

**Lebanon Township Committee
February 18, 2015**

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 Ronald Milkowski Bernard Cryan
 Brian Wunder Marc Laul

Absent-

Also Present - Attorney Dick Cushing, Acting Clerk Gail Glashoff and 9 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of January 21, 2015

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of January 21, 2015.

Minutes of the Executive Session of January 21, 2015

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session meeting of January 21, 2015.

Minutes of the Regular Meeting of February 4, 2015

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of February 4, 2015.

Minutes of the Executive Session of February 4, 2015

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session meeting of February 4, 2015.

PUBLIC COMMENTS – for agenda items only.

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

Ms. Ruth Ruediger, Coordinator of the North Hunterdon Community Food Pantry informed the Committee that she has been a volunteer with the Pantry for more than 20 years. Ms. Ruediger stated that the Pantry volunteers were truly upset when they found out that they had to leave the Township. Ms. Ruediger stated that they have more than 60 clients and they distribute to 35 units a month, regularly. Monthly; 50 adults and 12 children are served. The Pantry relies on donations from communities and churches and receives assistance from the Boy Scouts and the Girl Scouts. Ms. Ruediger stated that she feels that they are a good presence in the community and there are many people who need them. Mr. Ruediger noted that she realizes that there are problems with the building but would like to work with the Township to keep the Pantry in operation. Mr. Wunder stated that the Committee has interest in keeping the Food Pantry operating. A temporary location needs to be found. Ms. Ruediger stated that due to the Easter holiday approaching they have a very large inventory at this time. Mr. Milkowski stated that it is very cold and with the pipes freezing he has concerns with the Pantry losing their stock if the heat goes off again. Ms. Ruediger stated that there are two refrigerators in the building and there is a freezer outside in the trailer. One of the refrigerators is the Pantry's and one belongs with the building. The Pantry does not own the trailer that houses the freezer. Ms. Ruediger stated that the freezer is very important to the Panty as once a month an order is received from Norwescap, in Phillipsburg, and there are a lot of frozen items. Mr. Ruediger noted that at holiday times they have received 60 frozen turkeys. Mayor McKee asked who owns the television, the printer, the fax machine and the computer. Ms. Ruediger stated that the Panty owns most of the items, however; they do not own the television, the entertainment center and the couches. Mr. Ruediger stated that the Pantry does have tables, chairs and shopping carts that they purchased from the prior Squad. Mayor McKee stated that when the move takes place everyone needs to know who owns what. Mayor McKee stated that the move will have to take place and hopefully the Township and the Pantry can work together in the process. Ms. Ruediger stated that the Pantry will do whatever they can.

Fire Department President, Paul Ibsen, stated that he is willing to meet with Mr. Ruediger to discuss the timeframe of the move. The Fire Department the Food Pantry can work together to work something out until Easter. Mr. Ibsen stated that it appears that the entire building needs to be gutted. The ceiling fell down in the kitchen and the building is in very poor condition. Mr. Wunder asked if the Pantry will be able to use the building once the renovations are complete. Mr. Ibsen stated that the Fire Department membership would have to consider the request. Mr. Wunder stated that when the Township and Squad settled their issues one of the items of the settlement was that the Pantry would be able to remain in the building. Mr. Ibsen stated that the Fire Department has discussed having the Pantry use Fire Station No. 1 if needed. Mr. Ibsen stated that he will speak to the Pantry members and will keep the Committee apprised of the discussions. Discussion was held on the items located in the building and ownership.

Ms. Donna Welbrock stated that when she moved into the Township in 1990 she had a neighbor Ruth who was very welcoming. Ruth had become disabled and needed to utilize the Food Pantry and she would bring her there. Ms. Welbrock feels that it would be a shame for the Pantry to close as there are elderly who rely on the Pantry for their food. There is no other close location that services the community like the Pantry. Ms. Welbrock stated that she would like to see a permanent location for the Pantry. Mayor McKee stated that the Township has worked well with and assisted the Food Pantry by providing them with a site and paying for the electric. The Mayor stated that at this time work needs to be done on the building to make it a sustainable building for the community. Mr. Welbrock asked if the Food Pantry will be able to use the building once the work is completed. Mayor McKee stated that he would like to believe so. Ms. Welbrock stated that the Boy Scouts will be happy to help out in any way that they can. Mr. Cryan stated that during the renovations the Fire Department may be able to work with the Pantry to provide a select location in the building for them.

Mr. Gary Milkowski asked if anyone considered looking into the use of the old buildings at the Hagedorn site. Mr. Gary Milkowski asked if the Food Pantry will hold the Fire Department liable in an instance where the heat goes out in the squad building and they lose food. Mr. Ruediger stated "absolutely not". Mr. Milkowski stated that the Fire Department is tight on space but they will work with the Pantry as best as they can.

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.

OLD BUSINESS

Length of Service Award Program

Mayor McKee stated that he asked for LOSAP to be on the agenda as he has some concerns. There have been no records received from the Fire Department in the past three years. Mayor McKee is worried that this may cause a budget nightmare for the Township. Mayor McKee asked the Township attorney to draft a letter informing the Fire Department that the Township Committee needs direction in moving forward from the years that were not reported. If the Committee approves the letter it should then be sent to the Fire Department. The Mayor would also like the Fire Department's thoughts on what to do with the LOSAP program and if they are willing to make the effort of calculating the points in the future.

Mr. Wunder asked how the Committee can abandon the program when it has not been rectified. Mr. Cushing stated that he spoke to Bruce Linger of Lincoln Financial and he feels that it would be a better idea to write to the Fire Department asking them to address specific questions but not to push them into a decision. Mr. Linger feels that it may frustrate the Department because of problems in the past. Mr. Linger informed Mr. Cushing that he would be willing to speak to the Fire Department to discuss the pros and cons of the program. Mr. Cushing stated that Mr. Linger informed him that each year the municipality has to put money into a fund to cover the annual LOSAP contributions. There is also a separate tax for the funds. Mr. Cushing recommended that his letter being amended to suggest that the Fire Department members meet with Mr. Linger to discuss the pros and cons and to be sure that they have all of the information they need to make their decision. Mr. Cushing noted that the program was established by the taxpayers and will need to be terminated through a referendum if need be.

Motion by Mr. Laul, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee authorized Attorney Cushing to amend the letter to include the offer to have Lincoln Financial speak with the Fire Department. The letter will be sent to the Fire Department President. AYES: Wunder, McKee, Laul ABSTAIN: Milkowski, Cryan

Attorney Cushing is going to look into whether a conflict remains in for Mr. Milkowski and Mr. Cryan relative to LOSAP. He will provide the Committee with his opinion. Mr. Wunder noted that the report has not yet been received from the Comptroller's office.

Winding Brook Lane

Mr. Wunder stated that he is still waiting to hear back from the Township Engineer regarding Winding Brook Lane.

Historian's Meeting

Mr. Laul stated that he and Mr. Wunder met with the Historian's and the Freeholders to discuss a grant for the museum. Discussion was held on what to put in the grant application, what may and may not be covered.

NEW BUSINESS

Social Affair Permit – Bourbon Street Blues Fest Inc. – 05/16/2015

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for the Bourbon Street Blues Fest Inc. for May 16, 2015.

DPW Manager Correspondence – Temporary Employee Resignation

The DPW Manager sent a letter to the Township Committee informing them of the resignation of Temporary Employee, Brandon Peschel. Brandon informed Mr. Gabriel of his desire to return to work if a full time position should become available. Mayor McKee stated that Mr. Gabriel informed him that Brandon did a great job and was a hard worker. Mr. Gabriel is aware of the Township's budget constraints at this time so he is not requesting to fill the position, however; may need to in the near future.

LTVFD President Paul Ibsen Correspondence – Food Pantry

Discussion was held during public comment.

Appoint Recreation Commission Member – 5 Year Term

Mayor McKee appointed Cathleen Ferns to the Recreation Commission for a 5 year term ending on 12/2019.

Schedule Budget Meetings

The Township Committee scheduled budget meetings to be held on Thursday, March 5, 2015, Thursday, March 12, 2015, Thursday, March 19, 2015 and if necessary, Thursday, March 26, 2015. All meetings will be held at 6:00 p.m.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the February 18, 2015 bill list in amount of \$ 98,238.47.

CORRESPONDENCE

DPW Commendation Letter – A letter was received from a Township resident commending the DPW for their efforts and commitment during the rough winter months.

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 7:48 p.m.

Ms. Laurie Ann Williams asked what the status is of the cell tower co-locator rent commencement date. Attorney Cushing stated that the Mayor and Township Committee decided to accept the matter as “status quo”. Ms. Williams stated that she realizes the Committee’s position but would like to know if payments have been made by Nextel. Mayor McKee stated that Nextel did provide the Township with funds from back to a certain date and have been current with their payments moving forward. There is no retroactive pay due therefore the matter is closed.

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:52 p.m.

Resolution No. 24-2015 –Executive Session

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 24-2015 and convened in executive session at 7:54 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 24-2015
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. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote to adjourn the meeting at 9:00 p.m.

Recorded by: Gail Glashoff

Respectfully transcribed and submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: March 18, 2015

Thomas McKee, Mayor