

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 9 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of October 17, 2012

Motion by Mr. Milkowski seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of October 17, 2012 as corrected.

Minutes of the Executive Session of October 17, 2012

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of October 17, 2012.

PUBLIC COMMENTS – for agenda items only.

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

Mr. Anthony Casale requested that a Committee Member attend the Eagle Scout Award Ceremony to present the Proclamations to the Scouts.

Mr. Casale asked if there is an accounting on how the money is being paid by Verizon for the cell tower lease. Mr. Casale questioned how it is being apportioned.

Mr. Casale stated that he made an OPRA request for a letter from Mr. Skidmore to the Committee and a letter from Mr. Dewey Polt to the Committee, which was listed on the last meeting's agenda. Mr. Casale informed the Committee of his concerns with the Committee circulating correspondence to the public when it is intended for the Committee. Mr. Casale stated his concerns with Mr. Milkowski participating in prior discussions relative to the potential acquisition of the Polt property and Mr. Polt listing Mr. Milkowski as a friend in his letter.

Mr. EJ Skidmore read from the Local Government Ethics Law. Mr. Skidmore informed the Committee that he obtained a copy of the response received from the Local Finance Board relative to possible Ethics violations in the Township. Mr. Skidmore stated that the letter outlines that procedure that the Committee must follow if it wishes to file Ethics Complaints against the individuals involved. Mr. Skidmore noted that the letter does not say that the Township does not have grounds to proceed.

Mr. Skidmore stated that weeks ago he informed the Committee that they are putting Mr. Cushing in a bad position by having him deal with the ethics issue and he feels that the LFB letter verifies that. Mr. Skidmore stated that this matter needs to be addressed by someone who has not had privileged information on the parties involved. Mr. Skidmore urged the Committee to appoint an independent attorney to conduct an investigation.

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

PROCLAMATIONS

TO TOMMY CUCUZELLA FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Tommy Cucuzella, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Tommy Cucuzella is to be commended for his Eagle Scout Service Project, which involved a three month collection of personal care and food items at local supermarkets and local schools and obtaining donations from various companies to show his appreciation and support for all of our military men and women; and

WHEREAS, with the assistance of fellow scouts, friends, family and Operation Shoebox, Tommy Cucuzella packed 200 individual care packages to send to our brave men and women overseas; and

WHEREAS, Tommy Cucuzella will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on November 18, 2012; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Tommy Cucuzella.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Tommy Cucuzella for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

TO KYLE LEVY
FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, Kyle Levy, Boy Scouts of America, Troop 92, attained the designation of "Eagle Scout"; and

WHEREAS, Kyle Levy is to be commended for his Eagle Scout Service Project, which involved the repairing and refurbishing of two storage sheds for the VFW Post 5119 in Glen Gardner who is Troop 92's Charter Organization; and

WHEREAS, Kyle Levy and his team replaced wood on the front wall and the back left corner of the shed, replaced the roofs on both sheds, replaced the door and frame on one of the sheds and repaired the door on the other; and

WHEREAS, both sheds were painted and trees were cut back in the area to prevent them from hanging on the top of the sheds; and

WHEREAS, Kyle Levy will be honored and receive his award at an Eagle Court of Honor Recognition Ceremony on November 18, 2012; and

WHEREAS, the Lebanon Township Committee wishes to recognize this noteworthy achievement of Kyle Levy.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Lebanon hereby extend their congratulations to Eagle Scout, Kyle Levy for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

Mayor Wunder stated that he will try to be in attendance at the Award Ceremony to present the proclamations.

Ordinance No. 2012-05– Public Hearing

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-05 was opened.

There were no comments from the public.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-05 was closed.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2012-05 as written below.

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

WHEREAS, the Township has reached an agreement with the Township of Tewksbury for the establishment of a shared municipal court effective January 1, 2013; and

WHEREAS, the Code of the Township of Lebanon currently provides for a joint municipal court; and

WHEREAS, the Township Committee wishes to amend the Code to establish its own municipal court and authorize the use of a shared municipal court.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, Hunterdon County as follows:

Section 1. Chapter 21 entitled "Court, Municipal Joint" of the Code of the Township of Lebanon is repealed and replaced in its entirety to read as follows:

Article I. Establishment

§ 21-1. Title of Court.

Under the powers and authority granted to the Township Committee by N.J.S.A. 2B:12-1 et seq., a Municipal Court is hereby established for the Township of Lebanon, in the County of Hunterdon, to be known as "Municipal Court of the Township of Lebanon."

§ 21-2. Shared Services Agreements.

The Township Committee is authorized to enter into and execute one or more shared services agreements with other municipalities for the creation of a shared municipal court through the appointment of the same persons to serve as the court staff of the Municipal Court of the Township of Lebanon and the Municipal Courts of such other municipalities, as well as the maintenance of shared court facilities, equipment, supplies and employees. The salary of the court staff and the other costs of operating the shared municipal court shall be shared between any municipalities with which the Township Committee has executed a shared agreement, as provided for in such agreement(s). Any costs and fines collected from defendants and any other costs or amounts collected or received by the Court operated pursuant to the shared services agreement shall be divided between such municipalities as provided for in the agreement, unless otherwise provided by law.

§ 21-3. Municipal Court Judge.

This Municipal Court shall have a Municipal Court Judge. The Municipal Court Judge shall have such qualifications, be appointed and serve such term as is provided by law. The salary of the Municipal Judge shall be determined by a separate Salary Ordinance of the Township from time to time adopted or as set forth in a shared services agreement establishing a shared municipal court.

§ 21-4. Municipal Court Administrator.

The Municipal Court shall have an Administrator appointed by the Township Committee who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to

Municipal Courts and by the Municipal Court Judge. The Administrator shall be for a term of one (1) year or as provided in a shared services agreement. The salary of the Municipal Court Administrator shall be determined by a separate Salary Ordinance of the Town from time to time adopted or as set forth in a shared services agreement establishing a shared municipal court.

§ 21-5. Deputy Municipal Court Administrator.

There may be one or more Deputy Court Administrators of the Municipal Court who shall be appointed by the Township Committee. Deputy Municipal Court Administrators shall perform the functions assigned to them by the Municipal Court Judge and the Municipal Court Administrator.

§ 21-6. Necessary Clerical and Other Assistance.

The Township Committee may appoint such other clerical or other assistance for the Municipal Court as is necessary for the Court's efficient operation.

Article II. Municipal Prosecutor

§ 21-7. Appointment and Term.

The Municipal Court shall have a Municipal Prosecutor. The Township Committee shall appoint the Municipal Prosecutor and may appoint a Chief Municipal Prosecutor and such Deputy Municipal Prosecutors as may be determined by the Township Committee to be necessary. The Municipal Prosecutor, including any Chief or Deputy Municipal Prosecutor, shall be appointed for a term of one year from the date of appointment, or as provided in a shared services agreement, and may continue to serve in office pending reappointment or appointment of a successor.

§ 21-8. Qualifications and duties.

In accordance with N.J.S.A. 2B:12-27, the Municipal Prosecutor and any Chief or Deputy Municipal Prosecutors shall be qualified as attorneys at law of the State of New Jersey in good standing, and shall represent the Township (or the Township as the representative of the state in connection with prosecutions involving violations of state law) in prosecutions in the Municipal Court. The Municipal Prosecutor, including any Chief or Deputy Municipal Prosecutor, shall have all the privileges and immunities enjoyed by the Attorney General of the State of New Jersey, the County Prosecutor, and their respective designees.

§ 21-9. Compensation.

The Municipal Prosecutor, and any Chief, Deputy or Special Municipal Prosecutor, shall be compensated in the manner established by the separate Salary Ordinance of the Township from time to time adopted, or professional services contract from time to time authorized by resolution of the Township Committee, or as set forth in a shared services agreement establishing a shared municipal court.

Article III. Municipal Public Defender

§ 21-10. Appointment and Term.

There is hereby created the position of a Municipal Public Defender who shall be appointed by the Township Committee. The Township Committee may appoint a Chief Municipal Public Defender

and such Deputy Municipal Public Defenders as may be determined by the Township Committee to be necessary. The Municipal Public Defender, Chief Municipal Public Defender or Deputy Municipal Public Defender shall be appointed for terms of one year from the date of appointment, or as provided in a shared services agreement and may continue to serve in office pending reappointment or appointment of a successor.

§ 21-11. Qualifications and duties.

In accordance with N.J.S.A. 2B:24-1 et seq., the Municipal Public Defender and any Deputy Municipal Public Defenders shall be qualified as attorneys at law of the State of New Jersey in good standing and shall represent those defendants appearing in Municipal Court who are determined by the Court to be indigent and whose representation is assigned to the Municipal Public Defender by the Court. The Municipal Public Defender and any Deputy Municipal Public Defenders shall have all of the duties provided by N.J.S.A. 2B:24-1 et seq. in the representation of indigent defendants in proceedings over which the Municipal Court has jurisdiction.

§ 21-12. Compensation.

The Municipal Public Defender, Chief Municipal Public Defender or Deputy Municipal Public Defender shall be compensated in the manner established by the separate Salary Ordinance of the Township from time to time adopted, or professional services contract from time to time authorized by resolution of the Township Committee, or as set forth in a shared services agreement establishing a shared municipal court.

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 be effective on January 1, 2013 following passage and publication in accordance with law.

Ordinance No. 2012-06– Public Hearing

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2012-06 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. 2012-06 was closed.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2012-06 as written below.

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

WHEREAS the Board of Health of the Township of Lebanon issues annual retail food establishments licenses pursuant to Chapter 418 of the Code of the Township of Lebanon for businesses located in the Township of Lebanon, and

WHEREAS, the Board of Health of the Township of Lebanon also issues temporary food licenses to vendors that meet the definition of retail food establishments in the Retail Food Establishment Code and are interested in selling food at events held in Township; and

WHEREAS, inspectors from the Hunterdon County Health Department provide the inspections required by Chapter 418 of the Code of the Township of Lebanon prior to the issuance of any retail food establishment licenses; and

WHEREAS the Hunterdon County Health Department charges the Township for each inspection performed; and

WHEREAS, the Township incurs expenses in administering retail food establishment licenses over and above the amount charged by Hunterdon County; and

WHEREAS, the Township wishes to establish different fees for different categories of permanent retail food establishments; and

WHEREAS, an increase in fees for temporary retail food establishment licenses is necessary to compensate the Township for its administrative expenses connected with the issuance of these licenses; and

WHEREAS, the fees currently charged for dog licenses are not covering the Township's costs necessitating an increase in those fees.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon as follows:

SECTION 1. Section 205-6 entitled "Schedule of fees" of the Code of the Township of Lebanon is amended so that Item "Retail food establishments" reads as follows:

Retail food establishments, Board of Health (Ch. 418)

Permanent location

Category 1	\$ 50.00 (Township)
Newsstands, pharmacies, liquor stores, and other establishments handling commercially prepared, prepackaged non-potentially hazardous foods as an incidental part of their business	\$100.00 (County)
Category 2	\$ 50.00 (Township)
Bed-and-breakfasts which serve full breakfasts; agricultural markets (where there is no food preparation) where potentially hazardous foods are offered for sale or where grocery foot items account for 50% or more of the sales area	\$100.00 (County)
Category 3	
All other retail food establishments	\$ 50.00 (Township) \$200.00 (County)

Temporary location

Temporary retail food establishments for events of 3 or fewer days	\$ 50.00 (Township) \$ 75.00 (County)
Temporary retail food establishments for events more of 4 or more days	\$ 50.00 (Township) \$125.00 (County)

SECTION 2. Section 205-6 entitled "Schedule of fees" of the Code of the Township of Lebanon is amended so that Item "Dogs (Ch. 125, Art. I)" reads as follows:

Dogs (Ch. 125, Art. I)

Dog license for altered dog	\$11.00
Dog license for unaltered dog	\$14.00
Dog license, late registration	\$5 per month after February 1

SECTION 3. If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 4. All ordinances and resolutions inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies.

SECTION 5. This ordinance shall take effect immediately upon publication following its final passage, in accordance with law.

RESOLUTIONS

Resolution No. 88-2012 - Awarding a Contract for Rock Salt

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 88-2012 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 88-2012
RESOLUTION AWARDING A CONTRACT FOR
ROCK SALT

WHEREAS, the Board of Chosen Freeholders awarded a master contract to International Salt, Inc. (Rock Salt) on October 16, 2012 to provide rock salt for the County and members of the Cooperative Pricing System for Ice Control Materials Bid No. 2012-19 for the 12/13 season, and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that the following contract be awarded for a contract period of October 16, 2012 to October 15, 2013.

COMPANY	ITEM	PRICE
International Salt Inc.	Rock Salt	\$ 51.87 per ton

Resolution No. 89-2012 - Transfers

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved Resolution No. 89-2012 as written below.

TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 89-2012

WHEREAS, under the provisions of the Local Budget Law, certain transfers are allowable in the 2012 Budget, if it shall become necessary to expend an amount in excess of the respective sums appropriated therefore; and there shall be an excess in one or more appropriations; and

WHEREAS, certain charges to be incurred that must be paid as designated by the credits herein shown and affected in the appropriations reflected are to be paid;

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF LEBANON that the Chief Financial Officer be authorized to make the following transfers so that the above mentioned bills may be paid from the 2012 budget year:

<u>ACCOUNT</u>	<u>FROM</u>	<u>TO</u>
Administration Other Expense O/E	\$ 1,800.00	
Tax Collector O/E	\$ 3,000.00	
Maintenance of Parks O/E	\$ 1,400.00	
Recreation Committee O/E	\$ 4,000.00	
Historic O/E	\$ 2,000.00	
Public Bldgs & Grounds O/E	\$ 5,000.00	
Environmental Commission O/E	\$ 900.00	
Senior Citizens O/E	\$ 4,000.00	
Gasoline & Diesel Fuel O/E	\$ 10,000.00	
Planning Board O/E	\$ 8,000.00	
Telephone O/E		\$ 2,200.00
Legal O/E		\$ 15,465.00
Engineering O/E		\$ 9,000.00
Aid to New Hampton O/E		\$ 500.00

Celebration of Public Events O/E		\$ 2,000.00
General Liability O/E		\$ 1,700.00
Surety Bond Premiums O/E		\$ 2,245.00
PERS Public Employees Retirement O/E		\$ 20.00
Employee Group Insurance		\$ 6,970.00
TOTAL	\$40,100.00	\$ 40,100.00

Resolution No. 90-2012 – Redemption of Tax Sale Certificate

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 90-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 90-2012
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201209 on October 12, 2012 on Block 69, Lot 15 Lebanon Township, and

WHEREAS the amount of \$3138.08 has been collected from Robert and Sherry Dellellba, owners of this property located at 98 Musconetcong River Road.

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 \$ 3138.08 payable to Lebanon Township for this redemption.

Resolution No. 91-2012 - DPW Garage Project – Change Order No. 6

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 91-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 91-2012
DPW GARAGE PROJECT
CHANGE ORDER NO. 6**

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>
Electrical Changes: Generator Changed from 200KW to 150KW	\$ (2,083.00)

Breaker changed from 800AMP to 600 AMP	\$	1,425.00
Add 25 new heat detectors	\$	8,443.42
<hr/>		
Total	\$	7,785.42

The new (Contract Sum) including this Change Order will be... \$ 2,137,029.35

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the request for a contract change and considers it to be in compliance with the performance of the contract and recommends the approval of a \$7,785.42 change order.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 6, for the DPW Garage Project, be approved and authorized the Mayor to execute.

Resolution No. 92-2012 - DPW Garage Project - Change Order No. 7

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 92 -2012 as written below.

**TOWNSHIP OF LEBANON
 COUNTY OF HUNTERDON
 STATE OF NEW JERSEY
 RESOLUTION NO. 92-2012
 DPW GARAGE PROJECT
 CHANGE ORDER NO. 7**

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>
Electrical Changes:	
Misc. electrical changes	\$ 4,635.40
	<hr/>
Total	\$ 4,635.40

The new (Contract Sum) including this Change Order will be...\$ 2,141,664.75

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the request for a contract change and considers it to be in compliance with the performance of the contract and recommends the approval of a \$4,635.40 change order.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 7, for the DPW Garage Project, be approved and authorized the Mayor to execute.

Resolution No. 93-2012 - Redemption of Tax Sale Certificate

The Clerk is to certify with the Tax Collector that the figures are correct in Resolution No. 93-2012.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 93-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 93-2012
REDEMPTION OF TAX SALE CERTIFICATE**

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201205 on October 12, 2012 on Block 27, Lot 11, to US Bank Cust for Crestar Capital; and

WHEREAS the amount of \$5458.30 has been collected from Peter Laub Esq, attorney for the owners of this property located at 13 High View Street, 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 \$5458.30 for the redemption of Tax Sale Certificate #201205 and a check in addition for the return of premium collected for this certificate in the amount of \$4200.00 be made payable to US Bank Cust for Crestar Capital for this redemption.

Resolution No. 94-2012 - DPW Garage Project – Change Order No. 8

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 94 -2012.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 94-2012
DPW GARAGE PROJECT
CHANGE ORDER NO. 8**

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>
Delete Epoxy Flooring in Storage Room	\$ (18,000.00)
Add Concrete Sealer in Storage Rm (material and labor)	\$ <u>1,100.00</u>
Total	\$ (16,900.00)

The new (Contract Sum) including this Change Order will be... \$ 2,124,764.75

WHEREAS Keith Chambers of Chambers Architecture Inc. has reviewed the request for a contract change and considers it to be in compliance with the performance of the contract and recommends the approval of a \$(16,900.00) change order.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 8, for the DPW Garage Project, be approved and authorized the Mayor to execute.

OLD BUSINESS

Ethics Complaint Correspondence – Eileen Brennen-DCA/DLGS

Attorney Cushing read, for the record, a letter he sent to the Township Committee on November 7, 2012. The letter stated possible conflicts he may have in investigating alleged ethics laws violations against Mr. Milkowski relative to LOSAP and the Fire Department. Attorney Cushing stated that his office tried to stay away from conducting an investigation of a sitting Committeeperson as it would be an obvious conflict to do so. Attorney Cushing suggested that if the Committee wishes to see the charges pursued then they ought to engage an independent lawyer. Attorney Cushing offered to provide the name of the President of the Institute of Local Government Attorneys who can provide three names for consideration.

Ms. Schriver stated that she feels that names of independent attorneys should be requested from the President of the Institute of Local Government Attorneys.

Mr. McKee stated that he feels that the Committee should wait to see what the results are from the LOSAP Auditor as they are spending money there. Mr. McKee feels that the Comptroller has obtained cases of files and the Committee should wait to see what the report is from them. Mr. McKee stated that he feels that the Committee is on a witch hunt and does not believe that the letter from the Local Finance Board states that the Committee should conduct an ethics investigation. Mr. McKee stated that the Township is spending \$10,000.00 on a Special LOSAP Auditor and have not received the results yet but want to proceed in spending more money on a prosecuting attorney. Mr. McKee stated that he feels that it is out of control. Mr. McKee stated that he feels that this has become personal and possibly political. He is totally against it.

Ms. Schriver stated that this matter has been going on for so long and she feels that the letter is a recommendation from the Local Finance Board. Ms. Schriver stated that to her this is not a political or personal concern. Ms. Schriver stated that she is there for the residents and welfare of the community. Ms. Schriver noted that she has no idea if there was a crime committed but if there was it involves taxpayers money and she feels that the Township has to move forward with the investigation.

Mr. McKee stated that it is his understanding that the money being discussed is in an institution and there has been no money that has exchanged hands. Mr. McKee stated that the Township finally, after months, has an auditor and feels that the Committee should wait to see what he has to say. Mr. McKee questioned why it has taken so long to get the auditor in place.

Ms. Schriver stated that she asked Mr. Milkowski on many occasions to acknowledge that there may have been an error and to look into it. Mr. Milkowski stated that he was never asked that. Ms. Schriver and Mayor Wunder stated that it was discussed in Closed Session.

Mayor Wunder stated that there are two matters being looked at. One is the LOSAP matter and the other is possible ethics violations. Mr. McKee asked what the possible ethics violations would be. Mayor Wunder stated that until recently Mr. Milkowski continuously did not recuse himself from Fire Department matters. Mr. McKee asked if there is a statute stating that you cannot comment if you are on the Committee and the Fire Department and asked if Mr. Milkowski ever voted on anything that pertained to LOSAP or the Fire Department publically. Mayor Wunder stated that Mr. Milkowski has been accused of participating in Fire Department issues behind the scenes. Mayor Wunder stated that it is said that Mr. Milkowski attended a Fire Department meeting and spoke and voted. Mayor Wunder stated that Mr. Milkowski spoke at a meeting about a member of the Fire Department being suspended. Mr. Milkowski stated that the member was Riced for the meeting and he was just informing the public as to what happened. Mr. Milkowski said that he believes that the Mayor told him that he could attend a meeting and the Mayor agreed. Mayor Wunder stated that he had no knowledge of such. Mr. McKee and Mr. Milkowski stated that it is stated in an email. Mayor Wunder stated that the Dewey Polt acquisition is a concern also. Mr. Milkowski stated that if you live in an area for 50 years you know many people. Mr. Gary MacQueen stated that he feels that this matter is out of control and the Committee should not be spending more money on this. Mr. MacQueen said that the Committee should let one investigation be conducted before moving onto the next. Mr. McKee stated that he feels that the Committee has been out of order for some time.

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by favorable roll call vote, the Township Committee approved contacting the President of the Institute of Local Government Attorneys to obtain names of attorneys who have a background in ethics. AYES: Schriver, Wunder NAYS: McKee ABSTAIN: Milkowski

LOSAP Review

The Special LOSAP Auditor will be picking up documents to conduct the Audit on Monday, November 19, 2012.

Keith Chambers Correspondence – Invoice for Payment

Mr. Milkowski stated with the holiday coming up there will not be another meeting in November. Architect Chambers invoiced the Township for November and is asking that the Township hold his check until November 26, 2012 so he can be paid prior to the December 5, 2012 meeting.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved Mr. Chambers request to approve the invoice and hold the check until November 26, 2012 for payment.

Lebanon Township Fire Department – Donated Equipment Liability Waiver

Attorney Cushing stated that the Fire Department made contact with the Somerville Fire Department to acquire used radio equipment. The Somerville Fire Department provided a release from stating that the equipment is used, they do not guarantee it or warrant it. Attorney Cushing stated that he

has no problem with the language; however, he recommended that the specific equipment be listed so it is know what is being released exactly.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 95-2012 as stated below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 95-2012
ACQUISITION OF FIRE RADIO EQUIPMENT

Whereas, the Somerville Fire Department has offered used fire radio equipment to the Lebanon Township Volunteer Fire Department; and

Whereas, there is a Release of Liability document provided by the Somerville Fire Department. NOW THEREFORE BE IT RESOLVED that the Mayor and Committee of the Township of Lebanon have no objection to the Lebanon Township Volunteer Fire Department accepting the equipment with the release document.

NEW BUSINESS

Storm Cleanup – Branch Chipping

Mr. Milkowski stated that due to the storm there is a lot of brush down and a lot of chipping to be done. Mr. Milkowski spoke to the DPW Manager and suggested having a location where the residents can drop off their brush. Mr. Gabriel was looking to rent a tub grinder because there is such a large volume of brush to be chipped and it would be easier than using a chipper. Mr. Milkowski stated that he reached out to Mr. Dewey Polt and asked if the Township could use his property for the drop off area. Mr. Polt agreed as long as the Township provides the insurance for the use and the property must be returned to its original condition. The cost to insure the property for the chipping is \$500.00. Ms. Schriver stated concerns with certain residents not being able to transport their brush to the site. Mayor Wunder asked at what point is the Township doing private sector work and stated that there is so much brush down in the right of ways it will probably overwhelm the DPW to have to deal with all. Mr. Milkowski stated that residents with downed trees will mostly likely have to hire someone to cut up the trees and chip them themselves. Mr. McKee stated that having a staging area makes sense because it will allow for the DPW to conduct their daily business and to work on the stockpile when they have free time. Mr. McKee is concerned also with residents who may not have the means to transport their brush to the location. Mr. McKee question if there is FEMA money to help offset the cost of the work. Mr. Milkowski stated that he checked with another rural municipality and they are providing a staging area also. Mr. Milkowski stated that the only other option is to have the staging area in the Memorial Park. No decision was made to provide chipping services.

Mr. Anthony Casale stated that in the past Mr. Gabriel has always applied for emergency grant funds and we have always received them. Mr. Casale stated that in the past Mr. Gabriel received funds, big funds, and questioned why the Committee was not discussing that option.

DPW Garage Project – Water Tank

Mr. Milkowski stated that the water tank was partially installed on the neighbor's property and an easement needs to be prepared. The tank was also installed in the wetlands therefore the Township needs to make application to the NJDEP due to the wetlands being disturbed. Mr. Milkowski stated that the contractor who installed the tank is requesting a payment of \$10,500.00 for the work. Mr. Milkowski explained to the contractor that the Township is going to hold the payment until the easement is complete. Mr. Milkowski informed the contractor that he will be discussing the matter with the Committee to see if they are in favor of holding the payment.

Architect Keith Chambers stated that he spoke to the Township Engineer Steve Risse because it has taken months to receive the easement from the surveyor. Mr. Risse informed Mr. Chambers that the Township will have the easement by this Friday.

Discussion to be continued in Executive Session

Cell Tower – Bird Problems

Mayor Wunder stated that there is a bird pooping problem below the cell tower. The police vehicles and the police officer's personal vehicles have been targeted. Mr. Milkowski stated that this is a problem; however there will be a bigger problem when there is ice on the tower and it falls. Employees should not park in the area of the tower. Signs should be placed on the tower to inform all not to park in the area.

Motion by Mayor Wunder, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved looking into a possible electrical device for the cell tower to ward off the birds.

OEM Coordinator Alan Goracy – Storm Comments

OEM Coordinator Alan Goracy stated that there is a FEMA meeting tomorrow morning at 9:00 a.m. at the Warren County Vo-Tech. Mr. Goracy stated that he will be attending and invited the Committee to attend also. Mr. Goracy spoke to the Hunterdon County OEM and there may be a misconception as to what is available to the Township. Mr. Goracy saw what Mr. Gabriel has received in the past and he will discuss that with him. Mr. Goracy stated that FEMA does not pay for everything such as a second residence. Mr. Goracy stated that he will look into it but he will be surprised if FEMA pays for the brush to be chipped. FEMA will send a representative to the Township to help with completing the forms. Mr. Goracy stated that generally overtime will be covered as well as miles and ware; however regular time will not.

Mr. Goracy stated that in regard to the storm he has never seen anything like it. He said that the storm hit so fast and lasted for a period of four hours. Mr. Goracy stated that fire trucks could not get out. One of the fire trucks was responding to a call and became blocked between two trees. The DPW Manager worked to free the truck. The firemen were at the firehouse for the initial 48 hours of the storm incase anything happened. Mr. Goracy stated that the Fire Dept. had a few calls for wires down but were not able to respond because it became too dangerous.

Mr. Goracy stated that he tried to do what he could for the residents. The requests he received from the residents were for water; however, very few people asked for it. Mr. Goracy stated that there were water sites throughout the County, as close as Readington Township and the residents could have also used the water at the Township Office.

Information packages were sent out through Deborah Goodsite on Facebook as well as Karen Newman on the Township webpage. The Fire Chief had purchased water and offered it if needed.

Mr. Goracy stated that things happened so quickly that they could only respond after it was over. Mr. Goracy said that the firemen were there, the rescue people were there and he believes that most people were safe.

Mr. Goracy asked why there is not generator at the Fire House. JCP & L provided a generator for critical care patients.

Mr. Goracy stated that the police department did not have much overtime. They answered everything that they could and assisted all in need.

Mr. Goracy stated concerns with shelters and the requirements in having one in the Township.

Mr. Goracy thanked the Mayor for his support during the storm as well as the Fire Chief.

Mayor Wunder stated that he thanked Mr. Goracy and the Fire Department for their efforts, and especially thanked Warren Gabriel and the DPW for the tremendous job that they did in clearing the roads non-stop for many hours. Mayor Wunder stated that the Township was trapped without them. Mr. Goracy stated that he gives Mr. Gabriel and his crew a lot of credit too as they came out right away to clear the trees. Mr. Goracy stated that Mr. Gabriel has also provided him with most of the information as the OEM Coordinator.

Mr. Goracy stated that he understands from JCP & L that all power has been restored to the Township; however, unless someone tells him how would he know.

Mr. Goracy stated that the Mayor circulated a list of possible volunteers for future incidents. If something were to happen again there could be a few people to at least make a phone call. Mayor Wunder stated that there are approximately 25 volunteers at this time. Township volunteers provided a hot meal at the Woodglen School. The school did not have shower facilities because they were being worked on. Ms. Schriver suggested posting a notice on the Township website to find residents who have critical care needs.

Mr. Milkowski commended Mr. Goracy for his efforts during the storm. Mr. Milkowski requested that Mr. Goracy meet with the department heads to discuss what could have been differently.

Raffle Application - PTSO Voorhees High School Inc. – May 1, 2013

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by favorable roll call vote, the Township Committee approved a raffle application for PTSO Voorhees High School Inc. for an event to be held on May 1, 2013.

Municipal Court Budget – 1/1/13 - 3/31/13

Mr. McKee stated that the Municipal Court budget pertains to the additional lease agreement that will continue on through the first three months of 2013 as the Municipal Court of North Hunterdon will be closing. The Court will be housed by a custodial town which appears to be Clinton Township. The records will be stored with Clinton Township from March 1, 2012 going forward. Mr. McKee stated that it was a benefit that Clinton Township took on the obligation because it would have been a chore to house the prior records. Mr. McKee stated that any members from 1964 moving forward will help with the cost sharing in the closing of the Court. The Court will hear cases from the 4th quarter of 2012 during the first two months of 2013. During the month of March 2013 they will administratively close the court down and auction off the items in the court. Clinton Township will reap the costs from any cases they hear.

Mr. Milkowski – Resignation from the Fire Department

Mr. Milkowski stated that after being a member of the Fire Dept. for more than forty years he had to resign. Mr. Milkowski asked how this changes his position on the Committee. Attorney Cushing stated that there is a statute and regulation from the Dept. of Community Affairs, Division of Local Finance Board which pertains to this matter. The statute says that a Committeeman who is also a fireman cannot vote. The regulation from the Local Finance Board states that you should not discuss things if you serve in both capacities. Attorney Cushing stated that once the resignation becomes effective he feels that the statutory prohibition ends. The question then exists as to whether there is any personal interest that exists or a special relationship that would exist that would make it a loss of objectivity. Attorney Cushing stated that that is a determination that Mr. Milkowski would have to make. Attorney Cushing stated that if Mr. Milkowski feels that now that he is no longer a member of the Fire Dept. and that his prior membership will no longer sway any decisions that he may have, he can go ahead a vote. However, if there is some sense of lingering loyalty and a loss of objectivity then he should not vote. Attorney Cushing stated that the function of a Committeeperson is to be objective and to not let outside influences effect decision making. There are clear cut areas such as voting on matters pertaining to family members. The Fire Dept. is a statutory requirement. If the resigned member can vote objectively, Mr. Cushing does not see any prohibition in them voting on the issues.

Mr. McKee thanked Mr. Milkowski for his 40 years of service to the Township.

COMMITTEE REPORTS

Committeewoman Schriver - Ms. Schriver stated that she is still looking to find money to upgrade Memorial Park.

Deputy Mayor Milkowski- Mr. Milkowski stated that relative to the DPW project, the paving in the salt barn needs a final coat put on. The contractor stated that if the DPW employees were to provide the installation of the asphalt the cost could be deducted from the contract. Mr. Milkowski spoke to the architect and the engineer and they have no problem with the DPW doing the work. Mr. Milkowski spoke to the DPW Manager and they will install the final coat. Architect Chambers stated that the final coat was installed today. Ms. Schriver asked how long the asphalt needs to sit before the salt can be put in the barn. Mr. Chambers will be calling for inspections and will find out

when the salt can be added. Mr. Milkowski stated that the DPW will be demolishing the other building on the site which the Township paid the previous contractor to do. Mr. Milkowski asked Mr. Gabriel to keep tight records on the DPW's time and the expense of the work so hopefully the Township can use it to recoup the costs.

Mr. Milkowski stated that there have been no Planning Board meetings. The next meeting will be held in December.

Mayor Wunder- Mayor Wunder stated that there was a need to relocate someone for three days due to a house fire which resulted from the hurricane.

Mayor Wunder stated that the early dismissal days scheduled at the school will now be full days due to the storm with the exception of November 21, 2012.

Mayor Wunder received a call today from a resident on Raritan River Road who will be providing him with information to help get the checks moving forward to rebuild the homes that were damaged in the 2011 storms.

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

Committeeman Morrison – Absent – Mayor Wunder provided the police report for the month of October 2012.

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 November 14, 2012 bill list in the amount of \$1,342,527.14.

CORRESPONDENCE

Chambers Architecture, Inc. – DPW Project Update
Tax Collector's Report for the Month of October 2012
Township Historian's October 4, 2012 Meeting Minutes
NJ Dept of Agriculture – Gypsy Moth Egg Mass Survey
Hunterdon Municipal Officers' Association Dinner – New Date

PUBLIC COMMENTS

Motion by Mr. Milkowski, 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 stated that the DPW, the Fire Dept and OEM did a fine job during the storm. The DPW was on top of it all. Mr. Skidmore suggested that the Committee memorialize their efforts

possibly through a resolution for the parties and individuals who gave their time. Mr. Skidmore stated that a letter of commendation would be appropriate for the DPW employees.

Mr. Skidmore stated to Mr. McKee that he felt that he comingled the LOSAP issue with the ethics issue. Mr. Skidmore stated that they are two different things. Mr. Skidmore stated that Mr. McKee questioned earlier why it took so long to get this far with the auditor. He said that only the Committee can answer that because for the first few months it was only discussed in executive session. Mr. Skidmore stated that this matter is not going to go away. Mr. Skidmore asked Mr. McKee to reconsider the matter on behalf of the Township residents and to look at what the Mayor and Ms. Schriver stated. Putting off the hiring of attorney to investigate this matter is just prolonging the ethics violation like the LOSAP investigation. Mr. Skidmore stated that the matter is twofold as the money should be given to the firemen as they deserve it and the government should be run correctly and properly. Mr. Skidmore stated that the LOSAP incident has cost the Township more than the \$10,000.00 that is being spent for the auditor as there would have been no problem with EMS which the Township is spending \$60,000.00 - \$70,000.00 for. Mr. Skidmore asked Mr. McKee to rethink the two prong approach on the issues. Mr. Skidmore informed Mr. McKee that relative to his question on whether it is mentioned in a statute that a Committee person should not comment on Fire Dept. matters, if he is a Fireman; it does not specifically state the Fire Dept. in particular but it mentions personal involvement in organizations.

Mr. Skidmore questioned Attorney Cushing's opinion on the statute; resigning from the Fire Dept. would free a person from any right to vote. The statute actually states that any right shall "act" which Mr. Skidmore would consider as discussion also. The statute also states "personal involvement" which Mr. Skidmore suggested that the Committee refer back to the Ethics Law as it is not a matter of black or white, it is a matter of perception. It is the perception of what the people see and they deserve to have faith in their government. Mr. Skidmore urged the Committee to consider if a resident would believe that someone who has 40 years in the Fire Dept. could be unbiased in dealings with that organization. Mr. Skidmore stated that in his opinion, just because someone is no longer a member of the Fire Dept., it does not relieve the person from the ethics violation. Mr. Skidmore thanked Mr. Milkowski for his involvement.

Mr. Anthony Casale applauded Alan Goracy and everyone else who was involved for their efforts during the storm. Mr. Casale questioned if power had actually been restored to all properties in the Township as there are so many wires still lying in the roadways. Mr. Casale stated that he thought that the generator, which was installed at the municipal office, had reserved power to supply power to the Fire Dept. for whatever needs they have. Mr. Casale recommended that the Committee considering running a line from the generator to the Fire House.

Mr. Casale stated that early on there were amendments made to the DPW Garage project such as the elimination of the five bays. Mr. Casale stated that he asked about additional fees from the architect relative to such and Mr. Milkowski stated that there would be none. Mr. Casale said that he is now confused as to why the original design had a service for 800 amps and has now been changed to 600 amps. Mr. Casale questioned the \$400.00 restocking fee associated with the return of the breaker. Architect Chambers stated that originally JCP & L approved the 800 amps then changed the approval two years later.

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.

Mr. Milkowski stated that in the past the Committeeman Elect was invited into the Executive Session to be informed as to what is happening. Mr. Milkowski asked if the Committee is going to continue with the policy. All Committee Members agreed to continue with the policy.

Motion by Mr. Milkowski, seconded by Mr. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 96-2012 and convened in executive session at 9:04 p.m.

**TOWNSHIP OF LEBANON
RESOLUTION NO. 96-2012**

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:

Litigation – Hyland Matter
Collective Bargaining – CWA Contract
Attorney Communication – Testator’s Estate
DPW Project – Water Tank
Contract Negotiations

There may be action taken when the Regular Meeting convenes.

The Township Committee reconvened the Regular Committee meeting at 9:50 p.m.

Attorney Cushing stated that during the executive session the Township Committee discussed the status of the Hyland Litigation and the CWA Contract. The DPW Garage Project Architect gave his advise in regard to the water tank at Fire Station No. 1 and discussed matters relative to his contract with the Committee. There was discussion on the status of communications received from several lawyers with respect to the potential bequest to the Lebanon Township First Aid Squad. Discussion was also held on the Township’s phone service.

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 9:52 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: December 5, 2012

Brian Wunder, Mayor