

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 10 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of March 20, 2013

Tabled to the May 1, 2013 meeting.

Minutes of the Executive Session of March 20, 2013

Tabled to the May 1, 2013 meeting.

Minutes of the Regular Meeting of April 3, 2013

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of April 3, 2013.

Minutes of the Executive Session of April 3, 2013

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by favorable roll call vote, the Township Committee approved minutes of the executive session of April 3, 2013. AYES: Schriver, McKee, Morrison, Cryan ABSTAIN: Milkowski

PUBLIC COMMENTS – for agenda items only.

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

2013 BUDGET –

Public Hearing

Motion by Mr. Cryan, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee opened the meeting for public comments relative to the proposed 2013 Municipal Budget.

There were no comments from the public.

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

Resolution No. 50-2013 – Budget Self Exam

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee adopted Resolution No. 50-2013 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
A RESOLUTION NO. 50-2013
ANNUAL BUDGET SELF EXAM**

WHEREAS, N.J.S.A.40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and,

WHEREAS, N.J.A.C.5:30-7 was adopted by the Local Finance Board on February 11, 1997; and,

WHEREAS, pursuant to N.J.A.C.5:30-7.2 thru 7.5 the Township of Lebanon has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Lebanon meets the necessary conditions to participate in the program for the 2013 budget year, so now therefore,

BE IT RESOLVED, by the Township Committee of the Township of Lebanon that in accordance with N.J.A.C.5:30-7.6a & b, and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A.40A:45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C.5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A.40A:4-5, shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Budget Adoption

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee adopted the 2013 Municipal Budget.

PROCLAMATION

Relay for Life of Hunterdon County Days - June 14th and 15th of 2013

Motion by Mr. Cryan, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee adopted the below written proclamation.

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

RELAY FOR LIFE OF HUNTERDON PROCLAMATION

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to come together to recognize and fight back against cancer; and
WHEREAS, the funds raised during Relay For Life of Hunterdon supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping our citizens stay well, by helping our citizens receive the best treatment for cancer, by supporting the search for cures for cancer; and (delete: by fighting back; and)
WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;
NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Lebanon does hereby proclaim June 14th and 15th of 2013 as,

"RELAY FOR LIFE OF HUNTERDON COUNTY DAYS"

in our community and hereby encourage our citizens to participate in the Relay For Life event at Hunterdon Central High School on June 14th to 15th, 2013.

ORDINANCE

Introduction

Ordinance No. 2013-Amending the Code to Include Ordinances Inadvertently Omitted

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by favorable roll call vote, the Township Committee approved Ordinance No. 2013-06 as entitled below. AYES: Schriver, McKee, Morrison Cryan ABSTAIN: Milkowski

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
ORDINANCE NO. 2013-06**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LEBANON
TO INCLUDE ORDINANCES INADVERTENTLY OMITTED FROM THE 2007
RECODIFICATION**

Public Hearing to be held on May 1, 2013

RESOLUTIONS

Resolution No. 51-2013 – DPW Project Change Order No. 14

Mr. Milkowski stated that he met with the Architect today and was informed that Change Order No. 14 covers 5 additional electrical boxes that were installed in a section of the DPW building that was an add on. Mr. Milkowski stated that he asked the Architect to add language to the Change Order that reflects the additional work because he does not want to see another bill for the same work at a later time. Mr. Milkowski stated that the switch for the pressure washer, in the mechanics bay, needed to be moved three feet due to the pressure washer needing to be realigned. The pressure washer took up too much room as originally planned so it was relocated. Mr. Milkowski stated that

the additional receptacles and boxes were added in the truck bays because of a workbench that was installed. Mr. Cryan asked why the contractor did not itemize what work was done for the charge. Mr. Milkowski stated that he questioned that himself and has a problem with the way the Change Order is written. Mr. Milkowski stated that he does not want to hold up the project and asked the Committee to approve the Change Order with the stipulation that an itemized bill must be received from the Contractor prior to payment being made.

Motion by Mr. Milkowski, seconded by Ms. Schriver, and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 51-2013, as written below. Said approval is with the stipulation that the CFO will hold the check until the vendor provides sufficient explanation of the bill. Once Mr. Milkowski feels that the vendor has met the requirements the check can be released.

**COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 51-2013
DPW GARAGE PROJECT
CHANGE ORDER NO. 14**

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>
Relocate the already installed equipment for the disconnect for Power Washer	
Add for quad outlet/wiring for Water Neutralizer (as requested by Township)	
Add for 5 additional outlets/conduit and wiring for receptacles at Storage Bay Work Bench area (not on prints-as requested by Township)	
	\$ 473.30
+5%	\$ <u>23.67</u>
	\$ 496.97

The new (Contract Sum) including this Change Order will be... \$ 2,087,177.92

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 for the payment of \$ 473.30.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon that Change Order No. 14 for the DPW Garage Project be approved and authorized the Mayor to execute.

Resolution No. 52-2013 - Professional Surveyor Services

Attorney Cushing stated that Resolution No. 52-2013 involves the Maxwell property which is located next to Fire Station No. 1. A fire tank for the DPW project was inadvertently placed on the Maxwell's property. The property was also used for years by the Fire Department for parking. Attorney Cushing stated that in order to correct the problem there have been discussions with the

neighbor about the Township acquiring the property. Attorney Cushing stated that a description of the property is necessary and Surveyor Eldon Allen has agreed to provide one at a cost of \$800.00.

Motion by Ms. Schriver, seconded by Mr. Morrison, and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 52-2013 as written below.

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 52-2013**

RESOLUTION APPOINTING PROFESSIONAL SURVEYOR

WHEREAS, there exists a need for the performance of professional surveying services for the Township of Lebanon for the year 2013; and

WHEREAS, funds are, or will be made, available for this purpose to be certified by the Treasurer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the hiring of a Surveyor without competitive bidding providing that the Resolution authorizing the award of contracts for "Professional Services" without competitive bidding and the contract itself be made available for public inspection.

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

1. Eldon Allen, PLS, of the firm of Eldon Allen, LLS, is hereby appointed to serve as Surveyor for the Township of Lebanon during the year 2013 in order to provide surveying services for the Township of Lebanon.
2. The Mayor and Committee shall enter into a mutually agreeable written compensation agreement with said Eldon Allen, PLS, within thirty (30) days of the date of this Resolution.
3. This Agreement is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.

OLD BUSINESS

Payment Request for Riverview Banquet Hall – Township Dinner

Motion by Ms. Schriver, seconded by Mr. Milkowski, and carried by unanimous favorable roll call vote, the Township Committee authorized a check to be prepared for Riverview Banquet Hall for the final payment for the Township dinner.

DPW Sign

Mayor McKee stated that he spoke to the DPW Manager, Warren Gabriel, and he does not believe that he is favor of the garage sign being placed by the road. Mr. Cryan will speak with Mr. Gabriel to find out his opinion on the placement of the sign.

Monthly Reports from Fire Department and EMS

Ms. Schriver stated that last year the Fire Department agreed to provide monthly Fire/EMS reports to the Committee and they have not submitted one in a very long time. Ms. Schriver stated that she feels that the report should have a breakdown as to which community is covering the calls. The Mayor will speak to the Fire Department and ask them to put a report together. Ms. Schriver stated that the reports were part of the agreement made last year. Mr. Cryan stated that he agreed with Ms. Schriver's request.

NEW BUSINESS

DPW Manager – Request to Advertise for Summer Help

Mr. Cryan stated that he spoke with the DPW Manager and there are two DPW employees who are out on Worker's Compensation. There is another DPW employee who was out on disability and will be going out again in one month. There is no determined time in which they will return to work. The DPW Manager has asked to move up the date for hiring the summer employees to assist with the employee shortages. Mr. Cryan stated that the Committee may need to discuss how to address the deficiency in staff members if the employees are unable to return to work. Mr. Cryan spoke to Mr. Gabriel about contracting out for the service, on a temporary basis, but will need to further discuss the possibility as they are not sure of the requirements in bringing subcontracting into a municipal situation.

Motion by Ms. Schriver, seconded by Mr. Cryan, and carried by unanimous favorable roll call vote, the Township Committee authorized the DPW Manager to advertise for Summer help.

Zoning Officer John Flemming Correspondence – Horse Barn

The Committee received a letter from the Zoning Officer, John Flemming, informing them of a decision made by the Zoning Board, based on the advice of the Board Attorney, relative to farm animals and smaller lot sizes in the Township. The Township Committee feels that the Township supports agriculture and requested that the Zoning Officer's letter be sent to the Planning Board for their review and the possible drafting of a proposed ordinance for the Committee's consideration.

Motion by Ms. Schriver, seconded by Mr. Cryan, and carried by unanimous favorable roll call vote, the Township Committee authorized the Clerk to send Mr. Flemming's letter to the Planning Board for their review and recommendations to the Committee.

Award Quote for Document Restoration – Minute Books and Documents

The Clerk is to obtain references from the vendors.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Cryan and carried by unanimous favorable roll call vote, the Township Committee approved the April 17, 2013 bill list in amount of \$ 3,888,397.78.

CORRESPONDENCE

- a. Letter of Commendation – Kathy Goracy Police Office Manager
- b. Tax Collector's Report for the Month of March 2013
- c. Tax Collector's Report of Uncollectible Taxes

PUBLIC COMMENTS

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

Doug and Annette Lemenze, of 208 Butternut Road, stated that the Zoning Officer's letter, regarding the horse barn, pertains to their application to the Zoning Board. Mr. Lemenze stated that his wife and daughter rescued a starving horse a few years ago and nursed it back to health. The horse was injured in a barn accident and is no longer rideable. Mr. Lemenze stated that they would like to bring the horse to their property which is one and a half acres. The Zoning Officer informed Ms. Lemenze that there is no ordinance regulating the minimum lot size needed to keep a horse. Mr. Flemming rejected the application for the horse barn due to it not meeting the requirement of a 100' setback from the property line. Ms. Lemenze was referred to the Board of Adjustment to apply for a variance. Ms. Lemenze stated that they have an existing shed; however, the Zoning Officer would not permit the horse to reside in it. Ms. Lemenze went through the process with the Zoning Board and was informed by the Board that she did not need to have a variance as long as they meet the setback of 50' from the property line for a shed. The Board Attorney stated that the horse was not permitted due to the Lemenze property not being the required 5 acres for a farm. The Lemenze family would have to apply for a D-Variance in order to be able to have the horse. Ms. Lemenze reapplied to the Zoning Officer and he again rejected the application based on the structure, which will house an animal, not being 100' from the property line and their property not being a 5 acre farmable property. The Committee discussed the matter with Mr. and Mrs. Lemenze at length and then directed the matter to the Planning Board for their recommendations to the Township Committee and possibly a draft ordinance.

Mr. Brian Wunder suggested contracting out for mowing services to help with the DPW employee shortages. Mr. Wunder asked if the Committee has spoken to the Police Chief about school safety and if there has there been any communication between the Committee and the School Board relative to such. Attorney Cushing stated that the discussion would be initiated by the School and would be between the School and the Police Department. Mr. Wunder stated that there is a Police Special, who he understands, would have hours available to rotate between the schools.

Ms. Laurie Hoffman stated that the matter with having a horse on a smaller lot could open a whole can of worms as there are residents who have all types of animals in the Township. Ms. Hoffman questioned if the Township will enforce the ordinance and regulations for everyone else in the Township also. Mayor McKee stated that he feels that the Committee understands Ms. Hoffman's comments completely.

Ms. Hoffman asked how to have a "Yield to Oncoming Traffic" sign placed on Buffalo Hollow Road at the railroad tracks. Mr. McKee stated that the request should be given to the Police Chief.

Ms. Nancy Darois asked if the DPW received the Certificate of Occupancy for the Township Garage. Mayor McKee stated that the C.O. has been received.

Ms. Darois stated that she thought that the Committee denied the Blues Fest event for this year. Mr. Cryan stated that the Committee voted not to permit the exclusion of the Lebanon Township Police Department for security purposes. Ms. Schriver stated that the Police Chief worked out the issue with the Blues Fest organizers.

Ms. Darois asked about the status of the GenPsych problem. Mayor McKee stated that the matter is in litigation.

Mr. Victor Hoffman asked for clarification on the Zoning Officers Correspondence. Mayor McKee provided an overview of the problem. Discussion was held.

Mr. Wunder asked about the status of the Township Committee pursuing grants. Ms. Schriver stated that she was working on a grant for the Squad building but since there has been a change in the situation with the building she has dropped her efforts for the time being. Ms. Schriver stated that she is still working on one other grant. Mr. Wunder suggested that the Committee appoint a volunteer to oversee grant opportunities for the Township. Mr. Wunder asked if LOSAP report was received. Attorney Cushing stated that the report just came in and the Governing Body will be discussing it in executive session.

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.

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 53-2013 and convened in executive session at 8:14 p.m.

Attorney Cushing stated that he does not think there is there will be action taken when the public meeting resumes; however, there may.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 53-2013
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; The Potential Lease of Fire Department and Rescue Squad Site and the Maxwell Acquisition.

_____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;

_____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: Claims with respect to DPW Garage Project _____)

_____ 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.);

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: Questions having to do with the LOSAP Audit 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 8:57 p.m.

Attorney Cushing stated that during the executive session the Committee discussed the acquisition of Maxwell Property and a Contractual Matter involving the contractor on the DPW Garage. The Township Attorney provided an update on the Fire Company Lease and the issue of Auditor's LOSAP report was discussed. The Township Committee will review and think about the report for the next two weeks and will then, probably, make the report public after the next meeting.

ADJOURNMENT

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Mr. Cryan and carried by unanimous favorable roll call vote to adjourn the meeting at 8:59 pm.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 1, 2013

Thomas McKee, Mayor