

**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 observance of the passing of Anthony Milkowski.

**ROLL CALL**

Present -	Thomas McKee	Patricia Schriver
	Francis Morrison	Ronald Milkowski

Absent- Bernard Cryan

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 16 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the Regular Meeting of October 2, 2013**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of October 2, 2013.*

**Minutes of the Executive Session of October 2, 2013**

*Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of October 2, 2013.*

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

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

Mr. Anthony Casale stated that relative to Farm Animals on Certain Sized Lots in the Township he feels that this issue has gone on for too long. Mr. Casale stated that in the past there were at least a dozen zoning certificates that had been issued for the same use. On the bottom of the zoning certificates it states “the proposed use and structure is in compliance with the Zoning Ordinance of the

Township of Lebanon". This makes it a customary accessory use. Mr. Casale stated that this is not about the current applicant but everyone who has farm animals and is in compliance.

**Mr. Patrick Kirchner – Neighbor Problem**

Ms. Schriver recused herself from the discussion.

Mr. Patrick Kirchner of Berry Drive stated that he was before the Committee in August to discuss a problem he is having with his neighbor who put a quad racing track next to his property and has two roosters. Mr. Kirchner stated that he had asked the Committee if they would consider a local ordinance concerning disturbance to the peace. Mr. Kirchner stated that he and other neighbors have tried talking to the individual as neighbors. They sent two letters regarding the racing quads and have exhausted all means. Mr. Kirchner asked the Committee if they had any suggestions on how to handle the matter. Mr. Kirchner has been working with John Flemming about the roosters; however, Mr. Flemming has put the matter on hold until the farm animal issue is resolved. Mr. Kirchner stated that they live on a very quiet residential lane. He does not have a problem with farm animals or quads on neighbor's properties as long as they are not bothering him. The neighbors do not have a problem with maintenance equipment such as lawnmowers and chainsaws but the quads are out of hand. Mr. Milkowski suggested having a mediator meet with the two residents to try to work it out. Mr. Kirchner stated that he would be willing to meet to talk about the problem. Mr. Cushing stated that if both parties are willing to sit down then it is acceptable. Mayor McKee stated that the Township's hands are tied as there is no ordinance in place and noted that the Committee tries not to get involved with two neighbors. Mr. Kirchner stated that he has lived in the Township for 14 years and would not have come before the Committee if this was not an egregious problem. Mr. Kirchner stated that he is in law enforcement and most towns do have a disturbing the peace local ordinance which is effective. He feels that it is a good tool and can be used in the most difficult of situations. Mr. Milkowski and Mayor McKee will meet with the two residents to try to work out the problem.

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

**RESOLUTION**

**Resolution No. 80-2013 – Redemption of Tax Sale Certificate**

*Motion by Ms. Schriver seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No.80-2013 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 80-2013  
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201102 on October 26<sup>th</sup> 2011 to US Bank Cust for Crestar Capital, and,

WHEREAS the amount of \$56,630.52 has been collected from Intra Capital Holdings, for redemption of this lien on this property, known as Block 10, Lot 60.01, 114 View Lane, Lebanon Township, for Tax Sale Certificate #201102,

THEREFORE BE IT RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$56,630.52 and,

THEREFORE BE IT FURTHER RESOLVED that the Treasurer be authorized to prepare and the Mayor, Treasurer and Clerk be authorized to sign a check in the amount of \$6,000.00 for the premium paid for Tax Sale Certificate #201102, and that these checks be mailed to the lien holder:

US Bank Cust for Crestar Capital  
US Bank Corp Trust Service  
2 Liberty Place  
50 S 16<sup>th</sup> Street Suite 1950  
Philadelphia PA 19102

**Resolution No. 81-2013 - Interlocal Services Agreement – Construction**

*Motion by Mr. Morrison, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 81-2013 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 81-2013

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF LEBANON, COUNTY OF HUNTERDON, STATE OF  
NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT  
WITH THE TOWNSHIP OF TEWKSBURY AND THE BOROUGH OF CALIFON

WHEREAS, the Township of Lebanon, the Township of Tewksbury and the Borough of Califon have previously entered into a valid Interlocal Services Agreement for the provision of State Uniform Construction Code Enforcement Services by the Township of Tewksbury; and

WHEREAS, the aforesaid municipalities have concluded that it would be in their best interests to extend this agreement prior to its expiration; and

WHEREAS, the agreement, in the form attached hereto, which sets forth the terms and conditions of the provision of the services and has been reviewed and approved by the Township of Lebanon Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with the Township of Tewksbury and the Borough of Califon.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption.

**Resolution No. 82-2013 - Award Bid for Rock Salt**

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 82-2013 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 82-2013  
RESOLUTION AWARDDING A CONTRACT FOR  
ROCK SALT

WHEREAS, the Board of Chosen Freeholders awarded a master contract to International Salt, Inc. (Rock Salt) on October 1, 2013 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials Bid No. 2013-17 for the 13/14 season, and

WHEREAS, the Township Committee has requested to participate in the Cooperative Pricing System for Snow and Ice Control Materials with the anticipation of purchasing 2000 tons of Rock Salt, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contract be awarded for a contract period of October 1, 2013 to September 30, 2013.

<b>COMPANY</b>	<b>ITEM</b>	<b>PRICE</b>
International Salt Inc.	Rock Salt	\$ 51.28 per ton

**OLD BUSINESS**

**DPW Manager – Request to Award Bid for Dump Truck**

Mr. Warren Gabriel, DPW Manager sent a letter to the Township Committee informing them that bids were opened on October 3, 2013 for a new 2014 dump truck for the Department of Public Works. There were two bids received; One from Mid Atlantic Truck Center for \$158,590.00 (One Hundred Fifty-Eight Thousand Five Hundred Ninety Dollars) and another from Brown's Hunterdon International for \$162,054.00 (One Hundred Fifty- Eight Thousand Fifty-Four Dollars).

Mr. Gabriel stated that he made contact with Mid Atlantic Truck Center and Brown's Hunterdon International to review both their bids. The Mid Atlantic Truck Center bid did not meet a number of items in the specifications. They are proposing a different hydraulic system then requested in the specifications. The body does not meet the specifications as they are proposing an internal doghouse for the lift cylinder. The specifications stated an external doghouse due to the concern of hitting the internal one when loading the truck. The specifications also requested that the hydraulic tank and valve enclosure be installed on the cradle on either side of the lift cylinder. Mr. Gabriel stated that he would prefer to stay with the body company that built the previous three DPW trucks as he tries to keep a number of items in stock, in case of emergencies. To bring another system in would mean maintaining additional stock.

Mr. Gabriel stated that he and Attorney Judy Kopen from Attorney Cushing's office have reviewed the bids for the dump truck and he has provided Attorney Kopen with additional documentation.

Mr. Gabriel recommended awarding the bid to Brown's Hunterdon International as they have also included extended warranties, from the standard 24 months to 60 months, in their bid. Mid-Atlantic's bid listed an extended warranty as an option at an additional cost of \$4335.00. The extended warranties were not specifically listed in the specifications; however, they have been added to the last

three trucks purchased. Mr. Gabriel stated that he feels that Brown's Hunterdon International would best meet the needs of the Department of Public Works.

Mr. Gabriel noted that he spoke to the CFO, Mr. Della Pia and was informed that the funds for the purchase are available in the 2013 Capital Budget. The amount approved by the Committee for this purchase is \$165,000.00 (One Hundred Sixty-Five Thousand Dollars).

Mr. Milkowski stated that normally he would suggest awarding to the lowest bidder; however, Mr. Gabriel has valid points in that Mid Atlantic did not meet the specifications and they are not small items; they are major concerns.

Attorney Cushing stated that normally the Committee would need to award to the low bidder. If the Committee does not award to the low bidder due to the specifications not being complied with, the low bidder has the right to request a hearing. There can then be a factual determination as to whether or not their bid complied with the specifications. A letter has been received from the Mid Atlantic stating that they did comply with the specifications. Attorney Cushing stated that there is a question with regards to the warranty. There may have been confusion in that the warranty request may have been made to one bidder but not the second. Attorney Cushing stated that the Committee is required to hold a hearing if requested, which it has been.

Attorney Cushing stated that he recommends that if there is ambiguity with the specifications the safest thing to do is to seek new bids. If the five year warranty is to be included, the specifications can say that. Attorney Cushing stated that municipalities are permitted to rebid if there is going to be a considerable modification in the specifications. Attorney Cushing stated that the five year requirement for the warranty would meet the situation.

Discussion was held on the two bids received, holding a hearing and rebidding.

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee called for a hearing at the November 6, 2013 Committee meeting to attempt to resolve the issues between the two dump truck bids.*

Attorney Cushing will send a letter to the bidders relative to the appeal.

### **DPW Manager – Request to Award Bid for Pick-up Truck**

Mr. Gabriel sent a letter to the Township Committee stating that on October 3, 2013 he opened bids for a new 2014 pick-up truck for the Department of Public Works. One bid was received from Mall Chevrolet in the amount of \$24,785.00 (Twenty-Four Thousand Seven Hundred Eighty-Five Dollars). Mr. Gabriel stated that at the Committee's request he checked on the option of purchasing the truck with a Duramax Diesel with the Allison Transmission instead of a gas engine. The cost for the diesel would be \$8495.00 (Eight Thousand Four Hundred Ninety-Five Dollars). Mr. Gabriel noted that he would be fine with purchasing the diesel if the Committee elects to. He was attempting to keep the cost down because it is only a pick-up and not a mason dump truck.

Mr. Gabriel informed the Committee that a new plow will need to be installed on the truck once it comes in. The dealer who Mr. Gabriel worked with to put the specifications together did not deal with Western plows. Mr. Gabriel stated that the DPW has all Western plows and have had no problems

with them; therefore, he would like to purchase a Western plow for the new pick-up also. The DPW has stock parts for the Western plows also.

Mr. Gabriel stated that he has requested quotes for a plow from West Chester Machinery and Merkin, who are vendors that the Township presently deals with. Mr. Gabriel provided the Committee with the quote from West Chester Machinery; however, Merkin has not responded to date. The quote for the plow, including installation, from West Chester Machinery is \$5140.00 (Five Thousand One Hundred Forty Dollars). Mr. Gabriel noted that if the Merkin quote should come in lower he would then purchase the plow from them.

Mr. Gabriel stated that the Department of Public Works along with Mr. Cushing's office has reviewed the bid for the pick-up truck. Attorney Kopen advised him of one issue with the bid. The Fleet Manager signed all of the bid documents on behalf of Mall; however, he is not a qualified signer. Attorney Kopen informed Mr. Gabriel that she felt that the bid could be awarded as there is a bid bond in place.

Mr. Gabriel recommended awarding the bid for the new pick-up truck to Mall Chevrolet and for the Western plow to be purchased through West Chester Machinery, unless Merkin's quote is lower.

Mr. Gabriel noted that the approved budgeted amount for this purchase is \$45,000.00 (Forty-Five Thousand Dollars). If the Committee chooses to go with the two added options the total cost of this purchase would be \$38,420.00 (Thirty-Eight Thousand Forty-Two Dollars). Mr. Gabriel spoke to the CFO, Mr. Della Pia, to certify that the funds are available in the 2013 Capital Budget.

Ms. Schriver asked if the Committee felt that it would be worthwhile to purchase a pick-up with a diesel engine. Mayor McKee stated that the DPW Manager will be happy with either a gas or diesel pick-up. Mr. Milkowski stated that he uses diesels and they are good vehicles.

*Ms. Schriver moved for the purchase of a pick-up truck from Mall Chevrolet including the diesel engine.*

Discussion was held on the language in the bid specifications as it relates to gas or diesel options. The documents did not request a bid for a diesel engine.

Ms. Schriver withdrew her motion.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee tabled the award of the bid for a pick-up truck.*

Mr. Gabriel is to seek new bids for a new gasoline pick-up truck with an alternative of a Duramax Diesel with the Allison Transmission.

### **Farm Animals on Certain Sized Lots in the Township**

Mayor McKee stated that a letter was received from Gail Glashoff the Planning Board Clerk. The letter stated that she was asked to inform the Committee that on October 1, 2013 the Planning Board unanimously elected to table the discussion of a livestock ordinance. They have referred the matter

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back to the Committee to decide if they would like to continue working on an ordinance or to let the matter rest.

Ms. Glashoff also provided the Committee with a resolution that will be on the October 23, 2013 Board of Adjustment's agenda for approval. Mayor McKee stated that the resolution relates to the Lemenze family appeal. Mayor McKee stated that the Board of Adjustment has the power to hear and decide appeals. The Board heard the Lemenze's testimony and deemed that the ordinance, which the Zoning Officer cited, was not applicable in this particular situation because the property is not a farm. The 100' setback, 200' from the nearest neighbor relates to a farm which is 5 acres or greater. This is not a farm so the barn is conforming with the 50' setbacks and is permitted. The horse that will live on the property is not a farm animal; it is a pet that needs nurturing and care. The Board awarded the appeal to the Lemenzes.

Mayor McKee stated that the Committee now needs to determine if they should proceed with considering an ordinance or to put the issue to rest. Ms. Schriver stated that she feels that the matter should be dropped because there were no problems in the past. The matter was discussed in the mid 80's and it was decided that in this rural township it should be allowed. Mr. Milkowski stated that he believes that it is a customary accessory use for pets and in the future the issue may need to be revisited; however, at this time it should be tabled. Mr. Morrison stated that he agrees with the statements of the other Committee members. Mayor McKee stated that he feels that the ordinance should be left alone. The Township should move forward. Mayor McKee thanked the Lemenze family for their patience in working through the process.

*Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee elected to take no action with respect to amending the ordinances that pertain to animals on small lots.*

## **NEW BUSINESS**

### **Gail Glashoff – COAH Rehab Application**

Ms. Glashoff stated that she has an applicant who qualifies for a COAH Rehabilitation Loan. The applicant is in need of a roof replacement and has obtained three quotes for the work. The Construction Code Official, Charlie Rogers, recommended two out of three contractors. The third contractor he is not familiar with. There is a skylight in the house that needs to be replaced. Ms. Glashoff stated that quotes include aluminum gutters and leaders.

The quotes received are:

Doorf Construction – \$11,363.25

A & M Roofing - \$16,725.00

Dalmas Construction - \$12,502.00

Mayor McKee stated that A & M Roofing's quote included gutters where the two other quotes did not. Discussion was held on the way in which quotes are received. There are no set specifications for the project; therefore, quotes can vary significantly. A lengthy discussion was held on the need for bid specifications for future rehab projects, insurance requirements, agreements with the homeowner and the Township's role in the project.

The Township has concerns that the winter months are coming and the property owner may be exposed if the roof was not repaired at this time.

*Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized funds up to \$11,363.25, plus sales tax, for the project. A Certificate of Insurance must be obtained with the homeowner being named as insured and the Township being named as additionally insured.*

### **Best Practices 2013 Questionnaire – Authorize Mayor, CFO and Clerk to Sign**

The Township Committee reviewed the Best Practices 2013 Questionnaire as prepared by CFO, Greg Della Pia. The Committee raised some concerns and had questions on the responses.

*Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee tabled the Best Practices Questionnaire and requested that the CFO be in attendance at the November 6, 2013 meeting.*

### **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 16, 2013 bill list in amount of \$3,378,308.74.*

### **CORRESPONDENCE**

#### **Tax Collector's Report for the Month of September**

#### **Letter from a Concerned Citizen –Regarding the Lebanon Township Volunteer Fire/EMS Dept.**

Mayor McKee stated that he and the Committee received a letter from a Township resident who has concerns about the Emergency Medical Services in the Township. Mayor McKee stated that he would like to acknowledge that the letter was received and would like to provide a copy of the letter to the Fire Department so that they can look into facts and respond, if they choose to.

### **PUBLIC COMMENTS**

*Motion by Ms. Schriver, seconded by Mayor McKee, and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:34 p.m.*

Ms. Annette Lemenze informed the Committee that many contractors have contractor's insurance but not all contractors are specifically insured for roofs. Ms. Lemenze stated that she does not believe that home improvements are taxable.



Ms. Lemenze stated that she is very disappointed that farm animal issue had to come to the point that it did. She was not looking to have her name and more so her address in the newspaper. Ms. Lemenze feels that the issue could have been stopped in the beginning. Everyone knows that it is customary and incidental to have farm animals on small lots. Ms. Lemenze is happy to finally bring her horse home. She is waiting for the Board of Adjustment resolution to be adopted; however, she does not believe that she needs it as the residents of the Township have been doing this forever and should be allowed to have farm animals. Ms. Lemenze stated that she spent many hours on this and it has taken a toll on her and her business. She feels that it has hurt her as a realtor because people shy away when they see your name in the paper. Ms. Lemenze feels that if at the start the Committee and the Zoning Officer sat down and talked, it could have been resolved back in March when it started. She feels that the Zoning Officer was looking for some direction. Ms. Lemenze is thankful that it is behind everyone now and is grateful that Mr. EJ Skidmore voiced his opinion at the Planning Board meeting stating that he did not feel that the matter should continue. Ms. Lemenze thanked her neighbors and friends for their support and the office staff for their efforts.

Mr. Brian Wunder stated that if things do not work out with the residents having trouble with the racing quads, the State Police may be a solution because if they are racing more than one quad together it must be reviewed by the State Police.

Mr. Wunder stated that relative to the doghouse in the dump truck issue, the doghouse does take up a lot of space in the dump truck and it also creates a cleaning issue with mud and dirt in the back of the dump truck. Mr. Wunder does not feel that the specifications are "apples to apples".

Mr. Wunder stated that he feels that the farm animals have been discussed a few times now and he feels that the Township should, in some way, declare that the Township is an agricultural rural community. Mr. Wunder feels that the Board of Adjustment and the Planning Board did a wonderful job with this issue.

Mr. Anthony Casale suggested also making something more finite on farm animals in the Township. Mr. Casale thanked the Committee for the action they took.

Mr. Casale stated that he does real estate and construction in different locations and if he needs to make repairs he has to pay sales tax. Mr. Casale stated that some contractors may bring this to the customer's attention. Depending on the degree of work, the rehab roof project may be exempt from having to pay sales tax.

Mr. Casale asked Attorney Cushing if there is any news on the cell tower rent. Attorney Cushing stated that nothing has happen on the issue. Mr. Casale stated that the Committee is the landlord and they aren't doing anything about the problem. The revenue that is to be collected is supposed to reduce the amount of taxes that the residents have to pay. Mr. Casale stated that he feels that the Township should reach out to Nextel again.

Ms. Laurie Hoffman stated that she thought that the Township was going to put dirt in the hole at the library in an attempt to correct the ponding issue. Ms. Hoffman stated she now understands that, at a meeting she did not attend, it was said that this not going to happen. Ms. Hoffman stated that it was also understood that County Road 513 was going to be worked on in 2014 and there are now signs up stating that the work is going to start in a few days. Ms. Hoffman asked for the real truth. Mr. Milkowski stated that the County did a survey and it showed a shaded area, on the library side of the

intersection, which runs toward the Willowby Brook. The Township wanted the County to connect the flow into the storm drain that runs down the road and into the South Branch but they said they cannot direct it to another watercourse. Mr. Milkowski stated that based on the survey, if you go up the road a short distance, across from Buffalo Hollow there is catch basin that is connected, running toward the South Branch. However, they do not show the line that runs across Buffalo Hollow. Mr. Milkowski stated that he has to now contact Engineer Risse for him to contact the County Engineer to inquire on the issue. They have said that they cannot change from one watercourse to another and they have done it in this location. Ms. Hoffman stated that she understood that the project was not going to commence until next year so comments and concerns could be made. The project is starting now. Mr. Milkowski stated that they are trying to contain the water to the watercourse that it should be in. Discussion was held on the correct way that the water should travel. Mayor McKee stated that he was informed that the Committee would receive a topographical aerial that would show grading prior to the last grading of County Road 513. This has not been received to date.

Attorney Cushing suggested having Engineer Risse contact the County Engineer to schedule a meeting at the site. Ms. Hoffman can be present at the meeting to voice her concerns on the drainage and also receive the facts on the County's proposed project. Mr. Milkowski will contact Engineer Risse to schedule the meeting.

Ms. Hoffman asked about the lease of the squad building. Attorney Cushing stated that he met with Ms. Schriver and Mr. Cyan and they discussed issues that existed. He is in process of making the amendments to the lease and will hopefully have it ready by the November 6, 2013 meeting for Ms. Schriver and Mr. Cryan's review.

Ms. Nancy Darois also asked about the status of the squad building agreement and questioned whether the sign is up on the DPW building. Ms. Darois also asked if there is going to be an open house at the new DPW building. Mayor McKee stated that they were hoping to have it this month but other things have come up. Ms. Darois commented on the truck bids and that all information should be provided to the bidder at the start.

Mr. Wunder stated that his friend just purchased a gas truck because he realized that the diesel would make it more expensive to operate the vehicle.

Mr. Wunder stated that he feels that Ms. Hoffman is accurate with the water issue on County Road 513. He said that he spoke to the Pastor of the church and he stated that the water runs into his parking lot. The Pastor spoke to someone on the County level; however, did not receive any satisfaction. Mr. Wunder suggested that he call the County Freeholders about the problem. Mr. Wunder stated that the Pastor stated that the church has all of their records with the topo maps from when the church was built and there has been hardly any change at the church. The County has paved Route 513 many times raising it up. The tree removal and wells being drilled may have contributed to the problem also.

Mr. Casale asked about the status of the cable franchise issue. Mayor McKee stated that most of the information is in place. He will be meeting with the Cable Franchise Committee members next week, to provide them with the information they need to begin the process.

Mr. Victor Hoffman asked if the County will be scraping off the top layer of surface of County Road 513 or will they just be adding to it. Mayor McKee stated that he is not sure. Mr. Hoffman asked if the DPW will be ordering more expensive equipment next year. Mr. Milkowski stated that they are

probably going to request something. Mayor McKee stated that there has been discussion on the need for a maintainer. Mr. Hoffman stated that they have a new building and brand new equipment. There should not be much more that they need.

Mr. Hoffman asked if the letter received from a resident, relative to the Fire Department, will be released soon. Mayor McKee stated that he feels that the letter should first go to the Fire Department for them to have the opportunity to review it. Mr. Hoffman stated that he will wait for the letter but he would like to receive a copy of it.

*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 at 9:04 p.m.*

### **Resolution No 83-2013 –Executive Session**

*Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 83-2013 and convened in executive session at 9:08 p.m.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 83-2013  
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.);

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 9:41p.m.

Respectfully submitted,

\_\_\_\_\_  
Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: November 6, 2013

\_\_\_\_\_  
Thomas McKee, Mayor