

**Lebanon Township Committee
September 3, 2014**

Minutes of Regular Meeting

CALL TO ORDER

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

FLAG SALUTE

Mayor McKee asked everyone to please stand for the Flag Salute and for a Moment of Silence in honor of our Servicemen and Women.

ROLL CALL

Present -	Thomas McKee	Patricia Schriver	Ronald Milkowski
	Brian Wunder	Bernard Cryan	

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 7 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of August 20, 2014

Tabled

Minutes of the Executive Session Meeting of August 20, 2014

Tabled

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the public.

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

ORDINANCE

Introduction

Ordinance No. 2014-07 – 2014

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2014-07 as entitled below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE 2014-07
ORDINANCE AUTHORIZING THE ACCEPTANCE OF
LAND DONATION OF BLOCK 36, LOT 27**

Public Hearing to be held on September 17, 2014

RESOLUTIONS

Resolution No. 59-2014 - Purchase of Paving Materials

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 59-2014 as written below.

RESOLUTION NO. 59-2014

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

**RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF PAVING MATERIALS
FOR THE TOWNSHIP FROM TRAP ROCK INDUSTRIES 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 Trap Rock Industries; 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 Trap Rock Industries 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 Eighty Thousand Dollars (\$80,000.00).

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 Trap Rock Industries in accordance with its membership in the Hunterdon County Cooperative Pricing System for Eighty Thousand Dollars (\$80,000.00), and the Mayor and Township Clerk are hereby authorized to execute any such contract on behalf of the Township.

Resolution No. 61-2014 – Bond Anticipation Note

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 61-2014 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 61-2014

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, DESIGNATING A \$4,707,875 BOND ANTICIPATION NOTE, DATED SEPTEMBER 5, 2014 AND PAYABLE SEPTEMBER 4, 2015, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b) (3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Township of Lebanon, in the County of Hunterdon, New Jersey (the "Township"), intends to issue a \$4,707,875 Bond Anticipation Note, dated September 5, 2014 and payable September 4, 2015 (the "Note"); and

WHEREAS, the Township desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended (the "Code");

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

SECTION 1. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code.

SECTION 2. It is hereby determined and stated that (1) the Note is not a "private activity bond" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2014.

SECTION 3. It is further determined and stated that the Township has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2014, viz:

<u>Amount</u>	<u>Dated - Due</u>
\$636,855 BANS	1/31/14 - 1/30/15

SECTION 4. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.

OLD BUSINESS

DPW Manager Request for Roadway Maintenance Clarification

Mayor McKee stated that there is an ongoing issue with the maintenance of Old Spruce Run Turnpike, Sanitorium and Skinner Roads. Mr. Milkowski stated that he met with the Tax Assessor Mary Mastro and she reviewed deeds and right of ways. It has been determined that Sanitorium and Skinner Road are owned by the State. Attorney Cushing will send a letter to Veteran's Haven, the Commissioner of the Department of Human Services and the Acting Attorney General stating that the Township will not be maintaining the roads in any way in the future.

Mr. Milkowski also met with Mary Mastro regarding ownership of the two areas of Old Spruce Run Turnpike which run parallel to Route 31 North. In the area of "Irish Town", which is the northern area of Old Spruce Run Turnpike, the deeds shows that the properties along the road run right up to the edge of Route 31. Old Spruce Run Turnpike is not shown on the tax map at all. Mr. Milkowski stated that a letter should be sent to homeowners stating that the Township will not be maintaining the roads in the future. Mr. Cryan stated that he would like a letter to be sent to the homeowners inviting them to a meeting to inform them of the Committee's intent with the maintenance of the roads.

Mr. Milkowski stated that at a Planning Board meeting the owner of Davara Industries stated that he acknowledges that he owns the property on the southern part of Old Spruce Run Turnpike, from Buffalo Hollow Road north to Route 31. The property owner also noted that it will remain a public thoroughfare and he will be responsible for the maintenance. The Township will be responsible to maintain the roadway south of Buffalo Hollow.

Mayor McKee and Attorney Cushing will prepare a letter which will be sent to the residents on Old Spruce Run Turnpike Road requesting their attendance at the next meeting.

NEW BUSINESS

Raffle Application – Voorhees Viking Victory Club – Various Dates

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Raffle License Application for the Voorhees Viking Victory Club for various dates.

CWA Correspondence – Request to Begin Union Negotiations

The CWA Union sent a letter to the Township Committee stating that they would like to begin Union negotiations. Mr. Cryan will reach out to Gail Glashoff or Kevin Rivers.

DPW Manager Correspondence – Request to Repave Forge Hill Road

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to repave Forge Hill Road and Nicole Terrace as requested in previous correspondence.

DPW Manager Correspondence – New 2014 Dump Truck Status

The DPW Manager, Warren Gabriel sent a letter to the Township Committee stating he has not yet received the new dump truck that was awarded to Mid Atlantic Truck Centre on November 6, 2013. The purchase order was sent to Mid Atlantic Truck Centre on November 8, 2013. Warren stated that he is concerned because the winter is fast approaching and he is already down two trucks.

Warren sent an email to Robert Feldman, Mid Atlantic Truck Centre Salesman, on August 11, 2014 inquiring on the status of the truck. Mr. Feldman responded that same day saying the truck was in and at the body company. Mr. Feldman also stated that the hydraulic tank was built incorrectly and the new one had just arrived. Mr. Feldman also informed Warren that Sanchez would begin building the truck that day and Andy Sanchez would be calling for the Township to go and view the progress. Warren still has not yet heard from anyone at the body company.

Mayor McKee stated that he feels that the issue is with Mid Atlantic not Sanchez. Attorney Cushing is to send a letter to Mid Atlantic to inquire on the status of the truck.

Veteran's Haven North

Mr. Milkowski stated that he had a meeting with the officials of Veteran's Haven North and the administrator invited the Township Committee to visit the facility or to hold a Committee meeting there.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the September 3, 2014 bill list in amount of \$ 76345.94.

CORRESPONDENCE

- a. LTEOS - June 16, 2014 Meeting Minutes

PUBLIC COMMENTS

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 at 7:34 p.m.

Mr. Anthony Casale asked what happened to the records from the prior Squad. Attorney Cushing stated that the Township Committee decided not to respond to a request to hold the records and the issue has not resurfaced.

Mr. Casale asked about the status of the problems with the DPW Garage. Mayor McKee stated that there is a meeting scheduled for tomorrow, at the site, to review the problems.

Mr. Casale asked what the status is in the Township seeking grants and stated that he would like to see the Committee look into the possibilities.

Mr. Casale asked if there is any progress with the rent money from Nextel. Attorney Cushing stated that he asked the CFO to verify if the rent increases have been paid by Verizon. The amount of the sublease is \$2000.00; \$1000.00 each to the Township and Verizon. Attorney Cushing has written to the Nextel attorney quite a few times and the attorney has now advised that Attorney Cushing's prior letter was forwarded to Nextel. The attorney will send the letter again and if we do not receive a response by next Monday Attorney Cushing is to call the attorney again.

Mr. Casale said that Mr. Victor Hoffman mentioned the bin blocks from the DPW building at the last meeting and asked where they are and if they were auctioned.

Mr. Victor Hoffman asked for the bond anticipation interest rate.

Mr. Hoffman asked about vacating Old Spruce Run Turnpike and requested that a note to be sent to the Post Office advising them of the Township's intent. Attorney Cushing informed Mr. Hoffman that the Township is not vacating the road as the Township does not own the road therefore it cannot vacate it.

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:50p.m.

Resolution No. 62-2014 –Executive Session

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 62-2014 and convened in executive session at 7:51 p.m.

RESOLUTION NO. 62-2014
RESOLUTION AUTHORIZING EXECUTIVE SESSION

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

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

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

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

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

_____ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____ A matter where the release of information would impair a right to receive funds from the federal government;

_____ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

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

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

_____ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is:

_____ 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.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Milkowski seconded by Mr. Wunder and carried by unanimous favorable roll call vote to adjourn the meeting at 8:22 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 17, 2014

Thomas McKee, Mayor