

**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  
Bernie Cryan

Absent- Ron Milkowski

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 13 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of May 1, 2013**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of May 1, 2013. AYES: Schriver, McKee, Cryan ABSTAIN: Morrison*

**Minutes of the Executive Session of May 1, 2013**

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of May 1, 2013. AYES: Schriver, McKee, Cryan ABSTAIN: Morrison*

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

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

No Comments

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

## **ORDINANCE**

### **Public Hearing**

#### **Ordinance No. 2013-07- To Include Ordinances Inadvertently Omitted From Recodification**

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-07 was opened.*

There were no comments from the public.

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-07 was closed.*

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2013-07 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2013-07  
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

WHEREAS, the Township of Lebanon has determined that a portion of the property known as Block 64, Lot 7.03 (hereinafter, the Property), is needed by the Township for a public purpose; and

WHEREAS, the Township of Lebanon wishes to engage in the process of negotiating with the owners of the Property to acquire a fee simple interest in a portion of said block and lots;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lebanon, in the County of Hunterdon and State of New Jersey, as follows:

1. That the acquisition of a fee simple real property interest in a portion of Block 64, Lot 7.03, as approximately described by Schedule A attached hereto, is hereby authorized by purchase or should it become necessary, by condemnation. The actual metes and bounds description of the Property will be in accordance with a survey to be prepared on behalf of the Sellers.

2. That the Township shall pay for all surveys, preparation of documents or other submissions relating to this acquisition and to a proposed lot line adjustment/minor subdivision required to effect this transaction.

3. That the Township may assign its obligations and liabilities under any Contract entered into with the Owners to the Lebanon Township Fire Department.

BE IT FURTHER ORDAINED that the Mayor, Clerk of the Township, Township Treasurer, and any other proper official of the Township be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this

Ordinance; and

BE IT FURTHER ORDAINED that an Ordinance previously adopted authorizing the acquisition of the Property is hereby repealed and replaced by this Ordinance; and

BE IT ORDAINED that this Ordinance shall take effect immediately upon publication following final passage and the filing of a copy thereof with the Planning Board of the County of Hunterdon.

## RESOLUTION

### **Resolution No. 55-2013 – Supporting Sustainable State Funding for Preservation**

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 55-2013 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 55-2013

Resolution supporting Sustainable State Funding for Preservation and Stewardship  
Of Open Space, Parks, Farmland and Historic Sites in New Jersey

WHEREAS, New Jersey has a long and successful history of preserving open space, parks farmland, and historic sites; and

WHEREAS, the Green Acres program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years, and the state Agricultural Development Committee has preserved 200,000; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 were fully allocated by the end of 2012; and

WHEREAS, municipalities across the Garden State have been direct beneficiaries of, and partners to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of all our communities and residents; and

WHEREAS, it is imperative that a sustainable state funding source be established in order to sustain open space, farmland, and historic preservation beyond the 2009 Bond Act;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Lebanon hereby expresses support for the establishment of a state funding source for these purposes; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the New Jersey State League of Municipalities, State Senator Mike Doherty, Assemblymen John DiMaio and Erik Peterson, the members of the Senate Environment and Energy Committee, the Assembly Environment and Solid Waste Committee, the Commissioner of the Department of Environmental Protection, the New Jersey Secretary of Agriculture and the Governor of the State of New Jersey.

## **OLD BUSINESS**

### **DPW Manager – Appoint Summer Help**

Mayor McKee stated that the DPW Manager has advertised to seek summer help as authorized by the Township Committee. Mr. Gabriel has provided the Committee with recommendations for the appointments. The employees will be paid at a rate of \$13.50 per hour. Mr. Cryan stated that the appointments coincide with three DPW employees being out from work due to illnesses. Mr. Cryan stated that the primary function of the summer help will be mowing.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote,* the Township Committee appointed Brandon Peshel and Nicholas Swanson as DPW Summer employees at a salary of \$13.50 per hour. The employees are to begin work immediately.

### **DPW Manager – Request to Seek Bids for Road Materials**

Mayor McKee stated that the DPW Manager has requested to seek bids for road materials. Mr. Cryan stated that Mr. Gabriel has prepared the bid specifications and is hopeful that bids will be received at a lesser cost than the Co-op pricing.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote,* the Township Committee authorized the DPW Manager to seek bids for the black top in accordance with the proposal.

### **DPW Manager – Wood Chipper**

Mayor McKee stated that the DPW is in need of purchasing a wood chipper. Mr. Gabriel is requesting the chipper because the prior chipper is 23 years old and it would not be practical to repair it. In order to bring the old chipper back to a safe working order it would cost \$13,394.50. The new chipper, Model BC1500, which is comparable to the older chipper, can be purchased at a cost of \$39,097.00. Mr. Gabriel spoke to CFO and the chipper can be added to the Capital Budget for the 2013 year with the Committee's approval. The 2013 Capital Budget will have to be amended. Mr. Cryan stated that he and Mr. Gabriel discussed purchasing the chipper, reviewed the quotes and made a phone call to verify that they were in line with pricing and they are. Mr. Cryan stated that he has reservations in investing \$13,000.00 in a chipper that is 23 years old. Mr. Cryan stated that a trade in will be looked into. Ms. Schriver noted that the price will increase by \$10,000.00, in the near future, due to new emission regulations.

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote,* the Township Committee authorized the DPW Manager to purchase a New Vermeer Wood Chipper from NJPA Cooperative Purchasing at a cost of \$39,097.00.

### **Architect Keith Chambers Invoice**

Mayor McKee stated that this invoice was before the Committee once before. The Clerk of the Works Contract ended on Feb. 28, 2013; however, the Architect is billing for March 1<sup>st</sup> and March

4<sup>th</sup> through March 6<sup>th</sup> of 2013. The completion of the Contract released the Onsite Supervisor from his position; however, he choose to work an additional 4 days in March. Mr. Cryan stated that it was unauthorized work and approval to continue with the work was not approved by the Committee.

*Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee instructed the Clerk to advise Architect Chambers that the Township will not be paying the \$800.00 invoice as the Contract period was effectively over on February 28, 2013 and the work conducted in March 2013 was unauthorized.*

### **Maxwell Property – Land Acquisition**

Mayor McKee stated that at the last meeting the Committee discussed the surveying work that needs to be conducted at the Maxwell property. The Committee elected to appoint Surveyor Eldon Allen to perform the survey work; however, he did not have the level of insurance coverage that is required in the surveyor agreement. The Committee's feeling was that if Mr. Allen provides them with the type of insurance he has, they would like for him to conduct the work based on his estimate for the work. Mr. Allen's estimate was considerably less than others received. Attorney Cushing stated that Mr. Allen did not meet the insurance requirements as outlined in the agreement as they are fairly substantial.

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee appointed Eldon Allen to do the survey work at the Maxwell property.*

### **Lebanon Township Fire Department**

Mayor McKee stated that the Fire Department was supposed to provide an EMS report this evening. The Fire Chief delivered the report to the Mayor prior to the meeting. Mayor McKee read the May 13, 2013 report as submitted by EMS Captain Al Bauer. Ms. Schriver stated that she asked for a detailed report of the calls answered and missed. The Committee needs to have the information included in their report.

## **NEW BUSINESS**

### **Quest Environmental – Well Maintenance (Fire Station No. 1 and the Fass Property)**

Ms. Schriver stated that Darin Vogel, of Quest Environmental, called her and both wells passed the tests and a letter was sent to the Fass family to notify them of such. However, Mr. Vogel feels that both wells should be serviced. There are two sentiment and two carbon filters that should be replaced.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee authorized the Township Clerk to obtain a quote from Quest to conduct the recommended work.*

## **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 May 15, 2013 bill list in amount of \$148,400.81.*

## **CORRESPONDENCE**

a. Ms. Katie Maurer – East Hill Road Traffic

Ms. Katie Maurer sent a letter to the Committee stating concerns she has with commercial vehicles traveling on East Hill Road and over the small bridges in the Township. Mr. Cryan will speak to the County Engineer regarding the concerns raised by Mrs. Maurer. The Clerk will forward the letter on to the Police Chief for a traffic study to be conducted.

*Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee referred Ms. Maurer's letter to the Lebanon Township Police Department and the Hunterdon County Road Supervisor for their analysis.*

b. Tax Collector's Report for the Month of April 2013

## **PUBLIC COMMENTS**

*Motion by Ms. Schriver, seconded by Mr. Cryan, and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:31 p.m.*

Mr. Anthony Casale asked what the status is of the Cell Tower Co-locator Agreement. Attorney Cushing sent a letter to the Cell Company attorney stating that they are to start paying rent, effective May 10, 2013. There has been no response from the attorney so the next step would be a stronger letter stating any reasonable steps the Township can take with respect to their approvals. Mr. Casale asked about the status of the Squad records. Mayor McKee stated that to the best of his knowledge there is not a large volume of documents and believes that the Township will need to accept them. Mr. Casale informed the Committee that when something is not listed on the agenda it does not give the public the opportunity to speak about it. Mr. Casale questioned why there is no Committee reports listed on the agenda. Mayor McKee stated that the Committee provides any reports they may have under Old Business or New Business. Mr. Casale asked about the appointment of Surveyor Eldon Allen and questioned that possibly the neighbor could have hired the surveyor and the Township reimburse them for the cost of the work. Attorney Cushing stated that the Committee cannot skirt around the fiscal laws and the process of the Township hiring the surveyor should not be that difficult. Mr. Casale stated that at the Planning Board meeting there was discussion about the COAH Fee Ordinance and stated his concerns with the development fees requirements. Mr. Casale stated that he feels that the problem with supplementing the COAH obligation had to do with failing to collect the fees and that there is nothing wrong with the ordinance. Mr. Casale suggested just collecting fees under the existing ordinance and seeing how it goes. Mr. Casale asked for the Committee to not enforce the ordinance pertaining to farm animals on lots less than five acres or on residential properties until the matter is resolved. Mr. Casale provided his reasons for his request. Mr. Casale asked if any part of the charges on Attorney Cushing's bill relate to lawsuits.

Ms. Laurie Hoffman stated that she feels that the Committee will be “opening up a can of worms” by taking action on the traffic on East Hill Road as any resident could write the same sort of letter for any of the streets in the Township. Ms. Hoffman stated that the State Police enforces weight limits on bridges and they will not come into Lebanon Township.

Mr. and Mrs. Doug Lamenze stated that they were at the last meeting regarding the right to bring their horse onto their property. Mr. Lamenze questioned why the Zoning Officer is practicing selective enforcing. Mr. and Mrs. Lamenze discussed with the Committee the opinion of the Zoning Officer and the ordinance. Mrs. Lamenze stated that the ordinance has never been enforced for anyone else and feels that they need clarification. Mayor McKee asked Mr. and Mrs. Lamenze about the housing of the horse, supplemental feeding and waste management. Mayor McKee stated that he does not think that the Committee can provide relief as there is a process and it needs to be followed. A sub-committee is being formed on the Planning Board to look into what amount of area is needed for a horse. Attorney Cushing stated that the Committee can change the zoning; however, any sort of zoning questions would go to the Zoning Officer who makes the determination. The appeal process is to then go to the Board of Adjustment for either an interruption or a variance. Attorney Cushing stated that Mr. and Mrs. Lamenze should go to the Board of Adjustment to make their argument. Attorney Cushing stated that the Township Committee does not have the authority to overrule the Zoning Officer. Ms. Schriver asked if the Planning Board is looking at other animals also.

Ms. Nancy Darois stated that trucks and traffic on the roads is getting worse and it has to do with Sandy.

Mr. John Knefsey, Vice President of Fire Department, stated that about a month ago the Fire Department received the approval of the Township Committee to occupy the former squad building; however, has not received a lease agreement to date. Mr. Knefsey asked where the Committee is with the agreement. Mayor McKee stated that the Committee has a proposed agreement for their review but has not discussed it. Mayor McKee stated that the Committee will try to bring the matter up for discussion at the next meeting. Mr. Knefsey asked if there was ever an insurance claim put in for the damage to the rear of the squad building resulting from Sandy. Mayor McKee stated that he does not believe so. Mr. Knefsey suggested filing a delayed claim with the insurance company to recover the money to fix the damage. Mr. Knefsey asked who the point person is for the food pantry as he needs to talk to them about matters pertaining to the use of the building. Mr. Knefsey stated that the fire extinguishers are either missing from the building or outdated. The Fire Department contacted the company that they deal with to have them taken care of. Mr. Knefsey informed the Committee that they have multiple applications in progress for grants and an architect will be looking into the possibility of widening the bay doors on the front of the building. The back of the building is protected with tiebacks. The flower beds are almost complete thanks to donations being received from local businesses. Mr. Knefsey stated that the room divider panels are in poor condition and they are looking into having them repaired. The Fire Department has also been looking into the warming center.

Mr. Victor Hoffman asked when the summer help will be starting and asked how many employees there are. Mr. Hoffman asked if the Township will be looking for additional help since the DPW is down 4 employees. Mr. Hoffman stated that he feels that the Township is running into trouble with the Capital Budget and asked if there a plan in place for rotating the Township’s inventory. Mr. Hoffman stated that the horse is not going to hurt anyone.

Mr. Anthony Casale asked about the Emergency Management Coordinator and if there will be a plan established for communicating with the residents during a disaster. Mr. Casale stated that he agrees with Mr. Knefsey that there needs to be an agreement between the Fire Department and the Township relative to the Squad building and an insurance claim needs to be submitted for the damage to the exterior. Mr. Casale stated that at the Planning Board meeting the Planner talked about certain exemptions to the Highlands Act. Mr. Casale asked that if there are exemptions to the Highlands, that everyone be informed of them, not just the Planning Board members.

Nancy Darois asked what the Committee decided on the lettering on the DPW building.

*Motion by Ms. Schriver seconded by Mr. Cryan and carried by unanimous favorable roll call vote the Township Committee closed the public comment portion of the meeting at 8:39.*

### **LOSAP LETTER**

Attorney Cushing stated that at the last meeting the Committee voted to release the LOSAP report to the public; however, they decided not to release the Auditor's letter which names the individuals mentioned in the report. The Committee authorized the Clerk to forward the Report and the Auditor's letter to those named, prior to the letter being made public, so the person is aware of the findings in advance of the release. The Committee determined that the letter would most likely be release at this meeting.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote the Township Committee deemed the Auditor's April 23, 2013 letter a public record and made it available to the public. AYES: Schriver, McKee, Morrison ABSTAIN: Cryan*

Attorney Cushing stated that he feels that it is important to avoid future misunderstandings and suggested that there should be a meeting with the Fire Dept. and the Committee regarding the lease agreement. Proper protocol should be incorporated into the lease and it should outline who is responsible for what. Mr. Knefsey stated that the lease agreement must be consistent with the other two firehouses.

The Mayor thanked a Boy Scout for being in attendance.

### **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at pm 8:48.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: June 5, 2013

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Thomas McKee, Mayor