

CALL TO ORDER

Mayor McKee called the meeting to order at 7:05 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

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

ROLL CALL

Present - Thomas McKee Patricia Schriver Ronald Milkowski
Bernard Cryan

Absent- Brian Wunder

Also Present - Attorney Dick Cushing, Deputy Clerk Kimberly Jacobus and 8 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of July 16, 2014

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 16, 2014.

Minutes of the Executive Session of July 16, 2014

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session meeting of July 16, 2014.

PUBLIC COMMENTS – for agenda items only

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

Anthony Casale’s question was regarding the Cell Tower Co-locator agreement, if the Township had sent a notice requesting rent or was the Committee deciding tonight. The Mayor stated that they were going to discuss what direction they are going in.

Mr. Casale also stated that at the last meeting there was a question about OPRA requests regarding legal fees. Mr. Casale took a look at the OPRA request and in that found there were invoices from the attorney’s

office specifically regarding the cell tower and negotiation of the co-locator agreement into a license agreement. He thinks that at least twice there was a fee for negotiation of commencement of rent. He stated that this is a discussion the Committee has had as to when to bill them from, but the invoices are stating that this has already been negotiated. Mr. Casale feels that there is a date that has to be used. Also, Verizon the lead bidder is suppose to be collecting half of the rent and maybe they should be involved in this situation. Mr. Casale asked if anyone knew how much rent is that the Township collects from Verizon as the lead bidder. Attorney Cushing stated \$2000.00. Mr. Casale thought it was \$2500.00. He also stated Verizon commenced paying rent about 2 years ago and according to the lease that Mr. Casale read, the rent is to be increased annually by at least 3%. He feels they should be back billed for the rent if they have not paid the increase.

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

PROCLAMATIONS

Mayor McKee read the following proclamations for the Boy Scouts that had earned the rank of Eagle Scout.

TO ROBERT ANTHONY AXELSEN 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, Robert Anthony Axelsen, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Robert Anthony Axelsen is to be commended for his Eagle Scout Service Project, which involved the installation of an electronic baseball scoreboard for the benefit of the Wildcats and the Lebanon Township Athletic Association; and

WHEREAS, Robert Anthony Axelsen received donations and assistance from community volunteers as well as the service of skilled professionals; and

WHEREAS, Robert Anthony Axelsen and his team dug a 700 ft. electrical trench and post holes for the board to be installed; and

WHEREAS, Robert Anthony Axelsen was honored and received his award at an Eagle Court of Honor Recognition Ceremony on June 29, 2014; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Robert Anthony Axelsen.

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

**TO RYAN LAWRENCE KOENIG
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, Ryan Lawrence Koenig, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Ryan Lawrence Koenig is to be commended for his Eagle Scout Service Project, which consisted of cataloguing the names of those buried in the cemetery at the Spruce Run Lutheran Church as well as updating maps of the different areas of the cemetery; and

WHEREAS, Ryan Lawrence Koenig had the help and support of his fellow scouts and a few others; and

WHEREAS, Ryan Lawrence Koenig and his team also cleaned headstones and planted grass to help enrich the appearance of the cemetery; and

WHEREAS, Ryan Lawrence Koenig was honored and received his award at an Eagle Court of Honor Recognition Ceremony on June 29, 2014; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Ryan Lawrence Koenig.

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

**TO EVAN R. VACCARELLA
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, Evan R. Vaccarella, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Evan R. Vaccarella is to be commended for his Eagle Scout Service Project, which consisted of the constructing of a shed at the Califon United Methodist Church; and

WHEREAS, Evan R. Vaccarella managed a group of adults and youths during the 180 hour project; and

WHEREAS, Evan R. Vaccarella and his teams efforts will benefit the Top of the Barn Thrift Shop which provides a valuable service to the community; and

WHEREAS, Evan R. Vaccarella was honored and received his award at an Eagle Court of Honor Recognition Ceremony on June 29, 2014; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Evan R. Vaccarella.

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

RESOLUTIONS

Resolution No. 54-2014 –Totally and Permanently Disabled Veteran Exemption – Petrowski

The Committee had a discussion regarding the payment of taxes to exempt veterans. The Township will honor the date and time he was deemed disabled which was January 8, 2010 for Mr. Mark Petrowski. The Township will be paying back to him the Municipal Tax and the Municipal Open Space Tax portions only.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 54-2014 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 54-2014**

**TOTALLY AND PERMANENTLY DISABLED
VETERAN EXEMPTION-PETROWSKI**

WHEREAS, N.J.S.A. 54:4-3.30-34 grants an exemption from local property taxes for the dwelling house of a qualified permanently and totally disabled veteran; and

WHEREAS, Mark Petrowski, a veteran, was declared to be permanently and totally disabled by the Department of Veteran's Affairs ("Veteran Affairs") effective June 1, 2013, and was subsequently determined by the Veterans Affairs to be permanently and totally disabled effective January 8, 2010; and

WHEREAS, Mark Petrowski made application for and was granted exemption from taxes effective June 1, 2013, and subsequently made application for exemption from taxes effective January 8, 2010, and for a return of taxes paid from that date to June 1, 2013; and

WHEREAS, the Township has granted refunds of all previously paid municipal taxes to totally exempt veterans from the date of the veteran's declaration of disability by the Veterans Administration; and

WHEREAS, the decision as to whether to reimburse totally exempt veterans for past taxes is discretionary on behalf of the Township; and

WHEREAS, the financial situation of the Township has deteriorated of late due to the loss of certain revenue sources, the imposition of a 2% levy cap on tax increases and limitations on increases in spending by municipalities imposed by the State of New Jersey; and

WHEREAS, the Township wishes to strike a balance between honoring veterans who have made an incredible sacrifice on behalf of their fellow countrymen against the financial burden that the return of taxes imposes upon non-exempt property owners, many of whom have been facing their own financial distress; and

WHEREAS, in considering how to achieve the proper balance, the Mayor and Committee have considered the fact that when the Township of Lebanon collects taxes, it is obligated to collect taxes for the local and regional schools as well as the County of Hunterdon, but when it returns taxes to a veteran it cannot recover that portion of taxes collected for the local and regional schools or the County of Hunterdon from those entities, even though the taxes collected for those entities make up the majority of the taxes being returned; the result of which is that the taxpayers of Lebanon must fund out of general revenue any return of taxes; and

WHEREAS, the caps placed upon municipal spending and tax generation by the State of New Jersey have imposed financial burdens on the Township and placed severe strains on its budget; and

WHEREAS, the Mayor and Committee have concluded that the change in financial circumstances experienced by the Township require that its past practice of returning all taxes paid by a veteran from the date of his declaration of disability needs to be modified to better reflect the current economic situation faced by the Township and its taxpayers; and

WHEREAS, the Mayor and Committee have further concluded that in the future the Township will only return the amount of the municipal share of taxes paid by the veteran from the date of his/her application to the Township for exemption from taxes; and

WHEREAS, Mark Petrowski, made application for exemption from taxes prior to the decision by the Township to change its policy, but the Mayor and Committee have concluded that in an effort to be fair to this veteran and to acknowledge his service, but still recognize the substantial burden on the taxpayers if the Township returned the taxes collected on behalf of the local and regional schools and the County of Hunterdon, the Township Committee has agreed to return the municipal share of all taxes paid on his behalf from the date of his exemption, January 8, 2010, through June 1, 2013 (the date that Mr. Petrowski had previously been declared permanently and totally disabled based on a prior determination).

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, the Tax Collector of the Township of Lebanon is hereby authorized to return to Mark Petrowski that share of municipal taxes collected for the period January 8, 2010, to June 1, 2013, which represents that share of taxes collected on behalf of the Township of Lebanon, but not that share of taxes collected on behalf of the local and regional schools, the County of Hunterdon and any other jurisdictions for which the Township of Lebanon collects taxes.

Resolution No. 55-2014 –Totally and Permanently Disabled Veteran Exemption – Symonds

Mayor McKee stated that Mr. Symonds made application and will be refunded back to August 7, 2013.

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 55-2014 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 55-2014**

**TOTALLY AND PERMANENTLY DISABLED
VETERAN EXEMPTION-SYMONDS**

WHEREAS, N.J.S.A. 54:4-3.30-34 grants an exemption from local property taxes for the dwelling house of a qualified permanently and totally disabled veteran; and

WHEREAS, Howard Symonds, a veteran, was declared to be permanently and totally disabled by the Department of Veteran's Affairs ("Veteran Affairs") effective August 7, 2013; and

WHEREAS, the Tax Assessor has determined the dwelling of Howard Symonds is exempt from property taxation effective June 23, 2014; and

WHEREAS, in the past the Township has granted refunds of all previously paid taxes to permanently and totally disabled veterans from the date of the veteran's declaration of disability by the Veterans Administration; and

WHEREAS, the decision as to whether to reimburse totally exempt veterans for past taxes is discretionary on behalf of the Township; and

WHEREAS, the financial situation of the Township has deteriorated of late due to the loss of certain revenue sources, the imposition of a 2% levy cap on tax increases and limitations on increases in spending by municipalities imposed by the State of New Jersey; and

WHEREAS, the Township wishes to strike a balance between honoring veterans who have made an incredible sacrifice on behalf of their fellow countrymen as compared to the financial burden that the return of taxes imposes upon non-exempt property owners, many of whom have been facing their own financial distress; and

WHEREAS, in considering how to achieve the proper balance, the Mayor and Committee have considered the fact that when the Township of Lebanon collects taxes, it is obligated to collect taxes for the local and regional schools as well as the County of Hunterdon, but when it returns taxes to a veteran it cannot recover that portion of taxes collected for the local and regional schools or the County of Hunterdon, even though those taxes make up the majority of the taxes being returned; the result of which is that the taxpayers of Lebanon must fund out of general revenue any return of taxes; and

WHEREAS, the caps placed upon municipal spending and tax generation by the State of New Jersey have imposed financial burdens on the Township and placed severe strains on its budget; and

WHEREAS, the Mayor and Committee have concluded that the change in circumstances experienced by the Township requires that its past practice of returning all taxes paid by a veteran from the date of his declaration of disability needs to be modified to better reflect the current economic situation faced by the Township and its taxpayers, many of whom are experiencing their own financial distress; and

WHEREAS, the Mayor and Committee have further concluded that in the future the Township will only return the municipal share of taxes paid by the veteran from the date of his/her application to the Township for exemption from taxes; and

WHEREAS, the widow of Howard Symonds, made application for exemption from taxes prior to the decision by the Township to change its policy, but the Mayor and Committee have concluded that in an effort to be fair to this veteran and to acknowledge his service, but still recognize the substantial burden on the taxpayers, if the Township returned the taxes collected on behalf of the local and regional schools and the County of Hunterdon, the Township Committee has agreed to return the municipal share of taxes paid on his behalf from the date of his exemption, August 7, 2013.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Tax Collector of the Township of Lebanon is hereby authorized to return to Howard Symonds the municipal share of taxes collected from August 7, 2013, but not that share of taxes collected on behalf of the local and regional schools, the County of Hunterdon and any other jurisdictions for which the Township of Lebanon collects taxes; and

NOW THEREFORE BE IT FURTHER RESOLVED that Howard Symonds and his widow are hereby declared to be exempt from municipal taxes effective June 23, 2014.

Resolution No. 56-2014 -Permanently Disabled Veteran Exemption Policy

Mayor McKee explained that the exemption policy resolution was different than the previous resolutions. This policy sets the date of application as when the Township will exempt a disabled veteran from taxes. The previous resolutions exempted the vets from the date of the veteran's declaration of disability by the Veterans Administration.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 56-2014 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 56-2014**

PERMANENTLY DISABLED VETERAN EXEMPTION POLICY

WHEREAS, *N.J.S.A. 54:4-3.30-34* grants an exemption from local property taxes for the dwelling house of a qualified permanently and totally disabled veteran; and

WHEREAS, over a number of years the Township has received applications for the return of municipal taxes paid by veterans who have been declared permanently and totally disabled by the Department of Veterans Affairs ("Veterans Affairs"); and

WHEREAS, the Township has granted refunds of all previously paid taxes to permanently and totally exempt veterans from the date of the veteran's declaration of disability by the Veterans Administration; and

WHEREAS, the decision as to whether to reimburse permanently and totally exempt veterans for past taxes is discretionary on behalf of the Township; and

WHEREAS, in the recent past, the financial situation of the Township has deteriorated due to the loss of certain revenue sources, the imposition of a 2% levy cap on tax increases and limitations on increases in spending by municipalities imposed by the State of New Jersey; and

WHEREAS, the Township wishes to strike a balance between honoring veterans who have made an incredible sacrifice on behalf of their fellow countrymen against the financial burden that the return of taxes imposes upon non-exempt property owners, many of whom have been facing their own financial distress; and

WHEREAS, in considering how to achieve the proper balance, the Mayor and Committee have considered the fact that when the Township of Lebanon collects taxes, it is obligated to collect taxes for the local and regional schools as well as the County of Hunterdon, but when it returns taxes to a veteran it cannot recover that portion of taxes collected for the local and regional schools or the County of Hunterdon, even though those taxes make up the majority of the taxes being returned; the result of which is that the taxpayers of Lebanon must fund out of general revenue any return of taxes; and

WHEREAS, the caps placed upon municipal spending and tax generation by the State of New Jersey have imposed financial burdens on the Township and placed severe strains on its budget; and

WHEREAS, the Mayor and Committee have concluded that the change in circumstances experienced by the Township requires that its past practice of returning all taxes paid by a veteran from the date of his declaration of disability needs to be modified to better reflect the current economic situation faced by the Township and its taxpayers; and

WHEREAS, the Mayor and Committee have further concluded that in the future the Township will only return the municipal share of taxes paid by the veteran from the date of his/her application to the Township for exemption from taxes; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, hereby declare that the policy of the Township of Lebanon regarding the return of previously paid municipal taxes to veterans declared to be permanently and totally disabled shall be to return that portion of previously paid municipal taxes which represents the municipal share of taxes collected, but not that share of taxes collected for the local and regional schools, Hunterdon County or any other jurisdiction for which the Township collects taxes.

NOW THEREFORE BE IT FURTHER RESOLVED that the Township reserves the right to modify this policy based on any changes in its financial situation in the future.

Resolution No. 57-2014 – 2014 Salaries

The Township Committee had discussion regarding two positions in the Salary Ordinance. The amended Salary Resolution addresses the amount those positions are to be paid for 2014.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the

Township Committee approved Resolution No. 57-2014 with a correction on the amount to be paid to the OEM Coordinator.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION NO. 57-2014

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 an amendment to Resolution No. 53-2014 and the annual salaries of the following office and employees by set forth hereafter.

SECTION A:

	<u>2014 Salary</u>
Office of Emergency Management-Goracy	\$5,345.20
Recycling Coordinator-Fascenelli	\$5,465.28

Resolution No. 58-2014 – Redemption of Tax Sale Certificate

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 58-2014 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 58-2014**

REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201303 on October 11th 2013 to US Bank Cust for Pro Capital III, LLC, and,

WHEREAS the amount of \$2,760.77 has been collected from Crestar Capital, LLC, for redemption of this lien on this property, known as Block 18, Lot 8, 18 Hoffman's Crossing Road, Lebanon Township, for Tax Sale Certificate #201303,

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 \$2,760.77, and that this check be mailed to the lien holder:

US Bank Cust for Pro Capital III, LLC
US Bank Corp TLSC
50 S 16th Street Suite 1950
Philadelphia PA 19102

Resolution No. 59-2014 - Purchase of Paving Materials

Mr. Milkowski questioned if the Township was locked into getting paving material only from Trap Rock or could the Township still purchase blacktop on its own. The Committee tabled the resolution until the next meeting so the Committee could get clarification from Mr. Gabriel.

OLD BUSINESS

Municipal Complex Cell Tower - Co-locator- held for Executive Session.

The Township Committee was advised by Attorney Cushing to hold this for executive session. They will have it on the next agenda.

Collective Bargaining Sub-committee Partners

Mr. Cryan stated that Ms. Schriver agreed to work with him on the CWA negotiations and Mr. Milkowski stated that Mayor McKee agreed to help with him with the PBA collective bargaining.

DPW Manager Correspondence – Roadway Clarification

At a previous meeting, the Committee had discussed what to do with Old Spruce Run Turnpike Road, the end of Buffalo Hollow and Skinner Road, if they are private or if the Township has any jurisdiction over them. The Township has received information from the township engineer and assessor regarding the roads and found that the Township does not own them. Mr. Gabriel is looking for some direction for the winter as to what roads he should plow.

Southern portion of Old Spruce Run Turnpike Road

Mayor McKee asked the Committee if the DPW should plow it. The owner had stated that he would clear the roadway. Mr. Milkowski stated that he saw nothing stating that except for a note from the engineer, there was no commitment as to whether the road would be maintained. If the owner does do it, does he assume full control of the roadway with the possibility of blocking the exit? Mr. Cryan stated that he felt the Township should maintain the portion of the Old Spruce Run Turnpike off of Buffalo Hollow as it is a thru-fare for many residents. Ms. Schriver and Mayor McKee agreed. The consensus was to maintain Old Spruce Run Turnpike from Buffalo Hollow to the stop sign. Mr. Milkowski stated that with no agreement

the Township has no choice but to maintain it. Mayor McKee asked if they needed a motion. Attorney Cushing stated they should have a resolution so there is a record of what they did with a reason and explanation for it. Mr. Milkowski would like the resolution stating; due to lack of written agreement the Township has no choice but to maintain it.

Northern portion of Old Spruce Run Turnpike.

Mayor McKee stated that the Old Spruce Run Turnpike runs just south of Glen Gardner (on the northbound side of Route 31). Mr. Cryan talked to Mr. Gabriel and he stated that it is not a problem for the DPW to plow. Ms. Schriver questioned if the Township had maintained it. The Township has maintained it in the past. She stated that this could be a safety issue if the Township does not plow it. Mr. Cryan felt that the Township should continue to do so. He said that maybe a letter should go to these residents that plowing would be done but the maintenance would be private. Mayor McKee agreed. Attorney Cushing stated that the proper procedure is to have an ordinance. If the Township is going to do work on a non-public road, which is permissible, an ordinance is a record of what the Township can do and the scope of work that will be done. The ordinance can state that work would continue, as long as it is economically feasible, but also that the Township would have the right to terminate doing the work. First the Committee will send a letter to the owners of property that connects to the Old Spruce Run Turnpike and invite them to the September 17 meeting to discuss with them what the Committee is considering doing.

Skinner Road and Sanitorium Road

Mayor McKee stated for the Committee that there is only one resident who lives off of Sanitorium Road.. Mr. Milkowski stated that the State feels that Skinner and Sanitorium Roads are County roads; the D.O.T. says that it is not their road. There is 1 bridge and 1 diameter pipe on the State property, one on Skinner by Rocky Run and the other is on Sanitorium. In talking to the County they have no record of the bridges which means they do not belong to the County. Last year was the first year that the Township plowed the roads. Up until then, it was plowed by the State. Attorney Cushing will write a letter to inform the State that the Township will not be plowing Sanitorium or Skinner Roads.

DPW Manager Correspondence – Follow Up on Township Garage Matters

Mayor McKee and Mr. Cryan will meet with Steve Risse, Township Engineer, to go over issues with the DPW garage. Attorney Cushing will write a letter to all parties that need to address problems that are not corrected at the garage.

Squad Building Lease Agreement

After a short discussion the Committee decided that they would execute the agreement after the starting and ending dates were corrected.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the Squad Building Lease Agreement to be signed by the Mayor and Clerk.

Mayor McKee stated that, at the last meeting, the Attorney was asked to write a letter to Ms. Glass about the intent of the Township regarding the donation property located at 332 Newport Road and how the Township would like to see the property left if they do accept it.

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the letter being released to Ms. Glass with the terms that the Township has set forth.

NEW BUSINESS

DPW Manager Correspondence – Municipal Office Septic System

DPW Supervisor requested that Mr. Clark Kuhar be given a thank you letter for a donation of \$1300 for the use of his small bulldozer. Mr. Kuhar loaned the equipment to the Township while they were working on the Township's septic system. The use of the equipment through a rental company runs \$400 a day and \$500 for delivery. After the work was completed, Mr. Kuhar donated the use of his equipment for the 2 days.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved having a letter sent to Mr. Kuhar thanking him for the donation for the use of his equipment for the Township's Septic System.

NJ Dept. of Agriculture Correspondence Gypsy Moth Egg Mass Surveys

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved having the Gypsy Moth Egg Mass Survey done by the State.

DPW Manager Request to Advertise for the Sale of the 2010 Ford Explorer

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved advertising the sale of a 2010 Ford Explorer.

Comcast – Application for the Renewal of Municipal Consent to Construct and Operate

Attorney Cushing explained that the Township has received documents from Comcast regarding the Comcast franchise renewal. The current Comcast ordinance expires April, 2015 and there is a complicated process to be followed for the renewal of the franchise. There are 3 steps: the ascertainment process, the Municipal process and the certificate of approval process. The ascertainment process is an optional process, which begins 3 years before the expiration of the ordinance and it allows the municipality 2 years to gather information and submit a report to Comcast, that portion is over as the report was due by April, 2014. The Township is now in the Municipal process, this is a mandatory process. What is going to happen in the next 150 days is there is going to be a public hearing, after the Township gets any input that may arise at the public hearing, there can be negotiations with Comcast over the contents of the cable company ordinance. After the Township and the cable company agree on the ordinance, it is submitted to the Office of Cable Television, and they will review it and submit any comments. The public hearing will be October 15, 2014.

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the public hearing for Comcast Cable on October 15, 2014.

Social Affair Permit – St John Neumann Church – Event Date: 11/22/2014

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for an event to be held on 11/22/2014.

Raffle Applications (2) – St John Neumann Church – Event Dates: 11/7/2014 & 12/7/2014

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the raffle license application for 11/7/2014 and 12/7/2014.

Raffle Application – Friends of Memorial Park – 5 Event Dates

Motion by Mr. Cryan seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved the raffle license application for 9/27/2014, 10/5/2014, 10/11/2014, 10/12/2014 and 10/26/2014. Ayes: McKee, Milkowski, Cryan Abstain: Schriver

DPW Manager Correspondence – Request to pave Nicole Terrace

Mayor McKee read the letter from DPW Supervisor Warren Gabriel requesting permission to repave Nicole Terrace this year. He does not feel that it can be left to next year due to its condition. The development was only paved with a base blacktop when it was installed and never top sealed. He is requesting \$35,000 for the blacktop thru Morris County Coop. There is money available in the capital budget. The Committee had a discussion on how to proceed. The Committee decided that Mr. Cryan would talk to Mr. Gabriel before moving forward.

PRESENTATION OF VOUCHERS

Committee Members provided a description of vouchers exceeding \$1000.00. After some discussion the Committee decided to hold a voucher for \$575 to Flemington Department Store.

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the amended bill list in the amount of \$3,275,685.70.

CORRESPONDENCE

Tax Collector's Report for the Month of July 2014
Statewide Insurance Company- Loss Control Site Visit Follow Up
Highlands Council – Certification of Highlands Land Use Ord. Adoption/Conformance Grant
Township Historian's June 5, 2014 Meeting Minutes

Mayor McKee had additional correspondence from OEM Coordinator Alan Goracy regarding the generator grant. The letter is from the Department of Law and Public Safety. It is to inform the Township that \$75,000 in Hazard Mitigation Grant Program funds are being made available to the Township for a generator at the Fire house. The OEM Coordinator needs a cost breakdown from the Fire Department. Mr. Milkowski asked for the information to be forwarded to the Fire Department.

LTCM

08/20/2014

Page 13 of 15

Also 90% of the reimbursements for Hurricane Sandy have been received by the Township.

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 8:53 p.m.

Ms. Laurie Hoffman asked about the roads on Route 31, that the State had given the property to the land owners. Ms. Hoffman stated that it needs to be determined if it is a public right of way or private property. Ms. Hoffman asked who gave the final approval on the DPW building when the building wasn't right, and how the same thing happened with Nicole Terrace, who is the person responsible for approving it? She also questioned how the recycling position got into the contract.

Anthony Casale stated that he wanted to go over the cell tower. It has been discussed for months and months and tonight when he saw it on the agenda, he thought there would be a decision and move forward and the Committee is still revisiting the same thing. Mr. Casale also did not understand about the drain in the DPW building. Mr. Casale stated that he is not objecting to the squad building, but no one turned to the attorney; they said they were okay with it but did not ask what the attorney thought. When Wes Lance was the attorney, and the property actually went to the rescue squad, there was a clause. What is in the lease that protects the Township, going forward if something goes wrong? Attorney Cushing stated that there is a difference from the last time; it was conveyed to the squad, this is now a lease, by definition it has a termination date. The term is for 25 years. Mr. Casale questioned regarding Comcast, what was left to negotiate. Attorney Cushing stated that there is plenty of time to address issues, things that are wanted or concerns, they can be brought up at the public hearing. Mr. Casale stated at the last meeting the Committee decided to make OPRA public. The request is a public document. He does not feel that it should be a policy of the municipality to post them. His thought was the "presumption" of privacy until someone OPRA'S his OPRA request. Attorney Cushing stated that it is a public document; there is no right of privacy. If Mr. Casale does not want the Committee to post his OPRA, then that is a request he can make of the Committee. Mr. Casale wants his objection to be noted, he does not feel it is necessary for them to be posted.

Marc Laul asked Attorney Cushing if over the next 60 to 100 days could there still be a "wish list" for Comcast. Attorney Cushing stated yes. Mr. Laul stated that since Comcast first came into the Township, their services have changed, like the phone service.

Mr. Victor Hoffman asked if the Township knows who the builder was for Nicole Terrace and see if they had a performance bond. Mr. Hoffman asked if a lien could be put against the company for not completing the job. Attorney Cushing stated that normally on public improvements, there is a performance bond but there is a statute of limitation. Mr. Hoffman asked if the Committee decided on maintaining Skinner Road. Mr. Cryan stated they were going to give it back to the State. Mr. Hoffman brought up the Township taking care of private roads. Mayor McKee stated that there is a distinction between these particular roads verses a lane. Mr. Hoffman stated that he heard that they are going to dualize Route 31.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 9:20 p.m.

LTCM

08/20/2014

Page 14 of 15

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 60-2014 and convened in executive session at 9:28 p.m.

EXECUTIVE SESSION

Resolution No. 60-2014

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION NO. 42-2014
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 the 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: CWA);

_____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: Cell Tower Contract, Centurion, Potential litigation issue with Zoning Officer, Contract issue with disputed bill. 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 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: 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.

Having no further business to come before the Committee a motion was made by Ms. Schriver seconded by Mr. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at 10:07 p.m.

Respectfully submitted,

Kimberly S. Jacobus
Deputy Clerk

Approved: October 1, 2014

Thomas McKee, Mayor