

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
 Ron Milkowski Bernie Cryan

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 9 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of January 16, 2013

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of January 16, 2013.

Minutes of the Executive Session of January 16, 2013

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of January 16, 2013.

PUBLIC COMMENTS – for agenda items only.

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

Ms. Laurie Hoffman stated that the Historians will be doing something on behalf of the Township for Hunterdon County's 300th Anniversary Celebration.

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

ORDINANCE

Introduction

Ordinance No. 2013-03- Authorizing the Acquisition of Real Property – Blk 64, Lot 7.03

Mayor McKee stated that the property is located adjacent to Fire Station No. 1. The acquisition will provide for a more conforming lot for Station No. Mayor McKee stated that the land will be purchased at a cost of \$1000.00 to the Township. The cost will cover the fees of all surveys, preparation of documents and other submissions related to the acquisition. Mayor McKee stated that the placement of the tank happened and in the end worked out for the Township.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2013-03 as entitled below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2013-03
AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL
PROPERTY KNOWN AS A PORTION OF BLOCK 64, LOT 7.03 ON THE TAX MAP OF
THE TOWNSHIP OF LEBANON**

Public Hearing to be held on February 20, 2013

RESOLUTIONS

Resolution No. 28-2013 – Bond Anticipation Note

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 28-2013 as attached.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 28-2013**

RESOLUTION OF THE TOWNSHIP OF LEBANON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF LEBANON AND AUTHORIZING THE MAYOR, TOWNSHIP CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$722,500 BOND ANTICIPATION NOTE, DATED FEBRUARY 1, 2013, PAYABLE JANUARY 31, 2014, AS A “QUALIFIED TAX-EXEMPT OBLIGATION” PURSUANT TO SECTION 265 (b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

Resolution No. 29-2013 - Voorhees Municipal Alliance Grant

Motion by Mayor McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 29-2013 as written below.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
RESOLUTION NO. 29-2013**

WHEREAS, the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township of Lebanon Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township of Lebanon Committee supports the application of funding from Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Township of Lebanon, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby support the submission of an application for the Voorhees Municipal Alliance Grant for calendar year 2013 in the amount of \$20,300.00

OLD BUSINESS

Notice of Unsafe Structure

Construction Code Official Charlie Rogers present.

Mr. Rogers stated that the property at 2069 Route 31 has two building that are falling down. Route 31 and a river are at risk if the buildings were to collapse on their own. Mr. Rogers tried to notify the owner via Unsafe Structure, on January 8, 2013. The owner was given 7 days in which to respond and to demolish the structures. Mr. Roger stated that the certified mail was unclaimed and returned. There is some doubt if the owner actually owns the property and it appears to be obvious that he is not going to take the buildings down. Mr. Rogers stated that the NJ Department of Community Affairs was addressing the issue and posted the building as being unsafe. Once they realized that the property is located in Lebanon Township they contracted Mr. Rogers and informed him that the structures need to be demolished. Mr. Rogers stated that he feels that the structures are imminent hazards and if there is a heavy snowfall they will come down. Attorney Cushing stated that the Township holds the tax sale certificate on the property and has for a period of time. It appears that the owner has abandoned the property entirely. The Township does not have title to the property thus has no right to access the land. Attorney Cushing stated that the property owner must receive 24 hours' notice prior to the Township demolishing the buildings. Unfortunately, the taxpayers will have to cover the cost of the demolition if the owner does not. Attorney Cushing stated that the issue can be addressed as an emergency situation under the bidding laws and quotes

can be obtained. Discussion was held on the risk of the DPW taking down the buildings and the possibility of the DPW removing the debris or filling in the holes once the debris is removed. The Committee raised concerns with the prospect of oil tanks or asbestos being on the property. Attorney Cushing asked Mr. Rogers what the cost might be for the demolition. Mr. Rogers stated that he has seen the cost for an individual home to be demolished at \$25,000.00-\$30,000.00. Mayor McKee will work to obtain at least three quotes for the work to be conducted. Freeholder Rob Walton stated that, at last night's meeting, the Freeholders approved a contract for the demolition of structures on County park land. Mr. Walton suggested that the Mayor contact Mr. John Glenn to inquire on the contractors who bid on the County work and for guidance on how the process works. Mr. Cryan asked Attorney Cushing if the cost of the demolition will be added to the lien for the delinquent taxes. Attorney Cushing stated that the Township would need to get a judgment against the property owner. Attorney Cushing stated that the value of the property needs to be looked into because if the lien exceeds the value of the property the Township has nothing to gain. Mr. Cryan stated that once the buildings are removed the value of the property will increase.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 30-2013 as written below.

**STATE OF NEW JERSEY
COUNTY OF HUNTERDON
TOWNSHIP OF LEBANON
RESOLUTION NO. 30-2013**

WHEREAS, there is an imminent hazard as reported by the Construction Code Official on Block 7 Lot 11, in which the Construction Code Official has reported presents an immediate danger and threat to human life and property by virtue of the conditions of the buildings on the property; and WHEREAS, the Construction Code Official has issued a Notice of Unsafe Structure to the property owner at the address that is set forth in the tax records for the Township of Lebanon; and WHEREAS, if immediate action is not taken there is the potential for either the buildings to collapse onto Route 31 or also potentially collapsing into the river; and WHEREAS, because of the immediate emergency there is not enough time to go out for bids because of the risk that would occur from additional delays; and THEREFORE, the appropriate procedure would be to get quotes to have the demolition work done. NOW, THEREFORE BE IT RESOLVED, by the Mayor and Township Committee that the Mayor and Township Clerk are authorized to get three quotes, if possible, as quickly as possible, to demolish the structures that are located on Block 7 Lot 11. FURTHERMORE, the Township Committee will meet again on February __, 2013 in order to award bids for the demolition of the buildings on the property. FURTHERMORE, the Construction Code Official will issue the appropriate notice to the property owner that the buildings are going to be demolished within 24 hours once the Township has the contractor available.

Rescue Squad Plaque

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the purchase of an 18" x 14" plaque, from International Bronze in New York City, to be placed on the exterior of the Squad building, at a total cost of \$589.00.

Schedule Township Dinner

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Dinner to be held on March 23, 2013, with an alternate date of April 20, 2013, at the Califon Fire House. If the Califon Fire House is not available the dinner will be held at the Bloomsbury Fire House, if attainable.

NEW BUSINESS

Hunterdon County 300th Anniversary

Mayor McKee introduced Senator Marcia Karrow, County Administrator Cynthia Yard and Freeholder Rob Walton who were in attendance to inform the Committee and residents of the upcoming Hunterdon County 300th Anniversary celebration which will take place in 2014. Senator Karrow is the Chairman of the Celebration Committee which is a not for profit corporation and consists of seven members. Senator Karrow and Ms. Yard provided the Committee with information pertaining to fundraising and the many events that will be held. The Committee is planning to have more than 50 events and most will be free to the public. In addition to the events there will be 60 lectures throughout the year. There will be four lectures per month; half being held in the North County Library and half in the Main Library. The Committee is planning a dozen or so fundraisers to pay for the elaborate Celebration. Senator Karrow stated that the State of New Jersey is celebrating the 350th Anniversary in 2014 also. Ms. Yard stated that they are very happy to have commitments from the County Schools to participate in the Celebration. Each school will be challenged by the Freeholders to participate in a timeline project in which they will choose a significant person from their community to interview and gather information on the town. Ms. Yard stated that this is the perfect opportunity to work with the students and to teach them about this beautiful County.

Senator Karrow stated that Artist Dan Campanelli has painted a picture of the Historic County Court House in Flemington. The painting is called Blue Skies and has offered the 300th Anniversary Committee exclusive rights to the painting in perpetuity. Senator Karrow stated that they are trying to raise the money for the painting so they can donate it to the County. The Anniversary Committee will also be selling 300 signed and numbered prints. The Anniversary Committee is encouraging each municipality to purchase one to hang in their Municipal Building. The cost for the print is \$195.00; framed \$395.00.

Senator Karrow stated that they are looking for volunteers from each municipality and would appreciate an official liaison from Lebanon Township. The liaison would be responsible to attend most, if not all, of the Anniversary Committee meetings. Senator Karrow stated that they would like Lebanon Township to be a serious participant in the Tricentennial Celebration and requested that a

Township Official or the Township Historians come up with an idea for an event or a lecture which pertains to Lebanon Township.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of one print of the Historic County Court House at a cost of \$195.00.

Schedule Budget Meetings

Held to the February 20, 2013 meeting.

Reach the Beach Relay – October 18th and 19th 2013

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved the Reach the Beach Relay to travel through Lebanon Township between October 18, 2013 and October 19, 2013 between the hours of 8:30 p.m. and 1:00 a.m. subject to any requirements relative to insurance or the Police Chief. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

Junk Yard License Application – Burd's Salvage

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved a Junk Yard License for Burd's Salvage.

Melick Lebanon Farm, LLC – Police Firing Range

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the Melick Lebanon Farm Agreement for the 2013 Year with an annual rental fee of \$1.00.

Tax Map Maintenance

Mayor McKee stated that the Township has received a proposal from Heritage Consulting Engineers for Professional Land Surveying and Drafting Services to maintain and provide updates to the Lebanon Township Municipal Tax Maps. Engineer Thomas Yager retired last year and recommended to the Tax Assessor that the Township consider having Heritage Consulting assume the tax map work as the Senior CADD Operator and a Senior Engineer who had been working with him on the Township's Tax Maps, will be working with Heritage. The proposal is for a Professional Land Surveyor at \$100.00/hour and a Senior CADD Operator at \$80.00/hr. The approximate budget is for \$10,000.00 for the 2013 year.

Motion by Mayor McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the Committee approved the Professional Land Surveying and Drafting Services proposal. A professional services resolution will be approved at the February 20, 2013 Committee meeting.

Hunterdon County Open Space Trust Fund Application – Blk. 16 Lot 16

Ms. Schriver stated that she provided the Committee with a letter and a site plan from the New Jersey Conservation Foundation regarding acquiring the Lockheed Martin property. The property is located off of Hoffman Crossing Road and continues to Route 513. Ms. Schriver asked the Committee to bring the documents, she provided, to the next Committee meeting for discussion.

Zoning Officer Correspondence – Filing System

Ms. Schriver stated that the Zoning Officer sent a letter stating that the current filing system has problems. Ms. Schriver recommended that a few Committee members meet with Mr. Flemming to see what needs to be done to correct the problem.

NJDEP Trail Grants

Ms. Schriver stated that the Committee received a letter from the DEP regarding possible funding for trail grants. Ms. Schriver suggested that the LTEOS should look into the grant to assist with the Township's trail system.

Ethics Workshop

Ms. Schriver stated that Attorney Cushing suggested having someone conduct an ethics workshop in the Township. Ms. Schriver stated that she feels that this is something for the Committee to discuss and consider.

Committee Reports

Mayor McKee stated that in the future if anyone from the Committee has a liaison report that they would like to provide he would like them to do so under Old Business or New Business.

Flood Insurance Rating

Mr. Milkowski stated that a resident had come to a meeting and discussed the rating the Township receives for flood insurance. Mr. Milkowski met with the Township Engineer to inquire on how the Township can better the rating it has. Engineer Risse informed Mr. Milkowski that he has spent a great deal of time working on FEMA grants and once they are completed he will look into how to increase the Township's rating.

Municipal Court of North Hunterdon

Mr. Milkowski stated that the Municipal Court of North Hunterdon is closing down and there is furniture that is being divided among the member towns. Mr. Milkowski stated that the DPW may need initial items to get started in the new building. Mayor McKee stated that he has a meeting tomorrow with the Court and they are supposed to be providing dates for the disbursement of the assets.

Website

Mr. Cryan questioned if the Committee could look into having someone speak to them on making the Township's website more robust and user friendly for the Township residents. Mr. Cryan stated that there are many things that can be done online, such as dog licensing. Mr. Cryan stated that he would like to know what it would cost to make the improvements. Mr. Cryan stated that he would also like for the Committee to be able to utilize the email system as a Committeeman. Attorney Cushing stated that many towns are creating a municipal email system. Attorney Cushing stated that any emails that are sent or received are subject to an OPRA request. If the email accounts are set up

where the Clerk receives an archived copy, it is easy for the Clerk to do a search on the subject. The Committee would not have to worry about searching personal email accounts and it separates municipal emails from the Committee's personal emails, which are not subject to an OPRA request. The Clerk will contact the Administrator of the Town of Clinton to inquire on their new system.

Resolution No. 31-2013- Open Public Meetings Act

The Municipal Clerk's Association sent a sample resolution to the Township requesting support in opposing Senate Bill 2511 Amendments to the Open Public Meetings Act. Mr. Cryan stated that he attended a NJLM class and the Vice President of the Clerk's Association spoke about the matter and that the amendments are too extreme. Attorney Cushing informed the Committee of the amendment requirements and stated that they are very burdensome.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 31-2013 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 31-2013
OPPOSING SENATE BILL 2511 AMENDMENTS
TO OPEN PUBLIC MEETINGS ACT**

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Township of Lebanon agrees with and supports the statement that "the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process"; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit at least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public's best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Township of Lebanon for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the governing body of the Township of Lebanon does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver,

Assemblyman Gordon Johnson, the legislators of the Township of Lebanon's State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved the February 6, 2013 bill list in amount of \$1,254,908.51.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of January 2013
- b. DPW Project Report – Architect Keith Chambers

PUBLIC COMMENTS

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting.

Nancy Darois asked if the DPW building will be completed on time.

Mr. Gary Milkowski asked if he would be able to bid on the demolition of the structures on Route 31. Mr. Gary Milkowski stated that he has a family member who sits on the Governing Body and is also a member of the Company. Attorney Cushing stated that Mr. Gary Milkowski will probably be able to bid on the demolition; however, Mr. Ron Milkowski will have to completely disqualify himself. Attorney Cushing stated that he will look into the request tomorrow.

Mr. Gary Milkowski asked the Committee to read the actual amount of the vouchers, when approving the bill list, to prevent misinterpretation.

Mr. Victor Hoffman asked who is paying for the surveys for the acquisition of the Maxwell tract of land. Mayor McKee stated that the Township is. Mr. Hoffman stated that the Township has not decided who made the error and stated that he has been accused of blaming Warren Gabriel for the error but Mr. Gabriel had nothing to do with it as far as he knows. Mayor McKee stated that although a mistake has happened it has actually turned out to be for the best interest of the Township. Mr. Hoffman stated that he wants to know who the "culprit" is who didn't do their work. Mr. Hoffman stated that whoever made the mistake should pay the cost. Attorney Cushing stated that there was a problem at Fire Station No. 1 already. The Fire Department's parking lot is quite a ways on to the adjoining property owners land. Attorney Cushing stated that the fire tank needed to be installed and could not be placed where the new garage is, therefore, the reasonable place to install it was at the firehouse. Attorney Cushing stated that it would have been beneficial for the Township to obtain the tract of land, in any case, to correct a preexisting problem. Mr. Hoffman said that he is trying to prevent it from happening again and questioned if the property should have been

surveyed from the start. Mayor McKee stated that if the Township did not learn from this than it is a shame. Mr. Hoffman stated that the taxpayers are paying for a miscue. Mr. Milkowski stated that no one requested the actual layout for the installation of the tank and he is not sure why. Mr. Milkowski stated that he was under the assumption that the Committee hired the Clerk of the Works to oversee all phases of the project. Mr. Milkowski stated that the Clerk of the Works main concern was the new building so maybe that is why it got lost. Mr. Milkowski stated that it will be a benefit for the Township to move forward with the acquisition, at the cost discussed with the homeowner, as opposed to paying the cost of fighting to recoup the funds.

DPW Manager Warren Gabriel stated that the issue with the fire tank began with there not being enough room on the DPW Garage property to install it. The tank could have been installed in the front parking lot but there would be no access to it as it would be too close to the building. The ordinance calls for the tank to be within 1000 ft. of the building. The only public property within the 1000 ft. of the tank, other than the DPW property, would be the Fire Department property. Mr. Gabriel stated that the well overflows on the property and the tank will always be filled. Based on the markings on the road the tank was originally going to be installed on Fire Department property however when they conducted the test dig they found water. Mr. Gabriel stated that he did not find out until they started digging the hole that they were going to be installing a shoring box also which shifted the location of the hole down five feet and over four feet. The shift moved $\frac{1}{4}$ of the tank onto the neighbor's property. Mr. Gabriel stated that has concerns when he hears that everyone is talking about the cost of the land purchase because he spoke to the property owner on numerous occasions, prior to Mr. Milkowski becoming involved, and was informed that the owner would donate the property to the Township. Mr. Gabriel stated that the only request the property owner had was to be released from the responsibility of the tank. Mr. Gabriel stated that the Township does this in all of the developments in the Township. There is an easement prepared and the Township is permitted to access the property to fix the tank. Mr. Gabriel stated that Surveyor Eldon Allen had informed him that he would prepare the easement for the property and donate it to the Fire Department, however, the Township has now received a bill for \$575.00, after Mr. Milkowski spoke to Mr. Allen. Mr. Milkowski stated that he never spoke to Mr. Allen except to authorize him to do the work. Mr. Gabriel stated that he understands from the last Township Committee meeting that there was an email that he should have been made aware of, to follow up on. The email was sent by Mr. Maxwell, on May 1, 2012, to the Fire Department website and was then forwarded to the Fire Chief on May 30, 2012. In the email Mr. Maxwell asks about work being done on his property. Mr. Gabriel stated that at the last Committee meeting it was stated that Mr. Maxwell was informed by the Fire Chief to contact Mr. Gabriel. Mr. Gabriel stated that Mr. Maxwell was also told to contact Mr. Milkowski. Mr. Gabriel said that he did not talk to Mr. Maxwell about the tank but Mr. Maxwell informed him that he had been talking to Mr. Milkowski the entire time about the problem. Mr. Milkowski stated that it was after that and whether Mr. Maxwell contacted Mr. Gabriel or someone else he is not sure of where it went from there. Mr. Gabriel stated that he did not speak to Mr. Maxwell until the hole was dug and the tank was going into the ground, which is the first time he had heard that it was being installed on someone else's property. Mr. Gabriel stated that he always understood that the stake in the front of the property was the front corner of the property and the corner of the back top was just on Mr. Maxwell's property. Mr. Gabriel stated that he did not realize that the parking lot was 35 ft. across Mr. Maxwell's property and that a $\frac{1}{4}$ of the Fire Department parking lot is not on Fire Department property. Mayor McKee stated that he does not believe that anyone knew that. Mr. Gabriel stated that with the way the property was always marked it was assumed that the area was Fire Department property. The Township maintained the land and mowed the grass. Mr. Gabriel stated that if someone wants to point fingers, he is the one who had the tank

installed where it is as it was the most feasible place to put it. Mr. Milkowski stated that it was done in good faith and Mr. Gabriel did not do it deliberately. Mr. Gabriel stated that he discussed the matter with Mr. Milkowski a few times and it was discussed at Fire Department meetings. Everyone knew the tank was being placed in that location so if they knew that it was on someone else's property they should have said something. Mayor McKee stated that he feels that a bad situation actually turned out right. Mr. Gabriel stated that, he has heard, that at the last three Committee meetings fingers were being pointed at him. Mr. Milkowski stated that if the Committee knew ahead of time they would have approached Mr. Maxwell about the easement in advance.

Mr. Gabriel stated that he has also heard about comments being made, at past Committee meetings, regarding the brush cleanup from the storm. Mr. Gabriel said that he spoke to Mr. Cryan on the subject also. Mr. Gabriel stated that the DPW has been going street to street conducting the cleanup. There are many trees hanging in other trees and limbs that are hanging, which the men have been working on, but due to the complaints he is hearing he has taken the men off of the cleanup and has them picking up the branch piles in the Township. They are $\frac{3}{4}$ of the way done with the piles and once complete they will go back to the roadwork that needs to be taken care of. Mr. Milkowski stated that it appears that there are people who are taking advantage of the DPW. There are areas that are being cleared and put at the curb. Mr. Gabriel stated that there are areas that they will not be chipping because some are clearing their land and putting it at the road. Mr. Gabriel stated that after the last storm a policy was to be put in place but it never happened. Mayor McKee stated that it worked out for the Township in having the DPW conduct the clean up as some towns had to pay 25% of the cost to hire contractors. Mr. Gabriel stated that in a Township this size it would have probably be over \$100,000.00 to have outside contractors' conduct the cleanup and the Township would need to pay 25% of the cost. Mayor McKee stated that he has heard what Tewksbury's taxpayers have to pay for contractor's to conduct the cleanup and the cost is pretty high. Mr. Gabriel stated that the DPW is doing the best that it can. Mr. Gabriel stated that he is hearing complaints about Route 513 but he is taking care of Township roads first. The County is not providing the branch clean up on the County roads so the DPW will in time.

Mr. Cryan stated that he suggested purchasing the Maxwell tract of land because, where he works, they have done many easements for equipment to be on properties and they have been faced with many challenges over the years. An agreement can be worked out but once the property is sold, even if the easement is in writing, the new owner has the right to challenge it. Mr. Cryan stated that with the amount Mr. Maxwell was willing to work with the Township on, it far outweighed the cost to settle a challenged easement. Attorney Cushing stated that the cost for the acquisition is to cover Mr. Maxwell's legal costs in having the documents reviewed by his attorney. Mr. Milkowski stated that the Township did not want the expense to fall on Mr. Maxwell. Mr. Gabriel stated that he understands the point but he hears that some people want the expense to come out of his pocket. Mr. Gabriel stated that he works pay check to pay check and between former Mayor Wunder and Mr. Milkowski it seems that the problems over the past year and a half keep falling on him. Mr. Gabriel asked for the Committee to let him know where this is all headed. Mr. Milkowski stated that at the last meeting he was trying to establish if the Committee could go after the professionals or the Engineer but since the Engineer was never contacted on the matter there is nothing that can be done. Mr. Gabriel stated that he did speak to the professionals and they knew where the tank was being installed. Mr. Milkowski stated that he agrees with Mr. Gabriel. Mr. Milkowski stated that he knows that Mr. Gabriel informed all that the trench box moved the hole down further.

Mr. Charles Varga of Raritan River Road stated that he understands that there was a courtesy given to another resident for property tax relief due to the disaster that he also suffered from; Irene. Mr. Varga stated that he spoke to the Tax Assessor and she informed him that he needed to write a letter to the Committee asking for the process in which to follow in getting some of the relief back. Mr. Varga asked how the property relief was extended to the other resident but not to him. Mayor McKee stated that if a property owner filed a report before a certain date they could receive a credit or relief on the structure for the prior year. Mr. Varga asked how the resident knew to apply for the relief. Mayor McKee stated that he is not sure how the other taxpayer found the information. Mayor McKee stated that Mr. Varga missed the January 10, 2013 deadline to apply for the 2012 relief. Mayor McKee stated that going forward Mr. Varga could apply for relief for 2013. Mayor McKee stated that the Tax Assessor had the information, on what needed to be done to meet the deadline, listed on the Township webpage on November 22, 2012. Mr. Varga stated that he will speak to the Assessor about 2013. Attorney Cushing suggested for Mr. Varga to speak to the Tax Assessor and if there is some recourse that the Township can consider the Tax Assessor should call Attorney Cushing with the information. Mr. Varga asked what the best way is to get in touch with the Committee. The Committee provided Mr. Varga with the information.

Mr. Brian Wunder stated that he feels that Mr. Varga is a good example as to why the Township should consider hiring a part time grant specialist. Mr. Wunder stated that a lot is being missed and lost and instead of paying the professionals to do grant work for the Township the Committee should look into some other kind of program. Mr. Wunder stated that he agrees with Mr. Cryan that the webpage is outdated. Mr. Wunder stated that the Road Department is doing a fantastic job in cleaning up the roads. Mr. Wunder stated that he drives the roads all day and the DPW is chipping away.

Mr. Gabriel stated that he would like to change the branch chipping information that is on the webpage. Mr. Gabriel stated that it has been 100 days since the storm and if the residents do not have the brush out by now it is too late. Mr. Gabriel will list the streets that will be chipped in the near future. Mr. Cryan stated that the wording needs to be looked at and should state that in areas where there is obvious logging or clearing operations going, the DPW will not be picking up the debris.

Mr. Victor Hoffman stated that he addressed the chipping issue two months ago and informed Mr. Gabriel that he tried to get help for him that is all he was trying to do. Mr. Hoffman stated that there was nothing personal. Mr. Hoffman stated that he did bring the matter forward and said that people would continue to put stuff out. Mr. Hoffman stated that he does not believe that he reached the Committees ears and there needs to be a policy set forth. There are people who will take advantage of the Township. Mr. Gabriel stated that the residents have been very decent about the brush, however, there are a few who take advantage and ruin it for everyone. Mr. Gabriel stated that he has had no complaints and residents have called to thank the DPW for picking up the brush. Mayor McKee stated that the Clerk has not received a complaint either. Mr. Gabriel stated that people dropped off an entire row of pine tree branches in the Park. Mr. Gabriel stated that the process needs to be determined so everyone knows the procedures.

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

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2013 and convened in executive session at 9:28 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 32-2013
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;

 X 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.);

X 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 reconvened the Regular Committee meeting at 10:00 p.m.

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 10.01pm.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 20, 2013

Thomas McKee, Mayor