

CALL TO ORDER

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

FLAG SALUTE

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

ROLL CALL

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

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 08 members of the public.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of April 18, 2012

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of April 18, 2012 as amended.

Minutes of the Executive Session of April 18, 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 meeting of April 18, 2012 as amended.

PUBLIC COMMENTS – for agenda items only.

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

There were no comments from the public.

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

PROCLAMATION – Older Americans Month

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved the below written proclamation.

Older Americans Month

PROCLAMATION

Whereas, this Municipality includes a number of citizens aged 60 and older; and
Whereas, the 2012 theme is “Never Too Old to Play!” in honor of older Americans;
and

Whereas, the older adults in this Municipality have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and

Whereas, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

Whereas, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and

Whereas, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life
- Creating opportunities for older Americans to interact with people of different generations
- Providing services, technologies, and support systems that allow older adults to participate in social activities in the community

NOW, THEREFORE, BE IT RESOLVED that the Township of Lebanon does hereby proclaim May 2012 to be Older Americans Month. We urge every citizen to take time this month to engage with our older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

IN TESTIMONY WHEREOF, I have hereunto set my hand and cause to be affixed the Seal of the Township of Lebanon this 2nd day of May 2012.

RESOLUTIONS

Resolution No. 43-2012 – Redemption of Tax Sale Certificate

Motion by Ms. Schriver, seconded by Mr. McKee and carried by favorable roll call vote, the Township Committee approved Resolution No. 43-2012 as written below. AYES: Schriver, Milkowski, McKee, Morrison ABSTAIN: Wunder

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 43-2012
REDEMPTION OF TAX SALE CERTIFICATE

WHEREAS the Tax Collector did sell a Tax Sale Certificate #201002 on October 15, 2010 to Patricia R. Wunder and,

WHEREAS the amount of \$17,887.23 has been collected from John and Lois Merklinger, owners of Block 40, lot 16, Lebanon Township for the redemption of Tax Sale Certificate #201002,

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 \$17,887.23 and that this check be mailed to:

Patricia R. Wunder
3 Wunder Lane
Califon, New Jersey 07830

Resolution No. 44-2012 - COAH – Extension for Trust Funds to be Committed

Motion by Mr. McKee, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 44-2012 as written below.

TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION 44-2012
RESOLUTION CALLING FOR AN EXTENSION FOR AFFORDABLE HOUSING
TRUST FUNDS TO BE COMMITTED

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be “committed for expenditure, or risk forfeiture to the State;” and

WHEREAS, the 2008 Act did not define the term “committed for expenditure” and deferred to the Council on Affordable Housing (COAH) to promulgate regulations as to be requirements to be met for “committed” as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, hundreds of municipalities submitted spending plans to COAH, of which only a fraction of these plans were reviewed by the agency, and most of these municipalities have not been provided any guidance on their spending plans; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its “3rd round regulations” establishing municipal obligations under the “Fair Housing Act”; and

WHEREAS, COAH’s 3rd round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH’s methodology has had a chilling effect not only on the development of affordable housing, but on ability of local governments to commit trust funds dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, in 2008 the State Legislature passed the Permit Extension Act providing developers additional time because of the economic recess, an extension that was further granted in 2010 and which a third extension is now under consideration by the Legislature; and

WHEREAS, many of the projects in which the permits have been extended include an affordable housing component, and no such extension to municipalities; and

WHEREAS, forfeiture of trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of Lebanon Township urges the Christie Administration and the State Legislature to extend the July 2012 to “commit” municipal affordable housing trust fund dollars and for the State to provide the needed regulatory guidance contemplated in PL 2008 c. 46; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to State Senator Michael J. Doherty, Assemblyman John DiMaio and Erik Peterson, the New Jersey State League of Municipalities and the Office of the Governor.

Resolution No. 45-2012 – First Aid Squad – Execute Settlement Agreement

Held to the Executive Session.

OLD BUSINESS

Cell Tower

Attorney Cushing stated that they received documents from Cellco today with respect to accomplishing the goals that the Township is interested in. The documents will be reviewed and Attorney Cushing will provide a report at the next meeting.

Township Garage Project

Mr. Milkowski stated that he spoke to the Contractor today and was informed that once the Construction Department issues the permits they are prepared to start the footings on Monday.

Hunterdon County SWAC Representative

There was a misunderstanding on the appointment made by the County for the Lebanon Township representative to the SWAC Board. The appointment was actually meant to be for Glen Gardner not Lebanon Township. The position needs to be filled for the Township. The Clerk will post a notice on the webpage.

NEW BUSINESS

Sean VanLew – Veteran’s Haven Assistant Superintendent

Mr. Sean VanLew was present to introduce himself to the Township Committee and to answer any questions that the Committee or the public may have regarding Veteran’s Haven. Mr. VanLew stated that he works for the NJ Department of Military and Veterans Affairs and has been assigned to set up the Veteran’s Haven Housing Program at the Hagedorn Hospital site. Veteran’s Haven will occupy one fourth of the hospital space which will include North Hall, the School House and the current Freedom House. The North Hall is now free of Hagedorn patients and they anticipate opening around July 1, 2012. The Veteran’s Haven provides for formerly homeless veterans and gives them a place to stay for up to two years. They will help the veteran’s find employment and help them get their feet back on the ground so at the end of their two year stay they are able to regain some of the self sufficiency they had prior to becoming homeless. The Veteran’s Haven has an approximate 75% success rate in returning the men and women to their communities as successful citizens. Mr. VanLew stated that the facility is a tough love environment and as veterans they all understand rules and regulations. Veteran’s Haven insists that each of the veterans who enter the facility be individually accountable for their actions. Mr. VanLew stated that all clients are there on a volunteer basis. Mr. VanLew stated that drugs and alcohol are not permitted at the facility and the patients are not allowed to use them during their stay at the facility. When entering the facility the patients will be given a breathalyzer test. Anyone who fails the test is given 4 hours to leave the facility. Veteran’s Haven goal is to help the patient back into the Veteran’s Administration for inpatient treatment for the help they need. Not all patients are addicted to drug or alcohol but they cannot allow it in the facility as it may break down other patients. Mr. VanLew stated that Veteran’s Haven enjoys a good relationship with all veteran services organizations including Rolling Thunder and welcome them with open arms. Mr. VanLew stated that there is no plan at this time to utilize the remainder of the facility. The Committee thanked Mr. VanLew for his efforts and for attending the meeting.

Application for a Social Affair Permit. – Saint John Neumann Church – 06/02/12

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved a Social Affair Permit for Saint John Neumann Church for an event to be held on June 2, 2012.

Application for a Coin Toss – Lebanon Township Fire Dept. 05/19/12 & 11/23/12

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved a Coin Toss application for the Lebanon Township Vol. Fire

Department for fundraisers to be held on May 19, 2012 and November 23, 2012. AYES: Schriver, Wunder, McKee, Morrison ABSTAIN: Milkowski

Public Address System

Mr. Milkowski stated that at times the Township needs to use the local school for larger meetings. A PA System needs to be rented for each meeting at a cost of \$1250.00. Members of the Planning Board looked into the cost to purchase a System.

Planning Board Member Mark Laul stated that he received quotes for the system and Gramco provided the best quote at \$6225.00. The system is portable which can be used at the school. It takes approximately fifteen minutes to set up. The cost of the unit will be divided between the Planning Board, the Board of Adjustment and the Clerk.

Motion by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote, the Township Committee authorized the purchase of a Portable Microphone and Sound System, manufactured by BOSCH in accordance with a quote dated April 18, 2012. A representative of the Township solicited three quotes with respect to prices for this item.

COMMITTEE REPORTS

COMMITTEEWOMAN SCHRIVER-

Ms. Schriver stated that the Environmental Assessment of the Polt property has not begun, however, all insurance matters have been resolved and the assessment will be conducted shortly.

Ms. Schriver stated that the last of the patients at the Hagedorn Hospital are being moved out of the facility. Ms. Schriver stated that she and representatives from the Township; the Fire Chief, the Police Chief, the OEM Coordinator and the Clerk met with the State Police Station Commander, Lt James Visco and Mr. Sean VanLew of Veteran's Haven. The meeting was held to discuss in what way emergency services may be needed at Veteran's Haven and how the services will be provided. The meeting was productive and worked out well.

DEPUTY MAYOR MILKOWSKI-

Mr. Milkowski stated that he spoke to the DPW Contractor today and he has all of the paperwork submitted to the Construction Department and is waiting for permits to be issued. They are ready to start footings on Monday.

Mr. Milkowski stated that the DPW top soiled and seeded the area around the park, along the roadway. The DPW also did drainage work at Voorhees Village and top soiled and seeded.

The Planning Board met at the school on April 24, 2012 to discuss the GenPsych Application. It appears that there will be at least two more meetings. There was a Highlands meeting to discuss the addition to the Master Plan. There were questions raised and the Planner will be contacting the DEP for clarification.

Attorney Cushing stated that Planner Bolan had contacted him to schedule a meeting to discuss Highland's issues. Subject to the Committee's approval Attorney Cushing will do such. The Committee authorized Attorney Cushing to meet with Planner Bolan.

MAYOR WUNDER-

Mayor Wunder stated that the Municipal Court of North Hunterdon met on Monday night. He and Mr. McKee attended the meeting. There was a lot of number crunching however, nothing was resolved.

Mayor Wunder stated that he attended the Mayor's Conference in Atlantic City. He felt that the Conference was decent but he would have liked more time for questions and answers. Mayor Wunder stated that he thought that they saved the important issues, such as Shared Services, until Friday, the day that all were leaving. There was discussion on records management, per student costs, Countywide Shared Services for Tax Assessment and Animal Control. There were many motivational speeches. Solar was discussed and the Mayor provided the Deputy Mayor with documentation he had received. School funding was also discussed.

The Township has been speaking with Steve Risse and Nancy Parker from FEMA regarding the flood assistance on Raritan River Road. A meeting was to be scheduled however, FEMA would like to meet with the residents at each individuals home. The Clerk is working with the Engineer in an attempt to coordinate the meetings.

COMMITTEEMAN MCKEE –

Mr. McKee had nothing new to report regarding Standing Committees. All Committees seem to be in good standing and represented well.

COMMITTEEMAN MORRISON –

Police, Fire and Rescue- Mr. Morrison read the monthly police report for April 2012.

PRESENTATION OF VOUCHERS

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

Motion by Ms. Schriver, seconded by Mr. Morrison and carried by favorable roll call vote, the Township Committee approved the May 2, 2012 bill list in the amount \$73,088.15. AYES: Schriver, Milkowski, McKee, Morrison ABSTAIN: Wunder

CORRESPONDENCE

- a. Tax Collector's Report for the Month of April 2012

- b. Historian April 5, 2012 Meeting Minutes
- c. Mr. and Mrs. Don Prostack – DPW Commendation

PUBLIC COMMENTS

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

Mr. E.J. Skidmore asked the Committee why they did not discuss the correspondence listed on the agenda.

Ms. Nancy Darois asked if the Township Garage Project is going to begin on Monday and asked for an update on the Polt Property. Mr. Milkowski stated that the DPW Contractor is waiting on paperwork for the Salt Shed once they have it they will begin work on Monday. Mr. Milkowski stated that the DEP granted permission for the Mr. Polt to close out the tanks on the Polt Property.

Library Chairman Art Gerlich was present to inform the Township Committee that in reaction to the Freeholders Budget the County Library Commission has decided not to fund affiliate libraries. Mr. Gerlich is upset that they waited until today to inform Bunnvale Library of their plans. The Township does have a reserve with the County which may help for approximately 3 years. Mr. Gerlich stated that he is hoping the Mr. Titus from the Library Commission will be attending the Library Committee's next meeting. The Township Committee asked Mr. Gerlich to prepare a resolution to be sent to the Freeholders stating the Township's concerns with the Library Commission's decision.

Mr. E.J. Skidmore asked if the Committee would please address the Squad matter in Executive Session and inform the public of any action before addressing all other matters in Closed Session.

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.

There will be two closed session.

EXECUTIVE SESSION

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 46-2012 and convened in executive session at 8:04 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 46-2012

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:

First Aid Squad and Negotiations
Collective Bargaining – CWA-PBA
Contract Negotiations – Court
Fire Department – Contract Negotiations/Personnel

The Township Committee convened the Regular Committee meeting at 8:25p.m.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote,
the Township Committee approved Resolution No. 45-2012 as written below.

TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 45-2012
FIRST AID SQUAD
EXECUTE SETTLEMENT AGREEMENT

WHEREAS, on October 17, 1975, the Township of Lebanon conveyed property located at Block 29, Lot 32.05 on the Tax Maps of the Township Lebanon (“Property”) to Lebanon Township Post 115 First Aid Squad (“Squad”) for use as a first aid squad facility building, subject to a right of reverter as required by N.J.S.A. 40A:12-21, which limited the use of the property to use as a first aid and emergency building; and

WHEREAS, a dispute arose between the Squad and the Township of Lebanon which led to certain litigation entitled “*Lebanon Township Post 115 First Aid Squad, et al. v. the Township of Lebanon, et al.*,” Superior Court of New Jersey, Law Division, Hunterdon County, Docket No. HNT-L-231-10” (“Lawsuit”); and

WHEREAS, the Squad subsequently filed for bankruptcy under the caption entitled “*In Re: Lebanon Township First Aid Squad, Inc.*,” United States Bankruptcy Court, District of New Jersey, Case No. 10-48620 (KCF)” (“Bankruptcy”); and

WHEREAS, the Bankruptcy Trustee in the Bankruptcy abandoned any interest he might have in the Property; and

WHEREAS, the Squad is no longer active in providing emergency services to the Township and all emergency services are now provided by the Lebanon Township Fire Department; and

WHEREAS, the Squad believes it is in the best interest of the residents and taxpayers of the Township to convey to the Township all of its right, title and interest in the Property; and

WHEREAS, the Squad and the Township have agreed to enter into a Settlement Agreement, a copy of which is attached; and

WHEREAS, the Settlement Agreement calls for the Township to make certain payments on behalf of certain Squad members to the Length of Service Award Program (“LOSAP”); and

WHEREAS, the Township has also agreed to convey to the Squad two vehicles, identified as Ambulances No. 19-51 and No. 19-55; and

WHEREAS, the Township has also agreed to erect a plaque on the Property to acknowledge the service of all emergency providers, past, present and future whose generous and selfless efforts have been, are and will be of great benefit to all of the residents of the Township and others; and

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

1. The Township is authorized to accept the Deed of Conveyance from the Squad to the Township of the Property. The Township will enact any Ordinance necessary to confirm the acceptance of the Property.

2. The Township hereby authorizes the Mayor and the Clerk to execute any documents, including title documents, to convey all right, title and interest in Ambulances No. 19-51 and No. 19-55 to the Squad.

3. The Township hereby authorizes the Clerk to make payments to LOSAP accounts of the following members of the Squad:

	<u>Name</u>	<u>Amount of Payment</u>
(a)	Laura Bilicki	\$150.00
(b)	Sabatino De Santis, Jr	\$150.00
(c)	William Groff	\$150.00
(d)	Andrea Hutchins	\$150.00
(e)	Gordon Sandelier	\$150.00
(f)	Bryon Weightman	\$150.00

4. The Township will erect a plaque to be located on the Property that will contain the following statement or similar language:

“The Township acknowledges the service of all emergency service providers, past, present and future, whose generous and selfless efforts have been, are and will be of great benefit to all the residents of the Township and others.”

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the Settlement Agreement in the form attached hereto.

The Mayor read the following statement.

Statement by Mayor

A number of years ago an unfortunate dispute arose between the Township of Lebanon and the Lebanon Township First Aid Squad. This led to a lawsuit between the first aid squad and the Township. Eventually the first aid squad filed for bankruptcy and the functions of the first aid squad were transferred to the fire company. This dispute led to a serious rift in the community with reasonable people having divergent views about which side in the dispute was correct.

I am pleased to announce tonight that the dispute between the Township and the first aid squad is finally over and the strong feelings that it generated can now be put behind us. One major area in dispute between the Township and the First Aid Squad was ownership and control of the first aid squad building. That building had been donated to the first aid squad many years ago with a provision that if the first aid squad was no longer active the building would be returned to the Township. The first aid squad has agreed to return the building to the Township. This is good.

During the course of discussions with the first aid squad, it was learned that not all LOSAP payments that were due to six former squad members were actually made. The Township has agreed to make payment to those six members of the squad in an amount of \$150 each. This fulfills a debt by the Township to these individuals who provided a public service to the Township.

The Township has also agreed to turn over to older ambulances to the first aid squad. These ambulances are no longer needed by the Township and have no economic benefit to the Township.

Finally, the Township has decided to erect a plaque to honor all emergency services members who have served the Township. The plaque will read as follows:

"The Township acknowledges the service of all emergency services providers, past, present and future, whose generous and selfless efforts have been, are and will be of great benefit to all the residents of Lebanon Township and others."

The plaque will be erected at the emergency squad building.

I sincerely hope that any bitterness that arose because of this unfortunate dispute can now be forgotten about and made a thing of the past.

The Township Committee reconvened in executive session at 8:39 p.m.

The Township Committee convened the Regular Committee meeting at 10:05p.m.

Having no further business to come before the Committee a motion was made by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote to adjourn the meeting at 10:05p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: May 16, 2012

Brian Wunder, Mayor