

**Lebanon Township Committee
September 17, 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
 Brian Wunder Bernard Cryan

Absent- Ronald Milkowski

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 9 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

Minutes of the Regular Meeting of September 3, 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 September 3, 2014.

Minutes of the Executive Session Meeting of September 3, 2014

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of September 3, 2014.

PUBLIC COMMENTS – for agenda items only.

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.

Mr. John Schembari has two pieces of property along Old Spruce Run Turnpike Road, one of which is where he operates the Gem Vac business. He has been at the location for approximately 30 years. Mr. Schembari informed the Committee that he feels that it would be a detriment to those who own property along Old Spruce Run Turnpike Road if the Township were to take away snowing plowing and maintenance services. Mr. Schembari read a letter that he wrote to the Township Committee which listed questions and concerns that he has with regard to the Township not continuing to plow or maintain the roadway.

Mr. Schembari stated that according to his survey his property ends on Old Spruce Run Turnpike Road.

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

ORDINANCE

Ordinance No. 2014-07 – Authorizing the Acceptance of Land Donation of Block 36, Lot 27

Public Hearing

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-07 was open.

Mr. Wunder asked how many acres are being donated to the Township and if Ms. Glass tried to sell or give the land to someone else.

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2014-07 was closed.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee adopted Ordinance No. 2014-07 as written below. AYES: Schriver, McKee, Cryan NAYS: Wunder

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

WHEREAS, Diane Glass, owner of certain property located in the Township of Lebanon (the “Township”) and designated as Block 36, Lot 27 on the Tax Map of the Township (the “Property”); and
WHEREAS, Diane Glass has offered to donate said Property to the Township; and

WHEREAS, the Township has, after consultation with its legal and engineering professionals, determined that it is in the public interest to accept the donation of Diane Glass; and

WHEREAS, the Township desires to accept the donation of the Property subject to due diligence regarding environmental or any other issues that may affect the Township's acceptance and ownership of the Property; and

WHEREAS, N.J.S.A. 40a:12-1, et seq., the Local Lands and Buildings Law, authorizes municipalities to acquire real property by gift pursuant to a duly adopted ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Lebanon, the County of Hunterdon, as follows:

SECTION 1. The Township hereby accepts the land donation of Block 36, Lot 27 from Diane Glass subject to due diligence regarding environmental or any other issues that may affect the Township's acceptance and ownership of the Property.

SECTION 2. The Mayor and Clerk are hereby authorized to take all action necessary to effectuate the acquisition of the Property.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

RESOLUTIONS

Resolution No. 63 -2014 - Refund Overpayment of Taxes

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 63-2014 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 63-2014
RETURN OVERPAYMENT TAXES

WHEREAS there has been an overpayment of 2014 taxes for Block 35, lot 67, 25-29 Red Mill Road, assessed to Frank Cerami, and,

WHEREAS this overpayment in the amount of \$1,234.23 has been requested for return by the owner, Frank Cerami,

THEREFORE BE IT RESOLVED that a check be signed by the Mayor, Clerk and Treasurer and this check be mailed to:

Frank Cerami
20 Bedle Road
Hazlet NJ 07730

Resolution No. 64-2014 - Redemption of Tax Sale Certificate

Motion by Mr. Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 64-2014 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 64-2014
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201005 on October 15th 2010 to Frank Gallagher, and,
WHEREAS the amount of \$29,035.36 has been collected from Candice Davies, Executrix of the estate of Peter Schroder, first mortgage holder, for redemption of this lien on this property, known as Block 69, Lot 3.03, 9 General Morgan Lane, Lebanon Township, for Tax Sale Certificate #201005,
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 \$29,035.36 and that this check be mailed to:

Frank Galagher
21019 Sunpoint Way Unit 202
Lutz, FL 33558-5151

Resolution No. 65-2014 - Retail Consumption License – Ono Rosa

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved Resolution No. 65-2014 as written below. AYES: Schriver, McKee, Cryan
ABSTAIN: Wunder*

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 65-2014
RESOLUTION RENEWING PLENARY
RETAIL CONSUMPTION LICENSES

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and
WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and
WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00
NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2014-2015 year:

1019-33-002-005 ONOROSA INC. 282 Route 513

Resolution No. 66-2014 - Participation in Hunterdon County Cooperative Pricing System

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 66-2014 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 66-2014
RESOLUTION AUTHORIZING THE TOWNSHIP OF LEBANON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Hunterdon, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 17, 2014 the governing body of the Township of Lebanon, County of Hunterdon, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Lebanon

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)* the Mayor and Clerk is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

OLD BUSINESS

Maintenance of Old Spruce Run Turnpike

Mayor McKee stated that letters were sent to the property owners on Old Spruce Run Turnpike Road informing them that going forward the Township may not provide snowplowing and maintenance services on the roadway. The residents were invited to attend this meeting to state their concerns. A

few residents were in attendance at the meeting. Attorney Cushing stated that the Township Engineer determined that there were no deeds or dedications to the Township for the roadway. This led the Township to believe that they do not own the road. The only way to determine who owns the road is to have a title search conducted, which can be costly.

Mayor McKee stated that the ownership of the road was looked into by the Tax Assessor and the Engineer and it was determined that the Township does not own the road. Mayor McKee noted that the Township does not plow private roads in the Township and questioned if the Committee would be setting a precedent in plowing Old Spruce Run Turnpike Road. Mayor McKee informed Mr. Schembari that he made valid points in his letter which need to be considered before the Committee can make a final decision.

Mr. Bob Stevenson, a veteran who attends veteran gatherings at Gen Vac, stated that the property line is the Old Route 31. Mr. Stevenson asked if the Township owns the road due to the fact that it has maintained it for years. Attorney Cushing stated that this is not the case as the Township does not have the right to take someone's property.

Attorney Cushing's thought is that the road is possibly in the State right of way.

Ms. Schriver feels that the Committee should relook at the issue and reconsider.

Mr. Schembari stated that when he received the letter he felt abandoned and would like the Committee to steer him in the right direction.

Mayor McKee stated that he feels that more research should be done and background information should be gathered before making a decision.

Attorney Cushing suggested having the Township Engineer look to the State to see if the land is located in the right of way.

Cell Tower

Mr. Wunder asked for update on a letter from Sprint regarding the cell tower lease.

Attorney Cushing stated that a letter was received from Sprint stating that they believe that the date for the commencement of rent should be April of 2014, when the lease was signed by the Township. Further discussion will be held in executive session.

NEW BUSINESS

Blue Acres Demolition of State Properties – Notice of Award

Mayor McKee stated that the Blue Acres Demolition of State Properties, Notice of Award, pertains to 139 Raritan River Road, Block 19 Lot 16. The NJDEP Blue Acres program has acquired the flood damaged property. The program requires that the existing structures on property must be demolished and that the site be reverted to its natural state. Through a Memorandum of Understanding, between the NJDEP and Lebanon Township, the Township bid the demolition work and the apparent low bidder was

KDP Developers Inc. of Stewartville NJ, at a cost of 13,800.00. The State provided the Township with a purchase order, issued to KDP Developers, which serves as a contract between the State and the contractor. The Township, as the administrator of the contract, is required to officially issue a Notice of Award to the developer.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee authorized the issuance of the NJDEP Blue Acres contract to KDP Developers Inc. and authorized the Mayor to sign.

Resignation of LTEOS Member

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation of Kirk Petrik from the LTEOS with regret.

LTEOS Request for a Member Appointment

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee appointed Deborah Goodsite to the LTEOS to fill Kirk Petrik's unexpired term.

Mr. Warren Newman stated that at the last LTEOS meeting another member stepped down from their position. The Commission is looking for a possible replacement at this time.

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 17, 2014 bill list in amount of \$681,316.83.

CORRESPONDENCE

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

PUBLIC COMMENTS

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 7:42 p.m.

Mr. Victor Hoffman stated that he noticed that the meeting minutes of August 20, 2014 were tabled two meetings in a row and asked if there a problem with them. Mayor McKee stated that there were lengthy discussions at the meeting and the Deputy Clerk is attempting to finalize the minutes from the audio.

Mr. Hoffman asked if Old Spruce Run Turnpike Road will still be maintained until a decision is made by the Committee. Mr. Cryan stated that he will speak with Mr. Gabriel and let him decide.

Mr. Hoffman stated that when he passed the area of Old Spruce Run Turnpike Road he saw the State cutting the grass islands in between the road and 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 7:47 p.m.

Resolution No. 67-2014 –Executive Session

Motion by Mr. Cryan, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 67-2014 and convened in executive session at 7:48 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 67-2014
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; **Diana Glass Property**

_____ 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: **Zoning**

Matter/Centurion/Celco

_____ 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 Ms. Schriver seconded by Mr. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at 8:27 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 1, 2014

Thomas McKee, Mayor