entire Sustainable New Jersey Program. Mr. Newman provided the Committee with a template of a resolution, for their consideration, that supports the creation of the "Green Team Advisory Committee". Mr. Newman stated that he prepared the resolution to establish the LTEOS as the "Green Team". Mr. Newman stated that one of the objectives is to work together with all municipal residents, employees, Township business owners and the Board of Education employees and members to obtain their input. Mr. Newman stated that this resolution will be needed as part of the certification process.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee requested that the Township Attorney review the "Green Team" resolution which was presented by the LTEOS.

Polt Property

Ms. Schriver stated that with all the Township has gone through with the Polt Property and with all that stills remains to be addressed she does not feel that the Township should pay more money toward the proposed acquisition of the property and the offer should be formally declined.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by favorable roll call vote, the Township Committee declined the offer from Mr. Dewey Polt to acquire his bus garage property on Dewey Lane. AYES: Schriver, Wunder, McKee, Morrison NAYS: Milkowski

Attorney Cushing will send a letter to Mr. Polt's attorney, Mr. Jim Lance, to notify him of the Committee's decision.

NEW BUSINESS

LTEOS – Nancy Lawler – Eastern Concrete

LTEOS member Ms. Nancy Lawler and Mr. Bill Kibler, Raritan Headwaters Association Director of Policy and Science, were present to inform the Committee of a potential land swap at the Eastern Concrete (Quarry) site. Ms. Lawler stated that on June 29, 2012, Eastern Concrete, which is the owner of the quarry that sits astride Glen Gardner and Lebanon Township, made a preliminary proposal to the NJ Natural Lands Trust to swap 34 acres of the Hagedorn Preserve for an unnamed 100 acres in Sussex County. The hearing proposal is set for September 21, 2012 at 12:00 p.m. at the Natural Lands Trust in Trenton. Ms. Lawler stated that LTEOS feels that it is very important that the Township object to the proposed land swap and to ask NJ Lands Trust to hold the public hearing in Lebanon Township so that residents can attend and understand the proposal and what it may mean for them.

Ms. Lawler stated that NJ Lands Trust owns numerous parcels of land in Lebanon Township. The 34 acres in questions are State property and the Township does not share the property with them as with other acquisitions. Ms. Lawler stated that she does not believe that zoning laws apply to the parcel. Ms. Lawler stated that the tract is part of Block 9 Lot 7 and the property was preserved in perpetuity for passive recreation in 2002. The land is in also in the Highlands Preservation Zone. Ms. Lawler stated that the concern the LTEOS has is that the land swap may be a sign that the quarry is going to enlarge its mining activities which could affect wells in the Township.

Ms. Lawler stated that there are three levels of protection on the property; it is in the Highlands Preservation area, it is preserved in perpetuity and it is zoned residential.

Mr. Kibler stated that there are two water issues with the property. The quarry discharges into a small tributary of Spruce Run, just a few dozen yards away from the reservoir. Spruce Run is the source of drinking water for approximately 1.5 million people in New Jersey. Township residents rely on ground water. The concern with the quarry is the potential impact it has on ground water resources. The quarry is proposing to mine deeper into the quarry than they are presently are. They are now pumping a large amount of ground water, which the area residents rely on for drinking water, out of the mine and dumping it into the Spruce Run. Consequently, as the quarry mines deeper the concerns for ground water resources become significantly greater. Surface water issues are also a concern as it is discharged into the Spruce Run without treatment. When there are moderately heavy rains the water coming from the quarry runs a milky gray color which is a concern for what is running into the reservoir.

Ms. Lawler stated that they have drafted a letter for the Committee's consideration. Ms. Lawler asked the Committee to consider objecting to the land swap and to request that the public hearing be held in Lebanon Township or Glen Gardner.

Mr. Milkowski stated that his property borders the quarry site and he purchases materials from the quarry so he will be recusing himself from any action to be taken by the Committee.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by favorable roll call vote, the Township Committee authorized the Clerk to send the proposed letter to the NJ Land Trust regarding the land swap. AYES: Schriver, Wunder, McKee ABSTAIN: Milkowski, Morrison

Social Affair Permit – Lebanon Township Volunteer Fire Dept. – 9/8/12

Motion by Ms. Schriver, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved a Social Affair Permit for the Lebanon Township Volunteer Fire Dept. for the annual Day in the Park event to be held on September 8, 2012. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski

Raffle Application – St. John Neumann Church – 10/12/12

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved two Raffle applications for St. John Neumann Church for events to be held on October 12, 2012 and December 2, 2012.

COMMITTEE REPORTS

COMMITTEEWOMAN SCHRIVER- Ms. Schriver stated that she is attempting to obtain proposals for work to be done in the park. Once the proposals are received Ms. Schriver will be looking into applying for open space funds to pay for the improvements.

Ms. Schriver stated that she has not heard from Veteran's Haven regarding their Open House.

DEPUTY MAYOR MILKOWSKI- Mr. Milkowski stated that he is a Fire Dept. member so he has to abstain from any Fire Dept. matters. Mr. Milkowski stated that this is the reason for most of his abstentions this evening.

Mr. Milkowski stated that in regard to the DPW Garage Project, the concrete slabs are up and the steel is in. The main structure is just about erected. The salt building is on hold until the steel is completely erected. There are a few HC Health Dept. matters that need to be addressed regarding the septic system. There is a survey being prepared for the easement for the fire tank. The easement is required because the fire tank was installed on a neighbor's land.

Mr. Milkowski stated that concerns were raised by a resident on his operations as the DPW liaison. Policy changes are being questioned by the resident. Mr. Milkowski stated that one policy change he had carried out, when he first became a Committeeman, was that the DPW was not to be conducting any work that the contractor was supposed to be doing. This was with the original contractor for the DPW building. Mr. Milkowski stated that he met with the DPW, the matter was discussed and they moved on. Mr. Milkowski stated that the issue has since come up again with the current contractor. There was work being done by the Road Dept. Mr. Milkowski met with the DPW, spoke to them and the matter was taken care of. Mr. Milkowski stated that another policy change, which the resident may be referring to, is an employee doing the work of the professionals. Mr. Milkowski stated that he believes that the location of the fire tank, which is located on a neighbor's property, should have been laid out by the engineer but instead it was laid out by the Road Dept. Mr. Milkowski stated that he feels that his comments may help out with the questions the resident had. Mr. Milkowski stated that there is information in one of the executive session meeting minutes that he will be asking the Committee to release to the public. The minutes may shed some light on the questions raised.

Mr. Milkowski stated that last night the Planning Board met at the school to continue with the GenPsych application. It appears to be nearing the end. The Planning Board will be meeting again tomorrow evening and there may be one more meeting required.

MAYOR WUNDER- Mayor Wunder asked if the Township will need to compensate the resident who will be granting an easement on his property for the fire tank. Mr. Milkowski stated that he spoke to the resident and he stated that he is not looking for compensation. The surveyor will be conducting the survey. Once the survey is complete, the attorney will prepare the easement.

Mayor Wunder asked Mr. Milkowski if he has something in writing relative to the policy changes he had discussed in his report. Mr. Milkowski stated that his request to not to do the contractor's work was verbal. Mr. Milkowski stated that the contractor had agreed to do the work in the bid specifications and the DPW did some of the work. Mr. Milkowski stated that he just clarified that the Township should not be doing the work of the contractor. Mr. Wunder stated that he feels that it may be something to be given to the Committee for a vote and a written policy change. Mr. Milkowski stated that it could be discussed and asked the Mayor if he felt that it is proper for the Township to be paying the contractor to do the work, then doing it for him. Mayor Wunder stated that he feels that as a Committee they should make that a policy.

Attorney Cushing stated that a few towns are looking into withdrawing from the Municipal Court of North Hunterdon. The Township has been in discussions with another Township regarding future court related activities. Subject to discussions in executive session, the matter could move ahead. There is considerable thought being given that the Municipal Court of North Hunterdon will no longer be in existence, next year. How to deal with old cases is being discussed by the various court members.

Mayor Wunder asked what the status is of Township paying for the electric service for the Food Pantry. Clerk Sandorse stated that the Food Pantry was asked to provide the Township with their electric bills from January 2012 through the present time but has not to date. The Clerk will contact the Food Pantry.

COMMITTEEMAN MCKEE – Mr. McKee stated that many matters were discussed this evening pertaining to standing committees and COAH. Mr. McKee stated that there are no additional items to report on.

COMMITTEEMAN MORRISON –

Police, Fire and Rescue- Mr. Morrison read the July 2012 monthly Police report.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the August 1, 2012 bill list in the amount \$373,797.56.

CORRESPONDENCE

State of New Jersey Division of Rate Counsel – Comcast Cable Communications

Ms. Schriver stated that she believes that the Township's Comcast contract is due to expire shortly and asked at what time the Committee will be able to negotiate.

Attorney Cushing stated that at the end of the cable provider contract period there is a discussion time to address issues that the municipality has some control over, which a few. The municipality can ask for service for public buildings including schools and such. Attorney Cushing advised the Committee to create a Cable Committee consisting of citizens who have a strong issues with how the service is provided. The Cable Committee would then meet with the Comcast representatives to discuss the contract. Attorney Cushing stated that he will have a report prepared for the next meeting for the Committee's consideration. Attorney Cushing stated that some towns request that a Cable Company representative attend Committee meetings on a quarterly or semi-annually basis so that questions and concerns can be addressed. Attorney Cushing stated that this can be a year long process.

SS. Peter & Paul R. C. Church – 4 Day Walking Pilgrimage EJ Skidmore – Committee Matters

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.

Mr. Anthony Casale asked if the approvals for the cell tower lease agreement, with changes, included the actual cost fuel provision. Attorney Cushing stated that they did not negotiate the matter but came up with a different arrangement. Mr. Casale stated that he feels that the fuel charges should be based on actual cost. Mr. Gabriel stated that the fuel for the generator is hooked into the heating oil tank and it would be difficult to determine what the generators actual fuel usage is. This is the reason that it was decided to state that the fuel costs would be based on the estimate of what the generator is supposed to use per hour. Mr. Casale stated that he does not agree with the decision made.

Mr. Casale asked the Committee to not let the Comcast Contract Renewal escape them.

Mr. Casale asked about the post petition activity with the Squad matter. Attorney Cushing stated that the process was that when the Squad went bankrupt the building was part of the bankrupt estate. There was a lot of negotiations between the then Township Attorney and the Bankruptcy Trustee over the building. When Attorney Cushing's Office became involved it was discovered that the Township was going to pay a large sum of money to the Trustee. Mr. Casale stated that he questions whether the Squad Officers who signed the agreement had the authority to do so without the court's blessing.

Mr. Casale stated his concerns with the Committee making a decision regarding the Polt property acquisition without it being listed on the Agenda. Mr. Casale stated that he feels that the Committee knew that they were going to act on the matter this evening. Mr. Casale stated that he has seen

agendas amended at the last minute and not having the subject listed on the agenda prevented the public from commenting prior to the Committee's decision. Mr. Casale stated that he has problems with the Committee not discussing the matter prior to voting on it. Mr. Casale stated that the question has been raised over and over as to when it was decided to remove the tanks and there have been no answers provided. Mr. Casale stated that Mr. Milkowski said that it was decided at the June 6, 2012 meeting. Mr. Casale reviewed the June 6, 2012 meeting minutes and did not find the decision to remove the tanks. Mayor Wunder stated that he does not remember the Committee making the decision to remove the tanks and that he was probably the most vocal Committee member against the acquisition. Ms. Schriver stated that she made the decision to bring the matter up at this meeting and did not consult with the other Committee members. Ms. Schriver stated that she voted against the Polt property offer from the start because she felt that it was something that the Township did not need and it would be one more thing for the Township to spend money on. Ms. Schriver stated that the Phase II Environmental Investigation is essential and at a cost of \$45,000, the Township just cannot afford that at this time. Ms. Schriver feels that the Township just does not need the property. Ms. Schriver stated that she was the lone vote "no" because the Committee does not need another item to worry about as they have enough to worry about right now. Attorney Cushing stated that he does not believe that the Committee ever told Mr. Polt to remove the tanks. Attorney Cushing stated that the Committee did not have the authority or the right to do that. Attorney Cushing stated that when Mr. Polt gave his proposal the Committee's first concerns were possible environmental issues. The Phase I was authorized and Mr. Polt paid for the study. The preliminary look suggested that a Phase II should be conducted. The Committee voted that if the Committee were to proceed it would be up to Mr. Polt to pay for the Phase II study because the Committee did not want to spend \$45,000, not knowing if there would be problems with the property. In connection with the tank removal, a second proposal was received from Quest Environmental for someone to review the removal of the tanks and to soil test if necessary. The Committee agreed to pay the cost of the witnessing. Mr. Polt was advised that if the Township would be accepting the property, Mr. Polt would have to pay the \$45,000 for the Phase II study. The Clerk received a call from Quest informing her that the tanks were scheduled to be removed and Quest asked if they should be present for the witnessing. Attorney Cushing contracted Mr. Polt's attorney, Mr. Jim Lance, and asked if Mr. Polt would be proceeding with the Phase II at his cost. Attorney Cushing had a three party call with Mr. Polt and Attorney Lance. Mr. Polt informed Attorney Cushing that he would not be paying \$45,000 to give a gift of a property, worth \$300,000, to the Township. Attorney Cushing reported this to the Township and it was decided not to spend the money for the witnessing since Mr. Polt was not proceeding with the Phase II. Mayor Wunder stated that on the website there is a letter he wrote, under Mayor's comments, regarding the Polt property.

Mr. Casale asked what the status is on the EMS coverage for the Township. Mr. McKee stated that he felt that the closed session meeting the Committee had with the volunteers was positive. The Committee has asked another group to meet with them in executive session to discuss their proposal also. Mr. McKee stated that he hopes that the Committee has open ears to all of the groups they are speaking to so they can make a good decision on where they are going after ninety days. Mr. McKee noted that time is running out.

Ms. Nancy Darois stated that she feels that the Committee did a “dirty trick” with making a decision on the Polt property without letting the public comment on the matter. Ms. Darois stated that if Mr. Polt did not remove the tanks by a certain time he would be fined heavily.

Mr. Bernie Cryan stated that he was present to represent the Fire Department. The Fire Department is asking for permission to utilize the parking lot behind the old squad building for training exercises. The Dept. will be bringing in old vehicles and conducting extrication training. The area would be tied up for a month or so. Attorney Cushing stated that he does not see it to be an issue that cannot be worked out. Mayor Wunder is concerned with the Food Pantry. Fire Dept. Member Robert Stulak will be managing the training and will coordinate with the Food Pantry.

Mr. EJ Skidmore stated that his understanding was, that at the last meeting Mr. Polt attended, he asked the Committee what they would like him to do with the tanks in the ground, remove them or leave them in. After the Committee discussed reports that had been received the Committee decided to leave the tanks in the ground until the Phase I report was received. The decision on the tank would be made at that time. Mr. Skidmore stated that that was the last information provided to the public on the tanks. Mr. Skidmore asked when the public meeting was held that the Committee made the decision to remove the tanks. Attorney Cushing stated that he does not know if there was a public meeting or that there had to be a public meeting to make the decision. Mr. Cushing stated that it would be contractual negotiations but does not recall the decision being made. Mr. Skidmore noted that Mr. Milkowski had stated that the discussion had taken place at the June 6, 2012 meeting however the minutes do not reflect that.

Mr. Skidmore thanked the Committee for making the LOSAP information public. Mr. Skidmore noted that he feels that it is important for the Committee to focus on what they and the community wants to accomplish. If the Firemen have been shorted, they need to be made whole.

Mr. Skidmore stated that he feels that the Eastern Concrete matter is essential to peruse and feels that the Committee should work with the LTEOS to help keep the public apprised as to what is transpiring.

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.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 69-2012 and convened in executive session at 9:10 p.m.

**TOWNSHIP OF LEBANON
RESOLUTION NO. 69-2012**

BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

Personnel
Collective Bargaining – CWA
Contract Negotiations
Litigation

Action may be taken at the recommencement of the public session.

The Township Committee reconvened the Regular Committee meeting at 11:08p.m.

Attorney Cushing stated that during the executive session the Township Committee discussed the Hyland Litigation, the CWA Contract, the Cell Tower Agreement and the need to have the Engineer look at the Tower to be sure that if it is leaning, it does not present a danger. Discussion was held on the Township's EMS and discussions were held with the LT Fire Dept. relative to such. The Committee agreed to solicit proposals from former EMS members of the Fire Dept., who have since resigned, and the Fire Dept. Attorney Cushing and the Clerk will prepare a letter stating the proposal requirements, such as staffing, availability to set up within a reasonable amount of time, what services would be provided and how the services will be provided. On August 15, 2012 the proposals will be made public, will be discussed publically and the public will be able to voice any comments they may have. There will then be a decision made by the Township Committee. The Committee has also provided instruction for Attorney Cushing to give notice to Clinton First Aid Squad that the Township reserves the right to terminate the present agreement effective September 1, 2012. There was discussion that all executive session minutes that relate to the Polt Property will be released and made public.

Motion by Ms. Milkowski seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the public release of any executive session meeting minutes that pertain to the Polt property only.

Having no further business to come before the Committee a motion was made by Ms. Schriver seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 11:11 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: August 15, 2012

Brian Wunder, Mayor