

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 please stand for the Flag Salute and for a Moment of Silence in honor of Goddfreid “Bushy” Pletzer.

ROLL CALL

Present - Brian Wunder Patricia Schriver Francis Morrison
 Ron Milkowski Tom McKee

Absent-

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

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of November 14, 2012

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of November 14, 2012.

Minutes of the Executive Session of November 14, 2012

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of November 14, 2012 as corrected.

PUBLIC COMMENTS – for agenda items only.

Motion by Mr. McKee, 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 stated that relative to Resolution No. 105-2012 - Appointing a Special Ethics Attorney, local government has the obligation to insure that citizens receive a legal and ethical

execution of government by the elected officials. The Committee has an obligation to make it right for the residents. Mr. Skidmore stated his confusion with Mr. McKee's decision, at the last meeting, to not hire a Special Ethics Attorney as he appears to be an honest man and has the best interest of the residents at heart. Mr. Skidmore provided instances when he observed or was informed of what could be considered a personal friendship between Mr. McKee and Mr. Milkowski and possibly Mr. Cryan. Mr. Skidmore also stated concerns with Mr. Milkowski, his brother, Mr. McKee and his wife being members of the Hunterdon County Republican Committee in Lebanon Township. Mr. Skidmore stated that at the 2012 Primary Election the incumbent did not get the top of the ticket, across the party line, as normal procedure. Mr. Cryan ended up with the position. Mr. Skidmore stated that in speaking with the County organization you find that Mr. Cryan was placed on the line at the recommendation of the local Republicans, Mr. Milkowski and his brother. Mr. Skidmore stated to Mr. McKee that his mere participation in the group should prohibit him from having any vote, action or say involving Mr. Milkowski personally because he and his brother may control his political future in some fashion. Mr. Skidmore stated that he hopes that Mr. McKee does what is right for the people and not participate in the discussions of hiring the Special Ethics Attorney or to vote on the matter.

Mr. Victor Hoffman stated that he has lived in the Township his entire life and if he brought something to the Committee, which required a vote, no one could vote on it as he delivered their mail. Mr. Hoffman stated that if it is crime to go out with or help your friends the country should be moved to Russia. Mr. Hoffman stated that he has spoken to Mr. Skidmore about keeping harmony in the Township, however; tonight he is not doing that. The matter should not be discussed for the newspapers to write about. Mr. Hoffman stated that if the residents did not think that the five Committee members were responsible and ethical enough to vote on a matter, they would not have voted them in. Mr. Hoffman stated that the residents have trust in the Committee and believe that what they do is going to be right. Mr. Hoffman noted that the reason people do not run for committees or school boards is because they are mocked and ridiculed if they do not agree with certain people. Mr. Hoffman stated that he thinks that the Township has to stop spending the Township's money and asked where the money will come from to pay for the Special Attorney. Mr. Hoffman noted that he feels that Mr. Milkowski is a fair man. Mr. Hoffman stated that he feels that the Committee will act ethically and will vote based on the facts brought before them. If excluding someone from the ability to vote then votes that were cast in the past should be looked at also. Some members have voted on matters linked to other people and voted on issues that they possibly should not have. Mr. Hoffman stated that he is tired of reading about the Committee in the paper and everyone should be more mature and take it within themselves. If they then find that there is something that needs an attorney they can look into it. Mr. Hoffman stated that it is his understanding that as of right now they have not found anything. Mr. Hoffman stated that it appears that they are "ice fishing, dropping the line down to see if something bites".

Mr. Bernie Cryan stated that there seems to be belief that his name was put in the "token position" on the ballot by others. Mr. Cryan stated that the way he received the position was that he works with a gentleman who has been very active in politics most of his life and career. When the gentleman found out that Mr. Cryan was running for office he informed Mr. Cryan about applying for the "token position" on the ballot. Mr. Cryan stated that he asked how the spot is handed out and was informed by his friend that typically the position goes to the incumbent but it is always worth filing the application as there is always the chance that no one else will file for the "token position". If no one else files, the position will go to whoever files the application. Mr. Cryan stated that when he brought his petition to the Clerk she noticed that the application for the ballot position was not

signed by Henry Kuhl and informed him that he must obtain his signature. Mr. Cryan stated that he took the application to Mr. Kuhl, when he was attending a Leonard Lance function, and it turned out that he was the only applicant, from the Township, who applied for the “token position”. That is how he received the spot. Mr. Cryan stated that it had nothing to do with the Republican Committee, it was because he was the only one of the three candidates who applied for the line.

Ms. Laurie Hoffman stated that she is on the Republican County Committee, District 4. She stated that the Committee never had a meeting and never discussed who would be on the Party line. They were told that the placement would be done by Henry Kuhl. Ms. Hoffman stated that so much time is wasted at meetings fighting about everything and nothing productive ever gets done. She stated that the Committee destroyed the Rescue Squad, instead of dealing with it, because someone did not like what they were doing and then they went on to the Fire Department because someone did not like what they were doing. Ms. Hoffman stated that now the Township has lost the Rescue Squad, the Fire Dept. didn't want it and now the Committee is fighting to get it back. Ms. Hoffman stated that now the Committee is fighting amongst themselves. They should just move on.

Ms. Nancy Darois stated that months ago she told the Committee that once you are a member of the Township Committee you took an oath stating that you would strive to do things for Lebanon Township. They cannot do things that are unethical. They are there to take care of the Township and keep it moving forward. Ms. Darois stated that the Committee has done some good things but some things have gone downhill.

Ms. Kathryn Koch of Raritan River Road stated that she has information relative to the FEMA Grant application which may be useful in the Grant process. Ms. Koch is one of the 2011 flood victims and is one of three families who are eligible for the grant money to raise their home up. Ms. Koch thanked whoever applied for the grant as they did it prior to Hurricane Irene. The money has been obligated and is in need of the Township's and FEMA's signatures. Ms. Jillian Stokely, of FEMA, will be bringing the grant application back to FEMA once signed by the Township. Ms. Koch stated that she has been informed by Ms. Stokely that she should not start construction until the Township signs off on the grant. Ms. Koch stated that all permits are in place, she has been before the Board of Adjustment and the DEP. All is in order but they cannot start demolition until the grant is signed by the Township. Attorney Cushing stated that he received the paperwork today and looked it over. He feels that it would be helpful for Ms. Koch to provide additional information when the agenda item is discussed during the meeting.

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.

RESOLUTIONS

Resolution No. 97-2012 – Cancel Outstanding Checks

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 97-2012 as attached.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**RESOLUTION NO. 97-2012
CANCEL OUTSTANDING CHECKS**

Resolution No. 98-2012 – Authorizing a Shared Court

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved Resolution No. 98-2012 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 98-2012
RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT FOR
A SHARED MUNICIPAL COURT BETWEEN THE TOWNSHIP OF
LEBANON AND THE TOWNSHIP OF TEWKSBURY.**

WHEREAS, the Township of Lebanon and the Township of Tewksbury recognize the economies achieved through the implementation of a Shared Municipal Court; and

WHEREAS, an agreement to enter into a shared service for municipalities is permitted under *N.J.S.A. 40A:65-1 et seq.*, the “Uniform Shared Services and Consolidation Act”; and

WHEREAS, *N.J.S.A. 2B:12-1(c)* allows for the establishment of Shared Municipal Courts by resolution; and

WHEREAS, the form of agreement for the Shared Municipal Court was agreed to by the parties and has been approved by the State Judiciary by letter dated September 10, 2012; and

WHEREAS, the parties will take those steps required to implement the Shared Municipal Court including complying with the requirements of the State Judiciary as set forth in the September 10 approval letter; and

WHEREAS, Lebanon Township will appoint as its own Municipal Court Judge, Court Administrator, Prosecutor or Public Defender pursuant to *N.J.S.A. 2B:12-1(c)* those individuals who will be or have been appointed by Tewksbury Township to fill those positions; and

WHEREAS, the Township Committee desires to enter into a Shared Services Agreement for a Shared Municipal Court between the Township of Lebanon and the Township of Tewksbury substantially in the form attached in order that the Shared Municipal Court becomes operational on January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Mayor and Clerk are hereby authorized to sign a Shared Services Agreement for a Shared Municipal Court between the Township of Lebanon and the Township of Tewksbury substantially in the form attached.

Resolution No. 99-2012 – Recognizing Ronald M. Sworen

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 99-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 99-2012
RECOGNIZING RONALD M. SWOREN**

WHEREAS, Ronald M. Sworen is a long time resident of the Borough of Frenchtown having resided in the Borough since 1977; and

WHEREAS, Ronald M. Sworen began serving the Borough of Frenchtown as a Councilman in 1979 through 1995 and serving as Mayor from 1996 through 2011; and

WHEREAS, Ronald M. Sworen has served the County of Hunterdon as a member of the Board of Chosen Freeholders since 2007 with his term ending on December 31, 2012; and

WHEREAS, while serving as a member of the Freeholder Board, Ronald M. Sworen has been a member of the Planning Board and served as Liaison to: the Vocational Board of Education (Polytech), the Department of Public Safety/Emergency Management, the Division of Information Technology, the Library Commission, the Parks and Recreation Division, the Open Space Advisory Board and the Health Services Division; and

WHEREAS, Ronald M. Sworen has served the residents of the County of Hunterdon through his activity with the Hunterdon County Chamber of Commerce Business and Government Committee; Co-Founder of the Delaware Valley Municipal Alliance; Trustee and Elder for the Frenchtown Presbyterian Church; Hunterdon County Municipal Officers Association; Hunterdon Economic Partnership; New Jersey Department of Transportation Coordinator Management Committee for Route 29; New Jersey League of Municipalities (NJLOM) COAH Task Force Committee and Conference; NJLOM Land Use and Environmental Committee; NJLOM Hometown Security Task Force; NJLOM Heavy Truck Task Force; Executive Board of the NJLOM; Board of Directors for the New Jersey Association of Counties; New Jersey Conference of Mayors President and Board of Directors; and

WHEREAS, Ronald M. Sworen has held the titles of New Jersey Mayor of the Year; Frenchtown Lions Club Citizen of the Year; New Jersey League of Municipalities Elected Officials Hall of Fame and the New Jersey League of Municipalities Mayor's Hall of Fame.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Lebanon Committee hereby recognizes Ronald M. Sworen for his outstanding contributions to the County of Hunterdon and his many accomplishments while in office; and

BE IT FURTHER RESOLVED, that the Township of Lebanon Committee wishes Ronald M. Sworen much success in all his future endeavors.

Resolution No. 100-2012 - Refund for Overpayment of Taxes

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 100-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 100-2012
REFUND FOR OVERPAYMENT OF TAXES**

WHEREAS there exists an overpayment of \$1,695.11 for fourth quarter 2012 taxes due to a duplicate payment for Block 10, lot 13, 283 Rocky Run Road, Lebanon Township and,

WHEREAS this amount has been requested for refund by Stephen Scipione Esq, attorney for the owners of the property, Kathleen & Raymond Gallagher.

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign a refund check in the amount of \$1,695.11 for Kathleen & Raymond Gallagher.

Resolution No. 101-2012 - Refund for Overpayment of Taxes

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 101-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 101-2012
REFUND FOR OVERPAYMENT OF TAXES**

WHEREAS there exists an overpayment of \$1,589.11 for fourth quarter 2012 taxes due to a duplicate payment for Block 38, lot 52, 17 Sliker Road, Lebanon Township and,

WHEREAS this amount has been requested for refund by Professional Settlements, INC, for the owners of the property, Louis and Mary Ellen Ventrillo

THEREFORE BE IT RESOLVED, that the Treasurer be authorized to prepare and Mayor, Treasurer and Clerk be authorized to sign a refund check in the amount of \$1,589.11 to Louis and Mary Ellen Ventrillo.

Resolution No. 102-2012 – Redemption of Tax Sale Certificate

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 102-2012.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 102-2012
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate # 201106 on October 26TH 2011, on Block 51, lot 14.07, to US Bank Cust for Crestar Capital and,

WHEREAS the amount of \$21,637.29 has been collected from William Gianos Esq, attorney for the owners of this property located at 1 Lilac Lane, Lebanon Township.

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 \$21,637.29 for the redemption of Tax Sale Certificate #201106 and a check in addition for the return of premium

collected for this certificate in the amount of \$2,800 be made payable to US Bank Cust for Crestar Capital for this redemption.

Resolution No. 103-2012 - Chapter 159- Body Armor Grant

Motion by Mr. Milkowski, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 103-2012.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON**

**STATE OF NEW JERSEY
RESOLUTION NO. 103-2012
CHAPTER 159**

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

SECTION 1,

NOW, THEREFORE BE IT RESOLVED that the Township of Lebanon, Hunterdon County, hereby requests the Director of the Division of Local Government Services to approve the increase of \$ 1,288.09 for an item of revenue in the budget of the year 2012 as follows:

Miscellaneous Revenues –

Revenue Offset with Appropriations – Body Armor Grant

Total with increase to be \$ 1,288.09

SECTION 2,

BE IT FURTHER RESOLVED that a like sum of \$ 1,288.09 be and the same is hereby appropriated under the caption of:

General Appropriations -

Public & Private Programs Offset by Revenues – Body Armor Grant

State/Federal Share \$ 1,288.09

Non State Share \$

Total with increase to be \$ 1,288.09

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Resolution No. 104-2012 - Request to Reserve Open Space Trust Funds

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 104-2012.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 104-2012
REQUEST TO RESERVE OPEN SPACE TRUST FUNDS**

WHEREAS, ten percent of the Hunterdon County Open Space Trust Fund raised from the open space tax collected annually in each municipality is available for municipal open space purposes each year; and

WHEREAS, the Township of Lebanon does not have immediate plans to use its portion of the Open Space Trust Funds, however, are researching options relative to improvements to Lebanon Township Memorial Park; and

WHEREAS, the Township of Lebanon wishes to reserve its FY 2011 share of the Fund for use in the 2013 year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon and State of New Jersey that it hereby asks the Hunterdon County Board of Freeholders to reserve the Town's share in the amount of \$29,230.81, of the Hunterdon County Open Space Trust Fund collected in 2011 for use in the 2013 year.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Hunterdon County Board of Freeholders and the County Open Space Coordinator.

Resolution No. 105-2012 - Appointing a Special Ethics Attorney

Attorney Cushing stated that questions have been raised as to whether a Committee person's actions were consistent with the Municipal Ethics Law. A letter was sent to the Local Finance Board asking if they would conduct an investigation of the claims. The Local Finance Board responded back stating that there needed to be a detailed statement based on fact to initiate an investigation. It would be necessary to note the specific sections of the Local Ethics Law that may have been violated. The response also stated that if there were any ongoing investigations being conducted by any other State agencies the Local Finance Board would not open another investigation. The Committee voted that a formal investigation should be conducted. Attorney Cushing stated that he and his office recused themselves as they did not feel that it would be appropriate to conduct an investigation on a Township Committee person. The Committee decided to contact the Institute of Local Government Attorneys to obtain a recommendation for an attorney to conduct the investigation. Three names were provided with Mr. Lawrence Cohen being the closest geographically.

Mr. Milkowski asked the Committee what he is actually being accused of. Mr. Milkowski stated that this could cost the Township \$30,000.00 - \$40,000.00 and is open ended. Ms. Schriver stated that she does not know what the cost would be but she sits on the Committee to look out for the residents. She said that the alleged violation involves spending of Township money unnecessarily and she does not know if it is right or wrong. Ms. Schriver stated that she has asked for Mr. Milkowski to come forward to discuss the error but never has. Now it has come to the point where everyone else has become involved. Ms. Schriver stated that the Committee is following through with what the Finance Board requested. Ms. Schriver stated that she is not sure that Mr. Milkowski is guilty of anything. Mr. Milkowski stated that there has to be specific details to provide the attorney or else the Committee is giving him a blank check. Mayor Wunder stated that Mr. Milkowski's participation with LOSAP, as a Committeeman, is the basis of the problem. The preparation of the LOSAP report was not in conformity with the Township's ordinance or with the Fire Department's by-laws. Mayor Wunder stated that Mr. Milkowski participated in matters as a Committeeman and had not recused himself. Mr. Milkowski asked when this happened. Mr. Milkowski stated that when he is a fireman he is a fireman and when he is on the Committee he is a Committeeman. Mayor Wunder stated that as a Committeeman and a fireman, Mr. Milkowski should not have been participating in Fire Department matters such as meetings, LOSAP, etc. Mr. Milkowski stated that there are other Committeemen who have voted on matters that should be looked into also. Mr. Milkowski stated that if the Committee is hiring an ethics attorney then he should look into everything. Mr. Milkowski stated that the resolution should be amended to include everyone and questioned if he was being singled out. Mr. Milkowski stated that the Mayor calling special meetings with another Committee member should be looked at because it is an ethics violation as it could be a voting majority. Ms. Schriver asked Attorney Cushing if it is a violation to meet with one other Committee person. Attorney Cushing stated that it is not a violation to meet as long as it is less than the majority of members present. Mr. Milkowski stated that the law states a

voting majority and noted that at the last meeting, two members of the Committee carried the vote in hiring the ethics attorney.

Mr. Milkowski stated that when briefly looking through the minutes he noticed that several years ago the phone service in the Township was change. He did not see any competitive pricing being collected. The only mention was a phone conference with a Committeeman, the Clerk and a phone vendor and the phone service was changed. This has not been mentioned and it is thousands of dollars. Mr. Milkowski asked Mayor Wunder if it was a violation for him to be involved in meetings at the Fire Department while being on the Committee. Mayor Wunder stated that it is a violation. Mr. Milkowski asked Mayor Wunder if he is willing to set the Township back thousands of dollars to conduct the investigation based on that.

Mr. McKee stated that if this is a two prong effect, as Mr. Skidmore has noted in the past, then LOSAP should not be discussed at this time. Mr. McKee stated that he finds the matter to be wrong. He does not deny his friendships but he will not recuse himself from this matter either. Mr. McKee stated that he does not like the entire matter and it could have been handled differently. The Committee could have gone back to the Local Finance Board for advice. The Committee could have provided them with a name, an ethical violation, a time and date and they would have looked into the complaint for the Committee. Mr. McKee informed Mr. Skidmore that the way of life in Lebanon Township is different than he must realize. Mr. McKee stated that in the Township people are neighborly but Mr. Skidmore calls it personal. Mr. McKee stated that the residents are neighbors and they help each other; this is a farming community. Mr. McKee stated that Mr. Skidmore does not understand it. Mr. McKee stated that he feels that this matter should be reconsidered; the Committee should go to the Local Finance Board and let them determine what issues the Committee has, if there are any. Mr. McKee stated that the Committee has not waited to receive any information to see what direction to move. Mr. McKee stated that Mr. Milkowski is his friend but he is arguing the matter because it is wrong.

Mayor Wunder stated that he feels that having friends on the Committee is wrong. Mr. Milkowski stated that the Mayor canceled the last regular meeting because of weather conditions and there was an inch of snow. Mr. Milkowski stated that he found out later that the meeting was canceled because the Mayor's supporting Committee member was not going to be present at the meeting. Mayor Wunder stated that the Township was due to have high winds that evening, which is why he canceled the meeting.

A motion was made to by Mayor Wunder seconded by Ms. Schriver to approve Resolution No. 105-2012.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 105-2012
APPOINTING A SPECIAL ETHICS ATTORNEY**

WHEREAS, the Mayor and Committee have determined that there is a need for the appointment of a Special Counsel to conduct an investigation that cannot be conducted by the Municipal Attorney,
and

WHEREAS, the Mayor and Committee have consulted with outside Counsel to determine a suitable choice, and

NOW THEREFORE BE IT RESOLVED, the Lawrence Cohen of the law firm of Courter, Kobert and Cohen is appointed as Special Counsel for the purpose of conducting an investigation of a Committeeman and is hereby appointed subject to following conditions:

- 1) The hourly rate shall be \$175.00.
- 2) The amount budgeted for this project shall not exceed \$_____.
- 3) The notice of the appointment of Special Counsel will be published once in a newspaper in the Hunterdon County Democrat.
- 4) The CFO certifies that there are adequate funds in the budget for this purpose.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby to execute a professional services agreement in a form acceptable to the Municipal Attorney.

Ms. Schriver asked Attorney Cushing if the Committee has been following what the Local Finance Board has urged them to do. Attorney Cushing stated that the Local Finance Board said that they need to have detailed facts provided to them as to what the suspected wrong doing was and how it violates any particular section of the Local Ethics Law. Ms. Schriver stated to Mr. McKee that they are trying to follow the direction of the Local Finance Board. Mr. McKee stated that if the Local Finance Board is provided with a potential violation they will investigate the complaint for the Township and they will then render advice, a penalty or a fine. Mr. McKee believes that the other Committee members "jumped the gun". He does not believe that the taxpayers money needs to pay for the investigation and the Committee can still find out if there is an issue. Mayor Wunder stated that that he disagrees and believes that the Local Finance Board wants the Committee to conduct the initial fact finding investigation and then they will review the findings. Mr. McKee asked the Mayor to name the potential violation. Mayor Wunder stated Official Misconduct. Mayor Wunder stated that he is going to follow the law and the facts. Mr. Milkowski stated that originally Mayor Wunder had this matter sent to the Prosecutor's Office and they found nothing. They provided a list of things to do and suggested that the Fire Department meet with the Township Attorney. Mr. Milkowski stated that the Fire Department was trying to do that but the Mayor blocked it. Mayor Wunder stated that he blocked the meeting because Mr. Milkowski acted on his own, outside of the Committee. Mr. Milkowski stated that he had nothing to do with it. Mayor Wunder questioned Mr. Milkowski as to why he provided the Attorney with the Fire Department by-laws. Mr. Milkowski stated that the Attorney asked for a copy. Mr. Milkowski stated that the Fire Department asked to meet with the Attorney. Mayor Wunder stated that no one came to the Committee requesting to meet with the Attorney; the Fire Department went around the Committee. Mr. Milkowski stated that the Fire Department was following what the Prosecutor's office suggested. Mr. Milkowski stated that he feels that the Mayor is distorting the facts because of his hatred for him. Mr. Milkowski stated that the Mayor needs to recuse himself from the matter because of it. Mr. Milkowski stated that he went to a FEMA meeting and collected information regarding the chipping of brush from the storm. Mr. Milkowski called the Mayor the next day but the Mayor did not answer or return the call. Mr. Milkowski stated that he contacted the Clerk because it was time sensitive and needed to ask to have a special meeting. Mayor Wunder stated that he spoke to the DPW Manager on the matter. Mr. Milkowski asked Attorney Cushing if there is any legitimacy in a member having so much hostility for another. Attorney Cushing stated that personal interests can effect matters however all Governing Body members should work toward the advancement of the public good, which is the function of the Governing Body. Mayor Wunder stated that the feels that the integrity and the honor of the Township will sit on this ethics matter.

Mr. McKee stated that he feels that they should table hiring the Special Attorney and contact the Local Finance Board to handle the issue in a more tax friendly manner. Ms. Schriver stated that at this point she feels that the hiring of the Special Attorney needs to be tabled as it appears that the Committee is getting nowhere. Ms. Schriver stated that there may be a few people who have concerns with an ethics problem and she feels that it does need to be investigated but the Committee needs to look into alternate means of investigating the issue.

Motion by Mr. McKee, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved tabling the appointing of a Special Ethics Attorney. AYES: Schriver, McKee, Morrison NAYS: Wunder ABSTAIN: Milkowski

Ms. Schriver asked what the next procedure would be in moving forward with an investigation by the Committee. Mayor Wunder stated that he spoke to the LOSAP Auditor who is conducting the review. Mayor Wunder was informed that in the preliminary review it was discovered that there were a number of issues that raise a red flag. Mr. Milkowski stated that based on the report provided the concerns are on the First Aid Squad. Mayor Wunder stated that he spoke with the Auditor and it is not just the Squad. Mr. Milkowski stated that the Mayor is correct as there are items that the Committee needs to follow through on; the comments are all over the board.

Ms. Schriver asked the Attorney how to move forward. Attorney Cushing stated that the Committee is about to receive the report from the Auditor. Attorney Cushing suggested waiting until the report is received from the Auditor which will lay out the facts. The Committee can determine at that time if they should move ahead with an investigation or not. Attorney Cushing stated that the Committee has an Auditor conducting an investigation and accumulating pertinent documents. Based on the findings, if the Committee chooses to hire an attorney in the future, they will have most of what they need to provide to the lawyer and he can make an ethics determination.

OLD BUSINESS

Storm Branch/Brush Cleanup

Mr. Milkowski stated that he and the OEM Coordinator attended a FEMA meeting. FEMA will provide for 75% of the cost for cleanup of brush for 30 days of work. They will pay full time wages for 30 continuous days within the next six months. The Township must place a public notice and brush must be placed at the curb. Future storms cannot be included in this cleanup. Mayor Wunder stated that he spoke to the DPW Supervisor and he is working on the cleanup with no problems.

The announcement will be placed on the webpage and the police sign.

Mr. Milkowski stated that stumps need to be located and documented.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved meeting the requirements of FEMA for brush cleanup by advertising and setting up a 30 day period of time. The DPW Manager is to be involved and asked if additional help needs to be hired.

Lebanon Township Fire Station #1 – Semi Annual Professional Reporting

Quest Environmental has conducted the Semi Annual Sampling at Fire Station No. 1 and submitted a report to the Committee. The results continue to be favorable. Based on the results, Quest has provided conclusions and recommendations for continued work.

Ms. Schriver recommended that vapor sampling be conducted under the Fire House. Ms. Schriver will follow up by contacting Quest to inquire on the cost associated with the vapor sampling.

LOSAP Review Update

Mayor Wunder stated that he spoke with the Special Auditor today to request a preliminary update on the review being conducted. Mayor Wunder stated that there were comments relative to the prior Squad. The Auditor was informed that the Squad is now defunct and some of the issues may be associated with the final litigation settlement. Mayor Wunder read some of the items listed in the preliminary report provided by the Auditor.

- The Township's LOSAP was approved by referendum in November 1998.
- Auditor needs copies of DLGS approval letters.
- The earliest Participation agreements are dated 12/2/2000.
- Lists from the Fire Department lack a certifying signature of Department representative for all years except 2011.
- Two incidents were found where individuals with fewer than the required 50 points received LOSAP contributions. It appears that 4 new volunteers met the 50 point requirement in 2010 but were excluded from the 2010 Contribution. While we have Enrollment Forms for all other participants we have no enrollment forms for these new volunteers. The same 4 appear to qualify in 2011 as well, but again nothing has been paid for 2011.

In Lieu of Resolutions to approve the Certified List

The Town Clerk was not aware of the requirements and has followed the practice of her predecessor.

- The lists are received from the Fire Department and Rescue Squad.
- The lists are reviewed and posted in both Fire houses and the Town Office for 30 days.
- They are then submitted to Lincoln Financial who sends back a typed list for the LOSAP Contribution. This may happen as late as November.
- The Lincoln Financial list is put before the board for payment approval. (we have requested copies of the minutes to confirm this).

Mayor Wunder stated that in the future LOSAP should be included in the annual Township audit.

FEMA – Hazard Mitigation Grant Program Agreement

Attorney Cushing stated that he reviewed the grant agreement today and feels that it would be beneficial for Ms. Koch to provide the Committee with her understanding of the Grant process. Attorney Cushing stated that there is a grant for \$522,000.00 and there are specific properties that are identified as suitable properties.

Ms. Kathryn Koch of Raritan River Road stated that someone from OEM had made application prior to Steve Risse becoming the Flood Plain Administrator. The Federal Government offers grant money to municipalities to mitigate future storm damage. The hurricane hit and Mr. Risse requested that the effected property owners make application toward the FEMA Grant. The municipality and the homeowners had to make application. The grant provides that the homeowner cannot just fix the storm damage they must remediate the flood condition. Alternately, the Township could buy the property outright and the property owners would vacate. One family on River Road chose this option and four families chose to mitigate the flood potential. One resident raised her home 11ft. off the ground, one tore the house down and rebuilt it at a higher level and another resident would like to elevate his home completely out of the flood zone. Ms. Koch intends to tear her house down and rebuild it at a higher level. Ms. Stokley from FEMA informed the five residents that they are each eligible for \$91,500.00. There are funds remaining possibly for the administration of the grant. Ms. Koch stated that the money has been allocated and is available. Ms. Stokley informed Ms. Koch that if the residents begin construction they are no longer eligible for the grant. The residents cannot proceed until the Township signs the grant documents. Ms. Koch stated that Mr. Risse is supposed to administer the grant program and he determines how the money is allocated. Ms. Koch stated that the property owners ICC Insurance coverage is considered matching funds for the grant.

Attorney Cushing stated that the Township is responsible for overseeing the grant process. Attorney Cushing stated that it is obvious that Mr. Risse must administer the grant. Attorney Cushing stated that he is not sure if the grant funds cover administrative costs. Attorney Cushing stated that it is very important that the grant be executed correctly because the Township will be held responsible and will need to indemnify the State if the grant is not carried out correctly. Attorney Cushing stated that he would also like to see an agreement in place between the Township and Mr. Risse indicating what his role will be and what functions he will carry out. The Committee should also have some idea as to the cost.

Attorney Cushing stated that the grant document is standard and the Committee will not have the option to change it. Attorney Cushing noted that he does feel that a process needs to be created so the Committee knows that the process will be administered correctly and carried out by the proper professional.

Mr. Milkowski asked about the bidding process and if the Township will have to pick up the soft costs. Attorney Cushing stated that based on Ms. Koch's comments it appears that the hiring of contractors is up to the homeowner. Attorney Cushing stated that he has questions regarding the language in the grant documents and additional discussions need to be had with Mr. Risse relative to such. Ms. Koch stated that she must hire contractors who comply with the requirements. Mr. Milkowski stated that he is concerned with the house that is being demolished as the property is awarded to the State and then given to the Township. Attorney Cushing stated that he is concerned with the Township having to comply with the bidding laws because the money is coming in and being paid out by the Township.

Attorney Cushing noted that there are a few questions out there and he feels that Mr. Risse should come to the next meeting. He would also like the opportunity to discuss the matter with him.

Mr. Milkowski stated that he does not want to hold the process up, however the Township needs to be protected. Ms. Schriver stated that she would like to see a list of questions given to Mr. Risse for him to comment on at the next meeting.

The Committee authorized Attorney Cushing to speak to anyone necessary to obtain the information he needs on the grant application.

LTEOS Correspondence Proposal – To New Jersey Water Supply Authority

The Environmental Open Space Commission composed a letter to be sent to the New Jersey Water Supply Authority relative to their objection to the Eastern Concrete's application for an increased water diversion.

Mr. Milkowski stated that the Quarry ordinance was provided to the Planning Board for their comments. The Board feels that there is language in it that does not cover the Township's situation at this time. The Board would like more time to review the ordinance to provide comments to the Committee. Attorney Cushing will speak to the Planner as needed.

Motion by Mr. McKee, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved the letter to be sent to the NJWAS on behalf of the Township.
AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski

Gail Glashoff Correspondence- Rehab Loan – Approved September 19, 2012

Ms. Glashoff sent a letter to the Committee stating that Deegan Brothers had to conduct additional work on a roof that was approved for a COAH Rehab loan on September 19, 2012. The Construction Code Official Charlie Rogers looked at the roof and reviewed the invoice for the additional cost of \$700.00 and he had no concerns with the additional work or the itemized bill. The total cost for the rehab is now \$4500.00.

Motion by Mayor Wunder, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the proposal from Deegan Brothers for an additional \$700.00 worth of work for the roof repairs. The total cost for the roof repair is \$4500.00.

DPW Garage Paving

Mr. Milkowski stated that before any paving is done, proof rolling should be performed. This is done by driving a loaded tandem around the area that is going to be paved. This checks to see how stable the ground is. Mr. Milkowski stated that when the proof rolling was conducted he was present along with the Township Engineer and the Architect. There were three small spots and one large spot located. The contractor took care of the spots and another proof rolling determined that it was substantially better. The recommendation of the Engineer is to put down the base at this time and to hold off with the final coat until Spring. At that time if there are spots that were not caught, they can be repaired and the top coat can be applied. Mr. Milkowski stated that if it is decided to wait until Spring the Township will use their personnel to line up the Co-op that does paving for the Township. Mr. Milkowski spoke to Warren Gabriel and he has no problem with making the arrangements. The Co-op will do the paving and the amount will be deducted from the contractor's bill. Mr. Milkowski stated that another letter is expected from the Engineer as there are a few "birdbath" spots which are low areas where the water sits. Mr. Milkowski stated that if there are "birdbaths" they are usually located around the catch basins. When the base is put down the catch basins will be two inches higher than the surface so the water will accumulate there. The Engineer will have the

contractor address the problem either now or in the Spring. The contractor has agreed to hold off on the topcoat and removed his equipment from the site.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to make the arrangements to have the topcoat applied in the Spring. The contractor is responsible to make any repairs to the base if needed.

Clinton EMS – Billing Update

Clinton EMS has submitted a bill to the Township for the temporary night/weekend contract from June 10, 2012 through September 2, 2012. The estimated shortfall to date is \$38,700.00 with the current shortfall outstanding, as of 12/05/2012, at \$5,974.18. The next and final installment will be billed on January 10, 2013 for the remaining shortfall. Based on the current figures it is anticipated that the bill will be between \$5,000.00 and the current \$5,974.18.

CWA Correspondence – Accepting Final Draft of CWA Contract

The CWA Local has approved the proposed contract and is willing to execute once in final form.

NEW BUSINESS

Gail Glashoff Correspondence – Rehab Loan for New Roof

Ms. Glashoff has received an application for a COAH Rehab Loan to replace a roof. Two quotes were received. The Committee reviewed the two quotes and raised concerns with the cost of the plywood. The Clerk will speak to the Construction Code Official for clarification on the proposal.

Fire Chief Ed Shaffer – Fire Station Generator

Mayor Wunder stated that he believes that the generator at the Municipal Offices has a 600 amp capability. The Cell Tower requires 200 amps, leaving the Township building with 400 amps. Mayor Wunder stated that it may be possible to hook the Fire Department into the generator also. Mr. Milkowski stated that it needs to be determined what the Township building needs. Mr. Mark Laul agreed to look into the possibility of sharing the generator.

EJ Skidmore 11/15/2012 OPRA Request

Attorney Cushing stated that Mr. EJ Skidmore had placed an OPRA request to obtain a copy of the letter that Attorney Cushing wrote to the Committee regarding the response from the Local Finance Board on the ethics matter. Attorney Cushing stated that normally communications between the Attorney and the Committee fall under Attorney Client Privilege and his firm would normally insist that it is adhered to. It is important to not waive that confidentiality however the question of a waiver is up to the Committee. It is suitable for the Committee to waive the privilege when they feel that it is acceptable to do so. Attorney Cushing stated that there is nothing completely confidential in the letter and it is an area of public interest. The Committee can authorize the release of the letter if they choose to however it will not set a precedent in future requests.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee authorized the release of Attorney Cushing's letter to the Township Committee as requested by Mr. EJ Skidmore in his 11/15/2012 OPRA request. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski

Schedule 2013 Reorganization Meeting

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee scheduled the 2013 Re-organization meeting for January 2, 2013 at 6:00 p.m.

Approve Raffle Application – PTSO Voorhees High School Inc.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved a raffle application for PTSO Voorhees High School Inc. for an event to be held on January 25, 2013.

Approve Bingo Application – PTSO Voorhees High School Inc.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved a bingo application for PTSO Voorhees High School Inc. for an event to be held on January 25, 2013.

Legal Opinion – Committeeman McKee Recusal

Mayor Wunder stated that based on the discussions had earlier in the meeting, he questions how the issues cannot follow the new Committee in the future without some sort of investigation being conducted. Mr. McKee stated that is what Mr. Milkowski suggested; the entire Committee should be investigated.

COMMITTEE REPORTS

Committeewoman Schriver - Ms. Schriver stated that she is still working on two grant applications.

Deputy Mayor Milkowski- Mr. Milkowski stated that there was a Planning Board meeting last night. The quarry ordinance was discussed. The Re-organization meeting is scheduled for January 15, 2013. The Highlands is close to being finalized; there is discussion on changing some models so there is a small delay.

Mayor Wunder- Mr. McKee will be relieving the Mayor of his position on the Court Committee. Mr. McKee stated that Attorney John Gallina will be representing the Township relative to the Court matter as Attorney Cushing has a conflict. There are matters that need to be approved by the Committee at the next Township meeting.

Committeeman McKee- Mr. McKee has nothing to report at this time.

Committeeman Morrison – Mr. Morrison stated that the 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 December 5, 2012 bill list in the amount of \$309,040.32.

CORRESPONDENCE

- a. Highlands Water Protection/Planning Council – Final Adopted Plan Conformance - Complete

PUBLIC COMMENTS

Motion by Ms. Schriver, 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 thanked Mr. McKee for his honesty regarding his friendship with Mr. Milkowski and for reminding him of the wonderful things Lebanon Township has to offer and the way everyone takes care of each other as neighbors. Mr. Skidmore stated that there is not a day that goes by that he does not think about it. Mr. Skidmore stated that unfortunately the Ethics Law does not distinguish the difference between Lebanon Township and other municipalities. Mr. Skidmore stated that in his opinion Mr. McKee violated the law this evening. Mr. Skidmore stated that he is surprised that Mr. McKee and Mr. Milkowski asked what the exact complaints were against Mr. Milkowski. As he recalled, Attorney Cushing's letter stipulated complaints. Mr. McKee stated that there is a two prong issue. Mr. Skidmore stated that after the LOSAP issue developed and the Fire Department brought it to the Committee for a possible resolution the issue was taken into closed session. A letter requested that the Local Finance Board investigate Mr. Milkowski's participation in the discussions in the closed session. Mr. Skidmore said that this included multiple occasions of this happening. Mr. Skidmore stated that the second letter addressed a statute which states that an elected official is banned from having an elected or appointed position of authority in an organization that receives funds from the Governing Body in which he sits. The Board was asked to investigate this matter as Mr. Milkowski was in charge of the LOSAP issue for the Fire Department.

Mr. McKee questioned whether or not, when you are in a position to authorize yourself funds, if the funds are no more than anyone else, is it against ethical boundaries. Attorney Cushing stated that there is a statute that states that Fire Department or Rescue Squad members cannot vote on matters that pertain to a Fire Department they are a member of. Attorney Cushing noted that in addition to the statute there is a Local Finance Note that says that if you are a member of the Fire Department you cannot even discuss matters that pertain to the Department. This is the conflict that exists for a Governing Body member who is also a member of the Fire Department. Attorney Cushing stated that in regard to Mr. McKee's comments; if there is a general application members can vote, however; if it pertains to a member, more specifically, then it is not a good idea. Mayor Wunder

stated that when he resigned from the Rescue Squad his attorney sent a letter to the Committee. In the letter the attorney stated that Mayor Wunder could not vote on the LOSAP issue as it was something he was benefiting from.

Mr. Skidmore stated he feels that Mr. Milkowski should have discussed this matter when the letters were made public and discussed at a Committee meeting. Mr. Skidmore feels that Mr. Milkowski's actions in initiating discussion this evening was unethical and intended exclusively for the purposes of sidetracking the vote to hire the Special Attorney. Mr. Skidmore stated that he has no personal interest in the matter he just wants his government to run properly and fairly. Mr. Skidmore informed the Committee of the option to put together a Local Ethics Board.

Mr. McKee stated that in attending an ethics class he learned that ethical boundaries are different and do not work the same for everyone. Mr. McKee stated that he thought that it might be a good idea to have an ethics workshop for the Committee. Attorney Cushing stated that there are 20 municipalities in the State who have had Local Ethics Boards. Most towns have found that it does not work well as it is expensive to maintain. The State will take care of ethics if you provide the proper information. If the Township had a Local Board factual information would still need to be provided to them. Attorney Cushing stated that to establish a Local Ethics Board in a Township this size would cause more political problems than they have right now.

Attorney Cushing stated that he does not feel that friendship disqualifies members from voting. In the general accepted practice there are four categories of ethics violations: A direct business interest, an indirect business interest, direct and indirect personal interest. Attorney Cushing stated that he believes that people are friends and in his opinion it takes a much deeper issue for a violation. Attorney Cushing stated if someone wants a deeper analysis he would have to do a written opinion on the question. He would obtain facts from everyone and then apply the law to them. Attorney Cushing stated that friends sit on Committees, however; if an individual is so close that they are affiliated in a business relationship with someone or they lose objectivity due to closeness then it could cause a conflict. Attorney Cushing stated that the degree of objectivity is the question. Attorney Cushing stated that the appearance of conflict is not a test. Appearance is important but there needs to be facts to have a true conflict.

Mr. Victor Hoffman stated that he does not see a conflict in Mr. McKee and Mr. Milkowski meeting as Attorney Cushing stated that it was acceptable. Mr. Hoffman asked Mr. McKee and Mr. Milkowski if they were friends before becoming Committeemen and if they will be friends after they leave the Committee and they stated yes. Mr. Hoffman asked Ms. Schriver if she served on the Committee with friends. Ms. Schriver stated that she was not friends with Committee people prior to them sitting on the Committee but became friendly with other Committee members during their terms. Mr. Hoffman stated that he sees no problem with Committee members being friends. Mr. Hoffman asked Mr. Milkowski about the history of LOSAP in the Township. Mr. Milkowski stated that LOSAP was established in 1998 and started in 1999. A list of names of those who qualified had to be submitted. Then there had to be a qualifying year. The following year is the first year the contribution was made. Mr. Hoffman stated that the worst problem he sees is that the qualifying year is not valid. Mr. Milkowski stated that originally the qualifying years was set up by Lincoln Financial and they called it the qualifying year. The Fire Department then carried it through from that day forward. Mr. Milkowski stated that he provided a list to the Clerk on Fire Department letterhead stating the Fire Department members who met the qualifications for the contributions for the year. More recently a list is provided by Lincoln Financial with all members listed in the

program; a yes or no needs to be placed by each member's name who qualifies for that year or not. The list is provided to the Clerk and posted for 30 days. The Clerk said that the list is then sent to Lincoln Financial who processes the invoice. The invoice comes back to the Township; a voucher is processed and approved by the Committee at a meeting on the bill list. Mr. Hoffman asked who actually oversees the list. Mr. Milkowski stated that he receives a list of the each member's, past year, activities from the Chief. From the list, the points are accumulated. Mr. Milkowski stated that the final list is posted at the Fire House. Mr. Hoffman asked if Mr. Milkowski was ever the Chief during the years in which LOSAP was in place. Mr. Milkowski stated that he was not. Mr. Hoffman stated that possibly the Chief needs to be questioned as to why he would provide the names of these members to Mr. Milkowski. Mr. Milkowski stated that he took the Chief's records. There were logs and the Chief would total the logs up. Mr. Milkowski stated that he is only passing on the information he was provided with. Mr. Milkowski stated that there were two years in which he had to review the records to accumulate the logs as the Chief, at that time, was lax in preparing the reports. Mr. Hoffman asked if it was correct that no payment was made in 2011. Mr. Milkowski said yes. Mr. Milkowski stated that another Fire Department member took over administrating LOSAP for the Fire Department in 2011 because the Township Attorney advised him that he should no longer continue with it. Mr. Hoffman stated that he feels that there may be many people who might be guilty of misconduct such as the Committee for not checking, Clerks who have not questioned, Fire Chiefs who just submit the report and possibly Mr. Milkowski for not checking. Mr. Hoffman stated that it is wrong to put the liability on one person. Mr. Hoffman suggested checking on all as they all had a hand in the matter. Ms. Schriver stated that when the forms are completed you have faith in the organization that they are providing the correct facts. Ms. Schriver stated that there is no way for her to know who participated in what. Mr. Hoffman said that it is up to the Chief so why is Mr. Milkowski wrong if he is just following recommendations from the Chief. He is just given names and follows through with it. Mr. Hoffman questioned why Mr. Milkowski is being crucified.

Mr. Hoffman asked if the 30 days for brush clean up includes just work days. Mr. Milkowski stated that they are 30 continuous days but will check to see.

Mr. Hoffman thanked everyone for attending the tree lighting this evening.

Mr. Skidmore stated that he has reviewed the Committee meeting minutes from 1998-2000. The LOSAP resolution was passed in November of 1998. In April 1999, Committeewoman Swan was asked whether LOSAP would come in effect in 1998 or 1999. Her response was that it would be effective in 1999. On November 3, 1999, Committeewoman Swan made a report to the Committee stating that the Committee would not have to be concerned with any money in the 1999 budget for LOSAP because payments would come out of the 2000 budget because the procedure requires that the names eligible for LOSAP be submitted by December of 1999 for payment to be made in 2000. The 2000 budget had line items for the year 2000 and 2001 LOSAP payments. Mr. Skidmore stated that this is an indication that the Committee, at that time, expected for LOSAP to become effective and members to receive money from the year 1999. Mr. Skidmore noted that Mr. Milkowski stated that Lincoln Financial authorized the qualifying year requirement. Mr. Skidmore stated that hopefully there will be records to establish the matter. Mr. Milkowski stated that the program needed to be submitted to the IRS for approval. Lebanon Township was used by Lincoln Financial as a test for the State Program so that may have been the need for the qualifying year. Mr. Skidmore stated that Mr. Milkowski stated that Firemen were assigned points in order to become eligible for LOSAP however it is his understanding that the actual LOSAP process is a two point process. It

requires active duty in the organization and it requires the accumulation of points in accordance with the schedule in the ordinance. Mr. Milkowski stated that a fireman needs to be an active member and needs to accumulate 50 LOSAP points annually to qualify. Mr. Skidmore stated that the Fire Department by-laws define "active duty" specifically for the purpose of LOSAP as attending 30% of the Fire Department efforts. Mr. Milkowski stated that in the by-laws "active duty" is not specific to LOSAP and it is 35% that qualifies a member as active. Mr. Skidmore stated that Mr. Milkowski told Mr. Hoffman that the Fire Chief provided him with all of the numbers needed for LOSAP. Mr. Skidmore asked Mr. Milkowski who established attendance. Mr. Milkowski stated that the Chief prepares the report. Mr. Skidmore asked who assigns the LOSAP points. Mr. Milkowski stated that he assigns the points. Mr. Skidmore asked who develops the list that is provided to the Clerk for submission to Lincoln Financial. Mr. Skidmore asked that according to the Fire Department by-laws what is considered an active member. Mr. Milkowski stated that an active member must have 35% of all activities. Mr. Skidmore stated that the information given to Mr. Hoffman was not accurate as there are two aspects to LOSAP, point accumulation according to participation and point accumulation according to active duty status. Mr. Milkowski stated that case law provided to him states that if a person accumulated the LOSAP points, regardless of the percentage, he should be granted the LOSAP payment. The town retracted a payment from two of the officers as they did not accumulate the percentages. The matter went to Court and the decision was turned around. Mr. Milkowski stated that if a person accumulates the points they receive that LOSAP contribution.

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

Motion by Mr. McKee, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 106-2012 and convened in executive session at 9:46p.m.

**TOWNSHIP OF LEBANON
RESOLUTION NO. 106-2012**

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:

Legal Matter – Bequest to First Aid Squad
Legal Matter – Planning Board
Pending Litigation - Hyland

The Township Committee reconvened the Regular Committee meeting at 10:15 p.m.

Attorney Cushing stated that during the executive session the Township Committee discussed pending litigation with a resolution of the Hyland matter, a question as to where the Committee is going with a bequest that was made to the prior First Aid Squad and an issue regarding the advice of the Attorney.

LTCM
12/05/2012
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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 10:17 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 19, 2012

Brian Wunder, Mayor