

**CALL TO ORDER**

Mayor Brian 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 Dick Cushing, Clerk Karen Sandorse and 12 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of August 15, 2012**

*Motion by Ms. Schriver, seconded by Mr. Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of August 15, 2012.*

**Minutes of the Executive Session of August 15, 2012**

*Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of August 15, 2012.*

**Minutes of the Regular Meeting of September 5, 2012**

*Motion by Mayor Wunder, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of September 5, 2012. AYES: Wunder, Schriver, McKee, Morrison ABSTAIN: Milkowski*

**Minutes of the Executive Session of September 5, 2012**

*Motion by Ms. Schriver, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of September 5, 2012. AYES: Wunder, Schriver, McKee, Morrison ABSTAIN: Milkowski*

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

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

Mr. EJ Skidmore commended the Committee on sending a letter to the Local Finance Board, relative to the LOSAP matter, regarding possible irregularities that should be investigated. The purpose of the letter is to clear any implications or suspicions of wrong doing on the part of the Committee.

Mr. Skidmore stated that he feels that the Committee has put Attorney Cushing in a difficult and unfair position in having to deal with the LOSAP matter. Mr. Skidmore stated that the Township is involved in the matter as well as the Fire Department. Mr. Milkowski is involved as he was the administrator of the program. Mr. Skidmore stated that Committeeman-elect Bernie Cryan is also involved as he came forward as the President and a representative of the Fire Department. Mr. Skidmore stated that all of those mentioned have received guidance from Attorney Cushing, as the Township Attorney. Mr. Skidmore stated that it could happen that each of these entities could have opposing needs in the matter and Mr. Cushing will not be able to represent anyone at that point. Mr. Skidmore asked for the Committee to hire an outside attorney for this one issue instead of hiring an outside auditor. Mr. Skidmore stated that his comments have nothing to do with Attorney Cushing's representation and feels that he has done an excellent job.

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

**Ordinance No. 2012-03 – Public Hearing**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-03 was opened.*

There were no comments from the public.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-03 was closed.*

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2012-03 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2012-03  
AN ORDINANCE AMENDING THE CODE OF THE  
TOWNSHIP OF LEBANON TO ADD A NEW ARTICLE II  
ENTITLED "RESTRICTIONS ON AWARD OF CONTRACTS  
EXEMPT FROM PUBLIC BIDDING" TO CHAPTER 17 ENTITLED  
"CONTRACTS"

WHEREAS, certain contracts are exempt from public bidding under the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, there is the potential for business entities whose contracts are exempt from public bidding to make substantial political contributions to the election campaigns of the local government elected officers who are ultimately responsible for awarding contracts to such business entities; and

WHEREAS, permitting substantial local political contributions from business entities receiving discretionary contracts from the elected officials who receive such contributions raises reasonable concerns on the part of taxpayers as to the influence of those contributions on the process of local government as well as the quality or cost of services received; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-51* a municipality is authorized to adopt by ordinance, measures limiting the award of public contracts to business entities that have made contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the Township Committee of the Township of Lebanon desires to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

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

SECTION 1. In the Code of the Township of Lebanon, in Part I, "Administrative Legislation," there is established a new Article II in Chapter 17 entitled "Restrictions on Award of Contracts Exempt from Public Bidding" reading as follows:

Chapter 17  
CONTRACTS  
ARTICLE II

Restrictions on Award of Contracts Exempt from Public Bidding

§ 17-8 Purpose.

It shall be the purpose of this article to foster competition in the contracting process that is exempt from public bidding and thereby to avoid the appearance of improper influence in public contracting through unregulated contributions to public officials who award contracts by business entities who seek public contracts.

§ 17-9 Definitions.

As used in this article, the following terms shall have the meanings set forth below:

BUSINESS ENTITY

An individual person; firm; corporation; professional corporation; partnership; organization; or association. When a business entity is a natural person, a contribution by that person's spouse or any child living at home shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by all principals, partners, officers, or directors of the entity or their spouses; any subsidiaries directly or indirectly controlled by the entity; or any political organization organized under § 527 of the Internal Revenue Code that is directly or indirectly controlled by the entity shall be deemed to be a contribution by the business entity.

CANDIDATE

Includes:

A. Every candidate for Township of Lebanon elective municipal office;

B. Every candidate committee established by or for the benefit of a candidate for Township of Lebanon elective municipal office;

C. Every joint candidate committee established in whole or in part by or for the benefit of a candidate for Township of Lebanon elective municipal office;

D. Every political party committee of the Township of Lebanon;

The terms in the foregoing paragraph have the meaning set forth in *N.J.A.C. 19:25-1.7*.

#### CONTRACT FOR PROFESSIONAL OR EXTRAORDINARY SERVICES

All contracts for professional services and/or extraordinary unspecifiable services as such terms are used in the Local Public Contracts Law at *N.J.S.A. 40A:11-5*.

#### CONTRIBUTION

Has the meaning set forth in *N.J.A.C. 19:25-1.7*. By way of illustration, and not limitation, this definition includes gifts, pledges, loans, and in-kind contributions.

#### § 17-10 Awarding public contracts to certain business entities prohibited.

A. To the extent that it is not inconsistent with state or federal law, the Township of Lebanon and any of its departments, instrumentalities, Chief Financial Officer, or purchasing agents, shall not enter into any agreement or otherwise procure a contract for professional or extraordinary services from any business entity if such business entity has solicited or made any contribution to a candidate or a holder of public office in the Township of Lebanon having ultimate responsibility for the award of a contract, within one calendar year immediately preceding the date of the contract or agreement.

B. No business entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Township of Lebanon or any of its departments or instrumentalities, for the provision of professional services or extraordinary unspecified services shall knowingly solicit or make any contribution to a candidate or a holder of public office in the Township of Lebanon having ultimate responsibility for the award of a contract between the time of first communication between that business entity and the municipality regarding a specific agreement for professional services or extraordinary unspecified services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

C. For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

(1) The Township of Lebanon governing body (including the Mayor), if the contract requires approval or appropriation from the Mayor or governing body; or

(2) The Mayor of the Township of Lebanon if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

D. No person may be awarded a subcontract to perform under a contract subject to this article, if the subcontractor would be disqualified by § 17-10A from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by § 17-10A from receiving the contract perform substantially all of the obligations described in a contract for professional or extraordinary services that is subject to this article.

#### § 17-11 Contributions made prior to effective date.

No contribution or solicitation of a contribution made prior to the effective date of this article shall be deemed to give rise to a violation of this article.

LTCM

09/19/2012

Page 5 of 15

§ 17-12 Contract renewal.

No contract subject to this article may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this article if it were an initial contract.

§ 17-13 Contribution statement by business entity required.

A. Prior to awarding any contract for professional or extraordinary services to any business entity, the Township of Lebanon or its Chief Financial Officer, purchasing agents and departments, as the case may be, shall receive a sworn statement from said business entity which is the intended recipient of said contract that he/she/it has not made a contribution in violation of this article. The Township of Lebanon, its Chief Financial Officer, purchasing agents and departments shall be responsible for informing the Township Committee that the aforementioned sworn statement has been received and that the business entity is not in violation of this article, prior to awarding the contract or agreement.

B. A business entity shall have a continuing duty to report to the Township of Lebanon any contribution that constitutes a violation of this article made during the negotiation, proposal process or the duration of a contract. The Township of Lebanon, its purchasing agents and departments shall be responsible for informing the governing body within 10 business days after receipt of said report from the business entity, or at the next Township Committee meeting following receipt of said report from the business entity, whichever comes first.

C. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township of Lebanon, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

§ 17-14 Return of contributions.

A business entity that is a party to a contract for professional or extraordinary services may cure a violation of § 17-10 of this article, if, within 30 days after the date on which the applicable ELEC report is published, said business entity notifies the municipality in writing and seeks and receives reimbursement of the contribution from the recipient of such contribution.

§ 17-15 Exemption; fair and open contracts not exempt.

The contribution prohibition prior to entering into a contract contained in this article does not apply to contracts which are awarded to the lowest responsible bidder after public advertising for bids and bidding therefore within the meaning of *N.J.S.A. 40A:11-4*, or are awarded in the case of emergency under *N.J.S.A. 40A:11-6*. There is no exemption for contracts awarded pursuant to a "fair and open process" under *N.J.S.A. 19:44A-20 et seq.*

§ 17-16 Violations and penalties.

A. It shall be material breach of the terms of a Township of Lebanon contract for professional or extraordinary services if a business entity that is a party to such agreement or contract has:

(1) Made or solicited a contribution in violation of this article;

(2) Knowingly concealed or misrepresented a contribution given or received;

(3) Made or solicited contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;

(4) Made or solicited any contribution on the condition or with the agreement that it will be recontributed to a candidate or holder of public office having ultimate responsibility for the award of a contract;

(5) Engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject the business entity to the restrictions of this article;

(6) Funded contributions made by third parties, including consultants, attorneys, family members, and employees;

(7) Engaged in any exchange of contributions to circumvent the intent of this article; or

(8) Directly or indirectly, through or by any other person or means, done any act which if done directly would subject the business entity to the restrictions of this article.

B. Any business entity that violates this article shall be disqualified from eligibility for future Township of Lebanon contracts for a period of four calendar years from the date of violation.

C. Notwithstanding the foregoing, any business entity who violates any provision of this article shall, upon conviction, be liable to the penalties set forth in Article II of Chapter 1 of the Code of the Township of Lebanon.

SECTION 2. If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

SECTION 4. This ordinance shall take effect immediately upon publication following its final passage, in accordance with law.

## **RESOLUTIONS**

### **Resolution No. 76-2012 – Calling for a Ban on Fracking**

*Motion by Mayor Wunder, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee adopted Resolution No.76 -2012 as written below. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 76-2012**

### **Resolution Calling for a Ban on Fracking**

WHEREAS, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

LTCM

09/19/2012

Page 7 of 15

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, there have been more than a 1,000 documented cases of water contamination near fracking sites; some people who live near these sites can now light their drinking water on fire; and

WHEREAS, wastewater from fracking can contain radioactive elements and has been discharged into rivers that supply drinking water for millions, according to the *New York Times*.

WHEREAS, use of these hydraulic fracturing mixes exposed adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, Former President George W. Bush's EPA point person on water now admits fracking should never have been exempted from regulation, and

WHEREAS, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act"), which is currently pending in Congress, would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking; and

WHEREAS, the wise stewardship of our natural resources involves protection of the Township of Lebanon's water supplies and water resources for generations to come; and

WHEREAS, protection of the Township of Lebanon's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact;

WHEREAS, the Township of Lebanon supports a statewide and national ban on hydraulic fracturing for natural gas, banning the import and disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking.

NOW THEREFORE BE IT RESOLVED, that the Township of Lebanon supports the FRAC Act and will send a copy of this Resolution to our State Representatives, Congressional Representative and Senator Menendez calling for a ban on fracking and asking our federal representatives to join Senator Lautenberg, Congressman Pallone and Congressman Holt as co-sponsors the FRAC Act, H.R. 1084/ S. 587.

### **Resolution No. 79-2012 – Consenting to the Proposed WQM Plan Amendment**

Attorney Cushing stated that the County is the agency delegated to develop a Wastewater Management Plan for each of the municipalities. There is supposed to be a plan in each town of how they would handle wastewater. The Highlands has since taken over the initial planning for wastewater for the municipalities which lie in the Highlands. Attorney Cushing stated that for some reason the County is requesting that municipalities agree to the County WQM Plan even if they are in the Highlands. Attorney Cushing stated that this subject matter was discussed in Holland Township also. Attorney Cushing spoke with Holland Township's Engineer and his thoughts were that this resolution is either unnecessary or premature. The Highlands is working with the Township

LTCM

09/19/2012

Page 8 of 15

for wastewater treatment through the Highlands process and it will eventually be incorporated into the Township's Highlands Plan. Attorney Cushing stated that he feels that this resolution is most likely premature and suggested that it be sent to Engineer Steve Risse for his comments. Attorney Cushing recommended that the Committee hold off on the resolution until better clarification is received on whether this is something that needs to be done at this time for a Highlands community or if it should be done later.

Mr. Warren Newman asked the Committee to consider that the default action at the County level may be that if the Township does not respond in a resolution form they will consider the non response as an acceptance of their proposal. Mr. Newman suggested that the Committee be mindful of the timeframe provided. Attorney Cushing stated that the Committee has until early November to respond to the County.

*Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee tabled Resolution No. 79-2012 and authorized the Township Engineer to look into it and to provide his professional opinion on such.*

### **Resolution No. 80-2012 – Retail Consumption License Renewal**

*Motion by Mr. Milkowski, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 80-2012 as written below.*

RESOLUTION NO. 80-2012  
RESOLUTION RENEWING PLENARY  
RETAIL CONSUMPTION LICENSE

WHEREAS, each of the listed Plenary Retail Consumption Licensees have submitted application forms that have been completed in all respects; and

WHEREAS, the applicants are qualified to be licensed according to all statutory, regulatory and local government ABC Laws and regulations; and

WHEREAS, each have paid a filing fee of \$200.00 to the State of New Jersey and a Township License Fee of \$2,500.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, that the listed Licenses be granted a renewal for the 2012-2013 year:

1019-33-007-001- LEDYARD B. SCHUYLER, JR - RIVER STYX INN –374 Vernoy Road  
(Inactive License)

### **OLD BUSINESS**

#### **DPW Manager Request to Purchase a New Dump Truck**

The Dept. of Public Works Manager has requested to purchase a new Dump Truck. The funding was previously approved in the DPW 2012 Capital Budget request. Mr. Gabriel would like to replace the 1992 Ford F-800 dump truck. The cab is rusting off the frame and it has 121,739 miles on it. The new truck will emulate the two trucks that were recently purchased. The cost for the new truck is

LTCM

09/19/2012

Page 9 of 15

\$158,000.00. The truck will be purchased through the Morris County Coop so there will be no additional cost associated with bidding.

Mr. Gabriel spoke to the CFO, the estoppel period for the bond expired on August 28, 2012 and the funding is now available.

Mr. McKee stated that he looked at the truck that Mr. Gabriel is asking to replace and it is in need of help. The cab is rotting off of its frame. Mr. Gabriel informed Mr. McKee that a new truck would put the DPW fleet in order and it will be many years before there will be a need for another dump truck. Mr. Milkowski asked if Mr. Gabriel could put a hold on the purchase of a new maintainer for the time being. Mr. McKee feels like that is a possibility.

*Motion by Mr. McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the purchase of a 2013- 7500 International Dump Truck through the Morris County Co-op in the amount of \$158,000.00.*

#### **Appoint Quarry Sub Committee**

Mayor Wunder stated that he would like to create a subcommittee to deal with Eastern Concrete/Quarry matters. Nancy Lawler will sit on the committee with Mayor Wunder and Ms. Schriver.

#### **Appoint Municipal Consolidation Committee**

Mayor Wunder stated that the Township has been approached by an entity who would like to speak to the municipalities in the County regarding municipal consolidation. Mayor Wunder stated that a subcommittee should be formed. Mayor Wunder will work with the entity on behalf of the Township.

#### **Approve Contract- Installation of Electric Distribution Facilities – DPW Garage (Authorize Mayor and Clerk to Execute)**

Mr. Milkowski stated that the electric service to the DPW Garage must be upgraded for the new building. Mr. Milkowski stated that in order for the upgrade to be installed a contract must be entered into with JCP & L.

*Motion by Mayor Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the Contract for the installation of Electric Distribution Facilities at the DPW Garage and authorized the Mayor and Clerk to sign.*

#### **Local Finance Board Correspondence – LOSAP Matter**

Attorney Cushing stated that at the last meeting the question was raised as to whether Committeeman Milkowski had conflicts of interest in two areas. Attorney Cushing was authorized by the Committee to send a letter to the Local Finance Board to request that an investigation be conducted on the issue. Attorney Cushing stated that the Mayor has also requested that a letter be sent to the Local Finance Board asking if they would conduct an investigation of the LOSAP procedures of the Fire Department and to verify if they are consistent with the statute and ordinances. Attorney Cushing prepared the letter as requested by Mayor Wunder and provided it to the Committee for their approval.

LTCM

09/19/2012

Page 10 of 15

Mayor Wunder stated that the hope is that if the Local Finance Board conducts an investigation it would avoid the need for the Township to pay for a very costly audit. If not, then an audit must be done.

Discussion was held on the Comptroller General's request for LOSAP documents a few months ago. Attorney Cushing will send a letter to the Comptroller asking for a follow up on the investigation.

No response is to be sent to the Special LOSAP Auditor at this time.

*Motion by Mayor Wunder, seconded by Ms. Schriver, and carried by favorable roll call vote, the Township Committee authorized the Township Attorney to send two letters to the Local Finance Board and the Comptroller General relative to the LOSAP matter. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski*

## **NEW BUSINESS**

### **Bunnvale Library – Ponding Issue**

Mr. McKee stated that there is a long time drainage problem in front of the Bunnvale Library. The stormwater runoff from the adjacent church property and County Route 513 is collecting in the front of the Library and remains there for a couple of weeks. Mr. McKee would like to have the Township Engineer evaluate the drainage and to provide his opinion on correcting the problem.

*Motion by Mayor Wunder, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee authorized Engineer Risse to assess the drainage problem at the Bunnvale Library and to provide a recommendation to the Committee.*

### **Municipal Court Inter-Local Services Agreement**

The Clerk informed the Committee that she spoke to the Tewksbury Administrator and it is anticipated that an Agreement will be ready for approval and execution at the next meeting. Attorney Cushing stated that the Township ordinance will need to be amended and will be ready for the next meeting.

### **Principal Public Works Manager – Renewal of Exemption**

A letter was received from the State informing the Committee that in September of 2007 the Township was granted an exemption for having to appoint a Principal Public Works Manger. The exemption was good for five years. At this time if the Township would like to renew the exemption they must reapply.

*Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved applying for an extension for the Principal Public Works Manager.*

### **Municipal Housing Liaison Gail Glashoff Memo- Rehabilitation Application**

Gail Glashoff stated that she has received a Rehabilitation COAH application for the replacement of a roof. Three quotes were received for the roof. Ms. Glashoff asked Charlie Rogers, the CCO, for his opinion on the proposals. Deegan Roofing provided a proposal for \$3800.00 which included replacing

LTCM

09/19/2012

Page 11 of 15

the gutters and leaders. Mr. Rogers recommended awarding the bid to Deegan Roofing because there is a need to replace the gutters and leaders.

Attorney Cushing questioned that if the roofer does damage to the house is the Township liable. Ms. Glashoff is to request an Insurance Liability Certificate from the contractor.

*Motion by Mr. McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee awarded the bid to Deegan Roofing for a Rehabilitation roof replacement in the amount of \$3800.00.*

### **Lebanon Township Recreation Committee Resignation – Lori Swiston**

*Motion by Mayor Wunder, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee accepted the resignation from Lori Swiston from the Recreation Committee.*

### **Blue Light Application – Mark Rothfeld**

*Motion by Ms. Schriver, seconded by Mayor Wunder and carried by favorable roll call vote, the Township Committee approved a Blue Light application for Mark Rothfeld. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski*

## **COMMITTEE REPORTS**

**COMMITTEEWOMAN SCHRIVER-** Ms. Schriver stated that she is working on applying for a grant for the repairs needed on the Squad building. Ms. Schriver stated that she will be meeting with Kevin Richardson to discuss the possibility of using Open Space Funds. Ms. Schriver stated that she received a letter from the Shade Tree Federation. The Federation is encouraging the Township to apply for grant funds which Ms Schriver will be looking into.

**DEPUTY MAYOR-** Mr. Milkowski stated that most of the siding has been completed on the DPW building. The pavement has been dropped and is down to rough grade. The drainage for the salt barn is in and the concrete for the barn is complete also. By the end of the month they will be back to complete the wooden portion that is above it.

Mr. Milkowski stated that the GenPsych application was approved by the Planning Board, last night.

**MAYOR WUNDER-** Mayor Wunder stated that there was a Municipal Court meeting on September 10, 2012. A punch list was discussed on matters that need to be addressed relative to the dissolving of the Court.

Attorney Cushing stated that regarding the Squad, the Consent Judgment has been consented to by all members with the exception of the Squad's former attorney. The Consent Judgment is before Judge Buchbaum and hopefully it will be received next week.

Mayor Wunder stated that Back to School Night will be held tomorrow night at 7:00 p.m. at the Woodglen School.

LTCM

09/19/2012

Page 12 of 15

**COMMITTEEMAN MCKEE-** Mr. McKee stated that there was discussion at the Library Committee meeting regarding the signs at the Library. The front sign is coming apart so there is a need to have it rebuilt. The new sign will list the Library hours to better serve the public.

The Historians have made good progress with photographing and documenting all houses built in the Township prior to 1900. The Historians provided a slideshow at the Day in the Park event. Another project that the Historians are considering is a video recording of the history and the life times of the Township depicted by the elder residents who have lived here for many years. Mr. McKee stated that there has not been much progress with the parking lot at the museum.

Mr. McKee stated that after some inclement weather the Park Committee kicked off the “A Day in the Park” event. The weather was nice on Sunday and they had a nice crowd. Mr. McKee reminded all that the Car Show will be held this Sunday, September 23, 2012, with a raindate of September 30, 2012.

Mr. McKee stated that the EOS is moving on the Green Team and the Sustainable New Jersey. They are trying to bring awareness to the residents to get the Community more involved. The EOS has many concerns with the Eastern Concrete/Quarry matter.

Mr. McKee stated that there was an idea raised to have Jan Gibas/Recycling and the EOS combined to form a Recycling and EOS Committee.

Mr. McKee stated that the EMS part of the Fire Department is starting. There are some signs of development and progress going forward. As with the concept of the plan, the Fire Department is relying on mutual aid. Mr. McKee stated that he feels that given time the Fire Department will reach their anticipated goals. Mr. McKee stated that they have had four new EMT’s join the Department who are awaiting background checks to be completed. Three other EMT’s have joined for a total of seven. They are forming duty nights and will be covering Monday nights beginning next week. Three drivers, mostly from the Township, have stepped forward. Somerville First Aid will be donating 10 pagers and radios to Lebanon Township. Standbys and Thursday nights are being covered. There are two other potential EMT’s who are waiting to take their tests. That will bring the total EMT’s close to nine. Tom Carlucci and Al Bauer are drafting by-laws, SOP’s and general guidelines relative to the EMS side of the Fire Department. Mr. McKee stated that they are starting new and they need to be given a little time. Mr. McKee stated that he feels that their efforts will show. Mr. McKee stated that persons of contact, for the Committee, would be the Chief, Deputy Chief and the Administrator Al Bauer. Mr. McKee asked the EMS/Fire Department to attend the next meeting to provide another, more up to date, report.

#### **COMMITTEEMAN MORRISON –**

**Police, Fire and Rescue –** Mr. Morrison stated that 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. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the September 19, 2012 bill list in the amount of \$576,429.57.*

## **CORRESPONDENCE**

- a. NJDOT – Resurfacing of Route 31 –  
Gray Rock Rd (Clinton Twp) – County Rt. 634 (Wash. Twp)
- b. Tax Collector’s Report for the Month of August 2012
- c.

## **PUBLIC COMMENTS**

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

Mr. EJ Skidmore stated that a friend who has had extensive experience with the Local Finance Board informed him that the Local Finance Board responds “glacially” so not to expect a response quickly.

Mr. Skidmore stated that he was asked at the last meeting to help with the Nixle System Mr. Skidmore agreed and has been in touch with the Nixle staff. Mr. Skidmore feels that it will be a fairly easy process however Nixle is not interested in dealing with a resident representing the Township. Mr. Skidmore said that if the Committee would like him to continue with the process he will need authorization to represent the Township relative to the Nixle System.

### **Resolution No. 80A-2012 – Appointing the Nixle Coordinator**

*Motion by Mayor Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 80A-2012 as written below.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 80A-2012**

WHEREAS, Mr. EJ Skidmore has been commissioned by the Township Committee to investigate the possibility of having a Nixle System created in Lebanon Township, and  
WHEREAS, the Township Committee wishes for Mr. Skidmore to pursue the Nixle System for the Township, and  
NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, that Mr. EJ Skidmore is designated as the Township’s representative to determine whether the Nixle System is an appropriate system for the Township and to gather such information as necessary to make that determination.  
FURTHERMORE, Mr. Skidmore is authorized to contact the administrator’s of the Nixle System in order to obtain the necessary information.

Ms. Nancy Darois questioned the legality of the Mayor and Clerk signing contracts. Ms. Darois asked if it shouldn’t be more than one member of the Committee. Attorney Cushing stated that the Mayor and Clerk executing documents is a standard practice.

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09/19/2012

Page 14 of 15

Mr. Warren Newman, EOS Chairman, stated that Ms. Jan Gibas, who has been the long term Recycling Committee associate, came to EOS members to suggest that the EOS and the Recycling Committee join together. Ms. Gibas made it clear to Mr. Newman that she will still be involved in recycling as in the past. Mr. Newman stated that the Township Code will need to be amended in merging the two groups together.

Ms. Schriver stated that several years ago the County attempted to get all of the towns to agree to a Hunterdon County Recycling Coordinator. The proposal did not pass so each municipality has their own Recycling Coordinator. The Township's Recycling Coordinator needs to be involved as she is the person who relays the important information for grants and other matters. Mr. Newman stated that he looked at the Township's Code and did not find anything relative to the Recycling Committee or something specific to the Recycling Coordinator. Mr. Newman stated that maybe it should be incorporated into the Code. Ms. Schriver stated her concerns with Lebanon Township being on the bottom of recycling in the County. Ms. Schriver stated that she is not sure if the haulers have the right information. Mr. Newman stated that last year there was a slight increase. Ms. Schriver suggested putting a notice in the newsletter relative to the importance of recycling and reporting it correctly. Mr. Newman stated that reporting asphalt is very important. Mr. Milkowski stated that property addresses are a true problem.

Mr. Victor Hoffman asked how much the special audit services would cost the Township and asked how much money is involved with the LOSAP matter. Mr. Hoffman asked if the Township is spending money wisely. Mayor Wunder stated that the audit is on hold for now until a response is received from the Local Finance Board to see if they will be providing assistance. Mr. Hoffman stated that he has been associated with the Township for 59 years and feels that the Township "airs it's dirty laundry" out to the public a little too much at times. Mr. Hoffman stated that the Township has spent money that it should not have on attorneys and auditors and it should not have happened. Mr. Hoffman stated that he feels that the matter should have been addressed in house to save money, egos and to save respect for those who have done the chores. Mr. Hoffman said that the Committee could "twist some arms" if necessary, to have someone come in and audit the LOSAP. Mayor Wunder stated that it has been difficult to find someone who is experienced in LOSAP. Mr. Hoffman stated that if the process is so difficult why is the Committee finding fault with the individual who administered it then. Mayor Wunder stated that the law has to be followed and that gives restrictions. Someone needs to be qualified to figure it out. Mr. Hoffman questioned that if LOSAP is so complex then why wasn't the person who administered it given guidance from the beginning.

Mr. Hoffman stated that he used to play ball as a child in front of the library. He said that it was always a little swampy but there was never a pond. Mr. Milkowski stated that he spoke to the Library employees and they informed him that when the church property was re-graded it created a damming effect.

Mr. Hoffman stated that as a Historian he has concerns with the Swackhammer Church. Mr. Hoffman stated that the Township claims that they do not own the property and the Church claims that they do not own it. Mr. Hoffman asked if a resident goes on the property to clean it up and gets hurt who would the resident approach. Attorney Cushing stated that without the permission of the owner, no one has the right to be on the property. Attorney Cushing stated that if the resident did get hurt on the property the resident would need to sue the owner if the owner was at fault. Mr. Hoffman stated that the Historians would like to clean up the property but is concerned about someone getting hurt. Mr. Milkowski stated that if Mr. Hoffman is looking just to clean brush etc. with no demolition

work, insurance policy coverage may be much less money. If the Historians limit what they will do Mr. Milkowski can look into the insurance. Attorney Cushing will view his records and provide the Committee with an update on where the matter was left off a few years ago.

*Motion by Mr. Milkowski seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.*

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2012 and convened in executive session at 8:36 p.m.*

**TOWNSHIP OF LEBANON  
RESOLUTION NO. 81-2012**

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:

Personnel  
Litigation  
Advice from the Attorney

The Township Committee reconvened the Regular Committee meeting at 9:05 p.m.

Attorney Cushing stated that during the Closed Session he advised the Committee that he would not be in attendance at the next meeting. The Committee discussed with Attorney Cushing the conflict issue which was raised by Mr. Skidmore. The Hyland Litigation was discussed as well as potential litigation relative to the Quarry matter and the possibility of a challenge to the ordinance.

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 9:06 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: October 3, 2012

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Brian Wunder, Mayor