

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.

RESOLUTIONS

Resolution No. 36-2015 – FEMA Grant Funds- Acknowledgement of Conditions

Motion by Mr. Laul, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 36-2015 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 36-2015
RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE CERTAIN
ACKNOWLEDGMENTS OF CONDITIONS FOR MITIGATION OF PROPERTY IN A
SPECIAL FLOOD HAZARD ARES WITH FEMA GRANT FUNDS**

WHEREAS, the following four (4) property owners in the Township of Lebanon (the “Township”) are eligible to receive Federally-funded hazard mitigation assistance under the Hazard Mitigation Grant Program:

- Margaret McGuire (Block 20, Lot 24)
- Ann S. Moore (Block 23, Lot 3)
- Eugene J. Slowinski and Katherine L. Koch-Slowinski (Block 23, Lot 4)
- James E. Burd and Diane K. Burd (Block 23, Lot 8); and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) requires that, prior to the issuance of grant funding, the property owner and municipality execute an Acknowledgment of Conditions;

WHEREAS, the Mayor and Council have reviewed the Acknowledgments of Conditions which are attached hereto and made a part hereof and find that it is in the best interests of the Township to enter into such agreements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lebanon, County of Hunterdon, New Jersey as follows:

1. The Mayor and Township Clerk, are hereby authorized to execute on behalf of the Township the Acknowledgments of Conditions substantially in the form attached hereto.
2. The Township Attorney is authorized to send copies of the Acknowledgments of Conditions to the appropriate property owners for their execution.

Resolution No. 37-2014 – 2015 Budget- Self Exam

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 37-2015 as written below.

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

RESOLUTION NO. 37-2015

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Lebanon meets the necessary conditions to participate in the program for the 2015 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Lebanon that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

2015 BUDGET – Public Hearing

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee opened the public hearing on the proposed 2015 Budget.

There were no comments from the public

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

2015 Budget Adoption

Motion by Mr. Wunder seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee adopted the 2015 Municipal Budget.

OLD BUSINESS

Construction Filing Cabinets

Mr. Milkowski stated that at last meeting he informed the Committee that he spoke to the Planning Board Secretary regarding the need for more filing cabinets for construction files. Mr. Milkowski asked the Committee what the next step will be in moving forward. The Committee decided that Gail Glashoff is to look into pricing for the filing cabinets. Discussion was held on storing the files that are in the vault in the downstairs meeting room until the moisture problem has been remediated.

Food Pantry – Hagedorn Property

Mr. Cryan stated that he is yet to hear back from the State regarding the Food Pantry using the Hagedorn property to provide their service.

Local School Budget

Mr. Laul stated that last week he attended the budget meeting for the local school board. More than 50 people were present; a combination of residents and teachers. The Board is cutting one teacher and there are teachers retiring also. Mr. Laul stated that the student to teacher ratio is going up somewhat. The enrollment of the two schools has been decreasing consistently. There are currently 650 students enrolled. If the enrollment is consistent with the past three years there will most likely be less than 500 children enrolled in the next 8 -10 years. The school system is able to carry 900 children. Mr. Laul stated that the 2015-2016 school budget will reflect a \$38 increase for a home assessed at \$300,000. Mr. Laul stated that Lebanon Township had one of the highest number of School Choice children, at 29, enrolled in the district but the program is now closed to additional children.

Volunteer Picnic

Mr. Laul asked if there is a need for a DJ at the volunteer picnic. Mr. Laul stated that the music is background music and using a sound system would save the Township \$500. The Committee agreed that it would be a good idea to use the sound system.

Museum Gutters

Mr. Laul reached out to a contractor who will be looking at the gutters at the museum for repair. Once a quote is received the Historians will be looking to the County for money to cover the cost of the repairs.

NEW BUSINESS

DPW Manager Request – Release of Capital Funds

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Manager's request for the release of Capital Funds to cover the cost of all items outlined in his April 29, 2015 correspondence, with the exception of the Scavenge Vac.

The Fire Department is to come to the next meeting to discuss their capital requests. The CFO will hold having the bond ordinance drafted until all Capital Funds requests have been considered.

DPW Manager Request - 2015 Road Projects

Motion by Mr. Wunder, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the DPW Managers request to complete the 2015 Road Projects as outlined in his April 29, 2015 correspondence.

Police Chief Request – Lease of a Toshiba Copy Machine

Police Chief Mattson is requesting to lease a Toshiba Fax/Scanner/Copier for the Police Office. The cost for the lease is \$88.13 per month for a 63 month lease. The annual maintenance contract will be an additional cost of \$288.00.

Motion by Mr. Wunder, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of the Toshiba Fax/Scanner/Copier from Advance Business Equipment at a cost of \$88.13 per month for 63 months and an annual maintenance contract at \$288.00.

Social Affair Permit – St. John Neumann Church – June 6, 2015

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for St. John Neumann Church for an event to be held on June 6, 2015.

NJ State Firemen's Association Membership Application – Philip D. Dacey

Motion by Mr. Milkowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved a membership application for Firefighter Phillip D. Dacey to the N.J. State Firemen's Association and authorized the Clerk to sign.

PRESENTATION OF VOUCHERS

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

Motion by Mr. Laul, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the May 6, 2015 bill list in the amount of \$3,321,399.79.

CORRESPONDENCE

- a. Tax Collector's Report of Uncollectible Taxes

PUBLIC COMMENTS

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 at 7:50 p.m.

Ms. Laurie Hoffman thanked Mr. Laul for getting someone to provide a quote for the replacement of the museum gutters.

Ms. Hoffman stated that the computer for the museum will be paid for through the museum budget.

Ms. Hoffman asked if there is a way to know what bond ordinances have not been used and get rid of them.

Ms. Hoffman asked if the problem with the dampness in the vault has been corrected. Mr. Laul is looking into the issue.

School Board Member, Tom Roll of 108 Red Mill Road, stated that in the first year of the School Choice Program there were 27 students who were attending the local schools. After that time the State put a stop to the program because it was not being used as they wanted. Subsequently, the State permitted the schools to increase their enrollment under the Choice Program, 5% a year, rounding up to the next student. Mr. Roll stated that the classroom sizes will remain about the same but there will be one less homeroom teacher for the 4th and 3rd grade. The homeroom classes will have approximately 27 children. The academic and special class sizes will remain more traditional at approximately 20 children. Mr. Roll stated that the school currently shares services with Califon Borough for the Child Study Team and will be sharing administrative services in July with Califon also.

Motion by Mr. Cryan, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 7:58 p.m.

Melick's Town Farm – Mr. Swartz

Mayor McKee provided a summary of the history of Mr. Swartz's complaint with the pesticide application at the Melick's Town Farm. Attorney Cushing stated that a request to be placed on the agenda for tonight's meeting was received from Mr. Swartz on April 30, 2015. The Committee needed to discuss the matter to decide if the matter should be placed on the agenda. Mr. Swartz is dissatisfied with the Township's response to his concerns with the pesticide spraying on the Melick Farm. Mr. Swartz has demanded that the Township take action. Attorney Cushing stated that his advice to the Mayor was that the jurisdiction is with the Department of Environmental Protection. Attorney Cushing feels that they have exclusive authority to regulate the application of pesticides to a property. There is no one in the Township with the knowledge to know if the application process is proper or improper. Mr. Swartz may also reach out to the Hunterdon County Agriculture Board to obtain a possible determination as to whether the application of the pesticides complies with the Standard Agricultural Management Practice. Attorney Cushing stated that the Township Committee understands the concerns

of Mr. Swartz; however, there is not much that can be done other than to bring the issue to the Department of Environmental Protection, which they have done. Mr. Swartz can be invited to attend a meeting in which he can make a presentation to the Township Committee. Attorney Cushing is to write a letter stating what his advice is to the Governing Body and to welcome Mr. Swartz to come to the meeting to state his concerns.

Mr. Laul stated that the Raritan Headwaters conducts testing of the South Branch of the Raritan River. Last year the section downstream of the Melick's property tested poorly. The water tested in the river this year came back good. If the test came back poor again this year, it would have generated the need for further investigations as to the cause.

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting at 8:06 p.m.

There were no comments from the public.

Motion by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting at 8:07 p.m.

Resolution No. 38-2015 –Executive Session

Motion by Mr. Laul seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 38-2015 and convened in executive session at 8:09 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 38-2015
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: **Comcast**

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: **LOSAP** _____)

_____ 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 the meeting was adjourned at 10:04 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC

LTCM
05/06/2015
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Municipal Clerk

Approved: May 20, 2015

Thomas McKee, Mayor