

CALL TO ORDER

Mayor Brian Wunder called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Mayor Wunder asked everyone to stand for the Flag Salute and for a Moment of Silence.

ROLL CALL

Present - Brian Wunder Patricia Schriver
 Francis Morrison Tom McKee

Absent- Ron Milkowski

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 11 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of August 15, 2012 - Tabled

Minutes of the Executive Meeting of August 15, 2012 - Tabled

PUBLIC COMMENTS – for agenda items only.

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. John Locker asked, relative to Ordinance No. 2012-03, why the Township would like to have a no bid contract. Attorney Cushing stated that the Ordinance is a good thing for the Township. The Ordinance will prohibit Township professionals from making political contributions to any member of the Governing Body in connection with any election.

Mr. Locker asked what type of fracking is associated with Resolution No. 76-2012. Mayor Wunder stated that the resolution pertains to natural gas fracking. Mr. Locker stated his concern with the Township putting a general ban on fracking as water wells need to be fracked if they are not producing. Attorney Cushing stated that the intent of Resolution No. 76-2012 is to express an opinion on fracking for natural gas rather than prohibiting it.

Mr. EJ Skidmore asked where the subject of fracking came from as he did not remember the Committee discussing it at a prior meeting. Mayor Wunder informed Mr. Skidmore that he had asked that the Resolution be placed on the Agenda for discussion at tonight's meeting. Mr. Skidmore asked if the residents should have some input on the matter.

Ms. Sue Welsh of Glen Gardner stated that if the Committee was to search radon and Glen Gardner on Google, a site would appear from the US Geological Society that has a study on rare occurrences in the geological makeup of ridges, one which is in Glen Gardner. The Quarry is built on the ridge which manufactures radon by its geological makeup. Ms. Welsh stated that she is not opposed to the expansion of the Quarry but she is opposed to the Quarry in that the explosions can't help but to force the radon into the resident's homes.

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

Ordinance No. 2012-03 - Introduction

Motion by Ms. Schriver, seconded by Mr. McKee, and carried by unanimous favorable roll call vote, the Township Committee approved Ordinance No. 2012-03 on first reading.

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

Public Hearing to be held on September 19, 2012

RESOLUTIONS

Resolution No. 72-2012 – Refund for Overpayment of Taxes

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.72 -2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 72-2012
REFUND FOR OVERPAYMENT OF TAXES**

WHEREAS there exists an overpayment of \$905.46 for taxes due to a duplicate payment for Block 59, lot 24.01, and,

WHEREAS this amount has been requested for refund by Alan Lowcher Esq., attorney for Jeffrey and Laura Gargiulo, the previous owners of the property,

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 \$905.46 to Alan Lowcher, as Attorney for Jeffrey and Laura Gargiulo.

Resolution No. 73-2012 – DPW Garage Project – Change Order No. 03

Motion by Mr. McKee, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 73-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 73-2012
DPW GARAGE PROJECT
CHANGE ORDER NO. 03**

WHEREAS the need has arisen for a change order for the DPW Garage Project;
WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Install Pitless Adaptor	\$ 619.50
+ GC 10%	61.95
	<hr/>
	\$ 681.45

The new (Contract Sum) including this Change Order will be... \$ 2,079,424.93

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval of a payment in the amount of \$681.45.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 03 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 74 -2012 – DPW Garage Project – Change Order No. 04

Motion by Ms. Schriver, seconded by Mr. McKee carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No.74-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 74-2012
DPW GARAGE PROJECT**

CHANGE ORDER NO. 04

WHEREAS the need has arisen for a change order for the DPW Garage Project;
WHEREAS the following additions and/or deductions of work:

<u>Description</u>	<u>Cost</u>
Mezzanine	
Coordination	\$ 350.00
Concrete & Masonry	\$ 18,690.00
Intermark	\$ 26,250.00
+GC 10%	<u>\$ 4,529.00</u>
Total	\$ 49,819.00

The new (Contract Sum) including this Change Order will be... \$ 2,129,243.93

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the payment request and considers it to be in compliance with the performance of the contract and recommends the approval of a payment in the amount of \$ 49,819.00.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 04 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 75-2012 – Creating a Green Team

Motion by Mr. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 75-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 75-2012**

WHEREAS, Lebanon Township adopted Resolution No. 35A-2012, "Supporting Participation in the Sustainable Jersey Municipal Certification Program" at a meeting conducted on April 4, 2012; and WHEREAS, Lebanon Township resolved in that resolution that they wished to pursue local initiatives and actions that would lead to Sustainable Jersey Municipal Certification; and WHEREAS, Lebanon Township wishes to create the Lebanon Township Green Team, to serve as the Lebanon Township agents for the Sustainable Jersey municipal certification process; WHEREAS, the Green Team will be composed of individuals who are interested in advancing the efforts of Lebanon Township in the Sustainable Jersey Municipal Certification Program; and NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon that we do hereby establish a Green Team Advisory Committee (GTAC) consisting of the Environmental & Open space Commission members.
NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Lebanon that the Mission and Objectives for the GTAC are established as follows:

Mission

Lebanon Township Green Team Advisory Committee will advise the Township Committee on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound through research and evaluation.

Objectives

- 1) Collaborate with Lebanon Township residents, employees and service providers as well as other governmental agencies to share resource information and ideas consistent with the Mission of the GTAC.
- 2) Encourage participation of all Lebanon Township residents, employees and service providers to solicit ideas on green initiatives.
- 3) Research and analyze green initiatives which make practical environmental and financial sense.
- 4) Develop strategies for sustainable green initiatives in municipal operations.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Lebanon that the Environmental & Open Space Commission will lead the newly created GTAC.

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

Motion by Mayor Wunder seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee tabled Resolution No. 76-2012 until the September 19, 2012 meeting.

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

**RESOLUTION NO. 76-2012
Resolution Calling for a Ban on Fracking**

Resolution No. 77-2012 – Bond Anticipation Note

Motion by Ms. Schriver seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 77 -2012 as attached.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 77-2012
BOND ANTICIPATION**

OLD BUSINESS

Eastern Concrete Site – Quarry Land Swap

Mr. Warren Newman and Ms. Nancy Lawler of the Environmental Commission were present. Ms. Lawler inquired on whether the Committee sent a letter to NJ Land Trust requesting that the public meetings regarding the Quarry be held in Lebanon Township or Glen Gardner. The Clerk stated the letter was mailed and a response was received today. NJ Natural Land Trust stated in the response that although the matter is in the preliminary stages they will make every effort to hold a public hearing in Lebanon Township or Glen Gardner.

Ms. Lawler stated that they have learned that NJ Natural Land Trust looked at the property that Eastern Concrete has offered for the proposed swap and they are not sure if the property met their rules for conveyance. Ms. Lawler stated that they have heard that the Quarry is now looking at a larger tract of land in the same general area. Ms. Lawler stated that Glen Gardner met to review the letter that the Lebanon Township Committee sent to NJ Natural Land Trust and it is anticipated that they will be sending a similar version also. Ms. Lawler stated that it is possible that representatives from the Quarry may want to meet with Municipal Officials and the Environmental Commission would like to make sure that all meetings take place in public and that they take place locally.

Mr. Newman inquired on the possibility of the Township establishing an ordinance regarding quarry usage. Mr. Newman stated that it would most likely be reasonable to initiate the evaluation sooner by reason of what the Township is presented with Eastern Concrete.

Attorney Cushing stated that he has spoken to the Glen Gardner's Attorney, Peter Jost, about the Quarry matter and agreed that they would share appropriate information with each other. Mr. Newman stated that the Township should assist Glen Gardner and be parallel to them in their efforts. Mr. Newman stated that if the communities come together there may be some added value in the end.

Motion by Mayor Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Cushing to draft an ordinance relative to quarries in the Township.

Nixle Alert System

Mayor Wunder asked Mr. EJ Skidmore if he would be interested in working on the Nixle System for the Township.

Motion by Mr. McKee, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Mr. Skidmore helping out the Township with the Nixle System.

DPW Manager Request to Purchase a New Dump Truck

The DPW Manager sent correspondence to the Committee requesting to purchase a new dump truck. Mayor Wunder stated that two dump trucks were purchased last year. Ms. Schriver stated that the

request states that the cab is rusting off the frame of the truck that needs to be replaced and there is 121,000 miles on it.

Mayor Wunder stated that he would like to see the request tabled until they find out the total cost for the DPW Garage project as they just approved a \$50,000.00 change order. Ms. Schriver questioned if the DPW will need the truck for plowing during the winter months.

Motion by Mayor Wunder, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee tabled the request until the Committee has the chance to speak to the DPW Supervisor to see if he can manage through the winter with the current truck. AYES: Wunder, McKee, Morrison NAYS: Schriver

LOSAP Correspondence – Local Finance Board

Discussion was held on a letter being drafted by Attorney Cushing, on behalf of the Committee, to be sent to the Local Finance Board regarding the LOSAP matter. Mayor Wunder stated that he would like the letter to provide the background on the questions raised and the accusations made as well as stating that the Committee is following the Prosecutor's direction in contacting the Local Finance Board. Mayor Wunder said that he would like to inquire on if the Local Finance Board will investigate any claims that were made regarding the LOSAP, recusal issues with being a Committeeman and carrying out Fire Dept. business and to investigate possible ethic violations which may have occurred. The Committee would also like a copy of the Prosecutor's letter sent with the Local Finance Board letter.

Motion by Mayor Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Cushing to draft a letter to the Local Finance Board.

Special LOSAP Audit

The Township Clerk stated that the proposal provided to the Committee at an earlier meeting was based on a per audited year cost. The Committee's understanding was that the proposal was for the entire audit. There is a minimum of three years to be audited which increases the cost considerably. The Auditing firm can provide a review of the LOSAP program for a lesser amount however; the Clerk has not been able connect with the Auditor to inquire on what the review would entail.

The Clerk will attempt to send out additional requests for proposals to be submitted by the September 19, 2012 meeting.

Motion by Mayor Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to send out additional Requests for Proposals and to negotiate with the current auditor on the proposed review of the LOSAP matter.

NEW BUSINESS

Vacant Land

Mayor Wunder stated that Delaware Township is looking to adopt an ordinance relative to vacant property. He said that possibly the Committee would want to consider the same. The Clerk will contact Delaware Township to request a copy of the ordinance.

Committee Identification Cards

Mayor Wunder stated that he spoke to the Police Chief and the Police Department has the ability to make identification cards with or without pictures for the employees and officials. Mayor Wunder stated that if anyone is interested in a card they should contact the Police Department.

Mandatory Committee Courses

Mayor Wunder stated that there are many courses offered for Governing Body members through the League of Municipalities and others. Ethics workshops are offered as well as many other topics. Mayor Wunder stated that he would like for it to be mandatory for all Committee members to attend courses.

Motion by Mayor Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee sanctioned that all future Committee members are required to attend Governing Body related courses.

Raffle Application - PTSO Voorhees High School Inc.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a raffle license for PTSO Voorhees High School Inc for an event to be held on October 5, 2012.

Gail Glashoff – Request for a Release to Attend the CWA Local 1040 Convention

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the request of the CWA Local 1040 Union Shop Steward, Gail Glashoff to attend the CWA Local Convention which will be held on October 1, 2012 – October 3, 2012.

Kevin Shanahan Correspondence – Liquor License #1019-33-004-007

Christie's Restaurant located on Route 31 south has been closed for approximately five years and the liquor license has not been active since that time. The property has since been sold and the current owner, Kevin Shanahan, is looking to open the restaurant. Mr. Shanahan would like the Township's assistance in reactivating the license.

Discussion was held on Mr. Shanahan's request.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee authorized Attorney Cushing to send a letter to Mr. Shanahan stating that his office will investigate the process to reactivate the license if Mr. Shanahan is willing to cover the expense.

Veteran's Haven – Walk Off Alert

Mayor Wunder stated that he received a call from a Glen Gardner resident stating his concerns with the possibility of clients walking away from the Veteran's Haven facility. Mayor Wunder stated that in the past residents were notified by Hagedorn if there was an elopement. Mayor Wunder stated that he would like the Clerk to contact Veteran's Haven asking for them to reestablish an alert system for the surrounding neighbors. Ms. Schriver stated that Veteran's Haven and Hagedorn Hospital are two different types of facilities. Ms. Schriver stated that they are not the same type of residents and she does not feel that it would be necessary to establish an alert system.

Motion by Mayor Wunder, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to contact Veteran's Haven to inquire on their elopement procedures.

Police Chief's Request to Purchase a Police Vehicle

Police Chief Mattson is requesting to purchase a new police vehicle to replace 19-14, which is a 2008 Crown Victoria. The purchase would be for a 2013 Police Interceptor Sedan at a cost of \$35,604.75. The vehicle will be purchased through the Morris County Co-op.

Motion by Mayor Wunder, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved the Police Chief's request to purchase a 2013 Interceptor Sedan at a cost of \$35,604.75.

COMMITTEE REPORTS

COMMITTEEWOMAN SCHRIVER- Ms. Schriver stated that she is working on a proposal to the Jenny Jones Foundation in an attempt to obtain a grant for repairs and updates to be done on the Squad building. Ms. Schriver stated that she will hopefully be meeting with Kevin Richardson from the County to discuss using Open Space funds for a project in the Memorial Park.

MAYOR WUNDER- Mayor Wunder stated the he has a Municipal Court of North Hunterdon meeting on September 10, 2012.

Attorney Cushing stated that relative to the prior Squad matter, his office will be filing a Consent Judgment Certification with Judge Buchsbaum once the Committee authorizes the Mayor to execute it. The Certification approves the terms and conditions of the settlement which was reached with the Squad members. All issues pertaining to the bankruptcy and the prior Squad have been resolved however; the Squad's past attorney will not execute a Substitution of Attorney. It is expected that the Judge will resolve this matter quickly.

Mayor Wunder stated that he has nothing to report regarding insurance however; Mr. Milkowski spoke to the insurance company and may have comments to make at the September 19, 2012 meeting.

The electric bill was paid for the food pantry.

COMMITTEEMAN MCKEE – Mr. McKee stated that he had nothing to report on the standing committees.

COMMITTEEMAN MORRISON –

Police, Fire and Rescue- Mr. Morrison read the August 2012 monthly Police report.

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 August 1, 2012 bill list in the amount \$2,798,499.24.

CORRESPONDENCE

- a. Century Link – Return of Tangible Personal Property Used in Business by
Local Exchange Companies
- b. Freeholder J. Matthew Holt – Meeting Invitation – September 27, 2012
North Jersey Transportation Planning Authority (Response Requested)
No action taken.

PUBLIC COMMENTS

Motion by Mr. McKee 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 stated that it is his understanding that when the five bays were removed from the plans for the DPW Garage the Township also lost some storage space that was associated with it. Mr. Skidmore stated that the Committee just approved Change Order No. 4 in the amount of \$49,000.00 to get the storage space back. Mr. McKee agreed with Mr. Skidmore and stated that all of the space was not removed but a portion was. Mr. Skidmore questioned the saving the Township actually received in taking the five bays out of the plans.

Mr. Skidmore stated that Lebanon Township is talking with Glen Gardner on the Eastern Concrete Quarry matter and asked if there would be any benefit in including the County Freeholders and/or State Representatives in on the matter.

Mr. Skidmore stated that regarding the LOSAP matter, it is his understanding that the Local Finance Board is the division of government that oversees LOSAP and the ethics law. Mr. Skidmore noted

that there must be an investigative component to the Board and suggested that they could possibly relieve the Township of the cost to pay for an independent audit. Mr. Skidmore stated that he agrees with the Committee's decision to have the matter investigated. Mr. Skidmore stated that this is the way to keep everything open and clean. The Committee should find out if laws were broken or if statues were violated. Mr. Skidmore stated that \$12,000.00 is a lot of money to pay for an audit and perhaps the Local Finance Board investigation can save the Township the money.

Mr. Skidmore asked if it is possible for the liquor license, discussed earlier in the meeting, to be reverted back to the Township for sale. Attorney Cushing stated that Mr. Skidmore's suggestion can and will be looked into.

Motion by Mayor Wunder seconded by Ms. Schriver 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 Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 78-2012 and convened in executive session at 8:19 p.m.

**TOWNSHIP OF LEBANON
RESOLUTION NO. 78-2012**

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:

Prior Squad Settlement
Collective Bargaining – CWA
Personnel – Township Committee
Litigation - Hyland

The Township Committee reconvened the Regular Committee meeting at 9:15p.m.

Attorney Cushing stated that during the Executive Session the Township discussed the following items: The previous Squad matter and a consensus was made that the Mayor should execute the Court Certification relative to the settlement, the CWA Local 1040 Contract, Personnel Issues relative to the Township Committee and Litigation relative to Mary Hyland.

Having no further business to come before the Committee a motion was made by Mr. Wunder seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 9:17 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: September 19, 2012

Brian Wunder, Mayor