

CALL TO ORDER

Mayor George Piazza 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 George Piazza asked everyone to stand for the flag salute.

ROLL CALL

Present - Patricia Schriver George Piazza Francis Morrison
 Brian Wunder Ron Milkowski

Absent

Also Present - Attorney Dick Cushing @ 7:45 p.m., Clerk Karen Sandorse and 9 members of the public.

PRESENTATION OF MINUTES

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of May 4, 2011. AYES: Schriver, Wunder, Milkowski ABSTAIN: Morrison, Piazza

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of May 4, 2011 as corrected. AYES: Schriver, Wunder, Milkowski ABSTAIN: Morrison, Piazza

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the public.

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

OLD BUSINESS

Maple Lane Drainage

Mayor Piazza stated that a drainage problem on Maple Lane was brought to the Township Committee's attention last year. The DPW Manager and the Township Engineer looked into the matter and the engineer prepared a plan to correct the problem. Mayor Piazza asked if it was determined to be a Township matter or a problem between two neighbors. The Committee will hold further discussion until the property owners attend a meeting.

NEW BUSINESS

Resident Kevin Clark Correspondence

Ms. Schriver stated that at the last meeting she received a packet from resident Kevin Clark regarding land that is adjacent to his property. Mr. Clark had questions regarding the assessment of the land, the condition of the property and the possibility of Mr. Clark acquiring the land. The Clerk will inform Mr. Clark that he must speak with the Tax Assessor relative to his correspondence.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved the May 18, 2011 bill list in the amount of \$137,878.88. The Walter Poppe Construction and the Attorney Eric Bernstein checks are to be held for further discussion.

CORRESPONDENCE

- a. Tax Collector's Report for the Month of April 2011
- b. NJDEP – Lake Hopatcong Water Level Management Plan

PUBLIC COMMENTS

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

Nancy Darois commended the Committee on their conduct at the May 4, 2011 meeting.

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.

RECESS

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee recessed the meeting.

Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee reconvened the meeting at 7:45 p.m. Attorney Cushing present.

Block 49 Lot 4.02 – Agreement for Assignment of Interest in Unimproved Real Property

Mr. Warren Newman, LTEOS Chairman was present. Mr. Newman stated that back on April 6, 2011, there was a proposed ordinance for the acquisition of the Fisher property. The property is located on Anthony Road and abuts the Nicholson tract, which the Township has part interest in also. Mr. Newman stated that the ordinance was adopted with conditions relative to questions regarding the Township's interest in the purchase. Mr. Newman stated that Attorney Cushing seemed to be under the impression that the Township would use the Green Acres funds to participate in the purchase however, the Township would retain no interest or title in the property along with the other purchasing partners. Mr. Newman stated that the clarification which needs to be made is that, just as in other Open Space property purchases, in partnership with NJWSA, the Township is part owner. The reason for this is that the Township can then say what will happen with the property. Mr. Newman stated part of the reason for the purchase of the property was to enhance trail connectivity. The Fisher property is intended for Open Space and passive use.

Mr. Newman stated that since the Hunterdon County Open Space funds could not be used for the acquisition, the South Branch Watershed Association has agreed to contribute the remaining funds toward the purchase. An Assignment Agreement is needed to document that Lebanon Township, NJWSA, NJ Green Aces, Hunterdon Land Trust, and the South Branch Watershed Association are the purchasing partners.

Mr. Newman stated that Attorney Cushing was not the Township Attorney during the prior land acquisitions in the Township, therefore, was not aware of prior Maintenance and Management Agreements. On July 15, 2010 the Committee entered into a Maintenance and Management Agreement with NJWSA for three existing properties. The point was clarified to Attorney Cushing that there really is no improvements which would require maintenance as it is passive use and open space. There is no difference with the Fisher acquisition than the prior joint purchases.

Attorney Cushing stated there are two issues that the Township Committee should consider:

- 1) The maintenance responsibility the Township would have.
- 2) The soft costs of the acquisition.

Mr. Milkowski stated that he understood at the last meeting that there would be no soft costs for the Township. Mr. Newman stated that the Township's Green Acres Funding will cover 50% of the soft costs. The purchasing partners will cover the remaining 50%. The net cost for the Township for soft costs is \$.00.

Mr. Cushing stated that the language at the end of Paragraph 6, in the Assignment of Interest Agreement of Unimproved Property, reads that the Township will be paying the 50% of the soft costs. It was agreed by all that the language would be changed to read that the NJWSA will be paying the additional 50% of the soft costs.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the Mayor and Clerk to take any necessary action in order to execute any necessary documents in order to accomplish the purchase as is contemplated in the Agreement for the Assignment of the Fisher Property.

EXECUTIVE SESSION

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.44 -2011 and convened in executive session at 7:54 p.m. It is not anticipated that action will be taken at the close of the meeting.

TOWNSHIP OF LEBANON RESOLUTION NO. 44-2011

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:

Collective Bargaining Negotiations – PBA Negotiations
Contracts

Motion by Mr. Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee reconvened the Regular Committee meeting at 8:56 p.m.

Attorney Cushing stated that discussion was held on the Swackhammer Church property. Attorney Cushing will take a look to see what the liabilities of the Township would be if the Township was able to acquire the property and the fact that there is a graveyard on it. Attorney Cushing will be drafting a letter, on behalf of the Mayor, thanking Jim Lance for his efforts in assisting Attorney Cushing with locating Swackhammer Church information. The Cell Tower Project was also discussed. Attorney Cushing will follow up with Attorney George and the Cell Tower Attorney to see where the project stands. Attorney Cushing stated that the Township Committee talked about the Township Garage Project. There will be an internal meeting with the Township representatives to go over where the project stands. There may be a meeting with the contractor to attempt to straighten out where everything stands. The Clerk will draft a note to the contractor indicating that based on the advice of the insurance agent and the Township Attorney, no work should be conducted until such time as we receive that performance bond and the insurance certificates in the proper form.

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 8:58 p.m.

LTCM
05/18/2011
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Respectfully submitted

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: June 15, 2011

George Piazza, Mayor