

CALL TO ORDER

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

FLAG SALUTE

Mayor McKee asked everyone to please stand for the Flag Salute and for a Moment of Silence in honor of our Troops.

ROLL CALL

Present - Tom McKee Patricia Schriver Francis Morrison
 Ron Milkowski Bernie Cryan

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 6 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of February 06, 2013

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of February 6, 2013.

Minutes of the Executive Session of February 06, 2013

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of February 6, 2013.

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the Public

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

Public Hearing

Ordinance No. 2013-03- Authorizing the Acquisition of Real Property – Blk 64, Lot 7.03

Mayor McKee stated that this is a sliver of property being added to Fire Station No. 1 to make the lot more conforming through a lot line adjustment.

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2013-03 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. 2013-03 was closed.

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2013-03 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2013-03
AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL
PROPERTY KNOWN AS A PORTION OF BLOCK 64, LOT 7.03 ON THE TAX MAP OF
THE TOWNSHIP OF LEBANON**

WHEREAS, the Township of Lebanon has determined that a portion of the property known as Block 64, Lot 7.03 (hereinafter, the Property), is needed by the Township for a public purpose; and

WHEREAS, the Township of Lebanon wishes to engage in the process of negotiating with the owners of the Property to acquire a fee simple interest in a portion of said block and lots;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lebanon, in the County of Hunterdon and State of New Jersey, as follows:

1. That the acquisition of a fee simple real property interest in a portion of Block 64, Lot 7.03, as approximately described by Schedule A attached hereto, is hereby authorized by purchase for the amount of \$1000.00. The actual metes and bounds description of the Property will be in accordance with a survey to be prepared on behalf of the Sellers.

2. That the Township shall pay for all surveys, preparation of documents or other submissions relating to this acquisition and to a proposed lot line adjustment/minor subdivision required to effect this transaction.

3. That the Township may assign its obligations and liabilities under any Contract entered into with the Owners to the Lebanon Township Fire Department.

BE IT FURTHER ORDAINED that the Mayor, Clerk of the Township, Township Treasurer, and any other proper official of the Township be and each of them is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance; and

BE IT ORDAINED that this Ordinance shall take effect immediately upon publication following final passage and the filing of a copy thereof with the Planning Board of the County of Hunterdon.

RESOLUTIONS

Resolution No. 33-2013 - Professional Service Appointment

Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 33-2013 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 33-2013
PROFESSIONAL SERVICE APPOINTMENTS**

WHEREAS, there exists a need for Attorneys, Engineers, and Professional Experts for the Township of Lebanon, and

WHEREAS, the Local Public Contracts Law (N.J.S. A. 40A:11-1 et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the Mayor, Township Clerk and Chief Financial Officer are hereby authorized and directed to execute the agreements

WHEREAS sufficient funds are available in the 2013 Temporary Budget and will be made available in the 2013 Municipal Budget for the Township of Lebanon for such services.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, on this 20th day of February, 2013 as follows:

1. Heritage Consulting Engineers is hereby appointed to provide professional land surveying and drafting services to maintain and provide updates to the Lebanon Township Municipal Tax Map for the year 2013.
2. Where Mayor, Clerk and the Chief Financial Officer are hereby authorized and directed to execute the agreements

OLD BUSINESS

Township Dinner – DJ's Agreement

Motion by Ms. Schriver, seconded by Mr. Cryan, and carried by unanimous favorable roll call vote, the Township Committee approved an Agreement with Spinner's Plus DJ's for DJ services at the Township Dinner at a cost of \$550.00 with the \$200.00 deposit approved for payment. The final payment of \$350.00 is to be made at the Township Dinner on April 20, 2013.

Schedule Budget Meetings

Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee scheduled Budget Worksessions to be held on Thursday, March 7 2013, Wednesday, March 13, 2013 and Tuesday, March 19, 2013 and authorized the Clerk to advertise. All worksessions will be held at 6:00 p.m.

Unsafe Structures – 2069 Route 31

Mayor McKee stated that the Committee is still waiting on the receipt of quotes for the demolition of the two structures. One quote has been received and there may be four more submitted. Mayor McKee stated the all quotes will hopefully be in by next week. Attorney Cushing stated that the Township is required to provide 24 hour notice to the property owner prior to the demolition. Attorney Cushing's office was unable to locate the owner; however, they located the agent for the service of process in Trenton. Attorney Cushing asked the Police Chief if one of the Officers could hand deliver the notification to insure delivery and receipt. The notification was delivered and the Township's obligations were upheld from a legal standpoint.

Fire Department Generator

Ms. Schriver asked Mr. Milkowski if he checked with the Fire Department on sharing the Municipal Building generator. Mr. Milkowski stated that he did not. Ms. Schriver stated that she will contact the Fire Department on the matter.

Municipal Complex Cell Tower – Co-locator Agreement

Ms. Schriver asked what the status is of the Co-locator Agreement with Nextel. Ms. Schriver stated that Nextel is listed as a co-locator however the Township has not received any rent. Attorney Cushing stated that he does not believe that the co-locator lease has been signed and that Verizon's obligation was based on the receipt of building permits. The co-locator agreement will need to be looked at to see when Nextel is obligated to start paying.

Mr. Milkowski asked about a letter received from a company that would like to manage the cell tower. Ms. Schriver said that she is familiar with the request and feels that the Township should explore the option, however, not until the Nextel matter is resolved.

Budget Worksessions

Mr. Cryan asked if the Committee will be meeting with the Department Heads during the Budget Worksessions. Mayor McKee stated that the first meeting will be with the Chief Financial Officer and then the Committee will meet with the Department Heads at a subsequent meeting. The Department Heads will be notified of the worksession dates.

North Hunterdon Municipal Court

Mayor McKee stated that the North Hunterdon Municipal Court is winding down and will be moving next week. All court files and records will be moved to Clinton Township who will be the

custodial court. There will be an online auction to dispense of all existing furniture, pews and equipment. The auction will be held from early next week to early March.

NEW BUSINESS

Insurance Coverage

Mr. Tom Groendyke was present to discuss the Township's insurance coverage. Mr. Groendyke stated that the Township has two different insurance companies handling the Township's property and causality insurance. Statewide Joint Insurance Fund handles the Worker's Compensation and the Excess Liability. Selective Insurance Company handles the majority of the rest of the coverage; property, liability and automobile for the Township. The Statewide policy renewed on January 1, 2013 and at this time it is the Selective package policy which will renew on March 1, 2013. There has been an increase in proposed costs and deductibles due to the number of losses the Township has faced in the past few years with professional liability. Mr. Groendyke stated that both companies wanted to write the entire package and ended up with very similar costs. Mr. Groendyke discussed the proposals with the Committee and the possible options they have. The deductible for each policy will now be \$25,000.00 per incident. Mr. Cryan asked what the savings are "apples to apples" between the two company's proposals. Mr. Groendyke stated that the savings would be \$4000.00, if the Township remains with Selective Insurance. Ms. Schriver, Mayor McKee and Mr. Cryan all stated their support in accepting Selective Insurance's proposal.

Motion by Ms. Schriver, seconded by Mr. Cryan, and carried by favorable roll call vote, the Township Committee accepted the Selective Insurance proposal as provided by Mr. Groendyke for 2013. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

Request for a Red Light/Siren Permit – Edward Schaffer

Tabled to the March 20, 2013 meeting.

Request for a Blue Light Permit – Jared Patriarca & David Sulpy

Motion by Ms. Schriver, seconded by Mr. Cryan, and carried by favorable roll call vote, the Township Committee approved a blue light permit for Jared Patriarca and David Sulpy. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

New Jersey Conservation Foundation – HC Open Space Trust Fund Application, Block 16 Lot 16

Ms. Schriver stated that in the recent past New Jersey Conservation Foundation had requested support from the Township Committee in the purchase of the Four Seasons Outdoor Center land. The NJCF is now looking to acquire the Lockheed Martin Property which adjoins the Four Seasons property. The tract travels across the river to County Route 513. Ms. Schriver stated that it is a valuable piece of property and it will be a benefit to the Township in not having the property developed. Ms. Schriver recommended that the Township Committee support the NJCF in acquiring the property. Mayor McKee stated that he feels that it makes perfect sense in preserving the tract as it connects to adjacent preserved land. Mr. Milkowski stated that in the past the possibility of a cell

tower being located in the area was discussed and noted that there is a lawsuit pending at this time due to a cell tower having to be moved to the opposite side of County Route 513. Mr. Milkowski stated that he would like to prevent future problems. Mr. Milkowski questioned that if, in the future, a cell tower company wanted to be added to the Lockheed tower, would this acquisition prevent it from happening. Mr. Milkowski stated that if the acquisition would exempt the possibility of a cell tower being located on the property he could not support the acquisition. The Committee discussed the concerns Mr. Milkowski raised. Mr. Cryan stated that he feels that the acquisition is a great idea as the trail is used by many and it makes perfect sense for it to be blended into the system based on its location.

Motion by Ms. Schriver, seconded by Mayor McKee, and carried by favorable roll call vote, the Township Committee authorized the Clerk to send a letter to the New Jersey Conservation Foundation expressing support in the acquisition of the Lockheed Martin parcel as set forth in the NJCF's letter improperly, dated January 18, 2013. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

Mr. Michael Griffin Correspondence - Spruce Run Road Speed Limit

The Committee received a letter from Mr. Michael Griffin of Spruce Run Road. Mr. Griffin informed the Committee of damage his property received when a driver, who left the scene, crashed into his split rail fence in front of his home. Mr. Griffin stated that he was surprised to hear, from a Police Officer, that Spruce Run Road is not a posted road and therefore the speed limit is 50 miles per hour. Mr. Griffin feels that it is unsafe to drive at a maximum speed of 50 mph on that road. Mr. Griffin stated that 30 to 35 miles per hour would seem to be a reasonable speed to travel safely.

Motion by Mayor McKee, seconded by Mr. Morrison, and carried by favorable roll call vote, the Township Committee requested that the Police Chief conduct a speed survey on Spruce Run Road and to provide a recommendation to the Township Committee for their consideration.

Employees Length of Service

Mayor McKee stated that the Committee would like to look into providing recognition to the Township's employees based on their length of service. Mayor McKee stated that there are many employees who have been with the Township for a while and the Committee should honor or celebrate their length of service. Mr. Milkowski stated that there are a number of employees who have been with the Township for a number of years and there are two ways of looking at it. The Township has been a good place to work for the employees to be here this long and they have been good employees to be here this long. Mr. Milkowski stated that it is a "win/win" situation for all. Mayor McKee appointed Mr. Cryan and Ms. Schriver to work together in formulating a Length of Service award program for the employees.

DPW Garage

Mr. Milkowski stated that he was informed today that there is telephone service work that needs to be completed at the DPW Garage and the well water test failed due to iron and low PH. Based on the well test results there will need to be a water treatment system installed. Mr. Milkowski stated that the DPW Manager has received quotes on the phone service and the water treatment system and has a few more calls out that have not been returned. Mr. Milkowski stated that Mr. Gabriel did

receive two quotes on the phone system. Mayor McKee stated that one quote was received from Cooper Home Systems in the amount of \$3874.00 and one was received from TKG Technologies, L.L.C. in the amount of \$5445.00. Mayor McKee stated that the Cooper Home Systems quote covers all of the needs for the garage.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved a quote from Cooper Home Systems for phone, cable, internet, and alarm system installations at the DPW Building at a cost of \$3874.00. AYES: Schriver, McKee Milkowski, Morrison NAYS: Cryan

Mr. Gabriel did attempt to obtain quotes for the water treatment system, however, has only received one at this time.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee approved a quote from D & L Pumping Company in an amount not to exceed \$2995.00. If the DPW Manager should receive a lower quote he is authorized to award the quote to that particular company.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the February 20, 2013 bill list in amount of \$101,636.59.

CORRESPONDENCE

a. DPW Project Report – Architect Keith Chambers

Mr. Milkowski read the Architect's project report. Mr. Cryan stated that the report is five days old and asked if there were any updates. Mr. Milkowski stated that he has not heard of any. Mr. Cryan asked if the telephone data cables were entry cables since they were just approved to be run. Mr. Milkowski stated that he believes that the work is interior work. Mr. Cryan asked if the Committee needs to remind the Architect that the project is committed to be complete in eight days. Mr. Milkowski stated that he will contact Mr. Chambers tomorrow as a reminder. Mr. Cryan stated that he needs to be reminded that there is no money coming until the work is complete.

Lebanon Township Memorial Park Minutes

Mayor McKee thanked the Memorial Park Committee for submitting their meeting minutes to the Committee for their information and asked Ms. Schriver to relay his appreciation to the Park Committee members.

PUBLIC COMMENTS

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

Nancy Darois questioned if the garage project is complete. Ms. Darois stated that she thinks that the extension has expired. Once they are over the time extension they should be fined. Ms. Darois was informed that the contactor has until February 28, 2013 to complete the building. Ms. Darois asked if there will be an open house for the public once the building done. The Committee stated that they will speak to the DPW Manager and look into an open house when the weather gets warmer. Ms. Darois stated that speeding on Anthony Road is terrible. There are two 35 mph speed limit signs but no one knows what 35 mph means. Ms. Darois stated that there is going to be a serious crash one of these days and someone is going to get hurt.

Ms. Laurie Hoffman stated that it concerns her that Ms. Schriver makes all of the motions and the rest of the Committee does not participate.

Mr. Victor Hoffman asked what is going to be done on the property located at 2069 Route 31 where the two buildings need to be demolished. Mayor McKee stated that the two standing structures need to be taken down and removed from the site. The clean fill, in manageable sizes, will infill the excavated areas. Mr. Hoffman asked if the block will be removed from the basement up. Mayor McKee stated that they will break up the slab for proper drainage and it will be placed back into the area so there will not be a hole. Mayor McKee stated that it needs to be safe. Mr. Hoffman informed the Committee of a concern he has at the end of Buffalo Hollow Road where there is the little side road that runs parallel to Route 31. Mr. Hoffman stated that there is a bus parking area on the Davara property and when exiting the property the buses do not stop when entering the service road. Mr. Hoffman asked if it is possible to have a stop sign placed on the property to correct the problem before someone is hurt. The Committee will have the Police Chief look into Mr. Hoffman's request and to ask the owner if it would be acceptable to place a stop sign on his property. An ordinance may need to be drafted relative to such also.

Mr. Paul Ibsen, President of the Lebanon Township Volunteer Fire Department, stated that Fire Chief Edd Schaffer and Deputy Chief Tom Carlucci were unable to attend the meeting so he was present to ask if they could come before the Committee with a formal proposal in taking over the squad building and making it part of the Fire Department. Mr. Ibsen noted that he knows that there has been discussion on making the building a community center and the building could still be used for any community event if the Fire Department takes the building over. Mr. Ibsen stated that he does not know the condition of the building or the state of disrepair it is in. The Fire Department will be present at the March 20, 2013 meeting to discuss a more formal proposal.

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

Motion by Ms. Schriver, seconded by Mayor McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 32-2013 and convened in executive session at 8:40 p.m.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 32-2013
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions;

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: ___Professional Service Contracts – . The public disclosure of such information at this time would have a potentially negative impact on the municipality’s position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____
_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

X Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ Union Contract _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Township Committee reconvened the Regular Committee meeting at 9:03 p.m.

Attorney Cushing stated that in the Executive Session the Township Committee discussed a personnel matter and contract negotiations.

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote to adjourn the meeting at 9:04 pm.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: March 6, 2013

Thomas McKee, Mayor