

**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 Troops.

**ROLL CALL**

Present -	Tom McKee	Patricia Schriver	Francis Morrison
	Bernie Cryan	Ron Milkowski	

Absent-

Also Present - Attorney Tara St. Angelo, Clerk Karen Sandorse and 10 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of July 17, 2013**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of July 17, 2013.*

**Minutes of the Regular Meeting of July 17, 2013**

*Motion by Mr. Cryan, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session meeting of July 17, 2013.*

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

*Motion by Mr. Cryan, 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 received a call from Mr. Scott Koenig and Mr. Koenig informed him of his interest in volunteering for the Cable Franchise Committee.

Mr. Casale asked that the Committee consider attending the Eagle Scout Ceremony to present the proclamations to the Boy Scouts. Mayor McKee stated that the Committee certainly will.

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

## **PROCLAMATIONS**

### **Eagle Scout Kyle Stanski**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the awarding of the below proclamations to Kyle Stanski and Thomas Nicolai at the August 24, 2013 Eagle Scout Award Ceremony.*

#### **TO KYLE STANSKI FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Kyle Stanski, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Kyle Stanski is to be commended for his Eagle Scout Service Project, which involved the construction of the first phase of the Goracy Trail; and

WHEREAS, Kyle Stanski installed a 700 ft. woodchip walking path and a 200 ft. boardwalk over extremely wet and marshy land; and

WHEREAS, Kyle Stanski's efforts will allow visitors to enjoy the unique environment while staying dry and without disturbing the delicate habitats occupied by amphibians and reptiles; and

WHEREAS, Kyle Stanski will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony August 24, 2013; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Kyle Stanski.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Kyle Stanski for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

### **Eagle Scout Thomas Nicolai**

#### **TO THOMAS NICOLAI FOR RECEIVING THE EAGLE SCOUT AWARD**

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Thomas Nicolai, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Thomas Nicolai is to be commended for his Eagle Scout Service Project, which involved the construction of a Handicap Hunting and Photography Blind for the Hunterdon County Parks and Recreation Department; and

WHEREAS, Thomas Nicolai raised money for construction materials and supplies as well as food for his team; and

WHEREAS, Thomas Nicolai and his team constructed an 8 ft. x 6 ft. structure with a window, lockable doors, a slanted roof for inclement weather and a sill for hunting; and

WHEREAS, Thomas Nicolai will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on August 24, 2013; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Thomas Nicolai.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Thomas Nicolai for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

Mayor McKee will be attending the ceremony to award the proclamations to the Scouts.

## **RESOLUTION**

### **Resolution No. 70-2013- Awarding Bid for Road Materials**

Mr. Cryan stated that through the DPW Manager's efforts the Township has done well in the receipt of bids for road materials.

Mr. Cryan stated that the Flemington Bituminous bid for Bituminous Concrete Surface Course, Mix 1-5 was \$59.75 per ton and the Stavola Asphalt bid was for \$96.00 per ton.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 70-2013 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 70-2013  
RESOLUTION AWARDING A CONTRACT FOR  
2013 ROAD MATERIALS

WHEREAS, bids were received on August 7, 2013 for 2013 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 Superintendent of Public Works.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
Flemington Bituminous Corp.	Bituminous Concrete Surface Course, Mix 1-5	\$59.75 ton
Flemington Bituminous Corp.	Bituminous Concrete Stabilized Base Course, Mix 1-2	\$57.75 ton

## **OLD BUSINESS**

### **Comcast Cable Franchise**

Mayor McKee stated that there are individuals in the Township who would like to volunteer for the Cable Franchise Committee. Mayor McKee stated that he would like to appoint the individuals as well as to have authorization to appoint any additional individuals at a later date.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the appointment of Susan McGreevy, Lou Klubenspies, Stephanie Moffett and Scott Koenig to the Cable Franchise Committee and authorized the Mayor to appoint future members.*

## **NEW BUSINESS**

### **Hunterdon County YMCA Active Older Adult Center –Donation Request**

Ms. Schriver stated that each year the Township puts \$4000.00 into the budget for a donation to the YMCA Active Older Adult Center. The Adult Center has not requested a donation in the past few years; therefore, they have not received one.

*Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved a \$4000.00 donation for the YMCA Active Older Adult Center.*

### **NJ Department of Agriculture - Gypsy Moth Egg Mass Survey**

A letter was received from the NJDA stating that defoliation caused by Gypsy Moths has been detected in the Township and at the Committee's approval they will conduct a survey to see if aerial treatment is needed.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee authorized the NJDA to conduct the Gypsy Moth study. The Clerk will forward the request form to the NJDA.*

**Social Affair Permit Application – Lebanon Township Vol. Fire Department –  
September 14, 2013**

*Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for the A Day in the Park event to be held on September 14, 2013.*

**Applications for Raffle Licenses (2)– Friends of Memorial Park – Various Dates**

*Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved two Raffle License applications for Friends of Memorial Park for various dates. AYES: McKee, Milkowski, Morrison, Cryan ABSTAIN: Schriver*

**PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the August 7, 2013 bill list in amount of \$858,931.76.*

**CORRESPONDENCE**

- a. Township Historians Meeting Minutes for June 6, 2013 and July 11, 2013

Ms. Schriver stated that the Committee has received correspondence from Susan Pena regarding the unveiling of the General Daniel Morgan plaque which will take place on September 26, 2013.

**PUBLIC COMMENTS**

*Motion by Mr. Cryan, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:22 p.m.*

Mr. Casale thanked the Committee for moving forward with the Cable Franchise Committee and for the proclamations for the Boy Scouts

Mr. Casale asked if the Township has received rent from the co-locator for the cell tower. Mayor McKee stated that an invoice was sent to Nextel; however, no rent has been received. Mr. Casale suggested that the Township send a Notice of Default or a Notice to Cure to Nextel. Mr. Casale feels that the Township should get an answer from someone since it has been a few months.

Mr. Casale stated the he is annoyed with the direction that the Planning Board is moving on the issue of having farm animals on residential properties that are less than five acres. Mr. Casale informed the Committee of the concerns he has with the discussion held at the Board meeting and feels that they are taking a giant step backward.

Ms. Darrie Dovidauskas stated that she has a one and a half acre property and has six chickens. Ms. Dovidauskas stated that the chickens take care of the bugs and ticks on her property and provide her with eggs. Ms. Dovidauskas stated that the chickens are her pets and she does not want to lose them. She asks that the Committee take this into consideration when making a decision on farm animals on residential property in the Township.

Mr. Doug Lemenze stated that at the Planning Board meeting the Board stated that they are forced to deal with the issue of farm animals on residential property as the Committee gave it to them. Mr. Lemenze stated that the Committee has been forced to deal with it because the Zoning Officer sent a memo to them. Mr. Lemenze stated that they have gone through the records and there have been buildings for farm animals approved, even by the current Zoning Officer, which did not meet the 100' set back, the basis for their denial. Mr. Lemenze stated that the Planning Board was discussing three and four acre tracts of land and requested that the Planner prepare an ordinance without even considering what it actually takes to manage an animal on a piece of property, as you can do it with a lot less land. Mr. Lemenze does not feel that this will be good for the Township.

Mr. Tom Sachs stated that he is a neighbor to Annette and Doug Lemenze. Mr. Sachs stated that they were kind enough to inform him of their intention to bring a horse onto their property and he does not have a problem with it. Mr. Sachs stated that his son has some issues and he feels that the horse may be helpful to him by working with it and taking care of it. Mr. Sachs stated that he is very disappointed with the Township as they have given the Lemenze family so much trouble with this issue. Mr. Sachs stated that all should take a step back and look at the entire picture. Mr. Sachs noted that he would be happy to open up his property for the horse to have more room to move around and graze.

Mr. Michael Cantelmi stated that he has lived in Lebanon Township for just under 2 years. Mr. Cantelmi stated that the reason they moved to this area was because of the rural aspects of the Township. Mr. Cantelmi stated that he thinks that it is a disgrace that the Township is enforcing laws that have never been enforced before. He feels that it could cause lawsuits which would then increase expenses. Mr. Cantelmi stated that he thinks that the farm animal issue needs to be looked at in a rational and logical manner. He feels that the matter has been blown out of proportion and is has caused a lot of dissent in the community which is not right. Mr. Cantelmi feels that this problem is pushing the small community, family oriented feeling, out the window. Mr. Cantelmi stated that the government needs to remember who they serve and who they are here for. Mr. Cantelmi feels that what the Lemenzes are asking for is reasonable and the grandfathering of some and not others is not fair.

Mr. Victor Hoffman asked if there is a sign for the DPW Building Mr. Cryan stated that the sign is on back order and should be in any day now.

Mr. Hoffman asked if the \$4000 donation to the Adult Center stays in the community and does not go to the YMCA. Ms. Schriver stated that the donation will stay in Bunnvale.

Mr. Hoffman asked if a percentage of money comes back from the Court and if the Township is making any money on the tickets issued. Mayor McKee stated that he is not sure what the Township will make on the tickets but there should be residual income; however, there was a definite cost savings in the Township joining Tewksbury's court.

Mr. Hoffman asked what the original purpose was in revisiting the ordinance relating to farm animals on residential property. Mayor McKee gave an overview of the issue. Discussion was held. Mayor McKee stated that there is an ordinance being drafted and it must come before the Committee for final approval. Mr. Hoffman stated that he has lived in the Township his entire life and hearing animals in the evening is beautiful to him. He does not feel that it is right for the Township to try and control sound and how many animals someone can have. Mr. Hoffman asked what the Township will try to regulate next. Mr. Hoffman stated that he will fight whatever it is that the Planning Board comes up with.

Mr. Hoffman stated that the Historians have been doing story telling in the Park the last Sunday of the month. Quite a few people have come to share interesting stories about Lebanon Township and their experiences in the Township. The Historians are still looking for volunteers. Mayor McKee stated that he read in the Historian's minutes that they are looking into second generation farm owners. Mr. Hoffman stated that he has not moved forward with the project at this time as he is waiting on the farm assessments for this year and will then work back through the years. Ms. Schriver asked if the Historians have considered having Tom Bleck show his movie on the farms in the Township. Mr. Hoffman stated that they have.

Mr. Hoffman stated that in regard to the unveiling of the General Daniel Morgan plaque the Historians feel that those conducting the unveiling had requested things that are too rich. They had asked for a donation for the cause and they are now asking for the Historians to provide a luncheon and a reception. The Historians feel that they should have come to discuss it with them. Mr. Hoffman stated that he is not sure if they will be participating in the unveiling as it is the feeling of some of the Historians that they are not going to.

Ms. Nancy Darois stated that she has been in Lebanon Township for 35 years and the Township has always been a farm community. Many people have pets and they are careful with them. Ms. Darois stated that she feels that they are trying to make the Township like a city and the rules and regulations are off the wall.

Ms. Darois asked what is going on with LOSAP and stated that she does not want to see the Township spending any more money on the issue. She wants to see the Committee work it out. Mayor McKee stated that that the matter will be addressed at the next meeting.

Ms. Annette Lemenze stated that at the Board of Adjustment meeting, where her application was discussed, the Board Attorney came up with a different interpretation than anyone else has ever had on farm animals on residential property. A couple of members asked the Attorney if it was a gray area and he state that it was. Mr. Lemenze questioned that if this is a gray area why is there a problem? Ms. Lemenze stated that she has been informed that if it is not written that you can have a horse on less than five acres it is not permitted. Ms. Lemenze said that she has asked for something in writing stating that you cannot have a horse on less than five acres however no one has provided her with it. She noted that the only problem is that it states that you can have a horse on more than five acres, which is again, a gray area. Ms. Lemenze stated that they have looked through files and found documents that the Zoning Officer signed off on for lots with less than five acres. The structure was also approximately 47' from the property line, not the required 100', and he did not deny the application. Ms. Lemenze does not understand why the Zoning Officer denied their application. Ms. Lemenze asked why she has to hire an attorney to make this all work out. She feels that someone is not doing his job. Ms. Lemenze said that this is all because the Attorney and the

Zoning Officer cannot agree. Mayor McKee stated that he feels that they are professionals and they each have their own opinion on the issue. Ms. Lemenze stated that she does not see why the Committee can't step in and put an end to the problem.

Mr. Casale questioned if the one and a half acres is not considered because of the Attorney's interpretation. Mr. Casale stated that he grew up in Brooklyn and informed the Committee of horses that lived there during that time and spoke about horses that live in New York City at the present time.

Mr. Sachs asked if is there anything preventing him from bringing the horse onto his property today. Mr. Sachs asked if residents, who already have farm animals on smaller lots, will be affected by a change in the ordinance. Mayor McKee stated that he believes that there has been discussion of grandfathering those who already have farm animals.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote the Township Committee closed the public comment portion of the meeting at 8:06 p.m.*

#### **Resolution No 71-2013 –Executive Session**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 71-2013 and convened in executive session at 8:07 p.m.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 71-2013  
RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

\_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

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:  Professional Service Contracts . The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is:

Union Contract \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Township Committee discussed personnel issues, possible land acquisition and possible litigation.

## ADJOURNMENT

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 8:52 p.m.

LTCM  
08/07/2013  
Page 10 of 10

Respectfully submitted,

---

Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: August 21, 2013

---

Thomas McKee, Mayor