

**CALL TO ORDER**

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

**ROLL CALL**

Present -                      Brian Wunder                      Patricia Schriver                      Francis Morrison  
    Ron Milkowski                      Tom McKee

Absent-

Also Present - Attorney Lorraine Staples, Clerk Karen Sandorse and 18 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of March 7, 2012**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of March 7, 2012.*

**Minutes of the Executive Session of March 7, 2012**

*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 March 7, 2012.*

**PUBLIC COMMENTS – for agenda items only.**

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

Mr. Anthony Casale stated his concern with the Cell Tower Agreement and the matter of interference. Mr. Casale stated the Co-locator Agreement puts the responsibility of interference on the landlord and identifies it as a material breach. Mr. Casale stated that there is another cell tower application before the Planning Board and when a member of the public questioned interference they

LTCM

03/21/2012

Page 2 of 8

were informed by the cell companies attorney that it is an FCC requirement that the Cell operator is responsible for interference. Mr. Casale questioned why interference, in the Township lease drafts, is putting any responsibility on the Township and not on Cellco.

Mr. Gene Slowinski of Raritan River Road informed the Committee that his house was wiped out in Hurricane Irene. Mr. Slowinski thanked Warren Gabriel, Steve Risse and others for their efforts during this very difficult time. Mr. Slowinski stated that during a storm you really find out what your hazards are. They had an oil tank move and propane tanks were floating. Mr. Slowinski stated that due to this they approached the gas company to see if they can get a natural gas line to run from the Columbia Trail to Raritan River Road. The gas company stated that they would at a cost of \$100,000.00. Mr. Slowinski asked the Committee to send a letter to the gas company stating that having a natural gas line in that area would be hazard mitigation.

Mr. EJ Skidmore of Buffalo Hollow Road stated his concerns with the Township Committee moving forward with the proposed drainage work on Maple Lane. Mr. Skidmore feels that being a part of this project may be a liability to the Township. Mr. Skidmore reviewed the meeting minutes and noted that it does not appear that it has been determined to be a Township problem. Mr. Skidmore stated that if the Township does for one it will have to do this for all. Mr. Skidmore stated that the Committee really needs to determine if this is a Township matter. Mayor Wunder stated that he is also worried about setting a precedent. He did not feel that the Committee was in complete favor of the project until the residents agreed to contribute toward it. Mr. Skidmore suggested sending an authoritative figure out to determine the source of the problem. Mr. Skidmore asked the Committee to reconsider their position on the matter.

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

## **RESOLUTION**

### **Resolution No. 30-2012 – Maple Lane –Trimmer Road Drainage**

*Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee held Resolution No. 30-2012 to a later meeting.*

Mayor Wunder, Mr. Gabriel and the Township Engineer are to evaluate the site and make a determination on the source of the problem.

## **OLD BUSINESS**

### **Cell Tower**

Attorney Staples informed the Committee that Verizon has ordered the generator and they are looking forward to resolving the amendments to the Lease Agreement. Verizon currently has a form of amendment for consideration. The main language, which is being reviewed, has to do with liability and indemnity as the Township will maintain the generator but does not want liability if there should be a problem. Clarification needs to be made as to the kind of maintenance the

Township will do and that we do not take responsibility in terms of damages to the Carrier's equipment. There are discussions still being conducted on the Co-locator Agreement.

## **NEW BUSINESS**

### **Request for a Meeting. – Mr. Sean P. VanLew – Assistant Superintendent, Veteran's Haven**

Mr. Sean P. VanLew the Assistant Superintendent of Veteran's Haven contacted the Clerk in attempt to schedule a meeting with the Township Committee to discuss the Veteran's Haven moving in to the Hagedorn facility. Ms. Schriver, Liaison to Hagedorn, stated that she spoke to Mr. VanLew and she will schedule a meeting. Mayor Wunder will meet with Ms. Schriver and Mr. VanLew also.

### **Approve Hazard Mitigation Grant Program Letter of Intent – Authorize Mayor to Sign**

Mayor Wunder stated that he and the Township Engineer met with Nancy Parker of FEMA to discuss assistance options for the residents. Mayor Wunder stated that this grant program is for disaster relief for qualified residents affected by Hurricane Irene. The grant application will be made to the NJ Office of Emergency Management by March 30, 2012.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor to sign the Hazard Mitigation Grant Program Letter of Intent.*

### **Community Service**

Mayor Wunder stated that there is an individual who is requesting to provide Community Service in the Township. He has a total of 180 hours to complete. Mayor Wunder stated that he is willing to be the person's work site representative. Mayor Wunder stated that he will be cleaning up in the park and along the roads. The church in Bunnvale and the Cemetery in Califon are willing to give time also. Ms. Schriver stated that she feels that it is important to get permission from each entity that he will be providing the time to.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved a individual to provide community service in the Township.*

### **COAH Update – Regarding July 17, 2012 Deadline**

Mr. Milkowski stated that this COAH update is regarding money which was collected from January 1999 through July 17, 2008. If the Township did not use the money for rehabilitation of properties, it may need to be given to the State. Mr. Milkowski stated that when looking into how much money was accumulated and how much remains, there is a balance of \$2550.00. Mr. Milkowski stated that with that amount of money he feels that there are projects where the Township can use it by the July 17, 2012 deadline.

### **Personnel – DPW Manager**

Mr. Milkowski stated that the DPW was using Fire Station No. 2 as a mechanics shop during the time that the DPW garage project was on hold. Mr. Milkowski asked the DPW Manager Warren Gabriel what his intentions are and how he is going to handle it.

Mr. Gabriel stated that the Fire Dept. had a monthly meeting last Tuesday and raised concerns with the higher electric bills and a few other issues. Mr. Gabriel felt that it was at the Township's best interest to move to another location. The DPW cleaned out the remaining shed at the DPW site for the mechanics use. There will be a portable toilet on the site and a generator will be purchased to replace the one that was stolen a year ago. Mr. Milkowski stated that he is concerned that doing even minor repairs may interfere with the garage contractor. He does not want the contractor stating that they are delayed because of people moving in and out. Mr. Milkowski stated that the Committee needs to be kept informed. Mr. Gabriel stated that he hopes that it goes both ways as he has not been informed of things also.

Ms. Schriver stated that Mr. Gabriel was honored by the Lebanon Township Education for Excellence in Community Service for his volunteering for the Fire Department. The Committee congratulated Mr. Gabriel on his award.

## **COMMITTEE REPORTS**

### **COMMITTEEWOMAN SCHRIVER-**

Ms. Schriver reminded all that there will be a budget meeting tomorrow evening at 6:00 p.m.

The Local School will have a reduction in their school tax this year. They will be having a meeting on March 27, 2012 to discuss the budget.

The new Environmental Consultant will begin sampling water at Fire Station No. 1 next week. There is a clarification, relative to insurance, which needs to be taken care of prior to the Phase I being conducted on the Polt property.

The Governor has set aside the Hagedorn facility to become the North Haven for homeless veterans and veterans with substance abuse problems. The Governor held a news conference today at Hagedorn to make his official announcement. The Governor noted at the conference that there are over 800 homeless veterans in the State of New Jersey.

Mayor Wunder stated that the Governor is supported by the NJ State Department of Military and Veterans Affairs, the US Veterans Affairs, the US Dept of Housing and Urban Development and a variety of other service organizations.

### **DEPUTY MAYOR MILKOWSKI-**

Mr. Milkowski stated that a pre-construction meeting was held with the new contractor for the DPW Garage Project. The meeting went well and they should be starting shortly.

There was a Planning Board meeting on March 20, 2012, at the Woodglen School to discuss the GenPsych application.

There will be a Planning Board meeting on April 3, 2012 to discuss the Master Plan. The meeting will be held at the Municipal Office.

#### **MAYOR WUNDER-**

Mayor Wunder stated that there will be a Municipal Court of North Hunterdon meeting on March 28, 2012. Court members will be meeting with the Township Committee this evening, in executive session, to discuss negotiations.

The Lebanon Township Education Foundation will be hosting a CPR class on March 22, 2012 and a First Aid Certification class on March 23, 2012.

On March 29, 2012 there will be a Shared Services meeting in Flemington with the Freeholders. Mayor Wunder asked Mr. Milkowski if he would be interest in attending also.

There will be a Town Hall meeting in Lebanon Borough at 7:30 p.m. to discuss the Fair School Planning.

Nancy Darios will be working with the Food Pantry.

FEMA will be discussed again. It appears that there are four residents on the relief grant application at this time.

#### **COMMITTEEMAN MCKEE –**

Mr. McKee stated that he attended the LTEOS meeting. They have concerns with the Fischer property as when a trailer was removed there was damage done to the grading. Trees also had to be taken down. The LTEOS would like to know if there is someone who can remove them. They will be coming to a meeting to speak to the Committee about the removal of the timber and regarding the entrance. The LTEOS would also like to discuss the Sustainable New Jersey Program with the Committee.

#### **COMMITTEEMAN MORRISON –**

**Police, Fire and Rescue-** Mr. Morrison stated that the Police and Fire are up to date.

#### **PRESENTATION OF VOUCHERS**

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

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the March 21, 2012 bill list in the amount \$64,162.77.*

## **CORRESPONDENCE**

No Correspondence

## **PUBLIC COMMENTS**

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

Ms. Maggie McGuire of Raritan River Road stated that she is a victim of Hurricane Irene and came to the Township Committee to discuss the impacts the storm had on her community and the Township. Ms. McGuire also discussed how preparations were made by the Township and concerns she had with the way things were handled. Ms. McGuire suggested that the Township compile a list of those residents who are at high risk in flood zones. Ms. McGuire stated that through her research she has found that there are resources available to areas which have a predisposition for the need of federal aid. Lebanon Township is one of those areas. Ms. McGuire informed the Committee of additional federal programs which the Township should look in to as it is worth the time to investigate. Ms. McGuire stated that she has had trouble finding out who the Flood or Emergency Management Coordinator is. She questioned why she is having trouble finding this information out as it should not be a problem. Ms. McGuire stated that most of the residents affected by the flood have done extensive research however they do not have the time to continue with it. Ms. McGuire stated her concerns with having been told to wait for the next Township meeting due to having to pay rent for additional time. Ms. McGuire stated that when the residents affected by the Hurricane need to apply for or submit applications and plans or ask questions for help, they need a timely answer. Ms. McGuire stated that if the Township Boards consider their plight it would be greatly appreciated.

Mayor Wunder will meet with the residents affected by the Hurricane on March 26, 2012.

Nancy Darios asked if the Township is any closer in resolving the Squad matter. Mayor Wunder said that when Attorney Cushing returns from vacation he is going to put a proposal together. Ms. Darios asked for the status of the Polt property. Mr. Milkowski stated that he spoke to Mr. Polt and was informed that he signed a contract to have the tanks removed from the property. Ms. Darios asked Ms. McGuire why it took her seven months to come before the Township Committee for help. Ms. McGuire stated that she did not have the information earlier to provide the Committee.

Ms. Katherine Koch thanked everyone for their help during this rough time. Ms. Koch stated that she concurs with the comments made by Ms. McGuire and asks that a meeting be held with all of the interested parties because they all have the same issues. Ms. Koch stated that she has worked very hard in gathering information since the storm and informed the Committee that there is a lack of coordinated knowledge. Ms. Koch noted that this storm should encourage the Township and residents to become more prepared and aware. Ms. Koch stated that the residents had concerns with voyeurs and looters and it took days to find an police officer to help her. Ms. Koch stated that this should never happen again as there should be a better means of contact. Ms. Koch stated that there should be a checklist for future disasters.

Mr. Gene Slowinski stated that he is not clear on what the grant is for that the Committee memorialized earlier in the meeting. Mr. Slowinski stated that depending on what the grant is for, he and the Moore's would like to be included in it.

Mr. EJ Skidmore asked Mr. Milkowski when the decision was made for the tanks to be removed from the Polt property. Mr. Milkowski stated that Mr. Polt made the decision to remove the tanks since he is not 100% sure that the Township will be accepting the property. Mr. Skidmore stated that the Committee made a decision to pursue the Polt property with the tanks being in the ground. The fuel tanks were represented as a \$375,000.00 saving to the Township and were part of the consideration in taking over the property. Mr. Skidmore questioned that since Mr. Polt decided to remove the tanks, wouldn't it benefit the Township to reconsider the proposal. Mr. Skidmore stated that without the tanks the property is not worth anything to the Township.

Mr. Anthony Casale stated that with regard to the Cell Tower he is happy that the generator issue has been addressed and that they are applying for permits. Mr. Casale stated he would like to note for the record the concerns he has with the lease agreement in addition to the issue of interference. There is an issue with the co-locator's agreement being subordinate to the lead bidder as there is some correlation of dates that did not match relative to expiration dates. There are blank exhibits not attached to the draft and in Paragraph 11 there are issues regarding condemnation, destruction of equipment and rent abatements.

Mr. Casale stated that he owns property in a flood area and lived through Hurricane Floyd. Mr. Casale stated that in Pompton Lakes there is an Environmental Officer who is very knowledgeable when it comes to flood issues such as those discussed at this meeting. Mr. Casale questioned if anyone on the EOSC could become more involved with evaluating flood areas in the community and looking into resources available for a time such as this.

Ms. Jeanne Boyer stated that she lives along a river too and informed all of the resources she found. Ms. Boyer also commended the Fire Dept and Police for their efforts during the storms.

Ms. Boyer stated that she is puzzled as to why she is having trouble making contact with the Township Committee. Ms. Boyer stated that Attorney Allen's office prepared papers and appeared in court stating that they should take her home. Ms. Boyer stated that Attorney Belli continues to be an adversary instead of a supporter. Ms. Boyer questioned why the Committee has not been responding to her calls. Ms. Boyer gave the history of her case and questioned why Attorney Belli was sitting with the criminals in court. Ms. Boyer stated that Attorney Allen may be trying to pad his budget or might possibly be just incompetent. Ms. Boyer stated that she feels that the Township should ask Attorney Allen's office if they represent persons who purchase tax sale certificates. If they do there is a strict conflict of interest. Ms. Boyer stated that Lebanon Township is a victim in the Crusader bid rigging also. Ms. Boyer stated that some lawyers filed a Class Action Lawsuit, not only for her but for all victims of tax sale fraud in the state. Ms. Boyer encouraged the Committee to join the suit.

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

LTCM

03/21/2012

Page 8 of 8

**EXECUTIVE SESSION**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 34-2012 and convened in executive session at 9:18 p.m.*

**TOWNSHIP OF LEBANON  
RESOLUTION NO. 34-2012**

BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

Contract Negotiations – Shared Services  
Contract Negotiations – Collective Bargaining  
Contract Negotiations – Shared Services Court  
Anticipated Litigation – Prior DPW Contract

The Township Committee reconvened the Regular Committee meeting at 10:20 p.m.

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 10:21p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: April 18, 2012

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Brian Wunder, Mayor