

CALL TO ORDER

Mayor Brian Wunder 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
 Ron Milkowski Tom McKee

Absent- Francis Morrison

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 12 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of October 3, 2012

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the regular meeting of October 3, 2012. AYES: Schriver, Milkowski, McKee ABSTAIN: Wunder

Minutes of the Executive Session of October 3, 2012

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of October 3, 2012. AYES: Schriver, Milkowski, McKee ABSTAIN: Wunder

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.

There were no comments from the public.

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.

Ordinance No. 2012-04 – Public Hearing

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-04 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. 2012-04 was closed.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2012-04 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2012-04
AN ORDINANCE AMENDING CHAPTER 67 OF THE CODE OF THE TOWNSHIP
OF LEBANON ENTITLED “OPEN SPACE TRUST FUND” TO PERMIT OPEN
SPACE FUNDS TO BE USED FOR MAINTENANCE OF LANDS ALREADY
OWNED BY THE TOWNSHIP**

WHEREAS, in 2001 the voters of the Township of Lebanon (the “Township”) authorized an Open Space Tax by referendum pursuant to *N.J.S.A. 40:12-15.1 et seq.*; and

WHEREAS, all funds collected pursuant to the Open Space Tax have been deposited by the Township in a trust fund and used exclusively for the purposes authorized by the voters ; and

WHEREAS, the original voter authorization for the open space tax limited the purposes for use of money raised through the tax to acquisition of farmland for farmland preservation, acquisition of lands for recreation and conservation, and the payment of debt service on the indebtedness incurred by the Township in acquiring open space properties; and

WHEREAS, *N.J.S.A. 40:12-15.7(d)* authorizes the Township to submit to the voters a proposition adding or removing purposes for which money raised through the open space tax levy can be spent; and

WHEREAS, pursuant to *N.J.S.A. 40:12-15.7(d)* in November of 2011 the Township submitted such a proposition to the voters requesting authorization to use the money raised through the open space tax levy for maintenance of lands acquired for recreation and conservation purposes in addition to the purposes already authorized; and

WHEREAS, the voters approved the proposition; and

WHEREAS, the Township Committee now wishes to amend the Open Space Trust Fund ordinance to include as one of the purposes for which the Open Space Trust Fund can be used the maintenance of lands acquired for recreation and conservation purposes as approved by the voters.

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. Subsection A. of Section 67-1 entitled “Trust fund established” of Chapter 67 entitled “Open Space Trust Fund” of the Code of the Township of Lebanon is amended in its entirety to read as follows:

A. There is hereby established a reserve in the General Capital Fund which shall be known and designated as the "Open Space Trust Fund." A special bank account shall be opened and maintained for this purpose. Funds from the Open Space Trust Fund may, as directed by the Mayor and Township Committee, be utilized for the following purposes, or any combination thereof:

- A. Acquisition of lands for recreation and conservation purposes;
- B. Acquisition of farmland for farmland preservation purposes;
- C. Maintenance of lands acquired for recreation and conservation purposes;
- D. Payment of debt service on indebtedness issued or incurred by the Township of Lebanon for any of the purposes set forth in A. or B. above.

Acquisition shall include by gift, purchase, or by eminent domain proceedings pursuant to N.J.S.A. 20:3-1 et seq. and shall include development easements, or other easements, vacant land, as well land which has improvements upon it at the time of acquisition, where the principal purpose of the acquisition is for any or all of the purposes, or any combination of them, set forth above.

Section 2. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

Section 3. This ordinance shall take effect immediately upon publication following its final passage, in accordance with law.

Ordinance No. 2012-05 - Introduction

Motion by Ms. Schriver, seconded by Mr. McKee, and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2012-05 on first reading.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2012-05

AN ORDINANCE REPEALING AND REPLACING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF LEBANON ENTITLED "COURT, MUNICIPAL JOINT" TO ESTABLISH A MUNICIPAL COURT AND AUTHORIZE THE USE OF A SHARED COURT

Public Hearing will be held on November 7, 2012.

Ordinance No. 2012-06 - Introduction

Motion by Mr. Milkowski, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2012-06 on first reading.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2012-06

AN ORDINANCE OF THE TOWNSHIP OF LEBANON AMENDING SECTION 205-6 OF THE CODE OF THE TOWNSHIP OF LEBANON

ENTITLED "SCHEDULE OF FEES" TO ESTABLISH NEW FEES FOR
CERTAIN RETAIL FOOD ESTABLISHMENTS AND FOR DOG
LICENSES

Public Hearing to be held on November 7, 2012.

RESOLUTIONS

Resolution No. 83-2012 - Consent to NJDES Permit Application

Engineer Jess Symonds stated that the applicant is requesting to submit for Treatment Works Approval. A T-1 Permit; a permit to discharge over 2000 gallons per day per lot, has been obtained which is a requirement in applying for the TWA. The Township must give permission for the application to be submitted to the NJDEP.

Motion by Mayor Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee held Resolution No. 83-2012 to a later meeting.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 83-2012
CONSENT TO NJDES PERMIT APPLICATION

WHEREAS, Michael P & G, LLC, Block 12- Lot 14, has requested consent by the Governing Body of the submission of an NJDES-DGW application for Michael P & G LLC, Lebanon Township, NJ to the Department of Environmental Protection; and
WHEREAS, Michael P & G, LLC has submitted a copy of the application to the Township for consideration;
NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey to consent to the submission of the aforementioned application, and to authorize the Mayor to execute the required Statement of Consent.

Resolution No. 85-2012 - Appointment of OEM Coordinator

Ms. Schriver asked why there is a change in Coordinators. Mayor Wunder stated that it is time for a change and it is his prerogative to make the appointment.

*Motion by Mr. Milkowski, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 85-2012. AYES: Milkowski, Wunder, McKee
NAYS: Schriver*

RESOLUTION NO. 85-2012
TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION OF THE TOWNSHIP OF LEBANON,

COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
APPOINTMENT – EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the Township of Lebanon is currently in need of an Emergency Management Coordinator; and

WHEREAS, Alan Goracy is qualified for this position;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lebanon to appoint Alan Goracy to the position of Emergency Management Coordinator for a 3 year term beginning on October 18, 2012, ending October 17, 2015

Resolution No. 86-2012 - Waste Water Management Plan

Attorney Cushing stated that the County requested that the Township adopt a resolution consenting to the Waste Water Management Plan. This is based on direction the County received from the State. The problem is that the County does not have a Plan for Lebanon Township as the Township's Plan is being developed in conjunction with the Highlands as required by the Township's participation with the Highlands. After discussions with the Township Engineer and the County, Attorney Cushing drafted a resolution stating that the Township consents to the Plan however the Township's approval must be done by the Highlands. Therefore, as long as the Plan from the State is not inconsistent with the Highlands approval it is acceptable to the Township.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 86-2012.

TOWNSHIP OF LEBANON
IN THE COUNTY OF HUNTERDON
RESOLUTION NO. 86-2012
A RESOLUTION CONSENTING TO THE PROPOSED
WATERQUALITY MANAGEMENT (WQM) PLAN
AMENDMENT ENTITLED

“Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)”

WHEREAS, THE Board of Chosen Freeholders of Hunterdon County desires to provide for the orderly development of wastewater facilities with Hunterdon County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP), noticed in the New Jersey Register on September 4th, 2012, for the above Amendment, has been prepared by the Hunterdon County Planning Department; and

WHEREAS, the proposed WQM plan amendment exempts the Township of Lebanon as this Township is partly within the Highlands Preservation and Planning Areas and the Township of Lebanon is pursuing the Plan Conformance process with the Highlands Council under the Highlands Water Protection and Planning Act. N.J.S.A. 13:20-1 et seq.; and

WHEREAS, it is understood that, in consonance with the Highlands Council, a separate proposed amendment to the WQMP will subsequently be developed for the Township of Lebanon;

NOW, THEREFORE, BE IT RESOLVED on this 17th day of October, 2012, by the Township Committee (the governing body) of the Township of Lebanon, in the County of Hunterdon, New Jersey, that:

1. Upon the understanding that the pending WQM exempts the Township of Lebanon, pursuant to N.J.A.C. 7:15-3.4 (g) 4. ii., the Township of Lebanon has no objection to the amendment entitled "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP)," and publicly noticed on September 4, 2012, prepared by the Hunterdon County Planning Department, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

OLD BUSINESS

Public Comments

Mr. Milkowski stated that at the last meeting an item was brought up for discussion and voted on after the public comment section of the meeting. The subject matter was not listed on the agenda and the public did not have the opportunity to speak on the issue. Mr. Milkowski stated that he feels that the public should have had the opportunity to speak on matters and that the Committee should try to work it out so that they do not get in that sort of situation again.

NEW BUSINESS

Lebanon Township Museum Request to Hold a Bus Trip

The Museum Curators would like to organize a bus trip to the Belsnickle Craft Show in Boyertown, Pa. on November 23, 2012. The Clerk contacted the insurance agents and there are no concerns with coverage for the trip and there would be no additional costs associated with it.

Motion by Mayor Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the Museum's request to conduct a bus trip to the Belsnickle Craft Show on November 23, 2012.

Architect Keith Chambers – Change Order #5 – Request for an Extension of Time

Mr. Milkowski stated that there was an earlier Change Order to increase the size of the second floor of the mezzanine area on the Township Garage. The Contractor is stating that he lost two weeks in time waiting for the Committees approval for the addition. The materials were to be delivered within two weeks which pushed the project back four weeks. The Contractor is asking for a thirty day extension on the Contact time. There is no expense associated with the Change Order.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Change Order #5 requesting a 30 day extension of time.

Architect Keith Chambers – Extended Services Proposal

Mr. Milkowski stated that due to the 30 day extension to the DPW Garage Project Contract there will be an additional cost of \$9100.00 for the Clerk of the Works and the Architect to continue providing Architectural Services for the extended period of time. Mr. Milkowski recommended approving the proposal.

Motion by Ms. Schriver, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee approved Chambers Architecture, Inc. extended services proposal at \$9100.00.

Architect Keith Chambers – DPW Building Concerns – For Your Information

Mr. Milkowski stated that there was a site meeting and there are cracks in the concrete floors in the area of the office space. Mr. Milkowski said that you will get cracks when you pour a large amount of concrete. It is almost impossible to not have cracks. The concern is that if the cracks move you will have problems. There will be a floor treatment placed on top of the concrete. They will patch the cracks and then put the floor covering over it. Mr. Milkowski stated that he would like to see the cracks patched and to see if there is movement. Mr. Milkowski stated that the floors where the trucks are parked look great.

Mr. Milkowski stated that this time of the year it is difficult to put pavement on soil that has not been prepared in dry weather. Mr. Milkowski suggested that the Contractor put the base coat down and come back in the Spring; any bad spots can be dug up, replaced and the top coat can be put in. The Contractor stated that he is willing to do that as long as the Township is willing to pay the additional cost for his crew to come back to complete the work. The Contractor will be providing a price to Mr. Milkowski. Mr. Milkowski stated that prior to any asphalt being put down you must proof roll the area. This will determine if there are any bad spots that need to be excavated out and new material needs to be recompacted before a base coat is put down. Mr. Milkowski stated that he informed the Contractor that he would like to be present when the work is done but the Engineer must be present.

CORRESPONDENCE

- a. Architect Keith Chambers – DPW Project Update as of October 17, 2012
- b. Spruce Run Lutheran Church - North Hunterdon Food Pantry
- c. Tax Collector's Report for the Month of September 2012
- d. Mr. Dewey Polt Correspondence – July 29, 2012 Letter from Mr. Skidmore
- e. HC Municipal Officer's Association Meeting – Speaker Matthew Boxer, State Comptroller

COMMITTEE REPORTS

Committeewoman Schriver - Ms. Schriver stated that she is still working on acquiring funding to help with the repairs needed at the Squad Building. Ms. Schriver and the Clerk met with the County Open Space Coordinator, Kevin Richardson regarding the use of Open Space funds in the Park. Mr. Richardson was very responsive and receptive in the Township's proposal in applying for the use of the funds for the Park. Mr. Richardson informed Ms. Schriver that he also works with the Historic Preservation and that it is possible to apply for funds for the Museum parking lot. Ms. Schriver will speak to Mr. Tom Burrell about the opportunity.

Ms. Schriver informed Mr. Warren Newman of the LTEOS of possible tress grant options offered by the Shade Tree federation.

Deputy Mayor Milkowski- Mr. Milkowski provided a report on the DPW Garage Project as prepared by the Architect.

Mr. Milkowski stated that there was a Planning Board meeting last night. The GenPsych application was finalized. The next meeting will be held in December.

Mayor Wunder- Mayor Wunder stated that there is a North Hunterdon Municipal Court meeting on October 24, 2012. Mayor Wunder asked Mr. McKee to join him in attending.

Attorney Cushing stated that he received the Judgment of Compliance relative to the Squad Litigation. The Deed has been sent to the County Clerk for recording and the Township now has the right to exercise as much control or dominion over the building. The Township Clerk is in process of making the LOSAP payments as required by the agreement and a plaque is being purchased.

Mayor Wunder stated that Halloween Madness will be held on October 28, 2012.

Committeeman McKee- Mr. McKee stated that he has nothing new to report on Standing Committees.

Attorney Cushing stated that the Supreme Court has indicated that oral argument will take place on November 7, 2012. The decision that is rendered will be a significant one as no one knows exactly what the Court is going to do. Attorney Cushing provided a history of the COAH issue.

Emergency Medical Services

Ms. Schriver stated that at the last meeting she asked the EMS Administrator's if people from New Providence would be providing EMS in Lebanon Township. Ms. Schriver stated that New Providence was not the right town; it was actually Berkeley Heights that they are from. Ms. Schriver noted that at the October 3, 2012 meeting Tom Carlucci informed the Committee that to his knowledge there was no one from New Providence who will be providing EMS in Lebanon Township and that New Providence was in Union County. Ms. Schriver stated that the Police Department approved background checks for these individuals and she feels that the Committee should know who is serving the residents.

Committeeman Morrison – Absent

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the October 17, 2012 bill list in the amount of \$2,699,823.05 with the exception of a payment to Chambers Architect in the amount of \$9821.72.

CORRESPONDENCE

- a. Architect Keith Chambers – DPW Project Update as of October 17, 2012
- b. Spruce Run Lutheran Church - North Hunterdon Food Pantry
- c. Tax Collector's Report for the Month of September 2012
- d. Mr. Dewey Polt Correspondence – July 29, 2012 Letter from Mr. Skidmore
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PUBLIC COMMENTS

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. EJ Skidmore asked the name of the new OEM Coordinator.

Mr. Warren Newman of the LTEOS asked if there were any discussions requested or desired relative to the Quarry. Attorney Cushing stated that the Quarry matter was discussed before the NJ Lands Trust and the Lands Trust indicated that the subcommittee who reviewed the proposal did not report the change in designation favorably. The conclusion was that the proposal would not meet the standards of the NJ Lands Trust in order to make the swap. Mr. Newman stated that at the September 25, 2012 public meeting of the NJ Lands Trust, which Nancy Lawler attended, it was noted that there was no formal application submitted by Eastern Concrete. There was discussion and the consensus of the Board that the proposed does not meet the specific criteria set forth by the Trust. Mr. Newman stated that Ms. Lawler has received a request to meet with engineering representative from the Quarry. The request was passed on to the Mayor as they did not feel that it was appropriate to have a meeting at this time and that any meeting should take place in a public forum.

Mr. Newman had at an earlier meeting inquired on the merging of the LTEOS and the Recycling Committee. Ms. Schriver stated that she feels that the Recycling Coordinator needs to be involved in the discussion to merge the two groups. The Committee agreed and Mr. Newman will reach out to the Recycling Coordinator.

Mr. Victor Hoffman stated that at the last meeting there was a motion made to appoint a consulting firm to review the Fire Department LOSAP matter. Mr. Hoffman asked about the status of the review and asked why the Township is paying \$10,000.00 to have the review conducted. Mr. Hoffman stated that one year can be reviewed and based on the example received the Township can conduct the review on its own. Mr. Hoffman stated that this is taxpayer's money and there was no discussion on the matter. Ms. Schriver stated that it had been discussed. Mr. Hoffman stated that at the last meeting it was discussed after the public comment portion of the meeting had ended. Mr. Hoffman feels that it was a shrewd way of handling the matter and he did not appreciate it. Mr. Hoffman stated that he feels that the Township can save money by having the auditor show the Township the proper way to prepare the LOSAP report based on one year and then follow through. If questions are raised the Township can consult with the auditor. Mr. Hoffman asked why one person was in charge of the LOSAP preparation the entire time and why it was not checked and double checked. Mayor Wunder stated that he feels that LOSAP should have most likely been included in the Township's audit from the inception but it was not. Mayor Wunder stated that he is not sure of

what the Township's responsibility is in making the numbers correct. Attorney Cushing informed Mr. Hoffman of the history on the LOSAP issue and that the Prosecutor's Office made the recommendation to hire an independent auditor. Attorney Cushing stated that when questions are raised you want the outcome to be fair for all. Mr. Hoffman stated that he feels that the public needs to know more than what is behind closed doors and a lot of stuff goes on behind closed doors. Mr. Hoffman asked how many people from the Fire Department work on LOSAP. Mr. Milkowski stated that he is the only one and was never trained. Mr. Milkowski stated that to his knowledge no money has gone to an individual, it has only gone to a retirement account. Mr. Hoffman asked how much money is in question. Mayor Wunder stated that that needs to be determined. Mr. Hoffman stated that someone from the Fire Department should be trained in LOSAP procedures as well as a Committee person. Mr. Hoffman stated that the "wash is being done in public and he thinks that it is mean spirited". Mr. Hoffman stated that if the Committee is going to be making these types of decisions then the public should be able to comment on it.

Quarry Ordinance

Mr. Milkowski made a recommendation that the draft Quarry Ordinance be forwarded to the Planning Board for their input.

Motion by Ms. Schriver, seconded by Mr. McKee 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. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 87-2012 and convened in executive session at 8:15 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 87-2012

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:

Ongoing Litigation – Hyland Matter
Potential Litigation – Quarry Matter
Contract - Voucher Payment

There may be action taken when the Regular Meeting convenes.

The Township Committee reconvened the Regular Committee meeting at 8:29 p.m.

Attorney Cushing stated that during the executive session the Township Committee discussed the approval of a voucher for the DPW Garage Architect and discussed an improved and more correct way to submit vouchers in the future. The Hyland Litigation was discussed as well as potential litigation if the Quarry should decide to sue the Township.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the voucher in the amount of \$9821.72 for Keith Chambers.

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 8:30 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: November 14, 2012

Brian Wunder, Mayor