

CALL TO ORDER

Mayor Thomas McKee called the meeting to order at 7:03 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 - Thomas McKee Patricia Schriver Francis Morrison
 Bernard Cryan Ronald Milkowski

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 9 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of September 4, 2013

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of September 4, 2013.

Minutes of the Executive Session of September 4, 2013

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of September 4, 2013.

Minutes of the Regular Meeting of September 18, 2013

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of September 18, 2013.

Minutes of the Executive Session of September 18, 2013

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of September 18, 2013.

PUBLIC COMMENTS – for agenda items only.

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

Ms. Laurie Hoffman stated that Alan Goracy will be speaking about OEM and noted that when Brian Wunder was Mayor he had a list of volunteers who would help out in putting together a plan for a crisis in the Township. Ms. Hoffman suggested having Mr. Goracy and Mr. Wunder work together with the group. Mayor McKee stated that it would be the position of the OEM Coordinator to speak to Mr. Wunder to form a group.

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.

ORDINANCE

Public Hearing

Ordinance 2013-10 – Revise, Amend and Supplement the Code of the Township

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-10 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. 2013-10 was closed.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2013-10 as written below.

ORDINANCE NO. 2013-10
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
AN ORDINANCE TO
REVISE, AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF LEBANON
CHAPTER 400, TITLED “ZONING”, SPECIFICALLY
SECTION 400-11 TITLED “CONDITIONAL USES”

WHEREAS, the Township Committee of the Township of Lebanon, Hunterdon County, New Jersey has reviewed the Township Code and believes that an amendment to the Zoning Ordinance is necessary; and,

WHEREAS, the Township Committee believes such amendment is necessary to update, supplement and clarify a provision of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Chapter 400, titled "Zoning" of the Code of the Township of Lebanon is hereby amended, revised and supplemented as follows:

Section 1. Subsection B(13)(a), "Supplementary apartments" of Section 400-11, Conditional uses, is hereby amended to read as follows:

- (a) A supplementary apartment shall be permitted in any single-family detached dwelling or an accessory building existing on July 1, 1987 ~~at the time of adoption of this section.~~

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.⁷

RESOLUTION

Resolution No. 78-2013 - Totally and Permanently Disabled Veteran Refund

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 78-2013 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 78-2013
TOTALLY AND PERMANENTLY DISABLED
VETERAN REFUND

WHEREAS the Tax Collector of Lebanon Township has been shown proof and in accordance with the Tax Assessor ascertains that Mark S Petrowski, owner of Block 54, lot 23.01, 205 Old Turnpike Road in the Township of Lebanon, is totally and permanently disabled as a result of service to the United States, and has been so declared by the Veteran's Administration, and,

WHEREAS in accordance with N.J.S.A. 54: 4-3.32, the governing body of any municipality may refund the amount of taxes collected on any property which would have been exempt from taxation if proper claim in writing had been timely made, and,

WHEREAS Mr. Petrowski has been declared totally and permanently disabled commencing June 1st 2013 from the Department of Veteran's Affairs,

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that Mr. Petrowski's property be exempted from all property taxes from the date of his total and permanent disability commencing June 1st 2013, and that the \$631.84 which has been paid in taxes prorated for the 2nd quarter 2013 be returned to Mr. Petrowski and,

BE IT FURTHERMORE RESOLVED that the property be tax exempt as long as it is owned and occupied by Mark S Petrowski or by his surviving spouse in accordance with the continuance of the right to exemption.

OLD BUSINESS

Municipal Cell Tower

Ms. Schriver stated that at the last meeting she suggested contacting Unison Site Management regarding options for the Municipal Building cell tower. They have made an appointment with the Clerk to obtain information and will be getting back at a later date.

North Hunterdon Municipal Court

Mayor McKee stated that he went to a meeting for the North Hunterdon Municipal Court. The final audit has been completed and the Court closing has been finalized. There are residual funds left over and the Township will be receiving a percentage of them.

Farm Animal Matter

Mayor McKee stated that the Board of Adjustment had an appeal at their last meeting relative to the Zoning Officer's decision on having a farm animal on a small lot. Mayor McKee stated that he was at the meeting and feels that it was handled well by the Lemenze Family and the Board. Mayor McKee stated that the history and the facts presented by Mr. and Mrs. Lemenze were decisive. Mayor McKee stated that the Board of Adjustment members had a good discussion and there was a unanimous decision to appeal the decision made by the Zoning Officer.

Mayor McKee stated that there was a Planning Board meeting, last night, and the Board discussed the farm animal matter. The Board decided that the matter will be sent back to the Committee for a determination. Mayor McKee stated that since the matter was not listed on the agenda for tonight's meeting, he would have the matter placed on the October 16, 2013 meeting agenda for discussion.

NEW BUSINESS

OEM Coordinator Alan Goracy

Alan Goracy present.

Mr. Goracy stated that he was asked to attend the meeting as there have been concerns raised about the Emergency Management Plan. Mr. Goracy explained that the Plan is updated every four years and was last updated two years ago. It does not need to be updated again until 2015. Mr. Goracy stated that there are different copies of the Plan floating around. Mr. Goracy has the latest copy which was updated in 2011. Some of the names need to be changed with regard to the areas the individual was responsible for. Mr. Goracy stated that this is not a problem and can be updated very quickly. Mr. Goracy asked if Committee has reviewed the Plan. Ms. Schriver stated that the copy she received was very outdated. Mr. Goracy stated that he will be asking to meet with the Mayor, as he is his liaison, to review the Plan in great detail. Mr. Goracy informed the Committee that there are two required courses for Emergency Management Coordinators in the first year of service. Mr. Goracy took a nine hour course in Somerville and another one online which was through FEMA. He must receive twenty-four FEMA hours of education each year.

Mr. Goracy stated that no one has inquired on how much money the Township has received or how much it will get. Mr. Goracy stated that they submitted \$109,000.00 to the State, through FEMA, for reimbursement of expenses that the Township incurred during the storm. The Township will receive 90% of the money in two parts. To date the Township has received \$29,229.00, which is 90% of \$32,000.00 and is the first of the two parts. The Township has also received \$28,899.00 which is a portion of the second part of the reimbursement which will be a total of \$77,000.00. Mr. Goracy stated that he needs further verification on the actual funds. He will be meeting with a representative from the State tomorrow to go over the final numbers. The Township could possibly receive another \$40,000.00 out of the \$109,000.00 that was submitted.

Mr. Goracy stated that he will go over the Plan with the Mayor in detail. Name changes need to be made as some of the people that were taking care of certain items are no longer available to do so. The Deputy Coordinator was the Fire Chief, Edd Shaffer, who is now too busy to continue with the position. Mr. Goracy will need to find someone to fill the vacancy. Mr. Goracy stated that he would like someone from the Committee to step forward since they are related to the Township in some way. Mr. Goracy said that he is also reaching out to the Fire Department to see if any of the Fire officers have interest in the position. Attorney Cushing stated that he is not sure if a Committeeperson can serve as the Deputy.

Ms. Schriver stated that she is the one who raised the concerns with the Plan and feels that the program needs to be reorganized. At the very least the Committee needs to know what the Plan is. Ms. Schriver stated that her main concern is being there for the public. She does not feel that the Committee really knows what is going on and questioned how the public could know. Ms. Schriver stated that shelters are another one of her main concerns along with updating the list of health needy residents. Mr. Goracy stated that he receives a list from JCP & L that states the residents who have notified them of health needy concerns.

Mr. Goracy discussed with the Committee different types of shelter options. The Red Cross is coming on October 30, 2013 to look at the three schools in the Township, the Municipal Office and the DPW building for possible emergency evacuation shelters. The shelter would not provide cots or meals but would be staging for a massive evacuation of the residents if necessary. If the residents need an overnight shelter with meals they can go to the County who has two facilities, one in Reigel Ridge and one on Route 12 in Flemington. Mr. Goracy stated that at this time the Township is not geared to be the type of shelter that the County offers; however, on an emergency basis the Township does have that ability. Ms. Schriver stated that she has concerns that residents will not be able to get to the County facilities and feels that there should be a shelter in the area. Mr. Goracy stated that if the Township needs to house people for four nights with food, cots and showers he is not going to worry. The Red Cross will bring food and cots in a true disaster. Mr. Goracy stated that he sent only one couple to the County during the hurricane because their house burned down. There was one emergency evacuation also. Ms. Schriver noted that the items she mentioned are the things that need to be looked at and feels that there should be a Special Committee working on it. The Special Committee would lend support and some suggestions. Ms. Schriver said that possibly a CERT Team could be established if there is interest in people becoming trained. Mr. Goracy stated that only four communities in Hunterdon have a CERT Team and they are great if you can keep them busy for ten or twelve months out of the year. If not, they have training that cannot be used. Ms. Schriver stated that she is on the Committee in High Bridge and feels that Lebanon Township is behind the eight ball. Mayor McKee asked Mr. Goracy who his support is at this time. Mr. Goracy stated that the Fire Department is his support group and noted that there were at least eight

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firefighters at the firehouse the first four days of the storm; twenty-four hours a day. Mayor McKee asked Mr. Goracy that if and when the Squad Building is up and running is that a viable location for a staging area. Mr. Goracy stated that he thinks he can accommodate it with the four or five he has at this time and that yes it is. Mr. Goracy stated that he will go through the facilities with the Red Cross and see what their recommendations are. Mr. Cryan stated that using the DPW building as a staging location is a concern because there could be a lot of activity in the area during a crisis and someone could get hurt. Mr. Goracy agreed and will remove the DPW building from his list. Mr. Cryan asked what the mechanics are in gaining access to a building, who will be setting up the shelters and getting them going. Mr. Cryan stated that this is when a CERT Team would be very helpful. The Fire and EMS will need to respond to calls they may have and the CERT Team would be the individuals who get water to people, help folks with travel and help with setting up food and cots. Mr. Cryan stated that he would like to see the mechanics of the process to be followed, such as where the first phone call goes once it is determined that a facility is needed. Mr. Goracy stated that there are keys in the Police Department and they will just open the doors if necessary. Mr. Goracy stated that there is an agreement with the schools but if something should happen they will get into a building. Mayor McKee stated that he has spoken to Lebanon Township Superintendent Jason Kornegay and he is on board with the program. Mr. Goracy stated that he spoke to Voorhees High School Principal Ron Peterson and he is on board also. Mr. Goracy stated that the schools are off limits if the students are present. Mr. Goracy stated that the Municipal Office is a prime location.

Ms. Schriver told Mr. Goracy that communication with the public is very important. Each quarter there should be something written in the newsletter. Ms. Schriver stated that topics to consider would be: where the residents can go to receive information, how we get information back from the public, where the shelters are, the importance of emergency kits and direct communication with health needy people. Mr. Goracy stated that during the hurricane he and Brian Wunder posted information on the Township's webpage and on facebook daily. Mr. Cryan asked if Reverse 911 is being looked into. Mr. Goracy stated that he is not familiar with it but will look into it. There may be a way to receive texts through Nextel. Mr. Cryan stated that he thinks that multiple options should be looked into. Mr. Cryan stated that it is important to update the names in the Plan and suggested reaching out to the churches in the Township as possible shelters.

Mr. Milkowski stated that two days after Mr. Goracy took over as OEM Coordinator the hurricane hit. Mr. Milkowski stated that Mr. Goracy did a good job.

DPW Manager – Request to Advertise for Surplus Sale

The DPW Manager is requesting to advertise for the sale of the below listed surplus items as listed below.

2008 Ford Crown Vic (Needs Transmission Work)	Vin # 2FAFP71V48X132898 Miles 98,581
1998 Swenson Stainless Steel V-Box Spreader (For Mason Dump Truck)	Serial # 0905-1063
1986 Scavage Vac Catch Basin Cleaner (Needs Clutch)	Vin # F81612769

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee authorized for the sale of the documents listed in Warren Gabriel's letter of September 21, 2013.

Cancel the November 20, 2013 Meeting – League of Municipalities Conference

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee canceled the November 20, 2013 Committee meeting for attendance at the League of Municipalities Conference.

First Aid Squad Building – Quest Environmental Biennial Deed Notice Certification Proposal

Mayor McKee stated that at one time there was remediation done by blacktopping behind the Rescue Squad building. Blacktopping is an approved form of remediation and must be inspected ever two years by a Licensed Site Remediation Professional. The property has not been inspected since 2007 and the DEP is requiring that the inspection be carried out at this time. Quest Environmental has submitted a proposal to conduct the work for the Township as written below.

Task #1 - Licensed Site Remediation Professional and his Retention \$250.00 (estimate).

Task #2 - Remedial Action Permit Biennial Monitoring and Report Submittal \$4500.00 (estimate).

Mr. Milkowski asked if the inspections need to be conducted every two years and stated that he was unaware of the remediation at the Squad building. Mayor McKee stated that he was unaware also. Discussion was held on the possibility of conducting a full remediation to avoid having the cost of inspections every two years. Ms. Schriver stated that at this particular time the Township will need to conduct the inspection; however, moving forward, the Township will need to rely on Quest Environmental to assist the Township in correcting the problem so the Township can avoid the cost of the biennial inspections.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the proposal of Quest Environmental for the tasks outlined in their September 27, 2013 proposal at an estimated cost of \$4750.00.

Open Space Trust Funds – Basketball Courts

Ms. Schriver stated that she would like approval from the Committee to have the Township Engineer draw the bid specifications for the construction of new basketball courts in the Park. Ms. Schriver stated that she has drawings and now needs professional help.

Motion by Mr. Cryan, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee authorize the Township Engineer to prepare the necessary bid documents for improvements to the basketball courts in the Park.

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 October 2, 2013 bill list in amount of \$46,449.40.

CORRESPONDENCE

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 7:48 p.m.

Ms. Laurie Hoffman stated that the County has a Registered Ready Program which assists anyone who needs help in any sort of emergency. The Program is somehow connected to 911. Ms. Hoffman is registered with the Program for her son but the Program failed during Super Storm Sandy. They informed Ms. Hoffman that it should work well next time. Ms. Hoffman stated that the Program is set up that individuals reach out to everyone on their list during the time of an emergency in the County or the Township. They will ask if the participant is ok and if they are in need of anything. Ms. Hoffman stated that Mr. Goracy should be able to get all of the numbers for the Program. Mr. Goracy stated that he will reach out to the County tomorrow. Ms. Hoffman stated that for her to find Mr. Goracy after the storm she had to call the non-emergency 911 number. She needed to know how she could get water. She said that she was without electric so she was unable to look on the internet. Ms. Hoffman noted that Mr. Casale had once stated that, where he lived previously, they had a yearly training for everyone who lived in the town to hear what the Emergency Management Plan is. This way everyone would know what to expect and where to look for information. Ms. Hoffman stated that a group of people working together, like a Cert, it will be helpful.

Ms. Hoffman stated that she thought that Mr. E.J. Skidmore was given permission by the Committee to look in the Nixel system for the Township. The Committee is not sure of the status of the system. Ms. Hoffman suggested sending a packet of information to the schools for distribution also.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote the Township Committee closed the public comment portion of the meeting at 7:53 p.m.

Resolution No 79-2013 –Executive Session

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 79-2013 and convened in executive session at 7:54 p.m.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 79-2013
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:

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: _____

_____ 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.);

Advice from Attorney 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 a motion was made by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: October 16, 2013

Thomas McKee, Mayor